

Public Document Pack



Committee: Planning Committee
Date: Thursday 27 October 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 Ian Corkin
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 Nick Cotter
Councillor Surinder Dhesi	Councillor Carmen Griffiths
Councillor Timothy Hallchurch MBE	Councillor Andrew McHugh
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 - 26)

To confirm as a correct record the Minutes of the meeting of the Committee held on 29 September 2016.

6. **Chairman's Announcements**

To receive communications from the Chairman.

Planning Applications

7. **Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS** (Pages 29 - 32) **16/00075/NMA**
8. **Building 455 And 457, Heyford Park, Camp Road, Upper Heyford** (Pages 33 - 52) **16/01000/F**
9. **Cropredy Marina, Claydon Road, Cropredy, Banbury, OX17 1JP** (Pages 53 - 73) **16/01119/F**
10. **Land Adj To Manor Farm Barns, Spring Lane, Cropredy** (Pages 74 - 103) **16/01468/OUT**
11. **Mckay Trading Estate, Station Approach, Bicester** (Pages 104 - 121) **16/01469/OUT**
12. **Swalcliffe Park Equestrian, Park Lane, Swalcliffe** (Pages 122 - 130) **16/01552/F**
13. **Muddle Barn Farm, Colony Road, Sibford Gower, OX15 5RY** (Pages 131 - 149) **16/01563/F**
14. **OS Parcel 9507 South Of 26 And Adjoining Fewcott Road, Fritwell** (Pages 150 - 178) **16/01594/F**
15. **Land South Of Blackwood Place and Molyneux Drive and North West Of Cotefield Farm, Oxford Road Bodicote** (Pages 179 - 192) **16-01599-F**
16. **Ashgrove Farm, Middleton Stoney Road, Ardley, Bicester, OX27 7PH** (Pages 193 - 210) **16/01617/F**
17. **Ashgrove Farm, Middleton Stoney Road, Ardley, Bicester, OX27 7PH** (Pages 211 - 219) **16/01618/LB**

Review and Monitoring Reports

18. Appeals Progress Report (Pages 220 - 224)

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 19 October 2016

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 29 September 2016 at 4.00 pm

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

Declarations of Interest

8. OS Parcel 0070 adjacent and North of A41 London Road, Bicester.
Councillor David Hughes, Declaration, as his business was in the vicinity of the area and would stay in the room but not take part in the debate or vote.

Councillor Hugo Brown, Declaration, as he knows the developer's directors socially.

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.

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

11. Tudor Hall School, Wykham Lane, Banbury, OX16 9UR.

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

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

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

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

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

Councillor Hugo Brown, Declaration, as he knew the headteacher socially, his wife was on the PTA and his daughters were ex-pupils of the school.

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

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

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

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

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

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

Councillor Colin Clarke, Non Statutory Interest as a member of Banbury Town Council which had been consulted on the application and a declaration as a member of the Executive and would leave the meeting for the duration of the item.

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

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

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

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

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

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

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

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

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

Councillor Colin Clarke, Non Statutory Interest as a member of Banbury Town Council which had been consulted on the application and a declaration as a member of the Executive and would leave the meeting for the duration of the item.

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

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

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

Councillor Nicholas Turner, Non Statutory Interest, as a member Banbury Town Council which had been consulted on the application.

76 **Requests to Address the Meeting**

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

77 **Urgent Business**

There were no items of urgent business.

78 **Minutes**

The Minutes of the meeting held on 1 September 2016 were agreed as a correct record and signed by the Chairman.

79 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
2. The Chairman advised that the Development Services Manager, Jon Westerman would be leaving Cherwell District Council in the next few weeks and thanked him for his contribution to the planning department at Cherwell District Council.

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

The Committee considered application 15/02314/F for the permanent use of land as a Rally school including use of land for quad bikes, buggies and jeeps for Mr Christopher Wigmore at Pool Farm, Mill Lane, Stratton Audley, OX27 0AJ.

Ken Smith and Tim Good, local residents, addressed the committee in objection to the application.

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

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

Resolved

That application 15/02314/F 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:
 - 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.
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.
 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.
 4. No more than 4 quad bikes and/or 'Honda Pilots' and/or jeeps shall be operated at any one time.
 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.
 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.
 7. There shall be no use of the rally stage when the quad bikes and/or 'Honda Pilots' and/or jeeps are being used.
 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.
 9. The use hereby approved shall not operate on more than 3 occasions in any one calendar week.
 10. The level of noise emissions from the use hereby permitted when measured in free field conditions at 1.2 to 1.5 metres height above the surrounding ground level at the boundary of the residential properties at Copse Cottages and Oldfields Farm shall not exceed 45dB LAEQ(5m).
 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.

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.

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OS Parcel 0070 adjacent and North of A41 London Road, Bicester

The Committee considered application 16/00861/HYBRID for 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 were also included for approval. The application was for Mr Warren Francis Reid.

Councillor Sames addressed the committee as local Ward member.

Michael Earnshaw, James Glaisher & John Broad addressed the committee in objection to the application.

Peter Frampton, the applicant's agent, addressed the committee in support of the application.

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

Resolved

That application 16/00861/HYBRID be approved, subject to,

- a) The receipt of a satisfactory agreed Unilateral Undertaking
- b) The following conditions with delegated authority granted to the Development Control Team Leader, in consultation with the Chairman of Planning Committee, to allow further adjustments and additions to the conditions proposed in the report if considered necessary.

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 (0.700-23.00)

- 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

82

15 And 17 Milton Road, Bloxham, OX15 4HD

The Committee considered application 16/00892/OUT, an outline application for 3 No dwellings for Messrs J Barmby and M Howard at 15 and 17 Milton Road, Bloxham, OX15 4AD.

Susan Slater, on behalf of Bloxham Parish Council, addressed the committee in objection to the application.

Jane Papenfus, agent for the applicant, addressed the committee in support of the application.

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

Resolved

That application 16/00892/OUT be refused for the following reasons:

- 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, Policies BL11 and BL12 of the Bloxham Neighbourhood Plan 2015-2031 (Referendum Version September 2016) 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, Policy BL9 of the Bloxham

Neighbourhood Plan 2015-2031 (Referendum Version September 2016), 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, Policy BL9 of the Bloxham Neighbourhood Plan 2015-2031 (Referendum Version September 2016) and Government guidance contained within the NPPF.

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

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

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

Resolved

That application 16/01078/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Drawing No's: P/16/103/001 and P/16/103/002
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.
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.
5. The flue shall be painted black with a matt finish.
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.
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. Application No.: 16/01078/F

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.
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.

84 **Tudor Hall School, Wykham Lane, Banbury, OX16 9UR**

The Committee considered application 16/01443/F for the demolition of an 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 and externally a hard-landscaped amphitheatre which is stepped and ramped connects the new building with the heart of the school for Tudor Hall School at Wykham Lane, Banbury, OX16 9UR.

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

Resolved

That application 16/01443/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement dated July 2016, D200A, D202F, D230P, D231P, D232M, D233N, D240M and D241G.
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.

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.
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.
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.
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.
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.
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.

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.
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.

85

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

The Committee considered application 16/01484/CDC for the 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) for Cherwell District Council at OS Parcels 4083 and 6882 adjoining and north of Broken Furrow, Warwick Road, Banbury.

In introducing the report, the Development Control Team Leader referred Members to the written update and that the officer recommendation had changed from refusal to approval.

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

Resolved

That application 16/01484/CDC be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Site Location Plan (except as amended by other plans listed in this condition), Ecological Appraisal (Willmott Dixon Housing Ltd, February 2016), Tree Survey Report (RGS, March 2016) and drawings numbered "16022-GNA-XX-ST-DR-A-0101-D", "16022-GNA-A-ST-DR-A-0102-C", "16022-GNA-A-00-DR-A-1100", "16022-GNA-A-E-DR-A-2100", "16022-GNA-A-E-DR-A-2101-A", and "16022-GNA-A-RF-DR-A-1101".

3. Prior to the occupation of any dwellings an Energy Strategy shall be submitted to and approved by the Local Planning Authority. This strategy shall be in line with the mandatory requirements of Code 4 in respect of ENE1 2010 or otherwise agreed with the Local Planning Authority.
4. Prior to the commencement of the development hereby approved above slab level, samples of the brick to be used in the construction of the external 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.
5. Prior to the commencement of the development hereby approved above slab level, samples of the tile to be used in the construction of the roof 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.
6. Notwithstanding the details submitted, no development shall commence above slab level until amended design details for the front façade of the building and the entrance gates have been 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.
7. Prior to the construction of the development hereby approved above slab level, the proposed means of access between the land and the highway shall be improved to geometry as plans submitted, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
8. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
9. Notwithstanding the details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - (a) details of the proposed tree and shrub planting including their species (which shall be native species of UK provenance), 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) the reinforcement of the existing hedgerow along the Western, Eastern and Southern boundaries
- (d) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- (e) Details of the minor artefacts/structures (ie. surfaces, benches, fencing, walling etc) which comprise public art works

The hard landscaping elements shall be carried out fully in accordance with the details approved and shall be retained as such thereafter.

10. All planting, seeding or turfing comprised in the approved details of landscaping on each phase identified in condition no. 6, shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
11. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the decision.

12. Prior to the commencement of the development above slab level, full details of existing and proposed ground and finished floor levels and all boundary treatments and means of enclosure shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

13. Prior to the commencement of the development above slab level, an update to the mitigation strategy for badgers, which shall include details of a recent survey (no older than six months on the date of the submission to the Local Planning Authority), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
14. The development hereby approved shall be implemented fully in accordance with the Landscape and Ecology Management Plan (LEMP) approved pursuant to Condition 27 of 12/01789/OUT.
15. Prior to the commencement of the development above slab level, a method statement for biodiversity enhancements on site together with the long term maintenance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
16. Prior to the commencement of the development above slab level, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to the first occupation of the development, the certificate shall then be submitted to the Local Planning Authority.
17. Unless otherwise agreed in writing by the local planning authority, the development hereby approved shall be implemented fully in accordance with the Construction Environment Management Plan (CEMP) approved pursuant to Condition 42 of 12/01789/OUT.
18. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

The Committee considered application 16/01485/CDC for the 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) for Cherwell District Council at OS Parcels 4083 and 6882 adjoining and north of Broken Furrow, Warwick Road, Banbury.

In introducing the report, the Development Control Team Leader referred Members to the written update and that the officer recommendation had changed from refusal to approval.

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

Resolved

That application 16/01485/CDC be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, Site Location Plan (except as amended by other plans listed in this condition), Ecological Appraisal (Willmott Dixon Housing Ltd, February 2016), Tree Survey Report (RGS, March 2016) and drawings numbered "16022-GNA-XX-ST-DR-A-0101-D", "16022-GNA-B-ST-DR-A-0104-D", "16022-GNA-B-00-DR-A-1102", "16022-GNA-B-E-DR-A-2102-A", "16022-GNA-B-E-DR-A-2103-A", and "16022-GNA-B-RF-DR-A-1103".
3. Prior to the occupation of any dwellings an Energy Strategy shall be submitted to and approved by the Local Planning Authority. This strategy shall be in line with the mandatory requirements of Code 4 in respect of ENE1 2010 or otherwise agreed with the Local Planning Authority.
4. Prior to the commencement of the development hereby approved above slab level, samples of the brick to be used in the construction of the external 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.
5. Prior to the commencement of the development hereby approved above slab level, samples of the tile to be used in the construction of the roof 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.

6. Notwithstanding the details submitted, no development shall commence above slab level until amended design details for the front façade of the building and the entrance gates have been 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.
7. Prior to the construction of the development hereby approved above slab level, the proposed means of access between the land and the highway shall be improved to geometry as plans submitted, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.
8. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
9. Notwithstanding the details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - (a) details of the proposed tree and shrub planting including their species (which shall be native species of UK provenance), 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) the reinforcement of the existing hedgerow along the Western, Eastern and Southern boundaries
 - (d) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
 - (e) Details of the minor artefacts/structures (ie. surfaces, benches, fencing, walling etc) which comprise public art works
10. All planting, seeding or turfing comprised in the approved details of landscaping on each phase identified in condition no. 6, shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five

years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

11. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the decision.

12. Prior to the commencement of the development above slab level, full details of existing and proposed ground and finished floor levels and all boundary treatments and means of enclosure shall be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.
13. Prior to the commencement of the development above slab level, an update to the mitigation strategy for badgers, which shall include details of a recent survey (no older than six months on the date of the submission to the Local Planning Authority), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
14. The development hereby approved shall be implemented fully in accordance with the Landscape and Ecology Management Plan (LEMP) approved pursuant to Condition 27 of 12/01789/OUT.
15. Prior to the commencement of the development above slab level, a method statement for biodiversity enhancements on site together with the long term maintenance shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
16. Prior to the commencement of the development above slab level, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that

there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to the first occupation of the development, the certificate shall then be submitted to the Local Planning Authority.

17. The development hereby approved shall be implemented fully in accordance with the Construction Environment Management Plan (CEMP) approved pursuant to Condition 42 of 12/01789/OUT.
18. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

87 **103 & 315 Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HA**

The Committee considered application 16/01545/F for the 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 Heyford Park Estates Limited at 103 & 315 Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HA.

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

Resolved

That application 16/01545/F be approved, subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered:
D0341 -107 Site Location Plan
6002.02.D Proposed Arrangement(Building 103)
UPP/85/315/AB1 Floor Plan (Building 315)
- 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.

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

- 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.
- 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
- 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
- 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.
- 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.

new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 7.21 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

27 October 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	Woodgreen Leisure Centre, Woodgreen Avenue, Banbury OX16 0HS	16-00075-NMA	Banbury Ruscote	Approval	George Smith
8	Building 455 And 457 Heyford Park Camp Road Upper Heyford	16-01000-F	Fringford And Heyfords	Approval	Andrew Lewis
9	Cropredy Marina Claydon Road Cropredy Banbury OX17 1JP	16-01119-F	Cropredy, Sibfords And Wroxton	Approval	Emily Shaw
10	Land Adj To Manor Farm Barns Spring Lane Cropredy	16-01468-OUT	Cropredy, Sibfords And Wroxton	Refusal	Caroline Ford
11	Mckay Trading Estate Station Approach Bicester	16-01469-OUT	Bicester South And Ambrosden	Approval	Matthew Parry
12	Swalcliffe Park Equestrian Park Lane Swalcliffe	16-01552-F	Cropredy, Sibfords and Wroxton	Refusal	Bob Neville
13	Muddle Barn Farm, Colony Road, Sibford Gower, OX15 5RY	16-01563-F	Cropredy, Sibfords And Wroxton	Approval	Nathanael Stock
14	OS Parcel 9507 South Of 26 And Adjoining Fewcott Road Fritwell	16-01594-F	Deddington	Refusal	Matthew Parry
15	Land South Of Blackwood Place and Molyneux Drive and North West Of Cotefield Farm, Oxford Road Bodicote	16-01599-F	Adderbury, Bloxham & Bodicote	Approval	Bob Neville
16	Ashgrove Farm Middleton Stoney Road Ardley Bicester OX27 7PH	16-01617-F	Fringfords and Heyfords	Approval	Stuart Howden
17	Ashgrove Farm Middleton Stoney Road Ardley Bicester OX27 7PH	16-01618-LB	Fringfords and Heyfords	Approval	Stuart Howden

16/00075/NMA

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

Woodgreen Hall
Public Library
and
Community Centre

Woodgreen
Leisure Centre

Swimming Pool

35

36

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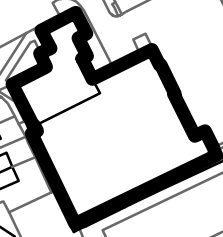
NORTH

Scale 1:500

16/00075/NMA

Woodgreen Leisure Centre
Woodgreen Avenue
Banbury
OX16 0HS

ORCHARD WAY

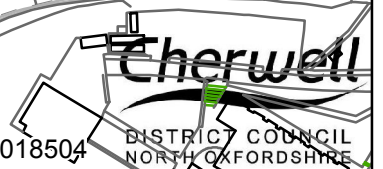


NORTH

Scale 1:2,500

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Case Officer:	George Smith	Contact Tel:	01295 221889
Applicant:	Cherwell District Council		
Proposal:	Amendment to 16/00246/F - Retain existing door in breakout room due to escape route and addition of a new compound in timber to enclose area where new condensers will be		
Expiry Date:	24 October 2016	Extension of Time:	N/A
Ward:	Banbury Ruscote	Committee Date:	27 October 2016
Ward Councillors:	Cllr Barry Richards Cllr Sean Woodcock Cllr Mark Cherry		
Reason for Referral:	Cherwell Council is the applicant		
Recommendation:	Approve		

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site is Woodgreen Leisure Centre which consists of a leisure centre with outdoor pool, indoor bowls hall, gym and exercise studio. It also has a library situated within the building. It is accessed from a roundabout on Woodgreen Avenue and has car parking situated to the north and west of the building.
- 1.2 The building is a mix of architectural styles including a main two storey pitched building with flat roof and mono-pitched extensions around the building. It is constructed with a mix of materials including brick and render.
- 1.3 The Banbury Early Intervention Hub exists to the north of the site and is a modern building with a mix of mono-pitched roofs. The building is predominantly finished in a blue and cream render. A new housing development is currently under construction to the west of the site (approved under 13/01880/CDC). This includes a number of properties facing onto the vehicular access to the site and then the rear elevations of a number of properties facing onto the western boundary of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 In March this year, the Council's Planning Committee considered and approved a planning application (ref: 16/00246/F) to erect a new single storey extension to the northern side of the building adjacent to the library and exercise studio, located on an area currently laid to grass and hard standing.

- 2.2 The approved extension is to be part of a wider project for the remodelling of the inside of the building and allowing for a new main entrance foyer to be formed, the upgrading of the exercise studio and for the existing library to be relocated within the building and linked to a new café area. The extension approved is to be modest in scale compared to the existing building being 7.5 metres deep by 10.4 metres wide. The extension is to be single storey with a flat roof, finished in timber cladding. The existing flat roof part of the building the extension adjoins to is to be rendered and painted white.
- 2.3 This application proposes non-material amendments to the previously approved plans. The first amendment proposed is for the retention of an existing door from the “breakout room”, as a means of escape. This would be from the western elevation of the building, and had previously been approved to be replaced by a window.
- 2.4 The other alteration proposed is for a new timber compound, which would effectively be a fenced off area approximately 3.1m in width by 6.4m in depth, at a height of approximately 1.4m. This would be constructed off the eastern wall of the disabled toilet and baby change areas, and the southern wall of the store room and spinning studio.

3. RELEVANT PLANNING HISTORY

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
16/00246/F	Extension to existing leisure centre for use as cafe/ library area ancillary to the leisure use. Library currently exists but is being relocated.	Permitted

4. APPRAISAL

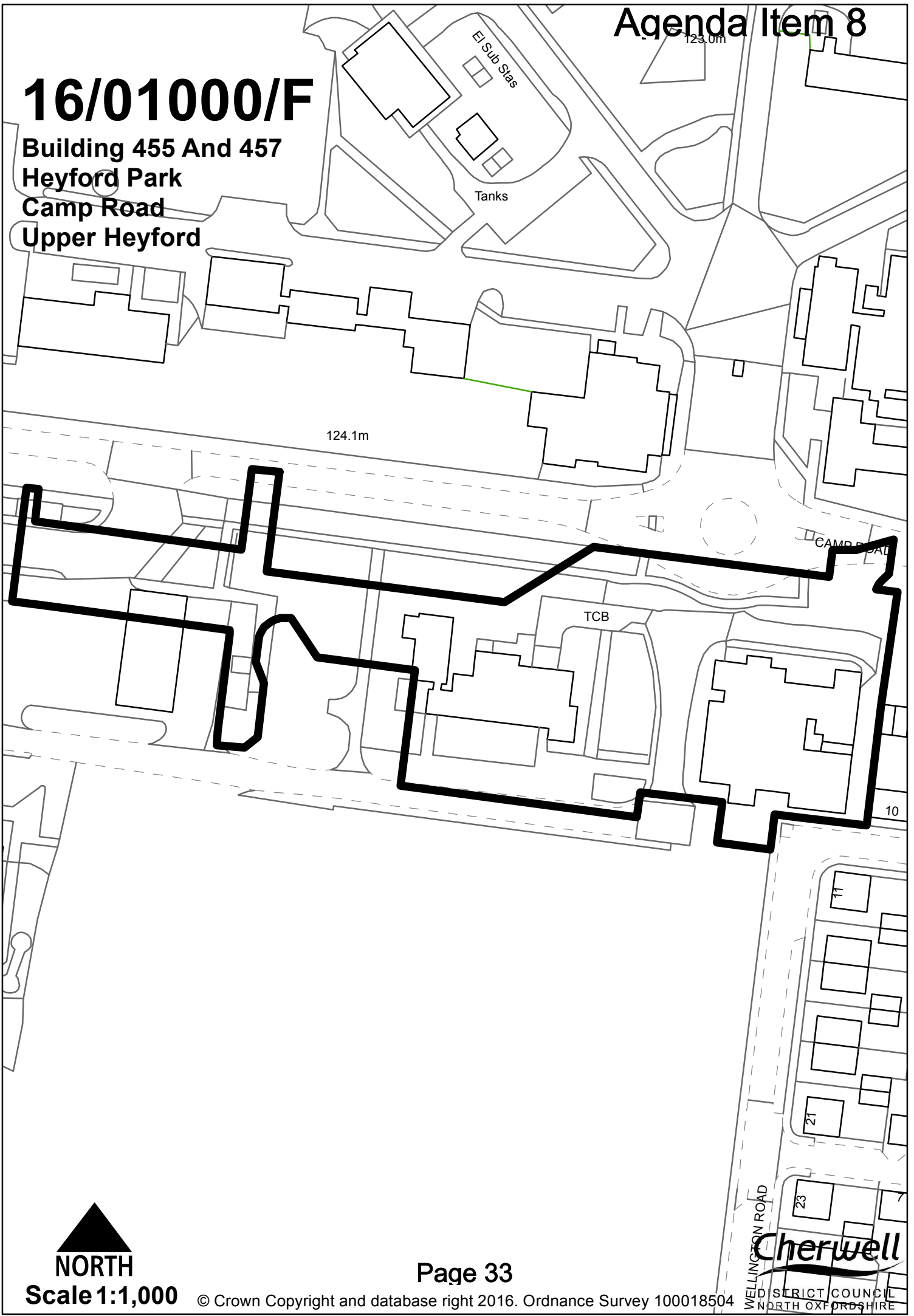
- 4.1 Essentially the application is seeking the Local Planning Authority’s (LPA) agreement to make minor changes to the approved scheme as “non-material” amendments. Government guidance advises that in determining such applications, the LPA “must have regard to the effect of the change, together with any previous changes” that it has accepted as non-material. The judgement required is not whether the changes are acceptable in planning terms, but whether they result in new or different material impacts (e.g. on residential or visual amenity) which require consultation and assessment by way of a planning application.
- 4.2 It is considered that the changes proposed, in the context of the overall development, are not material ones. They would not raise any new planning issues, either in terms of visual or residential amenity. The proposed changes would also be considered as permitted development if the development had already been constructed as approved. Therefore, having regard to the circumstances of the proposed changes, and for the reasons above, the proposed amendments are considered to fulfil the criteria for a non-material amendment.

5. RECOMMENDATION

That Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendments described in the application in accordance with drawing numbers: 2168/111 Rev A, 2186/122 Rev A, 2168/123 Rev A.

16/01000/F

**Building 455 And 457
Heyford Park
Camp Road
Upper Heyford**

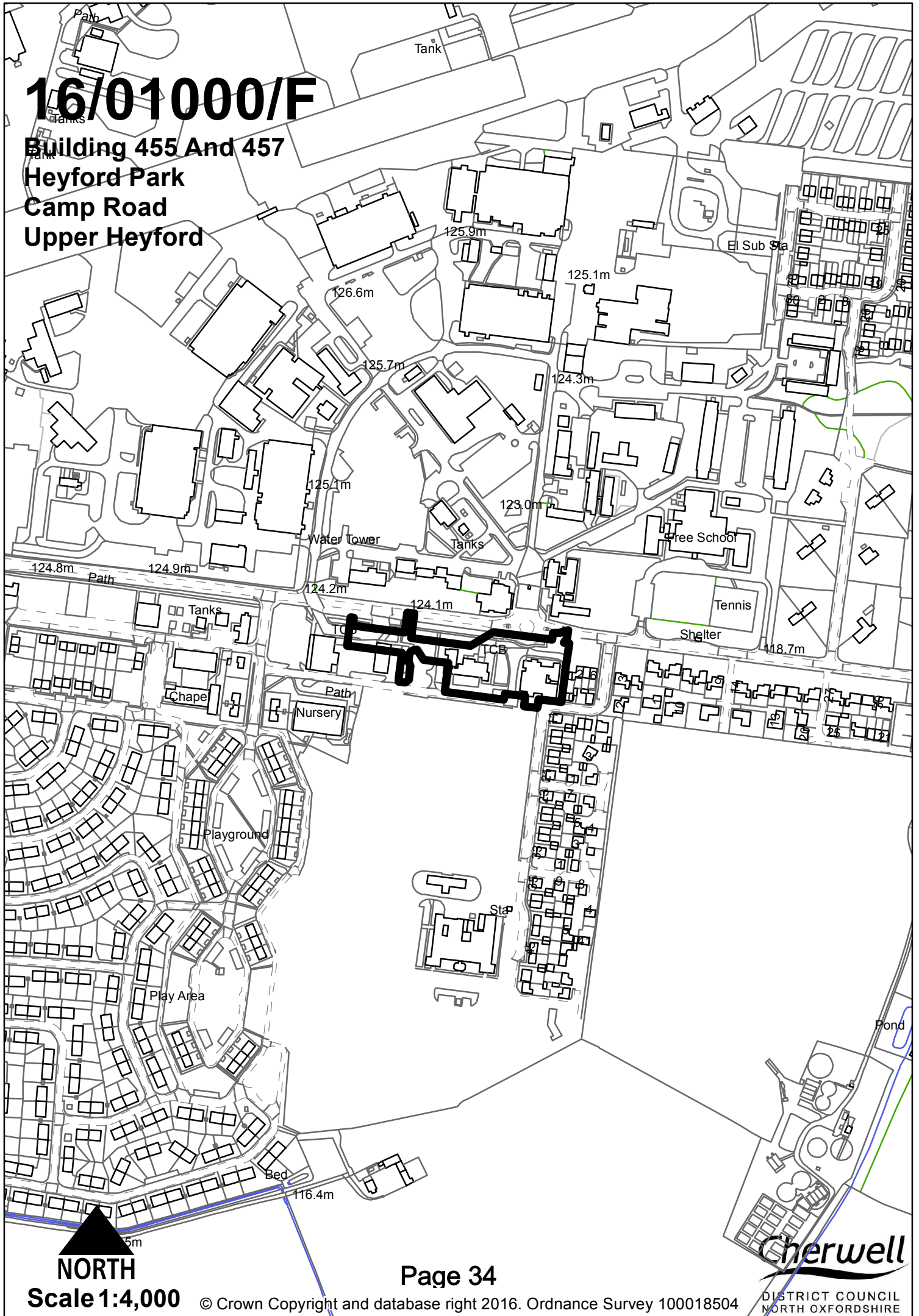


NORTH

Scale 1:1,000

16/01000/F

**Building 455 And 457
Heyford Park
Camp Road
Upper Heyford**



Cherwell

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

Applicant: Dorchester Group

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

Proposal: Development of the Village Centre (south) comprising a Hotel and associated facilities (involving the partial demolition and the refurbishment and extension of Building 455 and its change of use); Bar/Brasserie (involving the partial demolition and refurbishment and extension of Building 457) and a Covered Market (canopy link between Buildings 455 and 457) with associated landscaping and car parking.

Committee Date: 27 October 2016 **Recommendation:** Approve

Committee Referral Reason **Major**

1. Site Description and Background

- 1.1 The application site for this proposal is part of the former RAF/USAF Upper Heyford base. It is located on the south side fronting Camp Road. 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. Within the settlement area Building 455 was to be retained and converted to residential use. Building 457 was to be retained and converted to a nursery/crèche. However 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 which becomes a village green, 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 A 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 455 and 457, both being proposed for a commercial use, Class A1-A5, and D1 with C3 uses as well.
- 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 Settlement Area, specifically the RAF Domestic and Residential Section (Zone 10B) and in the conservation appraisal the character of the Area is described as:

The 1920s, red brick, RAF buildings to the south of Camp Road are laid out around and orientated towards the parade ground. The style of the buildings within the area is again British Military and because of their grid-like orientation the area has a strong ‘campus’ character distinct from the Technical Site to the north on the other side of the road. The area immediately south of the parade ground was developed during the period of RAF expansion in the 1930s. The area is dominated by the Institute (488) and H blocks (489, 498 and 500) set around it. This area has a coherent character distinct from the 1920s buildings. The general ‘military architect’ character of the area has been diluted by post-war alterations
- 1.4 Buildings 455 and 457 date from 1925. Both are red brick under a slate construction in a British military style. 457 is single-storied and 455 2-storied. 457 was the original Sergeant’s mess, 455 is known as the Institute Building and provided dining facilities which were later given over to the Sergeant’s mess. Both have had numerous extensions to them which spoil their historic legibility but which are being removed by an earlier consent. They front Camp Road but at the same time their focus is to the rear and to the military parade ground. They are the last remnants of that part of the site’s history. Neither building is statutorily protected although both are considered to be of local importance.
- 1.5 Currently the area on which the two buildings sit is fenced off. It measures some 0.72 hectares in size. It contains a number of mature and semi-mature trees. To the south the village green has been set out and planted. New housing has been constructed to the east and is wrapping round to the south on the east side of the village green. On the north side of Camp Road is the original entrance to the military base with Building 52, the Officer’s and administrative office, on one side and Building 100, the Security gatehouse, on the other. To the east of them is Building 74, the former Officer’s mess now Heyford Park Free School and to the west land that will form the northern side of the commercial centre together with the recently approved Heritage Centre (Building 103).

- 1.6 The current proposal seeks to retain the two buildings, extend and link them, then refurbish and convert Building 455 to a hotel with associated facilities, Building 457 to a bar/brassiere with additional space in the link providing an internal multi use area but primarily as a Covered Market. The total floorspace would be 1,642m² Use Class C1 (Building 455); 636m² Use Class A3-A5 (Building 457) and in the new Covered Link 403 m² Class A1-A3 and D1. In addition there would be 86 parking spaces created in three areas, two to the west and one to the east, and an area around the buildings consisting of the framework to form a village square, terraces for sitting out relaxing and landscaping. A location of a piece of art is proposed as a set piece for the new settlement.

2. Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
08/00716/OUT	OUTLINE application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).	Granted on appeal- January 2010
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
15/01944/F	Refurbishment and renovation including partial demolition of buildings and internal and external alterations of Building 455.	PER
15/01849/F	Refurbishment and renovation of Building 457 including demolition of outbuildings and internal and external alterations	PER
16/00264/F	Construction of a road with associated infrastructure within the Heyford Park development	PER

3. Response to Publicity

The application was publicised by way of neighbour notification letters and notices displayed on and near to the site. Eleven comments were received and are summarised as follows:

- The character of the Estate is being changed by the Developer which is not why people bought the houses. 485/488 have been lost and 455/457 is immersed by new additions. Both of these cases seemingly challenge Dorchester's claim to try and preserve a feel for the place and, quite rightly so, go against Historic England's broader vision.
- While a new village centre would contribute positively to Heyford Park, two important changes must be made before the proposal is approved: 1) Preservation of mature trees. It is being proposed to remove each and every tree identified in the tree survey. This would be wholly unnecessary, and would have a significant, detrimental effect on the character of the area. There is no good reason why any of the trees to the South (Trees #1498-#1505) should be removed. It would also be possible to incorporate most - if not all - of the trees to the Northwest (Trees #1509-#1515) into the design of the "central square" area. While some pruning would be appropriate, removal of all the existing, mature trees (along with likely future tree removal to the North of Camp Road) would detract from the character of the area. 2) Design of Eastern car parking. There should be no direct exit/entrance from the Eastern car parking area to/from Wellington Road. The current design proposal would encourage the use of Wellington Road for overflow parking, and also form a "rat run" along the Eastern edge of the Village Green.
- I note that the AIA submitted in support of the application has condemned all but one of the trees in the vicinity of the buildings. These are well established (mature) trees and, especially in the case of those bordering the Village Green, are pleasing to look at.
- I can understand the commercial aspect for Dorchester and their desire to fill as much of the available brownfield land with the required number of homes, yet I do not understand their approach and system of prioritizing. I wish they would engage more, think outside of the box, consider more reuse, and, if they need land to redevelop, get rid of the pre-fab bungalows.
- The shared paved area for pedestrian and vehicle use is alarming and accident waiting to happen.
- The original plan of pub and restaurant, and the two buildings connected through use of a covered area, seemed like a great idea and retained most of the 1920's buildings whilst also preserving the view of the area around the entrance to the airfield. Other buildings exist which be utilised to provide for a cinema, bowling alley or even a hotel: the last remains 1920's barrack block for the cinema etc; The families transit accommodation for the hotel.
- The original idea for a pub and restaurant, released late Summer/Autumn 2015, should be revisited.
- The only negative point will be the narrowing of the roadway through the Village Centre. The current road calming along Camp Road does not presently inhibit motorists from speeding well in excess of the prescribed speed limit as many villagers will attest. Therefore, for the roadway through the centre, 'harsher' measures should be adopted to ensure the safety of pedestrians. Whilst this may offer a 'jolt' to bus passengers, I do not feel it would stop people from using the bus services.
- We need a communal space, shop, pub, cafe in the area asap
- I am excited and greatly looking forward to the development of the proposed buildings and faculties in Heyford Park, which having lived here already. 18 months is long overdue.

- The proposed refurbishment of the existing officers' sites/buildings is very well in keeping with the current area, and lends itself well to maintaining the heritage of the building has former RAF facilities; a great mix of maintaining historic significance and updating for modern day use. Without this, the buildings (which are currently totally dilapidated and quite frankly an eyesore) would undoubtedly become impossible to maintain and eventually dwindle to nothing.
- Any delay in these plans would be of severe impact to my family of 4 as well as to the many others residents of Heyford Park who have been patiently waiting (too long) to have such facilities available to them.
- Delays mean we continue not to enjoy the village that we chose to settle our family in, as we would still be required to travel by car to do the basics of everyday life.
- Overall the plans look excellent, are very much in keeping with the local area/heritage and I truly hope the approval will proceed very quickly to avoid any delays
- I am writing in support of application 16/01000/F. I believe that the development of Heyford Park Village Centre is hugely important to the success of the creation of the new community in this housing development.
- My family moved here 4 months ago and this development was one of the key considerations when moving here - the creation of a comprehensive, modern and attractive village centre that would become the hub of this new community.
- My family are very happy with the plans that have been submitted and feel that they are in keeping with the area. The existing buildings are being maintained in such a way that preserves some of their history whilst ensuring they adapt to the housing development and to the future. As it stands these buildings are not being used and are in a state of disrepair. This application ensures that they are being put to good use and that the whole community can benefit from them.
- I understand that there may be a delay with this application and I feel that this would cause huge problems - it is important that this application is approved and that work starts as soon as possible. The housing development is growing rapidly and people are waiting for their village centre. It is fundamental to the success of Heyford Park that this community has the facilities outlined in this plan, delaying this will be detrimental to how this community interacts and to our children that are growing up here.
- I believe that the benefit to the local community outweighs the historic value of the buildings, the village centre is urgently required. There are plenty of historic buildings being saved on the airfield side of the site. These building have no value not being changed for the community.
- I was disappointed to read Historic England's letter of objection and recommendation the application is refused. I have heard nothing but positive comments from the community and personally believe Dorchester has put in significant effort to really make something of these buildings for the community and a design that will in fact celebrate and maintain their significance for many years. Camp Road has already changed beyond recognition and with the introduction of the village north and trident it will change even more, this is a very silo'd view.
- The beauty of heritage is to also weave it in with modern day living. They are being retained; they are being re-used in a modern way. The views from the old parade ground clearly demonstrate maintaining its heritage, keeping camp road sight lines is just overbearing. This plan is certainly not harming the heritage for the base, they are trying to celebrate it.
- Having recently moved into Heyford park, my family has been so excited at the plans to add the bar, hotel etc. The infrastructure of the park needs much development, and the plans we have seen are extremely sympathetic and in keeping with the heritage of the site. To think that dilapidated buildings are seen to be of better use or better interest seems ludicrous! They would be a huge target for vandalism and would only become more unsafe over time. Some change is good, and using the buildings for the

sake of the new and existing community is beneficial to all. I fully support the plans of Dorchester Living.

- Given the sheer volume of new build properties within Upper Heyford, the current provision of services does not meet needs and therefore I welcome the application.
- Whilst I do not wish to appear to jump on the environmental bandwagon, it makes no sense having thousands of unnecessary car journeys each year to Bicester, when shops/services can be built. Pollution isn't great for the environment and traffic is not good for those who have to live on busy junctions. Despite having a bus service to and from Bicester/Oxford, to be frank, those who have a car will use a car.
- It is clear that Dorchester Group have been sympathetic to create a modern space in keeping with modern demands and historic heritage. You don't need to be Jeremy Corbyn to realise (or not) that it is difficult to achieve a balance of the past, present and the future.
- With regards to the objection you have received from Historic England, I have to ask whether they have been to visit buildings 455 and 457? Whilst there is a need to preserve our heritage, one should bear in mind that the overall plans preserve much of the feeling and architecture of the past.
- With much of history already preserved within the village, no doubt to the cost of greenfield space in the future, I see no sense in preserving two ram-shackled buildings which appear to be held up with spirit rather than bricks. The incorporation of the two buildings as I see it, is using the best of what remains and blending them into contemporary design. Whatever is built there requires some element of rebuilding of these two buildings as the alternative is a Grade 1 pile of bricks.
- To suggest that Camp Road may lose the look of its military heritage is untrue. You have the Officer's Mess and associated buildings. You have ex-servicemen's houses and the new build properties along Camp Road have retained the style.
- I am dismayed at the attitude of Historic England to this proposal (and to many other proposals at Heyford Park). They have no locus whatsoever to be concerned about this application. The buildings in question are NOT listed and they have no effect whatsoever on the setting of the Ancient Monuments at Heyford Park. Unfortunately Historic England appears to have substantial power with little responsibility and in this instance they are taking a blinkered approach to their role.
- In their consultation response they spout utter rubbish - in particular "The proposals would also reduce the coherence of Camp Road as a military landscape and thus entail a moderate degree of harm to the conservation area as a whole." They appear to think that Camp Road as now reconstructed (in part) still looks like part of a military establishment - clearly it has changed out of all recognition and will change much further. The appearance of what is left of the former airbase is already "harmed" (to use Historic England's pejorative word) and will change utterly in the forthcoming years.
- The time is overdue to review the relative heritage importance of the base in the context of what has already been built and what is committed to be built in the future.
- I strongly urge CDC to ignore Historic England's objection and to treat this application on its merits - and it has many! It will form an innovative and exciting portion of the new centre for the village, which, in itself, has the potential to be a development in which we can all take some pride. In retaining the two buildings and putting them to new uses in a new context some of the history of the place is indeed being preserved.
- I am really surprised to hear that there may be an objection to this fantastic development of these two derelict buildings. We have recently purchased a property on this development and a big part of this was due to the fact that the facilities were going to be improved and brought up to standard. The community is desperate for a space where we can meet and build relationships in this thriving community and this was a big plus for us. The fact that the developers are attempting to and prepared to provide stunning facilities rather than providing a miserable pub that will only attract

drinkers and gamblers, should be encouraged in my opinion. The area is improving and moving on, I love the fact that they have retained as many original features as possible including the water tower and the officers mess however I think, especially with food involved that new buildings would fit in and feel much, much better. Please don't allow a million houses and then block the facilities. The buildings in question in their current state are an eyesore, dangerous and could attract all kinds of problems.

4. Response to Consultation

Parish/Town Council: No comment received

Cherwell District Council:

Urban Design Comments:

Local Distinctiveness & Sense of Place:

Whilst the proposals show that a distinctive place may be created through the architecture and landscape design it is not sufficiently evident how it will relate to either the former military use of the site or its location in this part of Oxfordshire.

The relationship to the military historic use of the site is preserved in the retention of buildings 455 and 457 but they will be largely masked from Camp Road by the proposed extensions. This is also unfortunate given the group relationship with buildings 52 and 100 across Camp Road.

Masterplan

It is commendable that these proposals have been considered in the context of a village centre masterplan but this context also throws up issues relating to this applications which have consequences in relation to further applications related to the masterplan. In particular how low traffic speeds and pedestrian priority will be achieved within a high quality public space within highway constraints. Also, how servicing is achieved, particularly for commercial deliveries and how the required car parking provision is achieved for the whole of the centre.

The long narrow block (Phase 3) between the 21 space car park and Camp Road will need to have genuinely active frontages on all sides.

Buildings

With the exception of the masking the existing buildings from the north side I am generally supportive of the proposals. However, I have the following concerns:

The detailing of the junction between new and existing buildings, particularly at roof level is not clear and will need careful handling.

The potential for unauthorised access to roofs from the first floor terrace.

It is not clear whether the aluminium louvres to the ground floor eastern elevation of the extension to building 455 have glazing behind and will therefore offer some necessary surveillance of the car park & pedestrian route from the bowling alley.

In views of building 455 from the south there is an apparently discordant feature on the roof of the extension which appears to be a metal clad roof access.

The eastern elevation of building 455, the western and northern-western elevations of building 457 are not shown as 'active' but all face on to public areas and should be 'active' with good natural surveillance.

Refuse Stores

The internal refuse store to building 457 is located in an important corner location adjacent to the diagonal pedestrian route. This corner should be occupied by 'active' uses with windows/doors.

Micro-climate

Although these are low-rise buildings micro-climate is important in relation to usability of external public space and particularly outside café/bar areas and seating. No sun path analysis or wind turbulence modelling appears to have been submitted. This will be of particular importance in relation to use of the square on the north side of the buildings.

Pedestrian Routes

The north-south pedestrian route through the canopy link is an important connection. There should be a requirement that the through route will remain open outside commercially active hours. The statement that 'it is proposed that the covered market would be accessible circa early morning to late evening' (3.3 of the Planning Statement) is not specific enough and needs clarification.

A pedestrian route is shown running north-south through the 34 space car park against the eastern elevation of building 455 but no connecting footway is shown.

Car Parking

The 27 space car parking area exposes rear and side garden boundaries of residential property, making them less secure, and may compromise the ability to achieve a consistent built frontage to Camp Road.

The runs of parking bays should be broken up with trees.

Despite the indication of the tracking drawing the turning space is minimal.

The 34 space car park on the east side of building 455 should be broken up with trees and the view up the street on the eastern side of the 'village green' must not terminate with parked cars.

The 21 space echelon parking area is not very practical because of its single access/exit point despite the tracking drawing demonstrating that it is possible for vehicles to turn around, albeit on the diagonal pedestrian route.

Levels

Design & Access Statement Page 17 - The implications of the following statement need further explanation/exploration:

4.4 Site Layout: Levels and Drainage

'There are some points on the site where more detailed analysis will be required in future to mitigate any more significant level changes between Camp Road and proposed building levels. However at this stage, there appears to be sufficient tolerance to accommodate this.'

Paving

I agree with the statement in the Design & Access Statement Page 20 – 4.7 Paving Strategy that 'The quality of the hard surfaces throughout the village centre are of key importance to the development ...' A palette of materials is proposed although all are qualified by 'or similar approved'. Approval of paving materials must be subject to a Planning Condition.

Planting

Landscape proposals should be subject to a Planning Condition.

Care should be exercised in the choice of tree species to ensure that some medium/large stature trees are planted in sufficient space and soil volumes to grow to maturity.

Whilst some ornamental species are desirable care must be taken with highly coloured specimens. A little goes a long way with, for example golden/yellow foliated trees e.g. Gleditsia 'Sunburst'.

I would also urge caution about the proposed use of Ginkgo which has a very variable and often very sparse and unattractive crown structure.

New tree planting in the centre mainly be trees of semi-mature sizes of at least 25cm girth with key trees in the square planted as 40+ cm girth sizes.

The saw-tooth kerbline of the gives rise to impractically small and vulnerable planting areas

Conservation Officer:

The proposal impacts particularly upon the significance of Buildings 455 and 457, two of the RAF era buildings which date from 1925 which sit south of Camp Road and were originally on the northern edge of the military parade ground. When first constructed the RAF buildings formed a coherent group. Buildings 455 and 457 whilst forming part of the group of buildings defining the parade ground also faced north to tie the domestic site to the technical site north of camp road. Whilst the parade ground has now become a cricket ground the relationship between Buildings 455 and 457 on the south of Camp Road and Buildings 52 and 100 on the north remains. The remaining RAF buildings either side of Camp Road in fact strongly anchor

the site as a whole and despite the demolitions of other RAF era buildings the relationship between these few remaining RAF buildings remains strong.

Buildings 455 and 457 are flagged as buildings which make a positive contribution to the character and appearance of the conservation area within the 2006 appraisal. They are further flagged as building of significance within subsequent council documents which pertain to this site. The buildings were each the subject of previous applications for restoration; 15/01944/F pertained to Building 455 and 15/01849/F to Building 457.

My strong concern is that the proposed development – in particular the introduction the rendered building to the north-east of Building 455 – will break up this strong relationship between RAF buildings. In my view it is not enough that each building may be glimpsed. A strong relationship which highlights the key functional significance of these buildings at the heart of a military airfield required a strong and unhindered visual relationship.

I am pleased to see that buildings that were at the heart of the military site are to remain at the hub of the new settlement but I feel the proposed new build is intrusive in terms of both form and materials.

Environmental Protection

Thank you for supplying the ventilation strategy. This approach is satisfactory but states choice of filtration, location of roof mounted outlets etc to be decided later. Therefore I would wish to assess and approve positioning, noise rating and choice of odour/filtration units prior to installation and use. The reason is to protect residents from odour and noise. It may be necessary to position outlets away from the housing. The applicants should ensure that this is possible (if necessary) by allowing sufficient ducting space in relation to the kitchen location(s).

A CEMP should be required in relation to construction. I note your comment about demolition.

Tree Officer/Landscaping (on amended plans)

I can see no detailed hard and soft landscape/tree pit details.

We will require the planning conditions to ensure the appropriate standard and quality is achieved. This will also apply to the village centre phase to the north of Camp Road.

Accept the development proposal in Arboricultural terms, because much of the proposed tree removals are of lower quality trees that have defects or are of poor form.

Oxfordshire County Council:

Transport (on amended plans)

An objection is made on the basis of points of detail, but it is anticipated these could be dealt with through the submission of further plans and by conditions.

Key issues:

Some issues raised in our previous response have been addressed but some have not.

Cycle parking and parking – issues over number and location of spaces

Comments here are restricted to the development in the red line area – it is understood a further application will be made to discharge condition 21 of the outline permission relating to details of Camp Road, and that Camp Road alterations (outside the existing S278 agreement) will be the subject of a further planning application. It is noted that the red line area is largely not proposed for adoption.

Permissive path agreements are likely to be required to secure right of cycle/pedestrian access through unadopted areas.

Conditions:

If the LPA is minded to grant planning permission the conditions are recommended to cover:

- Access
- Vision splays
- Delivery and Service Plan
- Car Parking details
- Cycle parking details
- Car park Management Plan
- Drainage/Flood risk compliance

Detailed comments:

This amended application includes some further detail to address concerns OCC raised in our previous response about the treatment of Camp Road through the village centre. However, the letter from Pegasus makes it clear that the application site excludes works on Camp Road and that matters relating to Camp Road have not been fully addressed as part of the package submitted with this amendment. A further application to discharge condition 21 of the Outline planning permission is expected to deal with all these matters and updated comments on Camp Road will be provided in response to that application, i.e. not included here (although pre-application advice may be given separately).

Other comments made in our original response dated 7 July still apply.

Parking

A parking accumulation survey, based on TRICS data, has been provided for the village centre south. It predicts a maximum demand of 86 spaces and these have been provided in three separate parking areas south of Camp Road. However, the assessment assumes that there is no residential parking. Especially given that no parking south of Camp Road is indicated for a residential building south of Camp Road expected to be part of the application for Village Centre north, it is highly likely that the village centre parking will suffer from residential overspill, reducing the available parking for users of the centre. Parking restrictions and enforcement by the developer will be required to prevent this – I have therefore recommended a condition for a Parking Management Plan.

We welcome the 10% provision of disabled parking however I have two issues with the spaces proposed: I am not familiar with Building Regs Part M, but the spaces proposed do not meet Inclusive Mobility guidance as some have inadequate margins to the side, and none to the rear. The spaces in the western car park should be relocated to the central car park, as they should be as close as possible to the doors of the buildings, and avoid disabled users having to cross a road.

Cycle parking

The proposed cycle parking is well below OCC recommendations, and the justification for this in the Transport Statement is based on wording from the original TA suggesting low levels of cycle use. However, this was referring to cycle travel outside Heyford Park into rural areas, not within Heyford Park itself, where we need to be aiming for high levels of cycle use for local trips, and there is scope for the infrastructure to support this. It is proposed that further cycle parking could be delivered through the travel plan – this could be explored with our Travel Plans team, but certainly sites for potential future cycle parking should be allocated within the design, otherwise there will not be suitable places for it. Further, I can see no secure, covered cycle parking for staff and hotel residents. This needs to be provided.

Servicing and delivery arrangements

The applicant has responded to our comments and suggests that the type of delivery vehicle and the delivery arrangements will be controlled by the management company. I accept this, subject to the Delivery and Servicing Plan being required by condition, with the following exceptions:

- Delivery bay on the western access road is not wide enough – this shows clearly in the tracking drawing supplied. This needs to be addressed
- Delivery to the hotel building is highly unlikely to be made from the delivery bay on Camp Road. The hotel would want deliveries to be made to the back entrance, direct to the kitchen area, and as a result, I think vans would reverse down the car park which would be unsafe. This needs to be addressed, to show suitable delivery arrangements to the rear of the building.

Western access road

It is noted that this road was the subject of a previous planning application. However, I feel that pedestrian and cycle provision near the junction with Camp Road could be improved, to provide safer and more convenient crossings of the car park entrance and the western access road itself. This area looks fairly intimidating, with two bellmouth accesses almost immediately opposite one another, and needs some further consideration as part of the detailed design.

Drainage

OCC have reviewed the updated Flood Risk Assessment by Woods Hardwick (Their ref: 16871/B4 - REV 3 dated August 2016). Although the submitted plan (Drawing Ref: HEY – 5-148D) (showing flood routes in exceedance events and storage areas) appears satisfactory, it is recommended that it is updated prior to occupation of the development, to take into account any as-built information and any revised micro-simulation modelling. The maintenance schedule and details provided within the revised FRA should form part of a more comprehensive 'SUDS Site Management and Maintenance Plan' for the development. The scope of this document should be based on the advice given in 'The SUDS Manual' (Ref: Ciria 753) Chapter 32 - Operation and Maintenance. This Management and Maintenance plan should be updated prior to occupation of the development so that the final document issue is agreed.

Other External Consultees:

Historic England (on amended plans):

The application should be determined in accordance with national and local guidance and on the basis of specialist conservationist advice

Environment Agency: No objection subject to conditions (on contamination and soakaways).

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 (CLP)

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
SLE3-Supporting Tourism Growth
SLE4 - Improved Transport and Connections
PSD 1-Presumption in Favour of Sustainable Development

Cherwell Local Plan 1996 (Saved Policies) (CLP96)

C28 - Layout, design and external appearance of new development
C30 - Design of new residential development
C23 - Retention of features contributing to character or appearance of a conservation area
T2- Support for Tourist accommodation in built up Settlement

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)

Application 08/0716/OUT- Appeal decision; both the Secretary of State's decision letter and the Inspector's report are of significance to this application

In addition a design code was approved in October 2013 in order to comply with Condition 8 of planning permission 10/010642/F. This was required to "to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as set out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009." Although this application is a full one the contents of the code are still an important guide for the developer and Planning Authority.

6. Appraisal

Relevant Background

- 6.1 An outline application that proposed: "A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08)" was granted in 2010 following a major public inquiry (ref 08/00716/OUT).

- 6.2 The permission with regard to the flying field was implemented but a subsequent second application was submitted for the settlement area. That permission for a new settlement was granted in December 2011 (ref 10/01642/OUT). The permission was in outline so details of layout, scale, appearance, landscaping and access (the reserved matters) have to be submitted within a period of six years. This site is slightly different in so far as although it was shown on the approved parameter plan for commercial use, the use envisaged for Buildings 455 and 457 would be slightly different. Because of this change the applicant has submitted the details as a full application.
- 6.3 The appeal and subsequent planning decisions have already been taken into account by the Council as part of its Local Plan and the development of former RAF Upper Heyford is seen as the major single location for growth in the District away from Banbury and Bicester. This seems a feasible proposition as the outline permission is now in place. Furthermore, in the CLP, additional sites have been allocated for development in and around Heyford.
- 6.4 Extensive pre application discussions have been had on this site firstly about seeking to retain Buildings 455 and 457. The developers had at one stage considered their demolition. Although not statutorily listed they are of local interest and as the site is located within the RAF Upper Heyford Conservation Area Officer's considered it critical that the development reinforced and enhanced the character of this area. After consulting with a marketing strategist, the current model was put forward by the applicant for the retention and conversion of the two buildings. Subsequently discussions have been had about design and layout, conversion, its compliance with the existing masterplan, Design Code and Local Plan policy (Villages 5).
- 6.5 Turning to the detail of the application, Officers' consider the following matters to be relevant to the determination of this application:
- Planning Policy and Principle of Development;
 - Design, Layout and Appearance
 - Impact on Heritage
 - Landscape Impact;
 - Accessibility, Highway Safety and Parking;
 - Employment
 - Flooding Drainage

Planning Policy and Principle of the Development

- 6.6 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.
- 6.7 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material

considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.

6.8 Policy Villages 5 of the CLP identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that policy as part of a potential development area. The policy seeks to achieve a settlement of approximately 1600 dwellings in addition to those already approved together with employment and other development. This includes community facilities and local centre/hotel. The policy also goes on to lay down infrastructure needs, specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character. The plans and supporting documentation demonstrate its conformity with the development plan in particular:

- development of a brownfield site
- retention of two buildings considered to be historic assets
- the formation of a new settlement centre in a sustainable and highly accessible location.
- the environmental improvement of the locality
- a commitment to high quality design and finishes reflective of the approved Heyford design code and appropriate for a new commercial heart to the settlement
- scale and massing of new buildings to reflect their context and
- integration and connectivity to the surrounding development

The main issues will be discussed in more detail below but in principle the application is seen to conform with Policy Villages 5.

Design, Layout and Appearance

6.9 Extensive work and discussions have been had with the developer to establish a layout and architectural vocabulary for the site which will reinforce and enhance its heritage value. The starting point has been the retention of Buildings 455 and 457 but in addition the applicant has had to consider the creation of a new centre, ensure it integrates into the wider settlement and becomes an accessible and community hub. It needs to take account of the linkage it has to its immediate surroundings and beyond. In particular, to Camp Road which it fronts and to the Village Green to its rear, although historically its relationship was stronger to the latter space when it was formerly a parade ground.

6.10 An extensive Design and Access statement has been prepared and subsequently revised following submission of the application after the Council's Design Consultant secured revisions in the architectural styles proposed here. The architect's use of the Design Code as a guiding tool can be seen by the simple style of the extensions to the two existing buildings and the link between them. In fact the scheme has been broken into a number of constituent elements that have been designed individually then brought together to form a coherent whole. They are described accordingly.

6.11 The eastern part of Building 455 and some minor extensions are removed stripping it back to its original form. The building is then extended to the north, east and south in a more modern style and materials to contrast with the existing building which is refurbished in a style and materials to reflect its existing appearance. Internally space is created to provide a variety of

commercial and community uses. On the ground floor are a number of rooms that will provide an estates office, lounges, a screening room and bowling alley. Above on the first floor are 16 hotel bedrooms. A total floorspace of 1,642 m² is created.

- 6.12 Similarly 457 is stripped back to its original single storey form by removing later extensions. Again the building is refurbished in a style reflecting its existing appearance but gains a first floor extension which is more modern in appearance and uses contrasting materials. This creates a floorspace of 636 m² and would be used as a bar/brasserie.
- 6.13 Possibly the most exciting design element is a glazed canopied link that joins the two buildings. This provides a multi-purpose area of 403m² designed for indoor market, social events, café, etc. Its design is contemporary but reflective of the A frame hangers seen in the Technical Area although it is understood to be inspired by market halls. The use of glass gives it an open feel and enables a connectivity to be viewed of the village green from Camp Road.
- 6.14 The juxtaposition of the three buildings creates terraces and spaces around them for outside activity that should form strong links to the village green to the south and to Camp Road to the north. The latter includes an element of design that will create a new public square, albeit with Camp Road running through it. The concept is not fully formed and a new application is anticipated for the Village Centre North which will physically complete the design. Part of the anticipated use will involve the closure of Camp Road for markets, and social and seasonal events. The square will be surfaced in contrasting materials to create strong routes through it linking destinations such as the school buildings. The finish of surface materials is important and a commitment has been given to use high quality throughout the scheme which will be reinforced by conditions.
- 6.15 Other spaces that will be created are for three courtyard parking areas. One east of the hotel will provide 34 parking spaces, one west of the brassiere of 21 spaces and a separate car park to the west of 27 spaces. These will be supplemented by parking/service laybys on Camp Road and the new access road to the south. In total there are 86 spaces of which 9 will be to an accessible standard.
- 6.16 It is considered the scale of the development is appropriate vertically and spatially. That the buildings and their setting are of a suitable form and appearance that follows the place making guidance set out in the CLP. The range of specified materials is of quality, although a condition is specifically required to ensure this. The result creates a more informal relationship to the village green and more formal to the main street, and although its impact will be somewhat different it should create a harmonious blend to both. The Officers conclude that what is proposed conforms to CLP policies Villages 5 and ESD 15, and CLP96 policies C28 and C30.

Landscape Impact

- 6.17 The landscape setting is an important part of the character of Heyford. Presently there are a number of mature trees on the site but they have been inspected and found to be almost entirely diseased or of poor quality. In principle therefore, the officers have not objected to an almost wholesale restructuring of the landscaping on this part of the site and to the loss of 18 trees. A strategy has been prepared which combines a good mix of hard and soft landscaping combined with surface treatment which will act as mitigation but also add to the place making exercise. The applicant has requested the actual details are worked up through the use of conditions and this is acceptable to the Landscape Officer. Part of the condition will include provision of appropriate street furniture. Maintenance of the landscaping at Heyford Park will be undertaken for the applicant who has set up a management company responsible for it. This keeps control of some of the hedging, planting

and trees in the public domain. It is concluded that what is provided is therefore an environmental enhancement in compliance with Policy Villages 5.

Traffic, Access and Parking

- 6.18 Development at Heyford Park is required by the CLP to provide good transport links, to minimise traffic generation, to calm and manage traffic where it occurs and that the settlement should be designed to encourage walking and cycling. This site with its central location is possibly the most accessible and therefore the most sustainable for commercial development in Heyford Park. It forms the hub that the surrounding development revolves around both inside the new settlement and in the wider district surrounding. Buses go along Camp Road and the prime stop will be in the village centre. Footpath and cycle routes will radiate outwards from the new Square. Most of the community services will be provided here (in the next phase of the village centre) so this accessibility is important and needs to be maintained.
- 6.19 In terms of the physical proposals, Camp Road's linearity is retained which is important to reflect its heritage importance. However, that provides issues in calming traffic as without measures in place there will be opportunity for high speeds to be attained. It is also important for the solutions to be designed rather than engineered. Most of Camp Road is outside the red line application site so these details are being secured through other applications but what is shown indicatively are physical alterations to the carriageway that will force traffic to slow down when it enters the centre in addition to which are surface treatments that have been used elsewhere and which will give pedestrian priority in the area and help create a sense of place.
- 6.20 The parking areas to the west will be accessed off an approved circulatory road and not direct from Camp Road. The hotel car park to the east will have a direct access to Camp Road entering the highway to the east of the centre. In itself, the new access should be a traffic calming feature. The layout and level of parking has been revised to better reflect the Highway Authority's normal standard. Cycle parking of some 37 stands is proposed but neither the County nor your officers think this is enough nor are they all in the right place in order to encourage cycling. Conditions have been suggested to secure satisfactory provision.
- 6.21 The Highway Authority has expressed some reservations about engineering elements to the scheme and has therefore maintained an objection to it. However the applicant has specified their willingness to comply with appropriately worded conditions to secure detailed design of accesses, junctions and surfacing, together with a servicing management plan, and this seems an appropriate course of action.

Impact on Heritage

- 6.22 This application seeks approval for an important phase of development by Dorchester Homes. In this case it aims to retain Buildings 455 and 457; all other buildings associated with that period of British Military history and the Parade Ground have now been demolished or have consent to be removed. 455 and 457 are in the British military style constructed in red brick under a hipped slated roof and dating from the 1920's. They formed a group located around and orientated towards the parade ground which made them contained and self-referencing. The arrangement of these buildings on a grid enhanced the strong building lines and imbued the parade ground area with a campus quality.
- 6.23 Historic England originally objected to the proposal but on submission of a modified scheme that has been withdrawn. The Conservation Officer has some reservations.

6.24 The merits and significance of 455 and 457 have previously been considered at the inquiry into planning application 08/00716/OUT and at other instances when the Conservation Area was being appraised, environmental statements prepared for other applications and for a Heritage Assessment and Impact Study. The conclusion is that the significance of the area is low, and depended on it being part of a coherent group of buildings around the Parade Ground. And the significance of the two buildings themselves was also low, both are “Non Listed Buildings of Local Significance.” However, when the applicant had previously requested through pre-application discussions to demolish them, this was resisted by Officers as the rationale behind allowing development at Heyford was the preservation of the main heritage assets and environmental improvements.

6.25 Turning to the guidance to Planning Authority’s contained in the Framework and the NPPG on the historic environment:

Para 131 of the Framework advises: *“In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- *the desirability of new development making a positive contribution to local character and distinctiveness.*

Para 132 goes on to advise: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.”*

6.26 In this case Buildings 455 and 457 have undergone much change inside and out reducing their integrity. Their setting is also somewhat different now that the outline planning permissions and the CLP policies are being implemented. The assets are also not listed other than of local interest. However they do form an important link to the buildings on the other side of Camp Road and to the re-created space of the Parade Ground. It is therefore the view of the Officers that what is proposed will preserve and enhance the Conservation Area and preserve important heritage assets.

Employment

6.27 No figures are given in the application for the level of employment likely from this development. It is considered that what is proposed should provide some of the 1500 jobs required by CLP Policy Villages 5 and in a mixed range of employment opportunities bearing in mind the nature of the commercial enterprises proposed which will contrast to the higher levels of employment provided on the Flying Field and in the Technical area from B1, B2 and B8 operations. Hotel use is also supported by CLP Villages 5 and by CLP96 policy T2. The economic case for development forms one of the three aims of the NPPF to create sustainable development along with social and environmental considerations therefore it is seen as another reason to support this development.

Flooding and Drainage

6.28 The site lies within Flood Zone 1 (low risk). A Flood risk assessment has nevertheless been undertaken by the applicants for this and the rest of Heyford Park. As the site is in Zone 1 redevelopment of the site is not precluded. Surface water discharge from the site can be discharged to a new drainage system that can be suds compliant. OCC, the local flood risk authority, are generally happy with the scheme that is formed by underground tanks and oversized pipes. This will meet the 1/100 year event with a 30% allowance for climate change. Other measures are indicated as part of it SUDs proposals including balancing ponds, permeable paving, swales, etc. Should the 1/100 year event occur the area has been designed so water will flow away from buildings.

Engagement

6.29 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 What is proposed as part of this application is seen as sustainable development. It provides economic, social and environmental benefits in line with guidance in the NPPF. It conforms to the main thrust of the Development Plan, in particular Policy Villages 5. It is considered on balance that what is now proposed will form an area of a distinct character reflecting the design of the surrounding development but without slavishly following it or creating a pastiche. It will enhance the setting of the Village Green and Camp Road. Taken together the disparate elements of this development create an attractive and accessible Centre. It is recommended that planning permission is granted.

Recommendation

Approve, subject to Conditions which will be provided in advance of Committee.

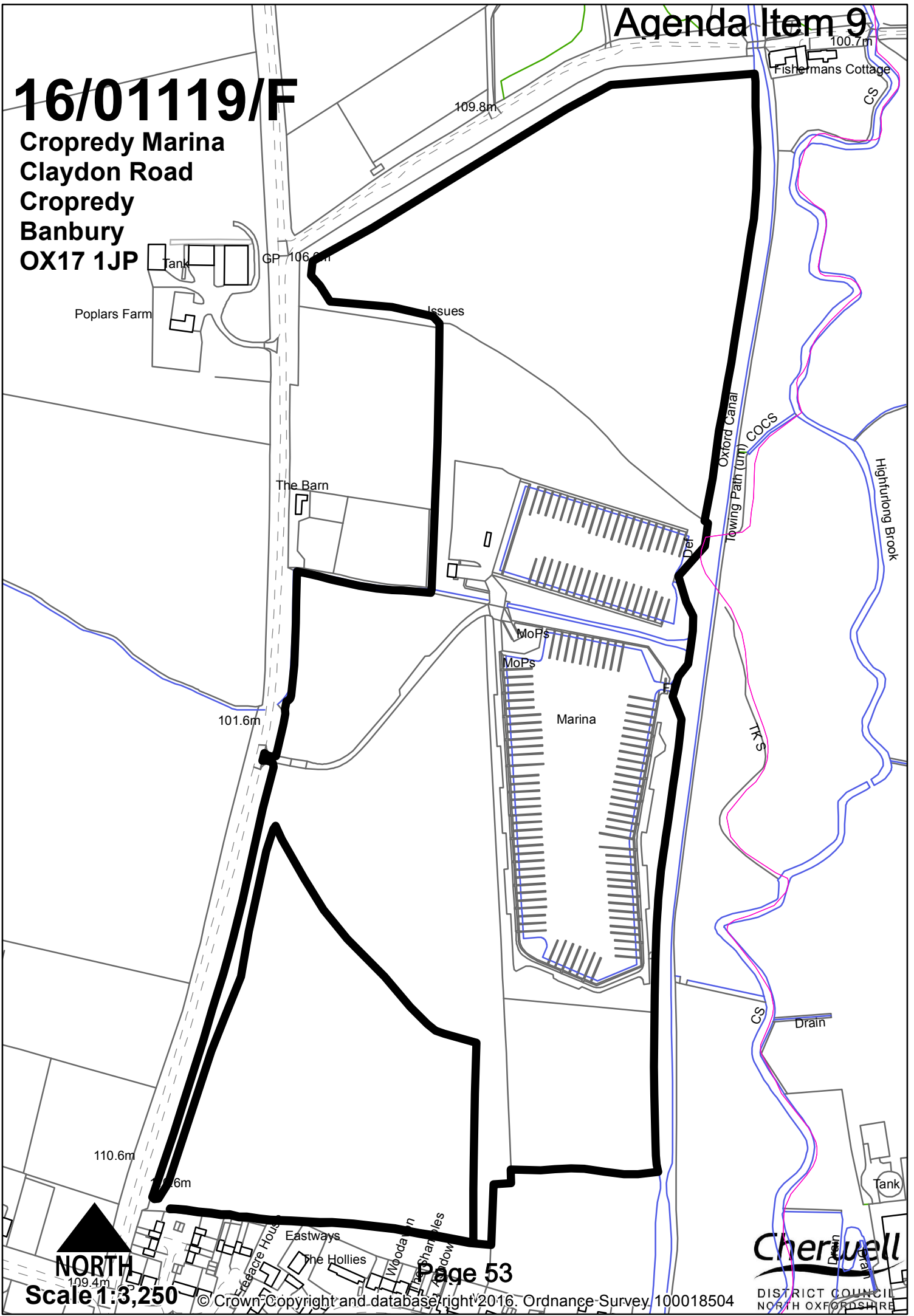
(At present because of the number and technical nature of some of the conditions a dialogue with the applicant and the County Council is being undertaken to finalise them)

CONTACT OFFICER: Andrew Lewis

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16/01119/F

Cropredy Marina
Claydon Road
Cropredy
Banbury
OX17 1JP

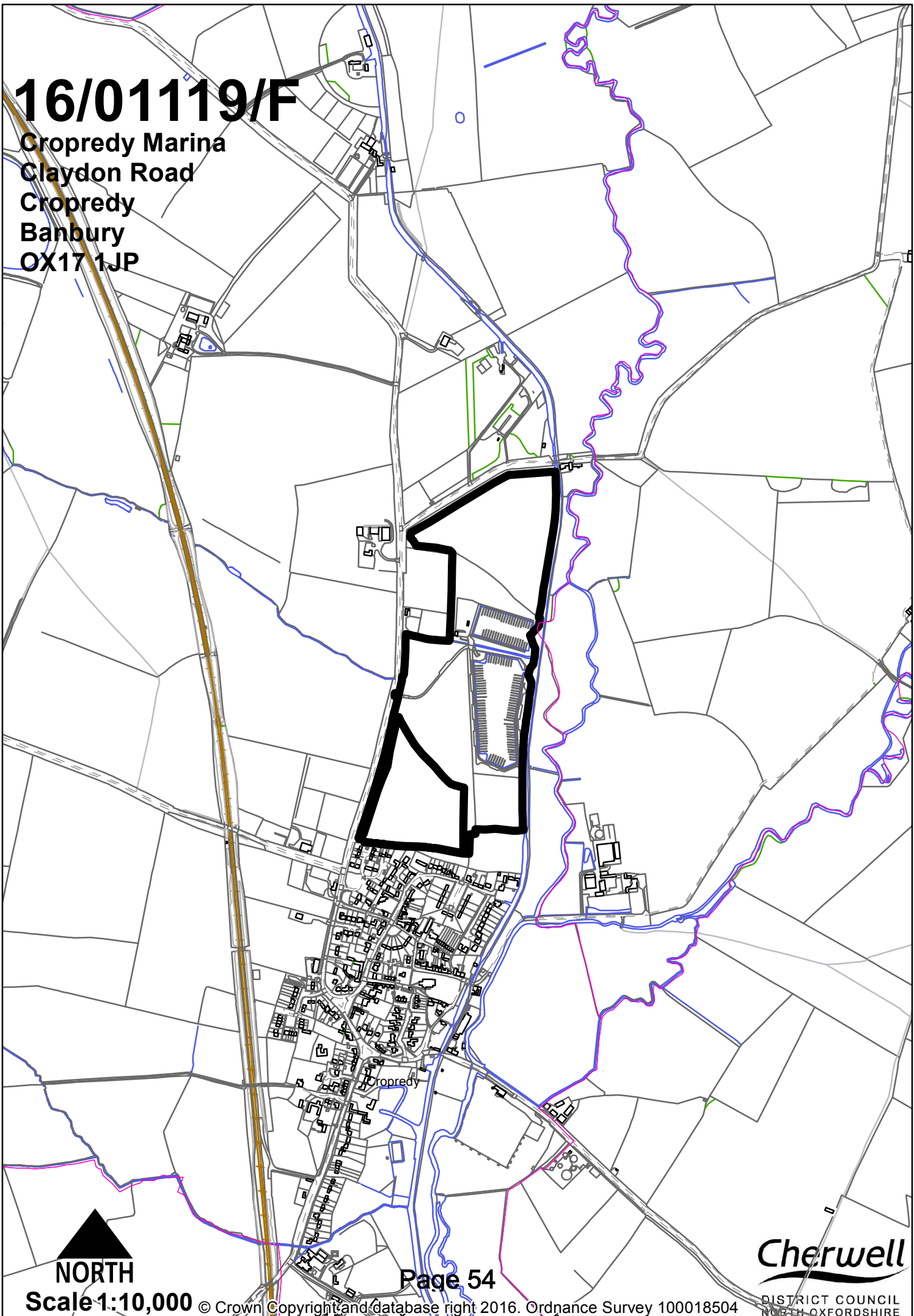


NORTH

Scale 1:3,250

16/01119/F

Cropredy Marina
Claydon Road
Cropredy
Banbury
OX17 1JP



Scale 1:10,000

Case Officer: Emily Shaw **Contact Tel:** 01295 221819

Applicant: Cropredy Marina Ltd

Proposal: Creation of north basin to form extension to marina including installation of pontoons for up to 100 boat moorings, extension to existing car park for 42 cars, installation of swing bridge, replacement of approved office and associated landscaping - re-submission of 15/01949/F

Expiry Date: 02 December 2016

Ward: Cropredy, Sibfords and Wroxton **Committee Date:** 27th October 2016

Ward Councillors: Cllr Ken Atack
Cllr George Reynolds
Cllr Douglas Webb

Reason for Referral: Major development

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

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

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The development proposes an extension to the existing marina in the form of an additional basin sited to the north providing a further 100 boat moorings. Access for boats into the new

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

- 2.2 Vehicle access to the site will remain as the current arrangement from the existing access from the Claydon Road. Parking is currently provided on the site to the west of basin no. 2. A further extension to the car parking area is proposed as part of this application. This new parking area will be sited to the west of the proposed basin no. 3. There is also a new access track proposed from the extended car parking area to the north of the site to provide vehicle access to the new basin.
- 2.3 A new landscaping scheme is proposed to the north, west and east of the proposed basin. The proposed planting is a native shrub mix located to the north, west and east of the proposed basin.
- 2.4 The red line plan of the application site has been amended during the course of the application to include the existing basin as the scheme also seeks to amend the landscaping for the existing marina. A large element of the approved landscaping scheme for the existing marina has been carried out, however, some of the existing landscaping has not been carried out in accordance with the approved details and some has been unsuccessful in establishing. This application therefore also seeks to ensure the landscaping for the existing marina is acceptable. The application contains details of additional and amended landscaping for the existing marina including the following:
 - Area of hawthorn scrub and feathered trees to the south – additional planting of trees in landscape band and replace Acer with Alder
 - Area along canal to south of entrance – replace Acer with Alder and include Willow and Oak to canal side
 - Refuse area – Field Maple Hedge
 - Drive way to the site – planting to the south of the driveway along the western existing hedgerow to be planted as approved replacing Acer with Alder. Remove triangle area of planting adjacent to drive. Hedgerow planting along driveway to be carried out.
 - Hawthorn scrub and willow scrub not required between the two existing basins.
- 2.5 The land to the north of the proposed basin is included within the red line of the application site to provide an area for the excavated material to be deposited. The submitted details indicate that the excavated material will be deposited at a maximum depth of 300mm within the specified area. The current top soil will be stripped from the field and retained to allow the spoil to be deposited and the top soil to be re-used.
- 2.6 A new office building is proposed as part of these proposals. The building is single storey and is to be sited to the west of basin no. 2 and within the existing car parking area. The building is to be constructed from timber with a felt roof. An office building was approved as part of the

planning application for the existing marina, this was to be located within the car parking area near the entrance to the site. The proposed office replaces this and is sited further to the north. The applicant has been asked to prepare a Unilateral Undertaking to ensure that the previously approved office building cannot be constructed in addition to the office building proposed as part of this planning application.

3. RELEVANT PLANNING HISTORY

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
09/00006/SO	Screening Opinion - Proposed canal-side marina	EIA not required
11/01255/F	Proposed Marina with ancillary office, store, car parking, access and associated landscaping	Permitted
12/00061/DISC	Clearance of conditions no's 4, 5, 8 and 27 of 11/01255/F	Permitted
13/00126/DISC	Clearance of condition no's 3, 11, 13, 18, 19, 20, 21, 22 and 23 of 11/01255/F	Permitted
1 4/01239/F	Variation of Condition 23 of 11/01255/F – to allow doe additional lighting (Retrospective)	Permitted
15/00097/SO	Screening Opinion - Screening Opinion to 15/01949/F - Creation of north basin to form extension to marina, including installation of pontoons for up to 100 boat moorings; extension to existing car park for 42 cars, installation of swing bridge, replacement of approved but unbuilt office and associated landscaping.	EIA not required
15/01056/F	Erection of canopy and siting of floating dry dock - Retrospective	Permitted
15/01949/F	Creation of north basin to form extension to marina, including installation of pontoons for up to 100 boat moorings; extension to existing car park for 42 cars, installation of swing bridge, replacement of approved but unbuilt office and associated landscaping.	Withdrawn
16/00048/SO	Screening opinion - Creation of north basin to form extension to marina, including installation of pontoons for up to 100 boat moorings; extension to existing car park for 42 cars, installation of swing bridge, replacement of approved office and associated landscaping.	EIA not required

4. RESPONSE TO PUBLICITY

- 4.1 The application has been advertised by way of neighbour letters, site notices and a press notice. The consultation period ended on the 26th October 2016 following a further consultation period on amended site location plan and landscaping details.

4.2 4 letters of objection have been received, in summary raising the following comments:

- Objection has been raised in relation to the proposal incorporating additional lighting to serve the new moorings and the wider site. This additional lighting will cause further harm to the adjoining countryside and nearby residents
- Existing lights are on for too long and face towards the rear of properties on Creampot Lane. These lights cause an impact on the outlook of residents on the northern side of Cropredy
- Concerns have been raised regarding the occupation of the marina for unauthorised residential use. Residential use at the site places pressure on local services and the highway network which should be mitigated against through securing payment via a legal agreement.
- The additional moorings at the marina will mean there are more boats at the marina than there are dwellings in Cropredy.
- Does the existing marina employ local people?
- Concerns about the adequacy of water supply within the local canal and river system.

5. RESPONSE TO CONSULTATION

5.1 CROPREDY PARISH COUNCIL: **No objections** but makes the following comments:

- *The existing site causes light pollution which particularly affects residents living in the Creampot Lane area of the village. The lighting in the proposed new marina and existing marina should be by way of downlighters which are sensor activated and a dense evergreen hedge should be erected round the new basin and also to the south and west of the existing one.*
- *It was made clear in the original application for the marina that there were no permanent residents apart from certain key staff. Subsequently, we have learned that a number of moorers are now on the electoral roll, children from the marina are registered at the village school and a number are also registered at the village surgery. This matter still has not been addressed and, apart from contravening the original condition set out in the planning permission, we understand that anybody in permanent residence should be contributing council tax. If this application is approved it must be on the basis that there are to be no permanent residents.*
- *The company has addressed the flood risk danger as raised by the Environment Agency but we remain concerned about the inevitable additional abstraction of water from the River Cherwell that would inevitably result if a new basin is built. The creation of 100 additional berths will increase usage on the canal which is struggling to cope with present traffic due to lack of water.*

5.2 CLAYDON WITH CLATTERCOTE PARISH COUNCIL: **Object:**

- *Claydon with Clattercote Parish Council endorse Cropredy Parish Council's concerns in relation to permanent residential moorings at the site, Light pollution through the night and water shortages.*
- *Has the application been supported by evidence to justify this proposed development. Has the marina been well received in the local community? Increasing the size will pose additional pressure on local services, the problems of light and permanent residency will only increase with this extension to the marina.*
- *The proposal will impact on the canal conservation area and the surrounding open countryside.*
- *The application is considered to be in conflict with the following policies – ESD13, ESD15 and ESD16 and paragraphs 247 and 262 of the Adopted Cherwell Local Plan 2011-2031 and therefore object to this application.*

Cherwell District Council Consultees

5.3 CDC LANDSCAPE ARCHITECT (initial comments):

- *Generally in agreement with the content of the Landscape and visual impact assessment.*
- *Landscape implementation and aftercare is to be clarified.*

5.4 CDC LANDSCAPE ARCHITECT (comments to amended plans):

- *The amended landscape details for the existing marina and the proposed basin is acceptable*

5.5 CDC PLANNING POLICY:

The proposed extension to the marina will provide temporary moorings for recreational/leisure use rather than permanent residential moorings. Policy ESD16 encourages proposals for recreation, leisure and tourism related uses of the canal where appropriate, and indicates that other than appropriate located small car parks and picnic facilities, new facilities for canal users should be located within or immediately adjacent to settlements.

The principle of a marina at this location, just north of Cropredy, is established. The village facilities are easily accessible by foot or bike. The Design and Access Statement accompanying the application indicates that the extension is proposed to the north of the existing facility rather than the south, closer to the village, to minimise excavation and impact on the landscape, and respect views from housing at the northern end of the village. As such the proposal is considered to comply with the requirements of policy ESD16 in terms of location and the development will also provide additional facilities for tourists, contributing to the aims of Policy SLE3.

The proposal will bring some economic benefit, resulting in a small number of additional jobs, and the increase in temporary visitors using the facility may assist in supporting village services, contributing to the village economy.

Policy ESD3 indicates that all new non-residential development will be expected to meet at least BREEAM “very good”. The proposals include a single storey office building to replace and re-site an office building approved under the original planning permission (11/01255/F and amended 14/01239/F), but not built. The previously approved building was not subject to a condition requiring compliance with the BREEAM standard but since this time the Cherwell Local Plan Part 1 has been adopted. The re-sited single storey office and store is similar to that previously approved and the principle of scale and appearance has therefore been established.

The Design and Access Statement supporting the application indicates (para 7.26) that “bearing in mind the size and nature of the structure the fact that this proposal in effect replaces an approved, yet unbuilt office, it would not be appropriate to apply this standard here particularly when the NPPF advises that the business should not be over-burdened by the combined requirements of policy expectations.” However the general thrust of Policy ESD3 is to secure high standards of sustainable construction in all development. In terms of achieving BREEAM “very good”, the limited size of the building is not relevant.

No objection to the principal of the proposed extension to the marina in this location, being an extension to an existing facility in close proximity to Cropredy, a category A settlement. The requirements of Policy ESD3 should be taken into account in considering the proposed office building element of the development proposals.

5.6 CDC ARBORICULTURAL OFFICER:

- *The issues from the previous application have now been dealt with in regards to oak tree T11.*
- *Tree pit detail and maintenance schedule is required for the landscaping element.*

5.7 CDC ENVIRONMENTAL HEALTH: **no objections**

5.8 CDC ECOLOGY OFFICER: **no comments received**

5.9 CDC CONSERVATION OFFICER: **object**

Comments made on application 15/01949/F to be applied to this application (repeated below).

This application covers the expansion of Cropredy marina with the creation of an additional mooring basin and the addition of an office building.

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

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

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

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

Oxfordshire County Council Consultees

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

Other External Consultees

- 5.11 ENVIRONMENT AGENCY: **no objections** subject to suggested conditions.

This proposed development is a resubmission of planning application reference 15/01949/F. The applicant has submitted a Flood Risk Assessment that details adequate measures to mitigate for the flood risk arising from the proposed development. Therefore, we consider the proposed development will only meet the requirements of paragraphs 101-103 of the National Planning Policy Framework (NPPF) if the following measure(s) as detailed in the FRA and accompanying plans submitted with the application are implemented and secured by way of a Planning Condition on any planning permission. Suggest conditions to ensure the works are carried out in accordance with the Flood Risk assessment and flood risk statement, to reduce the risk of flooding.

- 5.12 CANAL AND RIVERS TRUST: **no objections** subject to suggested conditions.

No additional connection to the canal is needed. This is positive in terms of potential impacts on the canal corridor, particularly given that the two openings have already been made to facilitate the existing marina. The proposed basin is relatively stark and rectilinear in shape but this reflects the existing marina and we welcome the softening of the banks by the use of planted coir rolls.

The existing hedgerow provides a level of screening of the smaller basin and the revised plans show additional landscaping, thus providing a similar level of screening to the existing basin. The revised plans also show a suitable native hedgerow mix and tall ruderal regeneration on the bank between the new basin and canal which would be disturbed during the building works and this would help screen the marina when viewed from the waterway and towpath.

We note that a native hedgerow, interspersed with Acer Campestre and other mature trees will now be used to screen the car parking area which is currently quite prominent when

viewed from the towpath. We suggest that a condition be imposed to ensure that the landscaping is carried out in accordance with the submitted details in order to minimise the impact of the proposal on the character and appearance of the Canal Conservation Area.

We are pleased to see that the mature Oak Tree is to be retained but we are concerned that the proximity of the tree to the basin may put the tree at risk. Care will need to be taken to ensure that the roots and crown are not damaged during construction works and we note that method statements and tree pit drawings are provided.

The applicant has now clarified that water from the ditch course is to pass through a culvert under the canal.

Details of new lighting should be secured through conditions.

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

SLE1 – Employment Development
SLE3 – Supporting Tourism Growth
ESD3 – Sustainable Construction
ESD6 – Sustainable Flood Risk Management
ESD8 – Water Resources
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
ESD16 – The Oxford Canal

Cherwell Local Plan 1996 (Saved Policies)

TR11 – Oxford Canal future use of the canal
C23 – Retention of features contributing to the character and appearance of a conservation area
C28 – Layout, design and external appearance of new development
C29 – Appearance of development adjacent to the Oxford Canal
C31 – Compatibility of proposal in residential areas
ENV1 – Development likely to cause detrimental levels of pollution

6.2 Other Material Planning Considerations

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

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;
- Landscape and Visual Impact;
- Impact on Heritage Assets;
- Trees and Landscaping;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Flood Risk.

Principle of Development

7.2 The proposal is for an extension to the existing marina to the north of Cropredy to provide an additional 100 berths for the mooring of recreational canal boats. Policy ESD16 of the adopted Cherwell Local Plan 2011-2031 Part 1 seeks to support and promote recreation, leisure and tourism related uses of the canal and new facilities for canal users. Development proposals which promote recreation, leisure and tourism on the canal should be located close to existing settlements. In the case of this proposal the existing marina is sited to the north of the village of Cropredy which is a Category A village offering a range of existing services. The existing marina and proposed extension are located outside of the built up limits of Cropredy and whilst not immediately adjacent to the village, it is as close as is considered appropriate taking into account the siting of the current marina basins and the local topography and potential neighbour and visual impacts. It is considered that, notwithstanding all other issues to be assessed, the proposed extension to the marina is appropriately located close to Cropredy and within 1km of a shop, doctor’s surgery, public houses, recreation area, church and school which can all be accessed easily on foot or by bike. The location of the proposed extension to the marina is therefore considered to be appropriately located close to a Category A village within a sustainable location and therefore complies with the locational requirements of Policy ESD16 of the adopted Local Plan.

7.3 Policy SLE 3 of the adopted Cherwell Local Plan supports proposals for improved tourism facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District. The proposed extension to the marina will allow for a further 100 recreational boats to be moored at the marina. The Design and Access Statement which supports this application states that there is a need for additional moorings at the site. The current marina has been successful since it opened in 2014 and is running at capacity with a need for additional moorings. The extension will allow for leisure boats to be stored within the marina when not in use and lead to these boats being used for holidays within the district which will increase the number of overnight stays and visitor numbers within the district.

- 7.4 In addition the proposal will also sustain 4 full time employees, as well as generating work for independent contractors in the form of mechanics, painters and dock operators. The existing marina and the proposed marina basin are provided for the mooring of leisure boats which are kept at the marina when not in use for cruising by their owners. The boats will be used for cruising from the marina along the canals within the local area which leads to an increase in visitors to the area.
- 7.5 Comments received from the Parish Council and from third parties have raised concerns that some individuals are living permanently at the site. The marina and the proposed extension are not providing for permanent residential moorings and the applicant's agent has confirmed that, as stated in the application, the proposed additional moorings are clearly for 'non-residential' leisure use. Furthermore, those applying for a mooring are required to provide an alternative fixed home address and are advised that if they are found to be living permanently at the site they will be required to be removed from the site within 14 days.
- 7.6 Nevertheless, in response to the concerns raised by the Parish Council, officers have investigated this matter further. It is the case that a small number of boats moored at the existing marina (seven) appear to have registered address points at the marina and some appear on the electoral roll (i.e. registered to vote) at these addresses. This would suggest that these boats may be occupied residentially on a permanent basis at the site. However this small number of boats is not a significant number and would therefore not in itself bring into question the need or justification for an additional basin. Furthermore, there is no evidence to suggest that the pressure for additional moorings at the site (and so the reason for the current application) is being driven by unauthorised residential use and not demand for additional leisure moorings.
- 7.7 The Design and Access Statement submitted with this application advises that the existing marina is running at near capacity and there is a strong demand for more berths. A register of current and previous boats at the site has been submitted with the application which illustrates that the marina is running at capacity, even discounting the 7 boats in question. The status of the 7 boats will be investigated further by Planning Enforcement officers and action taken as appropriate. As regards the current application, officers are satisfied that when considered on its own merits it is acceptable in principle for the reasons outlined above, and concerns about occupancy can be adequately addressed and enforced by condition.

Visual Amenity and Landscape Impact

- 7.8 Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside or be inconsistent with local character.
- 7.9 The site of the new basin lies to the north of the existing marina. To the east of the new basin lies the canal which is designated as a conservation area and has a public footpath running along the eastern side of the canal. The water level of the canal and the existing marina basins sits at 100m above sea level and the land to the west and north rises slightly above the level of the canal to approximately 110 metres above sea level at the point of the Appletree Road to the north. To the south and west the land levels also rise slightly from the water level of the canal and the existing marina towards the village and the Claydon Road. The difference in levels means that the existing marina and the proposed extension sit in a natural dip of the land adjacent to the canal.
- 7.10 The proposed development will result in an additional marina basin, making a total of three basins, including the two already part of the existing marina. The new basin will measure 150 metres in length from north to south and would result in a total length of the three basins measured north to south of 500 metres. The proposed development will result in a significant

change to the appearance of the area and it will be clearly seen from the rear of some of the properties to the south, the Claydon Road, Appletree Road and the tow path. However, as a result of the topography of the site and the surrounding area, longer distance views of the marina site are not possible.

- 7.11 There is already a large body of water capable of accommodating 249 boats and the new basin will introduce a further body of water to the north capable of accommodating a further 100 boats. The existing marina can currently be seen from the nearby roads, towpath and some properties without undue harm to the visual amenities of the area, and the proposed extension would be considered to sit comfortably alongside the existing marina. Additional and extensive landscaping is proposed which can be secured by condition, and this would contribute over time to softening the appearance of the development. Furthermore the additional basin would be viewed in the context of the existing marina site and therefore is considered not to cause undue visual harm to the locality. The proposal is therefore considered to be in accordance with Policy ESD13 of the adopted Cherwell Local Plan.
- 7.12 The proposed development comprises additional car parking spaces, amounting to 42 additional spaces. The new parking spaces will be provided in three rows to the west of the new basin and to the east of the existing car parking area. This additional parking area will be visible from the canal tow path and will be viewed within the context of the surrounding marina and other car parking area. In order to soften the appearance of this additional car parking additional landscaping is proposed and this will be secured by a suitable condition. This additional car parking is not considered to adversely affect the visual amenities of the area.
- 7.13 The new basin is to be accessed from the existing north basin and therefore a channel is required to be created between the existing north basin and the proposed basin. A bridge is required to allow pedestrian access between the west and east side of the north basin and the new basin. In order to allow pedestrian access across the new channel a swing bridge is proposed. Pedestrian access along this route from the car parking area is considered to be required to allow suitable access to the berths. The proposed swing bridge is simple in design and of a scale similar to a lock gate which is a common feature found along the canal. The proposed swing bridge is considered to sit comfortably within the site without undue harm to the visual amenities of the locality. A suitable worded condition will be attached to secure material and colour finish details of the bridge.

Impact on Heritage Assets

- 7.14 Paragraph 131 of the NPPF seeks to ensure that new developments sustain and enhance the significance of heritage assets and make a positive contribution to local character and distinctiveness. Furthermore, Local Plan policy ESD15 seeks to ensure that new development positively contributes to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, and that new development conserves, sustains and enhances designated heritage assets such as Conservation Areas. This policy is in line with the NPPF which also seeks to conserve, sustain and enhance designated heritage assets.
- 7.15 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area, the Council should give special attention to: *the desirability of preserving or enhancing the character or appearance of that area.*
- 7.16 The Council's Conservation Officer has raised an objection to the proposed development which she considers to be harmful to both the character and appearance of the canal conservation area in this location and furthermore undermines the visual aesthetic of what has already been built as well as the heritage significance of the canal.

- 7.17 This section of the canal has been significantly altered within the last 5 years with the development of a 249 berth canal side marina which is accessed at two points from the canal basin into two marina basins. This proposal is for the construction of a further marina basin, resulting in 3 no. basins in total, which will be accessed from the northern side of the existing northern basin via a new channel into the new basin which will lie to the north of the existing marina providing 100 additional berths.
- 7.18 Officers acknowledge that the new basin will be visible from the canal conservation area, from various points on the tow path and from the bridge to the north. However there would be no additional access points created onto the canal, and whilst the proposed basin would not have an obvious visual relationship with the canal, it would be clearly associated with the existing marina and would be read as an extension of this. The proposed scheme includes a landscaping scheme which will provide additional planting to the east of the new basin to help the new basin sit comfortably within the landscape and reduce the impact on the adjacent conservation area. It is considered that taking into account the siting and scale of the existing marina which was found not to adversely affect the historical importance of the canal conservation area or its setting, that the proposed siting and scale of the new basin along with the proposed landscaping scheme would not be considered to adversely affect the historical importance of the canal conservation area or its setting.
- 7.19 The proposal is therefore considered to conserve the significance of the canal conservation area and the proposed development and landscaping would conserve the local character and distinctiveness in accordance with the NPPF and Local Plan policy ESD15.

Trees and Landscaping

- 7.20 The application has been supported by a landscaping scheme shown on drawing number ID622.01H for the proposed marina and a landscaping scheme for the wider site including the existing marina shown on drawing number ID662.02. Also provided is an Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Constraints Plan and Tree Protection plan all contained within a report prepared by J Harper dated the 8th September 2015 and revised on the 11th April 2016 in response to the Council's Arboricultural Officers comments.
- 7.21 The proposed basin works have been prepared to ensure the retention of an existing mature oak tree to the north of the basin. The Council's Arboricultural Officer has provided comments on the submitted information and is happy that the submitted arboricultural report adequately deals with the retention of the oak tree.
- 7.22 The proposed basin will result in the loss of a section of low lying native hedgerow which lies to the north of the existing marina. The proposed landscaping scheme which supports the application proposes the planting of a new native hedge to the north and east of the proposed basin and to the north and west of the existing car parking area. To the east of the proposed basin a native shrub mix is proposed. The proposed landscaping scheme includes native hedge planting around the new basin and the new car parking area to ensure that the new basin sits comfortably within the surrounding landscape. The proposed landscaping scheme is considered to be acceptable and provides additional planting which will ensure the proposed development sits comfortably with the surrounding landscape in accordance with Local Plan policies ESD13 and ESD15.
- 7.23 A further landscaping scheme has also been submitted to amend the previous approved landscaping scheme associated with the existing marina. This scheme aims to ensure that elements of planting that have been unsuccessful or have not been carried out in accordance with the previously approved scheme can be secured as part of this application. A condition will be attached to ensure that the approved landscaping schemes are planted and established within a reasonable time period and maintained for a period of 5 years.

Accessibility, Highway Safety and Parking

- 7.24 The Local Highway Authority has raised no objection to the proposed new marina basin in highway terms. The application has clearly demonstrated within the submitted Transport Assessment that the impact of the extended marina, creating a 349 berth marina, will be significantly less than was predicted and considered to be acceptable at the time that the original marina development (249 boat berths) was proposed.
- 7.25 When the proposals for the existing 249 berth marina were considered, 120 daily vehicle trips were predicted to be generated. This was considered acceptable bearing in mind the local transport network and the new site access junction on Claydon Road. The number of actual vehicle movements each day associated with the 249 berth marina have recently been recorded at an average of 53 (based on a four week automatic traffic counter survey capturing the busy summer period). On this basis, the additional 100 berths are predicted to generate only another 21 movements each day bringing the total number of movements of the expanded marina to 74 each day. This is considerably less than the originally predicted 120 each day for the original marina. The proposed development would therefore not have a harmful impact on the local highway network.
- 7.26 The construction of the proposed basin will generate traffic movements to and from the site which will be likely to have an impact on the local road network. In order to manage these traffic movements, and to reduce the potential impact on the highway network and residents of the surrounding villages, a construction travel management plan will be secured to be approved prior to works commencing on the site.

Effect on Neighbouring Amenity

- 7.27 When considering the impact of the proposed marina basin on the residential amenity of neighbouring properties regard needs to be had for the potential for the development to be visually intrusive and overbearing, in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Saved Policies C30 and ENV1 of the 1996 Local Plan, which seek to ensure that new development provides an acceptable level of residential amenity for nearby residents. The site of the proposed basin is located over 500 metres from the closest residential property to the south and approximately 200 metres from the cottage adjacent to the canal to the north and over 200 metres from the residential property at Poplars Farm. The cottage on the canal sits at a similar ground level to the proposed basin and the property at Poplars Farm sits at a higher ground level than the proposed basin.
- 7.28 Additional native planting by way of a new hedge is proposed to the north, east and west of the proposed basin and whilst this will not entirely screen the proposal from the residential properties to the south, east and west, it will help to ensure that the basin sits comfortably within the site and will soften views from these properties. It is accepted that there will be views of the basin from nearby residential properties which will differ depending on the time of year, due to denser cover from landscaping in the summer and less dense cover in the winter months. It is considered that due to the distances involved between the proposed basin and residential properties the proposed development would not be considered to harm the living amenities of residents of these properties in terms of visual intrusion and overbearing impacts. Residents may feel the development is intrusive but given the site circumstances it is not considered harmful enough to justify a reason for refusal.
- 7.29 A number of objectors have raised concerns about the lighting of the proposed basin and the extended car parking area, based on the impacts of the current lighting installed at the marina. Inappropriate lighting has the potential to adversely affect both residential and visual amenity. The application does not include details of the lighting for the proposed basin but it is

considered that the exact specification of the lights and their locations can be dealt with by way of a condition.

- 7.30 The current marina is lit by low level bollard lighting sited along the pathways and jetties to the berths. In addition 4 15w led lights are used across the site; 1 at the access from the highway, 1 at the access from the canal and 2 near the refuse bins. A further 3 70w lights are used to light the existing car park and around the new office building. All these lights have been approved as part of application 14/01239/F and these have been checked on site and are all sited in accordance with the approved details as shown on drawing number BMF/IS/B/AP/89.7. Therefore there is no breach of planning control.
- 7.31 Nevertheless officers acknowledge the valid concerns that have been raised by some of the residents of Creampot Lane regarding the impact of the existing lighting on the outlook from the rear of the properties on Creampot Lane. The lighting on the existing is all authorised and therefore there is no ability to amend this lighting through this application. However officers have raised the concerns about the existing lighting with the applicant's agent, and are waiting for a response to a number of suggestions to try to alleviate some of the resident's concerns. As regards the new basin proposed in the current application, the details and specification of the external lighting can be controlled by condition and officers would take account of the concerns raised by residents when assessing the acceptability of the details submitted.

Ecological Implications

- 7.32 Policies within the National Planning Policy Framework and within Policy ESD10 of the adopted Local Plan 2011-2031 seek to ensure that development proposals enhance and encourage biodiversity. They also seek to ensure that protected species are not unacceptably harmed by development. In order to assist the Local Planning Authority's consideration of this, ecology surveys are expected to be carried out and submitted with the planning application.
- 7.33 The application is supported by an Extended Phase 1 Habitat Survey which has come to the following conclusions; identifying mitigation for the loss of hedgerow, to check for watervoles before strimming of the bank and ditch sides, pre-works vegetation management for reptiles, and avoidance of works within the bird nesting season (March to September) or if works are to begin within this period than a pre-works check is required. The Council's Ecologist agrees with the findings within the survey and raises no objections to the proposal in terms of impact on protected species.
- 7.34 The planting of new native hedgerows will mitigate for the loss of the current hedgerow to some extent. A suitable condition will seek an appropriate Landscape Management Plan to ensure a suitable buffer is created with new planting and wildflower grass mix.
- 7.35 Lighting has the potential to cause harm to protected species such as bats and otters and therefore the avoidance of light spillage onto the canal side and its vegetation is therefore very important. A full lighting scheme for the proposal will be secured by a suitable worded and timed condition.
- 7.36 The proposals contained in this application do contain planting to mitigate for the loss of the existing hedgerows, however, it does not seek to enhance biodiversity. Enhancement could be achieved through additional tree planting, additional planting or scrub for birds, hibernacula to encourage reptiles, measures to improve the canal side and increase opportunities for water vole on site. A suitably worded condition is recommended to seek biodiversity enhancements which are sought through National and Local Policy.

Flood Risk

- 7.37 Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 details how the Council will seek to manage and reduce flood risk in the District, including ensuring that new development does not increase flood risk, in line with National Planning Policy and guidance.
- 7.38 Parts of the application site lie within flood zones 2 and 3 (zones of higher flood risk) relating to a watercourse which runs to the east of the canal basin. The application is accompanied by a Flood Risk Assessment dated the 16th October 2015 and correspondence between the Environment Agency and the applicant's hydrologist. The Environment Agency have been consulted on the application and do not raise an objection to the proposed development and state that the applicant has submitted a Flood Risk Assessment that details adequate measures to mitigate for the flood risk arising from the proposed development.
- 7.39 Paragraphs 101-103 of the NPPF seek to direct development away from areas at high risk of flooding and sets out a sequential test to steer new development to areas with the lowest probability of flooding. Consideration for the sequential test has been set out in the submitted flood risk assessment which advises that the location of marinas is constrained to a waterside location to allow connection to the existing canal and adequate water resources from a local watercourse. This location has a good connection to the Oxford Canal and the River Cherwell. Furthermore, the proposal is for an extension to an existing marina which realistically cannot be located elsewhere in the local area. The submitted flood risk assessment is considered to have adequately demonstrated that due to the development proposed there are no realistic alternative locations and compliance with the sequential test has therefore been demonstrated. The submitted flood risk assessment identifies the proposed marina extension as a "water compatible" use which is considered to be an appropriate use within flood zone 3.
- 7.40 The submitted flood risk assessment illustrates that the proposed development will be constructed causing minimal disruption to flow rates of surface water, and will provide a net gain in flood plain storage of 958m³ providing a reduced potential for flooding of upstream and downstream sites and an escape route in the event of an extreme flood event. Therefore, the proposed development will not increase flood risk elsewhere and is in accordance with paragraph 103 of the National Planning Policy Framework and Local Plan policy ESD6 of the adopted Cherwell Local 2011-2031 Part 1.
- 7.41 The application is supported by The Cropredy Marina Stage 2 Report which considers the impact of the Marina extension on water supply within the existing canal and river system. The Environment Agency has previously raised concern about the water supply within the existing system to serve the extended marina. The Cropredy Marina Extension Stage 2 Report which carried out a Technical analysis of the impact of the proposed marina extension concluded that there would be no net increase in abstraction from the River Cherwell at Cropredy, therefore the Environment Agency have raised no objection on the grounds of detrimental effects to water resources of the River Cherwell.
- 7.42 There would however be increased demand from the Oxford and Grand Union canals particularly from the South Oxford summit and the associated reservoirs. The applicant's agent has commented on this issue further by advising that the water supply is adequate as the marina basins hold a large volume of water, which acts as a reserve to supply the locks downstream from them, and that few boats enter or leave the marina on any given day which lessens water being lost through locks downstream. They also advise that problems arose last summer from a temporary illegal extraction, not from the presence of the Marina.
- 7.43 The Environment Agency has not objected to the proposal in relation to the water supply issue and the Canal and Rivers Trust are content that the system contains adequate water to supply the proposed extension. There has been no other reliable or conclusive evidence submitted

that would put into question the opinion of the Canal and Rivers Trust on the issue of water supply. Therefore, on the basis of the available evidence and the comments of the relevant consultees, it is considered that the marina extension can be provided without harm to the water supply of the Cherwell and local water systems.

8. CONCLUSION

- 8.1 The proposed marina extension is considered to be acceptable in principle, being an extension to an existing marina facility which is within walking and cycling distance of a Category A village, and would support tourism and the rural economy of the District. The proposed development is of a scale, siting and appearance which would not be considered to unduly harm the visual amenities of the locality, the historical importance of the canal conservation area and its setting and would not cause harm to highway safety. Furthermore, subject to a condition controlling the detail of any external lighting, the proposal would not cause undue harm to the residential amenity of neighbouring occupiers and would not cause harm to protected species. The proposal is therefore considered to comply with Government guidance contained within the National Planning Policy Framework and Policies SLE3, ESD6, ESD10, ESD13, ESD15 and ESD16 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved policies TR11, C28, C30 and C31 and ENV1 of the Cherwell Local Plan 1996.

9. **RECOMMENDATION:** Approve subject to:

- a) The applicant completing a satisfactory S106 unilateral undertaking to preclude the erection of the office building previously approved under 11/01255/F;
- b) The following conditions:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents;

- Application forms
- Design and Access Statement
- Site location Plan Ref: BMF/IS/89/B/AP/01 Rev C
- North basin layout 100-1 Rev F
- North basin Sections 100-4
- Connecting cut detail 100-3
- Culvert detail 100-2
- Landscape Proposals plan (Existing Marina) ID622.02
- Landscape Proposals plan (proposed basin) ID622.01H
- Landscape specifications 25th August 2016
- Elevations of office building 128B
- Swing bridge details BMF/IS/89/B/AP/03
- Flood Risk Assessment Final dated 16th October 2015

- Transport Assessment Revision A dated August 2015
- Arboricultural Impact Assessment, Method Statement and Protection Plan dated 11th April 2016
- Section of bank detail and tree BMF/IS/89/B/AP/02
- Extended Phase I Habitat Survey dated 19th October 2015.

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

3. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, prior to commencement of development full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

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

4. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing the site for birds and reptiles, and to increase opportunities for water vole on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

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

5. Prior to the commencement of the development, a Construction Traffic Management Plan, which shall include details of the measures to be taken to ensure construction traffic does not adversely affect the wider road network or residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved Construction Traffic Management Plan.

Reason: In the interests of highway safety, the operation of the transport network and the amenity of nearby residents.

6. Prior to the swing bridge hereby approved being provided on the site, full details of the design, material and colour finish for the swing bridge shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the swing bridge shall be provided in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the development 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 to comply Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and with saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. (a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this permission.

Reason : In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development to comply Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and with saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

10. Notwithstanding the details shown on the approved plans, prior to any new external lighting being provided on the site full design and specification details of the new lighting, along with details of their operation and timings for their use, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall only be provided and operated in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings and the area and in the interests of ecology, in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031, saved policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Before the first use or occupation of the boat berths hereby approved, details of the car parking areas to serve them showing the layout of the spaces and the necessary manoeuvring and turning together with construction details and surfacing details shall be submitted to and approved in writing by the Local Planning Authority. The approved car parking areas shall be provided prior to the first use or occupation of the boat berths and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

12. The marina basin hereby approved shall be occupied only for the purposes of recreational moorings and not for any permanent residential or hire fleet purposes or any other purpose whatsoever.

Reason – To ensure that the development does not introduce permanent residential use of the site which would lead to additional pressure on local services and in the interests of highway safety and to comply with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice contained within the National Planning Policy Framework.

13. On or before the 31st January following the first occupation of the development hereby approved and annually on or before the same date thereafter, a register of the previous 12 months of occupations (1st January to 31st December) at the marina shall be submitted to the Local Planning Authority. The register shall include:

- i) occupant names and permanent addresses;
- ii) boat names and moorings occupied; and
- iii) duration of occupation.

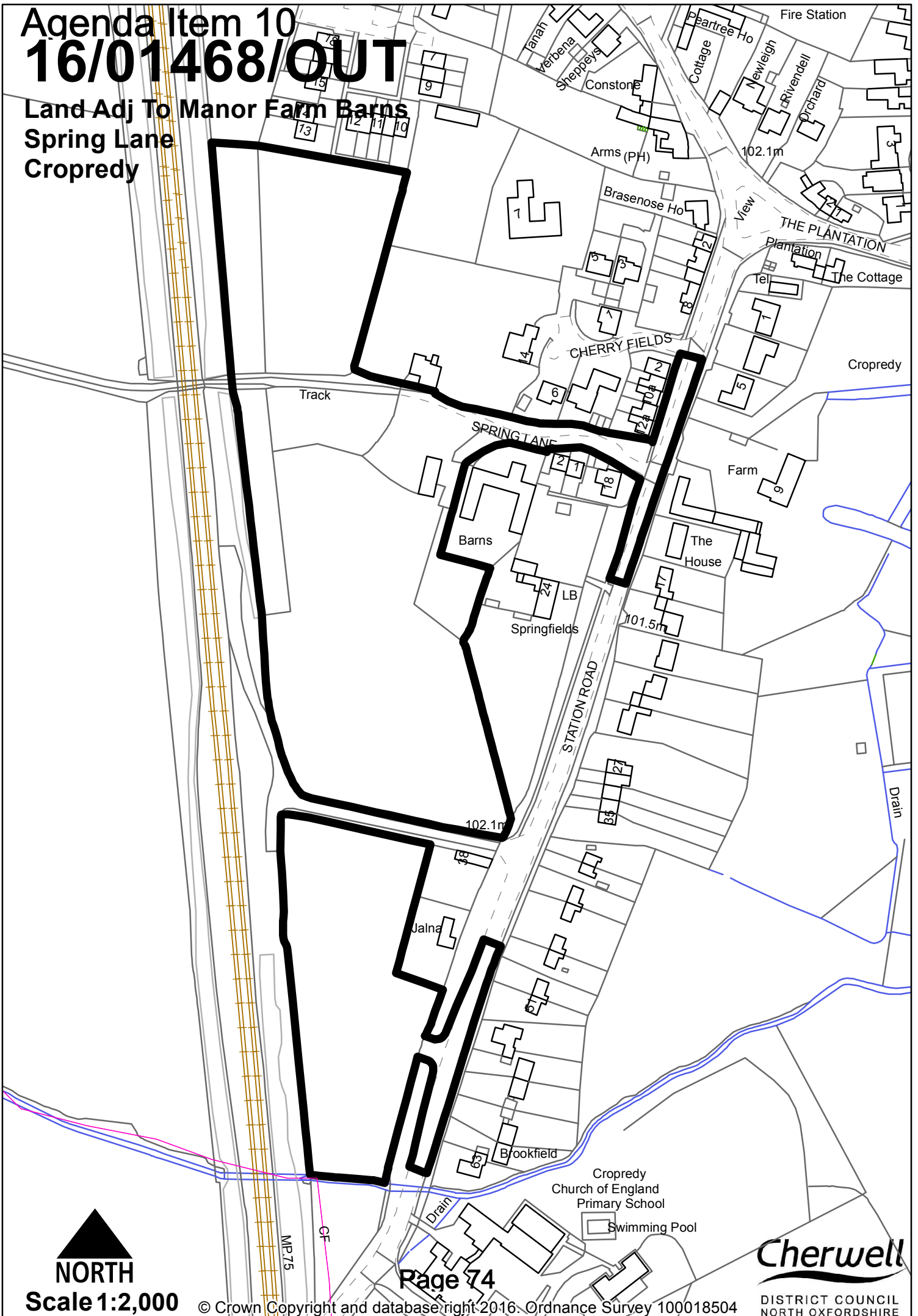
Reason: To enable the Local Planning Authority to properly monitor the use of the site and to ensure that the development does not introduce permanent residential use of the site which would lead to additional pressure on local services and in the interests of highway safety and to comply with Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice contained within the National Planning Policy Framework.

14. No more than 100 boats shall be moored at any one time in the marina basin hereby approved and no boats, other than those on the water, shall be stored on the site.

Reason - In the interest of highway safety and the visual amenities of the area and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government Advice in the National Planning Policy Framework.

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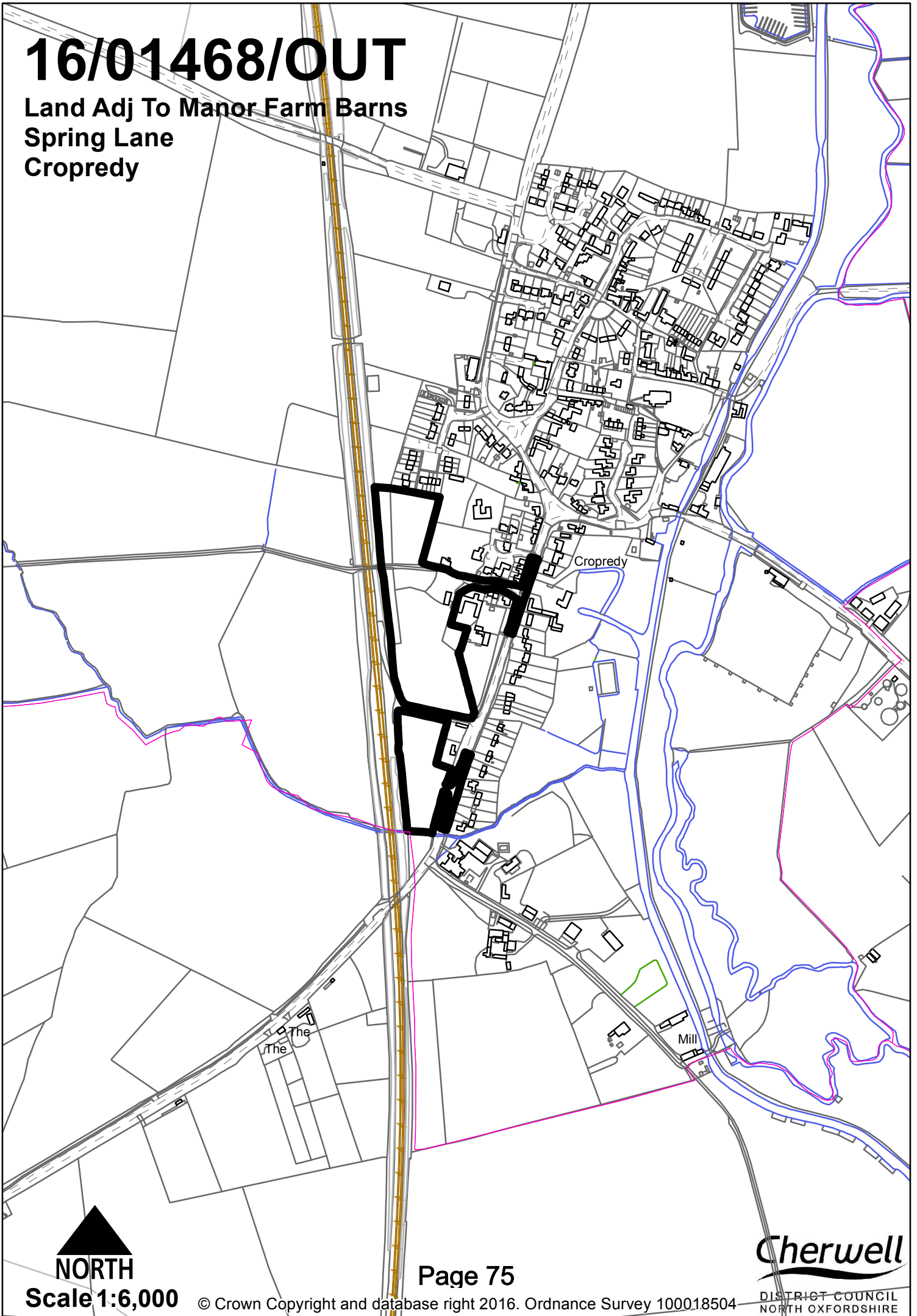
Land Adj To Manor Farm Barns
Spring Lane
Cropredy



Scale 1:2,000

16/01468/OUT

Land Adj To Manor Farm Barns
Spring Lane
Cropredy



Scale 1:6,000

Case Officer: Caroline Ford **Ward(s):** Croprey, Sibfords And Wroxton

Applicant: Catesby Estates Ltd - Mr Ed Barrett

Ward Member(s): Cllr Ken Atack
Cllr George Reynolds
Cllr Douglas Webb

Proposal: OUTLINE - Demolition of existing building and outline planning application for residential development of up to 60 dwellings; provision of open space, landscaping and car parking for Croprey Primary School (all matters reserved except access).

Committee Date: 27.10.2016 **Recommendation:** Refusal for the reasons set out at the end of this report

Referral Reason - Major

1. Application Site and Locality

- 1.1 The site sits to the south west of the village of Croprey and is located between the existing development along Station Road and the Chiltern Mainline railway line. The site is currently paddock land, with large areas of establish trees/ woodland and an area of ancient woodland. The northern part of the site is largely flat; however the southern part drops towards the Sow Burge watercourse, which runs to the south.
- 1.2 The site is separated into two parts; the first is accessed from Station Road via Spring Lane and includes a paddock to the north of Spring Lane and a larger field/ paddock to the south of Spring Lane. This part of the site is bounded by housing to the north (Cup and Saucer and Cherry Fields), by dwellings and vegetation to the east (three dwellings constructed on the Old Surgery site, Manor Farm Barns and Springfields, a grade II listed building), by the Network Rail access to the south and by the railway line and associated vegetation to the west (except for a small break in the trackside vegetation).
- 1.3 The second part of the site sits to the south, beyond an access track owned by Network Rail and this area of the site would be accessed by a separate access from Station Road. This part of the site is bounded by the Network Rail access to the north, two residential properties (Jalna and 38 Station Road) as well as vegetation to the east, other vegetation to the south and the railway line and associated vegetation to the west.
- 1.4 The site has a number of recorded site constraints; including that the site is within the setting of a grade II listed building, part of Spring Lane is within the Croprey Conservation Area and the rest of the site is within its setting, the most southerly part of the site is within Flood Zone 2/3, there are ecological records, including local priority habitat on site, the land has some potential to be contaminated, a public right of way runs through the site and the site has archaeological potential. Beyond these recorded site constraints, the land is further constrained by its shape due to the presence of the railway on embankment to the west as

well as a Network Rail owned access which runs between the two parts of the site as well as significant tree/ vegetation cover present on site.

2. Description of Proposed Development

- 2.1 The proposal seeks outline planning permission for 60 dwellings with all matters reserved except for access. The proposal would involve the demolition of an existing agricultural steel building and alongside the provision of 60 dwellings, the provision of open space and landscaping. The proposal also proposes the provision of a small car park, which is proposed to be for use by Cropredy Primary School.

3. Relevant Planning History

There is no relevant Planning History.

4. Response to Publicity

The application has been advertised by way of neighbour letter, site notice and press notice. 162 representations have been received along with a petition signed by 207 residents. The following comments are raised:

- Is there a need for more housing? CDC has a 5.6 year supply. There is no urgent need to release the land for development.
- The large sites on the edge of Banbury are able to absorb housing required locally.
- A development of this size would alter and overwhelm the whole nature, character, size and community feel of the village
- Brownfield Land should be developed, not greenfield land
- Cropredy already has enough homes and the only identified need is for affordable housing
- Cropredy has had developments in the past showing there is no objection against progress
- Land is unsuitable for such a large development and would be unsustainable, a precedent could be set for more large scale development
- Where will children go to secondary school?
- The development is disproportionate representing a 20% increase in houses and population.
- Cropredy does not have the infrastructure or utilities to accommodate this scale of development
- The proposal is too modern a proposition for this picturesque village
- The proposal is for far too many brick built houses which are not in keeping with the Oxfordshire Ironstone which is predominant in the village.
- Lack of integration with the village. The layout faces towards the railway and away from the village. The site is landlocked with no street frontage and would create an access bottleneck in Spring Lane.
- The design concept in the DAS is ill conceived, primarily due to the constraints of the site
- The proposal would be seen from the conservation area along Station Road, especially during the winter months when there is less foliage to screen it
- Impact of the development on the living standards and privacy of nearby neighbours
- Unsuitable play spaces are provided and no provision is made for older children
- The development is dissected by the Network Rail access track

- Spring Lane is a rural track and it will become a two lane road feeding estate traffic with the grass verges and planting lost. This is not compatible with the conservation area.
- The proposal would degrade the villages historic significance
- The proposal would also degrade the setting of listed buildings and converted barns
- Development would put further strain on local amenities which are already under pressure
- Incorrect information is given in relation to village services – i.e. there is no permanent post office except for two mornings a week
- Currently Station Road, which is used by locals and commuters, can be very badly congested particularly during school drop off and collection times and the speed of vehicles is of concern.
- Construction related traffic will be dangerous
- A possible extra 335 vehicles a day will cause more congestion, problems for existing residents and greater emissions pollution and would be dangerous for pedestrians and children
- Access problems from the site onto Station Road
- The Traffic survey is not representative – it needs to be carried out during school term time
- Cropredy has no transport links as the bus service has been discontinued except 1 bus on a Thursday. Car use will be predominant.
- Opposed to the access to the southern parcel and the car park due to speeding traffic and lack of vision. This will be dangerous due to this being a busy road, near a blind bend and children needing to cross at peak times of the day.
- The car park for the school is inadequate and would only accommodate staff parking. Parents would still park on the road for convenience.
- The design of the school car park is not appropriate for a high number of movements.
- Will traffic calming be installed to secure the safety of children?
- Concern over inadequate parking provision to serve the dwellings
- The towpath along the canal between Cropredy and Banbury is in a poor condition and would not be suitable for commuters
- There are footpaths leading onto Spring Lane and it is extensively used for many purposes, which is currently a pleasant rural environment and safe for all users
- The proposed footpath along Spring Lane would cut across existing residents gardens within their physical boundary and would infringe resident's right to privacy being around 1m to habitable room windows. Existing resident's cars would block this footpath.
- The visitor's parking space in Spring Lane was a planning requirement when three houses in Spring Lane were built. Moving this closer to Station Road will make it impossible to retain as a visitors space for these houses and may obscure sight lines further.
- Changes to access rights for the houses in Spring Lane would be needed. How will the right of way be preserved when building 60 houses, a road and pavement?
- Where would surface water go?
- There are serious flooding problems in this area of the village already.
- The southern end of the site is boggy and unlikely to be of use as public open space/ play
- The proposed flood attenuation measures are unimaginative and could be designed to have a greater amenity value and to support enhanced biodiversity.
- Who would be responsible for maintenance of storage tanks?

- The proposed number of trees/ hedgerows do not represent best practice and are unlikely to create a desirable neighbourhood and support biodiversity.
- Concerns relating to the proximity to the railway and the dangers to children, pets as well as compromised living conditions
- The embankment dominates the site and the prevailing winds are westerly. This would magnify the noise/ dust/ fume/ vibration impacts of being so close to the railway for existing residents and create a poor quality of life for new residents
- Concerns over potential light pollution.
- Sound proofing would not be effective and mean new residents couldn't open their windows
- Concerns relating to children playing near the pond and stream area
- Noise and vibration survey undertaken during the day – does not consider freight movements through the night.
- The archaeological study has shown further investigation is necessary
- The development is ecologically unsound and will cause a loss of wildlife
- A variety of Wildlife will be affected; badgers, rabbits are seen in the area
- Planning policy requires gains in biodiversity and better design standards. The application is considered to fail on both counts.
- The site has never been subject to modern farming methods and ridge and furrow is found as well as rarer plants.
- There is a tree protected by a TPO which would be at risk
- How can developing a greenfield site ever do anything but destroy valuable habitats?
- Construction related noise and disturbance would impact quality of life.
- The proposal would devalue properties
- The proposal does not meet the economic, social or environmental aims of the NPPF
- The foul sewer disposal plant in Cropredy is already working at maximum capacity
- There is a lack of consideration to sustainability proposed
- Concerns over more pressure on BT connections and broadband
- Most traffic travels through Great Bourton to Cropredy. This village has a rural road, with narrow or non-existent footways and is not designed for the weight and volume of current traffic. Many vehicles park along the road so it is often only one way traffic. Great Bourton cannot accommodate any increase in traffic
- The development would be an eyesore from Great Bourton

The Battlefields Trust: The proposed development is outside the Historic England defined nationally important battlefield of Cropredy Bridge (1644) but it is clear from primary accounts that parliamentarian forces operated from Cropredy during the battle and may therefore have used the land proposed for this development. It is therefore recommended that before any development works take place, there should be an archaeological investigation of the site to determine whether there are battle related artefacts there which would improve understanding of the battle and the forces that fought there. This survey should involve a systematic metal detecting under the supervision of an experienced battlefield archaeologist. A geophysical survey should also be considered to establish whether there is a grave pit on the site given its relative proximity to the fighting.

5. Response to Consultation

Parish/Town Council:

Cropredy Parish Council: Object to the proposal for the following reasons:

- The proposal would be disproportionate representing a 20% increase in dwellings and population
- The views of residents have been sought with 89% opposed to the proposal
- Only 280 dwellings of those identified at the category A villages are left to be identified over the next 15 years. There is no call for a development of this size.
- Cherwell already has a 5.6 year supply of housing land demonstrating this development is not required at present.
- The application refers to the objectives of the LTP 2015. There is no public transport in the village and it is estimated that this development would add 100/120 vehicles resulting in over 300 additional movements per day. Station Road is already a rat run and traffic is heavy at times. The likely car movements in Table 5.2 of the submission (Transport Statement) are disingenuous.
- The proposal is ecologically unsound – varied wildlife is seen on or near the site.
- The site is inappropriate in both scale and type of dwelling
- Most of the village is within a conservation area
- The site will be close to the mainline railway line
- The proposed exit onto Station Road will be close to School Lane, which is heavily used
- Additional pressure would be placed on the surgery, primary school and sewerage facilities
- The Parish Council welcome appropriate developments within the village but this should be in the form of infilling or a small development. A small development of affordable housing would be particularly welcomed.

Claydon with Clattercote Parish Council: The Parish Council endorses the objections by Cropredy Parish Council. Should this application be granted, there would be an apparent disregard to policies within the Cherwell Local Plan 2011-2031. The proposal also raises a number of concerns:

- Not enough infrastructure in the villages for development and no appetite for significant development within the villages
- Concern that development is approved against CDC policy and that enforcement action is not being taken
- Development should be within the confines of a village
- Development would lead to significant traffic which is already a concern in Cropredy and this has become worse with development in Banbury
- Bus services have recently been lost and has made the traffic situation worse
- Cropredy school is at capacity
- Need for smaller and affordable dwellings

A number of the Local Plan policies are referred to and it is concluded that in the view of the Parish Council, the proposal does not meet the desired criteria contained within the policies of the Cherwell Local Plan.

The Bourtons Parish Council: Object to the proposal and endorse the comments of Cropredy and Claydon with Clattercote Parish Councils. The main impacts on residents of Great and Little Bourton from this development would be:

- Increase in traffic causing congestion in Great Bourton and at the Southam Road junction
- Bourton residents have problems getting through Cropredy at school drop off times
- The proposed small car park will do little alleviate the problems and extra cars would exacerbate the problem
- The Travel Plan and Transport Statement are unrealistic. The walking/ cycling distances don't consider the limitations of those services and only basic needs can be met locally
- The canal towpath would not be a safe route to access Banbury
- There is not a good broadband service in the village so it would be difficult for people to work from home.
- A large development of 60 homes would put too much pressure on the facilities which serve the cluster of villages. A small development may be better received.
- Thames Water advise they would have no objection with regard to sewerage infrastructure capacity however this may not guarantee there is the necessary capacity. There are concerns the treatment works are nearing capacity.
- The proposal is considered to be over development of the site. The pattern of housing would be out of keeping with the style of surrounding housing.

Cherwell District Council:

Planning Policy: Policy makes a number of observations:

- Cropredy is a category A village and has a range of services
- Policy Villages 2 allows for the delivery of 750 homes at the category A villages
- The 2015 AMR shows there are 280 dwellings remaining to be identified of the 750
- There were 4 housing completions in Cropredy between 2011 and 2016 and 5 dwellings permitted but not completed at 31/03/2016.
- The proposal would assist in meeting the Policy Villages 2 requirements
- On the 12/05/2016 an appeal decision was received confirming the District has a 5 year housing land supply. The Local Plan policies for the supply of housing should be considered up to date. There is no pressing housing need for additional land release.
- The proposed development would result in the release of greenfield land in an area of countryside. Policy Villages 2 does not preclude the development of greenfield land. The acceptability of a residential proposal would depend on a detailed assessment of the impact of a proposal having regard to the benefit of providing housing (including affordable housing) to meet overall Local Plan housing requirements. Policy BSC2 requires the effective use of land.
- A design proposal would need to apply policy ESD15 and address the site's relationship to Cropredy's built form, the railway line, woodland parcels on site and the conservation area adjacent.
- Although evidence base rather than a policy document, the SHLAA 2014 concluded that the site was potentially developable (66 homes) subject to careful design to address constraints.
- Housing Officers should advise on the required housing mix
- Given the designated Priority Habitats on and adjacent to the site, it should be considered whether Policy ESD10 on the protection and enhancement of biodiversity and the natural environment can be met.
- The concept Masterplan shows only 57 residential plots. It is noted that the application is for up to 60 dwellings with all matters reserved except access. Officers should be satisfied that 60 dwellings can be accommodated in compliance with the policies outlined.

Their conclusion is that no Planning Policy Objection is raised in principle subject to detailed impact assessment. The development would be in a relatively sustainable location and contribute to the Policy Villages 2 requirements.

Urban Design: It is considered that the development proposals for 60 houses would have a negative impact on the character of the village, having a suburbanising effect and changing the relationship between the village and the adjacent countryside. Some quantum of development may be appropriate; albeit, it would be of a significantly smaller level than that proposed. The following summarises the main concerns:

- The railway maintenance access prevents any meaningful relationship between the sites
- Spring Lane has a low key rural character providing an important connection with the countryside and changes to the route will have an impact on its character.
- Some development to the north of Spring Lane may be acceptable though the configuration of the illustrative plan raises some detailed layout concerns
- The scale and form of development to the south of Spring Lane will have a negative impact on the character of this rural area. A large cul de sac results from the access from Spring Lane and this is poorly related to the village.
- The nature and form of development within the illustrative plan is a mid-density cul de sac that would be suburban in character and which does not reflect the existing settlement pattern or character of the village.
- Concern raised in relation to the relationship with Manor Farm Barns
- There will be a suburbanising effect on the setting of the grade II listed Springfields
- The southern area of the site is tightly constrained and poorly connected with the existing and proposed development.
- The architectural form is suburban in character. Detailed comments in relation to architectural elements of proposed dwellings and materials.

Conservation Officer: The proposed suburban housing development and the supporting infrastructure it would require does not reflect the historic character or organic development of the village or conservation area. The proposals do not enhance or preserve the significance of the farmhouse Springfields and its historical connection with the rural landscape nor does it preserve or enhance the rural character of Spring Lane within the Cropredy Conservation area. The following summarises the main concerns:

- The Archaeological and Heritage Statement is a well set out document and is fairly thorough but omits some key points.
- The report appears dismissive of the contribution that Spring Lane makes to the village. The built development is of no particular architectural or historic interest but the Lane is a historical and visual link with the land. The fields contribute to the setting of the conservation area and listed building also providing a buffer between the village and railway. Part of the lane's charm is its narrow, informal character with gravel finish. The character of this lane should not change significantly as it provides a transition between the village and countryside. The urbanisation of this route would cause harm to the conservation area, albeit less than substantial harm.
- The ridge and furrow is a tangible link to the agricultural past despite being separated from the wider landscape.
- The site is within the setting of the Cropredy Conservation Area and the Grade II listed Springfields
- The proposed housing development with its sprawling layout would detract further from the setting of Springfields, the negative change being the severing of the last link between the heritage asset and its original setting in the countryside and farming

function. Additional planting would further disconnect the visual link between Springfields and the land.

- The relationship of the field to railway cutting is significant.
- The proposal would not affect the physical form or fabric of the grade II listed building, however S66 of the Act requires the Authority to 'have special regard to the desirability of preserving the building or its setting'. It is not clear how building on agricultural land which forms the setting of the grade II listed building and village would make a positive contribution to local character of the fields, which have historical and cultural associations with a village built on agriculture before the canal and railway arrived.
- The harm or loss of the agricultural setting in relation to the setting of the Grade II listed building and the Conservation area require clear and convincing justification.
- The proposal would lead to less than substantial harm to the significance of Springfields as a heritage asset as described. This needs to be weighed against the public benefit. The public benefit of providing housing could be met on a different site or if identified as being needed in the village, the land to the north of Spring Lane may be more suitable.
- The proposals therefore neither preserve or better reveal the significance of Springfields or the Conservation area and should not therefore be treated favourably.

Strategic Housing: A 35% affordable housing provision is required (21 units on this site). A 70/30 split between affordable rented units and shared ownership units is required. Additional information is provided in relation to clustering, parking standards and build standards required.

Landscape: The LVIA document is an acceptable interpretation of the landscape and visual impacts and effects. Other thoughts are as follows:

- Manor Farm receptors will experience visual harm and oppressiveness with the closeness of the unit. It is recommended units are relocated away from the boundary with a landscape buffer between.
- The location of the community play area will be affected by flooding, especially with the increased run off from the development. The play area should be relocated away from the area at risk of flooding and should be in the form of a combined LEAP/LAP and the retention of the LAP in the Northern field.
- The existing woodland on the western boundary must be retained and protected. The openness between the southern end of the woodland and the railway maintenance track should be planted as new woodland.
- There should be a planting to act as a deterrent to access between the two parcels across the Network Rail maintenance access.
- The tree survey needs to establish a construction exclusion zone around trees as this is a major design constraint on the layout.

It is confirmed that commuted sums towards the future maintenance of woodland (existing and proposed), informal open space, play provision and hedgerows. Play provision in the form of two LAPs and a LEAP are required.

Arboricultural: The site has significant tree cover along the boundaries of the site and the majority of trees are to be retained with no significant loss of tree cover. One tree is protected by a TPO. The proposals in the Arboricultural report are acceptable. A tree protection plan should be provided. Shadow plans demonstrate that it is mostly roads which are going to be shaded rather than properties with the exception of the property located to the north west of

the site. This property will likely get some sunshine in the morning but little in the afternoon and so this property should be deleted. Details of tree planting are required.

Ecologist: There are no major ecological issues on site, although there are a number of features of ecological value either on site or bordering it and some potential for some protected species to be present and affected. The scheme aims to provide buffers to bordering land of value and provides some green infrastructure and these areas require protection during construction. There is potential for biodiversity enhancements on site in order to achieve a net biodiversity gain in line with policy and the ecological assessment makes some good recommendations in this regard. Further proposals should be incorporated. Lighting schemes need to include measures to ensure that light does not spill on to the surrounding vegetation.

In response to the Reptile survey that was then submitted, advice was provided that this was in line with best practice and as no reptiles were found, it would appear that reptiles would not be a constraint on site.

Following this response, a neighbour alerted Officers to a juvenile grass snake seen on site. The Ecologist therefore recommends that a protected species check is undertaken prior to the commencement of any development as well as a Reptile Method Statement to ensure precautions are taken prior to and during any site clearance to avoid injury to any reptiles dispersing or passing through the site.

Recreation and Leisure Team: A contribution towards Community Halls is requested to be used to enhance existing local community facilities to take account of the potential increased usage as a result of the development. A contribution is also sought towards Community Development (events and projects) towards community events and projects such as information events, newsletters and welcome packs to support the new residents to integrate into the community.

A contribution is also sought to provide public art to enhance the new communal space and to encourage community cohesion and improve cultural infrastructure.

Environmental Protection: Having studied the application and the submitted noise report, no objections are raised subject to a planning condition to control noise levels.

Business Support Unit: It is estimated that this development has the potential to attract New Homes Bonus of approximately £467,902.08 over 6 years under current arrangements for the Council with an additional sum payable per affordable home. It is considered that the proposal for car parking for Cropredy Primary School will have a negligible impact on the Business Rates able to be secured by the Council.

Oxfordshire County Council:

Councillor George Reynolds: The area around the school used to flood regularly and the road and bridge yearly. Drainage must be well researched and thought out. Foul sewer outlets must be able to take the extra waste. The proposal for a car park for the school is good but it is on the opposite side of Station Road and so may not be used by parents unless there is a safe crossing. Traffic along Station Road is heavy at times and parking around the school, at the start and end of the day is difficult so traffic issues must be carefully studied. It is

understood that the school is full so this needs to be carefully dealt with. The school takes children from 3 large villages and the possibility of extra children from the marina if it ever gets residential status.

Transport – Objection – the following are the key comments:

- A contribution of £5000 is required towards the improvements of public rights of way to make them safer and more convenient for year round use
- All works in and immediately adjacent the highway will be subject to a separate agreement under S278 of the Highways Act with OCC
- The locations of the site accesses proposed are acceptable in principle. Visibility is considered adequate.
- With regard to the access to the northern site, comments are raised as to the relationship of the access with the parking arrangements in place for the existing dwellings.
- No visibility splay coverage has been provided in relation to the southern access.
- The footway to the north of this access should be extended north to link with the existing footway.
- OCC welcomes the proposal of dedicating a parking area for school associated parking which would help alleviate parking issues along Station Road at pick up and drop off times. A maintenance strategy needs to be considered. The location of the parking may however be seen as a deterrent by parents unless there is a safe crossing facility along Station Road.
- The existing footpath will cross an area of open space where there will be a children's play area. The play area and footpath must not be placed on the footpath. Improvements to the footpath could be made and a contribution is sought to make these safer and more convenient for year round commuting and recreational use.
- The development is well served by sustainable transport (walking and cycling) to access facilities within the village. The nearest rail station is Banbury and there is a limited bus service. Accessing employment or facilities outside the village will have to be by private car.
- Despite the reliance on the car, the predicted trips are low and will not have a negative impact on the highway network.
- A Construction Traffic Management Plan would be required.
- The Travel Plan requires some amendments.

Drainage: The application does not meet OCC guidelines on the use of Sustainable Drainage on all developments as it is proposed to use underground storage, large pipes that will surcharge, connecting the whole site through this system and discharge to local stream. The soakage tests show there is no soakage across the site but some SuDs can be incorporated to improve water quality.

Archaeology: No objection subject to conditions. An archaeological evaluation report has been submitted for the site which has highlighted that archaeological features dating to the Roman period do survive on the site albeit these are not of National importance and would therefore not be a constraint to any development. A programme of archaeological recording will need to be undertaken on the site ahead of the development, which can be secured through an appropriately worded condition.

Education: No objection subject to contributions towards primary and pre-school education to contribute to the necessary expansion of permanent primary school capacity serving the area at Cropredy CE School. Contributions are not sought towards Secondary education or Special

Educational Needs due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) with the OCC position reserved to enable contributions to be sought from larger developments in the area in the future.

Following building work, capacity at Cropredy CE Primary School has been increased to create a 1 form entry school offering 30 places per year – 210 in total. The schools current capacity depends upon temporary accommodation shared with Cropredy pre-school. The school has only 180 places in permanent accommodation and 173 pupils already on roll. 33 new homes have already been permitted in the school's catchment area, which will remove the current level of space places in permanent capacity. The pre-school has currently reported no current vacancies. Temporary accommodation will need to be replaced with permanent and contributions are thus sought.

Property: No objection subject to conditions. The County Council considers that the impacts of the development proposal will place additional strain on its existing community infrastructure. However, due to pooling restrictions set out at Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), OCC are not seeking contributions to mitigate the impact of this development on infrastructure (these would have included contributions towards Banbury library, Oxford central library, strategic waste management, County museum resource centre and adult day care). Funding for critical infrastructure is to be delivered through CIL where there is no opportunity to gain contributions through S106 due to current legislation.

In order to respond to the Transport and Drainage comments, the applicant has provided a further submission that has been sent to OCC for further comment. It is hoped that a response will be received so that Members can be updated at Committee.

Other External Consultees:

Thames Water: With regard to sewerage infrastructure capacity, no objections are raised. It is recommended that a planning informative be applied to any planning permission with regard to water pressure.

Network Rail: Network Rail makes a number of comments in relation to the following matters:

- Advice is given in terms of designing proposals within proximity to the operational railway in order that there should be no increase in Network Rail's liability or to affect the safety, operation or integrity of the railway.
- The Network Rail access must be available for access/ egress at all times to enable Network Rail to carry out its statutory undertaking at any time.
- Clarity over the intentions with regard to the underbridge is required.
- The noise/ vibration assessment considers the operational railway. The developer/ LPA must ensure that appropriate mitigation measures are included to ensure appropriate mitigation to avoid future complaints. It is also relevant to note that the level of railway usage may change at any time, regular maintenance work, which is often noisy can be carried out at night and emergency works can be required at any time. These should be taken into account in the consideration of how noise and vibration are mitigated.
- A condition is recommended to agree any earthworks/ excavations close to the boundary
- The proposal must not increase Network Rail liability as a result of increased flooding risks.

- A trespass proof fence must be provided to reduce the risk of individuals illegally trespassing onto the railway.
- A condition is recommended in relation to vehicle safety measures to protect their infrastructure from damage to line side fencing or from vehicles accidentally rolling onto the railway.
- The developer is required to enter into agreements with Network Rail as detailed in the consultation response.

Environment Agency: No response received.

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

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

Cherwell Local Plan 2011 - 2031 Part 1

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
 BSC10 – Open Space, Outdoor Sport and 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 and Allowable Solutions
 ESD3 – Sustainable Construction
 ESD5 – Renewable Energy
 ESD6 – Sustainable Flood Risk Management
 ESD7 – Sustainable Drainage Systems
 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
 Policy Villages 2 – Distributing Growth Across the Rural Areas
 INF1 - Infrastructure

Cherwell Local Plan 1996 (Saved Policies)

C8 – Sporadic development in the open countryside
 C28 – Layout, design and external appearance of new development
 C30 – Design control

6.2 Other Material Planning Considerations:

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

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

Cropredy Conservation Area Appraisal

7. Appraisal

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

- Principle of Development;
- Landscape and Visual Impact;
- Design;
- Impact on Heritage Assets;
- Housing Mix/Affordable Housing;
- Transport
- Open Space and Recreation;
- Trees, Landscaping and open space;
- Effect on Neighbouring Amenity;
- Noise and Living Conditions;
- Ecological Implications;
- Flood Risk and drainage;
- Sustainability and Energy Efficiency;
- Effect on Infrastructure;
- Planning Obligations;
- Local Finance Considerations

Principle of the Development

7.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.

7.3 The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built up limits of the village.

Adopted Cherwell Local Plan

7.4 The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With

regard to the villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and the natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell wide needs. Policy BSC1 seeks to distribute the required housing for the District, including the allocations at Banbury and Bicester. In relation to the villages and rural areas, 2,350 homes are allocated for the 'Rest of the District'. Of these 2,350 homes, 1,600 are allocated by Policy Villages 5 at Former RAF Upper Heyford. This leaves 750 homes identified for development elsewhere. Policy Villages 2 provides for these 750 homes to be delivered at Category A villages. The Policy advises that these sites would be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable and through the determination of applications for planning permission. A number of criteria are listed and these must be considered through the determination of a planning application.

- 7.5 The Local Plan seeks to identify a sustainable hierarchy of villages to set a framework for considering how proposals within villages will be determined. Policy Villages 1 provides a categorisation of the District's villages to ensure that unplanned, small scale development within villages is directed towards those villages that are best able to accommodate limited growth. Category A villages are those identified as being the most sustainable in the hierarchy of villages in the District and this is why these are where planned development to meet District housing requirements to help meet local needs should be directed as defined by Policy Villages 2 subject to a detailed assessment as to the proportionate impact of development proposed upon the settlement in question. Cropredy is classified as a category A village by Policy Villages 1. The current proposal does not however comply with the type of development identified as being appropriate within the built up limits of category A villages due to the site being outside the village and not representing minor development, being over 10 dwellings.
- 7.6 In this circumstance, it is appropriate to consider this proposal against Policy Villages 2. Of the 750 dwellings identified to be delivered at Category A villages across the plan period until 2031, planning permissions have been granted for 535 dwellings and there are resolutions to grant a further 94 leaving a residual figure of 121 dwellings to be provided over the plan period. Recent appeal decisions received by the Council confirm that an overprovision of the rural housing allocation at an early stage in the plan period would prejudice the sustainable growth strategy set out in the Local Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainable strategy contained within the Local Plan.
- 7.7 In order to categorise villages through the Local Plan process, a number of areas were considered including the provision of services and facilities, the distance to urban areas having regard to the availability of bus services, population size and the availability of potential sources of employment as well as taking into account the Cherwell Rural Areas Integrated Transport and Land Use Study (CRAITLUS), which assessed the transport sustainability of villages amongst other considerations. This process identifies that there are differences between the Category A settlements in terms of their relative sustainability in comparison to each other.

National Policy

- 7.8 The National Planning Policy Framework confirms that there is a presumption in favour of sustainable development. For decision making this means approving proposals that accord with the development plan without delay. The Framework advises that there are three dimensions to Sustainable Development; economic, social and environmental. With regard to housing, the Framework supports the need to boost significantly the supply of housing to meet the full, objectively assessed need for housing and requires Local Planning Authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide five years' worth of housing against the housing requirements, with an additional buffer of 5% to ensure choice and competition in the market for land.

Five Year Land Supply

- 7.9 The Council's 2015 Annual Monitoring Report (AMR) concludes that for the 5 year period 2016-2021, the District has a 5.6 year supply of housing based upon the housing requirement of 22,840 homes for the period 2011-2031 (1142 homes a year), which is the objectively assessed need for the District contained in the 2014 SHMA. This includes a 5% buffer. The five year supply position was confirmed by the Planning Inspectorate in a decision issued in May 2016 relating to an appeal at Kirtlington. As the District can demonstrate a five year housing land supply, the various housing supply policies in the Local Plan are thus up to date and accord with National Policy.

Principle of residential development in Cropredy

- 7.10 Cropredy is a category A village and has not taken any of the dwellings identified by Policy Villages 2 to date. The village has a range of services including GP provision, a school, community facilities, a shop and recreation facilities although has recently lost its regular bus service therefore it does not score as highly in terms of sustainability as other Category A Villages. The site itself is relatively well located to the services that the village offers albeit to access higher order settlements which offer a greater range of facilities, new residents would be reliant on the private car. The site is not previously developed land and an agricultural land classification study has found that the majority of the land is subgrade 3b quality due to soil wetness with a small area of subgrade 3a. This means that overall best and most versatile agricultural land is mostly avoided as part of this proposal. In the view of Officers the village has the ability to accommodate some new development that could be considered to be sustainable and further, this site has some potential for development.
- 7.11 The current proposal for 60 homes is a relatively large number for a settlement the size of Cropredy and there is therefore some conflict with the overarching intention of the Local Plan, which seeks to steer new housing towards the main towns whilst limiting development within villages. However, other than the fact that the settlement has lost its regular bus service, it does still retain a good range of services and facilities and the site is well located to access these. It is further important to note that the village is approximately 4 miles from Banbury where the higher order services and facilities are found, albeit accessible predominantly by the private car.
- 7.12 The site proposed for development here has been considered through the Council's SHLAA process and is identified as a site with future potential, with the assessment concluding that 66 dwellings could be accommodated subject to site constraints. The status of the SHLAA is that it forms an evidence base to inform plan making but that it does not determine whether

development is acceptable on a site or that it should be allocated for development. The SHLAA assessment identifies a number of site constraints and confirms that any proposal would need to address these, integrate with the village and provide an acceptable living environment given the proximity to the railway.

- 7.13 Given the above assessment, it is concluded that the principle of some residential development within the village of Cropredy would be acceptable and that this would contribute to the Policy Villages 2 requirements as well as to the supply of housing within the District. It is therefore necessary for an assessment to be made as to the suitability of this particular site in terms of its ability to accommodate development and whether it meets the Policy Villages 2 criteria which refer to assessing the suitability of development at Category A settlements.

Landscape/ Visual Impact/ Local Character

- 7.14 Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is expected not to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures. Policy Villages 2 requires that consideration be given to whether significant landscape impacts could be avoided and whether development would contribute in enhancing the built environment. The Framework highlights that the protection and enhancement of the natural, built and historic environment is part of the environmental role of sustainable development and one of the core planning principles also refers to recognising the intrinsic character and beauty of the countryside. The Framework also emphasises the importance of development responding to character and history with good design being a key aspect of sustainable development.
- 7.15 A Landscape and Visual Assessment accompanies the application. The document finds that the site is within the Oxfordshire Wildlife and Landscape Study 2004 landscape type 'Clay Vale' which is described as a low lying vale landscape, associated with small pasture fields, many watercourses and hedgerow trees and well defined nucleated villages. The overall strategy is to safeguard and enhance the tranquil, small scale pastoral character of the area. In terms of this site, the LVA concludes that the site relates well in landscape and visual terms to the existing built and undeveloped landscape and that the site represents a logical and easily assimilated development in this context. The site is well contained albeit with some views available, which it is considered can be mitigated for by careful design.
- 7.16 The Council's Landscape Team have confirmed that the assessment is an acceptable interpretation of the landscape and visual effects. Officers would agree that taking into account the railway line on embankment and the established trees along the length of the site other than the break in trackside vegetation, the site is well contained from the wider landscape and that there would be a minimal impact upon the wider landscape character if development were to be accommodated on the site therefore avoiding significant landscape impacts as required by Policy Villages 2.
- 7.17 The report does note there would be some visual impacts at a localised level for residential properties within proximity to the site and receptors traveling along Station Road. In these terms, it is necessary to consider the impact of accommodating development on the site in terms of its impact upon the village. Policy ESD15 of the Local Plan requires new

development to complement and enhance the character of its context through sensitive siting, layout and high quality design.

- 7.18 The character of Station Road is formed by a linear arrangement of dwellings to its eastern side extending south all fronting the road and set back by some distance. The western side retains a largely rural character, with vegetation along the roadside and a small number of dwellings until Spring Lane when development of the village extends north and then west. The development of this site as a whole would change the character of this area, urbanising the approach to the village and in the view of Officers causing an unacceptable impact upon the character of the built environment and the context of the village. Specifically, the southern parcel is a detached parcel of land that appears particularly rural due to the extent of planting along Station Road giving it an enclosed appearance when viewed from the south. If developed, this area would appear isolated from the rest of the site, poorly related to the village and urbanised with the removal of vegetation to facilitate the proposed access and other associated infrastructure. This southern parcel is open to the northern aspect with no landscaping therefore allowing views into the site when views are taken from the north along the Network Rail access track. The middle section of the site is also contained by roadside vegetation but is open to its southern boundary allowing views through. Development extending to this southern boundary would therefore be viewed and again would be urbanising in this area. This is also considered to be harmful in terms of its relationship with the character of the context of the site and impact upon the rural setting of the village in this area.
- 7.19 The northern element of the site both to the north of Spring Lane and the northern portion of the middle field are more contained and development there would have a better relationship with the existing built environment and be less harmful to the rural setting of the village.
- 7.20 In the view of Officers, development of this site would have a limited overall impact on the wider landscape and setting of the village from the wider countryside due to the contained nature of the site. However, Officers consider that the localised landscape impact and relationship of the proposal to the village would be harmful at the scale proposed in relation to the rural setting, quality and character of the village. Development in this area would not enhance the built environment and the proposal is contrary to Policy Villages 2 and ESD15 in this regard.

Design

- 7.21 Policy ESD15 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The National Planning Policy Framework is clear that good design is a key aspect of sustainable development.
- 7.22 The application is in outline with matters relating to layout, scale and appearance reserved for later consideration. The application is however accompanied by an indicative layout, which it is expected will demonstrate that the development proposed can be accommodated and a design and access statement, which should set acceptable design principles in order that future acceptable detailed proposals for the site can be achieved.

7.23 The indicative layout demonstrates 57 units therefore it is not clear how the proposed 60 could be accommodated. This layout does however demonstrate that taking into account the site constraints, including its narrow shape and the established vegetation that a development of the scale proposed would result in a tight arrangement of dwellings with little relief between them due to open space being contained to run alongside the trackside vegetation as well as access roadways provided there. This layout also has a rather suburban character with predominantly detached and semidetached units rather than more traditionally vernacular style properties, which tend to be linked creating a strong frontage. Despite this, it is considered that the site has little flexibility in terms of how the layout could be arranged any differently to that shown due to its constrained nature. The layout further emphasises the disconnect between the two parts of the site which occurs due to the fact that there is an access between the two parts of the site owned by Network Rail, where there would be no ability for a right of access between. Taking into account the play provision to the south, it is clear that the site is poorly related together resulting in the lack of a cohesive form of development.

7.24 Despite the concerns highlighted, the layout is indicative only and it is thus critical that the Design and Access Statement sets appropriate design principles. In this regard, Officers have a number of detailed concerns, particularly in relation to the form of development that is proposed and how this reflects the existing village or otherwise, how parking would be accommodated, and the types of housing, detailing of them and the materials to be used. It is therefore unclear whether the development proposed could be satisfactorily accommodated on the site in a manner that would enhance the built environment; properly respond to local distinctiveness and its constrained nature whilst also complementing the character of the village. The design and access statement does not therefore set an appropriate basis for the future consideration of the site and Officers are not convinced that a locally distinctive form of development can be achieved. The proposal is therefore contrary to Policy ESD15 and Policy Villages 2 of the Cherwell Local Plan 2011 -2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and the NPPF in this regard.

Housing Mix/ Affordable Housing

7.25 The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the Local Plan requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities. Policy BSC3 requires development within locations such as Cropredy to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/ social rent and shared ownership.

7.26 The Planning Statement accompanying the application confirms that the development is capable of accommodating a mix of house types and identifies how the mix could be split based on the table accompanying Policy BSC4, which is based upon the findings of the Oxfordshire SHMA. Should the application have been recommended for approval, Officers would have given consideration to controlling the housing mix via condition. The proposal also has the ability to provide 35% affordable housing, which is a benefit of the scheme and this would be secured through the S106 agreement to secure an appropriate mix.

Impact upon Heritage Assets

- 7.27 Section 12 of the NPPF sets out Planning Guidance relating to the historic environment including archaeology. The development would be expected to preserve the significance of designated heritage assets within proximity. It is also provided at paragraph 131 that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF sets out the tests to be applied where harm to heritage assets is identified. As set out above Policy ESD15 of the Cherwell Local Plan 2011-2031 also refers to heritage assets expecting development to conserve, sustain and enhance designated and non-designated heritage assets. S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to have regard to the desirability of preserving the building or its setting. S72 of the same Act requires that within a conservation area, the development of land or buildings shall preserve or enhance the character and appearance of that area.
- 7.28 The application is accompanied by an Archaeological and Heritage Statement, which in the view of Officers generally presents a fair assessment of the impacts of the development. The Statement concludes that the impact upon the setting of the Conservation Area would generally be negligible and that with regard to the character of Spring Lane, some of which falls within the Conservation Area this could be sensibly dealt with in order to preserve the character of the conservation area. It also concludes that there would be limited impact upon the setting of the listed building Springfields as a result of the development.
- 7.29 It is clear from the consultation response received that the Council's Conservation Officer has concerns in relation to the proposal and its impact upon heritage assets. The main concerns are in relation to the character of Spring Lane and the impact that upgrading it would have upon its rural character as well as the fact that the development of the site would result in the change of the rural setting to the listed building therefore harming its setting and removing the ability to understand its link to the countryside. In both cases, the harm is identified as less than substantial. The NPPF test is therefore the need to balance such harm against the public benefits of the proposal.
- 7.30 With regard to the impact of the proposal upon Spring Lane, Officers would agree that the proposal would result in its character changing in order to meet highway requirements and that this would therefore have a less rural feel and appearance. The concern therefore is understood, however Officers are not convinced that this would be sufficiently harmful such that it would render the proposal unacceptable. Control over the design and materials could, as far as possible be, held with the requirement that these are agreed such that it is possible that the harm would be very limited.
- 7.31 The impact of the development upon the setting of the listed building is similarly appreciated in that it currently has a predominantly rural aspect and setting and that would change such that the building would be wholly surrounded by a modern housing estate. Officers agree that there would be some harm therefore to the setting of the listed building from a development of the scale proposed. Again, this is less than substantial harm which must be weighed against public benefits. In this case, Officers recognise that the provision of housing is likely to be considered to be a public benefit. However, given the Council's current five year housing land supply position, there is no urgent requirement for the release of land for housing and therefore the public benefits arising do not outweigh the less than substantial harm identified

to the setting of the listed building. The proposal therefore conflicts with policies ESD15 and Policy Villages 2 in this regard.

- 7.32 The site has also been subject to archaeological assessment which has identified a number of archaeological features. As set out above, the County Archaeologist advises that these are not of national importance and therefore do not pose a constraint. Further archaeological investigations are required but these could be the subject of a planning condition.

Transport

- 7.33 The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car. It is also clear that applications should be accompanied by a Transport statement if it would generate significant amounts of movement. This is reflected in Policy SLE4 of the Local Plan. Policy SLE4 and Villages 2, both emphasise the need for consideration to be given to whether safe and suitable access can be achieved.
- 7.34 The Transport Statement to support the application identifies a relatively low number of trips from the development, indicating that the impact upon the Highway Network will be low. The Highway Authority accept the conclusions in this regard.
- 7.35 As mentioned previously, the village has lost its regular bus service other than a one per week service that runs to Banbury. There would also be no basis on which to seek improvements to public service to the village given this is unlikely to be sustained in the long term. It is therefore anticipated that to access facilities wider than those available in the village, individuals would be reliant on the private car.
- 7.36 The Highway Authority are also content with the position of both accesses to the site subject to the provision of further information to overcome some detailed concerns raised which includes the requirement for a footpath to be extended from the southern portion of the site north. There are also comments raised in relation to parking arrangements for properties which sit along Spring Lane and third party concerns have raised concerns in relation to the position of the proposed footpath. The applicant has provided information to demonstrate that the position of the proposed footpath is wholly within land that would be controlled by them. The applicant has provided additional information in this regard and this is with the Highway Authority for comment and an update will be provided at committee.
- 7.37 Whilst there is a current objection in relation to Transport issues, these matters are of detail and Officers expect that these are capable of being overcome. Other matters, including the need for an update to the Travel Plan could be the subject of a planning condition. Whilst third party comments have raised concerns in relation to transport matters, it is considered unlikely that a refusal reason in relation to this matter could be sustained at appeal subject to the receipt of further comments from the Highway Authority.
- 7.38 A public right of way runs through the site. The indicative layout indicates this being retained on its current position and to then run through an area to become public open space. The Highway Authority raises no objections to this subject to it being retained and unobstructed and considers there are improvements possible. This would be important given this links to wider countryside footpaths and the wider village and services.

7.39 The proposal includes a proposal for car parking for the school. A number of concerns have been raised in relation to this from third parties, however Oxfordshire County Council do see the benefit in such a proposal in order to help alleviate the current problems. Officers would agree that the car park has some benefits, however agree that in order to be of optimum use, the ability to safely cross the road would need consideration. The provision of the car park would carry only limited beneficial weight given that it is not required to make the development acceptable and is positioned on an area of the site that Officers do not consider to be suitable for development.

Trees, landscaping, open space

7.40 Policy ESD10 of the Local Plan refers to the protection and enhancement of ecology and the natural environment. It requires the protection of trees amongst other ecological requirements. Policy ESD13 also encourages the protection of trees and retention of landscape features. Policy BSC11 sets out the Council's requirements for local outdoor space provision and play space.

7.41 There are a number of established trees on the site. These are considered in the submitted Arboricultural report, which is considered acceptable due to the majority of the significant tree cover being retained. Further information, particularly in relation to tree protection, could be sought via a planning condition. Notwithstanding this conclusion, a stretch of the vegetation along Station Road would require removal in order to facilitate the access to the southern parcel and associated vision splays. This would be harmful, as previously identified and would contribute in urbanising this area.

7.42 The Council's Arboricultural Officer does however note that shadow plans demonstrate that one plot in particular has the potential to be affected by shading such that it is requested this plot be deleted/ repositioned. This further emphasises the constrained nature of the site.

7.43 The proposal would require 0.39ha of general green space. Taking into account the two areas of open space which contain play areas, areas of open space alongside the railway embankment and other small areas of open space, it is possible to achieve the required area of open space on site.

7.44 With regard to play areas, there is a requirement for a combined LEAP/ LAP and a LAP. These are currently identified as being accommodated, however the play area in the southern extent of the site falls within flood zone 2/3 therefore objections have been raised to the provision of the play area in this location by the Council's Landscape team. This further contributes to the view of Officers that the site cannot acceptably accommodate the development proposed, albeit this location is not fixed at this stage due to the outline nature of the proposal.

Effect on neighbouring amenity

7.45 Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the Framework, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured.

- 7.46 Due to the position of the site, there are a small number of properties that would be directly affected by the proposed development and these require consideration. There are two properties positioned adjacent to the southern parcel – 38 Station Road and Jalna. These properties currently have an open aspect to this field and their outlook would be markedly changed albeit the change of a view is not in itself a reason to resist development. It would appear that a distance of at least 20m could be achieved and it would only be at a reserved matters stage that a full assessment as to the impact could be made, however the supporting information identifies a strong landscape buffer around the edge of these properties and Officers are concerned that this, in itself would be harmful to the amenity of these residential properties in terms of the sense of enclosure that would result and the subsequent impact on their amenity.
- 7.47 Manor Farm Barns is a further concern. This property is single storey and has a number of ground floor windows facing onto the site. The indicative layout identifies buildings in close proximity and with an unacceptable relationship such that this neighbouring property is likely to experience oppressiveness, as well as an unacceptable impact upon their residential amenity if a property were to be positioned so close.
- 7.48 Other properties along Spring Lane have raised concern in relation to their amenity, particularly linked to passing traffic. As described, the traffic movements are predicted to be low and whilst this concern is noted, it is not considered that the impact upon these properties would not be sufficiently harmful to warrant the resisting of any development in this location.
- 7.49 The impacts described above have the potential to be reduced at a more detailed stage with careful design and layout however as previously described, a proposal for 60 dwellings is likely to be accommodated in a similar form to that identified due to their being limited flexibility for an alternative taking into account site constraints. It is therefore considered that this further emphasises the unsuitable nature of this site for the level of development proposed.

Noise and living conditions

- 7.50 The Framework at paragraph 109 advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.
- 7.51 The application is accompanied by a noise assessment which follows the guidance provided in BS8233:2014 'Guidance on Sound Insulation and Noise Reduction for Buildings' and British Standards relating to vibration. This assessment finds that there are areas of the site where the proposed dwellings would be subject to elevated noise levels, particularly resulting from the railway, however to mitigate for this, enhanced façade treatments can be used including an alternative method of ventilation such that an acceptable acoustic environment within the homes can be met. With regard to external areas, taking into account the presence of dwellings as well as other local screening, such as garden fences, the conclusion is that external sound levels would be unlikely to exceed guidance levels such that this would not be harmful to the amenity of future residents. The vibration assessment concludes that vibration levels would not exceed a level at which adverse impacts would be expected.

- 7.52 The Council's Environmental Protection Officer advises that providing the mitigation measures proposed are employed and agreed with the Council, no objections are raised. Following the receipt and consideration of comments from Network Rail, Officers further queried the response to ensure that increased usage of the railway/ potentially noisy maintenance works had been addressed. Officers were further advised that the noise assessment is carried out based on a typical usage and that the mitigation proposed would allow for noise reduction at all times even if there is an increase in usage. Engineering works cannot be taken into account as these are ad hoc and Network Rail are obliged to reduce the noise to a minimum, albeit there may be some. On this basis and the fact that the Council's Environmental Protection Team are content with the submission, it is considered that the development could be accommodated and that an acceptable acoustic environment could be provided.
- 7.53 The application is also accompanied by a lighting assessment which finds that the overall impact of lighting to the site will be minor adverse. It advises that a carefully designed lighting scheme would be required so that a safe and secure environment can be provided for residents whilst being sympathetic to local surroundings, local residential properties and without being distracting to train drivers. The Council's Environmental Protection Officer raises no concerns with the conclusions of the lighting report, however suggests a final scheme should be agreed.
- 7.54 The application is also accompanied by a Site Investigation and an Air Quality Assessment. No technical comments have been received in respect of these documents. The Site Investigation concludes that there is unlikely to be a risk to human health and controlled waters from contamination. Conditions are commonly recommended to deal with this matter where further site investigation is considered necessary and to ensure unexpected contamination can be dealt with. The Air Quality Assessment finds that the proposed development would not conflict with national or local policy and as such there no air quality constraints to the development. Mitigation measures are recommended in relation to controlling dust during the construction phase.
- 7.55 Overall, Officers are content that the proposal is acceptable in respect to environmental/ living condition considerations such that development of the site could be accommodated in this regard.

Ecological implications

- 7.56 The Framework sets out that Planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and provide net gains in biodiversity where possible. Policy ESD10 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out at the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that "every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity"
- 7.57 The application is accompanied by an Ecological Appraisal, which finds that there are no international or national sites of nature conservation interest within proximity. Two types of S41 NERC Habitats of Principal Importance for Oxfordshire are present within the site – the plantation woodland along the western boundary, which is lowland mixed deciduous woodland and a traditional orchard in the central section of the site, both of which are proposed to be

retained as part of the application. With regard to habitats, the main hedgerows, woodland and mature trees are proposed to be retained and protected. The main habitat to be lost therefore is found to be species poor semi improved grassland, which is not considered to be a constraint to the development. A number of suggested mitigation measures to improve and result in a net gain for biodiversity in relation to habitat creation are provided. With regard to protected and notable species, the assessment found an active badger sett on the site, which is proposed to be retained, albeit due to the proximity of works to the sett, a licence to disturb would be required from Natural England. With regard to bats, the hedgerow and woodland areas were found to be potentially suitable for foraging and commuting and these would be retained. Mitigation in the form of buffers to habitats and a carefully considered lighting scheme, as well as the provision of bat boxes are proposed. Enhancement opportunities are also identified for birds as well as recommending that works are not carried out during the bird nesting season. The Council's Ecologist raises no overall objections subject to a range of conditions being imposed to protect features of habitat importance, protected and notable species and to secure biodiversity enhancements should permission be granted. Following the submission of information demonstrating a grass snake on the site, further conditions would also be required relating to reptiles to ensure their protection.

Flood risk and drainage

- 7.58 A flood risk assessment is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework, given the site extends to over 1ha in area and is predominantly in Flood Zone 1, with the southern part of the site, within flood zone 2/3. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 7.59 The FRA finds that the residential elements of the scheme would be positioned within flood zone 1 and therefore outside the area at risk of flooding. The play area and car park would be positioned within/ close to flood zone 2/3 therefore being at some risk. The FRA concludes that the proposed development would not be affected by current or future flooding and that the development would not increase flood risk elsewhere, providing certain mitigation measures are employed. These include the level of the car park being set to be above the 1 in 1000 year flood level, consideration of the site topography and how flows are routed, as well as consideration of the drainage scheme and building in basic flood resistance and resilience measures. It is considered therefore that the proposal could be accommodated without risk of flooding or increasing flood risk elsewhere.
- 7.60 The FRA finds that due to the constraints of the site, including its dimensions, levels and lack of suitability to soakaway, it is not possible to incorporate above ground surface water attenuation areas, however that other forms of SuDs can be considered such as attenuation tanks. This will involve large pipes draining underground to the attenuation tank with surface water then being discharged to the existing watercourse. The OCC Drainage team advise that the proposal does not meet their guidelines on the use of sustainable drainage on all developments, therefore request a planning condition be used to require later agreement of the surface water drainage scheme. The applicant has submitted further information, which has been sent to OCC for further comment and Officers will need to update Members on this at Committee.

Sustainability and energy efficiency

- 7.61 The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to reduce energy use, making use of renewable energy and sustainable construction techniques. The policies are however now out of date taking into account more recent Government guidance. Energy efficiency of homes is now a matter for the Building Regulations. Policy ESD3 does however require all new homes to achieve a water efficiency standard of no greater than 110 litres/person/day. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework.
- 7.62 The application is accompanied by a Sustainability and Energy Statement which concludes that the development would be designed in accordance with the energy hierarchy and is expected to deliver low carbon homes through a range of fabric and energy efficiency measures. The information provided is noted and Officers would intend to condition that the proposal would be required to meet the higher Building Regulation standards for water consumption. The site does not meet the scale set out within Policy ESD5 for the provision of onsite renewables.

Effect on infrastructure/ Planning Obligations

- 7.63 Notwithstanding Officer's recommendation of refusal, should Members resolve to approve the application, a S106 Legal agreement would be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision of affordable housing. The Authority is also required to ensure that any contributions sought meet the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):
- Necessary to make the development acceptable in planning terms;
 - Directly relate to the development; and
 - Fairly and reasonable related in scale and kind to the development
- 7.64 The following are sought through this application:
- Affordable housing – 35% overall, with a split of 70% affordable/ social rent and 30% intermediate together with arrangements for its provision.
 - Play provision in the form of a LEAP/ LAP and LAP
 - Contribution towards primary and pre-school education
 - Contribution towards the improvement of public rights of way
 - Contribution towards community halls
 - Contribution towards community development

- Contribution towards public art
- Commuted sums for the future maintenance of woodland, informal open space, play areas and hedgerows.

Local Finance Considerations

7.65 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. This can include payments under the New Homes Bonus. The scheme has the potential to generate £467,902.08 for the Council under current arrangements once the homes are occupied together with additional payments for the affordable units. However, officers recommend that such funding is given no weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms and Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

8. Conclusion

- 8.1 The overall purpose of the Planning system is to seek to achieve sustainable development as set out within the Framework. The three dimensions of sustainable development must be considered, in order to balance the benefits against the harm in order to come to a decision on the acceptability of a scheme.
- 8.2 The proposal seeks permission for a large scale residential development on the edge of a Category A Village. The principle of the proposal therefore falls to be considered against Policy Villages 2 of the Cherwell Local Plan and a full range of other policies relating to detailed matters. Policy Villages 2 sits alongside the wider strategy of the Local Plan which seeks to direct residential development to the most sustainable settlements in the District and it includes a number of criteria in order to assess this. Cropredy is a small village but offers a primary school, GP practice, shop, community facilities, recreation facilities and public houses as well as being in close proximity to higher order services, facilities and employment available at Banbury. However due to the recent loss of a regular bus service, it is not as sustainable as other category A villages in terms of transport accessibility. On balance though, Officers are satisfied that if all other matters were to be found acceptable in planning terms, Cropredy is a sufficiently sustainable settlement to accommodate some development without having undue environmental impacts for such reasons as the effect on overall village character or development that is excessively reliant on private car travel.
- 8.3 This particular site is well contained from the wider landscape and could accommodate some development taking into account site constraints. The proposal would bring some social benefits including a contribution to the District's ongoing five year supply as well as the provision of affordable housing and the site is well located to the village and its services and facilities with good access to them by walking and cycling. New development also commonly brings economic benefits including providing some construction opportunities and supporting further the village facilities.
- 8.4 However, taking into account the character of the existing village, a development of the scale proposed on this particular site is considered to be out of keeping with the context of this area

of the village, which would be harmful to its character, rural setting and quality. The proposal would also harm the rural setting of the grade II listed building Springfields and in this case, there is no public benefit that would outweigh this harm. Officers also do not consider that sufficient acceptable detail is available to be confident that a proposal of this scale could be accommodated in the future that would respect local distinctiveness; take into account important site constraints and without causing harm to the residential amenity of nearby neighbouring properties.

- 8.5 On this basis, Officers consider that the localised harm caused to the village, which would result in there being adverse environmental impacts in terms of harm to the built, natural and historic environment of the village in this case outweighs the positive benefits of the proposal. It is concluded that the proposal does not therefore constitute sustainable development and the application is recommended for refusal.

9. Recommendation

Refusal; for the following reasons:

1. The proposed development, by reason of its excessive scale, siting, lack of cohesive form, relationship with the adjacent development and resultant removal of the established vegetation to form the southern access would result in an unacceptable extension of the village that would harm the character, rural setting and quality of the village and the rural setting of the nearby listed building Springfields to the detriment of the built, natural and historic environment. The proposal is therefore contrary to Policies Villages 2 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
2. The Design and Access Statement and indicative layout submitted as part of the application fails to provide sufficient acceptable detail in respect of the design principles set as a basis for the future detailed consideration of the development proposed. This includes the siting, form, appearance, materials and detailing of the proposed new dwellings. The Local Planning Authority is therefore unable to determine whether the development proposed could be satisfactorily accommodated on the site in a manner that would respond to its constrained nature, respect its context, properly respond to local distinctiveness and safeguard the standards of amenity enjoyed at neighbouring properties. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
3. Potential additional reason relating to drainage
4. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, BSC2, BSC9, BSC11 and ESD7 of the

adopted Cherwell Local Plan 2011-2031 and the advice within the National Planning Policy Framework.

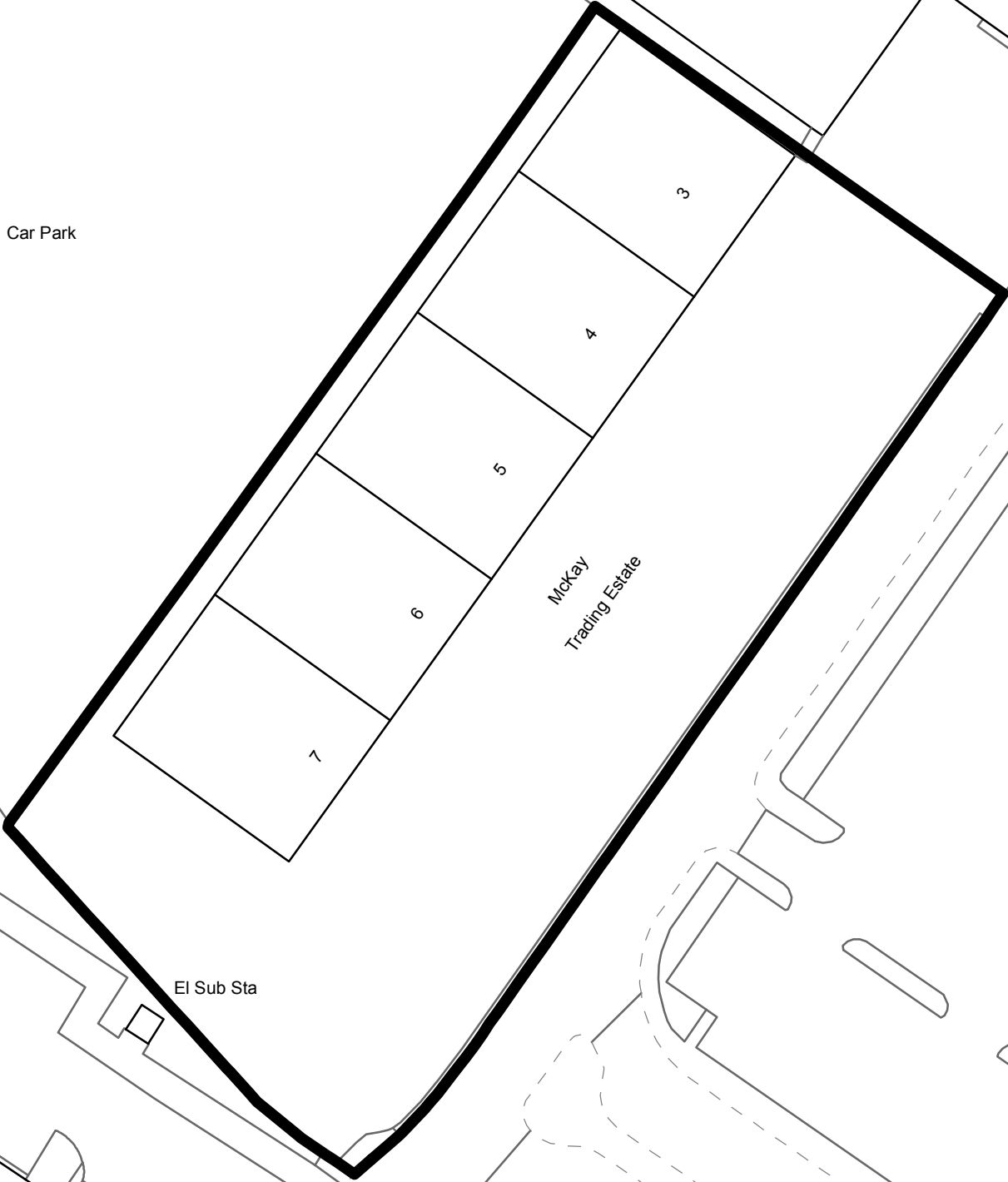
CONTACT OFFICER: Caroline Ford

TELEPHONE NO: 01295 221823

16/01469/OUT

Mckay Trading Estate
Station Approach
Bicester

Car Park



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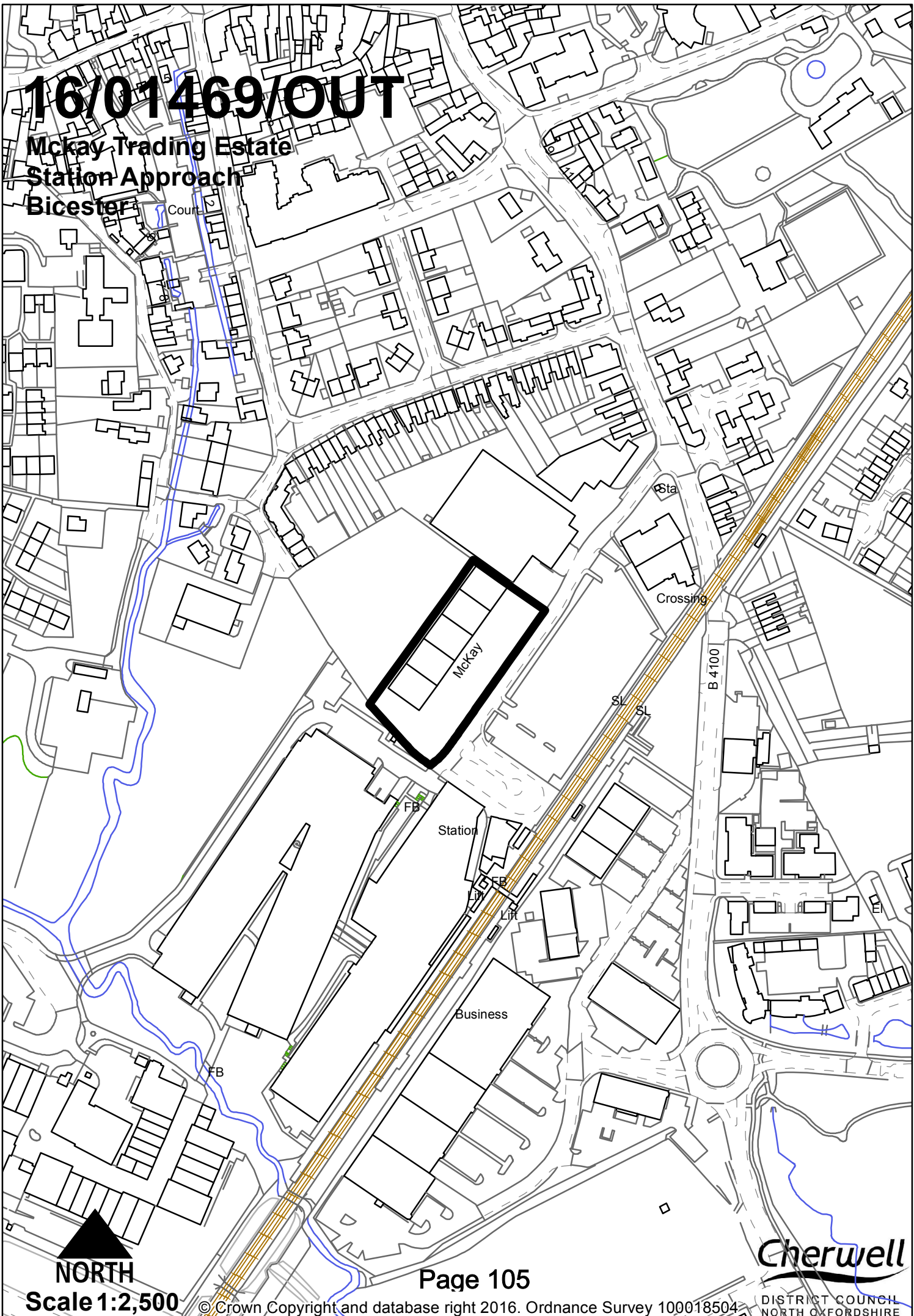

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Mckay Trading Estate
Station Approach
Bicester



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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Matthew Parry **Ward(s):** Bicester South And Ambrosden

Applicant: Bicester Nominees Limited And Bicester II Nominees Ltd

Ward Member(s): Cllr David Anderson
Cllr Nick Cotter
Cllr Dan Sames

Proposal: The demolition of existing buildings and structures and the development of 2,120 sq m (GIA) of office (Use Class B1) and new vehicle and pedestrian access; the provision of parking; and all necessary enabling works, plant and equipment.

Committee Date: 27.10.16 **Recommendation:** Approval subject to conditions

Reason for Committee Referral: Major development

1. Application Site and Locality

- 1.1 The application site relates to 0.485 hectares of land consisting of a building that is vertically divided into five separate commercial units located on the McKay Trading Estate in Bicester. The application site also includes the building's curtilage which is predominantly laid out for car parking/deliveries. The units are in a combination of office, warehouse and leisure uses which translated into town planning use classes as B1, B8 and D2 respectively. The building is of two storey flat roof construction dating back to the late 1970s featuring brick external walls at ground floor level with dark grey metal panels cladding most of the first floor.
- 1.2 The McKay Trading Estate is located relatively close to the town centre, being adjacent to the newly refurbished and re-named Bicester Village Railway Station. It is accessed from Station Approach, a private road which serves the station as well as the trading estate which connects onto London Road. The two other buildings of the McKay Trading Estate which are proposed to be retained lie to northeast. Surrounding the site to the south and west lies the car parks serving the Bicester Village retail complex.

2. Description of Proposed Development

- 2.1 The application seeks outline planning permission for the demolition of the building and its associated five commercial units together with a replacement single office building (use class B1a) of identical floorspace to the building demolished. All matters are reserved except details of access which means that the specifics of the scale, external appearance, layout and landscaping of the development are not for consideration at this stage except insofar as the Council needs to be satisfied as part of granting outline planning permission that a detailed scheme can be submitted in due course that satisfactorily accommodates

the development on the site. In simple terms it is therefore the principle, amount and access to the proposed development that is now for consideration as part of this application.

2.2 There were no formal pre-application discussions with officers that informed this planning application.

3. Relevant Planning History

3.1 There is no planning history on the application site that is relevant to this proposed development.

4. Response to Publicity

4.1 The application was publicised by way of notice posted on site, in the local newspaper and through letters to nearby properties. No third party representations have been received.

5. Response to Consultation

Parish/Town Council:

Bicester Town Council – No objection however the following comments are made. There is more than adequate space for parking within the site and so there should not be any overspill parking on to London Road. The terms of the use of the back gate from Bicester Village should not be amended in any way to allow general access to Bicester Village – only for emergencies and possibly buses. The proposals should not be allowed to impact on the possibility of Oxfordshire County Council developing a solution to the London Road crossing.

Cherwell District Council:

Environmental Protection – Conditions should be imposed requiring further intrusive investigation of the ground to establish contamination as well as appropriate remediation of the contaminants. Given the proximity of the site to sensitive residential properties as well as other commercial properties, a construction environmental management plan should be required by condition to ensure construction work is appropriately controlled to avoid undue impact on neighbouring land uses/users.

Oxfordshire County Council:

Transport – Objection.

- The stretch of Station Road via which the applicant intends for transport users to access the site is not currently adopted as public highway.
- The access points appear to allow unfettered access to the whole of the Bicester Village site. The applicant has not considered this in their traffic generation forecasts and on the Station Road/London Road junction. They have only considered the number of trips arising from units 1-7 of the site and have not considered the impact of a greater number of trips to Bicester Village on the wider Bicester network.
- The impact of the London Road level crossing barrier downtime on vehicular access via Station Approach needs to be considered.

Access

The applicant states that there will be two principal vehicular accesses to the site, at its north-eastern and south-eastern ends. What is the intended build-out year for the development? Oxfordshire County Council is working with Network Rail to adopt the stretch of road between the current highway boundary on Station Approach at its southern end and where it provides access to the pick-up and drop-off facilities for Bicester Village Railway Station, as public highway maintainable at public expense. In order for the applicant to create the two eastern accesses and footway immediately to the east and serving the development by using an S278 agreement, this stretch of road will need to be adopted as public highway. If it is not, the applicant will need to use a Private Street Agreement with Network Rail under Section 184 of the Highways Act 1980.

Also, it appears from the plans provided that the applicant wishes to create a shared space arrangement within the boundaries of the proposed development for pedestrians and cyclists. What courtesy crossing facilities will be put in place to ensure that pedestrians have a safe route from the access to the proposed development to the entrance of the office?

Also, what are the applicant's intentions regarding the access junction to Station Approach immediately south-west of Bicester Railway Station as this appears to be on the boundary of the blue-line plan.

Visibility Splays at the intended New Accesses

The applicant will need to take 85th percentile average wet weather speed surveys along Station Approach, and then use these to form appropriate visibility splays at the intended new accesses. They will then need to submit a summary of these speed surveys in an amended Transport Assessment and submit amended plans showing the proposed dimensions of the visibility splays to the Local Planning Authority.

Intended Access and Traffic Impact Analysis

On review of the text in the Transport Assessment, this document does not acknowledge that the access and car park for the proposed development appears to be integrated with Bicester Village's car park, therefore having the potential to allow free flow access to and from Bicester Village via Station Approach. It should be noted that the use of Station Approach by Bicester Village has not been assessed and, without restriction, there would be unfettered access for the whole of Bicester Village's parking, as well as the McKay's site.

A recommendation by Oxfordshire county council (OCC) to maintain a restriction on access to Bicester Village via the new alignment of Station Approach through a Car Park Management Plan associated with 16/00022/DISC, has been rejected by the planning authority due to the nature of the application; however, the point of access in question at the end of Station Approach remains gated off. It is considered that this outline application appears to show free flow permeability between Station Approach and the Bicester Village site, whilst increasing traffic demand on the site itself and so an assessment of the impact of access to and from Bicester Village via Station Approach is required, in addition to the McKay site proposals.

Also, what measures will the applicant put in place to reduce the risk of increased overspill parking which might result from employees of the proposed new offices being unable to find a space in the new car park because the spaces have been taken by shoppers at Bicester Village? Has the applicant considered cordoning off these 75 car and 20 cycle parking spaces from the rest of the Bicester Village development?

Impact of East-West Rail on the Applicant's Junction Analysis

East West Rail Phase 1 has now been implemented and East West Rail Phase 2 is anticipated, increasing barrier down time at London Road level crossing and making

access via Station Approach less desirable in terms of queuing to go south along London Road or rerouting through the town centre when the barriers are down. Further rail traffic can also be expected as a result of electrification and freight, which has led OCC to begin developing potential highway solutions in case of a future level crossing closure.

Public Transport Access

From a purely public transport perspective, bus stops and turning facilities are provided adjacent to Bicester Village railway station and at stops on London Road, south of the level crossing.

The operation of 'through' buses into and out of the Bicester Village land and along Pingle Drive has been considered. However, the question of bus service reliability at times of peak traffic demand has always arisen to do with the feasibility of a scheduled bus service being operated along Pingle Drive at times when traffic levels are high.

Whilst Bicester Village is a very important destination for public transport users, there are alternative access arrangements, whether this be walking from bus stops on the Oxford Road or from Bicester Village rail station. There is also a shuttle bus from Bicester North station, which uses Pingle Drive and loops around in front of the retail area.

There is no absolutely pressing reason for promoting bus use across the Bicester Village/McKay trading estate interface. There are alternative east-west routes, such as the A41 Boundary Way, should connectivity between South-East and South-West Bicester be required.

Other External Consultees:

Network Rail – The comments raised have been summarised as follows:

- As the proposal includes works may impact the existing operational railway, a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent. The applicant / developer should liaise directly with Asset Protection to set up the BAPA.
- The developer is to submit directly to Network Rail a Risk Assessment and Method Statement (RAMS) for all works to be undertaken within 10m of the operational railway including the demolition works. Network Rail would need to be assured the works on site follow safe methods of working and have taken into consideration any potential impact on Network Rail land and operational railway infrastructure. Review and agreement of the RAMS will be undertaken once a BAPA has been set up between Network Rail and the applicant/developer.
- The developer/applicant must ensure that their proposal, both during construction, after completion of works on site and as a permanent arrangement, does not affect the safety, operation or integrity of the operational railway / Network Rail land and our infrastructure. The works on site must not undermine or damage or adversely impact any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and boundary treatments. Any future maintenance must be conducted solely within the applicant's land ownership.

- Any scaffolding which is to be constructed within 10 metres of the Network Rail / railway boundary must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffolding must be installed. The applicant / applicant's contractor must consider if they can undertake the works and associated scaffolding / access for working at height within the footprint of their land ownership boundary. The applicant is reminded that when pole(s) are erected for construction or maintenance works, should they topple over in the direction of the railway then there must be at least a 3m failsafe zone between the maximum height of the pole(s) and the railway boundary.
- If vibro-compaction machinery / piling machinery or piling and ground treatment works are to be undertaken as part of the development, details of the use of such machinery and a method statement must be submitted to the Network Rail Asset Protection Engineer. All works shall only be carried out in accordance with the method statement and the works will be reviewed by Network Rail. The Network Rail Asset Protection Engineer will need to review such works in order to determine the type of soil (e.g. sand, rock) that the works are being carried out upon and also to determine the level of vibration that will occur as a result of the piling. The impact upon the railway is dependent upon the distance from the railway boundary of the piling equipment, the type of soil the development is being constructed upon and the level of vibration. Each proposal is therefore different and thence the need for Network Rail to review the piling details / method statement.
- With a development of a certain height that may/will require use of a tower crane, the developer must bear in mind the following. Tower crane usage adjacent to railway infrastructure is subject to stipulations on size, capacity etc. which needs to be agreed by the Asset Protection Engineer prior to implementation. Tower cranes have the potential to topple over onto the railway; the arms of the cranes could over-sail onto Network Rail air-space and potentially impact any over-head lines, or drop materials accidentally onto the operational railway.
- The demolition works on site must be carried out so that they do not endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures and land. The demolition of the existing building(s), due to its close proximity to the Network Rail boundary, must be carried out in accordance with an agreed method statement. Review of the method statement will be undertaken by the Network Rail Asset Protection Engineer before the development and any demolition works on site can commence. Network Rail would like to add that the applicant is strongly recommended to employ companies to demolish buildings / structures belonging to the National Federation of Demolition Contractors. This will ensure that all demolition works are carried out to professional standards and the company itself will also include liability insurance as part of its service and that demolition works on site do not impact the safety and performance of the railway.
- All surface water is to be directed away from the direction of the railway. Soakaways, as a means of storm/surface water disposal must not be constructed near / within 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. Once water enters a pipe it becomes a controlled source and as such no water should be discharged in the direction of the railway.

- Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains.
 - Suitable drainage or other works must be provided and maintained by the developer to prevent surface water flows or run-off onto Network Rail's property.
 - Proper provision must be made to accept and continue drainage discharging from Network Rail's property.
 - Suitable foul drainage must be provided separate from Network Rail's existing drainage.
 - Drainage works could also impact upon culverts on developers land.
- Water discharged into the soil from the applicant's drainage system and land could seep onto Network Rail land causing flooding, water and soil run off onto lineside safety critical equipment / infrastructure; or lead to de-stabilisation of land through water saturation.

Full details of the drainage plans are to be submitted to the Network Rail Asset Protection Engineer. No works are to commence on site on any drainage proposals without agreement of the documentation by the Network Rail Asset Protection Engineer.

- There is no mention in these comments as to whether the developer contacted anyone from the Network Rail Level Crossings team (or the Level Crossings Manager for the area) to determine if the construction works or the development as a permanent arrangement could impact the safe operation of the level crossing. Councils are urged to take the view that level crossings can be impacted in a variety of ways by planning proposals:
 - (a) By a proposal being directly next to a level crossing
 - (b) By the cumulative effect of developments added over time
 - (c) By the type of level crossing involved e.g. where pedestrians only are allowed to use the level crossing, but a proposal involves allowing cyclists to use the route
 - (d) By the construction of large developments (commercial and residential) where road access to and from the site includes a level crossing or the level / type of use of a level crossing increases as a result of diverted traffic or of a new highway
 - (e) By developments that might impede pedestrians ability to hear approaching trains at a level crossing, e.g. new airports or new runways / highways / roads
 - (f) By proposals that may interfere with pedestrian and vehicle users' ability to see level crossing warning signs
 - (g) By any developments for schools, colleges or nurseries where minors in numbers may be using the level crossing
 - (h) By proposals that change the demographic of users – from say occasional agricultural usage to (but not limited to) increased usage by minors, dog walkers, the elderly, cyclists and mountain bikers, pedestrian using smart-phones, with ear-phones with little or no appreciation of the risks from approaching trains at footpath level crossings.

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

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

considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

SLE1 – Employment Development
SLE2 – Securing Dynamic Town Centres
SLE4 – Improved Transport and Connections
ESD1 – Mitigating and Adapting to Climate Change
ESD2 – Energy Hierarchy
ESD3 – Sustainable Construction
ESD5 – Renewable Energy
ESD6 – Sustainable Flood Risk Management
ESD7 – Sustainable Drainage Systems
ESD15 – The Character of the Built and Historic Environment

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

C28 – Design Control over New Development
C31 – Compatible Development

6.2 Other Material Planning Considerations:

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

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

7. Appraisal

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

- Principle of Proposed Development;
- Access to the Proposed Development;
- Impact on Neighbouring Land Uses;
- Land Contamination;
- Energy Efficiency/Sustainability;
- Flood Risk/Drainage;
- Local Finance Consideration(s).

Principle of Proposed Development

7.2 The application seeks the demolition of an existing building used for employment generating uses in a sustainable location close to Bicester town centre. These uses range from a gym, to an office and to a timber merchants. Policy SLE2 of the CLP 2031 generally resists the loss of existing employment sites. However, the proposals seek to replicate exactly the same floorspace lost through demolition as part of a new office building. Whilst this would mean employees of the existing businesses would be displaced (and some of these are known to have found new premises), the new office would provide replacement employment space and is proposing an office use that typically provides a higher rate of employment per sq m than the existing business uses. With this in mind

officers are satisfied that the proposals would not give rise to any harm to local employment provision and the associated mix between housing and jobs such that there is no conflict with the requirements of Policy SLE2.

- 7.3 As stated above, the application is in outline with only means of access to the development as a detailed matter at this stage. Having regard to the above paragraph, officers are satisfied that the type of use proposed is acceptable in principle. Given that the amount of floorspace proposed is identical to that already existing on the site, officers also have no concerns that the amount of development is appropriate to the site too and that a building of 2,120 sq m internal floorspace could be satisfactorily provided in a manner that is both visually and functionally suitable for the site. Indeed the current building and its wider site are far from aesthetically pleasing and, as such, any development proposals are likely to result in improvements to the appearance and quality of the wider built environment which adds further support to the merits of the proposed development. Officers are therefore content that all matters relating to the design and layout of the proposed development can be adequately resolved as reserved matters.
- 7.4 Officers are therefore comfortable that the amount and type of development proposed on the site is acceptable in principle and that it accords with the relevant policies of the development plan.

Access to the Proposed Development

- 7.5 Policy SLE4 of the CLP 2031 is generally reflective of national policy set out in the NPPF by requiring developments to facilitate best use of sustainable modes of transport. The policy also requires development to be served by roads that are suitable for the expected traffic. National policy in the NPPF also advises that local planning authorities should consider whether safe and suitable access to a proposed development can be achieved for all people.
- 7.6 The site is well located to be attractive to non-car travel. It is adjacent to Bicester Village railway station and close to the town centre which is well served by buses. It is also within walking distance of a significant number of residential properties. It is therefore reasonable to expect that a not insignificant proportion of future employees/visitors to the proposed office development would arise by sustainable modes of transport. A Travel Plan submitted as part of the proposals endorses this approach and gives officers the satisfaction that travel by private car will try to be minimised.
- 7.7 Vehicular access to the development is proposed in a similar location to the existing access/egress to the current business units although the access points are now shown to be narrower and more defined by footways/vegetation than the current more open informal entrance. There is no suggestion however that these access points are in any way insufficient to serve the projected number and type of vehicle trips associated with the development subject to adequate control over the height of development within the visibility splays. As discussed previously, an office use for a new building is likely to generate more employees and therefore slightly intensify access to the development as well as parking requirements within the site. However, as an office, the majority of the vehicular trips to the site would be by employees and therefore by car. The journeys would also be expected to be of lesser frequency during the day and clustered at morning/evening peak hours rather than the more irregular visitor comings and goings to the existing business units as well as, in some cases, visits by tradespeople as well as heavier deliveries of materials. Station Approach is currently a private road owned by Network Rail and, whilst not highly trafficked to present any capacity problems exiting the site, there does need to be sufficient visibility on exit from the proposed development to enable safe interaction with exiting vehicular traffic associated with the adjacent railway station car park. As a result, a condition is recommended to be imposed on a planning

permission that requires adequate visibility splays to be demonstrated in advance of commencement of development. Subject to such a condition, officers have no concerns about the suitability and safety of the access to the proposed development from Station Approach which should not be materially less convenient or safe for highway users than the current arrangements.

- 7.8 Station Approach is accessed from London Road which in itself is relatively heavily trafficked and road users additionally face periodic congestion and inconvenience associated with the operation of the nearby level crossing. As rail services are being intensified along the line as part of the East-West Rail project the impact of barrier down time will increase adding to queuing along London Road. The proposals can however only be considered against the traffic arising from the existing use of the building and units on the site. As the scheme proposes a like-for-like amount of development and only the potential for a very minor increase in peak hour vehicle trips, any impact on congestion within the local highway network outside the site is expected to be negligible and certainly not sufficient to merit any objection on wider transport grounds. Whilst the applicant has not considered the potential impact of future increases in barrier down time at the London Road level crossing within the supporting transport statement, given the likely negligible impact officers do not consider this to be necessary in order to be able to conclude that the wider cumulative transport impact would not be severe – the relevant test for development proposals as set out in Policy SLE4 of the CLP 2031 as well as in the NPPF.
- 7.9 The level of car parking to be provided as part of the proposed development is a matter to be determined as part of the detailed layout of the scheme which is a reserved matter. Nevertheless, based on the submitted illustrative drawings and visualisations, there is clearly more than sufficient space to provide a generous amount of car parking within the site at a level that far exceeds that expected based on the application of Oxfordshire County Council's (OCC) latest parking standards. In fact, if anything the parking areas illustratively shown in the submitted drawings appear to be a little too generous and officers may need to consider what the appropriate level is at reserved matters stage to strike a balance between ensuring car parking and deliveries can be properly accommodated within the site whilst at the same time not encouraging travel by car.
- 7.10 The Bicester Village outlet retail centre lies to the south and west of the site. Its associated visitor car parking areas are extensive and have grown as the retail centre has expanded. The Council and particularly OCC has generally resisted allowing to Bicester Village from Station Approach given the potential impact on traffic generation along London Road. There is currently a barrier separating the Bicester Village complex from Station Approach that is controlled through both conditions imposed on previous Bicester Village planning permissions as well as an informal agreement with Bicester Village management. This ensures that only in exceptional circumstances is visitor traffic allowed to exit Bicester Village via Station Approach. The proposals as currently shown have the potential to create an unfettered route through the proposed development and into the car parks of Bicester Village to the west. The implications of traffic movements into and out of Bicester Village through the application site have not been robustly assessed as part of a Transport Assessment. OCC as local highway authority has substantial concerns about the potential for un-assessed unfettered access to/from Bicester Village as part of the proposed development and this is the principal reason for their outstanding objection.
- 7.11 Officers share the concerns of OCC. However, Government guidance is quite clear that planning permission should not be refused where conditions or planning obligations could reasonably be used to overcome the concerns. In this case officers are recommending that a condition be imposed on a planning permission (condition 17 as set out below) that prevents any development taking place until details of measures by which the site shall be prevented from receiving any traffic to/from the Bicester Village complex have been

submitted and approved and for these measures to be in effect at all times. Officers expect such details to be in the form of a permanent barrier or other means of enclosure or perhaps a barrier that could only be raised/removed in the event of an emergency. Without the imposition of such a condition, officers consider the proposed development to be unacceptable given the potential for significant adverse impact on the functioning and safety of the wider highway network.

- 7.12 Officers also expect proposals of this type to incorporate safe and convenient cycle parking facilities to encourage this mode of travel. The applicant has committed to providing cycle parking facilities and officers would expect to see such a facility as part of considering the design and layout of the scheme at reserved matters stage.
- 7.13 In conclusion on matters of access and transport, subject to the above mentioned recommended conditions, officers are content that the proposed development would be served by a suitable and safe means of access without having materially adverse impacts on the wider local highway network such that officers are satisfied with the proposals in this respect.

Impact on Neighbouring Land Uses

- 7.14 Policy ESD15 of the CLP 2031 requires the amenity of both existing and future development to be adequately safeguarded. Policy C31 of the CLP 1996 has similar requirements and resists any development that is not compatible with the residential character of an area or which would cause unacceptable nuisance. Together these development plan policies are broadly reflective of one of the key planning principles set out in national policy contained within the NPPF which, inter alia, states that the planning system should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 7.15 Residential properties along Priory Road lie to the north of the site beyond a section of car park serving Bicester Village. To the northeast lies two other buildings of the McKay Trading Estate that are proposed to be retained and are not part of the planning application. The proposals seek a replacement of existing commercial units with an identical floorspace of office development. This could mean the new building might have a slightly smaller or larger footprint than the existing building with varying height accordingly. The scale and layout of the proposed development are reserved matters and so the direct impact of the height and position of the detailed design of the new building in terms of daylight/sunlight, outlook, privacy and general quality of amenity enjoyed by these neighbouring developments would be assessed at reserved matters stage. Given the distance to other existing properties and the fact that the existing building appears to have been operating without causing undue harm or nuisance, officers have no concerns whatsoever that a new building of the size proposed can physically be comfortably accommodated on the site without significantly affecting living and working conditions for occupants of neighbouring properties/land. Furthermore, given that the new building would comprise office related uses rather than warehousing or leisure uses as at present, it is likely that any noise or disturbance arising from the use of the new building would be potentially lower than at the present time and therefore be compatible with surrounding existing office and residential uses.
- 7.16 Network Rail was consulted on the application proposals given that the Bicester Village Railway Station is to the opposite side of Station Approach and therefore in close proximity to the site. Many of the issues raised in Network Rail's response the consultation are private matters between the developer and Network Rail such as securing agreements for accessing the site from Station Approach which is a private road currently owned by Network Rail. Other matters require discussion and agreement with Network Rail outside the planning process. However, some of the matters raised by Network Rail

can be considered material planning considerations and in the general public interest to address as part of the planning application. Paragraph 172 of the NPPF provides support for this approach with impact on public safety highlighted as a material planning consideration. This particularly relates to the safety and operability of the nearby railway during proposed demolition and construction works for example by causing vibrations to the line during piling and perhaps toppling of cranes or other construction/demolition equipment in high winds. Based upon Network Rail's consultation response, officers recommend that a condition is imposed that requires a construction environmental management plan (CEMP) to be submitted and approved by the Council in consultation with Network Rail prior to commencement of development. In addition to control over general construction practices (hours of operation, machine noise, dust etc) to prevent undue nuisance to occupants of surrounding properties, the CEMP would be required to include additional information on safeguards relating to the nearby railway. Subject to the imposition of this condition, officers are satisfied that the proposals would not give rise to undue harm to neighbouring land uses/occupiers in accordance with the requirements of development plan policies as well as national planning policy set out in the NPPF.

Land Contamination

- 7.17 A preliminary land contamination risk assessment report has been submitted with the application which identifies potential land contamination and recommends further intrusive investigation works to establish the nature and extent of the contamination as well as any potentially necessary remediation measures. Officers are satisfied with the scope of this initial report and find the recommendations to be appropriate. In accordance with the requirements of Policy ENV12 of the CLP 1996, conditions are recommended requiring further ground investigation work to be carried out and the results submitted to the Council for approval as well as the carrying out of any necessary remediation measures to prevent harm to future occupants of the land.

Energy Efficiency/Sustainability

- 7.18 Policies ESD1, ESD2, ESD3 and ESD5 of the CLP 2031 together seek to encourage and require new development to be environmentally sustainably by both increasing the fabric efficiency of buildings as well as, where feasible, incorporating on-site renewable energy generation as part of major developments. Policy ESD3 requires all non-residential buildings such as that proposed to meet BREEAM 'Very Good' standard to ensure that both the building and construction project is very energy efficient and environmentally sustainable. A condition is recommended that requires the new building to meet this standard.

- 7.17 Policy ESD5 of the CLP 2031 seeks to ensure that, where feasible and viable, new developments over specified size criteria include significant level of on-site renewable energy provision. Due to the floorspace proposed as part of this development, the policy thresholds are exceeded and so on-site renewable energy is expected to be provided for as part of the detailed design of the scheme. A condition is recommended that requires details of the renewable energy provision to be included as part of an application for reserved matters approval. Subject to the above mentioned conditions, officers are satisfied that the proposals would ultimately deliver energy efficient development in accordance with the requirements of development plan policies.

Flood Risk/Drainage

- 7.18 Policies ESD6 and ESD7 of CLP 2031 require new development to be provided in areas that are not vulnerable to inappropriate risk of flooding and incorporate sustainable drainage systems to reduce risk of flash flooding. The site is at very low risk of fluvial flooding and so there is no objection to the proposed development in this respect. The site is previously developed and so a sustainable drainage system to reduce surface water discharge rates to greenfield levels is neither feasible nor realistic. However, the

proposals should at the very least seek to reduce surface water run-off from existing levels and in order to ensure this officers are recommending that a condition be imposed requiring details of a surface water drainage scheme to be submitted and approved prior to commencement of development.

Local Finance Considerations

- 7.19 Section 70(2) of the Town and Country Planning Act 1990 provides for local planning authorities to have regard to local finance considerations as far as material to the proposed development. In this case the proposals have the potential to generate business rates for the Council to a value of £_____ under current arrangements. As the proposed development replaces existing commercial units the financial benefits in this regard are negligible. In any event, it is the view of officers that no weight should be given to such a finance consideration as it is not clear how this would make this particular development acceptable in planning terms.

8. Conclusion

- 8.1 The proposed development replaces existing commercial units with an office building of identical floorspace that has the potential to generate similar or increased employment opportunity in an area which is compatible with such a use. Subject to conditions, the proposals would be served by safe and suitable access without resulting in wider cumulative adverse impacts on the local road network. The proposals also provide the opportunity to demolish functional but unattractive industrial units and replace them with a higher quality energy efficient development in the interests of the quality and appearance of the surrounding environment. The scheme also affords the ability to improve upon existing surface water drainage arrangements whilst also providing the opportunity to remediate any existing land contamination. Consequently, officers are satisfied that the proposals accord with all relevant policies of the development plan and in turn constitute sustainable development having regard to Government guidance set out in the NPPF.

9. Recommendation

That Committee resolves to grant planning permission subject to the following conditions:

Conditions

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

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

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

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

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

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

4 Except where otherwise stipulated by condition or relating to a matter to be determined as part of the reserved matters, the development shall be carried out strictly in accordance with the following plans and drawings:

16/021/P-001 Rev. B

16/021/P-003 Rev. E

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

5 The premises shall be used only for purposes falling within Use Class B1 as defined in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose(s) whatsoever.

Reason - To ensure that the implications of potential loss/reduction in employment space can be considered as well as the impact on surrounding land uses having regard to the provisions of the Development Plan.

6 All applications for reserved matters approval shall include, and be accompanied by, full details of a scheme of surface water drainage relating to the development. The surface water drainage scheme approved pursuant to granting reserved matters approval(s) shall be carried out in full prior to first occupation of the development.

Reason - To ensure that surface water run-off from the site does not increase and that all opportunities are taken to prevent localised flooding during a storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

7 Prior to first occupation of the approved development, details of cycle and refuse storage facilities shall be submitted to and approved in writing by the local planning authority. The approved facilities shall be provided and made available for use prior to first occupation of the development and shall be retained as such thereafter.

Reason - In the interests of the appearance of the development as well as to encourage sustainable modes of travel in accordance with the requirements of Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

8 Prior to the commencement of the development, a construction traffic management plan (CTMP) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter only be constructed in accordance with the approved CTMP.

Reason - To ensure that the routing of construction traffic is appropriate and that construction works do not adversely impact upon access to other land uses along Station Approach or the local highway network in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

9 Development shall not commence until a waste water drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

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

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

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

11 If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and

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

12 If remedial works have been identified in condition 11, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

14 Prior to commencement of the development, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall cover, in particular, the nuisance potentially caused by noise and dust during demolition and construction for surrounding residential and commercial premises as well as any potential implications arising from demolition/construction works on the safe operation of the nearby railway line.

Reason - In the interests of safeguarding the amenities of occupants of surrounding buildings/land in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

15 Prior to the commencement of the development, full details of the access vision splays, (including layout and construction) shall be submitted to and approved in writing by the local planning authority. Thereafter, and prior to the first use of the approved development, the visibility splays shall be constructed in accordance with the details approved and the land and

vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.9m above carriageway level.

Reason: In the interests of highway safety and to comply with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

16 No development shall take place until details of the new footpath/footway along the site's frontage with Station Approach has been submitted to and approved in writing by the local planning authority. The new footpath/footway shall be laid out and available for use prior to first occupation of the approved development and shall be retained as such thereafter.

Reason - In the interests of ensuring that the development is suitably accessible for pedestrians in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

17 No development shall take place until details of the means by which the development shall be prevented from receiving any vehicular traffic associated with the adjacent Bicester Village (factory outlet) shopping centre has been submitted to and approved in writing by the local planning authority. Such approved restrictions shall be in place from the outset of commencement of the development and no use of the development shall take place other than in accordance with the approved restrictions.

Reason - To ensure that unfettered access through the site by traffic associated with the neighbouring Bicester Village retail development does not occur in the absence of a detailed assessment of its implications for transport sustainability and the local highway network.

18 The building hereby granted planning permission shall be constructed to achieve BREEAM 'Very Good' standard based on the BREEAM criteria applicable at the time of this decision for a proposed building use of this type. All applications for reserved matters approval shall include details of how the approved building will meet such a standard.

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

19 All applications for reserved matters approval shall include details of any on-site renewable energy provision to be incorporated into the development. Thereafter, the approved renewable energy provision shall be provided and in full operational use on site in accordance with that approved as part of granting reserved matters approval prior to first occupation of the development.

Reason - To ensure that the feasibility of significant on-site renewable energy is considered in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

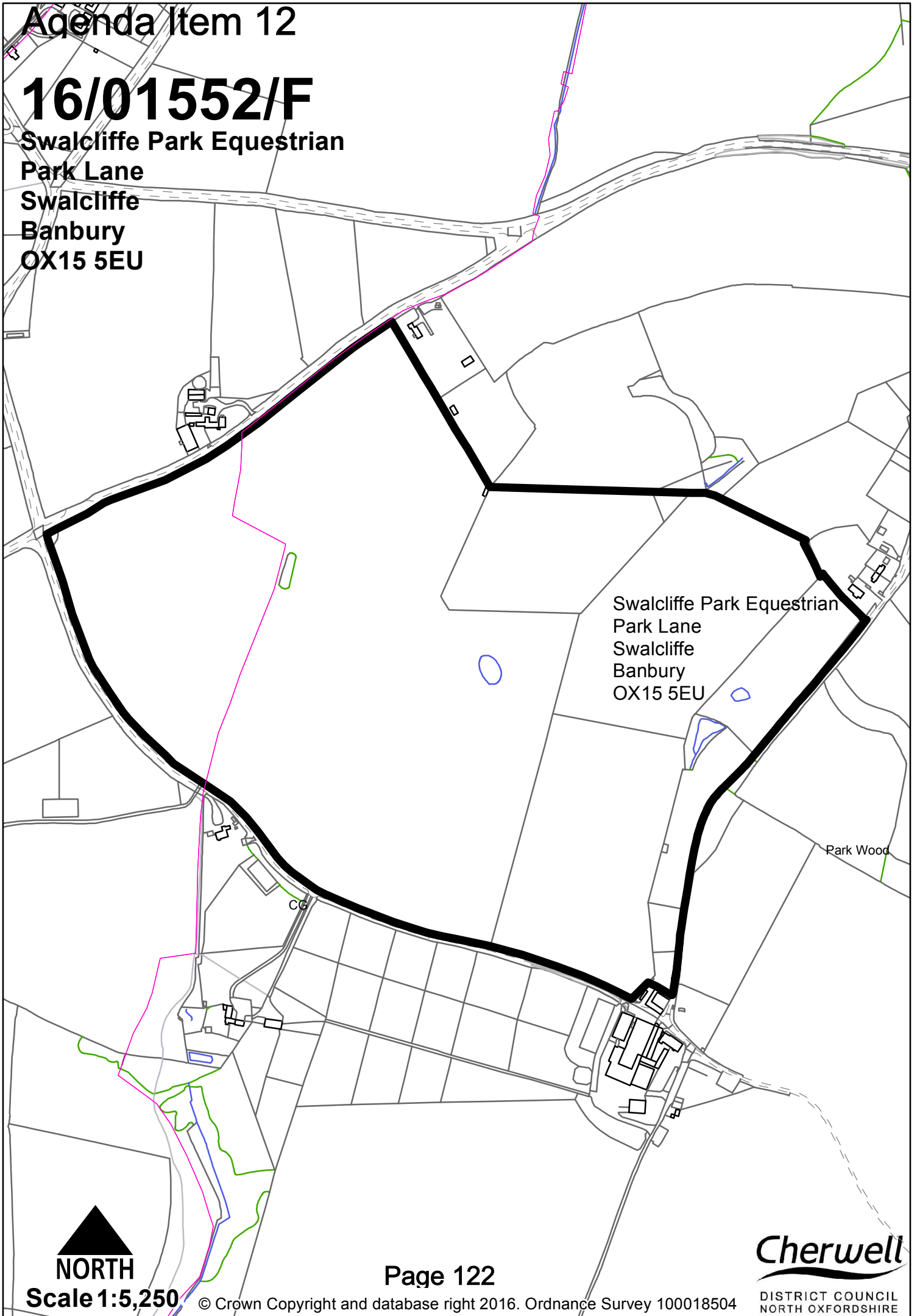
CONTACT OFFICER: Matthew Parry

TELEPHONE NO: 01295 221837

Agenda Item 12

16/01552/F

Swalcliffe Park Equestrian
Park Lane
Swalcliffe
Banbury
OX15 5EU



Swalcliffe Park Equestrian
Park Lane
Swalcliffe
Banbury
OX15 5EU

Park Wood

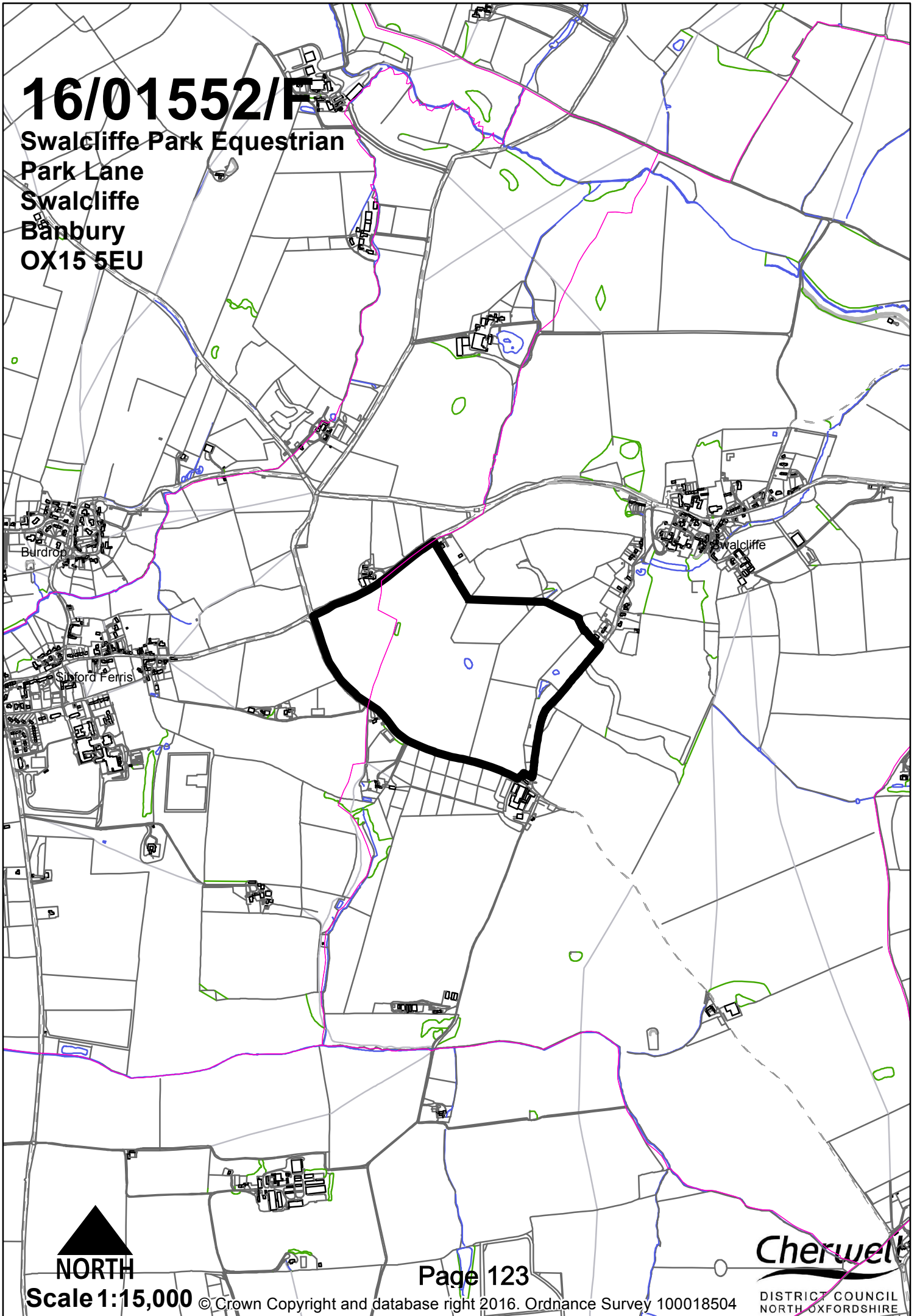
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Scale 1:5,250

16/01552/F

Swalcliffe Park Equestrian
Park Lane
Swalcliffe
Banbury
OX15 5EU



Scale 1:15,000

**Swalcliffe Park Equestrian
Park Lane
Swalcliffe**

16/01552/F

Case Officer: Bob Neville

Contact: 01295 221875

Applicant: Swalcliffe Park Equestrian

Proposal: Variation of condition no. 5 (Noise Management Plan) of Application 14/01762/F

Expiry Date: 02.11.2016

Ward: Cropredy, Sibfords and
Wroxton

Committee Date: 27.10.2016

Ward Councillors: Cllr Atack, Cllr Reynolds, Cllr Webb

Reason for Referral: Public Interest

Recommendation: Refusal

1 APPLICATION SITE AND LOCALITY

- 1.1 The site is an area of land of approximately 39 hectares, which forms part of Swalcliffe Grange Farm, located just south-west of the village of Swalcliffe, east of Sibford Ferris and some 6 miles from Banbury. It is an area of undulating landscape in predominantly mixed equestrian and agricultural use, accessed by narrow rural lanes (in some places only single-track). The site is largely bounded by existing mature field hedgerows, although stock-proof fencing and a relatively new hedgerow has been planted along Grange Lane to the west. There are residential properties immediately adjacent the site, with further residencies within the villages of Swalcliffe (to the north-east) and Sibford Ferris (to the west).
- 1.2 The site is currently used for day-to-day equestrian training and equestrian competitions/events that attract a large number of competitors; such as the British Eventing Horse Trials which have seen some 500 riders taking part in the event over two days.
- 1.3 In terms of site constraints, the site is not within a conservation area and there are no listed buildings within close proximity. There are Public Rights of Way located to the south and east of the site.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Planning permission (14/01762/F) was granted in May 2015 for, in part, the use of land at Grange Farm for mixed use comprising part agricultural, and part equestrian training and competitions (Use Class D2) by Swalcliffe Park Equestrian; the permission was granted subject to a schedule of conditions. Condition 5 of the permission (14/01762/F) seeks to protect the amenity of neighbouring properties and the surrounding area by ensuring that equestrian events of greater than 50 competing horses take place in accordance with a Noise Management Plan (NMP).

Condition 5 reads:

'Equestrian events of greater than 50 competing horses taking place on site shall be in accordance with, the Noise Management Plan (NMP) dated 28th May 2015, ref. 'ID!BRi' detailing the methods to be employed to achieve compliance with a noise limit of at 45 dB L_{A eq} (15mins), when measured free field at noise sensitive locations adjacent the residential properties of Partway House, Elm Farm, Swalcliffe House and Wykham, shown on the attached plan ref. CDC-01.

No operational changes shall be made in relation to noise management without prior written approval by the Local Planning Authority in which case a revised NMP shall be submitted approved through the submission of a further 'approval of details reserved by condition' application.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework'.

- 2.2 This current application seeks permission under Section 73 of the Town and Country Planning Act 1990 to vary condition 5 of 14/01762/F, to allow for an increased noise limit of 55 dB L_{A eq} (15mins) and a revision to the NMP to change the assessment methodology for noise during events and operations at the site.

3 RELEVANT PLANNING HISTORY

- 3.1 14/01762/F - Use of land at Grange Farm for mixed use comprising part agricultural, part equestrian training and competitions (Use Class D2); retention of 1no. access and relocation of 1no. access on to the road leading from the B4035 to Sibford Ferris; extension to existing parking area and retention of equestrian jumps and obstacles; as detailed in agent's letter dated 22nd December 2014. Permitted 29.05.2015
- 3.2 15/00392/DISC - Discharge of Conditions 8 and 15 of 14/01762/F. Permitted 16.11.2015.
- 3.3 Please note that this is not a complete summary of the planning history at the site and that there have been further applications at the site, but these are not considered to be directly relevant to the current proposal.

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 The comments raised by third parties in objection are summarised as follows:
- Existing levels of noise are intrusive;
 - No justification for increased noise level or change in noise management/assessment methodology;

- The justification for increasing the limit to 55 dB LAeq,15min is technically flawed and incorrect (clarified in 'WBM Acoustic Consultants' report dated 26 August 2016);
 - Monitoring has been undertaken which concludes that the existing levels can be complied with;
 - No consideration of other methods of delivering commentary;
 - The proposed new sound limit is the same as used for open air concerts.
- 5.3 The comments raised by third parties in support are summarised as follows:
- The present imposed noise levels are unreasonable and unrealistic as they seem to be regularly exceeded by usual day to day activities in the vicinity and would not allow this local business to operate their events.
- 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 SIBFORD FERRIS PARISH COUNCIL: **Objects.** *'Reason for objection: to prevent increased nuisance to the residents of Sibford Ferris affected when amplification is used on events days'.*
- 6.3 SWALCLIFFE PARISH COUNCIL: **Does not object to the application, but makes the following comments:** *'To use the hand held measuring device to not only measure the noise level at 1 metre from the loudspeaker but measure the actual noise level at locations A, B & C, rather than rely on the graph in Appendix B to determine the calculated noise level at these locations. This can be done during the set up or as a final check after the set-up'.*

STATUTORY CONSULTEES

- 6.4 None undertaken

NON-STATUTORY CONSULTEES

- 6.5 CDC ENVIRONMENTAL PROTECTION MANAGER: **Objects.** *'The reason put forward that the existing limit is unreasonable and renders the proposed development unworkable is not justified'.*

7 RELEVANT NATIONAL AND LOCAL 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:

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

ESD 15: The Character of the built and historic environment

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

C31: Compatibility of proposals in residential areas

AG5: Horse-related development

ENV1: Development likely to cause detrimental levels of pollution

7.5 Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Noise Policy Statement for England (NPSE) (Department for Environment, Food and Rural Affairs (DEFRA) 2010)

8 APPRAISAL

8.1 The National Planning Practice Guidance (PPG) advises: *In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20140306).*

8.2 The key issues for consideration in this case are:

- Whether the existing noise condition is overly restrictive and placing unnecessary burdens on Swalcliffe Park Equestrian, to the extent that it would be to the detriment of their business operations; and,
- Whether the proposed amended noise limit and revised NMP would result in significant detrimental impacts on the amenities of neighbouring properties and the surrounding area.

8.3 The purpose of the planning system is to contribute to the achievement of sustainable development, which is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development. These are environmental, social and economic.

8.4 The NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy, and working to secure a healthy environment in which both present and future generations can prosper. Effective noise management is considered key in meeting objectives for promoting good health and a good quality of life (NPSE, 2010).

8.5 The NPPF (Para. 123) sets out 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; and
 - 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.
- 8.6 The Government has further produced a Noise Policy Statement for England (NPSE) which looks to *'Promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'*; setting out its aims as being:
- 'Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:*
- *avoid significant adverse impacts on health and quality of life;*
 - *mitigate and minimise adverse impacts on health and quality of life; and*
 - *where possible, contribute to the improvement of health and quality of life'.*
- 8.7 Policies within the Cherwell Development Plan look to echo these aims and are considered consistent with Government policy guidance. Saved Policy C31 of the CLP 1996 requires that in existing residential areas any development which is not compatible with the residential character of the area, should not cause an unacceptable level of nuisance or visual intrusion. Saved Policy AG5 seeks to ensure that horse-related development would not be detrimental to the amenity of neighbouring properties. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.8 Saved Policy ENV1 of the CLP 1996 states that developments that are likely to cause material detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted. The policy states further at paragraph 10.4 that: *'The Council will seek to ensure...in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution'*.
- 8.9 The Council's Environmental Protection Manager (EPM) has assessed the proposals set out within the application and considers that the current noise level set within condition 5 of 14/01762/F is appropriate and compliance with this level and the provisions of the NMP are achievable and therefore that there is not sufficient justification to warrant considering revisions as set out in the application. Officers see no reason not to agree with this opinion.
- 8.10 The applicant refers to levels set out within the World Health Organisation's (WHO) guidance within their Noise Report, prepared by acoustic consultants iD!BRi. The WHO guidelines state that: *'To protect the majority of people from being seriously annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 55dB L_{Aeq} for a steady, continuous noise. To protect the majority of people from being moderately annoyed during the daytime, the outdoor sound pressure level should not exceed 50dB L_{Aeq}'.*
- 8.11 The EPM advises that: *'These daytime levels are for steady, continuous noise such as road traffic and are given as 16hour L_{Aeq}s. It is not appropriate to apply the WHO guidelines to noise from the equestrian events which can be intermittent and variable, for example the operation of the PA system. In fact such acoustic*

characteristics can make the noise more noticeable and annoying increasing the significance of the impact’.

- 8.12 Furthermore the EPM advises that: *‘The assessment criteria in the Noise Council ‘Code of practice on environmental noise control from concerts is really for assessing music sound from concerts, however the principal of applying a level of +15dB to the background noise level (LA90 level) where there are between 4 and 12 concerts, in this case event days, has been applied. iD!BRi have stated that based on the background noise levels measured by them +15dB would approximately equate to the WHO guideline levels of 50 to 55dB. Background levels will vary day to day and lower levels have been measured by both iD!BRi and others, adding 15dB to these would give similar levels to that of the existing noise condition’.*
- 8.13 The PPG (Paragraph: 005 Reference ID: 30-005-20140306) advises that where noise is perceived as being noticeable and intrusive, and that there is an observed adverse effect, actions should be taken to mitigate and reduce to a minimum noise impacts.
- 8.14 In approving application 14/01762/F the Council acknowledged that the larger equestrian events would likely result in some levels of intrusive noise. Condition 5 (noise limit and NMP) was considered appropriate and necessary to be applied to permission 14/01762/F, in order restrict noise levels to an acceptable level and to safeguard the amenities of the area, and to comply with Policy ENV1 of the CLP 1996 and Government guidance contained within the NPPF. Although the level is 5 dB lower than that indicated as being an acceptable community noise target (50 dB) within the current British Standard BS 8233:2014, it is considered that given the context of the site and its tranquil rural nature that this was an appropriate level for the noise limit to be set at; to ensure that the amenity of the neighbouring properties and also those further afield within the village would not be significantly affected by the larger events taking place. It should also be noted that this condition was not challenged following the granting of permission.
- 8.15 The proposed revised NMP and rewording of condition 5 removes the requirement for noise monitoring at dwellings. Instead the proposal appears to set limits for Public Address (PA) loudspeakers and items of plant, depending on their relative distance from the dwellings; using a chart provided in Appendix B of the revised NMP; which charts noise levels against distance. The applicants indicate that the calculations within the chart are intended to result in a level of 40 dB L_{pA} , at the specified distance, which would appear to result in a better situation than the current 45 dB L_{Aeq} (15min). However, this approach does not take into account cumulative noise levels from the various noise sources, topography of the site or meteorological conditions. It is considered that the methodology set out in the revised NMP would not provide an appropriate mechanism for the monitoring and enforcement of an appropriate noise level, to ensure that there would be no significant detrimental impact on the amenities of adjacent residential properties or the wider area, as a result of large events taking place.
- 8.16 The applicants indicate that the restrictive condition has the *‘...potential to impact adversely and unreasonably on Swalcliffe Park Equestrian’s on-going operation.’* However, the potential adverse impacts have not been expanded upon or demonstrated within the application’s supporting documentation. In particular there is no clear evidence that the condition as currently worded is restricting or preventing the business from operating within the terms of the planning permission.
- 8.17 Following complaints being raised by local residents that the provisions of Condition 5 of 14/01762/F were not being complied with, the Council’s Environmental Protection Team undertook a monitoring exercise of an event that was held on site over the weekend of the 5th to the 7th of August; with the site being visited on Friday the 5th and Sunday the 7th.

8.18 The monitoring of the event concluded that the noise levels were satisfactory. The measured noise levels as a result of activities on the site (other extraneous sounds were paused out of the measurements) during that event were at or within the level of 45dB L_{Aeq} (15mins) required by condition 5 on the planning consent (14/01762/F). The applicants can therefore clearly host an event that complies with the provisions of noise management condition, and officers can see no reason why this cannot be replicated on future events.

Other Matters

8.19 Comment has been made with regard to the potential for other methods of relaying commentary to spectators not being explored at the site. The principle of the use of PA speakers has been accepted, subject to the limits set out within condition 5 of the permission, with the approval of 14/01762/F. Given the nature of the current application, (i.e. variation of the noise condition which does not presently preclude the use of PA speakers) it not considered appropriate to now suggest that PA speakers should not be used, and as such alternatives have not been pursued by officers in the context of this application.

9 CONCLUSION

9.1 Officers consider that the applicant has failed to demonstrate that the existing noise limit restriction, imposed by the provision of condition 5 of 14/01762/F, is unduly onerous or has adversely impacted on the business operations of Swalcliffe Park Equestrian at the site. Officers consider that by allowing an unjustified increase in the noise limit, above that currently considered acceptable, that larger events would likely result in significant harmful levels of noise that would be detrimental to the amenities of neighbouring residential properties and the wider rural area. Furthermore the revised NMP does not provide an appropriate mechanism for the monitoring and enforcement of an appropriate noise level to ensure that there would be no significant detrimental impact on the amenities of the area as a result of large events taking place.

9.2 Given the above assessment the proposals are considered to be contrary to the policies identified in Section 7 of this report and the application is therefore recommended for refusal for the reason set out below.

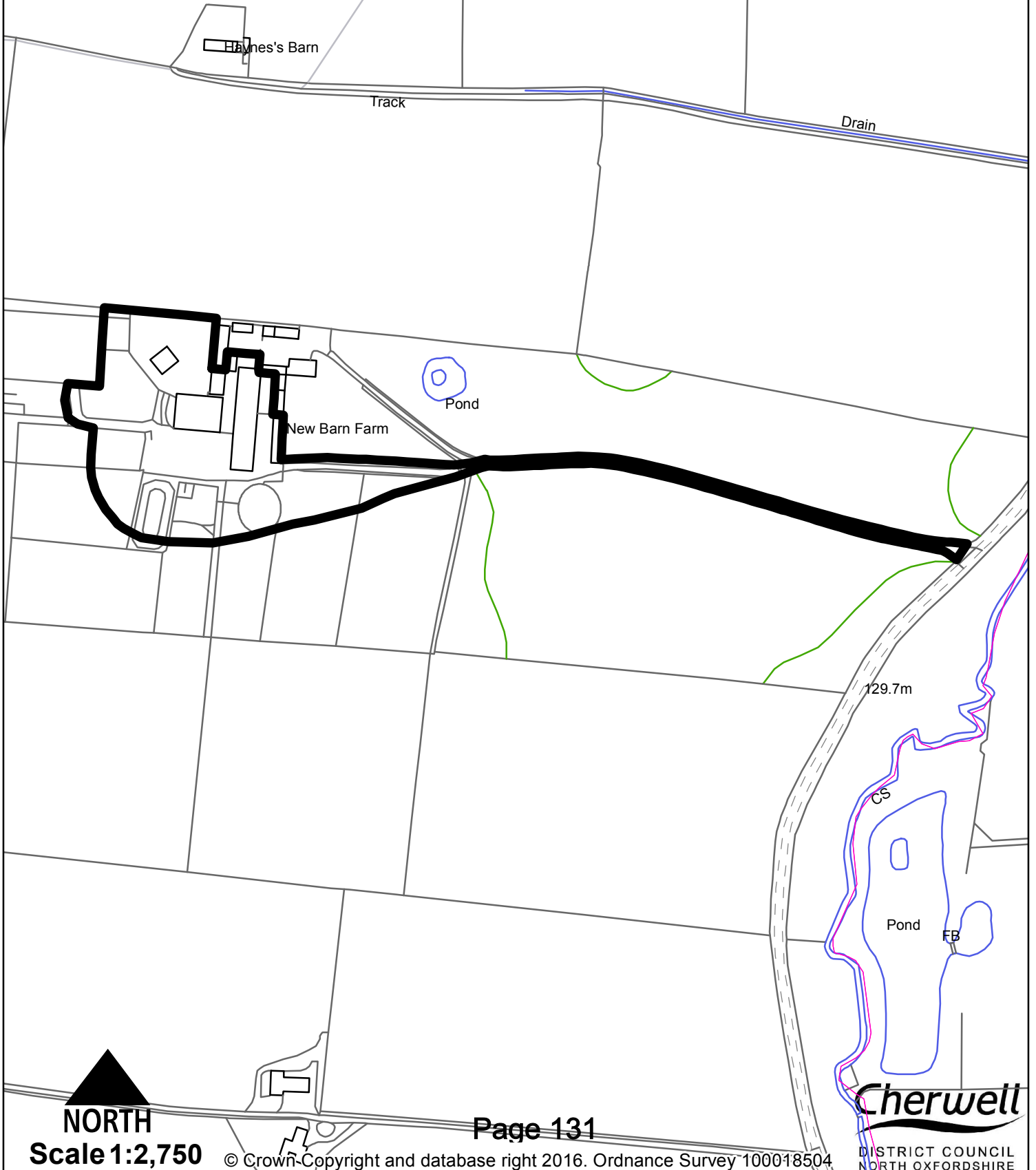
10 RECOMMENDATION

10.1 That permission is refused, for the following reason:

1. The proposal to increase the maximum noise level at which the current use is permitted to be operated at would likely result in levels of noise that would be intrusive and harmful to the amenities of neighbouring residential properties and the wider rural area. This harm is considered significant and unjustified and the proposal is therefore contrary to the provisions of Saved Policies AG5, C31 and ENV1 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework and Planning Practice Guidance.

16/01563/F

Muddle Barn Farm
Colony Road
Sibford Gower
Banbury
OX15 5RY

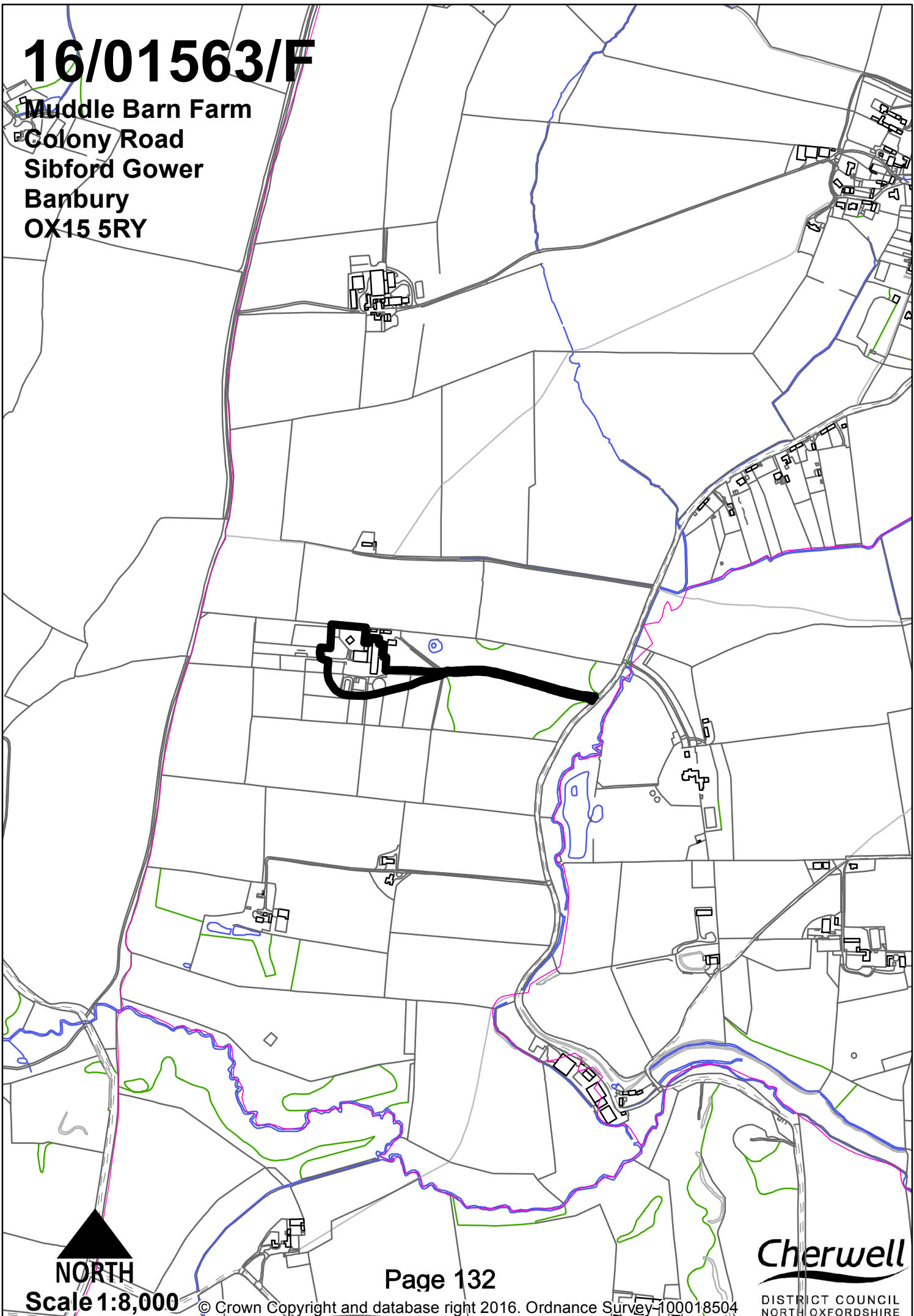


NORTH

Scale 1:2,750

16/01563/F

Middle Barn Farm
Colony Road
Sibford Gower
Banbury
OX15 5RY



NORTH

Scale 1:8,000

Case Officer: Nathanael Stock **Ward(s):** Cropredy, Sibfords And Wroxton

Applicant: Mr & Mrs Gregory Besterman

Ward Member(s): Cllr Ken Atack, Cllr George Reynolds, Cllr Douglas Webb

Proposal: Demolition of an existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping (resubmission 15/01693/F)

Committee Date: 27 October 2016 **Recommendation:** Approve

1. Application Site and Locality

1.1 The application site is comprised of a single, detached dwelling, four large agricultural buildings (two detached, the other two linked to a neighbour's outbuildings) and other smaller structures, a horse walking area enclosed by hedges, and other hardstanding, as well as a manege to the west of the dwelling. A large area of agricultural land is also included within the blue line, i.e. the applicant's ownership, covering broadly 440 metres in a west-east direction and 290 metres in a north-south direction and bounded to the west by the county boundary between Oxfordshire and Warwickshire. This boundary also marks the eastern edge of the Cotswolds Area of Outstanding Natural Beauty. The site is accessed from Colony Road, a classified road, to the east. There are records of bats in the area. There are no other site specific constraints.

2. Description of Proposed Development

2.1 Planning permission is sought for the demolition of the existing dwelling, one existing outbuilding ('stable block 3') and part of another, and the erection of a replacement dwelling with associated soft and hard landscaping.

2.2 The main part of the proposed dwelling, two storeys in height with accommodation in the roof space, would feature four living rooms including dining room at ground floor level, with seven en suite bedrooms and a laundry room at upper levels. A single storey side element serving as kitchen/breakfast room would extend at ground floor level from the dwelling's north-east elevation, and from the kitchen a further single storey element would proceed in a south-east direction, providing pantry, WC, utility and plant room

2.3 The application is a revised scheme of 15/01593/F; the changes from that previous application are:

- The main dwelling has been moved approx. 13 metres N/NW
- The accompanying terrace has also been moved approx. 9 metres N/NW
- Associated changes to the landscaping of the site

- The wing has been reduced in extent, removing garages, workshop, gym, playroom, and second bathrooms and laundry rooms
- Retention of 'stable block 4' (existing building) – to be used as three garages plus store
- Retention of 'stable block 2' (existing building) – to be used as stabling
- Certain elevation changes, including roof shape returned from hipped to gable ended, and the design of the reduced wing (kitchen) amended
- Alterations to positions of chimneys (possibly differently to how we previously advised)

2.3 The proposal also includes the formation of hardstanding to form a new access drive, brick wall and piers to form a new stable yard adjacent to the existing stable blocks and partly in place of the outbuilding proposed for part demolition, alterations to a third outbuilding ('stable block 1') and its use for equestrian purposes, the planting of numerous trees, and alterations to ground levels to form a landscaped terrace to the west of the dwelling.

2.4 The application relates to drawings "1759.100E", "1759.110A", "1759.111A", "1759.118A", "1759.122A", "1759.125A" (window detail), "1759.126A" (dormer detail), "1759.127A" (stable 2), "1759.128A" (stable block 2), "1353.01C" (landscape proposals), a site location plan and drawings of the existing dwelling, site and outbuildings. The application is accompanied by a Design and Access Statement, ecology survey and planning statement.

3. Relevant Planning History

14/01100/CLUE – Certificate of Lawfulness of Existing Use for the use of the dwelling in breach of Condition 5 (Agricultural Occupancy) CHN600/85 – granted

14/02157/F – Demolition of an existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping – withdrawn pending refusal

15/01693/F - Demolition of an existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping (revised scheme of 14/02157/F) – withdrawn pending refusal

4. Response to Publicity

Three letters of support received, one of whom is the closest neighbour; issues raised include: (1) the footprint has moved and overall size considerably decreased from previous proposals; (2) some / great enhancement to the character and appearance of the site; (3) the existing dwelling is of poor design; the proposed dwelling is a considerable improvement; (4) comprehensive landscaping scheme proposed; (5) proposal is more in keeping with its surrounds than existing property

5. Response to Consultation

Parish/Town Council:

Sibford Ferris Parish Council – Objects:

As this property sits close to the border with the parish of Sibford Ferris and the proposed dwelling will be highly visible, the parish council would like to make comment on the application.

The parish council understands that the scale of the proposed dwelling and its siting have been amended from the previous application.

However, the design remains as a three-storey building to replace a two-storey building (H17).

The revised siting has not altered the fact that it will be positioned on a hill which will make it prominent when viewed from the valley to the east and its scale and design will be out of keeping with those around it (C30).

It is the view of the parish council, therefore, that the revised design still does not fit with planning policies as stated in the Cherwell Local Plan:

Local Plan C30: the new dwelling should be compatible with those around it in terms of appearance, character, layout, scale and density;

Local Plan H17: the scale of the new dwelling should not be significantly different to the one it is replacing.

Sibford Gower Parish Council – Objects:

With minor changes and a slight reduction in size, the application remains the same as before, for the replacement of the existing dwelling by a much larger private house of different character. We have considered the additional evidence presented by the applicants and do not find it convincing.

There is no reason to concur with the Landscape and Visual Assessment study previously submitted... in our view [the landscape] is incorrectly categorised as 'Rolling Village Pasture'. The extensive garden landscaping and planting around the house would indeed change the landscape nature of the valley as a whole. We are unhappy with this change in an area of High Landscape Value.

We do not find the parallels for historic large Georgian style buildings in the area convincing they are for the most part within the curtilage of a village rather than in open countryside, and do not override the planning regulations currently in force.

We do not accept the claim that Policy H17 'is an old and outdated policy' (Carter Jones document p10). It remains an essential criterion for limiting development within the countryside.

Despite the representations of the owner of New Barn Farm, we do not believe that the issue of the relation to New Barn Farm has been properly addressed.

Size: Despite their utilitarian nature, the present buildings are low and well shielded; they make little impact on the surrounding landscape. The proposal is to create a replacement dwelling five times the size of the original, erecting a four bedroom three storey house in place of a small three bedroom chalet type dwelling, together with a separate dwelling of two storeys which is approx. the same size as the original dwelling.

The Design and Access Statement makes much of the fact that because the new development is placed at a lower level on the site, its height above sea level will be identical with the old, at a building height of 177.58m. But that does not alter the fact that the ground floor to roof elevation of the new building is approx. one third greater than the old, and that the size and shape of the main house is much greater than the original.

Nor does it address the surrounding locality. The proposed development is situated on high land with magnificent views in every direction. These views extend as far as the Sibfords to the north (1 mile), Hook Norton to the east (3 miles), the Rollright Stones, Whichford Wood and Oatley Hill to the south (5-8 miles) and Broadway Tower to the west (13 miles). It will be prominently visible across a wide area.

The overall bulk and particularly the increased overall height of the development will also create an unacceptable impact on the immediate vicinity, dominating the valley. Whatever planting mitigation is proposed, any view of the building will stand out like a sore thumb across a landscape characterised by traditional and modest farm buildings, and the planting will change the nature of the valley and its landscape irrevocably in summer, while having no screening effect in winter. Some of this impact can be assessed by comparison with two nearby properties. New Barn Farm itself is very visible in the valley from surrounding hill paths; the new building will be in the same position, and approx. three times the size. The proposal is comparable in size to the dominant Gauthern's Barn on the other side of the valley (built before existing regulations were in place), but that at least is partially hidden from many angles by the bend in the valley.

Design: The proposal is to replace an admittedly undistinguished modest 60s chalet-type building with a mock Georgian mansion, or as the application calls it a 'finely designed Georgian house' (7.12) of 'country house character' or 'late Georgian Regency property' with 'later' Victorian additions. That may be appropriate for the deep Cotswolds, but is completely out of keeping with the traditional vernacular architecture of the Banbury ironstone area, and in particular the Sib Valley. The new proposal will permanently alter the landscape.

Paragraphs 59-60 of the Framework do not permit prescription on style but do suggest concentrating on 'overall scale, density, massing, height, landscape, layout... in relation to neighbouring buildings and the local area more generally', and state that 'it is proper to seek to promote or reinforce local distinctiveness'.

Local Plan H17 (retained) permits replacement of a dwelling outside the limits of an existing settlement provided that 'the proposed replacement is similar in scale and within the same curtilage'. This proposal is of a quite different scale, and is stated by the applicants to be in terms of floor area approx. five times the size of the original dwelling. The claim that this discrepancy can be mitigated by invoking permitted development guidelines seems to us irrelevant, and still leaves a shortfall of over 1,000 sq feet.

Local Plan C30 (retained) requires compatibility with appearance, character, layout, scale and density of existing dwellings in the vicinity. This has not been demonstrated in relation especially to New Barn Farm.

Local Plan Policy ESD13 – The valley in which the property stands is open farmland designated as an Area of High Landscape Value. While this designation does not itself affect

permitted development rights it must be asked whether the development is at all compatible with the aim of the Council as expressed in the Cherwell Local Plan 2011-2031.

Local Plan Policy ESD15 requires justification in terms of complementing and enhancing the context and an explanation of the design rationale. This has not been provided.

Cherwell District Council:

Landscape – No objection. With regard to my previous response of 09/02 I reaffirm no objection to the development of the reduced-scheme proposals, as long as the following conditions are met:

A BS5837 Tree survey in respect of the large mature oak trees along the drive, all trees and hedgerows within an influencing distance of the demolition and construction work. Root protection areas to be defined and maintained during the duration of the work.

Detailed landscape proposals with plant schedule and specification (BS4428:1989 and National Plant Specification)

The proposed trees are appropriate in their species/variety for the soil and distance from foundations of New Barn Farm – a qualified structural engineer to be consulted.

Tree pit details (15m³ of ameliorated on-site tree soil) are to be provided with trees supplied, planted and maintained in accordance with BS8545:2014.

Hedgerow retention for the northern, western, eastern and southern field/application site boundaries with a 3 m minimum maintenance height for landscape mitigation.

Ecology – No comments received. With regard to previous application had no objection subject to conditions

Conservation – Comments as follows:

North elevation: It is a pity that all the accommodation cannot be contained within the main house. The addition of the kitchen extension, with its own extension for the utility/plant room do not enhance the design of the main house and are not yet fully resolved. The Architect was going to look at this following our meeting. Externally it would look better if the kitchen extension moved forward, this would avoid the awkward rainwater arrangement but would mean the kitchen would be entered on the corner. As proposed we have the awkward rainwater hopper arrangement to the valley and the door opens just off centre which would always look odd. By moving the kitchen forward to the west you would lose the thin window to the dining room but it would help the rainwater disposal and avoid the offset door under the ridge of the kitchen ceiling when looking towards the main house internally.

The detail of the rainwater goods/sump from valley gutter needs to be neatly handled and should be conditioned to arrive at a more elegant arrangement (see comment above).

Query how the rainwater disposal of flat roof below the ridge will be handled?

The presumed en-suite on gable wall at first floor won't have a window.

Position of door to master bedroom will no doubt change when the interior furniture is laid out, I wouldn't object if this altered later on.

Dormers look too tall, and corresponding proportion of glass – recommend these are reduced in height so the ridge of the dormer does not project above the ridge of the linking roof between the two main roofs and a the proportion of the glass is also shorter than currently shown in the dormer casements.

Glazed screen to kitchen to the west elevation the top of the screen aligns with top of windows to the main house but on east elevation top of window is lower. Consider it would look more subservient if the screen was also lower than the top of the windows.

The ridge of the utility/plant room wing needs to come in below the ridge of the kitchen extension, it looks a bit tight as drawn.

Query the treatment of the double doors on the utility/plant room wing are these louvred? If so the traditional game hanging larder structures might provide inspiration for ventilation. Details to be conditioned.

Outbuildings: During earlier discussions these were proposed to be removed as they were of low quality. Drg 1759.127 – is this being retained and converted to the stable?

Garage: Are they introducing 2No rooflights as the arrows only point to 2No as being existing?

Landscaping: The proposed landscaping needs to be carefully handled to blend with the existing landscape. It would be helpful to see updated visuals based on the current scheme.

Recommends conditions re. masonry, sample panel of masonry, lime mortar no cement gauging; chimney details; kneeler and coping detail; Eaves detail; String and plinth detail, including how the string returns; Detail of the corner stones to ensure the return of the stone is not thin – may need to have alternating L-shaped stones in plan to avoid this; Ventilation slots/in gable of utility/plant room wing; Doorcase details; Louvred window details; Cill and lintol details; Steps. [Also] Condition lead or Cast iron or rainwater goods and colour; as well as details in particular the north valley gutter above the kitchen and the flat roof of the main house. [Also] Condition Joinery: Timber sliding sash and case windows and colour:

Detail submitted shows sash box hidden in stone reveal (typical detail after 1774 in London by law, later copied in other parts of the country) with glazing bars at 35mm wide (typical 38mm in late 17thC/ early 18thC but by late 18thC the glazing bars had slimmed down), Historic England '<https://content.historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows.pdf/>' + need to think about avoiding cold bridging and draft-stripping in due course. Historic England illustrate slimline double glazing with an 18mm glazing bar. The colour of the spacer bar/edge between the two sheets of glass needs to have a non-metallic finish – matt black might work better with certain colours, especially if an off white or colour is proposed suggest trialing which colour looks best with chosen window colour.

[Also Condition] Doors, including fanlight; Dormers – casement should be flush; Rooflights; Condition roofing sample of the proposed stone tiles, including details of ridge. Code of lead – Code 3 may be quite thin for an exposed position?

Oxfordshire County Council:

Highways – No objections subject to conditions

Other External Consultees:

None

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

ESD1 - Mitigating and Adapting to Climate Change
ESD3 - Sustainable Construction
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
ESD12 - Cotswolds AONB
ESD13 - Local Landscape Protection and Enhancement
ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development
C30 - Design of new residential development
H17 - Replacement dwellings
H18 - New dwellings in the countryside

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;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Other matters - Ecological Implications, Flood Risk, Sustainability

Principle of development

- 7.2 Policy H18 relates to new dwellings within the countryside beyond the built up limits of settlements. Such dwellings will be supported if proven to be essential for agriculture or other existing land based businesses. The proposed dwelling does not meet these criteria. The proposed dwelling would therefore conflict with Policy H18.
- 7.3 Policy H17 of the Cherwell Local Plan 1996 supports the one-for-one replacement of dwellings, but only if the existing dwelling is “statutorily unfit or substandard”. No evidence has been submitted to demonstrate that the existing dwelling fits this criteria.
- 7.4 Even if this was to be demonstrated, part (ii) of the policy requires that the proposed replacement is “similar in scale and within the same curtilage”. The proposed dwelling would be considerably larger than the existing dwelling: The existing dwelling has a gross external floor area (GEA) of approx. 179 sq m, whereas the main dwelling proposed would have a GEA of approx. 734 sq m (down from approx. 998 sq m under the last application). This represents an approx. 410% increase over the GEA of the original dwelling.
- 7.5 Permitted development rights are intact for the existing dwelling, which allow for extensions of up to approx. 187 sq m. Taking this larger GEA of 366 sq m (i.e. 187+179) and assuming that permitted development rights are removed from the proposed new dwelling (were it to be approved), the proposed dwelling would have a GEA of approx. 200% that of the original dwelling.
- 7.6 The proposed dwelling would not be similar in scale to the existing dwelling, but would be substantially reduced from previous proposals. The dwelling has been brought significantly closer to the existing dwelling and under the current proposals would share part of its domestic curtilage. The proposed dwelling would also provide for substantial aesthetic enhancement over that of the existing dwelling.
- 7.7 Overall, therefore, the currently proposed dwelling is considered broadly consistent, and not in significant conflict, with Policy H17 of the 1996 Plan. Although the proposal also includes the demolition of some of the existing agricultural buildings, such buildings are not mentioned in Policy H17 and therefore have no significant bearing on the above assessment.
- 7.8 Policies H17 and H18 align well with paragraph 55 of the Framework in seeking to control isolated new dwellings in the countryside. The applicant contends that a replacement dwelling can serve as a special circumstance and officers agree. By virtue of its scale relative to the existing dwelling, its reduced scale relative to previous proposals, its architectural and aesthetic quality relative to that of the existing dwelling, and provided the high architectural quality is secured through appropriately worded conditions, and provided permitted

development rights are removed for the dwelling, it is considered that the currently proposed dwelling is an appropriate 'replacement', and not to significantly conflict with paragraph 55 of the Framework.

Design, Layout and Appearance

- 7.9 The dwelling has been designed in a Georgian / Regency style, and is sited so as to be oriented in line with the existing field pattern. The dwelling would be approached via an access drive sweeping around from a westward direction to northward, culminating in a semi-circular turning area bounded by formal planting partially bounded to its north by the L-shaped wing and to its east by a retaining wall which would enclose a proposed stable yard. A parking courtyard would be sited to the north of the dwelling's single storey element. The main dwelling faces westward, surrounded by terrace with steps down to a lawn bounded by ha ha.
- 7.10 The dwelling itself would have three storeys, the third storey in the roof, served by a total of four dormers, two each to west and east elevations. Both elevations would feature a central door at ground floor and two windows to either side with five at first floor level. The doors would have Georgian/Regency style canopies and the windows would have stone surrounds. To the north and south elevations the roof would have a double bay appearance, the roof between being set in, up to a flat roof. The dwelling is proposed to be constructed in Hornton ironstone, under a slate roof, with timber windows.
- 7.11 Given its Georgian / Regency style and its visual sensitivity, the Design and Conservation team has been consulted on the proposal. The Conservation Officer raised concerns with the previous proposals in terms of orientation, architectural style; the scale, massing and juxtaposition of the three key elements of house, kitchen and courtyard; the proportions, rhythm and solid/void ratio of the main house; the dormers and their relationship to the principal elevations and the conflict with the chimney stacks, and the scale, height, design and articulation of the courtyard buildings.
- 7.12 The *current proposal* is oriented so as to follow the existing field pattern, with a strong relationship to post-enclosure field boundaries.
- 7.13 In terms of architectural style, the Georgian/Regency style has been retained, but its fenestration pattern simplified, the number of dormers reduced and their positions improved, and the solid to void ratio appears to have been altered. The proportions and rhythm have been amended to good effect. It is considered that the amended proposal more successfully responds to local interpretations of the Georgian style.
- 7.14 The large single and two-storey wing previously proposed has been largely removed, with a single storey element retained. It continues to sit slightly awkwardly with the main dwelling and minor amendments have been since been obtained in order to improve this relationship. The Conservation Officer has no overall concerns with the current proposal subject to these conditions and various conditions re detailing.

Impact on Heritage Assets

7.15 The site is not within a designated Conservation Area and there are no listed buildings in the vicinity. The Conservation Officer raises no concerns on the proposal's impact on any heritage assets. Overall, the proposal is considered acceptable in this regard.

Landscape and Visual Impact

7.16 The proposed dwelling is designed to be seen and therefore to make a statement in the local landscape, and has regard both to views into and views from the site. The applicant's agent has contested that this is the case, but the size and architectural appearance, as well as its siting well away from that of the existing dwelling, and the associated landscaping proposed are all good indications.

7.17 The application is accompanied by a Landscape and Visual Assessment (LVIA) by Colvin & Moggridge, originally dated December 2014 but revised January 2016 to relate to the amended proposals. The LVIA follows the general guidance of the Landscape Institute and Institute of Environmental Management and Assessment.

7.18 The LVIA confirms that the site lies in a good quality landscape and within the Cotswolds Character Area as identified in the National Character Area profiles as recently revised by Natural England; that the existing dwelling sits at 170m AOD and the proposed dwelling would be at 167.6m AOD.

7.19 The LVIA concludes that, subject to removal of existing small scale paddock landscape, associated fences and prominent Lawson Cypress hedges, restoration of hedged field boundaries and the planting of hedgerow trees, the proposal would have a "moderate to slight" impact on the character of the landscape and "slight to negligible" visual effect. It is stated that the building would "not detract from or block any noteworthy views" and would have "little long-term effect on landscape character or visual amenity".

7.20 The LVIA Figures do show that the proposed dwelling would be clearly visible in the local landscape, and demonstrably more so than the existing dwelling, particularly from Sibford Ferris to the east (Viewpoint 4), footpath 347/2 to the east (Viewpoint 5), Sharps Hill to the south (Viewpoint 6), and the Macmillian Way and Area of Outstanding Natural Beauty to the west (Viewpoint 2A). The proposal would have a significant and demonstrable impact on the character and visual amenity of the local landscape.

7.21 The Council's Landscape Officer considers the proposal's visual impacts to be substantial, particularly from Viewpoints 6, 1B and 2B, and comments on the proposed architectural style that its scale "could inadvertently convey a building of power and authority where one did not previously exist".

7.22 It is noted that the Council's Landscape Officer does not object to the application (and has not objected to any of the previous applications), subject to conditions for landscape mitigation, landscape maintenance, hedgerow retention and an arboricultural method statement.

7.23 However, as noted by that officer, the proposal would clearly have a substantial visual impact. One of the core planning principles (para 17 of the Framework) is to recognise "the intrinsic character and beauty of the countryside". The landscape is noted by the applicant's landscape

consultant as being of good quality. Indeed, it is an attractive landscape that is relatively unadulterated. The proposed dwelling would be imposing in this context and would be a prominent new element in several views within the local landscape.

- 7.24 Overall, however, and on balance, by reason of its revised scale and siting, it is considered that the current proposal would not adversely affect the character of the countryside or the character and visual amenity of the local landscape to an extent that warrants refusal of this application. The current proposal thus accords with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as paragraph 17 of the Framework.
- 7.25 In coming to this conclusion, regard is had to the proposal's proximity to and visibility from the Cotswold AONB.
- 7.26 The existing dwelling does not have any particular visual merit and its demolition and the removal of outbuildings is considered acceptable in visual terms.
- 7.27 It is noted that the planting of trees does not itself require planning permission.

Accessibility, Highway Safety and Parking

- 7.28 The local highway authority has no objections to the proposal, and there is sufficient space within the site for parking and turning. The proposal would not significantly increase the number of vehicular movements to or from the site. The proposal would therefore not have a severe impact on highway safety and would accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 in this regard.

Effect on Neighbours' Amenity

- 7.29 The proposed dwelling is located at a sufficient distance (approx. 48 – 50m) so as not to materially impact on the living conditions of New Barn Farm, the only neighbouring occupier. As noted above, the originally submitted was oriented in a different direction and would have near-directly faced the neighbour, albeit at the distance noted above. The neighbour objected to the original proposal, but has written in support of the amended proposal. No other neighbours are materially affected by the proposals. Overall, the proposal would safeguard the living conditions of local residents and the proposal would accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 in this regard.

Other matters - Ecological Implications, Flood Risk, Sustainability

- 7.30 The Council's ecology officer is satisfied that the proposal would have no adverse effects on protected species or other important wildlife. The proposal would not have a significant or demonstrable effect in terms of flood risk. The proposal would not result in any significant benefit or harm in respect of economic or social sustainability, but would have a significant and demonstrable impact on the character and visual amenity of the area and the local landscape and is therefore considered not to be an environmentally sustainable form of development.

7.31 The proposal would not contribute a net addition to the District's housing supply, and the Council can currently demonstrate a 5.3 year housing land supply. Thus it is not considered that any significant weight can be attached to the proposal's benefits in this regard.

8. Conclusion

The proposal would not adversely affect residential amenity, local highway safety, ecology or flood risk. The proposal would result in a significantly larger dwelling than the one it would replace, on a different siting but partly within the curtilage of the existing dwelling. Overall, having regard to its high architectural quality and subject to conditions re materials, detailing, landscaping and withdrawal of permitted development rights, the currently proposal would not adversely affect the character of the countryside or the character and visual amenity of the local landscape. The current proposal would thus broadly comply with Policy H17 of the Cherwell Local Plan 1996 and paragraph 55 of the Framework, and accord with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance with the National Planning Policy Framework.

9. 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 of this planning permission, the application shall be carried out strictly in accordance with the following plans and documents: Application form, drawings "1759.100E", "1759.110A", "1759.111A", "1759.118A", "1759.122A", "1759.127A", "1759.128A", "1353.01C" and the site location plan.

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

3. Prior to the commencement of the development hereby approved above slab level, samples of all externally facing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved 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 shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, full details of the doors and windows and rooflights hereby approved, including fanlights, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, a plan showing full details of the finished floor levels in relation to existing ground levels on the site/existing and proposed site levels for the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason – To ensure a visually appropriate form of development and to safeguard the landscape character and visual amenity of the area and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, the existing dwelling and associated structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.

Reason – In order to achieve a satisfactory form of development, to prevent a net increase in residential dwellings in this environmentally and socially unsustainable location and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The rainwater goods installed to serve the development hereby permitted shall be cast iron or profiled aluminium and retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, amended details of the dormers to the dwelling, including detailed scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with 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, and notwithstanding the details submitted, full details of chimneys, kneeler and coping, eaves, string and plinth including how the string returns, corner stones, ventilation slots, doorcases, louvred windows and steps, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved above slab level, 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, including plant schedule and specification (BS4428:1989 and National Plant Specification),

- (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 steps

The hard landscaping elements of the approved scheme shall be implemented fully in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained as such thereafter.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, and in the interests of highway safety, and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

12. 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 Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved above slab level, full specification details of the altered access and access road and turning area, including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwelling, the development shall be constructed in accordance with the approved details, and retained as such thereafter.

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework

14. Prior to the commencement of the development hereby approved above slab level, a BS5837 Tree survey in respect of the large mature oak trees along the drive, all trees and hedgerows within an influencing distance of the demolition and construction work. Root protection areas to be defined and maintained during the duration of the work.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

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

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

16. Except where expressly shown on the drawings hereby approved as listed in Condition 2 of this permission, all existing hedgerows for the northern, western, eastern and southern field application site boundaries shall be retained, with a minimum maintenance height of 3 metres for landscape mitigation.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

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

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

18. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

19. If the site clearance and demolition of the current dwelling hereby approved does not commence by July 2016 a revised walk over badger check of the site shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers. The survey results, together with any necessary changes to the mitigation plans or working methods shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

20. The development hereby approved shall be carried out in accordance with the recommendations and working practices set out in sections 4.4 and 4.5 of the 'Extended Phase 1 Survey assessment and Bat Survey' carried out by Wild Service Ecological Consultancy on July 2014.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

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

Reason – To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no development within Part 1 or Part 2 shall take place.

Reason – In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for

additions, extensions or enlargements and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

23. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, a plan shall be submitted to identify the residential curtilage of the dwelling hereby approved.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Informative Notes

In respect of Condition 20 of this permission, it should be noted this includes restrictions on the demolition process and an update bat survey if certain conditions are not met.

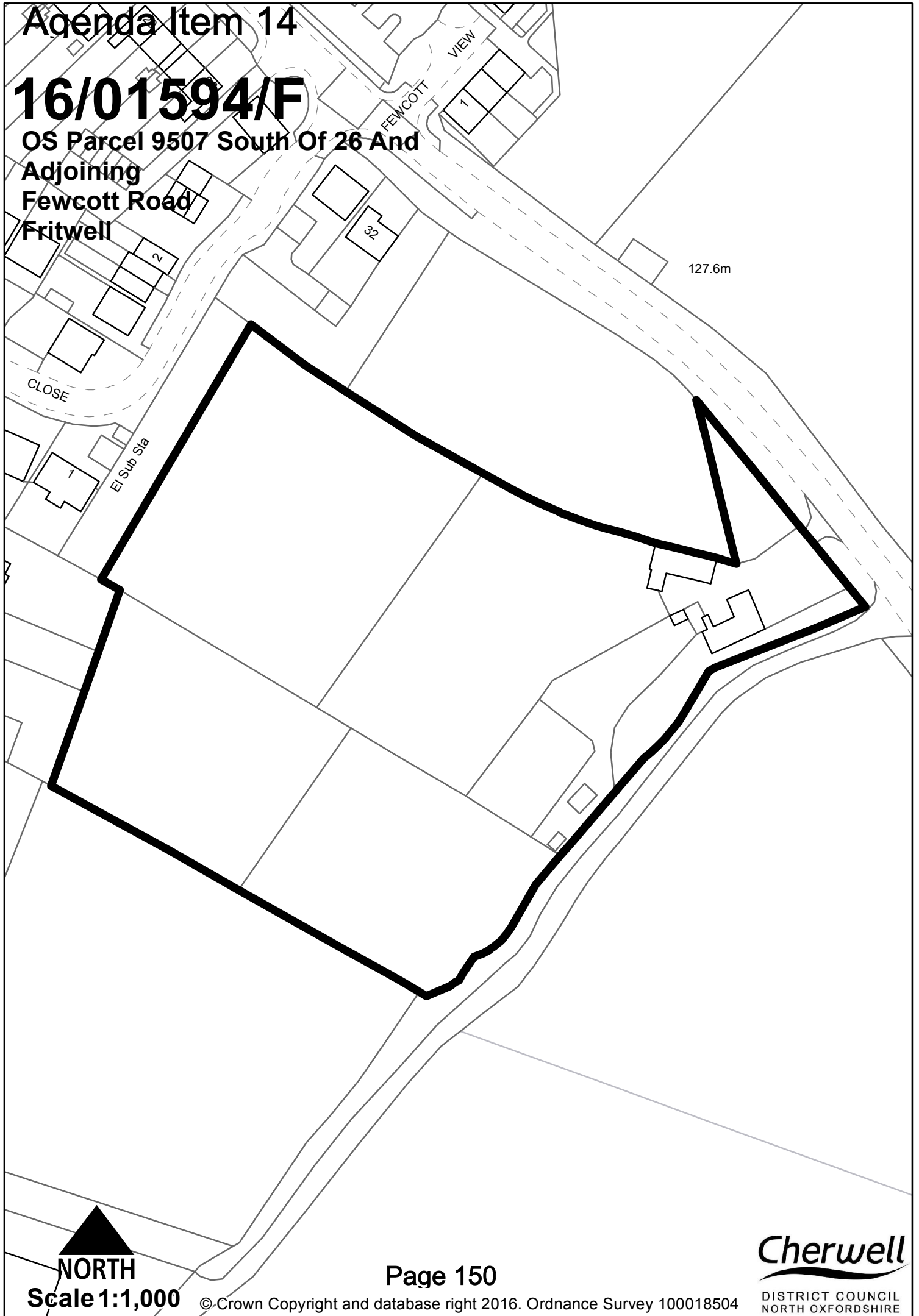
CONTACT OFFICER: Nathanael Stock

TELEPHONE NO: 01295 221886

Agenda Item 14

16/01594/F

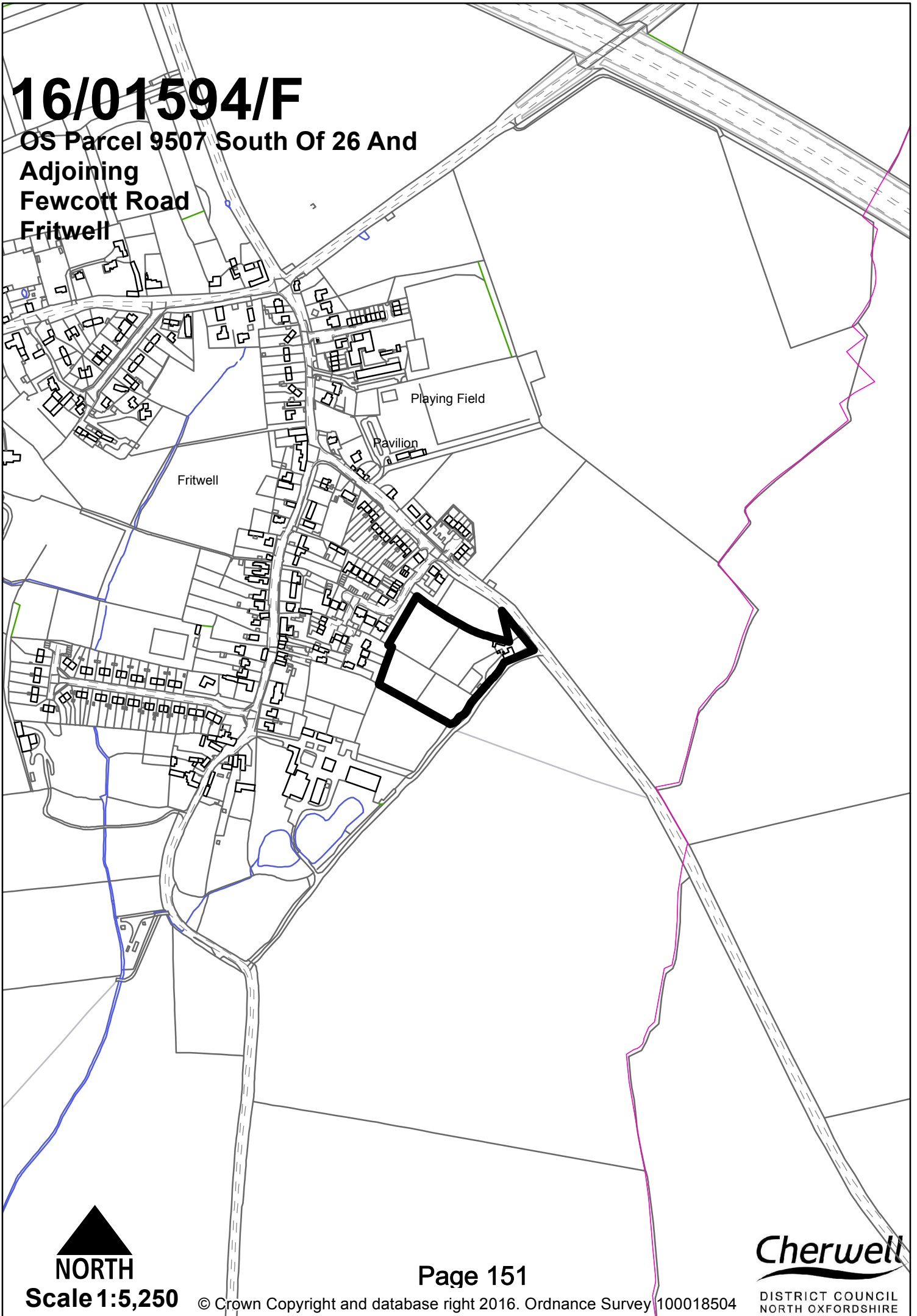
OS Parcel 9507 South Of 26 And
Adjoining
Fewcott Road
Fritwell



Scale 1:1,000

16/01594/F

OS Parcel 9507 South Of 26 And
Adjoining
Fewcott Road
Fritwell



NORTH

Scale 1:5,250

Case Officer: Matthew Parry **Ward(s):** Deddington
Applicant: CALA Management Ltd.
Ward Member(s): Cllr Bryn Williams, Cllr Hugo Brown, Cllr Mike Kerford-Byrnes
Proposal: Erection of 34 dwelling houses with associated access and infrastructure.
Committee Date: 27 October 2016 **Recommendation:** Refusal

Reason for Committee Referral: Major Development

1. Application Site and Locality

- 1.1 The application site consists of 1.3ha of paddock land forming part of the open countryside on the eastern edge of Fritwell, south of Fewcott Road. The site is topographically flat and comprises a grassland meadow with the western, southern and eastern boundaries delineated by varying densities of trees and hedgerows. The site contains a handful of small informally arranged outbuildings in its northeast corner. A very narrow public footpath runs just to the south of the site which links through to Southfield Lane and on to East Street.
- 1.2 To the north of the site and separated by sporadic vegetation lies a small strip of paddock land in separate ownership that has recently been used as a private allotment. Further to the north on the opposite side of Fewcott Road lies flat and expansive open countryside comprising arable farmland. To the south and beyond the public footpath and existing hedgerow lies more paddock land, Lodge Farm and its associated farm buildings together with its fishing lakes. A track linking Lodge Farm with Fewcott Road passes down the eastern edge of the site. The 1990's residential development of Hodgson Close is located to the west where combinations of rear gardens and general amenity space border the site.
- 1.3 The site itself is not subject to any specific statutory or locally designated environmental or heritage constraints though the designated Fritwell Conservation Area lies to the west and incorporates not just buildings within the historic core of the village but also paddock land to the southwest of the site.

2. Description of Proposed Development

- 2.1 The application seeks full planning permission for the erection of 34 dwellings together with associated roads, car parking, amenity areas and landscaping all served by vehicular access from Fewcott Road.
- 2.2 As the application is in full, all matters relating to the proposed development including its principle, accessibility, design, layout and landscaping are for consideration at this stage.

3. Relevant Planning History

3.1 There is no formal planning history relating to this site that is of relevance to this application. However the application follows a pre-application enquiry with officers in Development Management in which concerns were raised about the suitability of the site to accommodate the rural housing allocated within the Local Plan as well as the design and layout of a broadly similar scheme.

4. Response to Publicity

4.1 The application was publicised by way of site notices, neighbour letters and notices in the local newspaper. 25 third party objections have been received with many, but not all of these, being signed template letters circulated to local residents. A small petition signed by six residents of Hodgson Close has also been received. The concerns raised are summarised as follows:

- The proposed development breaches the built-up limits of Fritwell;
- As a result of the scale and design of the buildings which create an estate development, they are not characteristic of the dispersed nature of the village or its rural location;
- The proposed development should be in keeping with the historic and visual fabric of buildings within the village;
- The proposals are in conflict with draft Policy H4 of the emerging Mid-Cherwell Neighbourhood Plan as only affordable housing for local people is supported outside settlement boundaries;
- The emerging Mid-Cherwell Neighbourhood Plan resists greenfield development in preference of brownfield sites to ensure rural character is protected;
- Permission to develop in the village has historically been rejected for many reasons due to the inadequacy of the road network and the lack of public transport;
- As of July 2016, there is no daily bus service through the village;
- The Transport Statement submitted by the applicant is factually incorrect – there is no public transport serving the village and some of the amenities no longer run or have been closed for several years;
- The sewage network serving Fritwell is inadequate to cope with existing demands and residents have experienced drainage problems for some time;
- There is no superfast broadband serving the village and another example of limited utilities serving the village making it unsuitable for further development of this kind;
- The development is proposed on open countryside and noticeably extends the boundary of the village. The visual impact and change of character for the village will be significant;
- Fritwell already has enough large houses and with planning permission already in place for an additional 20 dwellings in other parts of the village, there is no need for this development;
- The proposals have the potential to give rise to noise, light pollution and loss of privacy for existing residents of Hodgson Close;
- The proposed development would significantly alter the rural character and landscape of Fritwell;
- The proposed housing would not enhance the built environment;
- The type of housing proposed does not meet the needs of local people;
- The majority if not all of the residents of the proposed development will have no alternative but to use cars for commuting, social activities, employment and shopping;
- The views of Oxfordshire County Council in their consultation response are endorsed as they acknowledge that the site is in a “*very unsustainable location for this number of homes*”;
- The proposals do not show safe access from the development to the village can be achieved given the lack of suitable visibility from the access as well as limited potential for a satisfactory footway for pedestrians;

- The introduction of a footway will further alter the position and character of the existing village entrance;
- The proposed development would have a significant effect on traffic flows through Fritwell and Ardley-with-Fewcott;
- The people of Fritwell did not vote on or approve Cherwell District Council's Local Plan;
- Far too many large expensive market homes are proposed that do not meet the needs of the village;
- The development should provide smaller market dwellings as well as affordable dwellings to serve young people of the village as well as older residents looking to downsize.

5. Response to Consultation

Parish Councils:

Fritwell Parish Council:

In principle support for development on the site but objects to these proposals as they are not compatible with the needs of the village. The development proposes too many large detached homes and there is already an abundance of this type of housing in the village and far more 2 and 3 bedroom genuinely affordable homes are needed as well as bungalows. The Parish Council supports the creation of a vibrant community and the village has an aging population with new younger families needed to maintain its facilities.

The Parish Council also commented as follows:

- No serious consideration seems to have been given as to how to mitigate the impact of the development through contributions through a s106 agreement to village projects;
- The Transport Statement submitted to support the application is incorrect. There is no daily bus service to the village any longer;
- The Parish Council is concerned about sewerage capacity in the network and would wish to see a condition imposed requiring upgrades to the network to be carried out to prevent risk of overflows;
- Greater screening for existing residents of Hodgson Close is required as well as more detail on the proposed use of materials as the development could have a negative impact on the character of the village;
- The Parish Council is disappointed that the views expressed to Cala Homes during the consultation process have not been adopted.

Ardley-with-Fewcott Parish Council:

Objection to the proposed development on the basis that it would be completely dependent on car travel given the lack of access to public transport with Fewcott Road already suffering from high levels of traffic as it acts as a rat run for many drivers avoiding the busy junction 10 of the M40.

The Transport Statement submitted with the application suggests that the transport generation caused by the development will have a "Trip impact" of 18 and 17 return trips at peak times, morning and evening respectively. Assuming this is only one car per household (which is unrealistic given the development includes family houses) this begs the question as to what the residents of the other 16 and 17 houses respectively will be doing. On the understanding that there is proposed to be mainly family houses with capacity for 83 cars we refute these findings. At peak times, as there is no alternative for residents to travel other than by car, we would expect 1-2 car movements per house equating to 34 to 68 trips.

We request that this application is refused and that CDC request a new and more reliable Transport Statement. Furthermore if a development is to be considered in this location we believe the developer should provide s106 payments to enable suitable traffic calming in Ardley-with-Fewcott to mitigate the traffic generation.

Cherwell District Council:

Recreation & Leisure – No off-site mitigation required from this proposed development.

Arboriculture – No objections to the proposed development.

Strategic Housing – The proposed mix of affordable tenure dwellings is not appropriate and does not respond to identified housing needs. Whilst there is a lack of a plan or schedule clearly identifying the proposed affordable dwelling, as a result of the design, layout and detailing of what is assumed to be the proposed affordable housing they would not sit comfortably within the development and would be too distinguishable from the proposed market housing.

Landscape Architect - The site is close to but not within the conservation area. It is not within a designated landscape. The LVIA submitted with the application was under taken in high summer which gives a favourable degree of screening. The site is located on relatively flat land in an area of flat countryside which has good hedge cover. The existing dwellings at the periphery of the village on Hodgson Close and Fritwell view form a well-defined edge to the village at this point. Fewcott Road curves slightly at exit to the village further containing the edge of the village and visibility for road users. The main concerns are as follows:

- The current dwellings at the edge of the village in Hodgson Close and Fritwell view form a well-defined edge to the village. If permitted this would extend the village in an adhoc visual way;
- This proposal is high density for the location. It does not in my opinion address the screening concerns particularly as there should be additional planting on boundaries but due to the density there is very little room for this. Adjacent housing near the site on Hodgson Close will experience considerable change and this should be mitigated adequately. All that is shown currently is existing planting. The layout does not respond to the findings of the LVIA. Locating the LAP on the boundary should be considered.
- The development is poorly laid out with the rear of houses facing open countryside. This will result in the inevitable proliferation of garden paraphernalia being on view and ugly close boarded fences facing open countryside.

Business Support Unit - It is estimated that this development has the potential to attract New Homes Bonus of £286,216.99 over 6 years under current arrangements for the Council, including an additional sum paid per affordable home.

Oxfordshire County Council:

Transport – Objection

For drivers looking to the north west of the site entrance, it has not been demonstrated that the necessary visibility splay for a 60mph limit can be achieved. Due to the narrowness of the highway verge along Fewcott Road it has not been demonstrated that a footway of adequate width (1.5m) can be delivered – it appears that there is at least some non-highway land outside of the control of the applicant that will be needed to deliver a

suitable footway. As such safe and suitable access has not yet been demonstrated according to the NPPF.

Key Issues:

- To ensure safe and suitable access onto Fewcott Road, the existing 30mph speed limit would need to be extended to include the site entrance. However, it cannot be assumed that the speed limit alteration will be successful and as such the visibility splay for a 60mph speed limit or current measured vehicle speeds needs to be demonstrated. This hasn't been done and it looks highly unlikely to be achievable.
- Very unsustainable location for this amount of homes – travel to and from the site is likely to be dominated by car travel. Only limited local services in the village can be accessed by non-car modes. Public transport provision is very poor.
- Volume of traffic generated by the proposal appears to have been underestimated but even a more realistic level of vehicle movements is unlikely to have an unacceptable negative impact on the local transport network.
- The site layout plan 00217 – PL.02 – does not appear to show enough unallocated visitor parking for the number and type of dwellings proposed. This is despite the fact that the application form states the right amount of parking. As such, visitor parking may take place in locations that make vehicle manoeuvres difficult. Or such parking may have a negative impact on pedestrian and landscape amenity.
- A footway of 1.5m has been shown on the site layout plan but the accompanying words in the Transport Statement give little confidence that this will be possible. A review of the highway boundary suggests that the verge is narrow around the entrance to the adjoining parcel of land and as such non highway land outside of the applicant's control will be needed to build a satisfactory footway. This issue needs to be addressed by the applicant in order that confidence can be given that the necessary footway can be provided.
- If Cherwell District Council were to grant planning permission the following legal agreements would be needed: A S278 would be required to enable the new site access to be built. Also the extension of the existing footway to the development access, the extension of the 30mph limit and the relocation of the existing village entry treatment (with additional traffic calming – required to ensure the 30mph transition is effective) to a point south of the new access. A S106 to secure the above S278 highway works.

Detailed Comments:

Site Location:

The site is on the edge of the village but it is still a reasonable walking distance to the facilities and services that it offers. Having said that, these services and facilities are limited (just a village shop and primary school) and in particular employment opportunities are very scarce and there is no secondary school.

Site access:

The applicant is proposing to improve the existing access to the site in order to accommodate the traffic generated by the development. I am satisfied that the form of the access is suitable to allow manoeuvres in and out by the different sizes of vehicles that might need to serve the development.

However, the site access is located outside of the existing 30mph speed limit for the village. The applicant has proposed to relocate the 30mph speed limit to include the new site access and if successful, this would of course reduce the requirements for site visibility splays. However, there isn't sufficient certainty that the relocation of the 30mph speed limit would be approved following the necessary public consultation not least because the development is partially hidden and on its own would do little to change the

nature of the Fewcott Road (and therefore vehicle speeds). There may well be concerns expressed at the consultation stage about whether the relocation of the 30mph limit would be appropriate. To improve the chances of the relocation of the 30mph speed limit being successful, the village entry treatment should also be moved. Given the nature of the Fewcott Road south of the site entrance (vehicle speeds appear to be very fast approaching the village) it is my view that any relocated village entry treatment should be accompanied by some additional traffic calming e.g. narrowing/build out/speed cushions. This additional traffic calming, too, would need to go through a consultation process which raises further concerns about whether the relocated speed limit might be successful. Therefore, in the absence of (i) sufficient certainty that the 30mph limit could be extended to include the new site access junction and (ii) any recently collected speed data at the entrance, the applicant needs to demonstrate that it could provide 2.4m by 215m visibility splays (determined by the 60mph speed limit) to ensure vehicle manoeuvres can be undertaken safely. This has not been done to date. See separate comments on the proposed pedestrian footway connecting the development to the village.

Traffic generation:

The Transport Statement (TS) seeks to demonstrate that the number of new vehicle trips generated by the development will have an acceptable impact on the local transport network – it is estimated by using the TRCS database that there would be 18 and 17 two way trips in the am and pm peaks respectively. I agree that this is indeed a small number of trips although I do not believe that this is a realistic assessment of the number of trips this development will generate – the sites chosen from the TRICS database appear to be mainly edge of large towns with therefore presumably more local services close at hand and better public transport coverage. The site in question here is on the edge of a much smaller rural settlement with very limited services and facilities and virtually non-existent public transport. I would expect a development like this in a settlement with more services and usable public transport to be generating not very much less than 0.6 trips per dwelling in both the am and pm peaks compared to the 0.532 and 0.503 generated by the transport consultant using TRICS.

Having said that, the number of trips that the development would generate is still small and unlikely to have an unacceptable negative impact on the local transport network.

Public Transport:

Contrary to what is stated in the application's Transport Statement (TS), the bus that serves the village now only does so once on a Friday, following the county council's decision to remove all subsidy from non-commercial services in Oxfordshire. As such the TS overplays the sustainable credentials of the development. The only journeys that can be realistically made by residents of the proposed development without the need for a car are to the village shop, the primary school and social visits within the village. Virtually all journeys to work and for other purposes will be by car. See other related comments about traffic generation.

Car parking/site layout:

On the application form there are enough car parking spaces listed and there appear to be sufficient spaces allocated for each dwelling according to the site layout plan 00217 – PL.02. However, there only maybe 8 spaces (4 spaces close to the site access junction, 2 next to plot 11 and 2 close to plots 22-23 assuming these are the 2, 1 bed dwellings). For a development of this type there should be twice as many unallocated spaces (and arguably more given its unsustainable location). Given that a significant proportion of the site layout has only a 4.8m wide carriageway with no footway, visitor cars are likely to have a negative impact on pedestrian amenity and landscaped areas. It may make it difficult for large vehicles such as refuse wagons to get around the site without overrunning kerbs/edgings and landscaped areas. Indeed, the tracking drawing (J32-

2340-PS-001) already shows that manoeuvres of a 10.5m refuse wagon are very tight to the road edge.

The latest advice from the road agreements team is that residential site layouts should be tracked using an 11.4m long refuse wagon. Because of the tight tracking for a 10.5m refuse wagon, the tracking should be repeated with the 11.4m wagon and site layout adjusted as necessary. In any case, if the site layout is to be adopted by the county council, the shared surface part of the site should be an absolute minimum of 5.0m wide with 0.8m service strips on each side. At the moment there is only 4.8m and no maintenance margins.

A turning head has been provided for a refuse wagon in the north west corner of the site which has resulted in an unusual section of road between plots 25 and 26. It is difficult to see how this wouldn't be used for parking by residents and visitors and therefore preventing it from being used for turning large vehicles. In any case given the loop provided by the site layout, a turning head isn't needed for the refuse wagon in this location. The section of road/turning head between plots 25 and 26 could alternatively be used either as front garden/landscaping or visitor parking. The way the vehicle crossovers are drawn on the site layout plan (00217 – PL.02) for the off street car parking where a footway is provided are not exactly pedestrian friendly. Whilst it is accepted that the footway will need to be dropped at the driveways/crossovers, the footway material should continue across in order to help indicate some form of pedestrian priority. Furthermore, the cross over for plot 17's parking in particular seems excessively wide. For further detail of what might or might not be adopted as highway, please contact the Road Agreements team (roadagreements@oxfordshire.gov.uk).

Pedestrian footway:

In order that the development is connected to the village for pedestrians, the developer has proposed a footway alongside Fewcott Road from the site access as far as the existing footway that ends at the village entry treatment feature. This footway is shown on the site layout plan measures as 1.5m and as such this is acceptable. However the TS says that the width will be dependent on the highway land available. Ideally, the footway should be 2m wide although the Government document "Inclusive Mobility" states that 1.5m could be regarded as the minimum acceptable under most circumstances. The absolute minimum width according to "Inclusive Mobility" is 1m and even then that reduced width should only be for a short distance (6m is stated). The county council would not accept a new footway that is less than 1m wide and would only accept a 1m wide footway if that were for a very short length i.e. a pinch point. The diagram from Manual for Streets (MfS) that is reproduced as figure 4.3 in the TS appears to have been used in a misleading way – it is not used in MfS to show recommended Footway Widths as the TS states but rather to illustrate the width requirements for different types of pedestrians. MfS itself directs its readers to the provisions of Inclusive Mobility. The highway boundary is the roadside edge of the ditch and there is at least one section along Fewcott Road where the ditch is very close to the carriageway – around the entrance to the adjoining parcel of land. As such there I am concerned that there may not be enough width to provide a 1m wide footway. Even then, at the very least there will almost certainly be the need to use non highway land (for supporting the back edge of the footway) which is not in the applicant's control. Further detail is needed to demonstrate that a footway can be provided by the applicant ordinarily at least 1.5m wide with only pinch points where it is as narrow as 1m. Without this, it has not been demonstrated that safe and suitable access for all can be provided for the development. The connection shown at the southern edge of the site to join up with the existing footpath public right of way (219/6) is welcomed.

Travel Information Pack:

In order to ensure that residents of the development are fully aware of all the travel options available to them from day one of occupation, particularly sustainable options, the developer will need to submit a travel information pack for approval. This pack will be supplied to each resident on first occupation.

Education - Based on the unit mix stated in the application, this proposed development has been estimated to generate 3.16 Nursery Pupils, 13.32 primary pupils, 10.24 secondary pupils (including 1.56 sixth formers) and 0.30 pupils requiring education at an SEN school. OCC is not seeking Education contributions to mitigate the impact of this development on infrastructure. The village primary school has sufficient capacity, but in the case of secondary and SEN provision, this is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), preventing any further contributions being sought towards projects to expand capacity at the schools serving the area, or the need to reserve our ability to seek contributions for larger developments than this in the area in future.

Property - OCC is not seeking property contributions towards such matters as libraries, social care, museums and waste management to mitigate the impact of this development on infrastructure. This is solely due to pooling limitations as a result of regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended).

Other External Consultees:

Thames Water (Water Supply) – No objection.

Anglian Water (Sewerage) – No comments received.

6. Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

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

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

ESD15 - The Character of the Built and Historic Environment

BSC1 - District Wide Housing distribution

BSC2 - The Effective and Efficient Use of Land

BSC3 - Affordable Housing

BSC4 - Housing Mix

SLE4 - Improved Transport and Connections

BSC11 - Local Standards of Provision - Outdoor Recreation

ESD1 - Mitigating and Adapting to Climate Change

ESD3 - Sustainable Construction

ESD2 - Energy Hierarchy

ESD6 - Sustainable Flood Risk Management

ESD7 - Sustainable Drainage Systems (SuDS)

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built Environment

INF1 - Infrastructure

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

C8 - Sporadic development in the open countryside

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

Other Material Planning Considerations:

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

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

Draft Mid-Cherwell Neighbourhood Plan – This is an emerging development plan document that covers Fritwell Parish and other parishes but it is not at an advanced stage and has not been subjected to independent examination or referendum. As a result it cannot be afforded any weight.

Cherwell District Council's Strategic Housing Land Availability Assessment (SHLAA) – A background evidence base document that assists in the preparation of planning policy documents and which is updated approximately annually. It contains a rolling stock of sites considered on the basis of potential suitability and availability for housing delivery in the future.

7. Appraisal

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

- Principle of the Proposed Development;
- Access and Transport Impacts;
- Design, Layout and Appearance;
- Housing Mix/Affordable Housing;
- Open Space, Recreation and Community Facilities;
- Trees and Landscaping;
- Parking and Servicing;
- Amenity Standard of New Dwellings;
- Effect on Neighbouring Properties
- Ecology;
- Flood Risk/Drainage;
- Construction Sustainability;
- Planning Obligations;
- Local Finance Consideration(s).

Principle of the Proposed Development

7.2 The application seeks the erection of 34 new homes and associated operational development on greenfield land that forms part of the countryside on the edge of the village of Fritwell. As set out above, legislation requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The proposals seek consent for residential development and so as part of assessing the acceptability of the principle of the development it is, in part, necessary to consider the proposals against development plan policies relating to the supply of housing. Having regard to guidance set out in the NPPF, housing supply policies in a development plan only attract full weight when they are up-to-date with Government guidance and where a local planning authority can demonstrate a minimum of a five year supply of housing to meet objectively identified need within that authority. As the Council's Local Plan is up-to-date with its housing supply policies being consistent with the NPPF and there being in excess of a projected five year supply of housing in the District, the housing supply policies within the development plan have full weight.

7.3 Policy BSC1 of the CLP 2031 Part 1 and the Local Plan strategy as a whole directs housing and commercial development towards the largest and most sustainable settlements within the District which can best accommodate new growth. In addition, the CLP 2031 Part 1 recognises that some limited new housing is appropriate within rural areas to contribute towards meeting the overall housing needs of the District. In doing so it adopts a categorisation approach to villages within the District based on an assessment of their ability to be able to be able to accommodate the rural housing in the most sustainable way possible. In addition to minor developments within built-up limits and infilling, settlements listed within Category A (as set out in Policy Villages 1) are considered to be suitable to accommodate some of the 750 dwellings necessary to meet the rural housing need of the District to 2031. To date, planning permissions have been granted for 535 dwellings under Policy Villages 2 and there are resolutions to grant a further 94 leaving a residual figure of 121 dwellings to be provided over the plan period. Policy Villages 2 of CLP 2031 Part 1 states that sites to accommodate the residual figure will be identified through the preparation of CLP 2031 Part 2 or through the grant of planning permissions. It has been established in two recent appeal decisions that overprovision of the rural housing allocation at an early stage in the plan period would prejudice the sustainable growth strategy set out in the Local Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainable strategy contained within the Local Plan.

- 7.4 Policy Villages 2 provides the starting point for considering the principle of major new residential development within or on the edge of Category A settlements such as Fritwell. It sets out a range of criteria against which planning proposals for the residual rural housing allocation need to be considered. This includes an assessment of, inter alia: a proposed development's access to services and facilities; the landscape value of the site and whether the development would have significant impact on landscape character; whether the proposal would enhance the built environment; and whether satisfactory pedestrian and vehicular access/egress could be provided. The basis on which the Category A settlements have been defined in Policy Villages 1 is via a relatively simple but well-established method which ranks settlements based on such factors as the services, employment, facilities and amenities they provide as well as the proximity of such settlements to other towns/villages that contain such facilities and the access residents have to public transport. There are 23 Category A settlements and it is quite clear that whilst grouped together they have significant variations in their sustainably merits and therefore the type and level of housing development they can reasonably sustainably accommodate.
- 7.5 Fritwell is one of the smallest villages defined within Category A. It also features few services and facilities with just a single village shop, primary school and village hall. It offers no genuine employment opportunities and no health facilities. Since the time of the adoption of the CLP 2031 Part 1 it now features no public houses and is no longer served by bus. Unlike some other Category A settlements, it is also relatively remote from larger villages that can provide such services/facilities and is some distance from the higher order services provided at Banbury and Bicester. In short, new residential development will be almost entirely dependent on daily use of the private car for travel outside the village. Having regard to the criteria set out in Policy Villages 2 that requires consideration of the site's location to services and facilities, the scheme does not score at all well relative to many other Category A settlements. Officers are therefore concerned that the village is not sufficiently environmentally sustainable to accommodate new housing of the scale proposed particularly bearing in mind recent planning permissions on sites within the village for over 20 new dwellings. There have been claims from the applicant and indeed Fritwell Parish Council that new housing would help to sustain the village primary school which has seen a loss of pupils to the new Heyford Free School. Whilst there is evidence that this has been the case there is no suggestion whatsoever from Oxfordshire County Council (local education authority) that there are concerns about the future viability of the school. In any event, as many hundreds of new homes continue to be built and occupied at Heyford the capacity of its Free School to accommodate pupils from elsewhere will diminish thus reducing its intake from outlying villages. The applicant has also claimed that the new housing would help support the village shop but there is no evidence to suggest that either the existing shop is at risk of closure due to non-viability or that the new housing would genuinely make a difference to its viability.
- 7.6 Officers are also mindful of criteria set out in Policy Villages 2 that requires consideration as to whether a proposed development site is of lesser environmental value and whether significant landscape impacts would result from the proposed development. Policy ESD13 of the CLP 2031 Part 1 is also material in this respect as it resists new development that would cause undue visual intrusion into the open countryside and/or be inconsistent with local landscape character.
- 7.7 The application site comprises of a flat grassland paddock featuring hedgerows along the southern, eastern and western boundaries. It is part of wider paddock land to the east of Fritwell with expansive flat open arable farmland beyond. The natural landscape of the area is defined within the Oxfordshire Wildlife and Landscape Study of 2004 (OWLS) (referenced in Policy ESD13 of the CLP 2031 Part 1) as being of Farmland Plateau

landscape type which is generally characterised by large level arable fields, sparse settlements with small grassland fields surrounding villages with long straight country roads between villages. The strategy for this area as set out in OWLS is to conserve the open and remote character of the landscape type.

- 7.8 On entry to Fritwell from the east along Fewcott Road the village is prominent in views within its surrounding flat farmland landscape which creates a distinctly remote and rural setting for the village. Whilst the site itself is not part of a designated landscape or intrinsically interesting or beautiful in landscape terms, it is nonetheless an archetypal part of the rural north Oxfordshire countryside and complements the Farmland Plateau landscape character with its surrounding paddocks and farmland contributing towards the experience of the remote, rural character of the village. Officers therefore cannot conclude that it is of 'lesser environmental value' having regard to one of the criteria set out in Policy Villages 2.
- 7.9 As set out previously in this report, the surrounding countryside is generally flat featuring arable farmland with paddocks at the edge of the village. The flat expansive landscape contributes towards the sense of openness and rurality that is characteristic of the village and its relationship with its countryside context. A significant extension to the village into its immediately surrounding countryside through a new block of built development would amount to a clear encroachment and visual protrusion into the landscape that is important to the setting of the village. Whilst the proposed development would be able to be partly visually screened from the east due to existing and enhanced hedgerows on the boundary, there are still gaps shown in the vegetation on the proposed plans and the large houses proposed would be distinguishable in both short and long distance views. As the Council's Landscape Architect has commented, the laying out of rear gardens onto the eastern boundary would only necessitate loss of some vegetation and leave views of domestic fencing from the wider countryside.
- 7.10 Similarly, from the south whilst there is a hedgerow that could be (and is proposed to be) retained, some of the houses proposed are large and very close to the southern boundary that would leave them abundantly visible in views from the paddocks to the south. Perhaps of greatest concern however is the likely perception of the development as experienced from the north including public bridleway 291/11 which traverses the arable field to the opposite side of Fewcott Road. From here, due to the flat topography and limited intervening soft landscaping, the proposed development would be experienced as a very clear linear expansion of the village into its rural surroundings. There is limited capacity for mitigatory soft landscaping of significance along the northern boundary of the site and the land immediately to the north is not within the control of the applicant. Officers are therefore concerned that the proposals would read as a clear projection of an incongruous block of built development into the countryside that would not be respectful of the village's relationship to its surrounding natural landscape and therefore fail to respect the character of the village as well as local landscape character. For this reason officers have concluded that the proposals would give rise to significant adverse landscape impacts and fail to contribute towards enhancing the character of the built environment which are further tests set out in Policy Villages 2 as well as being contrary to the requirements of Policy ESD13 of the CLP 2031 Part 1.

- 7.11 Consequently, in consideration of the principle of the proposed development and having overall regard to the following:
1. The site's poor accessibility to services and facilities;
 2. The adverse impact of the proposed development on the natural landscape and harm to the rural character of Fritwell;
 3. The environmental value of the site; and
 4. Its lack of satisfactory vehicular and pedestrian accessibility (see next section of this report);

officers have concluded overall that the development proposed on this site is unsuitable for its location and context having regard to the overall housing and growth strategy inherent within the CLP 2031 Part 1 as well as the specific requirements of Policies BSC1, Villages 2, ESD1, ESD13 and ESD15.

- 7.12 The site was put forward by the applicant as part of the Council's 2014 Strategic Housing Land Availability Assessment (SHLAA). It has again been submitted into the 2016 equivalent of the SHLAA – the Housing and Employment Land Availability Assessment (HELAA) though the results of this have yet to be published and are potentially subject to change. The Council has broadly indicated in the latest published SHLAA that, together with neighbouring land to the north, the site may be suitable for housing. This however in no way allocates the site for development or indicates that it is in any way a preferable site for development or even that there is a need to release the land at all for housing. Local Plan Part 2 will seek to allocate the most suitable and desirable sites to meet the residual rural housing allocation from Policy Villages 2 of Local Plan Part 1. The SHLAA is simply a broad brush assessment of a site's potential suitability for housing if considered necessary but not an indication of desirability – it is not a planning policy document and it is for the development plan to determine/allocate appropriate sites. It is also not subject to the same consultation and publicity as a planning application and does not take into account a number of potentially significant material planning considerations. As a result, officers suggest that whilst the 2014 SHLAA assessment of the site is of interest, it is not a material planning consideration relevant to this application.

Access and Transport Impacts

- 7.13 Policy SLE4 of the CLP 2031 Part 1 is reflective of Government guidance set out in the NPPF in that it requires consideration to be given as to whether a proposed development would be served by safe and suitable access. Both Policy SLE4 and the NPPF place importance on encouraging more sustainable modes of transport to reduce use of private car travel. Vehicular access is proposed to be taken from the northeast of the site off Fewcott Road. This is a rural country road that is subject to the national speed limit up until the existing entry to the village. At existing speed limits (which must be considered in the absence of robust speed surveys) and due to existing vegetation outside the application site together with the road alignment, the proposed access would not enable sufficient visibility for drivers exiting the site to see vehicles coming from the west to meet relevant standards set out in Manual for Streets. As such, Oxfordshire County Council (OCC) as the local highway authority has objected to the application. There is the potential for suitable visibility splays to be achieved if the 30mph speed limit is moved further to the east along Fewcott Road however this is subject to a separate legal process that would be carried out by OCC and its result cannot be guaranteed. As a result, officers need to be satisfied that at current speed limits the access is safe and at present this is not the case such that officers cannot conclude that the proposed development would be sufficiently safe for all road users.
- 7.14 Pedestrian access to the development is proposed to be via two routes - the vehicular access and along the public footpath that runs along the south of the site. Officers have

significant concerns about the quality of accessibility to the village that these provide. First, pedestrians using the vehicular access would have to walk north-eastwards towards the new edge of the village before turning westwards along a new footway to the south side of Fewcott Road that would take them in a direction contrary to desire lines. This can best be described as a cumbersome route and reflective of substantial concerns about the quality of the design and layout of the scheme which will be discussed later in this report. To make matters worse, there is some doubt as to whether an appropriate minimum width footway (1.5m) can actually be provided along Fewcott Road given the extent of the verge available and the need to protect an existing drainage ditch. Without further information demonstrating otherwise, officers believe there to be a risk that pedestrians would not be able to safely and adequately walk between the new development and the village further reducing the transport merits of the proposals.

- 7.15 The applicant has attempted to link the new development into the existing public footpath 219/6 that runs from Southfield Lane along the southern boundary of the site. Unfortunately however this footpath is very narrow and overgrown in places and is therefore barely accessible with much of this being beyond the applicant's control to remedy. It would certainly not be attractive to use for the majority of new residents. The link to this public footpath does not therefore materially contribute towards pedestrian accessibility to and from the site and further adds to concerns about the proposed development's integration and connectivity with the existing village which will be discussed later in this report.
- 7.16 Since July 2016 the village is to all extents no longer served by bus with the exception of a single once weekly Friday service to Bicester which is so infrequent that it cannot be afforded any weight as a means of public transport. There is no reasonable basis on which to seek to improve access to public transport as part of considering the proposed development given that such funding from a development of this size would not be significant and that no service is likely to be commercially viable to sustain once any new funding runs out. Access to and from the proposed development is therefore expected to be almost entirely by private car with some limited pedestrian and cycle travel but probably only to access the village services/facilities.
- 7.17 Some concern has been raised by third parties as well as Ardley-with-Fewcott Parish Council that the Transport Statement submitted alongside the application underestimates the likely number of vehicle trips arising from the proposed development. OCC has raised similar concerns in its consultation response and officers concur that, given the car-dominant nature of the proposed development, vehicle trips would be greater than the applicant claims. However, and as confirmed by OCC, even making allowances for realistic further vehicle trips, the overall additional traffic on the local road network would not materially increase in comparison to existing levels and there is no suggestion that the surrounding road network is experiencing severe congestion. Government guidance in the NPPF is clear that development should be not be resisted on transport grounds except where the cumulative impact of congestion would be severe – this is a high test and is simply not the case with this development. Moreover, given that the very modest increase in vehicular traffic would be immaterial in the context of existing traffic, there would be no reasonable basis (if the application were to be approved) on which to seek mitigation through financial contributions towards off-site highway improvements.
- 7.18 Consequently, and having regard to the above, officers have concluded that the wider transport impacts would be acceptable however the proposed development itself would wholly fail to prioritise and encourage sustainable travel given the poor arrangements proposed for pedestrians. For this reason officers consider the proposals to be in conflict with the requirements of Policy SLE4 of the CLP 2031 Part 1 as well as Government guidance set out in the NPPF.

Design, Layout and Appearance

- 7.19 Policy Villages 2 of the CLP 2031 Part 1 requires major new residential development in the rural areas to be considered against, inter alia, whether the proposals would contribute towards enhancing the built environment. Policy ESD15 requires new development to respect an area's built and natural context by complementing and enhancing local character through sensitive siting, layout and design. Policy ESD15 goes on to state that development proposals should be designed to improve the character and quality of an area and the way its functions. The policy also requires reinforcement of local distinctiveness and respect for landscape features. Policy ESD15 further requires development to be integrated with existing streets and buildings configured to create defined active public frontages. The policy also promotes permeable, accessible places that are easily to move through and create high quality places that encourage pedestrian movement and integrates different modes of transport.
- 7.20 Policy ESD15 is reflective of Government guidance set out in the NPPF which attaches great weight to the importance of good design, encourages the protection of local character and seeks to resist development that fails to take the opportunities available to improve the character and quality of an area. Policy C28 of the CLP 1996 is also material and generally encourages the sensitive design of development in terms of its scale, layout, form and appearance so that it is appropriate to its context.
- 7.21 It is important to remember at this juncture that the application is for full planning permission and so the scheme shown in the submitted plans is what is actually proposed to be built. As a result, consideration must be given to the details of that contained within the application.
- 7.22 In short, the proposed development is set back from Fewcott Road and reads as a detached island of development that is inward looking and has negligible relationship with the existing village and settlement pattern. Put simply, it would appear and function as an incongruous 'bolt on' to the village that is in no way reflective of the more sporadic and organic existing settlement pattern. This not only leaves it physically divorced from the village with no active frontage onto Fewcott Road but also leaves very poor opportunities for pedestrian connectivity with the village. From Fewcott Road there would be a non-descript site entrance with just a new footway along the road leading to some poorly defined soft landscaping and car parking which would serve to hide the development rather than integrate it properly within the settlement in which it is located. The proposed development therefore essentially attaches to the village rather than properly integrates with it to contribute towards creating a sense of place and community. This approach is contrary to all well-established principles of good urban design and specifically conflicts with a number of the aforementioned requirements of Policy ESD15 of the CLP 2031 Part 1.
- 7.23 Having established that the proposed development integrates exceptionally poorly with the built environment of Fritwell and that it would have a bland, inactive relationship with Fewcott Road, it is also necessary to consider the specifics of the actual layout proposed within the site. Perhaps arising partly from the particulars of the square shape of the main part of the site, the layout is especially suburban in character with a formal arrangement of housing all facing towards a central square with detached market housing of similarly uniform plot shapes around the edge. Such a layout is not in keeping with that expected on the rural edge of this small organically formed village but rather something from the suburbs of a larger town which would only serve to create a new community divorced from the village.

- 7.24 The submitted plans indicate another potential scheme on land immediately to the north by a separate applicant - this land is owned by OCC. However, whilst development on that land would add an element of physically contiguous development to the north and perhaps help the proposed development to integrate slightly better with other development, there is no application submitted on this land and no weight can be attached to its merits. In any event, even if a separate proposal for houses was to be submitted on this land it would not overcome officers' concerns about the approach to the suburban layout of this proposed development, its inactive and poor relationship with Fewcott Road as well as the poor connectivity with the rest of the village notwithstanding all other concerns raised regarding its general sustainability.
- 7.25 Having discussed concerns surrounding the layout and integration of the proposed development, officers have further concerns about the specifics of the design approach to the buildings. The first concern surrounds the entrance to the site which as already described lacks any active relationship with Fewcott Road. This is further exacerbated by the large, cumbersome corner-turning houses proposed on entry into the development which would create an overly-formal and excessive mass of building for a development that should be sensitive to its low-key rural edge setting. Modest, simpler houses are that which would traditionally be found on the edge of a village rather than the grander gateway proposed which is inappropriate for the site's context. Within the site there is a dominance of large detached market housing that is more akin to that typically found in the suburbs with many of the houses incorporating some locally traditional architectural features whilst also utilising others that create in some places unfortunate hybrids that are neither properly respectful of local character. Within the site the large detached market housing is easily distinguishable from the denser cluster of affordable homes in the northwest corner that are marked out by their mass of unbroken frontage parking and generally more cramped plots. The large detached typology of the market houses proposed only serves to increase their distinction from the smaller semi-detached and terraced affordable homes. Such an approach would not serve to create an inclusive mixed community as required by Policy BSC4 of the CLP 2031 Part 1 and conflicts with guidance set out in the Planning Practice Guidance (PPG) (ID ref: 26-040-20140306) which states that *"in well-designed places affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site"*. The Council's Strategic Housing team are in support of this view having objected to the application, in part, on the basis of the lack of successful integration of the proposed affordable dwellings.
- 7.26 Turning back again to the specifics of the design concerns, whilst officers welcome the provision of a bungalow to meet affordable housing needs it has been in this case been shoehorned into a new street amongst 2 and 2.5 storey houses which would leave it appearing contrived and incongruous. Where bungalows are proposed they should be properly designed into a scheme so that they are either at the end of a street where it drops down in scale to the countryside beyond or set within a wider row of bungalows so that they sit more comfortably and logically within their surroundings. Other concerns relate to the proposed use of disproportionately large and cumbersome dormer windows on Plots 16 and 33 so that they are too prominent in their roofslopes which is not reflective of the traditionally modest and unassuming nature in local architecture. Officers also have concerns regarding what appears to be the excessive scale of Plot 34 in the southwest corner which is caused by the appearance of ranging hipped roof front projections and a typically suburban double up-and-over garage door that do not complement the more traditionally proportioned pitched roof of the main part of the house or the pitched roofs found elsewhere within the development. As discussed previously, the overall scale and mass of Plot 34 so close to the southern site boundary would also not assist in blending the development into its surrounding landscape.

- 7.27 There are other awkward examples of design detailing with the proposed development. Plot 34 has a long hipped roof canopy porch that blends into one of its bay windows – this is not a feature traditionally found in local architecture. Similarly, many other proposed porches have too much variety within the development which fails to create an overall legible sense of character. Local rural architecture is generally based on simple construction principles rather than unnecessary detailing and so some of the proposed canopy porches are awkwardly fussy and extravagant. The relationship between the houses of Plots 20 and 21 is also a little clunky with Plot 21 set back a little and down in height from Plot 20 which neither creates a genuinely symmetrical pair of semi-detached houses or one house subservient to the other which leaves them appearing awkward.
- 7.28 The designated Fritwell Conservation Area lies to the west and south-west of the site covering both the historic built core of the village as well as some of the paddocks to the south. The Council has a statutory duty to have regard to the desirability of preserving and enhancing its special character and appearance. Government guidance in the NPPF resists harm to designated heritage assets except where such harm is clearly outweighed by wider public benefits. However, development of the type and scale proposed on the site would not be readily experienced from within the Conservation Area or impact notably on its setting from main viewpoints given the intervening modern housing developments as well as landscape features. Officers are therefore satisfied that whilst unacceptable for other design reasons, the proposals would not directly or indirectly harm the special character and appearance of the Conservation Area and so the proposals would not conflict with national or local planning policy in this regard.
- 7.29 To conclude on matters relating to the merits of the detailed design and layout of the proposed development, officers have substantial concerns about the quality and appropriateness of that proposed which would fail to successfully integrate with surrounding development, has a vacant relationship with its context and Fewcott Road, would create a poorly mixed community where affordable housing is not well integrated with market housing, and which would overall create an inappropriately inward-facing suburban development that does not respond to its rural setting, character and settlement pattern of the village or its local architectural distinctiveness. For these reasons the proposals are considered to be contrary to the requirements of Policy ESD15 of the CLP 2031 Part 1 as well as Government guidance set out in the NPPF and PPG.

Housing Mix/Affordable Housing

- 7.30 Policy BSC3 of the CLP 2031 Part 1 requires all residential developments proposing 11 or more dwellings in rural areas to provide a minimum of 35% of the dwellings as affordable units. Of this, a minimum of 70% should be affordable/social rent in tenure and the remainder intermediate housing including shared ownership. The application proposals accord with this policy requirement as 12 affordable dwellings are proposed. The affordable housing should be well located within a development and indistinguishable from market housing to ensure creation of mixed and balanced new communities. Recent Government policies relating to what is colloquially termed ‘bedroom tax’ as well as rent cap reductions imposed on Registered Providers (RPs) has seen changes in the need for affordable housing towards smaller dwellings so that they are more affordable both for the tenants and RPs. The greatest need for housing and demand from RPs is for two bedroom dwellings with some modest provision of one and three bedroom dwellings. The Council’s Strategic Housing team which is responsible for affordable housing has raised significant concerns about the proposals on the basis that the assumed mix of affordable homes proposed (no clear schedule has been provided) does not reflect current need and is likely to be less attractive to an RP. The scheme as proposed is therefore not considered to make an appropriate contribution towards meeting affordable housing need in the District and therefore fails to properly create mixed and balanced communities as

required by Policies BSC3 and BSC4 of the CLP 2031 Part 1 and supported by Government guidance contained in the NPPF.

- 7.31 Policy BSC4 requires new residential developments to provide a mix of homes to meet current and future housing need. This relates to both affordable and market housing. Whilst need can change over time, the latest evidence available to the Council comes from the Oxfordshire Strategic Housing Market Assessment (OSHMA) of 2014. The conclusion of the OSHMA on the affordable housing mix is already out-of-date given Government housing policy changes which has seen a notable shift towards smaller dwellings as described above. With respect to market housing it identifies that the greatest need in the District is for 3 bedroom homes which should account for about 45% of all new homes with about 25% each for 2 and 4 + bedroom homes. These mixes are not intended to be rigidly applied but they are the most up-to-date evidence available and do support the conclusions of Fritwell Parish Council that there is greater need within the village for smaller homes and that the large detached housing mainly proposed will do little for local need. The proposals include approximately 55% 4+ bedroom housing which is clearly some distance away from the above figures and therefore the scheme does not appear to be making an effective contribution to delivering on identified housing need.
- 7.32 For the above reasons, officers have found that the proposed development does not make an appropriate contribution towards meeting the identified market and affordable housing needs of the District contrary to the requirements of Policies BSC3 and BSC4 of the CLP 2031 Part 1.

Open Space, Recreation and Community Facilities

- 7.33 Policy BSC11 of the CLP 2031 Part 1 requires new residential developments over specified size thresholds to provide, where relevant, play and sports facilities on site. A development of this size should be served by a Local Area of Play (LAP) on the site which is designed for young children. Such facilities should have a minimum of a 100sq m activity zone with a buffer and should be well designed and safe.
- 7.34 The proposals include provision of a LAP in the centre of the site which officers are generally satisfied with. It is of a good usable layout with surveillance from new houses. Officers are therefore content that this play facility is sufficient to serve the needs of future residents in accordance with planning policy requirements. Were the application to be approved contrary to officer recommendation, a legal agreement would first be required to be completed securing the provision of the LAP together with its long term maintenance.
- 7.35 Policies BSC10 and BSC12 of the CLP 2031 Part 1 in some circumstances seek improvements to (or new) off-site indoor and outdoor sports facilities that new residents are likely to use. However, a development of this size is unlikely to have a significant impact on any existing sports facility or require a new sports facility and so no mitigation is considered necessary in this respect.
- 7.36 Policies BSC12 and INF1 of the CLP 2031 Part 1 also require new community facilities to be provided on site as part of large new residential developments as well as potentially off-site improvements to other facilities for small scale developments. In this case however the development proposed is not of a sufficient size to have a significant impact on an existing community facility and so mitigation is considered to be necessary.
- 7.37 Overall therefore, officers are satisfied that the proposals would provide sufficient on-site play and amenity facilities to serve the new residents and would not have a significant adverse impact on existing community/public facilities such that in this respect the

proposals are considered to be acceptable and in accordance with development plan policies.

Trees and Landscaping

- 7.38 Policy ESD13 of the CLP 2031 Part 1 encourages the protection of existing trees and the retention of landscape features of significance as part of a wider requirement to preserve local landscape character. It further encourages the creation of new woodlands, trees and hedgerows. Policy ESD15 requires development proposals to contribute positively to an area's character by, inter alia, respecting local landscape features including significant trees and hedgerows.
- 7.39 Broadly speaking the proposals retain the majority of existing trees and hedgerows within the site albeit most of these are around its edges including all of the larger and healthier specimens which is welcomed. Construction works are however proposed in and around the root protection areas and canopies of some of the more significant trees proposed for retention and if the application were to be approved a range of conditions would be needed to ensure appropriate tree protection measures are employed during construction. A handful of small existing trees are proposed to be removed to create the new vehicular access and others may suffer a degree of root damage though those affected are of limited value and there is scope to replace these through an appropriate new planting scheme. Modest new planting is proposed within the development both within private front and rear gardens as well as the new public play area and public green spaces though full details of the species have not been provided at this stage and would need to be secured by condition if planning permission was to be granted.
- 7.40 The western and eastern boundary vegetation is proposed to be augmented in places as part of efforts to screen the development from within the wider landscape and reduce the visual impact of the development for residents of existing properties of neighbouring Hodgson Close which officers endorse. However, enhancement of the hedgerow is limited due to the relatively close proximity of houses to the western boundary though it should probably still be sufficient given the distances to other properties in Hodgson Close.
- 7.41 A selection of small unspecified trees are proposed along the northern boundary where vegetation is sparse at present. Officers however are concerned that the layout of the proposed development and the lack of sufficient space to the northern boundary prevents any significant new tree and hedge planting to help screen the development from the north where it would be most prominent from within the surrounding landscape. Any planting would dominate the short rear gardens proposed for the houses along the northern boundary and is presumably why it is not proposed. Indeed even if it was proposed it would be unlikely to survive in any meaningful form in the long term given likely pressure from new occupants of the homes to open up their gardens. Following on from this officers have significant concerns that one of the two most valuable existing trees on the site – an Ash tree – is proposed to be within the small rear garden serving the maisonettes of Plots 22-23. This tree would be likely to be under pressure for significant lopping or felling in due course given that its canopy would cover over half of the garden. The loss of this tree would be regrettable and would add to concerns regarding the landscape impact of the proposed development.
- 7.42 Overall, officers are generally satisfied that landscape features of significance within the site are proposed to be retained and that appropriate new planting could be secured in order to create a suitable quality new residential environment and reduce views of the development within the surrounding countryside from certain directions. However, the close proximity of proposed development to the northern boundary is of concern given that it is from the north that the development would be perceived as the most significant

expansion of the village into the countryside. It must also be remembered that there are no current proposals on land immediately to the north despite that indicated in the submitted plans and also no suggestion that development on such land would be considered acceptable meaning that these proposals must be considered appropriate on their own merits based on current circumstances. The potential harm to the existing Ash tree combined with the very limited capacity for meaningful new soft landscaping along the northern boundary has lead officers to conclude that whilst the landscaping approach to the development itself is appropriate it does however contribute towards concerns previously identified with respect to the impact on the natural landscape, as well as local landscape and village character.

Parking and Servicing

- 7.43 Each of the proposed new homes is shown to be served by at least two on-plot parking spaces each in addition to many of the market houses also having garages. A couple of 1 bedroom affordable maisonettes are proposed which are each shown to be served by one car parking space. Whilst there is little unallocated or visitor car parking proposed except at the site entrance officers are satisfied that this is a realistic level of parking provision that should ensure no significant indiscriminate parking takes place along streets and verges within the development to the detriment of either the quality of the residential environment or the navigability of the streets for other road users including refuse collection vehicles. The level of parking provision should also ensure that there is no overspill parking that might take place at or along the site entrance which could adversely affect highway safety. Whilst OCC has queried whether there might be a slight shortfall in unallocated car parking within the development based on its own residential parking standards document, officers are not convinced that there is an adequate basis on which to conclude the parking provision to be unacceptable particularly in light of the very minor shortfall and the absence of any car parking standards within the Council's development plan.
- 7.44 The Transport Statement submitted as part of the application has tracked the proposed road layout for the Council's refuse collection lorries (the largest anticipated vehicle) and OCC is satisfied with the arrangement. Each home should therefore be able to be properly serviced for waste collection purposes. As the site has been tracked for a refuse lorry, officers have no concerns that it would not be suitably accessible to emergency vehicles such as a fire appliance.
- 7.45 Consequently officers are satisfied that there is sufficient car parking proposed within the development to prevent overspill parking in dangerous locations, avoid congestion within the site or cause navigability problems for other vehicles and that the development would be adequately accessible for all types of commonly expected vehicles.

Amenity Standard of New Dwellings

- 7.46 Policy ESD15 of the CLP 2031 Part 1 requires consideration of the living conditions created for new dwellings having regard to such matters as the quality and quantity of indoor/outdoor space, light, outlook and privacy. These policy requirements are reflective of Government guidance in the NPPF which seeks to secure a good standard of amenity for occupants of new buildings.
- 7.47 Broadly speaking the vast majority of the new homes proposed have reasonable internal layouts that provide satisfactory living accommodation with all habitable rooms being sufficiently private with decent outlook and light levels. The majority of the homes are also served by private gardens that are of a size and quality that is proportionate to the size and type of dwelling they serve. The exceptions to this are unfortunately some of the affordable dwellings which often feature cramped plots with small gardens.. Plots 27 and 28 have small gardens but on balance they are thought to be acceptable given the small

dwellings they serve. Plot 29 however features a bungalow with a large footprint but a small garden which would not leave sufficient space for outdoor activities. Plots 20 and 21 also have very short gardens. Plots 22-23 are however probably the most deficient in that they are served by one very small garden that would be dominated by an existing Ash tree what would overbear and enclose it. Officers are not satisfied that some of these homes have a sufficient quality and quantity of private outdoor space to serve them and that they fall short of the standards expected by the Council for new homes. In this respect therefore, a number of the dwellings proposed are considered to fail to provide sufficient quality living accommodation for future occupiers contrary to the requirements of Policy ESD15 of the CLP 2031 Part 1 as well as Government guidance contained in the NPPF.

Effect on Neighbouring Properties

- 7.48 Policy ESD15 of the CLP 2031 Part 1 and Policy C30 of the CLP 1996 together seek to adequately safeguard living conditions for existing dwellings with respect to such matters as privacy, light levels, outlook and the quality of their indoor/outdoor space. The policies reflect one of the core planning principles set out in Government guidance in the NPPF which states that the planning system should “*seek to secure a good standard of amenity for all existing and future occupants of land and buildings*”. Whilst the impact on the immediate outlook enjoyed from a dwelling is a material planning consideration, the effect on a more general private view enjoyed from a property is not and this has been well established through the courts as well as in longstanding Government guidance. Policy ENV1 of the CLP 1996 is also material in that it resists development that would cause unacceptable levels of noise, vibration and other environmental effects for neighbouring land uses.
- 7.49 To the north, south and east of the site there are no existing residential properties and hence the proposed development would not have any impact in this respect. To the west there are existing houses of Hodgson Close. Adjacent to the northwest corner of the site is a strip of amenity land within Hodgson Close which ensures a reasonable buffer from new development to some of the existing houses and enables Plots 24-29 to be located quite close to the site boundary without having an undue impact on the outlook, light and privacy enjoyed at any neighbouring dwelling.
- 7.50 Plots 30-34 would have the potential to have a slightly greater impact on existing properties Nos. 1, 7, 9, 11 and 13 Hodgson Close. Numbers 7, 9, 11 and 13 Hodgson Close however have quite long rear gardens facing on to the site boundary and the back-to-back distances between the proposed new and existing houses would be approximately 30m which well exceeds standards that the Council typically expects and applies through its Home Extensions and Alterations Design Guide 2007. A thick hedgerow would also provide a significant intervening screen to assist in reducing the effect on outlook and privacy for occupants of these existing homes and much of this vegetation is outside the application site and therefore in the control of neighbouring residents to ensure its retention. No.1 Hodgson Close is orientated differently and so its rear garden would be perpendicular to the plot layouts of the proposed new houses along the western boundary. This orientation ensures that loss of privacy to the house itself would be minimal as direct window to window overlooking would be essentially prevented by the respective angles involved to the new homes. Some loss of privacy for its rear garden from first floor windows in Plots 30-32 is possible but the separation distance to new houses is still significant (24m from any new house to the closest garden boundary) and of course there is the intervening hedgerow to further reduce both actual and perceived loss of privacy.
- 7.51 Overall therefore officers are entirely comfortable with the proposed development with regard to its impact on the amenity enjoyed by occupiers of nearby dwellings and find that

in this respect the proposals accord with the requirements of the aforementioned development plan policies.

- 7.52 Officers consider residential use of the site to be environmentally compatible with the existing surrounding residential land uses. Inevitably construction work has the potential to cause some disturbance for neighbouring residents due mainly to noise from construction machinery, construction vehicles and perhaps some dust and vibration. Were the application to be approved against officer recommendation, officers would recommend that a condition be imposed requiring a construction management plan to be approved to ensure controls over hours of working, site arrivals, wheel washing and other matters are in place throughout the construction phase.

Ecology

- 7.53 Policy ESD10 of the CLP 2031 Part 1 reflects Government guidance in the NPPF as well as a statutory duty on the Council (through the Natural Environment and Communities Act 2006) to have regard to the impact of development on biodiversity and to encourage its enhancement.

- 7.54 The site comprises areas of improved and semi-improved grassland which can be habitat of value to small mammals and reptiles. However, species surveys did not find any protected or priority species on the site. The vast majority of existing trees and hedgerows are proposed to be retained and there is some opportunity for planting new native tree species. The recommendations of the submitted ecological report are considered to be reasonable and the scheme as shown accords with the recommendations through, inter alia, its retention of trees potentially suitable for bats. The report also recommends bat and bird boxes be installed on new houses within the development to provide enhanced opportunity for nesting birds. The report further recognises that some areas of the site are suitable as reptile habitat and that a careful staged process of strimming grassland should take place before construction which would allow any reptiles the opportunity to vacate the site safely. A qualified ecologist would need to be on-site to monitor this process as well as the process of removing rubble and wood piles. Subject to the recommendations of the ecological report, officers are satisfied that the proposals would not give rise to harm to biodiversity and would incorporate enhancement measures too such as native planting and bird/bat boxes in accordance with the requirements of development plan policy and Government guidance. The recommendations of the ecological report would need to be secured by appropriately worded conditions in the event that planning permission was to be granted.

Flood Risk/Drainage

- 7.55 The site is not at risk of fluvial flooding based on Environment Agency modelling/data and there is no evidence that it suffers from critical drainage problems. As a result, in flood risk terms the site is suitable for residential development having regard to the requirements of Policy ESD6 of the CLP 2031 Part 1. It is now a national planning policy requirement as well as a local planning policy requirement (Policy ESD7) for all major development to incorporate sustainable drainage systems to ensure that there is no increase in surface water discharge from the site in comparison to pre-development levels and that the site itself would not suffer from flash flooding during a storm event.
- 7.56 A flood risk assessment (FRA) has been submitted alongside the application which suggests that the ground conditions are suitable within the site to make use of infiltration of rainwater for underground dispersal. This is as opposed to specific on-site natural/artificial storage features such as attenuation basins or storage tanks. As lead local flood authority, OCC has raised no objection to the proposed drainage arrangements. As such, officers have concluded that, subject to a condition being imposed requiring details of the surface water drainage measures (permeable

hardsurfacing, soakaways etc), the development could be appropriately drained to ensure no adverse impact on the water environment.

Construction Sustainability

- 7.57 Policies ESD3 and ESD5 of the CLP 2031 Part 1 are in part no longer up-to-date with Government guidance. As a result, energy efficiency of homes is now a matter left entirely to the Building Regulations which have been updated to ensure consistency with the former Code for Sustainable Homes Level 4 standard. Policy ESD3 does however require all new homes to achieve a water efficiency standard of no greater than 110 litres/person/day. If the application was to be approved, a condition would be needed to secure this. With respect to Policy ESD5, the development is not of sufficient size to trigger the policy threshold for on-site renewable energy provision and so there is reason to object to the proposals in this regard.

Planning Obligations

- 7.58 Notwithstanding officers' recommendation for refusal, in the event that Committee resolves to grant planning permission the following matters would first need to be secured through a legal agreement to ensure the development itself is acceptable and that it adequately mitigates its impact on public/community/housing infrastructure in accordance with the requirements of development plan policies and Government guidance:
- 35% affordable housing with minimum 70% affordable/social rent and 30% intermediate tenure together with arrangements for provision;
 - Provision of on-site LAP together with arrangements for long term maintenance and public accessibility;
 - Maintenance arrangements for other public greenspaces and communal areas within the development;
 - Requirement to enter into a s278 agreement under the Highways Act 1980 to provide a new footway on Fewcott Road, construct the site access, meet OCC's costs for re-locating 30mph speed limit and construct a traffic calming village gateway feature.
- 7.59 The applicant has not commented on its willingness to enter into an agreement to secure the above infrastructure but similarly there has been no suggestion that it would not. However, in the absence of a signed and satisfactory legal agreement it must be concluded that the proposal would not properly deliver the infrastructure necessary to support and mitigate itself contrary to the requirements of Policies BSC3, BSC11, SLE4, ESD15 and INF1 of the CLP 2031 Part 1.

Local Finance Consideration(s)

- 7.60 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. This can include payments under the New Homes Bonus. The scheme has the potential to generate £286,216.99 for the Council under current arrangements once the homes are occupied together with additional payments for the affordable units. However, officers recommend that such funding is given no weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms and Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

Other Matters

- 7.61 The application proposes sensitive residential use on undeveloped land. However, there is no suggestion that there is any risk of contamination of the land that could be a risk to future residents. However, if planning permission was to be granted it would be necessary

to impose conditions covering circumstances where unexpected contamination is uncovered during construction.

7.62 Some concerns have also been raised about capacity of the sewerage network to serve these new dwellings. Anglian Water is the sewerage undertaker for this area and despite consultation they have not commented. There is no statutory requirement on Anglian Water to respond to consultation and indeed they are not a statutory consultee on such applications. It is presumed that if Anglian Water had significant concerns regarding capacity they would have responded to the consultation as is typically the case and would have either objected to the application or sought appropriate conditions. Officers therefore do not have a sufficient basis to conclude that there is a need to prevent this development due to the inadequacy of these existing utilities.

8. Conclusion

8.1 The proposed development is on a site that is poorly located to services, facilities, employment and public transport and which would give rise to significant harm to both the rural character of Fritwell and its surrounding countryside making it unsuitable to accommodate some of the residual rural housing needs of the District over the plan period. Furthermore, the design, layout and appearance of the proposed development would be wholly out of character with its context and the development would integrate very poorly with the existing built and natural environment. The proposals also fail to make an appropriate contribution towards meeting the housing needs of the District. Furthermore, the proposed development has not been demonstrated to be served by safe and suitable access to the detriment of all highway users. Consequently the proposals are considered to be in conflict with the development plan as a whole and contrary to the requirements of a significant number of its individual planning policies. The starting point should therefore be to refuse planning permission unless other material planning considerations such as Government guidance indicate otherwise.

8.2 In accordance with Policy PSD1 of the CLP 2031 Part 1 as well as Government guidance in the NPPF, it is then necessary to consider whether, notwithstanding the conflict with the development plan, the proposals amount to sustainable development as there is a general presumption in favour of sustainable development. The NPPF defines this as having an environmental, social and economic role and that in order to be sustainable development, gains to all three dimensions should be provided jointly and simultaneously so that the overall benefits outweigh the harm.

8.3 The proposed development would bring some social and economic benefits through the provision of new housing, it may help to sustain the limited local facilities in the village and would create/sustain some construction jobs. It could potentially give rise to a benefit to the village by providing a traffic calming feature at its entrance to slow existing fast moving traffic. It could also provide some social benefits through the simple growth and regeneration of the village population.

8.4 Weighing against the scheme is the substantial environmental and social harm that it would cause through its poor location to amenities, services, facilities, employment and public transport which would give rise to a wholly car dependent development with associated environmental harm through an increase in car travel. The proposals would also result in environmental harm through the permanent loss of countryside which is an irreplaceable resource and in turn would cause significant harm to both village and landscape character. The proposed development would also lead to social harm through the failure to make a sufficient contribution towards housing need due to the inappropriate mix and specification of the affordable and market housing and therefore not deliver mixed and inclusive communities. Visually and functionally the development would also be

completely alien to its context and not integrate with the village in which it is located and the Government attaches great weight to the importance of good design as part of sustainability and the need to create successful new communities. Concerns regarding accessibility to the village for pedestrians and the safety of vehicular traffic add to the wider adverse social and environmental impacts. Ecologically the development is best described as having a neutral impact.

- 8.5 Overall officers have found that the adverse environmental and social impacts of the proposed development substantially outweigh any the scheme's benefits and have therefore concluded that the proposals do not represent sustainable development. As a result there is no reason to depart from determining the application against the provisions of the development plan and so Committee is recommended to refuse the application for the reasons set out below.

9. Recommendation

Refuse, for the following reasons:

1 Fritwell is a small organically formed village providing limited employment, services and facilities set within a distinctive rural setting. The proposed development would result in a significant scale and prominent protrusion of built development into the open countryside in a location that cannot sustainably accommodate such development due to the very limited accessibility to employment, services and facilities and the significant harm it would cause to the natural landscape and the village's rural character, setting and relationship with the surrounding countryside. As a consequence the proposals are considered to be contrary to the requirements of Policies BSC1, Villages 1, Villages 2, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C8 of the Cherwell Local Plan 1996.

2 Having regard to its position, inward-focused layout, lack of genuine functional connectivity with the village and inactive relationship with surrounding streets, the proposals represent an awkward and contrived addition to the established development pattern of Fritwell that would be functionally and visually incongruous with the village and therefore fail to integrate successfully with existing development and communities contrary to the requirements of Policies ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 in addition to Policy C28 of the Cherwell Local Plan 1996 as well as Government guidance set out in the National Planning Policy Framework.

3 Having regard to the scale of the development, its location remote from everyday services and facilities, the absence of any public transport links to the village and the lack of genuine functional connectivity with existing development, the proposed development would fail to prioritise pedestrian and cycle travel for future residents and therefore lead to development that is almost entirely dependent on access by private car. Consequently the proposals are inherently environmentally unsustainable and fail to comply with the requirements of Policies BSC1, ESD1 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained within the National Planning Policy Framework.

4 As a result of a combination of the lack of sufficient detail on the provision of affordable housing to properly assess its suitability, what appears to be the inadequate mix of units proposed to meet identified local need as well as the clearly distinguishable nature and appearance of the affordable housing from the market housing within the proposed development, the proposals fail to satisfactorily contribute towards meeting local affordable housing need or creating mixed and balanced communities contrary to the requirements of Policies BSC3 and BSC4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework and its supporting Planning Practice Guidance.

5 Having regard to the significant over-provision of large detached market dwellings proposed as part of the development, the proposals fail to respond to objectively assessed current and future housing need in the District and therefore fail to deliver the homes that are required to sustainably serve the future growth needs of the District. Consequently the proposals do not respond appropriately to the housing needs of the District and, given the stark difference in the proposed nature, size, typology and appearance of the market dwellings in comparison to the affordable dwellings, the proposals would fail to engender the creation of mixed and inclusive communities both locally and within the development. In this respect the proposals are found to be in conflict with the requirements of Policy BSC4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework.

6 Having regard to the overtly formal and suburban layout of the proposed development in combination with the use of inappropriate architectural and design detailing, the proposed development fails to respond to both local architectural distinctiveness and the site's rural character and setting. The proposals are therefore considered to be contrary to the requirements of Policies ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C28 of the Cherwell Local Plan 1996 in addition to Government guidance set out in the National Planning Policy Framework.

7 Having regard to the small size of the gardens in comparison to the dwellings they serve, their orientation as well as pressure caused by both existing and proposed landscaping within these gardens, Plots 22-23 and 29 would feature private outdoor spaces that are inadequate to serve the needs of future occupants and therefore fail to provide new dwellings of a satisfactory quality contrary to the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C30 of the Cherwell Local Plan 1996.

8 The development is proposed to be served by a vehicular access that does not enable sufficient and safe visibility for vehicular traffic exiting the site onto the Fewcott Road to the detriment of the safety of road users. Furthermore, it is unclear whether there is sufficient land available to the developer to provide a new footway leading from the site along Fewcott Road to connect with existing footways reducing the ability and attractiveness of pedestrian connectivity with the village. As a consequence, the proposed development is not considered to be served by safe and suitable access for its future users contrary to the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework.

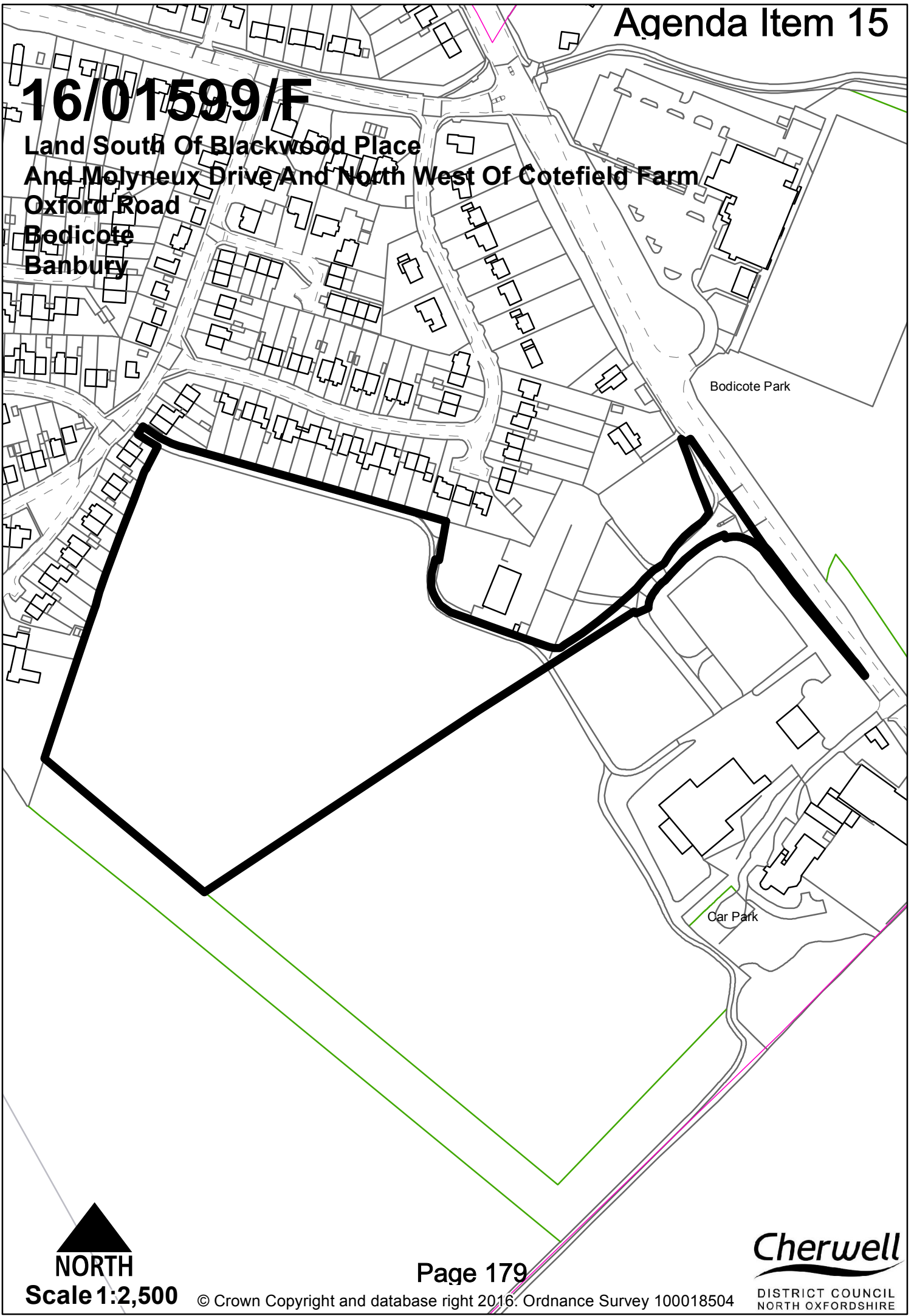
9 The proposed development would give rise to on and off-site impacts on the highway network, public/community infrastructure and affordable housing provision that can only be appropriately mitigated through obligations within a legal agreement. In the absence of a satisfactory legal agreement, the proposed development would not deliver suitable and sustainable development contrary to the requirements of Policies BSC3, BSC4, BSC11, SLE4 and INF1 of the Cherwell Local Plan 2011-2031 Part 1.

CONTACT OFFICER: Matthew Parry

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16/01599/F

**Land South Of Blackwood Place
And Molyneux Drive And North West Of Cotefield Farm
Oxford Road
Bodicote
Banbury**



Bodicote Park

Car Park



NORTH

Scale 1:2,500

16/01599/F

**Land South Of Blackwood Place
And Molyneux Drive And North West Of Cotefield Farm
Oxford Road
Bodicote
Banbury**



NORTH

Scale 1:10,000

Twyford

**Land South Of Blackwood Place and Molyneux
Drive and North West Of Cotefield Farm
Oxford Road Bodicote**

16/01599/F

Case Officer: Bob Neville **Contact:** 01295 221875

Applicant: CALA Management Limited

Proposal: Amendments to planning permission reference 11/00617/OUT (and reserved matters approval 12/01802/REM) to create an additional 4 dwellings and replacing a number of the existing approved dwellings with new house types.

Expiry Date: 17.11.2016

Ward: Adderbury, Bloxham & Bodicote **Committee Date:** 27.10.2016

Ward Councillors: Cllr Chris Heath, Cllr Mike Bishop, Cllr Andrew McHugh

Reason for Referral: Major application

Recommendation: Approval

1 APPLICATION SITE AND LOCALITY

- 1.1 The application relates to an area of former agricultural land south of Blackwood Place and Molyneux Drive and north west of Cotefield Farm, previously granted consent for residential development for 82 dwellings. An outline application (11/00617/OUT) was recommended for refusal and subsequently refused by Planning Committee on the 12 August 2011. However, following a public enquiry an appeal was allowed and development granted outline consent by the Planning Inspectorate on 26 March 2012. There have been subsequent approvals of reserved matters (12/01802/REM), clearance of conditions, and non-material amendment applications (detailed below) and construction works now have commenced on site.
- 1.2 The site is bordered by the rear gardens of residential properties to the north, a garden centre and nursery to the east, and a woodland belt to the west. A group of buildings in commercial use exist to the south-east. Access is off the A4260 Oxford Road to the east.
- 1.3 Outline planning permission has recently been granted for 95 homes immediately to the south of the application site (14/02156/OUT - Phase II).

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks planning permission for amendments to the approved scheme to sit alongside the existing consent. The amendments include 4 no. additional units to be incorporated within the south-western corner of the site and amended house-types to facilitate the inclusion of these additional units, and further amended house-types within the centre of the site. Whilst the proposed development of the wider site as a whole would bring forward 86 no. residential units in total, it should be noted

that this application only relates to 17 no. of these plots and does not seek a revised consent for the wider site.

- 2.2 The amendments to the housing types, whilst retaining some consistency with the approved scheme in terms of the general design approach taken, would see the introduction of 8 no. 2.5 storey 4-bedroom dwelling units within the proposed scheme. Construction materials are proposed to be consistent with the extant scheme, with a mixture of brick and natural stone properties under tiled roofs.
- 2.3 During the course of the application amendments have been made to the scale and type of dormers within the proposed scheme; following officers raising concerns with the applicant and their agents with regards to the dormers, as originally submitted, being disproportionate and overly dominant features within the roof-slopes. Amended plans have subsequently been received reflecting the advice and guidance given by officers.

3 RELEVANT PLANNING HISTORY

- 3.1 11/00617/OUT - Outline application for residential development of 82 No. dwellings. Refused but allowed at appeal 26 March 2012.

12/01802/REM - Reserved Matters Application - (Outline Application 11/00617/OUT) - Layout, appearance, scale and landscaping of a scheme of 82 dwellings. Permitted 10 April 2013.

13/01767/OBL - Submission of details to address Clause 13.1 of first schedule of S106 dated 27 February 2012 - Landscape Management Plan from App ref 11/00617/OUT. Permitted 10 December 2013.

13/00357/DISC - Discharge of conditions 4, 5, 6, 8, 9, 10 and 11 of 11/00617/OUT. Permitted 18 March 2014.

13/00358/DISC - Discharge of Conditions 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 13, 14, 16, 17 & 18 of 12/01802/REM. Permitted 19 March 2014.

13/00105/NMA - Non Material Amendment to 12/01802/REM - To remove and/or reduce the height of planting where there is planting within the vision splays in order to improve both driver and pedestrian safety. Permitted 25 February 2014.

16/00048/NMA - Elevation changes to plots 32, 33, 37, 38, 40, 41, 54, 61, 70, 71, 72 and 73 (proposed non-material amendments to 11/00617/OUT and 12/01802/REM). Permitted 22 July 2016.

Land to the South East, adjacent the application site (Phase II)

14/02156/OUT – outline 95 no. new homes. Permitted 03 October 2016.

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 Two items of correspondence have been received as a result of the publicity of the application. The comments raised by third parties are summarised as follows:

- The site is not offering sufficient amenities to support Bodicote which is already stretched both with schooling and professional services;
- Highway safety;
- Ownership of trees and access to boundaries.

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 BODICOTE PARISH COUNCIL: **No objections but make the following comments:** *'We request that the current line of trees screening the development be protected by TPOs, to prevent them from being cut down by future owners.*

We also request that the pedestrian and cycle access through to Keyser Road be permanently protected by staggered barriers so that vehicles cannot drive through'.

CDC CONSULTEES

6.3 ARBORICULTURAL OFFICER: **No objections**, subject to a revised landscaping scheme.

6.4 ENVIRONMENTAL PROTECTION OFFICER: **No objections.**

6.5 ECOLOGIST: **No comments received.**

6.6 LANDSCAPE OFFICER: **No objections**, subject to a revised landscaping scheme.

6.7 PLANNING POLICY: **No comments received.**

6.8 STRATEGIC HOUSING OFFICER: **No objections.** *'Despite increasing the total number of dwellings on the development, the amount of affordable housing provided is still above the 35% amount stated in our Affordable Housing policy, so we have no issues with this amendment'.*

OXFORDSHIRE COUNTY COUNCIL CONSULTEES

6.9 TRANSPORT: **No objections**, subject to completion of a Deed of Variation, linking the original S106 agreement and increasing transport contribution in line with the original calculations, which were based on the Cherwell Planning Obligations SPD.

6.10 ARCHAEOLOGY: **No objections**, subject to conditions to secure a programme of archaeological recording.

6.11 EDUCATION: **No objections**, subject to completion of a Deed of Variation, linking the original S106 agreement and increasing the number of dwellings from 82 to 86.

6.12 PROPERTY: **No objections**, subject to completion of a Deed of Variation, linking the original S106 agreement and increasing the number of dwellings from 82 to 86.

6.13 MINERALS AND WASTE: **No comments to make.**

6.14 ECOLOGY: **No objections.** *'The District Council should be seeking the advice of their in-house ecologist who can advise them on this application'.*

OTHER CONSULTEES

6.15 ENVIROMENT AGENCY: **No comments received.**

6.16 THAMES VALLEY POLICE: **No comments received.**

6.17 THAMES WATER: **No objections.**

7 RELEVANT NATIONAL AND LOCAL 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:

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

Policy PSD1: Presumption in Favour of Sustainable Development

BSC1: District Wide Housing distribution

BSC2: The Effective and Efficient Use of Land

BSC3: Affordable Housing

BSC4: Housing Mix

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

ESD 15: The Character of the built and historic environment

Villages 1: Village Categorisation

Villages 2: Distributing Growth Across the Rural Areas

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

C28: Layout, design and external appearance of new development

C30: Design control

7.5 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 and impact on the character of the area
- Residential amenity
- Highway safety

Principle of development

8.2 In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the Framework. This 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.

- 8.3 Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 8.4 Policy PSD1 contained within the CLP 2031 echoes the Framework's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 8.5 Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5 year housing land supply. The presumption in favour of sustainable development, as advised by the Framework, will therefore need to be applied in this context.
- 8.6 The principle of development has been established with the granting of the outline planning permission (11/00617/OUT), with further approval of reserved matters (12/01802/REM) relating to layout, appearance, scale and landscaping. The proposed development to be assessed within this application is confined to two areas within the wider consented scheme as shown on drawing CFB_FUL_PLN_SP Rev. D, with no amendments to the majority of the consented scheme. There would be no change to the general road layout or location and quantity of the affordable housing provision. The proposed amended house types would be generally consistent with those approved as part of the extant scheme, and furthermore the additional units would be contained within the boundaries of the original consented scheme.
- 8.7 Whilst the proposals would result in an increase in the total number of dwellings that would result from the overall development it is considered that this increase is minor and provides a positive contribution towards maintaining the Council's 5 year housing land supply, within a sustainable location where residential development has previously been accepted, and is therefore acceptable in principle subject to further considerations with regard to residential and visual amenity and highway safety discussed further below.

Design and impact on the character of the area

- 8.8 The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.9 Policy ESD13 of the CLP 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. It goes on to state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
- 8.10 Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.11 The general road layout would not vary from the previously approved scheme, and as noted above the general design approach taken on the revised house types is

consistent with that taken on the consented scheme as are the proposed materials. Officers consider that the amended house-types would not appear out-of-place in the context of the wider development.

- 8.12 The additional units would be incorporated within the wider scheme through a reorganisation of the plots and amended house-types. This would result in a slight reduction in the size of some of the plots. Officers consider that the supporting plans demonstrate that the additional units can be accommodated within the site without any undue impact on the character, quality and appearance of the consented scheme. There is sufficient separation between plots that the development would not appear cramped within the street-scene and is considered by officers to be acceptable in this regard.
- 8.13 The introduction of 2.5 storey units would result in an increase (~1m) in the scale/overall height of these dwellings, however these units would be dispersed within the wider development and would represent a relatively small percentage of the overall scheme and would not detrimentally impact on its general character or appearance. Furthermore this would be consistent with the approach taken, with regard to the scale of development, on the recently approved scheme (following completion of legal agreement) on land to the south-east of the site under reference 14/02156/OUT.
- 8.14 Finish materials for the extant scheme, currently under construction, have been approved under discharge of condition application 13/00358/DISC. Should permission be granted it is considered appropriate to condition that the dwellings be constructed in accordance with the previously approved schedule and samples of materials, to ensure the satisfactory appearance of the completed development.
- 8.15 In conclusion the proposed additional dwellings and amended house types would be contained within the boundaries of the extant scheme and would not intrude into the open countryside to any greater extent than that which has previously been assessed and considered acceptable.

Residential amenity

- 8.16 Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.17 Given the context of the site, nature of the proposals and their relationship with existing residential properties it is considered that there would be no significant impact on neighbour amenity above that previously assessed and considered acceptable. The proposals, to be considered within this application, are located within the existing consented site away from neighbouring residential properties and as such there would be no direct impact.
- 8.18 The proposals would result in a reduction in the size of some of the plots previously consented, to facilitate the inclusion of the additional 4 no. plots. Officers consider that this reduction in plot size would not significantly detract from the level of amenity that would be afforded to the future occupants of the development. The proposals would still allow for adequate outdoor amenity space and appropriate levels of privacy that would contribute to providing for a good standard of living and is therefore considered acceptable in this regard.

Highway safety

- 8.19 The Highways Authority (HA) has assessed the application and raises no objections to the proposed amendments to the consented scheme or the additional plots. The road layout and general arrangement for access off the Oxford Road would not

change from the consented scheme and appropriate parking would be provided within the amended plots subject of the application.

8.20 The Highways Officer comments:

'The inclusion of the additional 4 homes will not have a severe impact on local highway network capacity. However, they will add to the cumulative impact of development, therefore the strategic transport contribution secured in the Section 106 agreement on the outline permission (already implemented) should be increased in line with the revised number and composition of dwellings, by way of a Deed of Variation to the S106 agreement'.

8.21 Officers see no reason not to agree within the opinion of the HA. Subject to the completion of an appropriate Deed of Variation to modify the Section 106 legal agreement to secure appropriate transport contributions (to be negotiated with the applicant and their agent) it is considered that the proposals assessed within this application would not likely result in any significant detrimental impacts on the safety and convenience of highway users, above those previously assessed and considered acceptable, and is considered by officers to be acceptable in this regard.

8.22 The Highways Officer refers to matters of drainage within her comments. It is noted that this matter was dealt with at the outline stage through the application of condition 5 of the permission (11/00617/OUT); this has subsequently been discharged with the approval of drainage details approved under discharge of conditions application 13/00357/DISC.

Other Matters

8.23 The original consent 11/00617/OUT is subject to a Section 106 legal agreement which secures infrastructure contributions relating to:

- Provision, laying out and long-term management and maintenance of on-site amenity and play areas;
- Affordable Housing;
- Transport;
- County Council infrastructure (education, libraries etc).

8.24 A 'Deed of Variation' is being progressed with the applicant and will be required to link any new permission to the terms and requirements of the original legal agreement; updated as necessary with regard to the proposed additional 4 no. units.

8.25 The County Council's Archaeologist has suggested conditions in relation to archaeology at the site. However, this matter was again dealt with at the outline stage through the application of condition 11 of the permission (11/00617/OUT); this has subsequently been discharged with the approval of a written scheme of investigation approved under discharge of conditions application 13/00357/DISC. It is not considered necessary to apply further conditions in this respect as the developer is required to carry out development in accordance with the details previously approved.

8.26 Whilst no formal comments have been received from the Council's Ecologist in relation to the current application, it is considered the given the scale and nature of the proposals assessed within the application, it is highly unlikely that the proposals would result in any significant further ecological impact above that which has previously been assessed and considered acceptable. Subject to compliance with the previously approved details in relation to biodiversity enhancement (approved under discharge of conditions application 13/00358/DISC) the proposals are considered acceptable in ecological terms.

8.27 Comments have been made with regards to trees along the boundaries of the site and the pedestrian access from the site through to Keyser/Molyneux Drive. These matters have been assessed and approved during the preceding reserved matters application and discharge of conditions application, and the proposals to be assessed within this application do not affect these areas. It is therefore not considered appropriate or necessary to consider further conditions with regards to these matters.

9 CONCLUSION

9.1 The proposals would result in a modest increase in the number dwellings to the previously approved scheme and some minor material amendments to approved house-types. Given the above assessment officers consider the proposals to constitute an acceptable form of development that causes no significant harm to visual or neighbour amenity and is acceptable in highway safety terms. The proposals are considered to be consistent with the above mentioned policies and the application therefore is recommended for approval subject to the schedule of conditions set out below and the completion of an acceptable Deed of Variation linking any such permission to the original consent and associated S106 legal agreement.

10 RECOMMENDATION

10.1 That permission is granted, subject to:

- A) The completion of a satisfactory legal agreement (Deed of Variation) to mitigate the off-site infrastructure impacts of the development and linking the development to the obligations contained in the S106 legal agreement entered into in respect of the original permission (ref: 11/00617/OUT)
- B) The following conditions:

Conditions:

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

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

2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, 'Planning, Design and Access Statement', and drawings labelled: SL.100, CFB_FUL_PLN_SP Rev. D, CFB_FUL_PLN_201 Rev. B, CFB_FUL_PLN_202 Rev. A, CFB_FUL_PLN_203 Rev. A, CFB_FUL_PLN_204 Rev. A and CFB_FUL_PLN_205 Rev. A.

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

3 The development hereby approved, shall be carried out in accordance with the schedule of materials and finishes for the external walls and roofs of the development, as submitted to and approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 4 With the exception of the walls shown on the approved plans to be stone, the materials to be used in the construction of the external walls and roofs of the development shall be in accordance with the samples of the bricks and tiles/slates submitted to and approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 5 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 stone sample panel approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 6 The doors and windows shall be installed within the buildings in accordance with the door and window details approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 7 Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing and proposed site levels for the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 8 Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries of the dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure in respect of those dwellings which they are intended to screen, shall be erected in accordance with the approved details prior to the first occupation of those dwellings.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the first occupation of any of the dwellings, details of the construction, surfacing and drainage of the access, driveways and turning areas serving those dwellings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance

contained within the National Planning Policy Framework.

- 10 The development hereby approved shall be carried out in accordance with the recommendations within the Brownfield Consultants Desk Top Study and Site Investigation Report dated 17 March 2014, approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

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

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

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

- 12 The development hereby approved shall be carried out in accordance with the Construction Environment Management Plan (CEMP), approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

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

- 13 The development hereby approved shall be carried out in accordance with the biodiversity enhancement measures submitted to and approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the Cherwell Local Plan, Policy ESD 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 14 Prior to the occupation of any dwelling, bat, bird, owl and invertebrate boxes shall be installed on the site in accordance with the details submitted to and approved in writing by the Local Planning Authority under planning application 13/00358/DISC.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the Cherwell Local Plan, Policy ESD 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the

nearest edge of any excavation,

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

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 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 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 17 The garages and carports shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES:

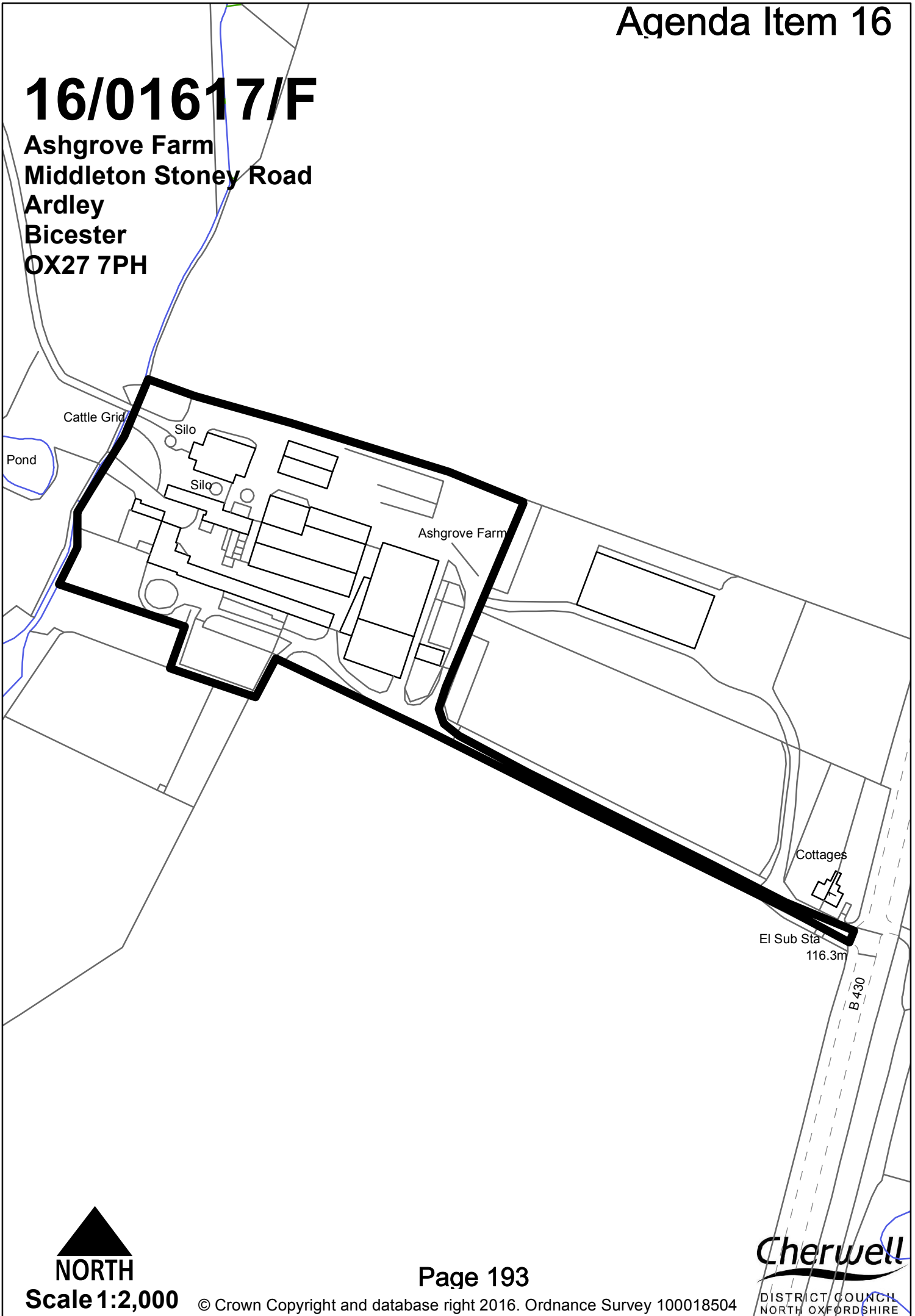
1. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
3. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if

protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

4. 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.
5. Attention is drawn to the conditions imposed on the "outline" permission (App. No 11/00617/OUT) granted on 26 March 2012 and subsequent 'reserved matters' permission (12/01802/REM) which should be read together with this approval. Any outstanding requirement of the conditions to submit details for approval by the Local Planning Authority should be particularly noted.
6. The applicants should achieve Secured by Design (SBD) accreditation for the development. SBD is an Association of Chief Police Officers (ACPO) initiative which has a proven track record in assisting with the creation of safer places by providing guidance on Crime Prevention Through Environmental Design (CPTED), and by providing a minimum set of standards on physical security measures. Details can be found at www.securedbydesign.com and further advice can be obtained by contacting Thames Valley Police's Crime Prevention Design Team.

16/01617/F

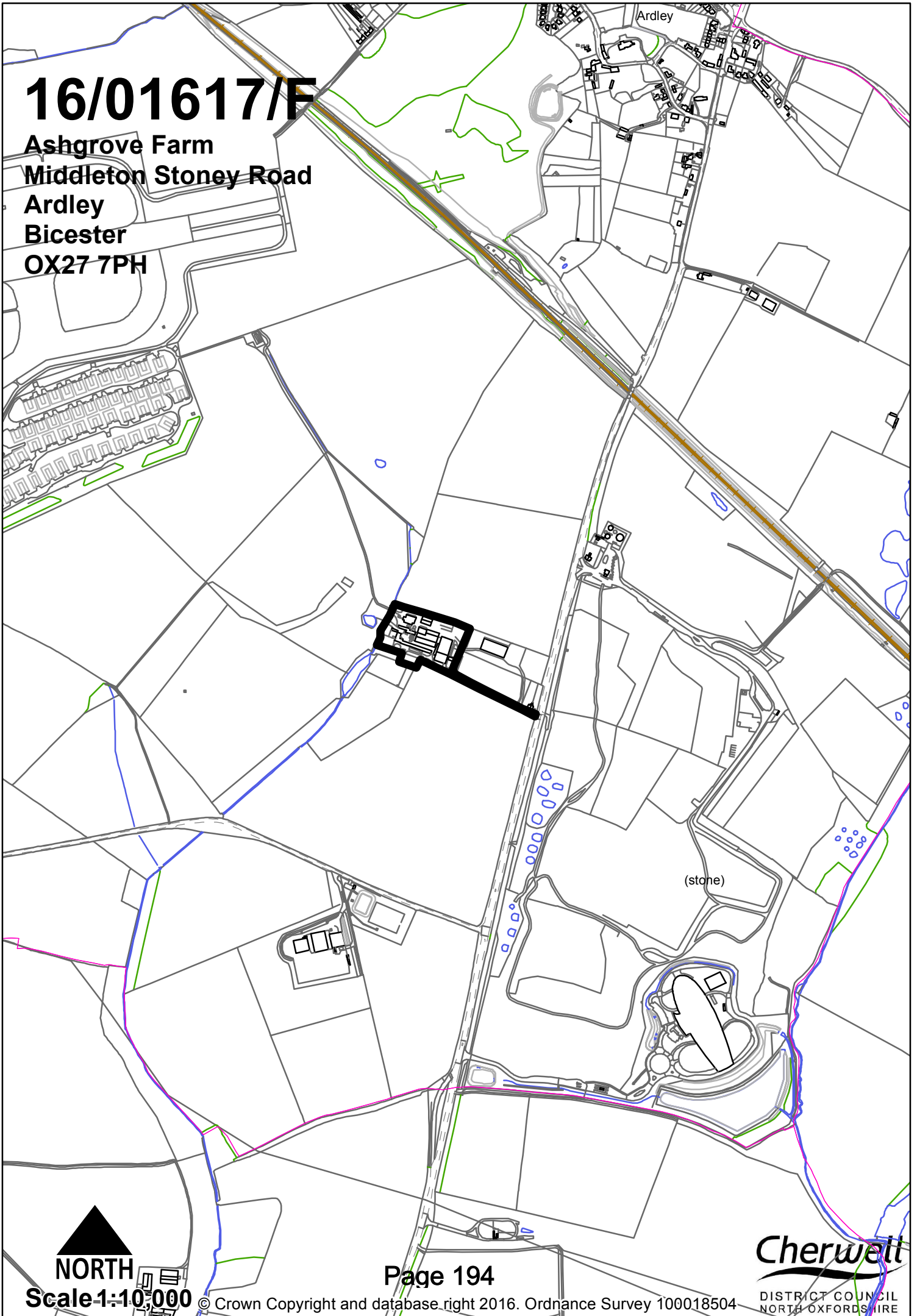
Ashgrove Farm
Middleton Stoney Road
Ardley
Bicester
OX27 7PH



Scale 1:2,000

16/01617/F

Ashgrove Farm
Middleton Stoney Road
Ardley
Bicester
OX27 7PH



(stone)



NORTH

Scale 1:10,000

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

Applicant: Mr & Mrs J Pickford

Proposal: Conversion of 3 no. redundant farm buildings into 5 no. dwellings, erection of covered car parking building and extensions to barns and demolition and removal of 7 no. redundant farm buildings and 3 no. lean-to extensions

Expiry Date: 8th November 2016 **Extension of Time:** N/A

Ward: Fringfords and Heyfords **Committee Date:** 27 October 2016

Ward Councillors: Cllrs Corkin, Macnamara and Wood

Reason for Referral: Site Area over 1ha

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1 The site is located to the south of Ardley and to the west of the B430 and consists of a traditional farm complex made up of the main farm house, a Grade II listed barn, pig sties, stables and more modern farm buildings. The farm holding still functions as an arable and livestock enterprise.
- 1.2 It is stated within the Architectural Design Statement submitted along with the application that the existing farm buildings are no longer suitable for modern farming practices, particularly with regard to the access for machinery, vehicles and storage and this has meant that the buildings on the site have become redundant and are falling into disrepair. The farm also rents storage facilities off site, which are more suitable for accessing vehicles.
- 1.3 As noted above, one of the barns is Grade II listed. The site is within a Mineral Consultation Area. The site is on potentially contaminated land (due to the historic uses on the site) and is in an area of medium archaeological interest. The site has some ecological potential being within 2KM of the Ardley Cutting and Quarry SSSI and Ardley Trackways SSSI.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposal seeks renewed consent to covert 3 traditional agricultural buildings into residential properties. Consent was first granted in 2008, and was renewed in 2011. 5 residential units are proposed in total:

- Barn to north of the site (Units 1 & 2): This stone barn with a corrugated roof has a first floor section over part of it. This has been extended over time with a large open sided modern portal frame structure to the south as well as a smaller open sided lean-to structure to the north. There is also a stone boundary wall of approximately 2.5 metres in height which runs from the traditional building eastwards. The barn is proposed to be converted into two residential units, with the existing external structure of the barn and the stone wall to be retained. Unit 1 is proposed to accommodate 3 bedrooms, whilst unit 2 is proposed to accommodate 4 bedrooms. The stone wall is proposed to form part of a flat roof single storey extension to increase the footprint of Unit 1.
 - Listed barn (Unit 3): This is a double height building constructed from stone under a corrugated roof. It is designed in a traditional plan with central full height openings. A row of pig sties built in stone and brickwork is connected to this barn as well as a single storey barn. It is proposed to remove lean to structures from this building and the barn is proposed to be converted into one residential unit and is proposed to accommodate 5 bedrooms. An intermediate floor is proposed to be inserted within the height of the existing building and the existing openings are proposed to be retained and infilled with full height glazed screens.
 - Barn to south of the site (Units 4 & 5): The original building is a long single storey structure constructed from stone. The building is roofed on the north side with corrugated metal sheeting and to the south with natural slates. There are window and door openings along the northern elevation and the south elevation is simply constructed in stonework. The barn is proposed to be converted into two residential units and each unit is proposed to accommodate 3 bedrooms. It is proposed to separate this building from the adjoining two storey outbuilding belonging to the farmhouse, and this gap would form a narrow passage between the two entities. The building is also proposed to be extended with two single storey north projections, one serving Unit 4 and the other serving Unit 5.
- 2.2 It is proposed to install slate roofs throughout where roofs are pitched, and lead work on flat roofs. Where fabric of the existing buildings to be retained have been damaged these are to be removed and repaired to match. The materials proposed include stone to match the existing buildings and horizontal timber feather edged weatherboarding.
- 2.3 A new build element is also proposed for vehicular parking. The single storey garage element would be sited adjacent to a modern agricultural building which is proposed to be retained. The garage is proposed to be open sided facing the courtyard (west facing). It would be constructed from natural slate and timber posts under a natural slate roof.
- 2.4 Extensive landscaping works are proposed on the site. Units 1, 2 and 3 are proposed to have private gardens to the north of the buildings. These would be bounded to the sides and rear with post and rail fencing. Units 4 and 5 are proposed to have private amenity space within the courtyard area and formed by the use of stone walls extending off the proposed projections.
- 2.5 The existing access off the B430 is proposed to be utilised, but some alterations are proposed to the junction that meets the highway including the dropping of a kerb at the highway edge and the adjustment of a hedge line for visibility reasons. In addition it is proposed to include a passing place within the site along the access drive to ensure adequate movement and

passing of vehicles. It is proposed to make good the access where appropriate with a new finish provided to the garaging area. 15 on-site parking spaces are proposed, with 10 of these in the proposed garage building.

- 2.6 The demolition relates to mainly the larger more modern farm buildings, this being the agricultural barn and covered store attached to the barn to the north that is proposed to accommodate Units 1 & 2, as well as a modern portal framed storage building to the north of this barn.
- 2.7 An application for listed building consent has been submitted alongside this application for planning permission (ref: 16/01618/LB).

3. RELEVANT PLANNING HISTORY

- 3.1 11/00955/LB and 11/00954/F – *‘Extension of time limit to 08/01520/F & 08/01521/LB – Conversion of 3 no. redundant into 5 no. dwellings, erection of covered car parking building and extensions to barns and demolition and removal of 7 no. redundant farm buildings and 3 no. lean-to extensions’* – APPROVED 24th August 2011. The current scheme is very similar to this approved scheme in 2011. A number of conditions were discharged for this application (ref: 14/00173/DISC and 15/00456/DISC) including a landscaping scheme, details of openings and samples of construction materials, but not all of the pre-commencement conditions were discharged and the permissions have since expired, hence the submission of this application.

4. PRE-APPLICATION DISCUSSIONS

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

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.

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 Ardley with Fewcott Parish Council: **No comments received.**

STATUTORY CONSULTEES

- 6.3 Environment Agency: **No comments received.**
- 6.4 OCC Highways Authority: **No objections.**
- 6.5 OCC Minerals and Waste: **No objections.**

6.6 Thames Water: **No objections** in relation to water infrastructure capacity and sewage infrastructure capacity.

NON-STATUTORY CONSULTEES

6.7 Arboricultural Officer: *“The applicant needs to submit a BS5837 survey, an AMS (Arboricultural Method Statement) and a TPP (Tree Protection Plan), pre-determination.”*

6.8 Archaeology Officer: **No objections.**

6.9 Building Control: **No comments received.**

6.10 Business Support Unit: *“It is estimated that this development has the potential to attract New Homes Bonus of approximately £39,713.76 over 6 years under current arrangements for the Council.”*

6.11 Conservation Officer: **No comments received.**

6.12 Ecology Officer: **No comments received.**

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

6.14 Landscape Officer: **No objections** have been raised. This is subject to the retention of the hedgerow on the western boundary of the site and an Arboricultural Method Statement, as well as a landscaping scheme.

6.15 Planning Policy: **No objections.**

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

6.17 Thames Valley Policy Design Adviser: **No comments received.**

6.18 Urban Design: **No comments received.**

6.19 Waste & 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 – Brownfield land and Housing Density

- 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 and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H19 – Conversion of buildings in the countryside
- H20 – Conversion of farmstead buildings
- C21 – Proposals for re-use of a listed building
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

7.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Design Guide for the Conversion of Farm Buildings (Cherwell District Council 2002)
- The Conversion of Traditional Farm Buildings: A guide to good practice (Historic England 2006)

8 APPRAISAL

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

- Principle of the Development;
- Design, Layout and Appearance;
- Impact upon the Significance and Setting of the Grade II Listed Building;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecological Implications;
- Contaminated Land.

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 therefore need to be applied in this context.

- 8.5 The Council, as Local Planning Authority, has previously accepted the principle of development in granting planning permission (reference 08/01520/F) and listed building consent (reference 08/01521/LB) for the same development in 2008. In 2011 the time limits for these permissions were extended (11/00954/F and 11/00955/LB). The latest consent has now expired and the proposed development in this application has not altered from these previous permissions at the site.
- 8.6 When considering the principle of the development in the original 2008 application, saved Policies H19 and H20 of the Cherwell Local Plan 1996 formed significant material considerations. Saved Policy H19 is generally supportive of the conversion of rural buildings into residential accommodation, but it only relates to the provision of one dwelling. Saved Policy H20 relates more specifically to the provision of two or more dwellings on a farmstead, but its preference is for the conversion of buildings into employment generating uses. It was concluded in 2008 that the conversion of the buildings into residential uses is appropriate as the buildings were not deemed appropriate for employment generating uses due to their scale, location and general lack of demand for such units and therefore it was considered that saved Policy H20 was complied with.
- 8.7 These two key policies which formed a significant material consideration when the Council accepted the principle of the development in 2008 remain part of the Development Plan and there has been no significant change in policy in the intervening period which would lead the officers to form a different opinion now. There has also been no material change to site circumstances that would now warrant the application unacceptable in principle.
- 8.8 The principle of the conversion of these barns into residential uses is therefore considered acceptable, but the principle of the development is also dependent on other material considerations which will be discussed below.

Design, Layout and Appearance

- 8.9 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.
- 8.10 Policy ESD15 of the Cherwell Local Plan Part 1 states that new development should complement and enhance the character of its context through sensitive siting, layout and high quality design. Furthermore, new development should be designed to improve the quality and appearance of an area and contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 8.11 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.
- 8.12 Saved Policies H19 and H20 of the Cherwell Local Plan 1996 seek to ensure that only buildings that can be converted without significant rebuilding and extension are permitted to be converted into residential accommodation.
- 8.13 The Council's design guidance ('Design Guide for the Conversion of Farm Buildings') states that: *"The character of a barn is derived from its original function as a working agricultural building, and therefore every effort should be made to retain the original simplicity of scale and form and to alter it as little as possible externally and internally."*

- 8.14 Regarding, extensions to farm buildings 'The Conversion of Traditional Farm Buildings: a guide to good practice' (English Heritage (now Historic England)), states that: *"Overtly domestic extensions such as porches and usually conservatories are alien in character and can rarely work successfully within the context of historic farm buildings"*. In addition this notes that: *"New extensions, be they a contemporary design or one based on an existing outbuilding, should be subordinate in scale and relate to the character of the farmstead group. They should not compromise the setting, so careful thought needs to be given to their siting."*
- 8.15 In addition to this, the Council's design guidance ('Design Guide for the Conversion of Farm Buildings'), states that: *"Most barns are large compared to the size of an average house. In order to preserve the integrity character and features, accommodation should aim to be contained wholly within the existing buildings. In the rare cases where extensions are proposed they should be of traditional form such as simple lean-to outshots, continuing the downward slope of the main roof. Domestic features such as porches will not be considered favourably and alternative solutions such as the provision of internal draught lobbies should be considered."*
- 8.16 Both guidance documents referred to above emphasise the point that extensions should be minor and subordinate in scale. A flat roofed extension is proposed on the east elevation of the barn proposed to accommodate Units 1 and 2. Whilst a relatively long extension, it is considered that the contemporarily designed addition would provide a deferential contrast to the barn given that it would follow the linear form of this barn, would be lightweight due the use of glazing, and would appear subservient in height to the barn so as not to over dominate it. As a result the barn would maintain its simplistic appearance and linear form. Furthermore, it is worth highlighting that a steel framed portal building is currently attached to this barn and this structure currently dominates this traditional farm building. In this respect, it is considered the proposal would result in the enhancement of the setting of this barn.
- 8.17 In relation to Unit 3, the fabric of the building is remaining largely unaltered and unaffected. That said, a covered store is proposed on the north elevation and works are proposed to the pig sties so that they are incorporated into the dwelling. This covered store is considered to be an enhancement to the barn given that this would replace an existing covered store of a similar scale constructed from blockwork under an asbestos roof. The modifications to the pig stys are relatively minor and are considered to have a neutral impact upon the appearance and character of the agricultural building.
- 8.18 Units 4 and 5 would be created from converting the stables along with extensions to the stables. It is unfortunate that these extensions would disrupt the original and simple linear form of the stable building. However, they would be in keeping with the scale of the building and the form of these extensions is also simple. These extensions have also gained consent on previous occasions in 2008 and 2011 and are therefore considered acceptable.
- 8.19 In relation to windows the Council's design guidance ('Design Guide for the Conversion of Farm Buildings') states that: *"Barns rarely have windows, and so new means of admitting light have to be carefully considered in order not to affect the character of the building. Existing openings should be retained and re-used as a priority. New openings should be kept to a minimum and should be of a scale, form and type compatible with the character of the building and its existing openings...If rooflights are needed they should relate to the scale of the existing building and to the pitch of the roof, avoiding disruption of the roofline."*
- 8.20 New openings on the existing farm buildings would be kept to a minimum and existing openings would be utilised so as to prevent these buildings appearing overly domestic. Whilst the first floor of the barn proposed to accommodate Units 1 and 2 currently has no first floor windows and the introduction of windows at first floor level would erode some of the agricultural character of this building, there is evidence of original openings at first floor level

and these are proposed to be reopened therefore this is considered to be acceptable. Furthermore, barn door openings on the barns accommodating Units 1 and 2 and Units 3 would be retained through the use of glazing and would be incorporated in the design scheme. The retention of these architectural features would contribute in preserving the agricultural character of these buildings.

- 8.21 In relation to the setting of these barns the Council's design guidance ('Design Guide for the Conversion of Farm Buildings') states that: *"The most sensitive conversion can be spoilt by inappropriate changes to the setting of the building. A comprehensive approach should be adopted when preparing an application for conversion in order to cover details such as the layout of drives, gardens, garaging, walls and fences, etc. The design and materials of ancillary buildings should be of traditional materials and form and should aim to harmonise with the existing building."*
- 8.22 Units 1 and 2 and Unit 3 will have their gardens to the north resulting in their front elevations facing the front yard. Units 4 and 5 would be created from converting the stables along with extensions to the stables and the extensions are considered to create more of a farm yard environment and more easily defined curtilages. The car port building will keep all the cars contained in one area. A total of 15 spaces will be provided for the new units, resulting in three spaces per unit. This arrangement will help to ensure that the courtyard is retained as a semi-communal and open area as residents access their properties by foot. This building will both complete the farm yard complex and also screen the remaining large farm building to the east. It is considered that the scheme has been designed so as to retain the farm yard as an open, semi-communal area. It would not be desirable to see the farm yard excessively divided by enclosures which would not be true to the character of the traditional farmyard.
- 8.23 A private courtyard is proposed to the front (south) of the barn proposed to accommodate Unit 3 to create a screen between the farmhouse and Unit 3 for privacy reasons, but it is considered that this would have a limited impact upon the agricultural appearance of the barn and the character and appearance of the wider farmyard.
- 8.24 In terms of materials it is considered that appropriate materials are to be used for the extensions to the buildings and where repairs are needed to the existing fabric. A stone sample panel and slate sample were available to view during the case officer's site visit and these are considered to be acceptable. Details of the windows, rooflights, doors and boarding have also been provided and are considered to be acceptable.
- 8.25 The dropping of the kerb at the access and the creation of a passing place are considered to have a limited impact upon the character and appearance of the countryside.
- 8.26 In relation to landscaping, a landscape plan has been submitted, and this has once been approved as part of the discharge of conditions application regarding the previous planning application at the site in 2011 (Condition 9 requested a landscaping scheme and this was discharged under 14/00173/DISC). Thus, whilst it is noted that the landscape officer has requested a revised landscaping scheme, this would be unreasonable given the submitted landscaping scheme has already been considered acceptable in relation to this scheme.
- 8.27 The Council's Arboricultural Officer has requested a tree survey, arboricultural method statement and tree protection plan. Such reports were not requested in the previous applications at the site in 2008 and 2011 and it is considered that there are no trees of high amenity value on the site that are likely to be affected by the proposal, therefore it is not considered necessary to attach a condition requesting the above.
- 8.28 It is also worth highlighting again that the same proposal has been considered acceptable in 2008 and 2011 and this is a significant material consideration in this case.

- 8.29 Overall the removal of the relatively modern redundant farm buildings and the repair of the traditional buildings is welcomed, and it is considered that proposed alterations and extensions to these buildings and the associated works as a result of the conversion of these barns to residential units would not unduly affect the agricultural appearance and character of these barns and would not result in significant and demonstrable harm to the character and appearance of the area.
- 8.30 It is considered necessary to remove permitted development rights for extensions to the proposed dwellings as well as new openings in order to retain the character and appearance of the agricultural buildings and this has therefore been conditioned.

Impact upon the Significance and Setting of the Grade II Listed Building

- 8.31 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority gives special regard to the desirability of preserving a listed building or its setting. In this case it is the impact on the setting and significance of the Grade II listed barn that is to be considered. The applicant has submitted a Heritage Statement.
- 8.32 Section 12 of the NPPF (Conserving and Enhancing the Historic Environment) 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 the desirability of new development making a positive contribution to local character and distinctiveness. 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. Proposals that preserve those elements should be treated favourably.
- 8.33 Paragraph 132 of the NPPF states that: *"Significance can be harmed through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*
- 8.34 Policy ESD15 of the Cherwell Local Plan Part 1 states that development should: *"Conserve, sustain and enhance designated and non-designated 'heritage assets' including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and PPG"*
- 8.35 As discussed above, it is considered that the alterations to the listed building will be minimal. Openings that are proposed would be kept to a minimum with existing openings being utilised to their full potential. Appropriate materials are to be used for the extensions to the building and where repairs are needed to the existing fabric. The repairs proposed are considered to enhance the significance of this barn building. Whilst a private courtyard is proposed to the front of the barn, it is considered that this would not cause undue harm to the significance and setting of this building, and any harm would be outweighed by the benefit of securing a long-term future and use for the building.
- 8.36 The other proposed changes on the site are not considered to cause harm to the significance and setting of this building as the historic farm yard plan and setting would largely be retained as a result of the development as discussed above.

Accessibility, Highway Safety and Parking

- 8.37 The Local Highways Authority has raised no objections to the proposal which includes the dropping of the kerb at the access from the highway, the introduction of a passing place on the access lane and the introduction of a parking area for 15 vehicles. The case officer sees no reason to disagree with this assessment and it is considered that the proposal would not cause detrimental harm to the safe and efficient operation of the highway network.

Effect on Neighbouring Amenity

- 8.38 Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.39 In relation to proposed Unit 3, this would be within close proximity to the main farm house. The southern elevation has a full height glazed screen and a double door serving the kitchen. Whilst the screen is full height there is no first floor in this element of the building. Thus, it is considered that overlooking would not be a significant issue in relation to Unit 3. That said, a private courtyard is proposed to the front (south) of the barn to create a screen between the two units for privacy reasons to further reduce the levels of overlooking. Overall, the relationship between each of the units and the existing farmhouse is considered to be acceptable so as to prevent undue harm in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing impact.
- 8.40 The site is within a working farmyard therefore there are potential compatibility issues with the residential development in this location with the possibility of the farm giving rise to noise pollution and odour pollution. However given the low number of agricultural buildings proposed to remain on the site as a result of this development (this being 2), the clear separation between the uses, and that the proposal has been accepted on two previous occasions, it is considered that levels of noise and odour resulting from the existing agricultural use are unlikely to cause undue harm to the proposed residential units.

Ecological Implications

- 8.41 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"*.
- 8.42 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."*
- 8.43 A Bat Survey Report by a qualified ecologist has been submitted alongside the application, but comments have not been received from the Ecology Officer within the consultation period.

The survey provides an update to previous surveys undertaken for the previous applications at the site in 2008 and 2011. During the surveys in 2008, a brown long-eared bat feeding roost was identified in Barn 4 to the western end of the building. In addition, some smaller bat droppings were also found below a section of torn felt to the western end of Barn 4. No bats or fresh evidence of bats were found during the surveys in 2011 and no bats were seen to emerge from the barns during the bat activity surveys undertaken in 2008 and 2011.

- 8.44 The update report concludes that no bats or evidence of bats were observed within the barns in 2016 and that there is no indication that bats are using the buildings for shelter. The report also notes that the previously identified feeding roost in Barn 4 appears to have become disused and roosting bats are considered to be absent from the barns. It is then stated in the report that the conversion of the barns will not result in any significant impacts on bats or the places that they use for breeding, shelter and/or protection (roosts) and no specific compensation measures are considered necessary.
- 8.45 In the absence of evidence to the contrary, including any comment from the Council's Ecology Officer, officers have no reason to doubt the findings and recommendations of the Survey. As such, it considered that the proposed development is unlikely to cause undue harm to protected species subject to a condition that the recommendations as set out in the Bat Survey Report are accorded with.

Potentially Contaminated Land

- 8.46 The site is on land that is deemed to be potentially contaminated (as a result of its historic land use), but the Environmental Protection Officer has raised no objections to the proposed development. Pre-commencement conditions were attached to the 2011 consent at the site, including a desk study walk over to identify all potential contaminative uses on site, to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised and to ensure that the development could be carried out safely without unacceptable risks to workers, neighbours and other site receptors. A Geo-Environmental Site Investigation was conducted in October 2015 in order to discharge the conditions attached to the 2011 consent and the report advised that no contaminated risks had been identified and the conditions in relation to land contamination were discharged (ref: 15/00456/DISC). It is therefore considered that the proposal is unlikely to cause public health risks to future users, workers, neighbours and other site receptors.

9. CONCLUSION

- 9.1 The development is considered to be acceptable in principle, having regard to the recent planning history for the site, and is of a design, scale and style that is sympathetic to the context of the development. The proposal would not unduly harm the significance and setting of the Grade II listed building and would not have a detrimental impact upon neighbour amenity, highway safety or any protected species. It is considered that the proposal is therefore in accordance with the Policies outlined in Section 4 of this report.

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 condition, the development shall be carried out strictly in accordance with the following plans and documents:

- Application Form submitted with the application;
- Architectural Design & Access Statement dated May 2008 submitted with the application;
- Drawing Numbers: 1.06; P1.01; P1.02 Revision A; P1.03 Revision A; P2.01 Revision B; P2.02 Revision A; P2.03 Revision B; P2.04 Revision A; P2.05 Revision A; P2.06 Revision B; P2.07; P3.01 Revision B; P3.02 Revision B; P3.03 Revision B; P3.04 Revision B; P3.05 Revision B; P3.06 Revision A; P3.07 Revision B; P3.08 Revision A; P3.09; R3.01; R3.02; R3.03; R3.04 and OGD/152/001 Revision A submitted with the application;

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

3. The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the stone sample panel inspected on site by the case officer on 26th August 2016.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building, to preserve the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20 and C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The external roofs of the development shall be constructed in accordance with the slate sample inspected on site by the case officer on 26th August 2016.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building, to preserve the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20 and C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The development shall be carried out in accordance with the Section 7 (recommendations) of the Bat Survey Report by Windrush Ecology dated August 2016 submitted with the application (except where affected by condition 11).

Reason - To ensure that the development does not cause harm to any protected species or

their habitats in accordance with Policy ESD10 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Should more than 12 months elapse from August 2016 (the time of the ecological survey referred to in condition 10) before works commence on Barn 4, a new ecological survey shall be submitted to and approved in writing by the Local Planning Authority before any works on Barn 4 commence. Thereafter the works to Barn 4 shall be carried out in accordance with the recommendations of the new ecological survey.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the dwellings hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first occupation of the of the dwellings hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first occupation of the dwellings hereby approved the hedge line fronting the main road shall be cut back and undergrowth cleared to provide the vision splays either side of the access as shown on Drawing No. 1.06. The vision splays shall be maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Any remedial stonework necessary for the repair or making good of the walls shall be carried out in natural weathered limestone 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 using lime mortar, unless otherwise approved in writing by the Local Planning Authority prior to the works commencing.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building, to preserve the character and

appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20 and C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. The rainwater goods to be used shall be cast iron/aluminium and permanently so retained thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building, to preserve the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20 and C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. All planting, seeding or turfing comprised in the approved details of landscaping (Drawing Number OGD/152/001 Revision A submitted with the application) shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

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

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

14. Notwithstanding the provisions of Classes A to G of Part 1, Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) the approved dwelling(s) shall not be extended nor any structures be erected within the curtilage of the said dwelling(s) without the prior express planning consent of the Local Planning Authority.

To ensure and retain the satisfactory appearance of the completed development, to retain the agricultural character and appearance of the buildings and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20 and C28 of the Cherwell Local Plan 1996

and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the provisions of Classes A to E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roofs of the building(s) without the prior express planning consent of the Local Planning Authority.

To ensure and retain the satisfactory appearance of the completed development, to retain the agricultural character and appearance of the buildings, in order to safeguard the amenities of the occupants of the adjoining dwellings and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies H19, H20, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

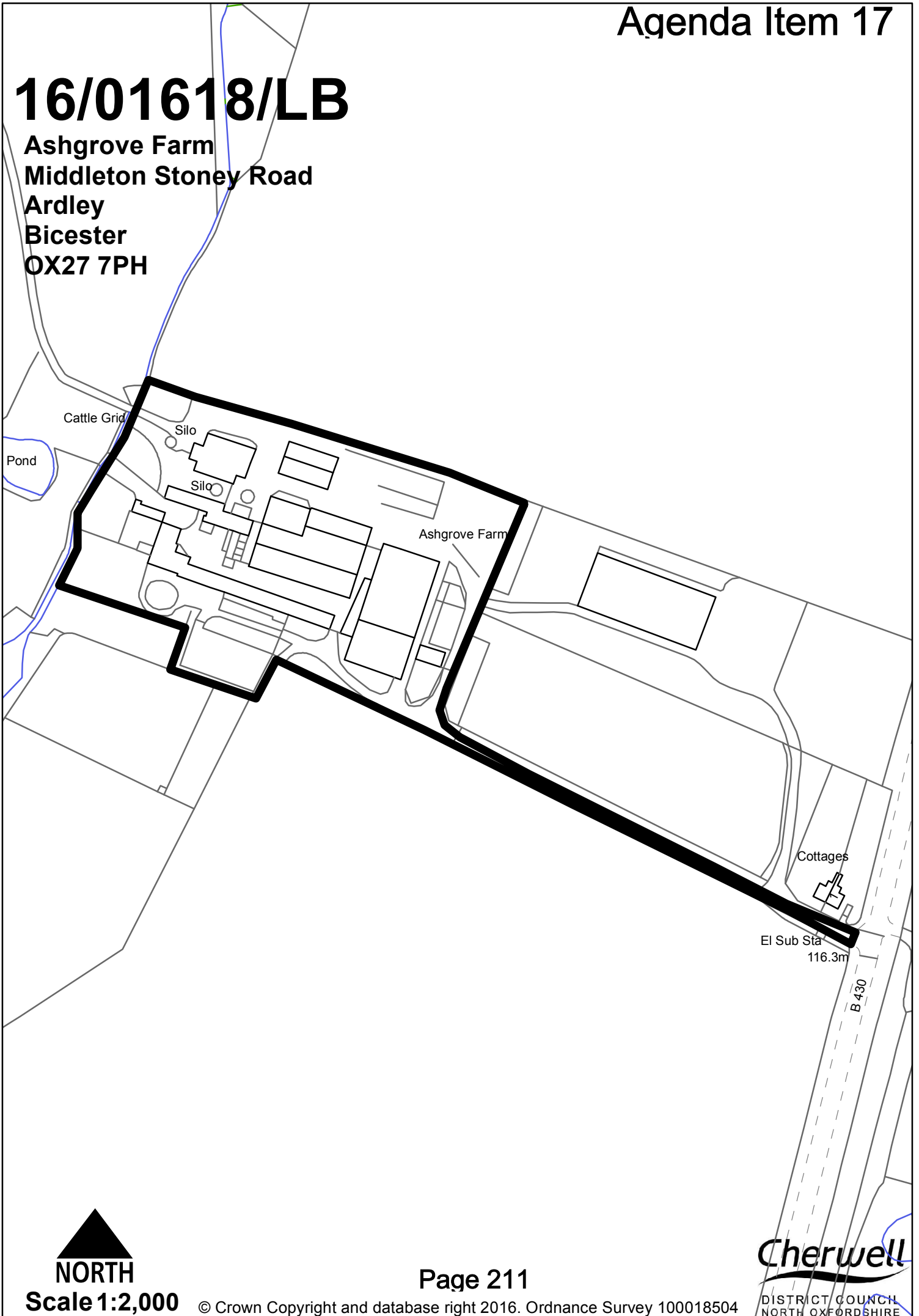
1. With reference to condition 8, the guidance referred to is available at <http://www.oxfordshire.gov.uk/cms/content/dropped-kerbs>.
2. The applicant is reminded that the carrying out of any unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
3. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
4. 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.
5. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
6. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames

Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

7. 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.

16/01618/LB

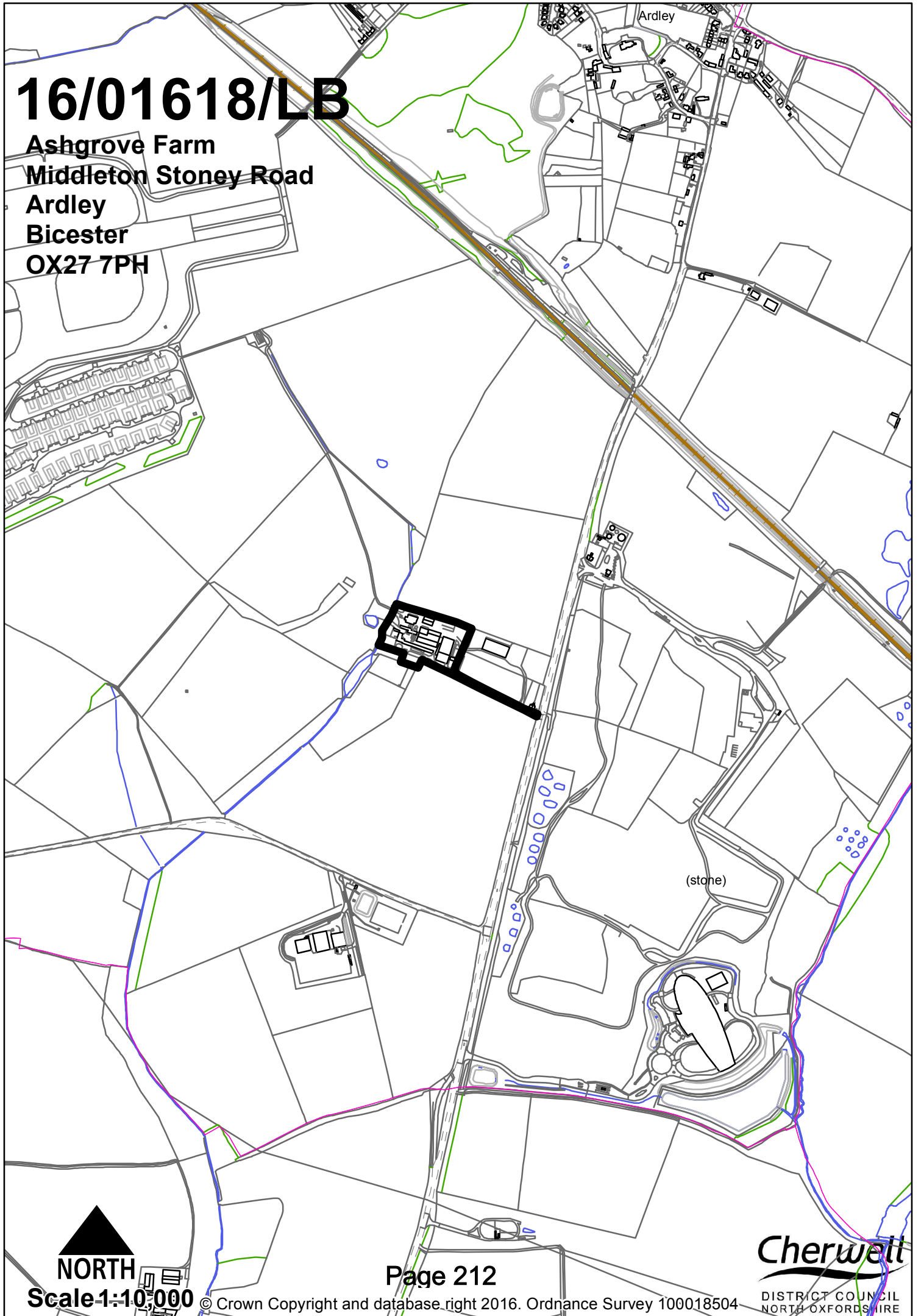
Ashgrove Farm
Middleton Stoney Road
Ardley
Bicester
OX27 7PH



Scale 1:2,000

16/01618/LB

Ashgrove Farm
Middleton Stoney Road
Ardley
Bicester
OX27 7PH



Scale 1:10,000

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

Applicant: Mr & Mrs J Pickford

Proposal: Conversion of redundant farm building into a dwelling, including the demolition of lean-to structures, erection of 2.No extensions and construction of a wall

Expiry Date: 4th October 2016 **Extension of Time:** N/A

Ward: Fringfords and Heyfords **Committee Date:** 27 October 2016

Ward Councillors: Cllrs Corkin, Macnamara and Wood

Reason for Referral: Site Area over 1ha

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1 The site is located to the south of Ardley and to the west of the B430 and consists of a traditional farm complex made up of the main farm house, a Grade II listed barn, pig sties, stables and more modern farm buildings. The farm holding still functions as an arable and livestock enterprise.
- 1.2 It is noted within the Architectural Design Statement submitted along with the application that the existing farm buildings are no longer suitable for modern farming practices, particularly with regard to the access for machinery, vehicles and storage and this has meant that the buildings on the site have become redundant and are falling into disrepair. The farm also rents storage facilities off site, which are more suitable for accessing vehicles.
- 1.3 The Grade II listed building is a double height barn constructed in the 18th Century. The barn is constructed from stone under a corrugated roof. It is designed in a traditional plan with central full height openings. A row of pig sties built in stone and brickwork is connected to this barn as well as a single storey barn on the south.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The proposal seeks listed building consent for various works to the Grade II listed barn in order to convert it into one residential unit accommodating 5 bedrooms. As part of the conversion it is proposed to:
 - Construct a covered store on the north elevation from timber and natural slate;

- Incorporate the pig sties into the dwelling with a lead flat roof element over these pig sties. The walls of the extension would be constructed from natural coursed stone and horizontal timber boarding;
- Remove corrugated, timber and blockwork lean to structures from this building;
- Introduce windows and doors within existing openings. This includes the retention of the existing barn door openings and infilling them with full height glazed screens;
- Replace the corrugated roof on the barn with a slate roof;
- Where areas of the existing buildings have been damaged these are to be removed and repaired to match;
- Introduce an intermediate floor within the height of the existing building;
- Insert some new internal walls within the barn in order to create a kitchen element, and en-suite bedroom;
- Internally, the introduction of two openings between the barn and the pigsty element;
- Introduce internal openings within the pigsties; and
- Introduce a stone wall to the south of the barn building at a height of 2.2 metres in order to create a courtyard element.

2.2 An application for planning permission has been submitted alongside this application for listed building consent (ref: 16/01617/F), which also includes works to convert other buildings in the farm complex to form 5 no. dwellings in total, along with the erection of a garage/car port building to serve the dwellings.

3. RELEVANT PLANNING HISTORY

3.1 11/00955/LB and 11/00954/F – *‘Extension of time limit to 08/01520/F & 08/01521/LB – Conversion of 3 no. redundant into 5 no. dwellings, erection of covered car parking building and extensions to barns and demolition and removal of 7 no. redundant farm buildings and 3 no. lean-to extensions’* – APPROVED 24th August 2011. The current scheme is very similar to this scheme approved in 2011. However this consent has now expired, hence the submission of this application.

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1 This application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper.

5.2 No comments have been raised by third parties.

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 ARDLEY WITH FEWCOTT PARISH COUNCIL: **No comments received.**

STATUTORY CONSULTEES

6.3 None.

NON-STATUTORY CONSULTEES

6.4 Conservation Officer: **No comments received.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1 Planning law requires that planning applications 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)

- ESD15 – The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Development proposals affecting a listed building
- C21 – Proposals for re-use of a listed building

7.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Design Guide for the Conversion of Farm Buildings (Cherwell District Council 2002)
- The Conversion of Traditional Farm Buildings: A guide to good practice (Historic England 2006)

8 APPRAISAL

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

- Impact on the Character and Historic Significance of the Listed Building.

Impact on the Character and Historic Significance of the Listed Building

8.2 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to give special regard to the desirability of preserving a listed building or its setting. The applicant has submitted a Heritage Statement to address these matters.

8.3 Section 12 of the NPPF (Conserving and Enhancing the Historic Environment) 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 the desirability of new development making a positive contribution to local character and distinctiveness. 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. Proposals that preserve those elements should be treated favourably.

- 8.4 Paragraph 132 of the NPPF states that: *“Significance can be harmed through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”*
- 8.5 Policy ESD15 of the Cherwell Local Plan Part 1 states that development should: *“Conserve, sustain and enhance designated and non-designated ‘heritage assets’ including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and PPG”*
- 8.6 The Council's design guidance ('Design Guide for the Conversion of Farm Buildings') states that: *“The character of a barn is derived from its original function as a working agricultural building, and therefore every effort should be made to retain the original simplicity of scale and form and to alter it as little as possible externally and internally.”*
- 8.7 Regarding, extensions to farm buildings 'The Conversion of Traditional Farm Buildings: a guide to good practice' (English Heritage (now Historic England)), states that: *“Overtly domestic extensions such as porches and usually conservatories are alien in character and can rarely work successfully within the context of historic farm buildings”*. In addition this notes that: *“New extensions, be they a contemporary design or one based on an existing outbuilding, should be subordinate in scale and relate to the character of the farmstead group. They should not compromise the setting, so careful thought needs to be given to their siting.”*
- 8.8 In addition to this, the Council's design guidance ('Design Guide for the Conversion of Farm Buildings'), states that: *“Most barns are large compared to the size of an average house. In order to preserve the integrity character and features, accommodation should aim to be contained wholly within the existing buildings. In the rare cases where extensions are proposed they should be of traditional form such as simple lean-to outshots, continuing the downward slope of the main roof. Domestic features such as porches will not be considered favourably and alternative solutions such as the provision of internal draught lobbies should be considered.”*
- 8.9 Externally, the fabric of the listed barn is remaining largely unaltered and unaffected. That said, a covered store is proposed on the north elevation and works are proposed to the pig sties so that they are incorporated into the dwelling. The proposed covered store is considered to be an enhancement to the barn given that this would replace an existing covered store of a similar scale constructed from blockwork under an asbestos roof. The modifications to the pig stys are relatively minor and are considered not to harm the significance of this listed barn.
- 8.10 In relation to windows the Council's design guidance ('Design Guide for the Conversion of Farm Buildings') states that: *“Barns rarely have windows, and so new means of admitting light have to be carefully considered in order not to affect the character of the building. Existing openings should be retained and re-used as a priority. New openings should be kept to a minimum and should be of a scale, form and type compatible with the character of the building and its existing openings...If rooflights are needed they should relate to the scale of the existing building and to the pitch of the roof, avoiding disruption of the roofline.*
- 8.11 New openings on the barn would be kept to a minimum and existing openings would be utilised so as to prevent this agricultural building from appearing overly domestic. Furthermore, barn door openings would be retained through the use of glazing and would be incorporated in the design scheme. The retention of these architectural features would contribute in preserving the significance of this listed barn.

- 8.12 In relation to the interior of the barn, the Council's design guidance ('Design Guide for the Conversion of Farm Buildings') states that: *"Some of the most successful schemes are based on an 'open plan' design with part of the building left open to the roof, perhaps surrounded by galleries and leaving the roof structure exposed to view...At least one section of the barn should remain open to the roof"*.
- 8.13 Internally, the historic fabric of the building is to remain largely unaltered. Whilst a first floor section is proposed in the barn building, a relatively large area of the barn would be open to the roof therefore allowing for the original scale and special features of the interior to be fully appreciated. The internal works are therefore considered to preserve the significance of the listed barn.
- 8.14 In relation to the setting of the barn, the Council's design guidance ('Design Guide for the Conversion of Farm Buildings') states that: *"The most sensitive conversion can be spoilt by inappropriate changes to the setting of the building. A comprehensive approach should be adopted when preparing an application for conversion in order to cover details such as the layout of drives, gardens, garaging, walls and fences, etc. The design and materials of ancillary buildings should be of traditional materials and form and should aim to harmonise with the existing building."*
- 8.15 A private courtyard is proposed to the front (south) of the barn to create a screen between the farmhouse and barn for privacy reasons, but it is considered that this would have a limited impact upon the significance and the setting of this heritage asset.
- 8.16 In terms of materials it is considered that appropriate materials are to be used for the extensions to the building and where repairs are needed to the existing fabric. A stone sample panel and slate sample were available to view during the case officer's site visit and these are considered to be acceptable. Details of the windows, rooflights, doors and boarding have also provided and are considered to preserve the significance of the listed barn.
- 8.17 It is also worth highlighting that the same proposal has been considered acceptable in 2008 and 2011 and this is a significant material consideration in this case.

9. CONCLUSION

- 9.1 In conclusion, it is considered that the proposed works to the listed barn would preserve the significance and setting of this heritage asset, in accordance with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C18 and C21 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

10. RECOMMENDATION

That consent is **granted**, subject to the following conditions:

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

Reason - To comply with the provision of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:

- Application Form submitted with the application;
- Architectural Design & Access Statement dated May 2008 submitted with the application;
- Drawing Numbers: 1.06; P1.01; P1.02 Revision A; P1.03 Revision A; P2.01 Revision B; P2.02 Revision A; P2.03 Revision B; P2.04 Revision A; P2.05 Revision A; P2.06 Revision B; P2.07; P3.01 Revision B; P3.02 Revision B; P3.03 Revision B; P3.04 Revision B; P3.05 Revision B; P3.06 Revision A; P3.07 Revision B; P3.08 Revision A; P3.09; R3.01; R3.02; R3.03; R3.04 and OGD/152/001 Revision A submitted with the application.

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

3. The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the stone sample panel inspected on site by the case officer on 26th August 2016.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C18 and C21 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. The external roofs of the development shall be constructed in accordance with the slate sample inspected on site by the case officer on 26th August 2016.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C18 and C21 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Any remedial stonework necessary for the repair or making good of the walls shall be carried out in natural weathered limestone 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 using lime mortar unless otherwise approved in writing by the Local Planning Authority prior to the works commencing.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C18 and C21 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. The rainwater goods to be used shall be cast iron/aluminium and permanently so retained thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C18 and C21 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. The applicant is reminded that this building is included in the Statutory List of Buildings of Architectural or Historic Interest, and no works to the exterior or interior of the building, which materially affect the character may be carried out without the prior express consent of the Local Planning Authority (given through the submission of an application for, and subsequent grant of Listed Building Consent). This consent gives approval only to those works shown on the plans and details submitted to and approved in this application.
2. The applicant is further reminded that the carrying out of unauthorised work to a listed building is an offence, punishable by a fine, imprisonment or both, as detailed in Section 9 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
3. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
4. 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.

Agenda Item 18

Cherwell District Council

Planning Committee

27 October 2016

Appeals Progress Report

Report of Head of Development Management

This report is public

Purpose of report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **15/01953/OUT Land North of Southfield Farm, North Lane, Weston-on-the-Green.** Appeal by Mr Tredwell against the refusal of outline planning permission for the erection of up to 26 dwellings, including the creation of a new access, associated landscaping, open space and drainage infrastructure.

16/00798/F Orchard Barn, 40 Yew Tree Close, Launton, OX26 5AE. Appeal by Mr Cattle against the refusal of planning permission for a single storey extension to the rear, new roof light window and summer house.

16/00913/F 109 Courtington Lane, Bloxham, OX15 4HS. Appeal by Mr Jones against the refusal of planning permission for change of use from dwelling to a bed and breakfast accommodation.

16/01053/REM Parts of OS Parcels 1125 And 1621 North And East Of Home Farm Close, Ambrosden. Appeal by Mr Gardener against the refusal of reserved matters application to 14/01981/OUT – Erection of five detached dwellings.

16/01109/F The Oxfordshire Inn, Heathfield, Kidlington, OX5 3DX. Appeal by Investfront Ltd against the refusal of planning permission for the redevelopment of the site (function hall) to provide for 8 no. two bedroom dwellings.

16/00281/Q56 Field Barn, Whichford Road, Hook Norton, Oxfordshire. Appeal by Ms J Taylor against the refusal to grant prior approval for the change of use of 3 barns to 3 dwellings (including operational development).

16/01582/TPO 5 TY-Craig. Victoria Road, Bicester, OX26 6PP. Appeal by Mr Hyett against the refusal of consent to carry out works to a tree which is subject to a Tree Protection Order.

2.2 Forthcoming Public Inquires and Hearings between 27th October 2016 and 24th November 2016.

Planning Hearing commencing Wednesday 16th November 2016 at 10am held in the River Cherwell Meeting Room, Cherwell District Council, Bodicote House, White Post Road, Bodicote OX15 4AA. Appeal by McDonald's Restaurant Ltd against the refusal of planning permission for a freestanding single storey restaurant with associated drive-thru, car parking and landscaping; installation of customer order display and canopy. 15/00758/F.

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Dismissed the appeal By Mr Beckett against the refusal of planning permission for the erection of a single storey dwelling. 24A Fergusson Road, Banbury, OX16 3HQ. 16/00089/F (Delegated).

The appeal related to the construction of a single storey 1 bedroom bungalow to the rear of 24A, 24B and 24C Fergusson Road. The Inspector identified the main issues as being whether the proposal would comply with local and national policy on flood risk and the effect the proposal would have on the character and appearance of the area.

On the matter of flood risk, the appeal site is located within a Flood Zone 3a area which has a high probability of fluvial flooding. Planning applications within flood zones 2 and 3 are required to apply a sequential test. No sequential test was made, nor was an exception test submitted. A Flood Risk Assessment (FRA) undertaken in 2014 was submitted in support of the appeal. The Inspector was not convinced that the FRA could be relied upon. Furthermore, since the previous approval on the site, the Council has adopted the Cherwell Local Plan 2011 – 2031 Part 1, which makes full provision for housing allocations across the plan period. This increased level of housing provision diminished any arguments in favour of housing development within the Flood Zone 3a area.

On the matter of the character and appearance of the area, the Inspector concluded that the views of the proposal would be restricted and the single storey scale of the development would not be out of character with the area.

2) Dismissed the appeal By S&S Motors against the refusal of planning permission for the redevelopment of the site for the erection of nine 2-storey open market dwellings with associated parking spaces and upgraded access. S & S Motors, Ploughley Road, Lower Arccott, Bicester, Oxfordshire OX25 1NY. 15/02353/OUT (Delegated).

The Inspector concluded that the main issues in the appeal were the effect on the character and appearance of the area and highway and pedestrian safety within the site.

The Inspector stated that whilst the garage part of the site is previously developed land and could be considered to be located within the developed limits of Arccott, the paddock area of the site is beyond the existing village envelope. The Inspector also noted that whilst the existing garage, the development at the Tally Ho, and Manor Farm extend back from the road frontage, the character of the residential element of this ribbon development is one of frontage development to Ploughley Road. The Inspector went on to note that proposed dwellings, which would be sited behind Nos 59-69 Ploughley Road, would be in contrast with the prevailing form of residential development in Lower Arccott and the general form of the village as a whole.

The Inspector therefore concluded that the dwellings would lead to unacceptable harm to the character and appearance of the area, contrary to Policies ESD13, ESD15 and Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1, saved Policies H18 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within NPPF.

In relation to the matter of highway safety, the Inspector stated that it is unclear whether service vehicles would be able to enter and exit in a forward gear. The Inspector also stated that because that the layout of the site is being considered at the outline stage, changes required to address these issues cannot therefore be reserved for future approval, nor could they be resolved through a suitably worded planning condition. It was concluded that the layout of the development would be likely to give rise to significant harm to highway and pedestrian safety and as such the proposal would conflict with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within NPPF.

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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