

# Public Document Pack



**Committee:** Planning Committee  
**Date:** Thursday 24 November 2016  
**Time:** 4.00 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## Membership

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

## Substitutes

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

## AGENDA

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

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

**3. Requests to Address the Meeting**

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

**4. Urgent Business**

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

**5. Minutes** (Pages 1 - 24)

To confirm as a correct record the Minutes of the meeting of the Committee held on 27 October 2016.

**6. Chairman's Announcements**

To receive communications from the Chairman.

**Planning Applications**

**7. Heatherstone Lodge, Banbury Road, Finmere, MK18 4AJ** (Pages 27 - 51)

**16/01209/OUT**

**8. The Lion, Main Street, Wendlebury, OX25 2PW** (Pages 52 - 70) **16/01430/F**

**9. Land North of Gaveston Gardens and Rear of Manor Farm, Banbury Road,**

**Deddington** (Pages 71 - 88)

**16/01548/F**

**10. Corner Meadow, Farnborough Road, Mollington** (Pages 89 - 103) **16/01740/F**

**11. The Stable Block, Farnborough Road, Mollington** (Pages 104 - 119)

**16/01760/F**

**12. FWP Matthews Ltd, Beaumont Road, Banbury** (Pages 120 - 125) **16/01761/F**

**13. 2 - 4 Old Grimsbury Road, Banbury, OX16 3HG** (Pages 126 - 133) **16/01960/F**

**14. Former Oxfordshire Care Partnership Building, London Road, Bicester**

(Pages 134 - 137)

**16/00478/DISC**

**15. OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury** (Pages 138 - 144)

**16/00498/DISC, 16/00499/DISC,**

**16/00511/DISC, 16/00512/DISC**

## **Review and Monitoring Reports**

### **16. Appeals Progress Report (Pages 145 - 150)**

Report of Head of Development Management

#### **Summary**

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

#### **Recommendations**

The meeting is recommended:

- 1.1 To accept the position statement.

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

## **Information about this Agenda**

### **Apologies for Absence**

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

### **Declarations of Interest**

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

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

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

### **Evacuation Procedure**

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

### **Access to Meetings**

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

### **Mobile Phones**

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

### **Queries Regarding this Agenda**

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

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

Published on Wednesday 16 November 2016

# Agenda Item 5

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 27 October 2016 at 4.00 pm

Present: Councillor David Hughes (Chairman)

Councillor Hannah Banfield  
Councillor Andrew Beere  
Councillor Colin Clarke  
Councillor Chris Heath  
Councillor Alastair Milne-Home  
Councillor Mike Kerford-Byrnes  
Councillor Alan MacKenzie-Wintle  
Councillor Richard Mould  
Councillor D M Pickford  
Councillor Lynn Pratt  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Nigel Simpson  
Councillor Les Sibley

Substitute Members: Councillor Ken Atack (In place of Councillor Nicholas Turner)  
Councillor Hugo Brown (In place of Councillor Ian Corkin)  
Councillor Barry Wood (In place of Councillor James Macnamara)

Apologies for absence: Councillor James Macnamara  
Councillor Ian Corkin  
Councillor Nicholas Turner

Officers: Bob Duxbury, Team Leader (Majors)  
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer  
Aaron Hetherington, Democratic and Elections Officer  
Alex Keen, Team Leader (Minors)  
Nat Stock, Team Leader (Others)  
Caroline Ford, Principal Planning Officer  
Andrew Lewis, Principal Planning Officer  
Bob Neville, Senior Planning Officer  
Matt Parry, Principal Planning Officer  
George Smith, Assistant Planning Officer

## **Declarations of Interest**

### **7. Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0HS.**

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

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

Councillor Barry Richards, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as he lived close to the application site and would therefore leave the meeting for the duration of the item.

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

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

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

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

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

### **10. Land Adj To Manor Farm Barns, Spring Lane, Cropredy.**

Councillor G A Reynolds, Declaration, as comments made by him in his capacity as County Councillor were included in the report.

### **11. Mckay Trading Estate, Station Approach, Bicester.**

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

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.

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

91 **Urgent Business**

There were no items of urgent business.

92 **Minutes**

The Minutes of the meeting held on 29 September 2016 were agreed as a correct record and signed by the Chairman.

93 **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.

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

The Committee considered application 16/00075/NMA for the 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.

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

**Resolved**

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.

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

The Committee considered application 16/01000/F for 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.

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

**Resolved**

That application 16/01000/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 and drawings numbered: TBC, under delegated authority to officers
- 3 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roofs of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
- 4 That full design details of the entrance glazing to the canopy link shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.
- 5 Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works seek to minimise the effect on residential properties adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
- 6 Notwithstanding the details submitted, prior to the commencement of the development hereby approved, full details of the method of mechanical ventilation of the proposed kitchen's extraction systems shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the building, the mechanical ventilation shall be installed, brought into use and retained in accordance with the approved details.
- 7 All plant, machinery, mechanical ventilation equipment and ducting including air conditioning, 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 unless otherwise agreed with the Local Planning Authority.



- 8 No development shall take place until a noise assessment survey of the site has been carried out and a scheme for protecting residential premises from noise from the commercial development is submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be completed before the development is brought into use.
9. 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.
- 10 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
  - (d) Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.
  - (e) That full design details of the railings, means of enclosures, seats, bollards, tree grills, cycle hoops and any other street furniture shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

- 11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
- 12 a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
- b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

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

- 13 Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.
- 14 All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.

- 15 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.
- 16 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
- 17 Prior to the commencement of the development hereby approved, 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 occupation of any part of the development, vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.
- 18 Prior to commencement of the development hereby approved, a Delivery and Servicing Plan for all elements of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the Plan shall be implemented in accordance with the approved details.
- 19 Notwithstanding the details submitted, prior to the commencement of the development hereby approved, a revised plan showing car parking provision for vehicles to be accommodated within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.
- 20 Prior to commencement of the development hereby approved, a Car Park Management Plan, including measures to protect the proposed car parking from long stay residential parking, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Management Plan shall be implemented in accordance with the approved details.
- 21 Prior to the commencement of the development hereby approved, a full Construction Traffic Management Plan (CTMP) will be submitted to and approved in writing by the Local Planning Authority, including:

- Routing of construction traffic and delivery vehicles, and details of route signage
  - Details of any road closures and traffic management needed during construction.
  - Details of wheel wash facilities to be provided to prevent migration of mud onto highway
  - Details of appropriate signing for pedestrians during construction works, including any footpath diversions.
  - Details of a regime to inspect and maintain all signing, barriers etc.
  - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
  - Details of parking of site related vehicles (worker transport etc.) in the vicinity
  - Layout plan of the site that shows structures, roads, site storage, parking, compound, pedestrian routes etc.
  - A before-work commencement highway condition survey and agreement with a representative of the Highway Authority
  - A communications plan for engagement with local residents
  - Any temporary access arrangements as agreed with Highway Authority
  - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- 22 Prior to the first use or occupation of the development hereby permitted, cycle parking facilities, including covered cycle parking for staff, 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 cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
- 23 Prior to the first use of any new public footpath, the new footpath shall be formed, constructed, surfaced, laid and marked out, drained and completed in accordance with specification details which shall be firstly submitted to and approved in writing by the Local Planning Authority.
- 24 Unless otherwise agreed in writing by the LPA the development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) OCT 2010 Waterman and update in AUG 2016 Woods Hardwick (Ref: 16871/B4 - REV 3) by and the following mitigation measures detailed within the FRA:
- o Limiting the surface water run-off generated by the 1 in 100 year + 30% allowance for Climate Change critical storm so that it will not exceed the run-off from the existing site and not increase the risk of flooding off-site.
  - o Underground Storage Cells and Oversized pipes. (As shown on drawing HEYF- 5-219F and para 6.3.1 of the FRA update)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

- 25 Prior to occupation of the development the Applicant shall submit to the Local Planning Authority a SUDS Maintenance and Management Plan for the development. This will include:
  - o A maintenance schedule, A site plan showing location of SUDS features and details, Maintenance areas, and Outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan and a health and safety plan where risks are involved in the maintenance activity will be required.
- 26 Prior to occupation of the development the Applicant shall submit to the Local Planning Authority a revised Flood Route and Storage Plan for exceedance flows at the site:
  - o This will update the existing drawing (Ref: HEY- 5-148D) to reflect any revised microsimulation modelling results, as-built constructed site changes, and storage areas.
- 27 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.
- 28 Prior to the commencement of the development hereby approved, full details of any proposed external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.
- 29 The north-south pedestrian route through the canopy link should be open to the public not less than when the adjacent bar/brasserie in Building 457 is in operation and normally between the hours of 07.00 to 23.00 hours unless otherwise agreed in writing with the Local Planning Authority.
- 30 Before any building is brought into use, details of a work of art proposed in the Village Centre shall be submitted to and approved in writing. The details shall be undertaken as approved within 12 months of the first building being brought into use

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**Cropredy Marina, Claydon Road, Cropredy, Banbury, OX17 1JP**

The Committee considered application 16/01119/F for 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

Andy Partridge, the agent for the applicant, addressed the committee in support to the application.

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

### **Resolved**

That application 16/01119/F be approved as recommended with amended wording to conditions 10 and 13 to be agreed with the Chairman and Ward Councillor (Councillor Atack). Also an additional Environment Agency suggested condition to be included.

- a) The applicant completing a satisfactory S106 unilateral undertaking to preclude the erection of the office building previous 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.
  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 25<sup>th</sup> August 2016
    - Elevations of office building 128B
    - Swing bridge details BMF/IS/89/B/AP/03
    - Flood Risk Assessment Final dated 16<sup>th</sup> October 2015
    - Transport Assessment Revision A dated August 2015
    - Arboricultural Impact Assessment, Method Statement and Protection Plan dated 11<sup>th</sup> April 2016
    - Section of bank detail and tree BMF/IS/89/B/AP/02
    - Extended Phase I Habitat Survey dated 19<sup>th</sup> October 2015.
  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.

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.
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.
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.
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.
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.

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.
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.
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.
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.
13. On or before the 31<sup>st</sup> 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 (1<sup>st</sup> January to 31<sup>st</sup> 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.
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.

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### **Land Adj To Manor Farm Barns, Spring Lane, Cropredy**

The Committee considered application 16/01468/OUT for 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 Cropredy Primary School (all matters reserved except access).

Stephen Moffat, a local resident, addressed the committee in objection to the application.



Ed Barrett, the agent to the application, addressed the committee in support to the application.

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

### **Resolved**

That application 16/01468/OUT be refused 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.

The Committee considered application 16/01469/OUT for the 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.

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

### **Resolved**

That application 16/01469/OUT be approved, subject to the following 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.
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.
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.
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
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.
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.
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.

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.
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.
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.
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.
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.
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.
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.

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.
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 the first occupation of the approved development and shall be retained as such thereafter.
17. No development shall take place until details of the means by which the site shall be prevented from receiving/accommodating any vehicular traffic associated with the adjacent Bicester Village (factory outlet) shopping centre have 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 in place thereafter with no use of the approved development taking place other than in accordance with the approved restrictions.
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.
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 on site in accordance with that approved as part of granting reserved matters approval prior to first occupation of the development.

The Chairman advised that the application had been withdrawn by the applicant.

100

**Muddle Barn Farm, Colony Road, Sibford Gower, OX15 5RY**

The Committee considered application 16/01563/F for the 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).

Gregory Besterman, the applicant, addressed the committee in support to the application.

Councillor Reynolds proposed that application 16/01563/F be refused as the proposal conflicts with Policies H17, H18, C30 (i) of the Cherwell Local Plan 1996 and Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and paragraphs 17 and 55 of the National Planning Policy Framework. Councillor Attack seconded the proposal.

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

**Resolved**

That application 16/01563/F be refused for the following reason:

The proposal would result in a considerably larger dwelling than the one it would replace, on a different siting and not within the curtilage of the existing dwelling, and would not be for an agricultural or other land based business. Therefore, by virtue of its scale and siting, the proposal would not constitute an appropriate replacement dwelling and would result in a new dwelling in an isolated location in the countryside. In addition, by virtue of its scale and siting, the proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape. The proposal therefore conflicts with Policies H17, H18, C30 (i) of the Cherwell Local Plan 1996 and Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and paragraphs 17 and 55 of the National Planning Policy Framework.

101

**OS Parcel 9507 South Of 26 And Adjoining Fewcott Road, Fritwell**

The Chairman advised that application 16/01594/F had been withdrawn by the applicant.

102

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

The Committee considered application 16-01599-F for the 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.

Nick Cotterall, the applicant, addressed the committee in support to the application.

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

**Resolved**

That application 16-01599-F be approved 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:
  - 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
  - 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, 'Planning, 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.
  - 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.
  - 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.
  - 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.
  - 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.
  - 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.

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

- 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.
- 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.

103

**Ashgrove Farm, Middleton Stoney Road, Ardley, Bicester, OX27 7PH**

The Committee considered application 16/01617/F for the 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.

Julian Philcox, the applicant, addressed the committee in support to the application.

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

**Resolved**

That application 16/01617/F be approved, subject to the following conditions:

- 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:
  - Application 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;
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 26<sup>th</sup> August 2016.
  4. The external roofs of the development shall be constructed in accordance with the slate sample inspected on site by the case officer on 26<sup>th</sup> August 2016.
  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).
  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.
  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.
  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.
  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.

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.
11. The rainwater goods to be used shall be cast iron/aluminium and permanently so retained thereafter.
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.
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.
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.
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.

The Committee considered application 16/01618/LB for 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.

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

### **Resolved**

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:
  - Application 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.
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.
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.
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.
6. The rainwater goods to be used shall be cast iron/aluminium and permanently so retained thereafter.

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

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 7.30 pm

Chairman:

Date:

## CHERWELL DISTRICT COUNCIL

### PLANNING COMMITTEE

24 November 2016

#### PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

#### **Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications**

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

#### **Human Rights Implications**

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

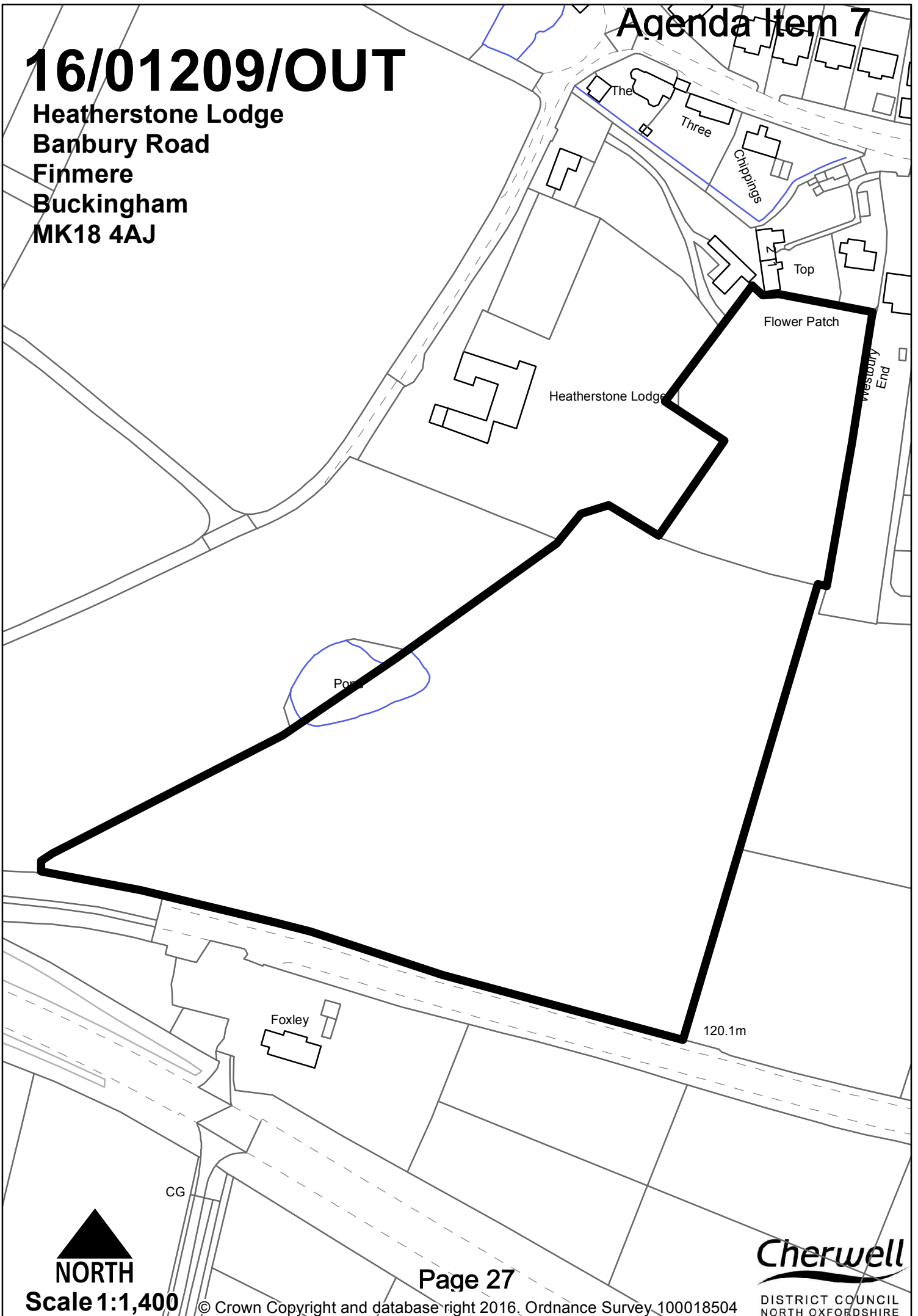
#### **Background Papers**

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site

	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
7	Heatherstone Lodge Banbury Road Finmere MK18 4AJ	16/01209/OUT	Fringfords and Heyfords	Refusal	Stuart Howden
8	The Lion, Main Street, Wendlebury, OX25 2PW	16/01430/F	Launton and Otmoor	Approval	Stuart Howden
9	Land North of Gaveston Gardens and Rear of Manor Farm, Banbury Road, Deddington	16/01548/F	Deddington	Approval	Linda Griffiths
10	Corner Meadow Farnborough Road Mollington	16/01740/F	Cropredy, Sibfords & Wroxton	Approval	Bob Neville
11	The Stable Block Farnborough Road Mollington	16/01760/F	Cropredy, Sibfords & Wroxton	Approval	Bob Neville
12	FWP Matthews Ltd. Beaumont Road, Banbury	16/01761/F	Banbury Cross and Neithrop	Approval	Bob Duxbury
13	2 - 4 Old Grimsbury Road, Banbury, OX16 3HG	16/01960/F	Banbury Grimsbury and Hightown	Approval	Olivia Colson
14	Former Oxfordshire Care Partnership Building, London Road, Bicester	16/00478/DISC	Bicester South and Ambrosden	Approval	Stuart Howden
15	OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury	16/00498/DISC 16/00499/DISC 16/00511/DISC 16/00512/DISC	Banbury Hardwick	Delegate authority to officers to determine all four applications	Nathanael Stock

# 16/01209/OUT

Heatherstone Lodge  
Banbury Road  
Finnere  
Buckingham  
MK18 4AJ



Flower Patch  
Banbury End

Heatherstone Lodge

Pond

Foxley

CG

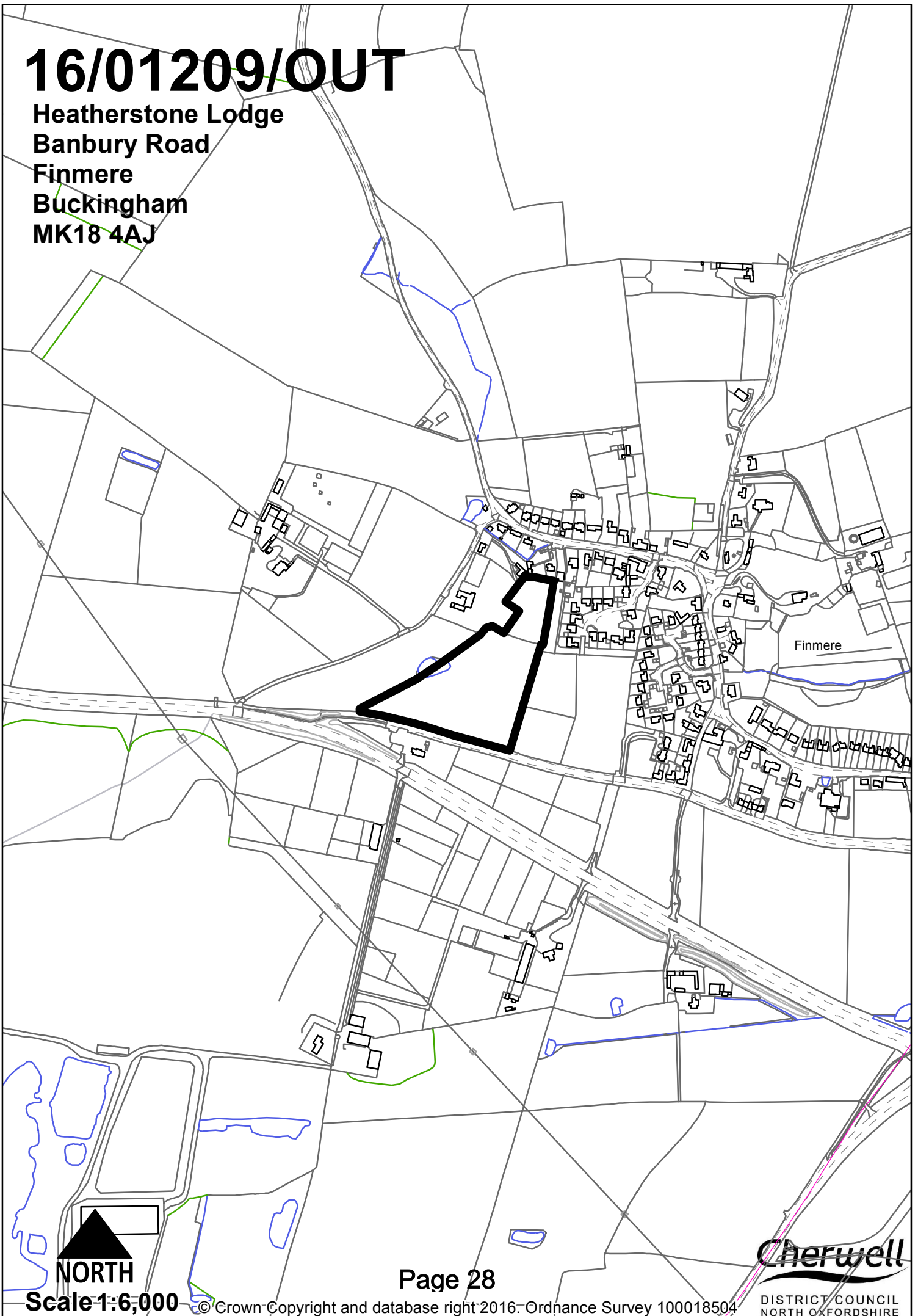
120.1m



**NORTH**  
**Scale 1:1,400**

# 16/01209/OUT

Heatherstone Lodge  
Banbury Road  
Finmere  
Buckingham  
MK18 4AJ



Finmere

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE



Scale 1:6,000



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

**Applicant:** Siteplan UK LLP

**Proposal:** Residential development and associated infrastructure

**Expiry Date:** 13<sup>th</sup> December 2016                      **Extension of Time:** N/A

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**Ward:** Fringfords and Heyfords                      **Committee Date:** 24<sup>th</sup> November 2016

**Ward Councillors:** Cllrs Corkin, Macnamara and Wood

**Reason for Referral:** Major development

**Recommendation:** Refusal

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## 1. APPLICATION SITE AND LOCALITY

- 1.1 The application site lies at the western extent of the village of Finmere and an old section of the Banbury Road, which has been stopped up, runs along the southern boundary of the site. Further to the south of the site is the A421 and then open countryside. The north edge of the site lies adjacent to existing residential properties including 1 Top Gardens and Flower Patch, whilst the north west of the site lies adjacent to Heatherstone Lodge. The garden of Westbury runs along the north east boundary of the site. To the south east and south west of the site is open countryside.
- 1.2 The site, which is approximately 2.3 hectares, comprises agricultural grass land, which currently appears to be used for grazing and there are no buildings or structures on the site. The site does not constitute part of the built form of the village. There is a pond on the western boundary of the site. The site is relatively flat, but it does fall away to the North West corner. There are a number of public footpaths which cross the site including 213/10/10, 213/10/20, 213/1/30 and 213/1/40
- 1.3 Finmere village does not have a Conservation Area and there are no listed buildings within close proximity to the site. The site is in an area of medium archaeological interest. The site is within a Minerals Consultation Area. The site has some ecological potential as the protected species of the Wall butterfly has been recorded within the vicinity of the site. The site is within 250 metres of a landfill site.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Outline planning permission is sought for residential development on the site and all matters are reserved. Whilst the description of development does not specify a number, the application documentation suggests that up to 47 dwellings could be accommodated on the

site. A Planning Support Statement and Design and Access Statement have been submitted alongside the application as well as various supporting technical documentation and an indicative site layout plan.

- 2.2 A screening opinion issued by Cherwell Council in September 2016 (15/00077/SO refers) concluded that an EIA (Environmental Impact Assessment) was not required for the proposed development.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 11/00503/F – Erection of 3 no. 4 and 5 bedroom detached houses with associated garages and new access – REFUSED on 7<sup>th</sup> June 2011. The dwellings were not proposed in the current site area and were proposed to the north west of the site, but the access track to the proposed dwellings ran through the site. The proposal was determined by the Local Planning Authority before the adoption of the Cherwell Local Plan Part 1. It was considered that the proposal would not represent minor development in the built-up limits of the village, but rather sporadic development extending beyond the built up limits of the village. The proposed development, including the access arrangement, was considered to represent an incremental erosion of the open countryside to the significant detriment of the rural character and visual amenities of the area. The decision by the Local Planning Authority was appealed, but this was DISMISSED by the Planning Inspectorate on 1<sup>st</sup> November 2011. The Planning Inspector noted that the site does not lie within the built up area of Finmere and that the proposal would therefore be an encroachment into the countryside. The Planning Inspector went on to note that the proposed access track across the agricultural field would represent a further encroachment of development into the open countryside. The Planning Inspector concluded that by extending the built up area of the village into the countryside the proposal would detract from its character and appearance.

- 3.2 15/00552/OUT - Residential development together with access and associated infrastructure and public open space – WITHDRAWN. All matters apart from access were reserved. The application site was on a parcel of agricultural land adjacent to the western boundary of the site under this current application and the proposal was for up to 50 dwellings. Officers were minded to recommend the application for refusal therefore the application was later withdrawn. The reasons why the application was to be recommended for refusal included:

- The addition of 50 dwellings would amount to an undesirable over-concentration of new housing development in Finmere that would prejudice a more even planned and sustainable distribution of housing development across the District's Category A villages;
- The proposed development of the site would encroach into the open countryside and significantly harm the open rural character of the area as well as the rural setting of the village;
- The proposed development form would be detached from the main village structure and would poorly integrate with the existing built development.

### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1 No formal 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 The Local Planning Authority has received letters of objection in respect of the proposed development from 46 members of the public. Furthermore, the Local Planning Authority has received a petition with 210 signatures objecting to the planning application. The concerns raised by third parties are summarised as follows:

- Similar concerns to a planning application which was withdrawn in 2015 (15/00552/OUT);
- Outside the built up limits of the village and an appeal for three houses near this site was dismissed at appeal in 2011 for this reason (APP/C3105/A/11/2158351/NWF);
- Reference to appeals at Kirtlington in relation to the number of dwellings proposed in proportion to the size of the village;
- A sizeable amount of the 750 houses referred to in Category A villages have already been permitted;
- Too large for the village to accommodate/disproportionate addition to the village;
- Out of keeping with the village;
- Lack of public transport serving Finmere and the development would be car reliant; Lack of services (pubs, shops), infrastructure and jobs to facilitate such a development;
- Lack of school places;
- It is unnecessary development;
- The development would result in more amenities and would therefore destroy the village's atmosphere;
- The Cherwell Local Plan has an urban focus;
- Cherwell District Council can demonstrate a 5 year housing land supply;
- The approval would set a precedent for further development in the village;
- Would increase the village by nearly 1/3rd;
- It is not be sustainable development;
- The proposal does not constitute 'minor development';
- Contrary to Policy Villages 1 and Villages 2 of the Cherwell Local Plan Part 1;
- Would cause detrimental harm the character and appearance of the landscape;
- Would cause detrimental harm to the overall character and setting of the village;
- The proposal would conflict with the settlement pattern and would fail to sympathetically integrate with the existing built development;
- Housing density too high;
- Housing density too low and could accommodate 82 houses comfortably;
- Contrary to Policy ESD15 of the Cherwell Local Plan Part 1;
- Would harm the village's historical heritage;
- Would cause archaeological damage;
- Harm the enjoyment of the footpaths and views from the footpaths;
- Loss of outlook;
- Overlooking and loss of privacy;
- Overshadowing;

- Loss of light from development and landscaping;
- Loss of light to solar panels;
- Nuisance;
- Concerns from the level of vehicular activity as a result of the development therefore increasing traffic on Banbury Road and through the village and a greater risk to pedestrians, cyclists and horse riders;
- No pavements on Banbury Road or lighting to link the development to the village;
- Additional transport will cause damage to highway network;
- The submitted travel plan and transport statement are of low quality;
- Would harm cause significant ecological harm;
- Would cause harm to bats and newts;
- Drainage and flooding concerns;
- Concerns with sewage and sewerage treatment;
- Electricity supply concerns;
- Lack of fresh water supply;
- Concerns as a result of the construction process (i.e. noise, traffic, dust);
- A security gate would have to be relocated as a result of the development and this would cause safety/security issues;
- Water pressure concerns;
- Air pollution;
- The site is located within close proximity to the landfill site;
- The application should not be considered;
- Too much development in Finmere already in relation to a landfill site and HS2;
- Would cause harm to the foundations of existing buildings;
- The plans do not accurately reflect the existing development in the locality;
- Only for profit.

5.3 1 letter of support in respect of the proposed development was received by the Local Planning Authority. The points raised are summarised as follows:

- Would lead to an improvement in amenities;
- The school will be unviable if the number of families living in Finmere does not increase;
- Would help the viability of the public house;
- Finmere Church would benefit from it.

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 FINMERE PARISH COUNCIL: **Object** to the application for the following reasons:

- The scale of the development is not compatible with the number and density of existing dwellings, nor the form and layout of the village, and will significantly and detrimentally change the intimate, rural character of Finmere. The number of dwellings proposed is too great to enable residents to be integrated easily into the village;
- The location of the proposed development is beyond the built-up limits of the village (as determined in a 2011 planning appeal, which concluded that development of land at Heatherstone Lodge was in conflict with the settlement pattern and that it would result in the encroachment of development into the countryside);
- Concerns with sewage and sewerage treatment;
- The application gives inadequate consideration to the increased risk of flooding of existing properties as a result of surface water drainage from the site;
- Cherwell District Council has a 5 year house land supply, therefore there is no undue pressure to accept this proposal;
- It is hard to believe that local housing needs are not being addressed and met due to other development within the area;
- The proposal would not constitute sustainable development: Finmere has few services, little or no public transport, and there are very limited employment opportunities;
- The proposed site is not appropriate for residential development due to its close proximity to the busy A421, the proposed route of HS2 and to the Finmere Quarry and Landfill site;
- The proposed developed will have a detrimental impact on the paths which cross and border the site by reducing the visual experience of the user due to the immediate proximity of the built form;
- Loss of privacy and overlooking in relation to existing properties.

#### STATUTORY CONSULTEES

- 6.3 ENVIRONMENT AGENCY: **No comments received.**
- 6.4 HIGHWAYS AGENCY: **No comments received.**
- 6.5 NATURAL ENGLAND: **No objections.**
- 6.6 OCC HIGHWAYS AUTHORITY: **No comments received.**
- 6.7 OCC MINERALS AND WASTE: **No comments received.**
- 6.8 ANGLIAN WATER: **No comments received.**
- 6.9 THAMES WATER: With regard to sewerage and sewage treatment, this comes within the area covered by Anglian Water PLC. In relation to water supply, the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition stating that development should not be commenced until impact studies of the water supply infrastructure have been approved by the Local Planning Authority should be imposed.

#### NON-STATUTORY CONSULTEES

- 6.10 AYLESBURY VALE DISTRICT COUNCIL: **No comments received.**

- 6.11 OCC ARCHAEOLOGY: **Object** to the application. The site is within an area of high archaeological potential and there is insufficient information regarding the potential impact of this development on any surviving archaeological deposits for an informed decision to be made. In accordance with the National Planning Policy Framework (NPPF, Paragraph 128), it is therefore recommended that, prior to the determination of this application the applicant should therefore be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. The report from this evaluation should be submitted along with any planning application for the site. Such information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.
- 6.12 CDC ANTI-SOCIAL BEHAVIOUR: **No comments received.**
- 6.13 CDC ARBORICULTURAL OFFICER: **No objections** in principle. The survey documents are considered acceptable.
- 6.14 BBO WILDLIFE TRUST: **No comments received.**
- 6.15 CDC BUSINESS SUPPORT UNIT: It is estimated that this development has the potential to attract New Homes Bonus of £366,523.30 over 6 years under current arrangements for the Council including an additional sum paid per affordable home.
- 6.16 CDC ENVIRONMENTAL PROTECTION: **No objections**, but recommends a condition requiring a Construction Environmental Management Plan.
- 6.17 CDC ECOLOGY OFFICER: In summary, **no objections** in principle, but more information is required from an ecological perspective to inform potential layouts and allow comment on the overall impacts. The recommendations in the submitted ecological appraisal should be adhered to. However, a number of further surveys are required before appropriate layouts or site clearance can be determined. A survey for reptiles is needed and accompanying mitigation is required. A survey of the trees on site for bats is required to ensure they are accounted for during any tree works and within the scheme. A mitigation scheme for great crested newts for the construction phases with a check of local ponds is required. In addition, consideration of the management of the proposed landscaping, the boundary pond and hedgerows are required. It should be outlined how the pond will function. A full biodiversity enhancement scheme which makes it clear that an overall gain for biodiversity can be achieved from the proposals is also needed. This should include areas of species rich grassland, bat and bird boxes both within green spaces and integrated into the design of buildings, green walls and roofs, access for hedgehogs and other wildlife through fences, SUDS, native hedgerows, green spaces which encourage engagement with nature – these are in addition to any mitigation required for species found or likely to be present on site.
- 6.18 CDC LANDSCAPE SERVICES: **Object** to the application. There is broad agreement with the Landscape and Visual Impact Assessment submitted alongside the application that the proposal would have major/adverse effects. However, there is disagreement with the assertion that this could be appropriately mitigated. Furthermore, if permission is granted, a LAP and a LEAP are required, along with a commuted sum for the Council to maintain this

provision. Commuted sums will also be required for the maintenance of retained hedgerows, ditches, trees, ponds and proposed informal open space

- 6.19 CDC PLANNING POLICY: **Object** to the application. There is no objection to the principle of residential development in Finmere as it is a Category A village and development on the site would help contribute towards the Policy Villages 2 requirements and fulfil planning policy requirements for affordable housing. However, the scale of development in relation to the existing village is significant and its impact therefore requires careful consideration. Development on this site would represent an encroachment into the countryside. The site is largely detached from the village and its development would have an urbanising effect in this locality which is rural in nature. There are also likely to be difficulties with the integration and creation of connections with the existing village.
- 6.20 CDC RECREATION & LEISURE: **No comments received.**
- 6.21 RAMBLERS ASSOCIATION: **No comments received.**
- 6.22 OCC RIGHTS OF WAY OFFICER: **No comments received.**
- 6.23 THAMES VALLEY POLICE DESIGN ADVISOR: **No comments received.**
- 6.24 CDC URBAN DESIGN: **Object** to the application due to a number of key concerns with the layout and design of the development and concurs with many of the findings made in the previous appeal at the site. It has been noted that the development would form a significant extension to the village which would be out of character with the overall morphology of the settlement, and that the proposal is disconnected from the settlement. It is considered that these fundamental objections cannot be overcome.
- 6.25 CDC WASTE & RECYCLING: The developer will have to satisfy the local authority that they have adequate provision for waste and recycling storage, before the application is agreed. A Section 106 contribution of £106.00 per property will also be required.
- 6.26 OCC EDUCATION: **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
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density

- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Villages 1 – Village Categorisation
- Villages 2 – Distribution Growth Across the Rural Areas
- INF1 – Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- TR1 – Transportation funding
- C8 – Sporadic development in the open countryside
- 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)
- Annual Monitoring Report (AMR) 2015
- Strategic Housing Land Availability Assessment (SHLAA) Update 2014
- Oxfordshire Wildlife & Landscape Study 2004
- Home Extensions and Alterations Design Guide (2007)

## **8 APPRAISAL**

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

- Principle of the Development;
- Landscape and Visual Impact and Local Character;
- Design;
- Impact upon Historic Environment;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecology and Trees;
- Contaminated Land;
- Flooding Risk and Drainage;
- Sustainability and Energy Efficiency;



- Effect on Infrastructure/Public Open Space/Affordable Housing;
- Other Matters.

### Principle of the Development

- 8.2 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.3 Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 8.4 Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.
- 8.5 Policy Villages 2 of the Cherwell Local Plan Part 1 states that: *“A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site ‘windfalls’ and planning permissions for 10 or more dwellings as at 31 March 2014”*. Finmere is identified as a Category A village, and so is considered suitable in principle to accommodate some additional housing under Policy Villages 2. Category A villages are considered the most sustainable settlements in the District’s rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth.
- 8.6 The site is clearly not within the built up limits of the village of Finmere being two fields which are separated from the existing residential development to the north of the site, but it has been recognised at a recent appeal decision that ‘at Category A villages’ could mean adjacent to the settlement boundary. As the proposal is for over 10 dwellings on land outside, but immediately adjacent to the built up limits of the village, it can be considered under Policy Villages 2 of the Cherwell Local Plan Part 1.
- 8.7 Policy Villages 2 states that sites will 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. An Issues and Options paper for the preparation of Local Plan Part 2 is currently scheduled to be presented to the Council’s Executive at its meeting in January 2017. In identifying and considering sites, particular regard will be given to the following criteria:
- *“Whether the land has been previously developed land or is of less environmental value;*
  - *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
  - *Whether development would contribute in enhancing the built environment;*
  - *Whether best and most versatile agricultural land could be avoided;*
  - *Whether significant adverse landscape impacts could be avoided;*
  - *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
  - *Whether the site is well located to services and facilities;*
  - *Whether necessary infrastructure could be provided;*
  - *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*

- *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
- *Whether development would have an adverse impact on flood risk.”*

- 8.8 The acceptability of the proposal when tested against these criteria, and other material planning considerations, is discussed below. In particular, consideration in respect to the relationship to the existing built and natural environment will be discussed later in the report. However it is first important to consider the matter of scale and quantity of development, and in particular whether the proposal is in accordance with the overarching housing strategy of the Cherwell Local Plan 2011-2031 Part 1.
- 8.9 Paragraph 212 of the Inspector’s report in the examination in to the Cherwell Local Plan notes that the plan’s overall strategy sustainably focusses most new development in the two towns of Bicester and Banbury and that it properly seeks to alter the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in the smaller settlements. This is reinforced by the Council’s Annual Monitoring Report (published 31st March 2015) which identifies that significant progress has already been made to meeting the allocation of 750 homes to be delivered at Category A villages as over 500 of these have already been identified.
- 8.10 Whilst there may not be a strict limit of 750 houses in total to be delivered at Category A villages, as noted by the Inspector for a scheme at Land off Lince Lane, Kirtlington (ref: 14/01531/OUT), any significant increase over and above 750 could lead to unconstrained growth which would result in non-compliance with the strategy for rebalancing housing growth away from the villages and rural areas.
- 8.11 Finmere is one of 23 Category A villages and has the smallest population of all Category A villages (a population of approximately 466), and a pro rata share of the Policy Villages 2 allocation based on parish population size would be less than 10 dwellings. This does not represent a limit on the amount of housing that could be accommodated at Finmere, but the size of the village in relation to others is a factor to take into account in the distribution of development under Policy Villages 2, and in particular determining the amount of development that is appropriate and sustainable in any one village location.
- 8.12 As noted by Planning Inspectors in relation to appeals at Lane off Lince Lane, Kirtlington (ref: 14/01531/OUT) and Land north of Green Lane, Chesterton (15/00454/OUT), if disproportionate numbers of housing are provided in one single Category A settlement early within the plan period, it would leave other Category A settlements unable to meet their housing needs (including for affordable housing) later on in the plan period without being in conflict with Policy Villages 2. In this case, it is considered that the provision of 47 homes in this one location would leave little scope for development in other Category A villages in terms of numbers or timing and would thus not be in accordance with the housing strategy for villages as set out in the Cherwell Local Plan.
- 8.13 In addition, the provision of 47 dwellings at Finmere would result in a significant increase in the population which would raise further sustainability concerns. Finmere has limited opportunities for employment and only has a small number of services and facilities, including a Public House, Village Hall, Church and a Primary School. Finmere also has an extremely limited bus service. Other strategies in the Local Plan with regard to such matters as

employment, transport and public services and utilities would be undermined by such unconstrained and unplanned growth.

8.14 Overall, the provision of 47 homes at Finmere is not considered to be in compliance with the overall housing strategy in the Cherwell Local Plan Part 1. It is considered that allowing 47 homes to be developed would amount to an undesirable over-concentration of new housing development in Finmere that would prejudice a more even planned and sustainable distribution of housing development across the District's Category A villages. Thus, and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, the proposal is considered to be undesirable, unnecessary and so unsustainable additional development in this rural location. The proposal is therefore contrary to the Policies within the Cherwell Local Plan Part 1, Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

#### Landscape and Visual Impact and Local Character

8.15 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.

8.16 Paragraph 61 of the NPPF states that: *"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

8.17 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *"New development proposals should:*

- *Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
- *Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages."*

8.18 Policy ESD13 of the Cherwell Local Plan Part 1 states that: *"Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*

- *Cause undue visual intrusion into the open countryside;*
- *Cause undue harm to important natural landscape features and topography;*
- *Be inconsistent with local character;*
- *Harm the setting of settlements, buildings, structures or other landmark features;*
- *Harm the historic value of the landscape."*

8.19 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.

- 8.20 Finmere is a traditionally linear settlement with development following the historic main roads through the village (Fullwell Road, Valley Road and Mere Road) with relatively modern development behind this on the small lanes branching off this main route, such as Chinalls Close and Stable Close. There is also a relatively small development at the rear of Valley Road served by the Old Banbury Road.
- 8.21 The landscape around the site and village is located within the Wooded Estate Land character type within the Oxfordshire Landscape Study 2004, and this notes the area is characterised by rolling topography, arable farming and small villages with a vernacular style. The application site is typical of this landscape character and positively contributes to the rural landscape setting of this village.
- 8.22 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) which has considered the potential impacts on the landscape character and amenity of the site and surrounding area. In terms of the visual assessment carried out by AAH Planning Consultants, fieldwork was undertaken to identify a number of viewpoints in the immediate and wider setting of the site. The LVIA states that longer distance views of the site are prevented due to the topography of the area and prevalence of hedgerows and hedgerow tree cover. The document notes that the nearest viewpoints to the site (i.e. along the old Banbury Road to the south of the site, along the access track to Hill Leys Farm to the west of the site and the neighbouring public footpaths) provide the highest degree of visibility and the views at these close distances would be materially altered through the addition of residential development. From certain viewpoints adjacent to the site, the LVIA notes that the significance of the effect of the proposal would be major/adverse. However, the LVIA states that the addition of improved boundary planting along the eastern boundary and the supplementation of the planting along the western boundary would serve to limit the impact towards moderate levels.
- 8.23 The Council's Landscape Team and officers agree that the views of the site will be localised and hold the view that the most significant visual effect of the development will be experienced by visual receptors on the Public Rights of Way on the site, the field to the east of the site and adjacent to the western boundary of the site, as well as along the Old Banbury Road. Furthermore, the Council's Landscape Team and officers broadly agree with the LVIA in that the proposal would have major/adverse effects from viewpoints near the site.
- 8.24 However, the Council's Landscape Team and officers disagree with the assertion in the LVIA that these effects could be appropriately mitigated. Officers concur with the advice of the Council's Landscape Team that when assessed against the site's landscape sensitivity, which is determined by its hedgerows of various structural diversity, its mature characterful trees and the picturesque pastoral scene, the proposed development on this large site is inappropriate. Whilst landscaping can be used to mitigate harm by screening development to some extent, landscaping should primarily be used to integrate and enhance development; it is not a means to hide otherwise harmful and unacceptable development.
- 8.25 Furthermore, the northern limit of the site, which sits on the built up limits of the village, has a rural and edge of village feel and there is currently a clear distinction between the village and countryside and this is an important element of its character and reinforces the distinctive linear form of the village. However, the proposed development would expand considerably beyond the boundary formed by the rear gardens of properties on Fulwell Road and Stable Close. The introduction of housing, access roads and associated domestic paraphernalia would have an urbanising effect on this part of the open countryside and would therefore cause significant harm to the rural landscape setting of this village.
- 8.26 Also of concern is the works that would likely be required to upgrade the access to the site. Whilst no formal comments have yet been received from OCC Highways, the Old Banbury

Road has a Vehicle Prohibition Order along it so this would need to be changed and there would likely be resultant loss of trees/hedgerows. It may also be difficult to achieve a satisfactory access for this development without urbanising the rural character of Old Banbury Road, including the addition of footpaths and improvements to the surfacing. This would add to the harm to the rural setting of the village and would draw attention to the detached nature of the development in relation to the existing settlement.

8.27 The site was considered as part of Cherwell Council's Strategic Housing Land Availability Assessment (August 2014) and was rejected for the following reasons:

- FI001 (northern field of the site): *'The site is not considered suitable for residential development as it is constrained by access issues and would impact on the character, appearance and pattern of Finmere'*.
- FI006 (southern field of the site): *'The site is not considered suitable for residential development due to access difficulties, scale and the detached nature of the site'*.

8.28 All in all, the proposed development of the site is considered to be inappropriate. As noted above, Finmere is linear in form with a number of small lanes extending off the main route through the village. As the proposed scheme would be accessed from the Old Banbury Road to the south of the village, and would not directly connect or have a relationship with this main route through, and given the location of the site to the south east of the village, the proposed development would be disconnected from the main village structure. The proposed scheme would also turn its back on the existing development within the village. Given the relatively large quantity of dwellings proposed and the large area of the site, the proposal would also form a significant extension to the village of Finmere that would be out of character with the urban morphology of this settlement.

8.29 Thus, and whilst it is accepted that there would not be a wider landscape harm, it is considered there would be significant and demonstrable harm to the immediate locality and the enjoyment of users of the existing public right of way across the site as a consequence of the development on this currently open agricultural land, as well as the rural setting of the village and this is sufficient to justify refusal, contrary to Policies Villages 2, ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

### Design

8.30 Policy ESD15 of the Cherwell Local Plan Part 1 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.

8.31 The application is in outline form with all matters 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 on the site, and a Design and Access Statement, which should set acceptable design principles so that future acceptable detailed proposals for the site can be achieved.

8.32 The illustrative layout submitted indicates that up to 47 dwellings can be accommodated on the site, indicating open space in the middle of the site with the residential development roughly arranged in two main sections with the Public Rights of Way retained through the centre of the site.

- 8.33 Officers consider that the indicative layout further emphasises that the proposed development would fail to integrate sympathetically with the existing built development in the area as it would be detached from the village, due to the fact that it would be accessed from the village itself and because it would turn its back on the existing development within the village. Due to ownership constraints and the layout of existing development, it is unlikely that any other layout could be achieved that would better integrate with the village or provide meaningful connections through to the main routes in the village.
- 8.34 Whilst at outline stage, officers are of the opinion the indicative layout lacks cohesiveness and fails to reinforce local character or create a strong sense of place. It is understood that the indicative layout is, to some extent, influenced by the Public Rights of Way which run through the site, but there appears to be no clear or logical approach to the layout of the site as the siting of dwellings and access lanes and the choice of housing type appears arbitrary. Given the constraints of the site and the lack of opportunities to better integrate the development with the village, officers consider an acceptable layout could not be achieved at reserved matters stage and this further weighs against the proposal.

#### Impact upon Historic Environment

- 8.35 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.
- 8.36 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.
- 8.37 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."*
- 8.38 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."*
- 8.39 Finmere does not have a designated conservation area, and the nearest listed building to the site, this being Stone House, is approximately 200 metres away to the east of the site. Given the separation distance between the site and the Grade II listed buildings within Finmere, and the intervening landscaping and development between the site and these designated heritage assets, it is considered that the proposal could be developed so as not to cause harm to the significance of any Grade II listed buildings or their setting.
- 8.40 The County Council Archaeologist has however raised an objection to the proposal. The Archaeologist has noted that the site is located in an area of archaeological interest to the north of an area of Iron Age settlement recorded during the construction of the B4031 diversion. The excavation recorded a series of linear features, pits, and a circular gully thought to relate to an Iron Age roundhouse and a hearth. The Archaeologist notes that these features

extend beyond the northern limit of the road diversion and may continue into the application site. The Archaeologist has also noted that the site is located 500 metres north west of the projected route of the Roman Road from Alchester to Towcester. This leads the Archaeologist to conclude that it is possible that archaeological features related to the Iron Age and Roman settlement of the area could survive within this proposed site. The Archaeologist notes that little formal archaeological investigation has been undertaken in the area and so, knowledge of the extent of further archaeological features in the vicinity of the proposed development is limited.

- 8.41 The Archaeologist states that there is currently insufficient information regarding the potential impact of this development on any surviving archaeological deposits for an informed decision to be made. The Archaeologist notes that this information is required prior to the determination of the planning application, through the implementation of an archaeological field evaluation, which should be undertaken by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application, and thus indicate the weight which should be attached to their preservation.
- 8.42 The application is accompanied by an Archaeological Desk Based Assessment and whilst it is noted in the document that this included a site visit, this did not include an archaeological field evaluation. The Archaeologist notes that this document is more of a gazetteer of the data that was provided to applicants by the County Council themselves. Thus, for the reasons above, officers are in agreement with the County Council's Archaeologist that the application should be accompanied and informed by an archaeological field evaluation and the application is contrary to Paragraph 128 of the NPPF.

#### Accessibility, Highway Safety and Parking

- 8.43 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *"New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions."* Policy SLE4 states that: *"All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported."*
- 8.44 Access to the site will be from the Old A421 Road. This will be provided by a new access point onto the Old Banbury Road which will need to be improved in order to serve the development; further details of the improvements are set out within the accompanying Transport Assessment. The Transport Statement considers the proposed improvements to the access/egress would ensure that requirements for highway safety, including recommended visibility splays, are met and are in line with Policy.
- 8.45 To date, no comments have been received from the Local Highways Authority although these are expected prior to the Committee meeting and, if received, will be included in the written updates. Nevertheless, as already noted, the site is not well connected to the village and existing transport network, and there are limited public transport options available to future residents of the development, who would most likely be reliant on the private car.
- 8.46 It is notable that whilst not objecting to the previous application on the neighbouring site that was withdrawn (15/00552/OUT), the Local Highways Authority did express reservations about

the relative sustainability of Finmere in transport terms. The current application proposes a similar quantum of development and so this concern further weighs against the proposal.

#### Effect on Neighbouring Amenity

- 8.47 Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph 17 of the NPPF notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy C30 of the Cherwell Local Plan 1996 states that design control will be exercised so that new housing development or any proposal for the extension or conversion of any existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 8.48 Properties adjacent to the northern boundary of the site and to the east of the site are the ones which are most likely to be affected by the proposed development and these require consideration. There are two properties which are directly adjacent to the north part of the site, these being 1 Top Gardens and Flower Patch. The side gable elevation of 1 Top Gardens faces the site, but this side elevation has windows on it including a habitable room at first floor level and this elevation is very close to the site boundary. The rear elevation of Flower Patch faces towards the site and the rear garden serving this property separates the dwelling from the site. Officers have concerns with the indicative layout plan that has been submitted as two of the dwellings to the north of the site would be approximately 10 metres away from the side wall of 1 Top Gardens. Such a relationship is likely to unduly impact upon the amenities of 1 Top Gardens in terms of loss of privacy as well as loss of outlook. Furthermore, it is considered that the proposed dwellings to the north of the site are likely to achieve clear and new views of the private amenity space belonging to Top Gardens and this would unduly effect this property in terms of overlooking. In addition, the separation distance between one of the proposed dwellings to the north of the site and the rear elevation of Flower Patch would be approximately 20 metres, which is less than the advised 22 metres in the Cherwell District Council Householder Guidance in order to prevent a significant loss of privacy.
- 8.49 To the east of the site is the residential property of Westbury End, and the rear garden of this property runs adjacent to the eastern boundary of the site for approximately 90 metres. Officers have concerns in relation to overlooking as a result of the indicative layout given the amount of dwellings to the west of this neighbouring garden with their rear elevations facing towards this property. Officers consider that the proposed dwellings would be sited a sufficient distance away from the dwellings further to the east on Stable Close so as to prevent undue harm to these properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect.
- 8.50 The proposed dwellings in the indicative layout plan are considered to be sited a sufficient distance away from Foxley to the south of the site so as to prevent undue harm to these properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect. Care will need to be taken in relation to the residential amenity of Heatherstone Lodge to the north west of the site.
- 8.51 Despite the concerns raised above, it is considered that there is adequate space available on the site to accommodate up to 47 dwellings so as to prevent undue harm to the amenities of



neighbouring properties as well as the amenities of the proposed properties. If this outline application were to be approved, the matter of residential amenity requires great consideration at the reserved matters stage so as not to unduly affect the amenities of neighbouring residents, in particular those properties immediately adjacent to the site.

- 8.52 Concerns have been raised from third parties in relation to nuisance as a result of the proposed development, but the Council's Environmental Protection Officer has raised no objections to the proposal. Whilst it is likely that there is going to be an increase in noise from the site, for example from vehicular traffic, it is considered that a layout could be composed so that noise as a result of the proposal would not unduly affect any neighbouring properties. In addition, concerns have been raised by Finmere Parish Council in relation to nuisance for the future occupiers of the proposed housing due to the location of the site near the HS2 rail line and a landfill site as well as the A421. However, no objections have been raised by the Council's Environmental Protection Officer and in the absence of clear evidence to suggest otherwise, it is considered that these local factors are unlikely to result in detrimental levels of nuisance in terms of noise and odour for the future occupiers of the proposed dwellings.

### Ecology and Trees

- 8.53 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"*.
- 8.54 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."*
- 8.55 Policy ESD10 of the Cherwell Local Plan Part 1 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."*
- 8.56 The application is accompanied by a Phase 1 Ecological Survey which includes a walk over of the site. The assessment establishes that the proposed development would not impact upon any protected species and that no harm would result from the proposal. The survey found that there are no field signs indicating the presence of protected species, but the site has been assessed as having suitability to support bats and bat roosts, great crested newts and reptiles. Recommendations are therefore made within the report for further survey work for bats, great crested newts and reptiles. The report also recommends best practice guidance for avoiding harm to wildlife during the construction phase. Furthermore, the survey makes recommendations in order to enhance biodiversity on the site, including the addition of bird and bat boxes, the use of native wildflower seed mixes and flowering lawns in green spaces and green walls and roofs.

- 8.57 The Council's Ecology Officer has not objected to the proposal and is of the opinion that the submitted ecological appraisal is acceptable and notes that the recommendations set out in this should be adhered to. However, the Ecology Officer has stated that a number of surveys are required before the determination of the appropriate layout or site clearance, including a survey for reptiles and accompanying mitigation, and a survey of the trees on site for bats to ensure they are accounted for during any tree works and within the scheme. A mitigation scheme for great crested newts for the construction phase has also been advised by the Ecology Officer. The Ecology Officer has also noted that a full biodiversity enhancement scheme will be required. These matters could all be conditioned if the application were to be approved.
- 8.58 The Ecology Officer has noted that the management of the proposed landscaping, boundary pond and hedgerows requires consideration as well. However, given that landscaping is a reserved matter, it would not be considered necessary to recommend this as a condition at this outline stage if the proposal were to be approved.
- 8.59 Officers see no reason to disagree with the Ecology Officer's assessment and if the proposal is to be approved, then conditions should be attached to ensure that the development does not cause harm to any protected species or their habitats and to provide net gains in biodiversity.
- 8.60 On the matter of trees, Policy ESD10 of the Cherwell Local Plan part 1 requires the protection of trees amongst other ecological requirements. Policy ESD13 of the Cherwell Local Plan part 1 also encourages the protection of trees and retention of landscape features.
- 8.61 There are a number of established trees on the site, which are mainly focussed around the perimeter of the site. These are considered in the submitted Arboricultural Survey and Report, and this recommends a layout where a number of these trees can be adequately protected to ensure their long term contribution. The Council's Arboricultural Officer holds the view that the submitted document is acceptable, and officers are of the opinion that there is sufficient space available on site so to prevent a layout from unduly impacting upon the important trees within the site. Further information, particularly in relation to tree protection, could be sought via a planning condition. Notwithstanding this, a section of the hedge line to the south of the site, adjacent to the old Banbury Road, would require removal in order to facilitate the access and associated vision splays. This would be harmful and would contribute in urbanising this area.

#### Potentially Contaminated Land

- 8.62 The site is located within 250 metres of a landfill site, but the site is not recognised as being potentially contaminated and the Council's Environmental Protection Officer has raised no objections to the proposal. It is therefore considered that the proposal is unlikely to cause public health risks to future users, workers, neighbours and other site receptors.

#### Flooding Risk and Drainage.

- 8.63 A Flood Risk Assessment (FRA) 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. Land within Flood Zone 1 is land which has a less than 1 in 1,000 annual probability of river flooding.

- 8.64 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.
- 8.65 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, but that the layout of the development should consider that the site is potentially at risk from an extreme event and as such the implementation of flood resilience and resistance methods should be considered. The Environment Agency has been consulted but to date has not commented on the proposals. As such, and in the absence of any objection from the Environment Agency, officers consider that flood risk can be adequately addressed by the use of appropriate conditions, in particular conditions requiring the approval of a detailed surface and foul water drainage scheme.
- 8.66 Anglian Water, the Water Authority for the site, have been consulted on this application, but comments have not been received from Anglian Water within the consultation period. That said, Thames Water have stated that existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development, but that this matter can be overcome by a condition. As no evidence has been provided to contradict this, officers consider that an acceptable drainage scheme can be agreed by condition.

#### Sustainability and Energy Efficiency

- 8.67 Policy ESD1 of the Cherwell Local Plan Part 1 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the Cherwell Local Plan Part 1 seeks to achieve carbon emission reductions. Policy ESD3 of the Cherwell Local Plan Part 1 encourages sustainable construction and states that all non-residential development will be expected to meet at least BREEAM 'Very Good' with immediate effect.
- 8.68 The application has not been accompanied by a Sustainability and Energy Statement and sustainability should be built into the proposal and it should be demonstrated how the proposal complies with Policies ESD1-3 of the Cherwell Local Plan Part 1. This is a matter that would be addressed by condition if the application were to be recommended for approval.

#### Effect on Infrastructure/Public Open Space/Affordable Housing

- 8.69 Policy INF1 of the Local Plan states that: *development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*
- 8.70 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 BSC3 requires development within locations such as Finmere to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/social rent and shared ownership.
- 8.71 Policy BSC11 of the Cherwell Local Plan Part 1 states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of*

*open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”*

8.72 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 infrastructure impact of the development both on and off site, and to secure provision of affordable housing and public open space to meet the needs of the future residents of the development. This would ensure that the requirements of Policies BSC3, BSC11 and INF1 of the Cherwell Local Plan can be met. 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.

8.73 With regard to Policy BSC11, this highlights that schemes for over 10 residential units triggers the requirement for a Local Area for Play (LAP) of a minimum size of 100 square metres to be provided. The Landscape Team have also requested a Local Equipped Area for Play (LEAP) as well, but Policy BSC11 only requests this for proposals over 49 dwellings. The proposal would require 200m<sup>2</sup> of general green open space as well, in accordance with Policy BSC11, and it is considered that there is adequate space available on the site to achieve this required open space, as well as the LAP.

8.74 Comments are still awaited from Oxfordshire County Council, but it is likely that contributions will be sought toward mitigating the additional demand placed by the development on local education services, highway improvements, and the protection and improvement of the existing public rights of way network. Therefore, insofar as they meet the tests set out at Regulation 122, the following would be sought if this application were to be approved:

- 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 LAP, along with a commuted sum for the Council to maintain this provision;
- The maintenance of retained hedgerows, ditch, trees, pond and proposed informal open space;
- Contribution towards the improvement of public rights of way; and
- Contribution towards primary and pre-school education.

#### Local Finance Considerations

8.75 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 £366,523.30 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 only limited 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

- 8.76 Concerns have been raised from third parties in relation to water and electricity supply. In relation to water infrastructure capacity, Thames Water has noted that the existing water supply infrastructure has insufficient capacity to meet additional demands for the proposed development. Thus, Thames Water has requested impact studies of the water supply infrastructure as a pre-commencement condition and this would be attached if the application were to be recommended for approval. In relation to electricity supply, this is a matter for the utilities provider.
- 8.77 Concerns have been raised in relation to an increase of air pollution as a result of the proposed development. Whilst an increase in houses within this rural location will undoubtedly increase air pollution omissions, it is considered that the proposal is not likely to cause materially detrimental levels of air pollution in the locality. Furthermore, no objections have been raised from the Council Environmental Protection Officer.
- 8.78 Concerns have been raised in relation to nuisance and disturbance at the construction phase, and if the application were to be approved, a Construction Environmental Management Plan would be recommended as a condition to ensure that works do not adversely affect residential properties adjacent to or surrounding the site.
- 8.79 Whilst a number of issues have been raised by third parties, the following are not material planning considerations in this case:
- The development is only for profit; and
  - The proposal would undermine the foundations of existing building.

## **9. CONCLUSION**

- 9.1 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.
- 9.2 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.
- 9.3 Allowing 47 homes to be developed would amount to an undesirable overconcentration of new housing development in Finmere that would prejudice a more even planned and sustainable distribution of housing development across the District's Category A villages. In addition, Finmere is the smallest Category A village in terms of population, which offers limited facilities

and services and is not as sustainable as other Category A villages in terms of transport accessibility due to the lack of a regular bus service.

- 9.4 Furthermore, this proposed development on this site would cause significant harm to the rural landscape character and quality of the area, as well as the rural setting of the village. The proposed development would also fail to integrate with the existing built environment.
- 9.5 In addition, it has not been adequately demonstrated that the proposal would not result in unacceptable and unavoidable harm to archaeological assets, despite the location of the site being in an area of known archaeological interest with high potential for significant archaeological deposits to survive.
- 9.6 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 in general spatial terms the site is well located to the village and its services and facilities which would be accessible by walking and cycling. New development also commonly brings economic benefits including providing some construction opportunities.
- 9.7 However, it is considered that the economic and social benefits would be significantly and demonstrably outweighed by the adverse environmental and social impacts identified above. Thus, and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, the proposal is considered to be undesirable, unnecessary and unsustainable additional development in this rural location.
- 9.8 It is therefore concluded that the proposal does not therefore constitute sustainable development and the application is therefore recommended for refusal.

## 9. RECOMMENDATION

That permission is **refused**, for the following reasons:

1. The development proposed, by reason of its excessive scale in relation to the size and relative sustainability of Finmere, and taking into account Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable development that would prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan (2011-2031) Part 1 and would undermine the housing strategy in the Cherwell Local Plan which seeks to distribute new housing to the most sustainable locations having regard to such matters as public services and facilities, transport and employment. Consequently the proposal is unacceptable in principle and contrary to Policies ESD1 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
2. The development proposed, by reason of its detached siting, excessive scale and poorly integrated relationship with existing built development, would cause significant and unacceptable harm to the historic linear form of the village, rural landscape character and quality of the area and the traditional setting of the village as experienced by local residents, visitors and users of old Banbury Road and the existing Public Rights of Way which run through and within close proximity to the site. The development would detract from the area's

established character and would fail to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13, ESD15 and Policy Villages 2 of the Cherwell local Plan (2011-2031) Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government advice within the National Planning Policy Framework.

3. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, and in the absence of a detailed and adequate archaeological field evaluation, the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Thus, the proposal conflicts with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

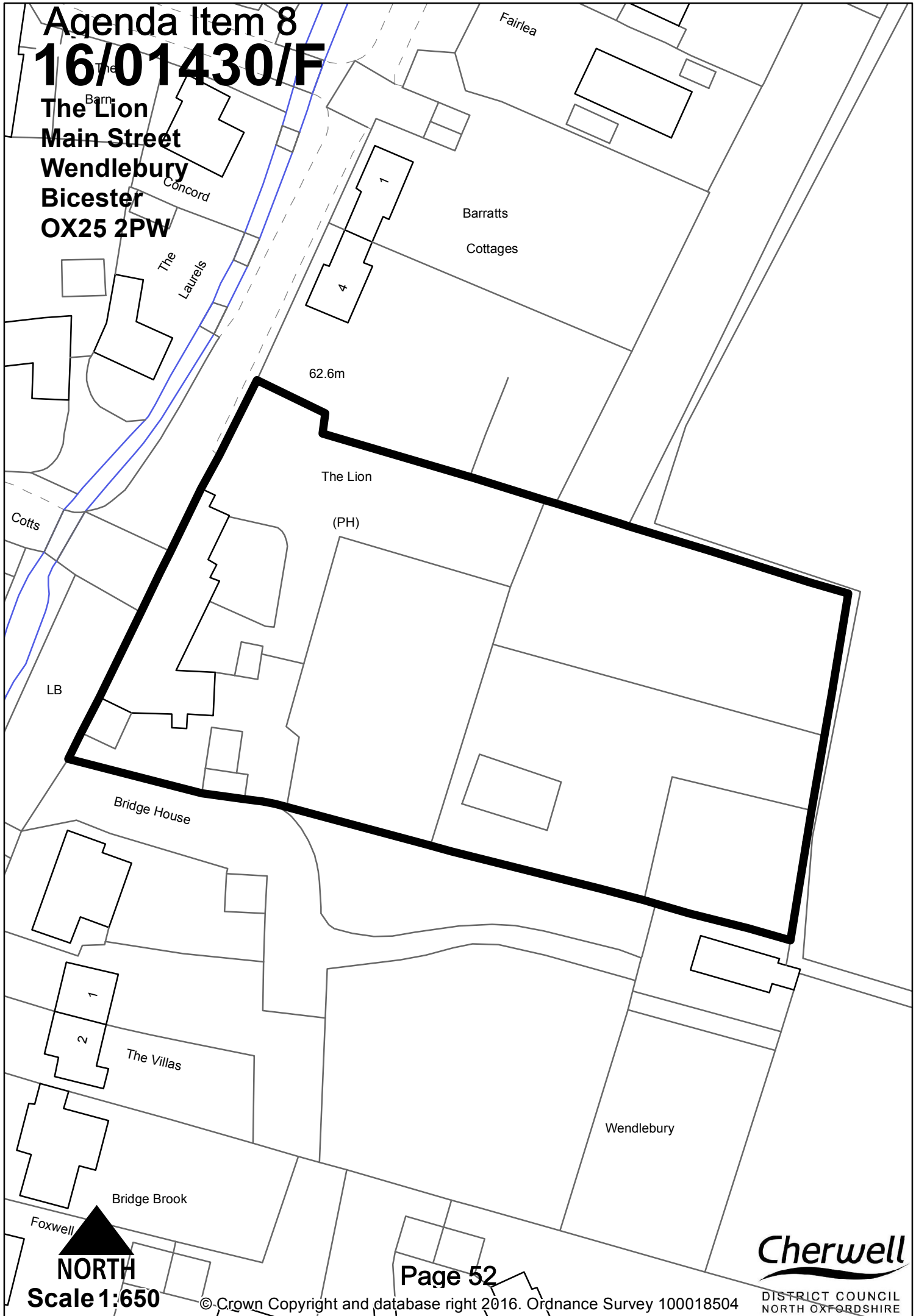
### **PLANNING NOTES**

For the avoidance of doubt, the plans and documents considered by the Local Planning Authority in reaching its decision on this application are:

- Application Form;
- Planning Support Statement by AAH Planning Consultants dated June 2016;
- Design and Access Statement by AAH Planning Consultants dated May 2016;
- Landscape and Visual Impact Assessment by AAH Planning Consultants dated June 2016;
- Preliminary Ecological Appraisal by Bernwood ECS Ltd dated 26<sup>th</sup> July 2016;
- Flood Risk Assessment by AAH Planning Consultants dated June 2016;
- Archaeological Desk Based Assessment by OSA Ltd dated July 2016;
- Transport Statement by Via Solutions dated 30<sup>th</sup> August 2016;
- Interim Travel Plan by AAH Planning Consultants dated June 2016;
- Drawing Numbers: CAL010316 01 Revision A; CAL010316 02 Revision A; and
- Arboricultural Survey & Report by MWA Arboriculture dated 18<sup>th</sup> July 2016.

# Agenda Item 8 16/01430/F

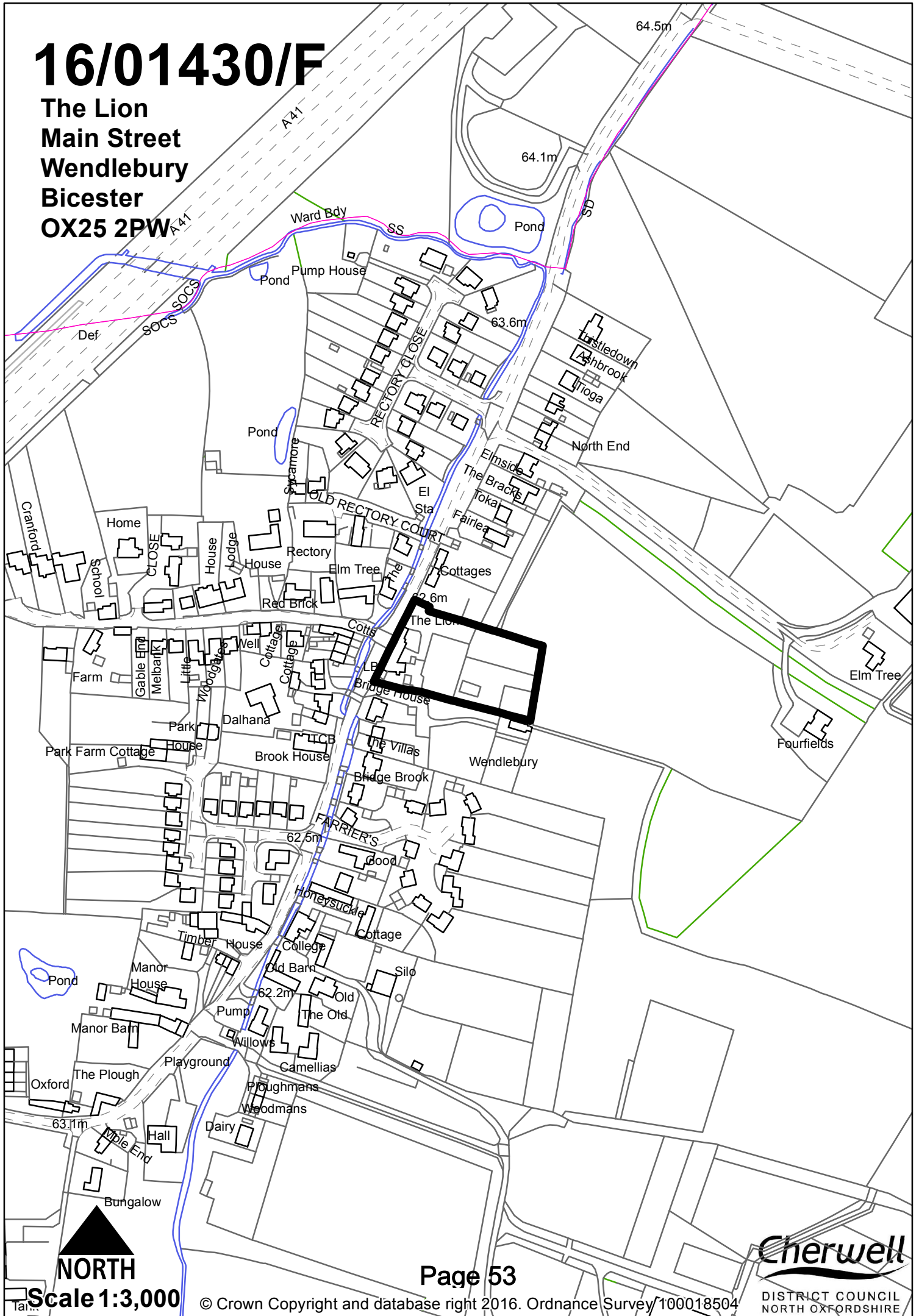
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Bicester  
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# 16/01430/F

The Lion  
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Wendlebury  
Bicester  
OX25 2PW



**NORTH**

**Scale 1:3,000**

<b>Case Officer:</b>	Stuart Howden	<b>Contact Tel:</b>	01295 221815
<b>Applicant:</b>	Mrs Sarah Robinson-Smith		
<b>Proposal:</b>	Proposed accommodation block – Alteration to approval 15/00185/F		
<b>Expiry Date:</b>	12 <sup>th</sup> September 2016	<b>Extension of Time:</b>	N/A
<b>Ward:</b>	Launton and Otmoor	<b>Committee Date:</b>	24 <sup>th</sup> November 2016
<b>Ward Councillors:</b>	Cllrs Hallchurch, Holland and Hughes		
<b>Reason for Referral:</b>	Relative of the applicant works for Cherwell Council		
<b>Recommendation:</b>	Approval		

## 1. APPLICATION SITE AND LOCALITY

- 1.1 The Lion Public House is situated on the south east side of Main Street within Wendlebury. The detached public house building is constructed from limestone rubble under a slate roof and fronts Main Street. The building is Grade II listed and the site is within close proximity to two other Grade II listed buildings across Main Street. The site is accessed from Main Street at the north end of the site and to the north of the site is an ancillary parking area. The site is located within an area of archaeological interest and within a Zone 2/3 flood plain.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for a detached two storey building for guest accommodation to the rear of the public house building. The proposal is an amendment of a similar scheme approved last year (ref: 15/00185/F – see Paragraphs 2.5 and 3.4 of this report). The structure is proposed to accommodate 13 rooms. The proposed building would form an L-shape and would run adjacent to the western boundary of the site. The building would measure approximately 19 metres x 25.3 metres and would have a width of approximately 5.8 metres. The building would have a maximum height of approximately 7.2 metres. This proposal includes hard and soft landscaping works such as a new paved link between the public house and the proposed accommodation building.

## 3. RELEVANT PLANNING HISTORY

- 3.1 14/01026/F and 14/01027/LB – Single storey extension, internal alterations and extension to parking area – APPROVED on 4<sup>th</sup> November 2014. Planning permission and listed building consent for a number of works to the listed building were approved, including three extensions to the rear of the existing public house, a refuse store to the rear of the building enclosed by fencing, the increase in the size of the parking area to the rear of the site in order to

accommodate 8 additional parking spaces and the raising of the stone wall on the southern boundary of the site.

- 3.2 14/01030/F - Detached building to provide hotel accommodation – WITHDRAWN on 24<sup>th</sup> October 2014. It was considered that the proposed building would have caused substantial harm to the significance and the setting of the Grade II listed building by virtue of its poor design and excessive scale, and the argued public benefits of the proposal were not sufficiently demonstrated. It was also considered that the proposed building would have caused detrimental harm to the visual amenities of the locality.
- 3.3 15/00072/LB and 15/00172/F proposed amendments to 14/01026/F and 14/01027/LB. APPROVED on 24<sup>th</sup> April 2015. This included alterations to openings as well as the addition of an oak framed porch.
- 3.4 15/00185/F - Detached accommodation block - re-submission of 14/01030/F – APPROVED on 2<sup>nd</sup> July 2015. Planning permission was granted for a two storey accommodation building with 13 guest rooms and this permission is extant. The proposed building formed an ‘L-shape’ and ran adjacent to the western boundary of the site. The building was proposed to be constructed from stone and slate. It was considered that the proposed building would have caused less than substantial harm (albeit serious harm) to the significance and setting of the Grade II listed public house by virtue of its proximity to the listed building and its scale. However, financial justification was submitted to support the proposal which displayed that this guest accommodation would contribute in covering the costs of refurbishing and maintaining the public house as well as ensuring that the business remains viable. A viability advisor was employed by the Local Planning Authority who was of the opinion that there was financial justification for the approval of this scheme having read through the applicant’s documentation. It was considered that the benefits of ensuring the long term viability of this community facility outweighed the identified harm to the significance and setting of the Grade II listed pub.
- 3.5 The proposed building before members has a relatively similar footprint to the one approved in 2015, but the building is approximately 0.5 metre wider than this building approved in 2015 as well as approximately 0.7 metre longer at the western end and approximately 0.3 metre longer at the northern end. The proposed building would also be approximately 1 metre higher than the one approved in 2015 as a result of the increase in width of the building. The Design and Access Statement notes that this increase in size is required to improve disabled access and allow for a disabled WC. There are also alterations proposed to the appearance of the approved building including:
  - The glazed barn door element on the north elevation has had its arch oaked beams straightened;
  - A recess has been created on the north elevation at the disabled WC location to allow for the door swing and to give a covered entrance;
  - Repositioning of a door on the west elevation;
  - The replacement of a window with a larger glazed opening at first floor level on the east elevation;
  - Five small windows are proposed at ground floor level on the east elevation;
  - A roof light has been added to the south elevation, whilst 3 roof lights have been added to the west elevation;
  - A roof light has been removed from the north elevation and 5 have been removed from the east elevation.

3.6 Unfortunately, in addition to the works it has permitted, the Local Planning Authority has been made aware of works on the site that did not benefit from planning permission or listed building consent. The Council's planning enforcement team has advised the applicant of the works which would be unlikely to receive officer support including:

- An external fire place to the side of a rear extension;
- The tarmacking of the extension to the car park as the approved plans refer to porous paving;
- Two external extractor units on the kitchen extension;
- Stone wall built around the existing refuse area and construction of area to store ancillary kitchen items;
- Fencing around the beer garden and close boarded fencing along the southern boundary.

3.7 The applicant has been advised to remove these above breaches. A retrospective planning application and listed building consent application has been submitted to regularise other breaches (refs: 16/01876/F and 16/01877/LB) including:

- The addition of a linking corridor between kitchen and dining room and the use of metal cladding to the gable end of the existing building;
- Changes to the roof of the rear extension to the south of the site;
- Changes to the side elevation of the rear extension to the south of the site;
- The addition of new openings;
- The reinstatement of a southern boundary wall;
- Addition of external wall lights mounted on the kitchen extension.

For the avoidance of doubt, the unauthorised works do not form part of the application currently before Planning Committee and so are not material to the determination of the current application.

#### **4. PRE-APPLICATION DISCUSSIONS**

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

14/00041/PREAPP – Extensions to Grade II listed building – Closed 31<sup>st</sup> March 2014. A two storey extension including guest accommodation was proposed to the rear of the building, but given its scale and proximity to the listed building it was deemed to cause substantial harm to the significance and the setting of the Grade II listed building. An independent building was recommended, that was constructed to look more like a traditional agricultural building that would appear ancillary to the main public house building. However, it was stated that sufficient justification would be required for such an accommodation building (i.e. that it is required for the long term viability of the public house) to overcome the harm caused to the significance and setting of the Grade II listed building.

#### **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 are summarised as follows:

- Loss of privacy;
- The car park is often full and cars park on the road restricting access to driveways and causing congestion on the village street. As there are no footpaths this is dangerous for pedestrians. This matter will only worsen with the addition of the accommodation building;
- Will increase traffic going through Wendlebury;
- Will increase flooding risk to neighbouring properties;
- The submitted Flood Risk Assessment is inaccurate;
- The Flood Risk Assessment carried out for the previous application for the accommodation block is flawed;
- Foul water treatment concerns;
- When permission was given for the refurbishment of the public house, the parking area was not constructed in accordance with the approved details and this has increased the flooding risk in the area;
- The application form does not state the hours of opening and this raises noise nuisance concerns;
- It is important that the tree protected by the Tree Preservation Order is not damaged by the proposed development.
- The disabled access toilet facility in the public house is inadequate for people with mobility problems and this should not be part of a large building. It should also be possible for a wheelchair to access the toilet from the public house;
- There is currently a lighting nuisance issue and external lighting should not disturb neighbouring properties;
- A new access is displayed on the site location plan, but this is not specified on the application form;
- The installation of raised and banked ground works fully across the extreme rear of the site has taken place without consent and this has increased the flooding risk elsewhere.

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 WENDLEBURY PARISH COUNCIL: have not objected to the application, but have noted the following:

- Consideration should be given to Policies C27 and C28 of the Cherwell Local Plan 1996;
- Concerns in relation to the foul water treatment from the development;
- Flooding is a concern and the submitted Flood Risk Assessment is poor and uses out of date information. Furthermore, no commitment has been made to reduce the overall level of flood risk in the area;
- Concerns in relation to light pollution and noise pollution;
- Loss of privacy.

Wendlebury Parish Council stated that: *“In summary, as long as Cherwell Planning Department have judged the development to be appropriate to the environment and village, EA and Thames Water have considered and responded positively to any issues of flooding and waste disposal and the applicant can also demonstrate the same consideration to the issues, and come up with meaningful solutions that are acceptable to the PC and residents, then the Parish Council will be mindful to support the application.”*

#### STATUTORY CONSULTEES

- 6.3 CONSERVATION OFFICER: **No comments received.**
- 6.4 ENVIRONMENT AGENCY: **No objections**, commenting that *“I have checked our records and found that this application is within flood zone 1 and therefore did not fall within a category to which we required a consultation on. I note our previous responses on this and if you wish to apply them again you can.”*
- 6.5 OCC HIGHWAYS AUTHORITY: **No comments received.**
- 6.6 OCC DRAINAGE: **No comments received.**
- 6.7 THAMES WATER: Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Thus, if the application is to be approved, a condition should be imposed which requests a drainage strategy detailing any on and/or off site drainage works. This is 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.

Thames Water has no objections in relation to water infrastructure capacity.

#### NON-STATUTORY CONSULTEES

- 6.8 CDC ENVIRONMENTAL PROTECTION OFFICER: **No objections.**
- 6.9 OCC ARCHAEOLOGY OFFICER: **No objections.**
- 6.10 CDC ARBORICULTURAL OFFICER: **No comments received.**
- 6.11 CDC BUILDING CONTROL: *“Windows - bedroom 5 adjacent the staircase exit would require to be fire resistant. Family room 6 would require a lobby on to staircase enclosure. Bedroom 7 likewise would require a lobby”*
- 6.12 CDC ECOLOGY OFFICER: **No comments received.**
- 6.13 CDC EMERGENCY PLANNING: **No comments received.**
- 6.14 MOD SAFEGUARDING: **No objections.**

#### **7. RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to

2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

#### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE2 – Securing Dynamic Town Centres
- SLE3 – Supporting Tourism Growth
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – The Character of the Built and Historic Environment

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- T2 – Proposals for hotels, motels, guest houses and restaurants within settlements
- TR1 – Transportation funding
- C28 – Layout, design and external appearance of new development
- C31 – Compatibility of proposals in residential areas
- ENV1 – Environmental pollution

#### 7.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Home Extensions and Alterations Design Guide (2007)

## **8 APPRAISAL**

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

- Principle of the Development;
- Impact upon the Significance and Setting of Grade II Listed Buildings;
- Visual Impact and Local Character;
- Highways Safety;
- Residential Amenities;
- Flooding Risk and Drainage;
- Archaeological Impact;
- Ecological Impact;
- Sustainability and Energy Efficiency;
- Other Matters.

#### Principle of the Development

8.2 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which

require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

- 8.3 The Council, as Local Planning Authority, has previously accepted the principle of a two storey 13 guest room accommodation building on a similar footprint granting planning permission in 2015 (ref: 15/00185/F) and this permission is still extant. The variations in the schemes are listed above in Paragraph 3.5 of the report, but ultimately the proposed building would be slightly larger in scale and would differ slightly in appearance to the approved building, and it is noted in the Design and Access Statement submitted alongside the application that this is in order to improve disabled access. Its siting and general form would remain as previously approved.
- 8.4 When considering the principle of the development in the original 2015 application, Paragraph 28 of the NPPF which encourages Local Planning Authorities to support growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, formed a significant material consideration. The same was the case for Paragraph 70 of the NPPF which notes that to deliver social, recreational and cultural facilities and services the community needs, planning decisions should:
- plan positively for the provision and use of shared space, community facilities (such as public houses) and other local services to enhance the sustainability of communities and residential environments;
  - guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to day needs; and
  - ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community.
- 8.5 A financial justification statement was submitted alongside this approved planning application for an accommodation building which stated that the public house required refurbishment, especially due to a lack of investment in the public house over previous years, and that this guest accommodation would contribute in covering the costs of refurbishing and maintaining the public house, as well as ensuring that the business remains viable. The Council employed a viability advisor to assess the submitted documentation and agreed that the refurbishment of the building (approved under 15/00072/LB and 15/00172/F) would enable the business to generate higher levels of income than before. Given a lack of other services in the village of Wendlebury, it was considered that the proposed refurbishment of the public house was necessary in order to prevent the loss of this valued community facility. Three different scenarios were put forward by the applicant, with profit/loss forecasts as a result of the three scenarios and the Council's viability advisor was in agreement with the financial justification statement that such a guest accommodation building would be the most viable option put forward.
- 8.6 Weight was also given to saved Policy T2 of the Cherwell Local Plan 1996 and Policy SLE3 of the Cherwell Local Plan Part 1 when considering the principle of the guest accommodation building. Saved Policy T2 states that within the built up limits of a settlement the provision of new hotels, guest houses and restaurants will generally be approved subject to other policies in the plan. Policy SLE3 echoes this saved Policy to a certain extent, but states that tourist facilities should be in sustainable locations.
- 8.7 However, consideration was given to Policy SLE2 of the Cherwell Local Plan Part 1, as the NPPF defines hotels as a 'Main Town Centre Use' and Policy SLE2 states that such uses will be directed towards the town centres of Banbury and Bicester and the village of Kidlington. Policy SLE2 goes on to state that when considering out of centre proposals, preference will be given to accessible sites that are well connected to the town centre and that the Council will



consider if the proposals satisfy the sequential test and if they are likely to have a significant adverse impact on one or more of the factors in the NPPF. Policy SLE2 goes on to state that an impact assessment will be required if the proposal is over 350 square metres, in accordance with the NPPF. In relation to the sequential test, given that the purpose of the proposed development was to support the viability and functioning of the public house, the location of the guest accommodation next to the public house was considered logical. That said, the location of the site was not considered to be very well connected to Bicester or Oxford, but the site was considered to be in a relatively accessible location in Wendlebury. Whilst the floor space created exceed 350 square metres, the NPPF does not specifically refer to tourism development when requiring an impact assessment. Given its scale though, it was considered that such a development would not have a significant adverse impact upon the vitality and viability of Bicester town centre.

- 8.8 It was therefore concluded that the benefits of the proposed accommodation block, those being the prevention of the unnecessary loss of a valued community facility and supporting the growth of a rural business, outweighed the limited harm to the viability and vitality of the town centre of Bicester by having a town centre use in this out of town location. The principle of the proposal was therefore considered acceptable.
- 8.9 These key policies which formed a significant material consideration when the Council accepted the principle of the development in 2015 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.
- 8.10 The principle of the proposed development is therefore considered acceptable, but the principle of the development is also dependent on other material considerations which will be discussed below.

#### Impact upon the Significance and Setting of Grade II Listed Buildings

- 8.11 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 public house that is to be considered.
- 8.12 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.
- 8.13 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."*
- 8.14 Paragraph 134 of the NPPF states that: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*
- 8.15 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.”*

- 8.16 In relation to the Grade II listed buildings across the road from the site, it is considered that due to intervening structures and landscaping between the proposed siting of the accommodation building and these designated heritage assets, the proposal would not harm the significance and the setting of these two Grade II listed buildings.
- 8.17 Given the scale of the proposed accommodation building and the close proximity of the proposed building to the Grade II listed public house, it is considered that the proposal would undoubtedly cause harm to the significance and setting of this Grade II listed building. Whilst the harm to the significance and the setting of the Grade II listed building, as a result of the previous proposal, was not considered to be substantial, it was considered to be in the less than substantial harm category. The proposed building is different to the approved accommodation building in terms of its scale (being slightly larger) and appearance (i.e. positioning and design of openings). That said, the overall layout and footprint of the building would be very similar to the approved building and like the approved building, it would mimic the style and appearance of a traditional agricultural building due to its simple form and the simplicity of the elevations, as well as the sensitive positioning of openings on the building.
- 8.18 It is therefore considered that the harm to the significance and setting of this Grade II listed public house would not be materially different to the harm identified in the previous application for the approved accommodation building, this being less than substantial harm, but serious harm. This harm caused to the significance and the setting of the Grade II listed building needs to be weighed against the public benefits of the proposal.
- 8.19 As concluded above, it was considered that the refurbishment of the listed building was required in order to ensure that the business remained viable and prevented the loss of the valued community facility of the public house, but the refurbishment alone would result in a significant annual deficit. Thus, the accommodation building is being proposed in order to contribute in covering the costs of refurbishing and maintaining the Public House, as well as providing additional revenue for the business. As discussed above, the Council's viability advisor was in agreement with the financial justification statement submitted with the previous application that such a guest accommodation building would be the most viable option put forward by the applicants. Furthermore, in the previous application for the proposed accommodation building, the Conservation Officer concluded, after viewing the viability advisor's report that the proposed accommodation building would enable the refurbishment of the listed building itself and the long term viability of the business and therefore had no objections to the proposal.
- 8.20 For the reasons above, it is considered that the less than substantial harm caused to the significance and setting of the Grade II listed public house would be outweighed by the public benefits of ensuring the long term viability of this community facility, therefore the proposal is considered to be in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the NPPF.

#### Visual Impact and Local Character

- 8.21 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.

- 8.22 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. Reference to Policy C27 of the Cherwell Local Plan 1996 has been made by Wendlebury Parish Council, but this is not a saved policy. However, Policy ESD15 of the Cherwell Local Plan Part 1, like Policy C27, stresses that development should respect traditional settlement patterns.
- 8.23 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.
- 8.24 The supporting notes for saved Policy T2 of the Cherwell Local Plan 1996 state that proposals for tourism development should be compatible with the size and character of the settlement and that large establishments will generally be unacceptable in the smaller villages.
- 8.25 The proposed building would be sited behind the public house which fronts Main Street and this would partly screen views from this highway, but gaps to both sides of this public house would allow for views of this proposed structure.
- 8.26 The proposed building would be relatively large in terms of its height and footprint and would be slightly higher than the existing public house. That said the proposed building would be designed so as to mimic the appearance of an agricultural barn and this is due to the positioning of openings (i.e. mainly at ground floor level), the simplicity of the elevations, the materials chosen and the use of glazing to mimic a former barn door opening. Furthermore, barns are often large structures due to the functions they perform. Officers consider, by reason of its barn like appearance, that this building would therefore not appear out of place in this edge of village location, and that it would not fail to respect the traditional settlement pattern of Wendlebury, especially as it is considered to fall within the built up limits of this settlement.
- 8.27 A third party has raised concerns in relation to a tree protected by a Tree Preservation Order on a neighbouring site (to the south of the proposed siting of the building). The Arboricultural Officer has not commented on the application within the consultation period. That said, the Arboricultural Officer commented on the previous application at the site for an accommodation building, stating that they had no objections to the proposal after visiting the site. Given that the building is on a similar footprint to the approved accommodation building, it is considered that the proposed development would not damage this protected tree.
- 8.28 Given the above, it is considered that the proposed building would not cause detrimental harm to the visual amenities of the locality, in accordance with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and T2 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

#### Highways Safety

- 8.29 Comments have not been received from the Local Highways Authority within the consultation period. However, the Local Highways Authority did comment on the previous application at the site for an accommodation building and they raised no objections. The Local Highways Authority considered the amount of on-site parking provided to be sufficient. Concerns have been raised by third parties that the parking available on site would not be sufficient given lack of space in the on-site car park at the moment, but given that an accommodation building for 13 guest rooms has previously been approved on site and that this permission is extant, officers consider that it would not be reasonable to refuse the application on these grounds. It

is therefore considered that adequate parking would be retained to serve the public house and the accommodation building, and the proposed building would not cause detrimental harm to the safe and efficient operation of the highway network.

### Residential Amenities

- 8.30 Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph 17 of the NPPF notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy C30 of the Cherwell Local Plan 1996 states that design control will be exercised so that new housing development or any proposal for the extension or conversion of any existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 8.31 Bridge House is the next door neighbouring property situated to the south of the site. No first floor windows are proposed in the walls of the southern and western elevation of the proposed building. The roof lights on the southern elevation would be over 1.7 metres from first floor level to prevent clear views of this neighbouring property from these openings. The first floor windows in the east (rear) elevation of the proposed building would not gain clear views of the rear of Bridge House given that the rear wall is sited beyond the rear boundary of Bridge House. The proposed windows at single storey level on the west elevation would not gain significantly different views from what can already be achieved from within the site to date.
- 8.32 Bridge House has two windows on the rear (east) elevation, one at ground floor level and the other at first floor level. An access track separates the site from this neighbouring property and given the distance between the proposed siting of the building and these windows, and the orientation of the site it is considered that the proposal would not significantly reduce the amount of light these rear windows receive. On the side (north) elevation of the dwelling there are 3 windows, two of these are at ground floor level and one at first floor level. The proposed guest accommodation block would be sited to the rear of the site and not directly adjacent to these side facing windows. Given the orientation of the site, the siting of the proposed building and the distance between these windows and the proposed accommodation block, it is considered that the proposal would not unduly affect Bridge House in terms of loss of light or the creation of an overbearing effect.
- 8.33 In relation to the neighbouring properties to the north of the site, a new dwelling is being developed on land adjacent to the north boundary of the site. However, given that the northern boundary of the site is situated over 25 metres away from the most northerly part of the proposed accommodation block, the proposed development would exceed the minimum recommended separation distance as set out in the Cherwell District Council householder extension and alteration guidance, and it is therefore considered that the proposed building would not cause undue harm to the neighbouring properties to the north of the site in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect.
- 8.34 It is considered that the proposed building would be sited so as to prevent undue harm to any other neighbouring properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect.
- 8.35 Concerns have been raised by third parties in relation to opening hours of the public house and the nuisance from operating at unsociable hours. The opening hours of the current public house are unknown, but restricting the hours of opening of the public house for an accommodation building to the rear of the public house is not considered to be reasonable or directly related to the development itself, therefore this has not be conditioned. In relation to noise emanating from the site as a result of the proposed guest accommodation building, it is

considered that the noise would not be significantly different to levels already experienced from this public house. Furthermore, the approved accommodation building which is still capable of being implemented is not subject to noise restrictions.

- 8.36 Concerns have been raised from third parties in relation to the light pollution from the site from external lights fitted to the building at the moment. Whilst this matter is not relevant to the determination of this application, the applicant has applied for retrospective planning permission and listed building consent for this alteration. Concerns have been raised in relation to light pollution as a result of the new building causing a nuisance to nearby neighbours and a condition will be attached requesting further details of external light fittings.

#### Flooding Risk and Drainage

- 8.37 Whilst concerns have been raised in relation to the flooding risk by third parties, the Environment Agency has raised no objections to the proposal noting that the development would occur in Flood Zone 1 and therefore the Environment Agency do not require consultation. Furthermore, the Environment Agency noted that their response to the previous application for a guest accommodation building was still relevant. Land within Flood Zone 1 is land which has a less than 1 in 1,000 annual probability of river flooding.
- 8.38 In relation to the previous application at the site, the Environment Agency acknowledged that the proposed building would be outside Flood Zone 1 therefore there would be no increase in vulnerability on site as a result of the proposal. However, the access route lies within Flood Zone 3 (land with a 1 in 100 or greater annual probability of river flooding). Thus, the Environment Agency requested an assessment of access and egress for the proposal. An emergency flood plan was provided later during this planning application. This also noted that because the proposed building would not be within Flood Zone 3 and would be on higher ground than the access to the site, the accommodation block would provide a safe haven should such a flood occur. The Cherwell District Council Emergency Planner was satisfied with the strategy, therefore the Environment Agency held no objections to the proposal, subject to the development being carried out in strict accordance with the submitted Flood Risk Assessment.
- 8.39 The proposed accommodation building would be built on a relatively similar footprint to the approved accommodation building and it is the case the proposed building would be in Flood Zone 1. It is therefore considered that the proposed accommodation building would not increase the surface flooding risk to neighbouring properties. Furthermore, if the emergency planning measures within the previous Flood Risk Assessment are to be employed, officers are of the opinion that the overall safety of the development would be sufficient from a flooding perspective.
- 8.40 Concerns have been raised by third parties in relation to foul water treatment matters. After initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of the proposed development. To prevent sewage flooding, and to ensure sufficient capacity is made available to cope with the proposed development, Thames Water has recommended a condition stating that development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the Local Planning Authority and that no discharge of foul or surface water from the site shall be accepted until the drainage works referred to in the strategy have been completed. For the reasons above, it is considered necessary to attach this condition. A similar condition was attached to the previous permission at the site for the guest accommodation building.

#### Archaeological Impact

- 8.41 The Planning Archaeologist has no objections to the proposal and notes that it would not have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

#### Ecological Impact

- 8.42 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.*
- 8.43 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.* This requirement is echoed by Policy ESD10 of the CLP 2031 Part 1.
- 8.44 Comments have not been received from the Council's Ecology Officer within the consultation period, however comments were received from the Ecology Officer in relation to the previous application for an accommodation building last year. The Ecology Officer raised no objections to the proposal and officers are of the opinion that there have been no changes in circumstances on the site so as to disagree with this assessment. It is therefore considered that the proposal is unlikely to harm any protected species.

#### Sustainability and Energy Efficiency

- 8.45 Policy ESD1 of the Cherwell Local Plan Part 1 states measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the Cherwell Local Plan Part 1 seeks to achieve carbon emission reductions. Policy ESD3 of the Cherwell Local Plan Part 1 encourages sustainable construction and states that all non-residential development will be expected to meet at least BREEAM 'Very Good' with immediate effect.
- 8.46 A Sustainability and Environmental Statement has been submitted within the Design and Access Statement by the applicant's agent, which notes that the building has been designed to maximise the use of natural daylight, utilise natural ventilation to reduce energy consumption, use an efficient heating system, include energy saving glass and use locally sourced materials. Given the scale of the proposed building it is considered that the level of detail provided is sufficient for the proposal to comply with Policies 1-3 of the Cherwell Local Plan Part 1.

#### Other Matters

- 8.47 Concerns have been raised in relation to various breaches of planning control at this site, including a raised bank, but this planning application specifically relates to a proposed detached accommodation and such planning breaches are not relevant to the determination of this planning application.

8.48 A third party has noted that a new pedestrian access is displayed on the site location plan to the south of the site, but that this is not specified on the application form. However, such an access is not clearly displayed on the site layout plan and is not considered to form part of the current application. In any event the removal of fencing to achieve this access would not itself require planning permission, nor would such a pedestrian access cause significant highway safety concerns.

## 9. CONCLUSION

9.1 The development is considered to be acceptable, especially having regard to the recent planning history of the site. It is considered that the public benefits of development, this being the long term viability of an important community facility, outweighs the less than substantial harm to the Grade II listed building. The proposal would also not have a detrimental impact upon neighbour amenity, highway safety, flooding risk or any protected species. The proposal is therefore in accordance with the Policies outlined in Section 7 of this report.

## 9. 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;
- Design and Access Statement by Oxford Architects dated June 2016 submitted with the application;
- Drawing Numbers: 010 Revision P1; and 022 Revision P1 submitted with the application; and
- Drawing Numbers; 020 Revision P2; 021 Revision P2; 025 Revision P2; and 026 Revision P2 received from the applicant's agent by e-mail on 11<sup>th</sup> November 2016.

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

3. The development hereby approved shall only proceed and be occupied in accordance with the recommendations contained in Sections 7 (Flood Warning and Dry Route of Escape) and 8 (Emergency Planning) of the Flood Risk Assessment prepared by Infrastruct CS Ltd dated October 2014 received from the applicant's agent by e-mail on 25<sup>th</sup> March 2015.

Reason – To protect the development and its occupants from the increased risk of flooding

and in order to comply with Policy ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, full details of a drainage strategy for the entire site, detailing all on and/or off site drainage works required in relation to the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the drainage works shall be carried out and completed in accordance with the approved strategy, until which time no discharge of foul or surface water from the site shall be accepted into the public system.

Reason – To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policies ESD6 and ESD7 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural stone to match the stonework on the existing building (The Lion), 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 materials used on the nearby Grade II listed building, to preserve the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy and C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, samples of the slate 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.

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

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

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the nearby Grade II listed building, to preserve the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local



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

8. Full details of any external lighting to be fixed on the buildings hereby approved and on the ground shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter the external lighting shall only be installed in accordance with the approved details.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from excessive lighting in accordance with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy ENV1 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, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter, the development shall be carried out in accordance with the approved 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 saved 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.

10. 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 saved 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.

11. The rain water goods to be used shall be constructed from cast iron or profiled aluminium and shall be painted or finished black, unless alternative details are submitted to and approved in writing by the Local Planning Authority.

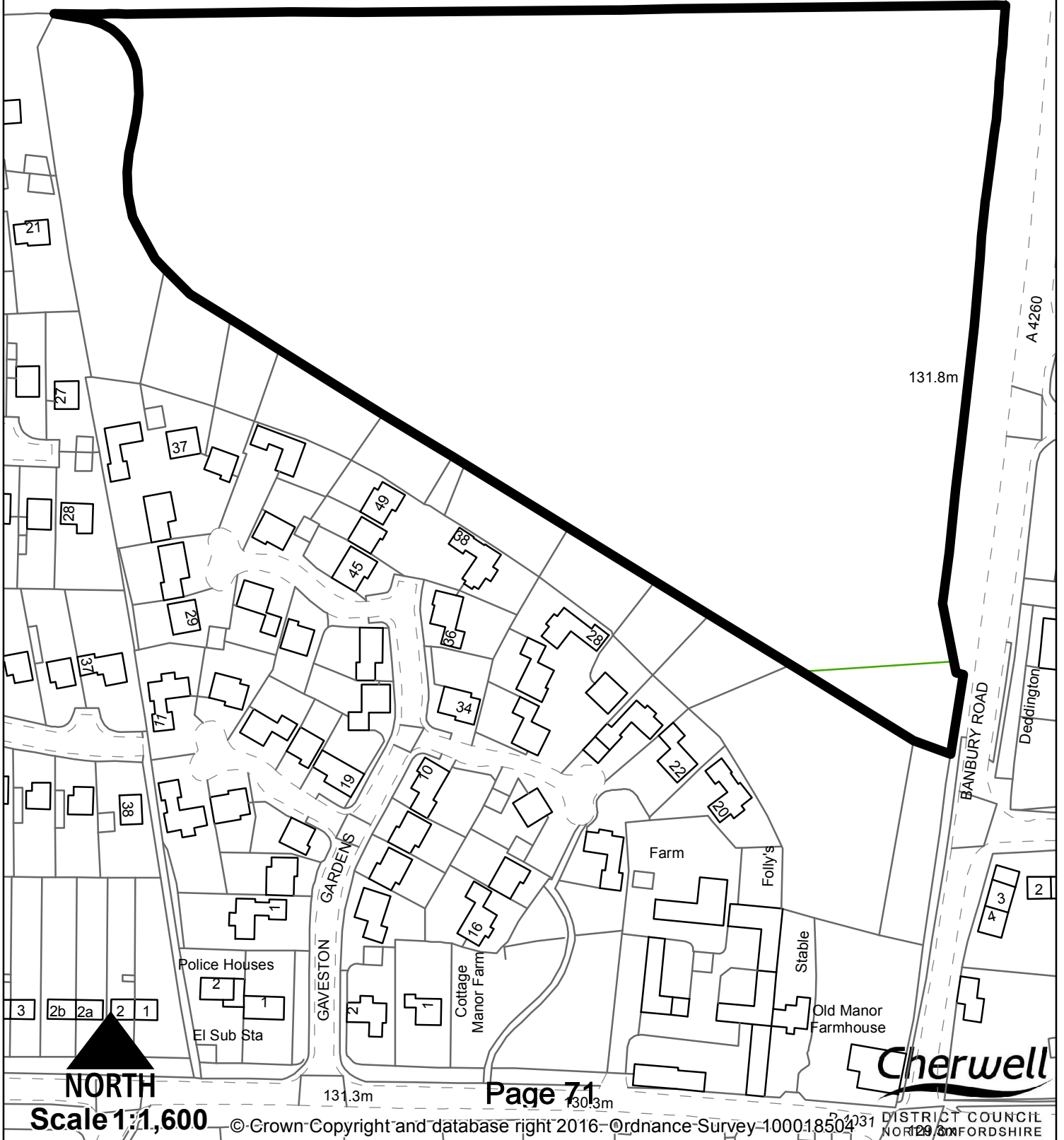
Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the nearby Grade II listed building, to preserve the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy and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

### **PLANNING NOTES**

1. In relation to condition 3, Thames Water has noted that the receiving foul sewer may not have sufficient spare capacity to accommodate the predicted net foul flow increase from the proposed development. Thames Water has therefore requested that an impact study be undertaken, before the submission of a drainage strategy, to ascertain with a greater degree of certainty whether the proposed development will lead to overloading of existing infrastructure, and, if required, recommend network upgrades.
2. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
3. 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.
4. 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.

# 16/01548/F

Land North Of Gaveston Gardens  
And Rear Of Manor Farm  
Banbury Road  
Deddington

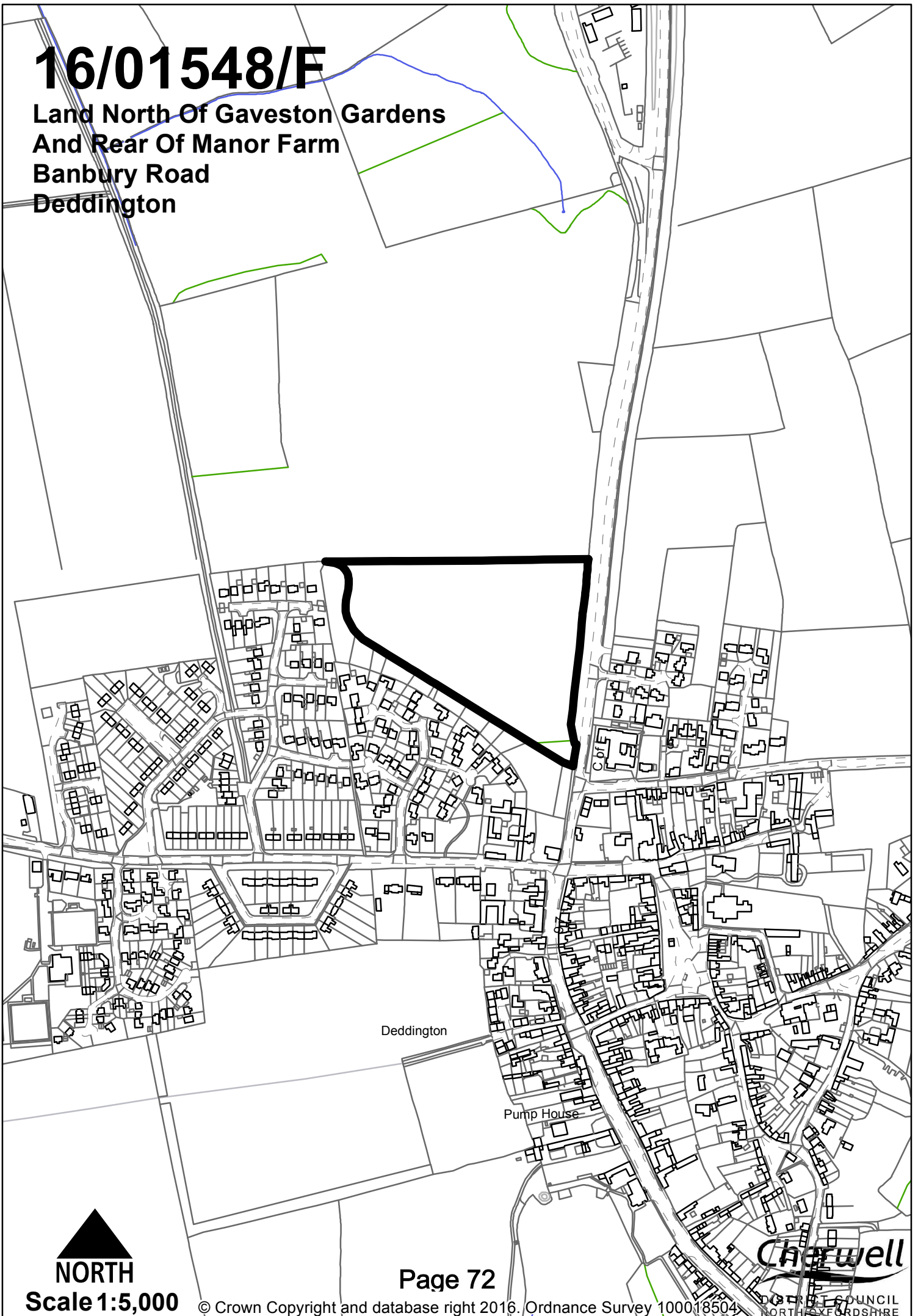


NORTH

Scale 1:1,600

# 16/01548/F

Land North Of Gaveston Gardens  
And Rear Of Manor Farm  
Banbury Road  
Deddington



**NORTH**  
**Scale 1:5,000**

**Site Address:** Land North of Gaveston  
Gardens and Rear of Manor Farm, Banbury  
Road, Deddington

**16/01548/F**

**Case Officer:** Linda Griffiths

**Recommendation:** Approval

**Ward:** Deddington

**Ward Members:** Cllrs Brown,  
Kerford-Byrnes and Williams

**Committee Date:** 24<sup>th</sup> November  
2016

**Referral Reason - Major**

**Applicant:** David Wilson Homes (Mercia)

**Application Description:** Full planning application for residential development of 99 dwellings (Use Class C3) together with parking, public open space, landscaping and associated infrastructure

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

- 1.1 The application site is located to the north of Deddington, to the west of the A4260 Banbury Road and just north of Gaveston Gardens, and existing residential estate. The site is currently in agricultural use and has an existing field gate from the A4260. The site lies just outside the Deddington Conservation Area and the historic core of the village. There have been some legally protected species recorded within the vicinity and there is potential for the site to be contaminated, however, there are no other site constraints.
- 1.2 The application seeks consent for the erection of 99 dwellings and associated infrastructure. Access will be from a new vehicular access directly to the A4260 just north of Deddington Primary School which is located on the opposite side of the road.
- 1.3 The site is located on a plateau at the northern end of the village and comprises approximately 3.8 hectares. The site rises gently across the site from the south eastern corner to the north western corner by approximately 2 metres. The site is bounded along the A4260 Banbury Road frontage by an existing hedgerow and trees, and along its northern boundary with the open countryside, an existing hedgerow and row of trees. The trees along this northern boundary are protected by a Tree Preservation Order. The southern and western boundaries of the site abut the modern development of Gaveston Gardens and The Daedings.

## **2. Application Publicity**

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

29 letters of objection have been received, the comments are summarised below:

- Increased traffic causing more congestion and frustration on the roads, our attractive Market Place has become a large, ugly car park
- Another lovely Oxfordshire Village ruined with totally unsuitable and unsustainable development
- Land already has permission for 85 dwellings and this re-submission ignores

the previous rejection

- Concerned that the roads will not be built to OCC standards, becoming a liability for residents and issues with refuse collection
- Density is too high at 26dph and significantly higher than Gaveston Gardens and nearby new developments, therefore not in accordance with saved policy C30(i)
- Existing housing is 2 storey rather than 2.5 as proposed, is too cramped and not appropriate to the village
- Many of the houses have garages and car barns that are too small for standard cars raising further issues with car parking
- Concerns regarding parking in Gaveston Gardens with the footpath connection remains an issue
- Little different from previous refusal
- No indication that grey water recycling has been considered which can reduce water consumption by up to 40%
- Insufficient parking provision
- Due to the inadequate access to the site, the proposal will adversely affect the character and amenity of the area
- Banbury Road is already heavily congested at peak times and therefore traffic will have difficulty leaving this site
- Sewers were laid more than 80 years ago and from the centre of the village carry combined foul and surface water. There have been instances where these sewers have surcharged and also when the pumping station in Chapman's Lane has been unable to cope. The addition of 15% more houses, without a significant upgrade to the system can only create problems for the future
- Increased impact on services such as the school and doctor's surgery
- The Toucan crossing will add to traffic delays on the Banbury Road
- What has changed in the provision of services that led Thames Water to drop their objections, do they now support 99
- Who will be responsible for the upkeep of the open space and play area, burden will be on residents
- The SHLAA suggested a yield of 50 for this site due to its sensitive location and relationship with the wider countryside at the entrance into the village and proximity to the conservation area which includes a number of listed buildings and therefore careful design would be needed
- Incompatible with neighbouring developments which are all two stories, detached and the majority have two garages and parking for two cars on a driveway
- Appears that the estate roads will not be built to OCC standards and they will therefore be un-adopted. CDC is not obliged to send refuse vehicles over private roads if there are access or liability issues
- Support comments of the Parish council
- Appreciate the increased use of local stone but this will do nothing to mitigate the developments high density unsympathetic design and the lack of chimneys which are a feature of the villages existing housing stock
- Views of sensitive receptors have been ignored
- Affordable housing provision has been rounded down rather than up

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

Deddington Development Watch comment as follows:

- Adjacent development is at a far lower density and is only 2 storey in height. SHLAA 2013 suggested a yield of only 50 dwellings due to the sensitive nature of the site. Contrary to BSC2 and Saved Policy C30(i)
- Proposed 2.5 storey dwellings with their prominent rooflines, far from replicating the listed buildings in High Street will draw attention to the

existence of modern high density development intruding into the countryside and inadequately screened, especially during the winter months and giving a hard edge to the settlement boundary and detract from the local environment

- The inclusion of a significant proportion of ironstone is welcomed, but even these 'traditional' designs lack any chimneys to reflect local character and vernacular architecture and will therefore appear incongruous
- Garages substandard sizes
- Concern that roads will not be adopted and burden of maintenance on future occupiers
- Drainage has not yet been approved
- Affordable housing figure should be rounded up rather than down and units in northern part of the site are less well integrated
- Concerns about link to Gaveston Gardens which should be a pedestrian link only
- Landscape and visual impacts appraisal does not properly and fully address the impacts of the current proposal
- Increased traffic
- Transport assessment is flawed and it is questionable whether the data uploaded into the LinSig for existing volumes gives a realistic picture of the existing situation in Deddington and no account is given of the additional traffic generated by new housing developments in Banbury
- This is good quality agricultural land
- Refuse collection

These comments can be read in full on the application file.

### **3. Consultations**

#### **3.1 Deddington Parish Council: object as summarised below**

- No detailed access arrangement and welcome OCC request that the agreed junction layout and footpath provision from the previous reserve matters application should be applied to this application
- Link to the traffic signals at the new Toucan Crossing and existing traffic lights should be noted on the access drawings
- Cycle parking provision below OCC standards
- Refuse tracking vehicle size is inadequate
- Roads, play areas and open space should be adopted rather than maintained through a management company
- Welcome the request for an up-dated traffic count
- Public transport section is out of date
- Original approval for 85 given when CDC did not have a 5 year housing land supply. Previous application for 99 has been refused
- No obligation for CDC to collect refuse bins from private access roads, adoptable road infrastructure should be a requirement of planning
- Concerned that developer may request amendments to approved footpath connections. A condition should require compliance with the entire original design including the extension and widening of the footpath from the north west corner of the A4260/B4031 junction to the site pedestrian entrance along the west side of A4260.
- Must ensure that 35% affordable housing provision can be delivered
- Density is too high as is significantly higher than adjacent developments
- Acknowledge improved design, use of stone and tenure blind nature of affordable housing
- Deddington Neighbourhood Plan is close to being submitted to CDC. One of the policies requires roads to be built to adoptable standard, privately

maintained roads will conflict with this policy

- Whilst we can understand the reasoning in the officer's report regarding the benefits of the Cherwell housing supply situation of delivering an additional 14 units on an existing site, request that it is refused, thereby limiting development on the site to 85 with 35% affordable housing giving Deddington a less dense and more acceptable development.

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

### **Cherwell District Council Consultees**

- 3.2 Planning Policy Officer: no policy objection raised in principle. Although this is a sizeable development in the village, 85 dwellings have been previously approved on this site and this proposal would create 14 additional dwellings which will contribute to the Council's five year housing land supply. No additional land release would be required. Deddington is one of the most sustainable villages in the district and has had a modest record of housing completions since 2006 in comparison to other Category A Villages such as Adderbury, Ambrosden, Arncott, Bloxham and Yarnton.

These comments can be read in full on the application file.

- 3.3 Business Support Unit: It is estimated that this development has the potential to attract New Homes Bonus of approximately £817,425.31 over 6 years under current arrangements for the Council including an additional sum paid per affordable home.

- 3.4 Housing Officer: Ordinarily the Council in agreement with the applicant would round up the affordable housing provision to 35 units, in this case the applicant has requested that a commuted sum will be paid in lieu of the 0.65 unit. This is permitted under current local plan policy and as such is agreeable in this circumstance. The commuted sum amount of £67,000 will need to be detailed and prescribed within S106

The applicant has detailed the correct tenure split and unit mix but the 3 bed property on plot 45 should be semi-detached as detached properties are too expensive in this location.

The clustering arrangement is acceptable, but all of the 2 and 3 bed properties should have 2 parking spaces, some only have one space.

- 3.5 Environmental Protection Officer: No comments received

- 3.6 Landscape Officer: No comments received

Ecology Officer: No comments received

### **Oxfordshire County Council Consultees**

- 3.7 Highways Liaison Officer: does not raise objections but comments on a number of issues relating to the access arrangements, Transport assessment, refuse collection and travel plan. These comments can be read in full on the application file and are discussed further in the report under transport and access. A number of conditions are recommended should planning permission be granted.

- 3.8 Drainage Officer: Objection. These comments can be read in full on the application file and are discussed in the report in respect of drainage and flooding.



## Other Consultees

3.9 Environment Agency: No comments received

3.10 Thames Water: No objection

## 4. Relevant National and Local Policy and Guidance

### 4.1 Development Plan Policy

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

The Cherwell local Plan Part 1 2011-2031 was formally adopted by Cherwell District Council on 20<sup>th</sup> July 2015 and provides the strategic planning framework for the district to 2031. The Cherwell local Plan Part 1 replaced a number of the saved policies of the adopted Cherwell local Plan Part 1996 and although 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 considerations indicate otherwise. The relevant policies are as follows:

BSC1: District wide housing distribution  
BSC2: Effective and efficient use of land  
BSC3: Affordable housing  
BSC4: Housing mix  
BSC7: Meeting education needs  
BSC8: securing health and well-being  
BSC9: Public services and utilities  
BSC10: Open space, outdoor sport 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  
ESD7: Sustainable drainage systems  
ESD10: Protection and enhancement of biodiversity and the natural environment  
ESD15: Character of the built environment  
Policy Villages 1: Village categorisation  
Policy Villages 2: Distributing growth across rural areas  
Policy INF1: Infrastructure

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

H18: New dwellings in the countryside  
C8: Sporadic development in the open countryside  
C28: Layout, design and external appearance of new development  
C30: Design of new residential development  
C33: Protection of important gaps of undeveloped land  
ENV12: Contaminated land  
TR1: Transportation funding

### 4.2 Other Material Policy and Guidance

National Planning Policy Framework

National Planning Policy Guidance

CDC Planning Guidance/Documents

- Building in Harmony with the Environment SPG
- Countryside Design Guide Summary SPG
- Planning Obligations Draft SPD 2011
- Deddington Conservation Area Appraisal

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of development
- Design and layout
- Housing mix
- Transport and highway safety
- Ecology
- Flood risk
- Impact on heritage assets
- Contaminated land
- Landscape impact, open space and play provision
- Planning obligation

### Relevant Planning History

5.2 Outline planning permission was granted at appeal following the refusal of planning permission for 85 dwellings on the site in December 2013 (13/00301/OUT) refers. Reserved matters consent was subsequently granted in May 2015 (14/02111/REM) refers. That consent has been implemented by a start on site in June of this year to create the new access into the site. A number of pre-commencement conditions attached to the original outline consent have now been discharged, although to date drainage remains outstanding. There is therefore an extant planning permission for residential development on the site.

5.3 In July 2016 Planning Committee considered a new detailed application by the applicant, David Wilson Homes, for the erection of 99 dwellings on the site (16/00053/F) refers. The Committee refused planning permission, (contrary to Officer recommendation) for the following reasons:

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

and the advice within the National Planning Policy Framework.

- 5.4 There have been no pre-application discussions in respect of the submission of this current application which is a re-submission of the previously refused application. The only changes appear to relate to the revised Flood Risk Assessment which is considered below.

### **Principle of Development**

- 5.5 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 so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 also requires that regard is to be had to the development plan for the purpose of any determination to be had under the plan, unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.
- 5.6 The application site is outside the current built up limits of Deddington Village on the western side of the Banbury Road, in open countryside, and the proposal is for large scale residential development of 99 new dwellings with associated infrastructure, including open space. The site is not allocated for development in any of the adopted Local Plans comprising the Development Plan. The site however does benefit from an extant planning permission for the erection of 85 dwellings on the site which has been implemented and the development is now under construction. This has established the principle of residential development on the site and is a material consideration.

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

- 5.7 The Cherwell Local Plan Part 1 has been through Examination, has been considered by Full Council, is now adopted and is consistent with the NPPF. Policy Villages 1 and 2 are both relevant to this application and were considered by the Examination Inspector to be sound. Policy Villages 1 of the Plan relates to proposals for residential development within the built up limits of villages and designates Deddington as a Category A village and therefore one of the more sustainable based on criteria such as population, size, range of services and facilities and access to public transport. Deddington Village centre includes a range of services and facilities and has both a primary school and doctor's surgery. This policy allows for minor development, infilling and conversions. In assessing whether proposals constitute acceptable minor development, certain criteria are used as follows:
- The size of the village and level of service provision
  - Site's context within existing built development
  - Whether it is in keeping with the character and form of the village
  - Careful consideration of the appropriate scale of the development
- 5.8 The application proposal is not 'minor' development, nor is it within the built up limits of the village of Deddington in relation to the western side of the A4260 Banbury Road. The proposal in principle therefore is not in accordance with Policy Villages 1. It should be noted however, that, this does not mean that development outside villages cannot take place, but regard must be had to Policy Villages 2 in that respect.
- 5.9 Policy Villages 2 of the Plan seeks to distribute the amount of growth that can be expected in villages, although how the numbers will be distributed is not specified, as precise allocations within each village will be set out in Local Plan part 2.

- 5.10 Policy Villages 2 provides for sites to be identified, both in the plan making process, that is, through the preparation of the Local Plan Part 2, including Neighbourhood Plans where applicable and through the determination of applications for planning permission. In identifying and considering sites, it states that regard should be had to various criteria, including whether land has been previously developed or is of lesser environmental value, and, whether the development would contribute in enhancing the built environment. This policy states that a total of 750 homes will be delivered in Category A Villages. This is in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings at March 2014.
- 5.11 Considerable progress has been made to meeting the rural allocation, the 2015 AMR (January 2016) shows that there are 280 dwellings to be identified of the 750 homes for the remaining plan period (up to 2031). As such there is a clear realistic prospect of the rural areas allocation being met in full, through approved developments and through allocations within Local Plan Part 2. In the interest of proper planning and to ensure the most sustainable distribution of the remaining 280, there should not be a concentration of new buildings in just a few Category A villages. It is also considered that not all the allocation should be used so early on in the Plan Period as this would leave the Plan unable to respond to future needs. There were 20 housing completions in Deddington between 2006 and 2011 and another 21 completions between 2011 and 2015.
- 5.12 It should also be noted that the Examination Inspector commented in respect of the adopted Cherwell Local Plan 2011-2031 that it *'properly seeks to alter the local pattern of recent housing growth, as a disproportionate percentage (almost half) has taken place in smaller settlements, adding to commuting by car and congestion on the road network at peak hours'*. He also commented that there is a *'significant level of housing land supply already available in the rural areas'*.
- 5.13 The principle of development on this site would conflict with Policy Villages 2 in that it would result in the loss of open agricultural land beyond the existing built up limits of the village along the western side of A4260 Banbury Road and was not previously developed land or of a lesser environmental value. The site however benefits from an extant planning permission for 85 dwellings, and the construction of these dwellings has now begun on site. The principle of residential development is therefore clearly established and is an important material consideration in considering whether an additional 14 units across the site causes demonstrable harm to the character of the area contrary to the policies contained within the Development Plan and Government advice within the NPPF. The proposal would assist further in meeting the overall Policy Villages 2 requirements.

#### **National Planning Policy Framework**

- 5.14 The purpose of the planning system is to contribute to the achievement of sustainable development. The National Planning Policy Framework (NPPF) sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 70). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to:
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
  - Always seek to secure a high quality design and good standard of amenity for all existing and future occupants of land and buildings
  - Proactively drive and support sustainable economic development

- Support the transition to a low carbon future in a changing climate
- Encourage the effective use of land by re-using land that has been previously developed
- Promote mixed use developments
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable
- Deliver sufficient community and cultural facilities and services to meet local needs

5.15 The NPPF at paragraph 14 states 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both planning and decision taking....for decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where a development plan is absent, silent or relevant policies are out of date, granting permission unless;
- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific [policies in this framework indicate development should be restricted

#### **Five Year Housing Land Supply**

5.16 From 1<sup>st</sup> April 2016 the Council's AMR 2015 (January 2016) identifies that the Council has a 5.6 year Housing Land Supply for the current five year period 2016-2021. The permitted 85 dwellings are already included in the five year housing land supply. The additional 14 dwellings proposed by this application would also contribute to that housing land supply.

5.17 The Council's Housing Land Supply position has been upheld by the Planning Inspectorate in respect of a number of recent appeals, the most recent in respect to an appeal relating to the erection of 75 dwellings at Kirtlington (14/01239/OUT refers).

#### **Design and Layout**

5.18 Section 7 of the NPPF – 'requiring good design' attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people'.

5.19 The NPPF also advises at paragraph 60 that developments should seek to achieve a strong sense of place and whilst particular tastes or styles should not be discouraged, it is proper to promote or reinforce local distinctiveness.

5.20 Paragraph 61 also states 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'. This site is located on the edge of the village of Deddington close to the historic core and the Deddington Conservation Area. The development must also have regard to the adjacent development in terms of integration, with appropriate connections between, a footpath connection is therefore shown between this development and Gaveston Gardens adjacent. This link will also be provided as part of the extant planning consent as it was required by the Planning Inspector as part of the appeal

consideration. A footpath/cycle link is also shown from the south eastern corner of the development onto the Banbury Road. In terms of its proximity to the Deddington Conservation Area and the historic core of the village, the Planning Inspector in determining the appeal also encouraged that the development should respond to the historic character of Deddington rather than the more 21<sup>st</sup> Century development. This is one of the key entry points into the village and it is therefore important that the proposed development provides an appropriate 'gateway setting', both in terms of the design, positioning of dwellings and choice of materials.

- 5.21 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural context within which it sits. The Cherwell local Plan 1996 contains saved Policies C28 and C30. Policy C28 states that 'control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character, layout, scale and density of existing dwellings in the locality and to ensure appropriate standards of amenity. Policy ESD15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement.
- 5.22 The appearance of new development and its relationship with its surroundings and its natural and built environment can have a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance.
- 5.23 Cherwell district is divided into four distinct character areas, each one exhibiting its own specific characteristics. Deddington is located within the 'Ironstone Downs Character Area' where typically two storey terraced and detached houses constructed of ironstone dominate the historic core, although larger scale buildings and dwellings are found along High Street and within Market Square. Dwellings of traditional vernacular in North Oxfordshire have narrow gable spans and steeply pitched roofs. A major contributor to the historic core of Deddington and the conservation Area is the predominance of vernacular buildings constructed in local stone. Due to the relative softness of ironstone, traditional vernacular also tends to be in the form of simple wide fronted units with minimal detailing. Natural slate is also a predominant roof material and ironstone boundary walls are also an important and prominent feature within the Conservation Area.
- 5.24 The submitted application seeks to replicate the existing approved road and infrastructure layout already established for the site and is unchanged from the scheme previously considered and refused by Members in July 2016. The Banbury Road frontage has been designed to create a strong built form, constructed in natural ironstone, similar to the existing development found along High Street with parking provided at the rear, again, in a similar manner to parking provision along High Street. The dwellings along this frontage are a mix of 2 and 2.5 storey dwellings. The area around the central open space has also been designed to create a strong frontage overlooking it and built predominantly in natural ironstone. This submission following previous negotiations in respect of the refused application proposes that 45 properties (45.5%) will be constructed in natural ironstone, this compares with 33% on the approved reserve matters scheme.
- 5.25 In terms of legibility through the site, this submission, in line with the approved reserve matters consent seeks to establish a 'Landmark Building' at the head of the main access route into the development. The Design and Access Statement advises that this building has taken its cue from 'The Hermitage' in Market Square, it was

originally proposed to be constructed in render but was amended to natural stone to help frame the central open space and continue the rhythm of materials around it which are shown in natural stone.

5.26 In terms of neighbour impact, a number of objections have been received from residents in Gaveston Gardens who have expressed concerns about potential overlooking from properties which front the landscape belt which was provided in conjunction with the Gaveston Gardens development to mitigate the impact of the development on the approach into Deddington from the north. Dwellings fronting towards Gaveston Gardens are set back approximately 15m from this boundary. This together with the overall depth of the landscape buffer of 15m gives a total distance of approximately 30m from the front of these properties to the rear garden boundaries of the properties in Gaveston Gardens. It is considered therefore that due to the distances involved that overlooking and loss of privacy is not sufficiently harmful to justify refusal of this application. Furthermore this exceeds the distance between the properties as approved under the reserve matters consent.

5.27 In terms of the design of the dwellings, these remain unchanged from the application which was previously refused at the Planning Committee meeting in July (16/00053/F refers). A variety of open canopies are proposed for the front of each dwelling, and occasional bays are proposed at ground floor level. Roofing materials will be a mix of natural slate for the ironstone properties with plain clay tiles elsewhere. Many of the house type designs are based on the house types used at Adderbury fields which is also a development by David Wilson Homes.

#### **Housing Mix**

5.28 This application for 99 dwellings proposes 65 market houses and 34 affordable housing units with a mix as follows:

Open Market	Affordable
1x2 bed flat over garage	8x1 bed house (rent)
6x2 bed house	13x2 bed (rent)
19x3 bed house	3x3 bed house (rent)
29x4 bed house	9x2 bed house (shared ownership)
10x5 bed house	1x3 bed house (shared ownership)

5.29 Policy BSC4 of the adopted Cherwell Local Plan (Part 1) 2011-2031 requires that the mix of housing is negotiated having regard to the Council's most up to date evidence on housing need and available evidence from developers on local market conditions. The affordable housing mix has been agreed with Cherwell District Council housing officers.

5.30 The increase number of units to 99 dwellings has sought to address Policy BSC4 by providing a mix of market dwellings across the site in response to the desire by local residents to address the need for smaller units for first time buyers and those wishing to downsize but remain in the village. It is considered that whilst the number of units across the site has been increased, this has provided a greater mix of housing sizes to the benefit of the village in accordance with Policy BSC4. It should be noted that the approved reserve matters scheme does not include any 2 bedroom market dwellings.

#### **Transport and Highway Safety**

5.31 A Transport Assessment (TA) has been submitted as part of this application and has been prepared by PFA Consulting on behalf of the applicant. A new vehicular access will be created to the A4260 Banbury Road in the form of a ghost island priority junction as agreed in respect of the extant planning permission. An objection has however been received from OCC as highway authority who advise that the current submission does not include a detailed design of the access arrangement for both

vehicles and pedestrians/cyclists and that details agreed from the previous reserved matters application (14/02111/REM) should be applied. The previously agreed new Toucan crossing should also be linked to the existing traffic lights and this should also be noted on the access drawings. The proposed access is currently being provided as part of the existing permission, just north of the existing 30mph speed limit into the village. The intention is to extend the 30mph limit northwards following development.

- 5.32 OCC as highway authority has assessed the submitted TA. They comment that the TA quotes the Third Oxfordshire Local Transport Plan 2011:2030 which has been superseded by Connecting Oxfordshire 2015-2031: Fourth Transport Plan and should therefore be updated accordingly. The Automatic Traffic Counts were carried out in May 2010, with a supplementary ATC conducted in June 2012, but traffic flows have increased since that time and this is not reflected in the TA. OCC also note that the public transport section also requires updating as a number of subsidised services have been cut and some services are no longer operational. OCC advise that the travel plan should be amended/updated but this element can be conditioned. The applicant is aware of these comments, but has not updated the submission accordingly to date.
- 5.33 In terms of cycle storage, whilst the Travel Plan states that all dwellings without garages will be provided with a shed and Sheffield stand which is acceptable, the garages indicated have internal dimensions which are inferior to OCC standards which requires garages to be 3mx6m to allow space for a car plus cycle storage. Cycle parking around the play area is desirable as it would encourage cycling.
- 5.34 In terms of pedestrian movement, OCC as highway authority advise that the development has been well designed, incorporating a well-connected movement framework which encourages walking and cycling. It is suggested that a rear gate should be incorporated into the rear boundary of plot 50 to allow easy access to the parking court. All visitor parking spaces in lay-by locations must be hard surfaced and have minimum dimensions of 2.4m x 6m with a further hard-standing of 0.8m wide to enable visitors to step out of parked vehicles onto a suitable surface. These matters can be conditioned.
- 5.35 A refuse tracking plan has been submitted which demonstrates that a 10.22m refuse vehicle can access the areas safely. OCC however, advise that tracking should show an 11.3m vehicle, but this is larger than currently required within the CDC Planning and Waste management Design Advice which shows 3 vehicle sizes, 9.62m, 10.22m and 10.52m. Further clarification is also requested by OCC for refuse collection to plots 7-9 but this is not dissimilar to the approved reserve matters.

### **Ecology**

- 5.36 The application is accompanied by a preliminary ecological assessment dated October 2015 and revised December 2015, prepared by Middlemarch Environmental on behalf of the applicant. To fulfil this brief, an ecological desk study and a walkover survey (in accordance with Phase 1 habitat Survey methodology) were undertaken. The desk study exercise identified no European statutory sites within 5km of the survey area, no UK statutory sites within 2km and one non-statutory site, Deddington Mill within 1km. The site is not located within 10km of a statutory site designated for bats. The desk study also provides records of protected and notable species including badger, hedgehog, harvest mouse and birds.
- 5.37 The walkover survey was undertaken on 22<sup>nd</sup> September 2015 and a number of recommendations were made in the report in respect of the key ecological features found. A biodiversity enhancement strategy and reptile method statement has been approved following the discharge of conditions in respect of the outline consent. Development on site has begun.



### **Flood Risk and Drainage**

- 5.38 The application is accompanied by a Flood Risk assessment dated July 2016 and produced by PFA Consulting on behalf of the applicant and includes a surface water drainage strategy for the site. This is an updated FRA to that which was considered in respect of the previously refused application. It is proposed to attenuate discharge from the site to greenfield run-off rates utilising an attenuation basin from which discharge is then to drain to the north west of the site. The attenuation basin which is intended to serve the whole development is located at the south east corner of the development site which is the lowest point of the development site.
- 5.39 Oxfordshire County Council has reviewed the Flood Risk Assessment. They comment that this revised submission is updated with geotechnical results which demonstrate that infiltration techniques are no longer viable at the site.
- 5.40 OCC have submitted an objection to the revised submission as follows:
1. No revised detailed drainage plans have been provided to accompany the new application
  2. Paragraph 4.23 of the revised FRA notes that for exceedance events further consideration of flow paths as part of the detailed design layout is required and therefore clarification/details are required in respect of how the flows have been incorporated into the final design layout and a flood route plan showing the proposed development flow paths back to the pond as suggested
  3. Require confirmation that the proposed basin will provide a permanent wet treatment volume which will provide pollution treatment and amenity value
  4. The micro-drainage calculation sheets provided with the FRA latest up-date do not represent detailed simulation modelling of the piped drainage system and pond. More detailed modelling should be carried out to confirm the pond operates satisfactorily with the revised proposed restricted discharge rate constraint.
  5. Need to confirm whether an easement is required for maintenance access to the Public Open Space. A SUDS management and maintenance plan should be provided. The plan should include a maintenance schedule, site plan showing location of SUDS features and details, maintenance areas and outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan and a health and safety plan where risks are involved in the maintenance activity will be required.
- 5.41 The applicant has been advised of the above objections, but to date have not been addressed by them.

### **Impact on Heritage Assets**

- 5.42 The application site is not within the Deddington Conservation Area, although the boundary lies just to the south of the site. There are no listed buildings on or immediately adjacent to the site. The application is not accompanied by a Heritage Statement although the submission does include an archaeological desk based assessment, produced on behalf of the applicant by CGMS Consulting. The assessment has established that the site has a low potential for significant archaeological remains to be present. No concerns or issues have been raised by OCC Archaeologist in this respect.
- 5.43 The site already has planning consent for residential development, which has now been implemented, and having regard to the above, it is not considered that the development proposed would have a detrimental impact on the setting of the conservation Area or its listed buildings and is unlikely to have any detrimental impact on archaeology and is therefore acceptable and in accordance with Policies ESd13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and advice within the

NPPF in this respect.

**5.44 Contaminated Land**

The application is accompanied by a report which has been produced by Georisk Management on behalf of the applicant dated January 2016. The report presents the findings of the desk study research together with initial conceptual model and assessment of potential geoenvironmental constraints that would need consideration for the proposed future development on the site. The Council's constraints information revealed that there is potentially contaminated land within 50m of the site and there is naturally occurring Arsenic Chromium Nickel on the site.

- 5.45 The Council's Environmental Protection Officer commented in respect of the previous application stating that the previous study highlighted some uncertainties and that therefore he would like to see some intrusive investigation works to confirm the findings of the conceptual model. A number of conditions were therefore recommended in this respect. The revised report submitted with this application is dated July 2016. To date no comments have been received in respect of the updated report, Members will be updated verbally at the meeting in respect of whether this now addresses the previous issues adequately.

**Landscape Impact, Open Space and Play Provision**

- 5.46 Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 relates to the local landscape protection and enhancement and therefore seeks to conserve and enhance distinctive and highly valued local character of the entire district. The site in question was previously identified in the adopted Cherwell Local Plan 1996 as an Area of High Landscape Value, although formal designation relating to the Area of High Landscape Value has been removed, it does not mean that the quality of the landscape is any less important. Policy ESD13 states that: 'development will be expected to respect and enhance local landscape character....and proposals will not be permitted if they would.....cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character...harm the setting of settlements, buildings structures or other landmark features, or, harm the historic value of the landscape'.

- 5.47 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: 'contribute positively to an areas character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmark features or views, in particular within designated landscapes, within Cherwell Valley and within conservation areas and their setting; conserve, sustain and enhance designated and non-designated heritage assets (as defined by the NPPF), including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively designed and integrated in accordance with advice within the NPPF and NPPG. The NPPF also advises that the open countryside should be protected for its own sake.

- 5.48 The application is accompanied by an 'Appraisal of Landscape and Visual Effects' which has been produced by Pegasus on behalf of the applicant. This report was also submitted with the previously refused application (16/00053/F) and has been prepared by Chartered Members of the Landscape Institute and has been undertaken in accordance with best practice guidelines as set out in 'Guidelines for Landscape and Visual Impact Assessment' (third edition April 2013). The assessment has compared the approved scheme with this revised submission and uses viewpoints based on those previously agreed in respect of the appeal proposal and agreed with Cherwell District Council and considered the potential impacts on the landscape character and amenity of the site and surrounding area.

- 5.49 The appraisal concludes that, in terms of visual impact on the wider landscape character or on visual amenity, the submission will have negligible additional impact and that the proposal could be successfully accommodated on site and assimilated into the surrounding landscape with only very localised landscape and visual effects. It is agreed that the revised development proposed would not have any additional impact in terms of landscape impact and impact upon the immediate locality.
- 5.50 The application proposal is therefore acceptable in terms of landscape and visual impact and is considered to accord with Policies ESD13 and ESD15 of the adopted Cherwell Local Plan (Part 1) 2011-2031 and Government advice within the NPPF.
- 5.51 The application also includes information regarding landscape proposals and open space within the site. It indicates the provision of a combined LAP/LEAP (children's play space) centrally within the site and adjacent to the main access route into the development. This accords with the reserve matters approval and is considered acceptable.
- 5.52 In terms of the landscaping proposals within the site itself, the Council's Landscape Officer has been critical of the layout, the number of trees proposed and the quality of landscaping that can be provided within the development having regard to the amount of space available. The submission however, is not dissimilar to that approved under the reserve matters and it is therefore considered to be difficult to resist on these grounds at this time.
- 5.53 The existing tree belt along the northern boundary of the site is protected by a Tree Preservation Order (TPO 17/2015). This tree belt will be retained as part of the development proposal. An Arboricultural Impact Assessment and Method Statement, produced by Pegasus on behalf of the applicant has been submitted with the application. This does not make specific reference to the TPO. This AMS however, has been approved as part of the reserve matters submission and it is therefore accepted.

#### **Planning Obligation**

- 5.54 Due to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing facilities and services and local infrastructure, including schools, community halls, public transport, sports provision, play provision and open space. Affordable housing will also need to be secured as part of the development. Requests for contributions in respect of these have been made as part of the consideration of this application and would need to be secured via a section 106 agreement, to mitigate the impacts of the development in this respect. The Council's legal team have been instructed and an agreement relating to CDC contributions has been drafted.
- 5.55 Policy INF1 of the adopted Cherwell Local Plan 2011-2031 states that 'development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities. Contributions can be secured via a Section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.
- 5.56 The draft Heads of Terms are as follows:
- CDC Obligations
- 35% affordable housing
  - Community halls – £23,261.20 to enhance the Windmill Centre
  - Community development – £23,287.64
  - Public open space maintenance at £12.54m2
  - Balancing pond maintenance at £12.43m2
  - Maintenance of existing hedgerows at £15.35m2
  - Combined LAP/LEAP on site with £129,913.97 maintenance

- Off-site sports provision £123,178.97 to increase capacity of sports pitches in Deddington

#### OCC Obligations

- £397,038 strategic transport contributions for improvements to signalised junction
- £2000 towards installation and maintenance of bus stop flag pole and information cases on Banbury Road
- £1000 per dwelling towards upgraded bus service Deddington to Oxford
- £1,240 Travel plan monitoring fee
- Section 278 agreement for off-site highway works
- No contribution to primary education sought as this development itself does not trigger a need for expansion of primary school capacity
- £510,531 Warriner School expansion
- SEN – no contribution sought due to Reg 123 of CIL Regulations
- £46,206 – Early Years education
- £27,752.35 – Deddington Library

#### **Engagement**

- 5.57 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

#### **Conclusion**

- 5.58 Although this is a sizeable development within Deddington, 85 dwellings have previously been approved on the site and this would allow an additional 14 dwellings which will contribute further towards the Council's five year housing land supply without the need to release any further green field land. Deddington is one of the most sustainable villages within the District and has only received a modest amount of development compared to other Category a settlements. It is considered that there is no additional significant harmful to the setting or character of this village from the additional 14 units. The proposal is therefore in accordance with the Development Plan policies and advice within the NPPF.

### **6. Recommendation**

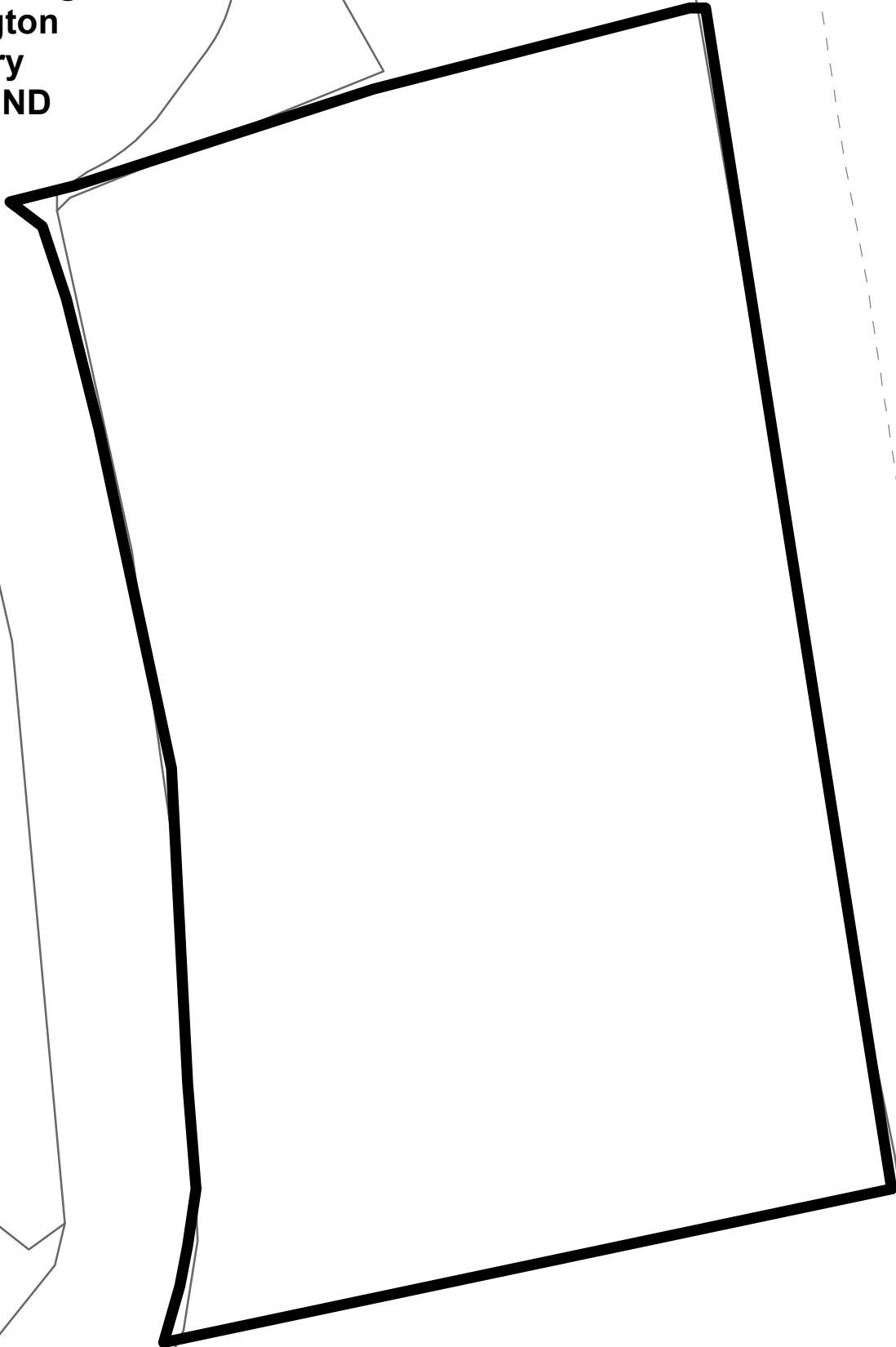
#### **Approval, subject to:**

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined above
- b) The receipt of revised information and detail to overcome the drainage objections
- c) Delegation to officers in conjunction with the Chairman to agree the final conditions, terms of the Section 106 agreement and the drainage issues
- d) the following conditions: TO BE PROVIDED IN FULL prior to the Committee meeting.

**Planning Notes** – will be provided in full prior to the Committee meeting

**16/01740/F**

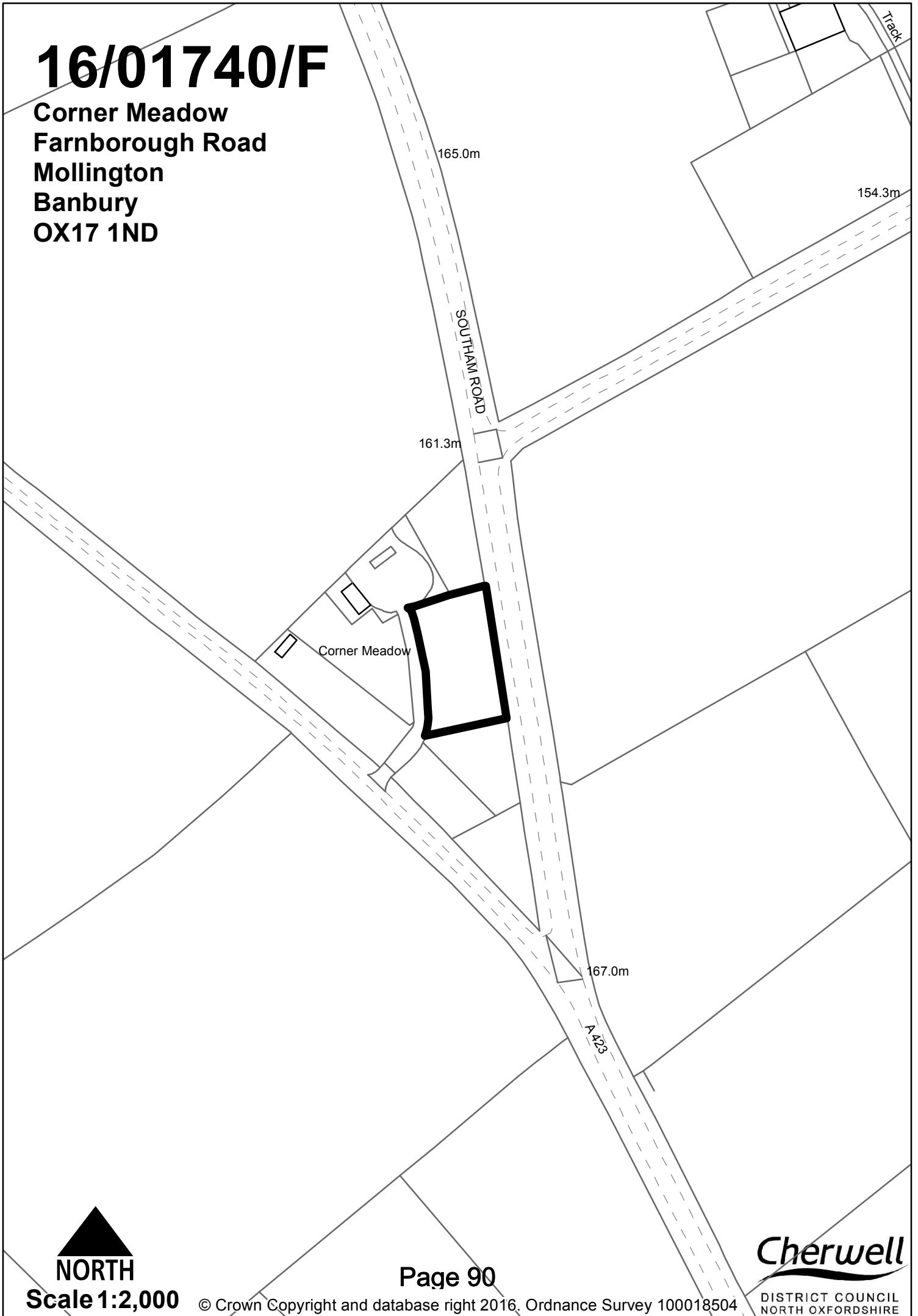
Corner Meadow  
Farnborough Road  
Mollington  
Banbury  
OX17 1ND



**NORTH**  
**Scale 1:300**

# 16/01740/F

Corner Meadow  
Farnborough Road  
Mollington  
Banbury  
OX17 1ND



NORTH

Scale 1:2,000

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Corner Meadow  
Farnborough Road  
Mollington**

**16/01740/F**

**Case Officer:** Bob Neville

**Contact:** 01295 221875

**Applicant:** Mr James Doran

**Proposal:** Change of use of part of the land to provide 6 additional caravan pitches

**Expiry Date:** 28.10.2016

**Ward:** Cropredy, Sibfords & Wroxton

**Committee Date:** 24.11.2016

**Ward Councillors:** Councillors Atack,  
Councillor Reynolds,  
Councillor Webb

**Reason for Referral:** Member call-in in light of public interest raised by Parish Council

**Recommendation:** Approval

## **1 Application Site and Locality**

- 1.1 The Corner Meadow is located immediately to the north of the junction between Farnborough Road and A423 Southam Road, approximately 550m north of the village of Mollington. It is a triangular shaped parcel of land bounded by mature hedgerow and trees also containing a small wooded area on the southern boundary.
- 1.2 The site has a somewhat complex history, given the subdivision of the original site that has taken place. Planning permission was granted in 2009 (ref. 08/00604/F) on appeal for the change of use of the land to accommodate caravans for the purposes of an established gypsy and traveller site. Further consents were subsequently granted in 2009 (09/00622/F) and 2011 (10/01610/F), expanding the area of the gypsy traveller site and permitting the stationing of further caravans, and further consents from 2011 and 2016 increasing the capacity of the overall site are also detailed in the planning history section below.
- 1.3 In 2011 the site was effectively split in half and a close boarded fence erected between the two sites. This has led to Corner Meadow becoming one site on its own and a smaller parcel of land (roughly 1,750sqm) being renamed The Stable Block. Corner Meadow is the site to which this planning application relates. Both the Stable Block and Corner Meadow sites have been the subject of subsequent planning applications and consents, since the original permission, and now across the two sites there are currently eleven authorised gypsy traveller pitches.
- 1.4 Both Corner Meadow and The Stable Block are accessed off the Farnborough Road. The Corner Meadow has its own private access, whilst access for The Stable Block is gained from two separate vehicular accesses again taken off the Farnborough Road.
- 1.5 In terms of site constraints, the site is not within a conservation area and there are no listed buildings within proximity of the site. There are no further notable site constraints relevant to planning and this application.

## **2 Description of Proposed Development**

- 2.1 The application seeks permission for the change of use of an area of land within the wider Corner Meadow site, sitting between existing permitted areas for gypsy traveller pitches, to provide a further 6 additional caravan pitches for use by gypsies or travellers. The proposals would utilise the existing access off the Farnborough Road and would not affect existing parking provision within the site.
- 2.2 The drawings submitted with the application clearly indicate that each pitch would consist of a static caravan with an area of hardstanding for amenity purposes and further hardstanding for parking of a large trailer or touring caravan and vehicle parking. The pitches would be bounded by a post and rail fence and have their own electrical and water supply. Foul water sewage would be disposed of via an existing septic tank.
- 2.3 It should also be noted that a further application (16/01760/F) has also been submitted, for the change of use of land to use as a residential caravan site for gypsy families with 5 pitches and laying of hardstanding, on the adjacent site, 'The Stable Block'. Whilst the applications must be assessed on their own merits, the considerations of the two proposals are largely similar and due regard also needs to be had for the cumulative impacts of both proposals.
- 2.4 Officers have worked with the applicant and his agent during the course of the application. Amended plans have been submitted to reflect not only the proposed layout but also include the layout of existing pitches (to enable a full assessment of the site) and clarification has also been submitted with regards to the potential occupants of the proposed pitches. It should also be noted that the application has gone over the 8 week determination deadline, to enable the application to be presented to planning committee, following the member call-in procedure being instigated.

## **3 Relevant Planning History**

- 3.1 08/00604/F - Change of use of land to use as a residential caravan site for one gypsy family with a total of up to 3 no. caravans, including access improvements, construction of a driveway and laying of a hardstanding - Refused 16 May 2008, but allowed at appeal 31 March 2009  
09/00622/F - Change of use of land to use as a residential caravan site for two Gypsy families with a total of up to 6 caravans, access improvements, construction of a driveway and laying of a hardstanding - Permitted 30 June 2009  
10/00060/DISC - Discharge of Conditions 5 (planting and development scheme) & 6 (5 yr landscape maintenance) of 09/00622/F - Permitted 12 May 2010  
10/01610/F - Change of use from paddock to accommodate an additional mobile home with two associated caravans - Permitted 25 January 2011  
11/00293/F - Additional mobile home with two associated caravans - Permitted 26 May 2011  
11/01383/F - Replacement of flat roof with pitched roof to outbuilding - Permitted 2 December 2011  
Further applications on the adjacent site The Stable Block  
11/00783/F - Vehicular Access - Permitted 15 July 2011  
11/01430/F - Erection of day room - Withdrawn 18 November 2011



11/01808/F - Erection of day room - Re-submission of 11/01430/F - Permitted 23 March 2012

12/01368/F - Change of use of part of land to provide extra space required to accommodate four family caravan pitches, one visitor pitch and retention of existing static caravan (PART RETROSPECTIVE) - Refused 1 March 2013 but subsequently allowed on appeal with partial award of costs 16 January 2014

14/00123/DISC - Discharge of Conditions 5 (Surface water drainage), 6 (foul sewage), & 7 (landscaping) of 12/01368/F - Permitted 2 March 2016

14/00398/F - Construction of new access and turning area - Permitted 3 July 2014

15/02010/F - Variation of Conditions 3 (site layout) and 4 (no. of caravans) of 12/01368/F - Permitted 2 March 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 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 from residents of Mollington have been received in objection as a result of the publicity process and are summarised as follows:

- Number and definition of a pitch needs clarification;
- Application should be considered alongside 16/01760/F because of potential cumulative effects;
- Increase in number of residents across the two sites could equate to 10% of Mollington's total population;
- Potential an unsatisfactory living environment;
- Policy indicates that suitable sites should be within 3 km of a category B village and walking distance of a bus service;
- The site is 3.4km from the centre of Cropredy and there are no bus routes serving either Cropredy or Mollington;
- This proposed development would be outside the village boundary in Green Belt in an area identified as having High Landscape Value; contrary to policy;
- Plans labelled incorrectly.

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 MOLLINGTON PARISH COUNCIL: **Objects and makes the following comments:**

16/01740/F Change of use of part of the land to provide 6 additional caravan pitches Corner Meadow Farnborough Road Mollington Banbury OX17 1ND. Mollington Parish Council objects to this application on the following grounds:

- *The site is at its capacity in terms of both caravans and infrastructure*
- *Caravans appear to be occupied by non gypsy families in contravention to the planning conditions imposed by the Planning Inspector in March 2009 and reinforced by Cherwell District Council*
- *Occupation by non gypsy families demonstrates that this is a commercial development not a gypsy site and that there appears to be a lower demand for gypsy accommodation in this area than stated in the application*
- *The access to the site is from a restricted highway with a blind turn to Southam Road which itself has a 50mph speed limit. This site and any increase in number of caravans will be harmful to highway safety.*
- *The site has no infrastructure link to schools, doctors and other local amenities*
- *The site already exceeds the number allowed in the conditions imposed by the Planning Inspector at appeal in March 2009.*
- *Despite the imposition of conditions the site is still not sufficiently screened*
- *Commercial activities still appear to take place at the site in contravention to the conditions imposed by the Planning Inspector in March 2009*
- *The Planning Inspector imposed a condition regarding a site development scheme, including a schedule of maintenance for a period of 5 years. To date Mollington Parish Council is not aware of this being completed and planning applications have continued in a piecemeal manner.*
- *Application should be discussed by the planning committee not left to officers, in particular in light of the applicant's history of failing to comply with planning conditions without recourse to enforcement measures*
- *As planning applications continue to be submitted piecemeal, in order for the Mollington Parish Council to properly consider the development of this site we would recommend that CDC obtain a site development plan showing how the applicants propose to develop the site in the future before they consider any further planning applications (as specified by the Planning Inspector in March 2009) and provide the parish council with a full copy of the audit carried out into the use of the site, in association with the planning consents and conditions imposed on the site.*

#### STATUTORY CONSULTEES

##### 6.3 HIGHWAYS AUTHORITY: **No objections subject to conditions.**

*'The proposals for a change of use to the land to provide 6 caravans on the site, will sit adjacent to existing pitches to the east that are already in situ. The six new caravan pitches would utilise the existing access into the site, which is already to a suitable standard. The visibility splay of 100m to the south east, although not at the required for a national speed limit road, is not really grounds that I feel I can object upon, given the fact that the access is already functioning and the amount of traffic generated by the new caravans will be minimal.*

*There is an adjacent similar site to the south west of the proposed site, which has its own access and is subject to a separate similar planning application for 5 caravan pitches. Even when considered together, the traffic generated by these extra 11 pitches will be minimal out onto what is a very quiet, straight and rural road.*

*The amount of parking on site is proposed for 12, which is made up of one car space for each pitch and then one trailer and larger towing vehicle. There is ample space for manoeuvring from each pitch and the site'.*

6.4 THAMES WATER: **No objections.**

NON-STATUTORY CONSULTTEES

6.5 OCC ADULT SOCIAL SERVICES: **No comments received.**

6.6 OCC DRAINAGE: **No comments received.**

6.7 OCC GYPSY AND TRAVELLER SERVICES: **No comments received.**

6.8 CDC LICENSING: **No objections.** *'If this permission is granted the site owner will need to apply to the health protection and compliance team for an alteration to the existing caravan site licence'.*

6.9 CDC PLANNING POLICY: **No objections.** The Planning Policy Team's main observations are:

*The adopted Local Plan 2011-2031 provides to meet the identified need for pitches for Gypsies and Travellers.*

*The Government Planning Policy for Traveller Sites (March 2012) will need consideration when considering impacts, alternative sites and personal circumstances and sustainability.*

*Policy BSC 6 provides for 19 net additional pitches from 2012-2031. Since the adoption of the Local Plan there has been a loss of 20 pitches therefore the requirement has now risen to 35 pitches. (2015 AMR)*

*Policy BSC 6 provides a sequential and criteria based approach for identifying suitable locations for new traveller sites whether through site allocations in the Local Plan Part 2 or in the determination of planning applications.*

*The site is within 3km of Mollington which is a Category B satellite village to Cropredy (Policy Villages 1). There is also a regular bus service to Banbury which runs along the nearby Southam Road.*

*The site benefits from an adjacent existing gypsy and traveller site which has already set the precedent for such a use in this location. This proposal would be an extension to this site.*

*The current published five year land supply position for gypsies and travellers is reported in the 2015 AMR. Currently it is 0 years for the period 2016-2021. (Base date: 1 April 2016).*

*This proposal will contribute 6 pitches towards the five year land supply.*

## **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)

PSD1: Presumption in Favour of Sustainable Development

Villages 1: Village Categorisation

BSC 6: Travelling Communities

ESD 7 Sustainable Drainage Systems

ESD 10: 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

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

C8: Sporadic development

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)**

**Planning Policy for Traveller Sites (August 2015) (PPTS).** This document sets out the Government's planning policy specifically for traveller sites and should be read in conjunction with the NPPF.

**Designing Gypsy & Traveller Sites (Good Practice Guide).**

**Gypsies and Travellers: Planning Provisions – Briefing Paper January 2016.** Provides useful background information and summarises changes to the updated PPTS. It is noted however that as this is only a Briefing Paper, it carries very limited weight and should not be relied upon as a substitute for specific advice

**Annual Monitoring Report 2015 (AMR).** Assessment needs to 2020 for gypsy-traveller provision have been completed and the number of pitches is noted (updated by the Planning Policy comment above)

**Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Needs Assessment (2012/2013) (GTAA)**

**Human Rights Act 1998**

**Housing Act 2004**

**The Equality Act 2010**

**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 The NPPF 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 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.
- 8.4 The provision of sites for the travelling community is dealt with within the main housing policy context. The most recent Government guidance relating to this topic can be found in the guidance issued in August 2015 "Planning Policy for Traveller Sites" (PPTS) (revises the original 2012 guidance) which should be read in conjunction with the NPPF.
- 8.5 A Briefing Note issued in January 2016 Gypsies and Travellers: Planning Provisions sets out the planning policies relating to gypsy and traveller provision in an informative way for Members of Parliament. This highlights a change to the definition of "traveller" set out in the revised version of Planning Policy for Traveller Sites.
- 8.6 The Government's overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life that they have whilst at the same time respecting the amenity and appearance of the settled community.
- 8.7 The definition of Gypsies and Travellers reads as follows:  
*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such'.*
- It goes on to state:  
*'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*
- a) *whether they previously led a nomadic habit of life*
  - b) *the reasons for ceasing their nomadic habit of life*
  - c) *whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances'.*
- 8.8 Policy C of the Government guidance advises that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities (LPAs) should ensure that the scale of such sites does not dominate the nearest settled community. In this instance Mollington, with a population in excess of 400 (414 registered people eligible to vote) is the nearest settled community being some 550m to the south of the site. Officers are of the opinion that the proposed increase in numbers occupants at the site (including the cumulative potential total number of pitches as a result of both this application and that at the adjacent site i.e. 11 additional pitches) are not considered such that they would result in an overly dominant relationship between the site and the settlement of Mollington.
- 8.9 Policy H of the same guidance states that LPAs should consider the following matters:
- a) the existing level of local provision and need for sites;
  - b) the availability (or lack) of alternative accommodation for the applicants;
  - c) other personal circumstances of the applicant;
  - d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots

should be used to assess applications that may come forward on unallocated sites;

- e) that they should determine applications for sites from any travellers and not just those with local connections.

8.10 Policy H goes on to advise that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. When considering applications LPAs should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for health lifestyles, such as ensuring adequate landscaping and play areas for children;
- d) not enclosing a sites with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

8.11 Policy BSC6 of the CLP 2011- 2031 echoes the aims and provisions of Government guidance and sets out the district's requirements, stating that Cherwell should provide 19 additional pitches to meet the needs of Gypsies and Travellers from 2012 to 2031. It is considered that in identifying suitable sites with reasonable accessibility to services and facilities the follow sequential approach will be applied:

- i). Within 3km road distance of the built up limits of Banbury, Bicester or a Category A village;
- ii). Within 3km road distance of a Category B village and within 3km road distance of a Category C village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.

8.12 The following criteria will also be considered in assessing the suitability of sites:

- a) Access to GP and other health services;
- b) Access to schools;
- c) Avoiding areas at risk of flooding;
- d) Access to the highway network;
- e) The potential for noise and other disturbance;
- f) The potential for harm to the historic and natural environment;
- g) The ability to provide a satisfactory living environment;
- h) The need to make efficient and effective use of land;
- i) Deliverability, including whether utilities can be provided.
- j) The existing level of provision
- k) The availability of alternatives to applicants

8.13 In the Cherwell Local Plan 1996, Mollington was identified as a Category 1 settlement which allowed for infill, minor development and conversions. In the adopted Cherwell Local Plan 2011-2031, Mollington has been reclassified, although the planning elements remain the same (i.e. infill, minor development and conversions) to a Category B "satellite village". Cropredy, a 'Category A' village lies some 3.1km to the south-east (measured by road to the edge of the village) of the site. Therefore in terms of compliance with Policy BSC 6, this development does not strictly meet the requirements of criterion (i) of this policy relating to sequential tests

for the location of suitable sites. However, there is a bus pick up at the Mollington Turn, off the Southam Road which takes people into Banbury and is therefore compliant with criteria (ii) of the policy. Furthermore the distance from the nearest Cat. A settlement is only marginally more than the maximum prescribed.

- 8.14 In January 2013 the final report for a district-wide Gypsy and Traveller Housing Needs Assessment (GTAA) was completed. This informs the Council in terms of the district provision for gypsy and travellers up to 2031 (GTAA) and has been used to inform Policy BSC6 within the Cherwell Local Plan 2011-2031 Part 1.
- 8.15 The GTAA calculated that Cherwell had a population of 851 gypsies and travellers at the time of the report (not all of whom lived on authorised traveller sites). It goes on to outline that there are 70 authorised pitches throughout the District which are spread over seven sites at that time.
- 8.16 The most recent Annual Monitoring Report (AMR) 2015 (December 2015) states that the entire site (encompassing both Stable Block Corner and Corner Meadow) has a total of 9 authorised pitches; this has subsequently increased with the granting of 15/02010/F in March 2016, with a total of 8 pitches at Stable Block site. (there are therefore 12 approved pitches on these two conjoined sites) The report goes on to outline that at the 31 March 2015 the total number of authorised pitches in Cherwell for Gypsies and Travellers was 61. It states that the District currently has a 2.9 year land supply for accommodation of gypsies and travellers for the period 2015-2020 and a 0.0 year land supply for the period of 2016-2021. The AMR further outlines at 5.38 Table 22, that there is an overall requirement of an additional 23 pitches (taking into account all those that have been completed or projection completions in the period 2016-2021).
- 8.17 Given the above evidence there is clearly an identified need for additional gypsy traveller pitches, whether that be on existing sites or the bringing forward of new sites. It should also be noted that the lack of authorised pitches within the district is to be further exacerbated with the expected closure of the Smith's gypsy traveller site at Bloxham, with the owners giving notice that they plan to close the site on 31 January 2017; which will result in the loss of 20 authorised pitches.
- 8.18 As can be seen from the planning history of the site, the principle of the use of the site as a gypsy and traveller site has clearly been established with the granting of historic permissions on both Corner Meadow and the Stable Block and the site is considered acceptable in general sustainability terms, including access to services and facilities. The site has existing water and electricity supplies and an on-site septic tank to deal with foul water sewage. There is some concern with regard to the capacity of the septic tank and its capability of supporting the additional pitches; it is considered that further information is required on this matter, but that this could be secured through an appropriate condition, should permission be granted.
- 8.19 Officers are of the opinion that the principle of creating 6 additional pitches would be compliant with Policy BSC6 of the CLP 2031 Part 1 and Government guidance contained within the NPPF and would contribute towards the Council's requirement for a five year supply of deliverable sites and is acceptable in principle, subject to further considerations with regard to visual and residential amenity and highway safety discussed further below.

#### Design and impact on the character of the area

- 8.20 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 and layout.

- 8.21 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.
- 8.22 The application site is contained within the wider Corner Meadow site in the applicant's ownership and control and does not extend the use beyond the physical boundaries of the existing site. Views of the proposals would in most part be limited to localised views at the entrance to the site and some glimpsed views through the boundaries; some of which may be more prominent during the winter months.
- 8.23 The site is predominantly visually contained by existing boundary planting, including mature hedgerows and trees and the boundary treatment separating the site from the Stable Block site adjacent to the west and subject to the existing boundaries being retained and maintained officers consider that there would be very little visual impact on the wider area as a result of the proposed development; this would be consistent with views held by the inspector who dealt with the 2013 appeal against the refusal of 12/01368/F, who commented: "*the appeal site's inclusion in an existing permitted gypsy site would conserve the environment of the AHLV avoiding any break out into open countryside from an already defined travellers' site*". It should be noted with the adoption of the new local plan that the Council no longer identifies areas as AHLV (Area of High Landscape Value). The retention of all boundaries could be secured through appropriate conditions to ensure that an adequate screening of the site is maintained.
- 8.24 Whilst the comments of the Parish Council with regard to previous landscaping and maintenance conditions are noted, the conditions attached to the appeal decision of 12/01368/F, with regards to landscaping along the Farnborough Road have been discharged, and officers have previously confirmed that the landscaping had been implemented in accordance with the approved details.
- 8.25 Given the contained nature of the site it is considered that the proposals would not cause any further significant intrusion into the countryside above that which is currently experienced. Visually the proposals are considered by officers to be sympathetic to context and consistent with the provisions and aims of Policies ESD 13 and ESD 15 of the CLP 2031 and Policies C28 and C30 of the CLP 1996 and therefore acceptable in this regard.

#### Residential amenity

- 8.26 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'.
- 8.27 The site is somewhat isolated in terms of its location and there are no residential properties within the immediate vicinity of the site that would be directly affected by the proposals.
- 8.28 With regard to the specific layout, each pitch is approximately 9.5m in width and this is consistent with the approved pitch layout on the adjacent site at the Stable Block, and allows for a gap between the pitches, which affords each one some privacy and avoids overcrowding of the site. The impact on neighbours is therefore limited as each has their own space between the vans. The proposals are considered to comply with Policy ESD 15 of the CLP 2031 and Policies C28 and C30 of the CLP 1996.



### Highway safety

- 8.29 The Highways Authority raises no objection to the proposals, on the basis that they utilise an existing access and that any increase in traffic generation would not be so significant that it would result in any significant detrimental impacts on the local road network. They advise that a condition be imposed on any such permission that would require the proposals to be laid out in accordance with the submitted drawings and all new areas of hardstanding are to be of permeable construction.
- 8.30 Officers see no reason to disagree with this opinion. The proposals would utilise the existing access and would not affect existing parking provision, with each new pitch containing adequate parking provision within its layout. And further, that the requirements of the Highways Authority could be secured through an appropriate condition.
- 8.31 As such it is considered that the proposals would not significantly impact on the safety and convenience of other highway users and is therefore considered by officers to be acceptable in terms of highway safety.

### Other Matters

- 8.32 Allegations have been made with regard to the site being occupied by non-gypsy/travellers, which would be in breach of conditions attached to consents for the existing site. This matter is currently under investigation by the Council's Planning Enforcement Team.
- 8.33 With regard to the proposals for consideration under this application the applicants have confirmed that it is the intention that the proposed pitches would only be for gypsies and travellers that meet the definition set out within Government Policy Guidance contained within the PPTS, and would look to support those families who would potentially be displaced by the closure of the Smith's site at Bloxham. Officers are satisfied that there is a genuine need for further gypsy/traveller pitches and that occupancy of the proposed pitches could be controlled through appropriately worded conditions (which could be enforced against should such a situation arise) and as such the suggestion that the pitches would be occupied by non-gypsy/travellers does not constitute a reason to refuse the application, that could be later sustained should any such refusal on these grounds be appealed.
- 8.34 Comment is made with regard to the labelling of the drawings referring to Stable Block Corner and not Corner Meadow, which has subsequently been resolved with the submission of amended plans. The application form clearly states that the application relates to Corner Meadow and the red line shown on the site location clearly identified the application site boundary and also other land owned or controlled by the applicant (blue outline). Notwithstanding the error on the drawings as originally submitted, officers are satisfied that the application site has been clearly identified and the application could be determined on the information submitted.

## **9 CONCLUSION**

- 9.1 Officers consider that the proposed development assessed within this application is an acceptable form of development which would contribute to meeting the shortfall of the provision of authorised gypsy traveller pitches, which currently exists within the Cherwell District. The site is part of an existing authorised gypsy traveller site, is considered acceptable in generally sustainability terms and can accommodate the proposed layout without causing any undue detrimental impacts on the character and appearance of the landscape or highway safety, whilst providing an acceptable standard of living for both existing and future occupants of the site. The proposals are considered to be consistent with the provisions and aims of the policies identified above and are therefore recommended for approval subject to the schedule of conditions as set out below.

## **10 Recommendation**

10.1 That permission is granted, subject to 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 and drawings labelled: 1073-J-2016-01b and 1073-J-2016-02b.

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 site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (DCLG 2015).

Reason - In view of the special circumstances of the need to provide for gypsies and travellers which is sufficient to justify overriding the normal planning policy consideration which would normally lead to a refusal of planning consent in accordance with Government guidance contained within the National Planning Policy Framework.

4. Development of the permitted layout shall not begin until a scheme for the disposal of foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to the occupation of the first new caravan. Once installed the agreed works shall be maintained as such.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with approved drawing number 1073-J-2016-02a, so that motor vehicles may enter, turn around and leave in a forward direction and vehicles may park off the highway. The manoeuvring area and parking spaces shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter the manoeuvring area and car parking spaces shall be retained in accordance with this condition for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National planning Policy Framework.

6. No commercial activities shall take place on the land, including the storage of materials.

Reason - In order to safeguard the amenities and character of the area and in the interests of highway safety and to comply with saved 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. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site at any time whatsoever.

Reason - In order to safeguard the amenities and character of the area and in the interests of highway safety and to comply with saved 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. No external lighting shall be installed on the site unless details of the position, height and type of lights have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed and operated in accordance with the approved scheme and no other lighting shall be installed or operated.

Reason - In order to safeguard the amenities of the area and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. The existing hedgerow along the eastern boundary of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with saved 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.

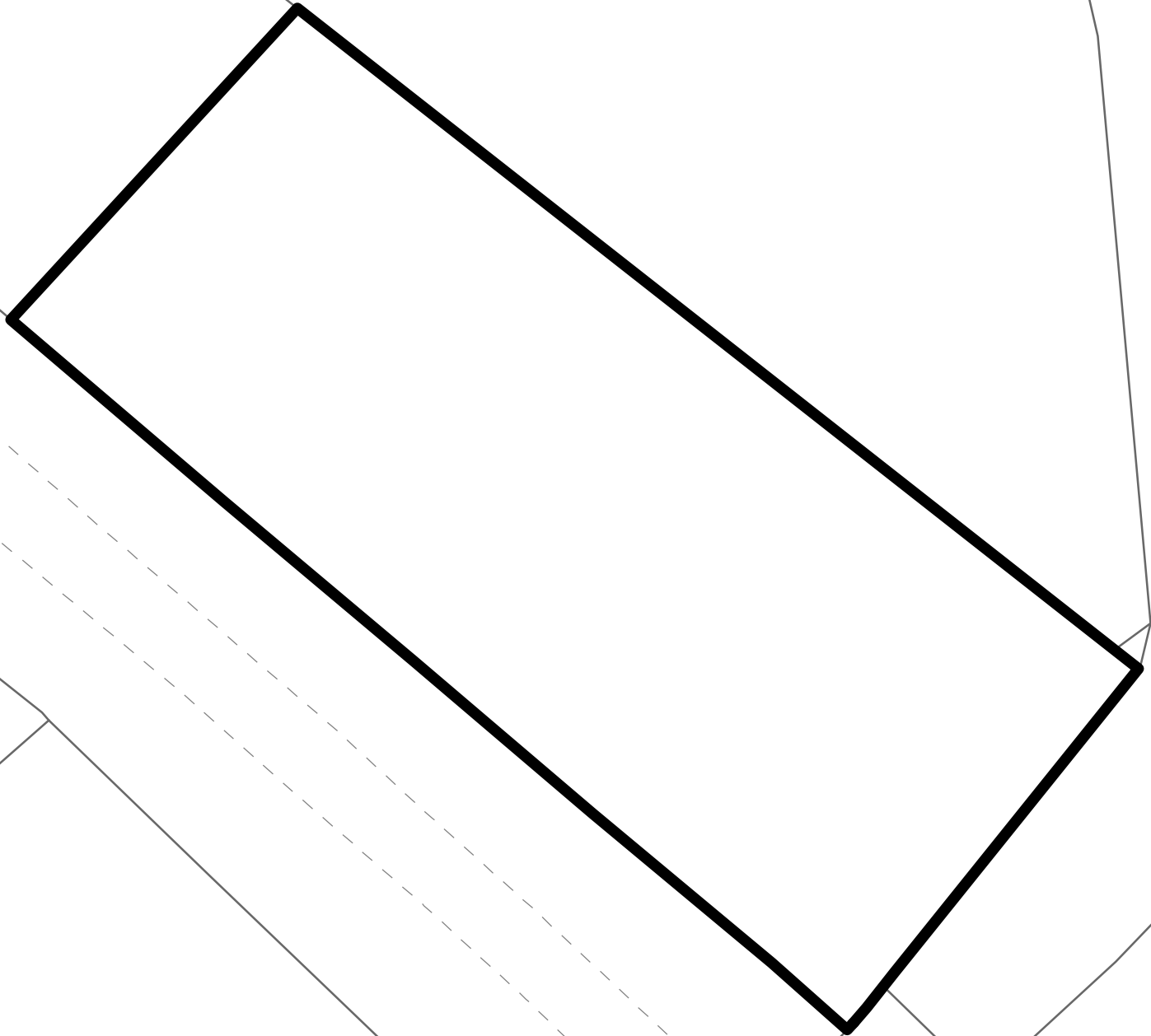
#### PLANNING NOTES

1. 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.

**Agenda Item 11**  
**16/01760/F**

**The Stable Block**  
**Farnborough Road**  
**Mollington**  
**Banbury**  
**OX17 1ND**

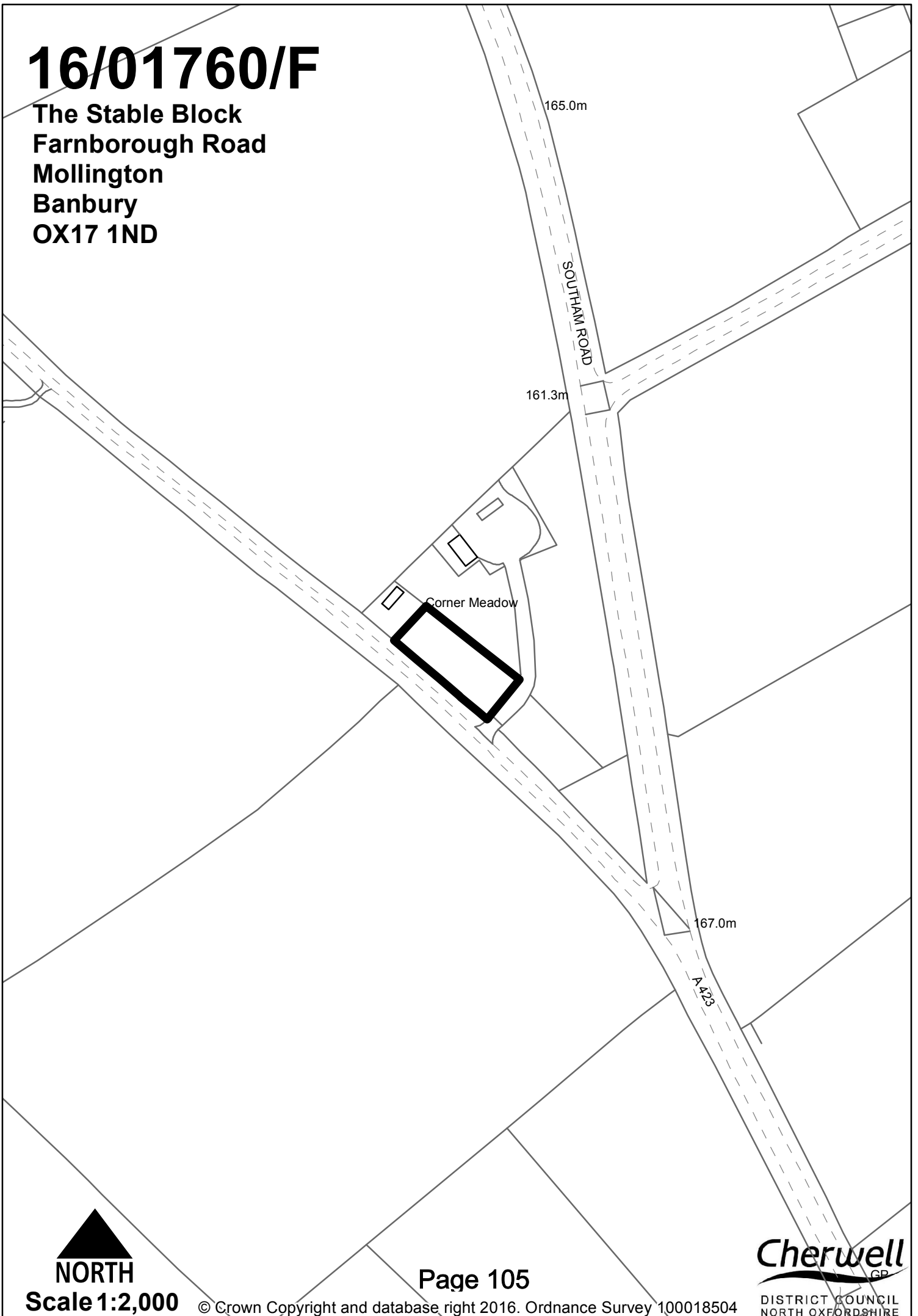
Corner Meadow



**NORTH**  
**Scale 1:300**

# 16/01760/F

The Stable Block  
Farnborough Road  
Mollington  
Banbury  
OX17 1ND



Scale 1:2,000

**The Stable Block  
Farnborough Road  
Mollington**

**16/01760/F**

**Case Officer:** Bob Neville

**Contact:** 01295 221875

**Applicant:** Mr Thomas Doran

**Proposal:** Change of use of land to use as a residential caravan site for gypsy families with 5 caravans and laying of hardstanding.

**Expiry Date:** 26.10.2016

**Ward:** Cropredy, Sibfords & Wroxton

**Committee Date:** 24.11.2016

**Ward Councillors:** Councillors Atack,  
Councillor Reynolds,  
Councillor Webb

**Reason for Referral:** Member call-in in light of public interest raised by Parish Council

**Recommendation:** Approval

## **1 Application Site and Locality**

- 1.1 The Corner Meadow is located immediately to the north of the junction between Farnborough Road and A423 Southam Road, approximately 550m north of the village of Mollington. It is a triangular shaped parcel of land bounded by mature hedgerow and trees also containing a small wooded area on the southern boundary.
- 1.2 The site has a somewhat complex history, given the subdivision of the original site that has taken place. Planning permission was granted in 2009 (ref. 08/00604/F) on appeal for the change of use of the land to accommodate caravans for the purposes of an established gypsy and traveller site. Further consents were subsequently granted in 2009 (09/00622/F) and 2011 (10/01610/F), expanding the area of the gypsy traveller site and permitting the stationing of further caravans, and further consents from 2011 and 2016 increasing the capacity of the overall site are also detailed in the planning history section below.
- 1.3 In 2011 the site was effectively split in half and a close boarded fence erected between the two sites. This has led to Corner Meadow becoming one site on its own and a smaller parcel of land (roughly 1,750sqm) being renamed The Stable Block. The Stable Block is the site to which this planning application relates. Both the Stable Block and Corner Meadow sites have been the subject of subsequent planning applications and consents, since the original permission, and now across the two sites there are currently eleven authorised gypsy traveller pitches.
- 1.4 Both Corner Meadow and The Stable Block are accessed off the Farnborough Road. The Corner Meadow has its own private access, whilst access for The Stable Block is gained from two separate vehicular accesses again taken off the Farnborough Road.

- 1.5 In terms of site constraints, the site is not within a conservation area and there are no listed buildings within proximity of the site. There are no further notable site constraints relevant to planning and this application.

## **2 Description of Proposed Development**

- 2.1 The application seeks permission for the change of use of an area of land, currently hardstanding, within the wider Stable Block site, sitting adjacent existing permitted areas for gypsy traveller pitches, to provide a further 5 additional caravan pitches for use by gypsies or travellers. The applicant has indicated that each pitch would accommodate a single caravan/mobile home caravan with an area of hardstanding for the parking of one vehicle and is intended for occupation by gypsies or travellers that meet the Government's definition of such. The proposals would utilise the existing access arrangements off the Farnborough Road and would not affect existing parking provision within the site.
- 2.2 It should also be noted that a further application (16/01740/F) has also been submitted, for the change of use of part of the land to provide 6 additional caravan pitches, on the adjacent site, 'Corner Meadow'. Whilst the applications must be assessed on their own merits, the considerations of the two proposals are largely similar in their nature and due regard also needs to be had for the cumulative impacts of both proposals.
- 2.3 Officers have worked with the applicant and his agent during the course of the application. Amended plans have been submitted to reflect not only the proposed layout but also include the layout of existing pitches (to enable a full assessment of the site) and clarification has also been submitted with regards to the potential occupants of the proposed pitches. It should also be noted that the application has gone over the 8 week determination deadline, to enable the application to be presented to planning committee, following the member call-in procedure being instigated.

## **3 Relevant Planning History**

- 3.1 08/00604/F - Change of use of land to use as a residential caravan site for one gypsy family with a total of up to 3 no. caravans, including access improvements, construction of a driveway and laying of a hardstanding - Refused 16 May 2008, but allowed at appeal 31 March 2009
- 09/00622/F - Change of use of land to use as a residential caravan site for two Gypsy families with a total of up to 6 caravans, access improvements, construction of a driveway and laying of a hardstanding - Permitted 30 June 2009
- 10/00060/DISC - Discharge of Conditions 5 (planting and development scheme) & 6 (5 yr landscape maintenance) of 09/00622/F - Permitted 12 May 2010
- 11/00783/F - Vehicular Access - Permitted 15 July 2011
- 11/01430/F - Erection of day room - Withdrawn 18 November 2011
- 11/01808/F - Erection of day room - Re-submission of 11/01430/F - Permitted 23 March 2012
- 12/01368/F - Change of use of part of land to provide extra space required to accommodate four family caravan pitches, one visitor pitch and retention of existing static caravan (PART RETROSPECTIVE) - Refused 1 March 2013 but subsequently allowed on appeal with partial award of costs 16 January 2014
- 14/00123/DISC - Discharge of Conditions 5 (Surface water drainage), 6 (foul sewage), & 7 (landscaping) of 12/01368/F - Permitted 2 March 2016

14/00398/F - Construction of new access and turning area - Permitted 3 July 2014

15/02010/F - Variation of Conditions 3 (site layout) and 4 (no. of caravans) of

12/01368/F - Permitted 2 March 2016

Further applications on the adjacent site Corner Meadow

10/01610/F - Change of use from paddock to accommodate an additional mobile home with two associated caravans - Permitted 25 January 2011

11/00293/F - Additional mobile home with two associated caravans - Permitted 26 May 2011

11/01383/F - Replacement of flat roof with pitched roof to outbuilding - Permitted 2 December 2011

#### **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 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 from residents of Mollington have been received in objection as a result of the publicity process and are summarised as follows:

- Number and definition of a pitch needs clarification;
- Application should be considered alongside 16/01740/F because of potential cumulative effects;
- The site has expanded considerably from original consent and no audit of the site has been carried out;
- The proposed siting adjacent Farnborough Road was previously considered unacceptable;
- Increase in number of residents across the two sites could equate to 10% of Mollington's total population;
- Potential an unsatisfactory living environment; over-crowding, fire safety risk and inadequate sewage disposal facilities;
- Policy indicates that suitable sites should be within 3 km of a category B village and walking distance of a bus service; the site is 3.4km from the centre of Cropredy and there are no bus routes serving either Cropredy or Mollington;
- This proposed development would be outside the village boundary in Green Belt in an area identified as having High Landscape Value; contrary to policy;

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 MOLLINGTON PARISH COUNCIL: **Objects and makes the following comments:**

*16/01760/F Change of use of land to use as a residential caravan site for gypsy families with 5 caravans and laying of hard standing. The Stable Block Farnborough Road Mollington Banbury OX17 1ND. Mollington Parish Council objects to this application on the following grounds:*

- The site is at its capacity in terms of both caravans and infrastructure*
- Caravans are occupied by non gypsy families in contravention to the planning conditions imposed by the Planning Inspector in March 2009 and reinforced by Cherwell District Council*
- Occupation by non gypsy families demonstrates that this is a commercial development not a gypsy site and that there appears to be a lower demand for gypsy accommodation in this area than stated in the application*
- The access to the site is from a restricted highway with a blind turn to Southam Road which itself has a 50mph speed limit. This site and any increase in number of caravans will be harmful to highway safety.*
- The site has no infrastructure link to schools, doctors and other local amenities*
- The site already exceeds the number allowed in the conditions imposed by the Planning Inspector at appeal in March 2009.*
- Despite the imposition of conditions the site is still not sufficiently screened.*
- Commercial activities still appear to take place at the site in contravention to the conditions imposed by the Planning Inspector in March 2009*
- The Planning Inspector imposed a condition regarding a site development scheme, including a schedule of maintenance for a period of 5 years. To date Mollington Parish Council is not aware of this being completed and planning applications have continued in a piece meal manner.*
- A condition was imposed on the area covered by this application such that the hard standing was to be removed and the land grassed.*
- Application should be discussed by the planning committee not left to officers, in particular in light of the applicant's history of failing to comply with planning conditions without recourse to enforcement measures, and that currently there are more than the requisite amount of plots and evidence to suggest that these are not being occupied in accordance with the planning conditions ( as confirmed by CDC on 3 May 2016)*
- As planning applications continue to be submitted piecemeal, in order for Mollington Parish Council to properly consider the development of this site we would recommend that CDC obtain a site development plan showing how the applicants propose to develop the site in the future before they consider any further planning applications (as specified by the Planning Inspector in March 2009) and provide the parish council with a full copy of the audit carried out into the use of the site, in association with the planning consents and conditions imposed on the site.*

**STATUTORY CONSULTEES**

6.3 HIGHWAYS AUTHORITY: **No objections subject to conditions.**

*'The proposals for a change of use to the land to provide 5 caravans on the site, will sit adjacent to existing pitches to the east, that are already in situ (not under the applicants control). The 5 new caravan pitches would utilise the existing access into the site, which is already to a suitable standard. The visibility splay of 108m to the*

*south east, although not at the required for a national speed limit road, is not really grounds that I feel I can object upon, given the fact that the access is already functioning and the amount of traffic generated by the new pitches will be minimal.*

*The adjacent site to the north east of the proposed site, which has its own access and is subject to a separate similar planning application for 6 caravan pitches. Even when considered together, the traffic generated by these extra 11 pitches will be minimal out onto what is a very quiet, straight and rural road.*

*The amount of parking on site has not been specified, however, it looks to be a similar set up to the adjacent site, which is under another planning application, with one car space for each pitch and then one trailer and larger towing vehicle. There is ample space for manoeuvring from each pitch and the site.*

*No details have been submitted for the storage of waste bins, which should not block the access.*

- 6.4 THAMES WATER: **No comments received.**

NON-STATUTORY CONSULTTEES

- 6.5 OCC ADULT SOCIAL SERVICES: **No comments received.**

- 6.6 OCC DRAINAGE: **No comments received.**

- 6.7 OCC GYPSY AND TRAVELLER SERVICES: **No comments received.**

- 6.8 CDC LICENSING: **No objections.** *'On the basis of information provided, the Health Protection and Compliance team do not have any objection to the above planning application. If this permission is granted the site owner will need to apply to the Health Protection and Compliance team for an alteration to the existing caravan site licence and in doing so, will need to comply with the conditions attached to said licence'.*

- 6.9 CDC PLANNING POLICY: **No objections.** *'The Planning Policy Team's main observations are:*

*The adopted Local Plan 2011-2031 provides to meet the identified need for pitches for Gypsies and Travellers.*

*The Government Planning Policy for Traveller Sites (March 2012) will need consideration when considering impacts, alternative sites and personal circumstances and sustainability.*

*Policy BSC 6 provides for 19 net additional pitches from 2012-2031. Since the adoption of the Local Plan there has been a loss of 20 pitches therefore the requirement has now risen to 35 pitches. (2015 AMR)*

*Policy BSC 6 provides a sequential and criteria based approach for identifying suitable locations for new traveller sites whether through site allocations in the Local Plan Part 2 or in the determination of planning applications.*

*The site is within 3km of Mollington which is a Category B satellite village to Cropredy (Policy Villages 1). There is also a regular bus service to Banbury which runs along the nearby Southam Road.*

*The site benefits from an adjacent existing gypsy and traveller site which has already set the precedent for such a use in this location. This proposal would be an extension to this site.*

*The current published five year land supply position for gypsies and travellers is reported in the 2015 AMR. Currently it is 0 years for the period 2016-2021. (Base date: 1 April 2016).*

*This proposal will contribute 5 pitches towards the five year land supply'.*

## **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)**

PSD1: Presumption in Favour of Sustainable Development

Villages 1: Village Categorisation

BSC 6: Travelling Communities

ESD 7 Sustainable Drainage Systems

ESD 10: 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

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

C8: Sporadic development

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)**

**Planning Policy for Traveller Sites (August 2015) (PPTS).** This document sets out the Government’s planning policy specifically for traveller sites and should be read in conjunction with the NPPF.

#### **Designing Gypsy & Traveller Sites (Good Practice Guide).**

**Gypsies and Travellers: Planning Provisions – Briefing Paper January 2016.** Provides useful background information and summarises changes to the updated PPTS. It is noted however that as this is only a Briefing Paper, it carries very limited weight and should not be relied upon as a substitute for specific advice

**Annual Monitoring Report 2015 (AMR).** Assessment needs to 2020 for gypsy-traveller provision have been completed and the number of pitches is noted (updated by the Planning Policy comment above)

#### **Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Needs Assessment (2012/2013) (GTAA)**

**Human Rights Act 1998**

**Housing Act 2004**

**The Equality Act 2010**

## 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 The NPPF 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 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.

8.4 The provision of sites for the travelling community is dealt with within the main housing policy context. The most recent Government guidance relating to this topic can be found in the guidance issued in August 2015 "Planning Policy for Traveller Sites" (PPTS) (revises the original 2012 guidance) which should be read in conjunction with the NPPF.

8.5 A Briefing Note issued in January 2016 Gypsies and Travellers: Planning Provisions Sets out the planning policies relating to gypsy and traveller provision in an informative way for Members of Parliament. This highlights a change to the definition of "traveller" set out in the revised version of Planning Policy for Traveller Sites.

8.6 The Government's overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life that they have whilst at the same time respecting the amenity and appearance of the settled community.

8.7 The definition of Gypsies and Travellers reads as follows:

*'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such'.*

It goes on to state:

*'In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances'.*

8.8 Policy C of the Government guidance advises that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities (LPAs) should ensure that the scale of such sites does not dominate the nearest settled community. In this

instance Mollington, with a population in excess of 400 (414 registered people eligible to vote) would be considered the nearest settled community being some 550m to the south of the site. Officers are of the opinion that the proposed increase in numbers occupants at the site (including the cumulative potential total number of pitches as a result of both this application and that at the adjacent site; 11 additional pitches) are not considered such that they would result in an overly dominant relationship between the site and the settlement of Mollington.

8.9 Policy H of the same guidance states that LPAs should consider the following matters:

- a) the existing level of local provision and need for sites;
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant;
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
- e) that they should determine applications for sites from any travellers and not just those with local connections.

8.10 Policy H goes on to advise that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. When considering applications LPAs should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;
- c) promoting opportunities for health lifestyles, such as ensuring adequate landscaping and play areas for children;
- d) not enclosing a sites with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

8.11 Policy BSC6 of the CLP 2031 echoes the aims and provisions of Government guidance and sets out the district's requirements, stating that Cherwell should provide 19 additional pitches to meet the needs of Gypsies and Travellers from 2012 to 2031. It is considered that in identifying suitable sites with reasonable accessibility to services and facilities the follow sequential approach will be applied:

- i). Within 3km road distance of the built up limits of Banbury, Bicester or a Category A village;
- ii). Within 3km road distance of a Category B village and within 3km road distance of a Category C village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.

8.12 The following criteria will also be considered in assessing the suitability of sites:

- a) Access to GP and other health services;
- b) Access to schools;
- c) Avoiding areas at risk of flooding;
- d) Access to the highway network;
- e) The potential for noise and other disturbance;

- f) The potential for harm to the historic and natural environment;
  - g) The ability to provide a satisfactory living environment;
  - h) The need to make efficient and effective use of land;
  - i) Deliverability, including whether utilities can be provided.
  - j) The existing level of provision
  - k) The availability of alternatives to applicants
- 8.13 In the Cherwell Local Plan 1996, Mollington was identified as a Category 1 settlement which allowed for infill, minor development and conversions. In the adopted Cherwell Local Plan 2011-2031, Mollington has been reclassified, although the planning elements remain the same (i.e. infill, minor development and conversions) to a Category B “satellite village”. Cropredy, a ‘Category A’ village lies some 3.1km to the south-east (measured by road to the edge of the village) of the site. Therefore in terms of compliance with Policy BSC 6, this development does not strictly meet the requirements of criterion (i) of this policy relating to sequential tests for the location of suitable sites, being marginally over the prescribed distance. However, there is a bus pick up at the Mollington Turn, off the Southam Road which takes people into Banbury and is therefore compliant with criteria (ii) of the policy.
- 8.14 In January 2013 the final report for a district-wide Gypsy and Traveller Housing Needs Assessment (GTAA) was completed. This informs the Council in terms of the district provision for gypsy and travellers up to 2031 (GTAA) and has been used to inform Policy BSC6 within the Cherwell Local Plan 2011-2031 Part 1.
- 8.15 The GTAA calculated that Cherwell had a population of 851 gypsies and travellers at the time of the report (not all of whom lived on authorised traveller sites). It goes on to outline that there are 70 authorised pitches throughout the District which are spread over seven sites at that time.
- 8.16 The most recent Annual Monitoring Report (AMR) 2015 (December 2015) states that the entire site (encompassing both Stable Block Corner and Corner Meadow) has a total of 9 authorised pitches; this has subsequently increased with the granting of 15/02010/F in March 2016 allowing a total of eight pitches at the Stable Block site. The report goes on to outline that at the 31 March 2015 the total number of authorised pitches in Cherwell for Gypsies and Travellers was 61. It states that the District currently has a 2.9 year land supply for accommodation of gypsies and travellers for the period 2015-2020 and a 0.0 year land supply for the period of 2016-2021. The AMR further outlines at 5.38 Table 22, that there is an overall requirement of an additional 23 pitches (taking into account all those that have been completed or projection completions in the period 2016-2021).
- 8.17 Given the above evidence there is clearly an identified need for additional gypsy traveller pitches, whether that be on existing sites or the bringing forward of new sites. It should also be noted that the lack of authorised pitches within the district is to be further exacerbated with the expected closure of the Smith’s gypsy traveller site at Bloxham, with the owners giving notice that they plan to close the site on 31 January 2017; which will result in the loss of 20 authorised pitches.
- 8.18 As can be seen from the planning history of the site, the principle of the use of the site as a gypsy and traveller site has clearly been established with the granting of historic permissions on both Corner Meadow and the Stable Block, and the site is considered acceptable in general sustainability terms, including access to services and facilities. The site has existing water and electricity supplies and there is an on-site septic tank which could deal with foul water sewage. Concerns with regard to the capacity of the septic tank and its capability of supporting the additional pitches have been raised in comments received from third parties. The application form indicates that foul sewage would be discharged into a cess pit however no details of

this have been submitted. Further information is required on this matter, and has been requested from the applicant's agent, but at the time of the preparation of this report none had been received. In the event of no further information being received prior to the committee meeting, it is considered that an appropriate scheme for the disposal of foul water sewage could be secured through an appropriate pre-commencement condition, should permission be granted. However, should further information become available, this would be conveyed as part of any written update to committee.

- 8.19 Officers are of the opinion that the principle of creating 5 additional pitches would be compliant with Policy BSC6 of the CLP 2031 Part 1 and Government guidance contained within the NPPF and would contribute towards the Council's requirement for a five year supply of deliverable sites. It is considered that a further 5 no. pitches could be accommodated that would not be to the detriment of the living environment of either existing or potential future occupants and is acceptable in principle, subject to further considerations with regard to visual and residential amenity and highway safety discussed further below.

#### Design and impact on the character of the area

- 8.20 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 and layout.
- 8.21 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.
- 8.22 The application site forms part of the wider established Stable Block site and sits adjacent previously authorised gypsy traveller pitches, also in the applicant's ownership and control, and does not extend the use beyond the physical boundaries of the existing wider site.
- 8.23 The site sits adjacent the Farnborough Road and is largely screened to views from the west by existing boundary treatments, which consists of a close-boarded fence sitting behind mature hedgerow and trees. Boundary hedgerow to the east of the Corner Meadow site further screen the site to views from the Southam Road. Views are to be had through the access points into the site, and these are of the established gypsy traveller site. Whilst third party comments in relation to acceptability of the site, as previously considered during the 2008 application (08/00604/F) and subsequent appeal in 2009, are noted, the site has developed since the consideration of these schemes.
- 8.24 The proposals would be contained within the existing physical boundaries of the wider site and would not intrude into the open countryside to any greater extent than is the current situation. Whilst views would be possible of the proposals, they would to a large extent be screened by the existing boundary treatment and further these views would be set against the backdrop of the existing site. It is therefore considered that whilst the proposals may result in some visual harm this would not be so significant that it warrant a reason to refuse the application on these grounds alone and further any harm would outweighed by the benefits in providing additional gypsy traveller pitches, required to meet the current deficit which currently exists across the district. It should be noted with the adoption of the new local plan that the Council no longer identifies areas as AHLV (Area of High Landscape Value). The

retention of all boundaries could be secured through appropriate conditions to ensure that an adequate screening of the site is maintained.

- 8.25 Whilst the comments of the Parish Council with regard to previous landscaping and maintenance conditions are noted, the conditions attached to the appeal decision of 12/01368/F, with regards to landscaping along the Farnborough Road have been discharged, and officers have previously confirmed that the landscaping had been implemented in accordance with the approved details.

#### Residential amenity

- 8.26 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'.
- 8.27 The site is somewhat isolated in terms of its location and there are no residential properties within the immediate vicinity of the site that would be directly affected by the proposals.
- 8.28 With regard to the specific layout, each pitch is approximately 9.5m in width and this is consistent with the approved pitch layout previously assessed and considered acceptable under ref. 15/02010/F. This allows for a sufficient gap between the pitches to meet fire regulations (minimum 6m between caravans), and which affords each one some privacy and avoids overcrowding of the site. The impact on neighbours is therefore limited as each has their own space between the vans. The proposals are considered to comply with Policy ESD 15 of the CLP 2031 and Policies C28 and C30 of the CLP 1996.

#### Highway safety

- 8.29 The Highways Authority raises no objection to the proposals, on the basis that they utilise an existing access and that any increase in traffic generation would not be so significant that it would likely result in any significant detrimental impacts on the local road network. They advise that a condition be imposed on any such permission that would require the proposals to be laid out in accordance with the submitted drawings and all new areas of hardstanding are to be of permeable construction. Further that proposed details for a bin storage area are submitted and approved to ensure that any waste bins do not impede access to the site, in the interests of highway safety.
- 8.30 Officers see no reason to disagree with this opinion. The proposals would utilise the existing access and would not affect existing parking provision, with each new pitch containing adequate parking provision within its layout. And further, that the requirements of the Highways Authority could be secured through appropriate conditions.
- 8.31 As such it is considered that the proposals would not significantly impact on the safety and convenience of other highway users and is therefore considered by officers to be acceptable in terms of highway safety.

#### Other Matters

- 8.32 Allegations have been made with regard to the site being occupied by non-gypsy/travellers, which would be in breach of conditions attached to consents for the existing site. This matter is currently under investigation by the Council's Planning Enforcement Team.
- 8.33 With regard to the proposals for consideration under this application the applicants have confirmed that it is the intention that the proposed pitches would only be for gypsies and travellers that meet the definition set out within Government Policy



Guidance contained within the PPTS, and would look to support those families who would potentially be displaced by the closure of the Smith's site at Bloxham. Officers are satisfied that there is a genuine need for further gypsy/traveller pitches and that occupancy of the proposed pitches could be controlled through appropriately worded conditions (which could be enforced against should such a situation arise) and as such the suggestion that the pitches would be occupied by non-gypsy/travellers does not constitute a reason to refuse the application, that could be later sustained should any such refusal on these grounds be appealed.

## **9 CONCLUSION**

- 9.1 Officers consider that the proposed development assessed within this application is an acceptable form of development which would contribute to meeting the shortfall of the provision authorised gypsy traveller pitches, which currently exists within the Cherwell District. The site is part of an existing authorised gypsy traveller site, is considered acceptable in generally sustainability terms and can accommodate the proposed layout without causing any significant detrimental impacts on the character and appearance of the landscape or highway safety, whilst providing an acceptable standard of living for both existing and future occupants of the site. The proposals are considered to be consistent with the provisions and aims of the policies identified above and are therefore recommended for approval subject to the schedule of conditions as set out below.

## **10 Recommendation**

- 10.1 That permission is granted, subject to 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, Design and Access Statement, 1:1250 Site Location Plan and Block Plan.

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

3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (DCLG 2015).

Reason - In view of the special circumstances of the need to provide for gypsies and travellers which is sufficient to justify overriding the normal planning policy consideration which would normally lead to a refusal of planning consent in accordance with Government guidance contained within the National Planning Policy Framework.

4. Prior to the first use or occupation of the development hereby permitted, waste storage and collection 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 waste store/collection shall be permanently retained and maintained for the storage of bins in connection with the development.

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

Planning Policy Framework.

5. Development of the permitted layout shall not begin until a scheme for the disposal of foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved prior to the occupation of the first new caravan. Once installed the agreed works shall be maintained as such.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the approved Block Plan drawing, so that motor vehicles may enter, turn around and leave in a forward direction and vehicles may park off the highway. The manoeuvring area and parking spaces shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter the manoeuvring area and car parking spaces shall be retained in accordance with this condition for the parking and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National planning Policy Framework.

7. No commercial activities shall take place on the land, including the storage of materials.

Reason - In order to safeguard the amenities and character of the area and in the interests of highway safety 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. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site at any time whatsoever.

Reason - In order to safeguard the amenities and character of the area and in the interests of highway safety 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.

9. No external lighting shall be installed on the site unless details of the position, height and type of lights have been submitted to and approved in writing by the local planning authority. The external lighting shall be installed and operated in accordance with the approved scheme and no other lighting shall be installed or operated.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. The existing hedgerow along the south-western boundary of the site adjacent the Farnborough Road shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed 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

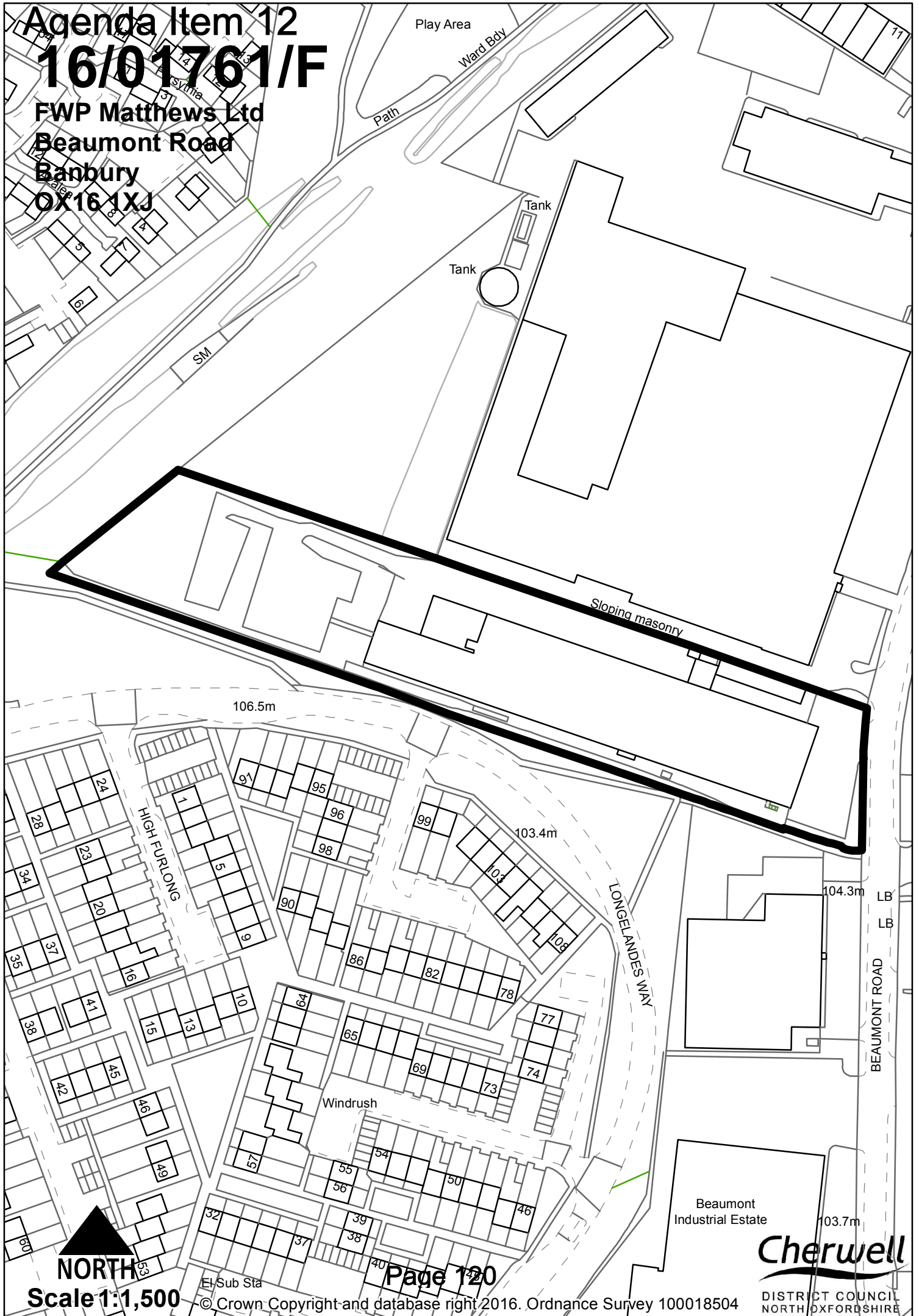
Framework.

PLANNING NOTES

1. 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.

# Agenda Item 12 16/01761/F

FWP Matthews Ltd  
Beaumont Road  
Banbury  
OX16 1XJ

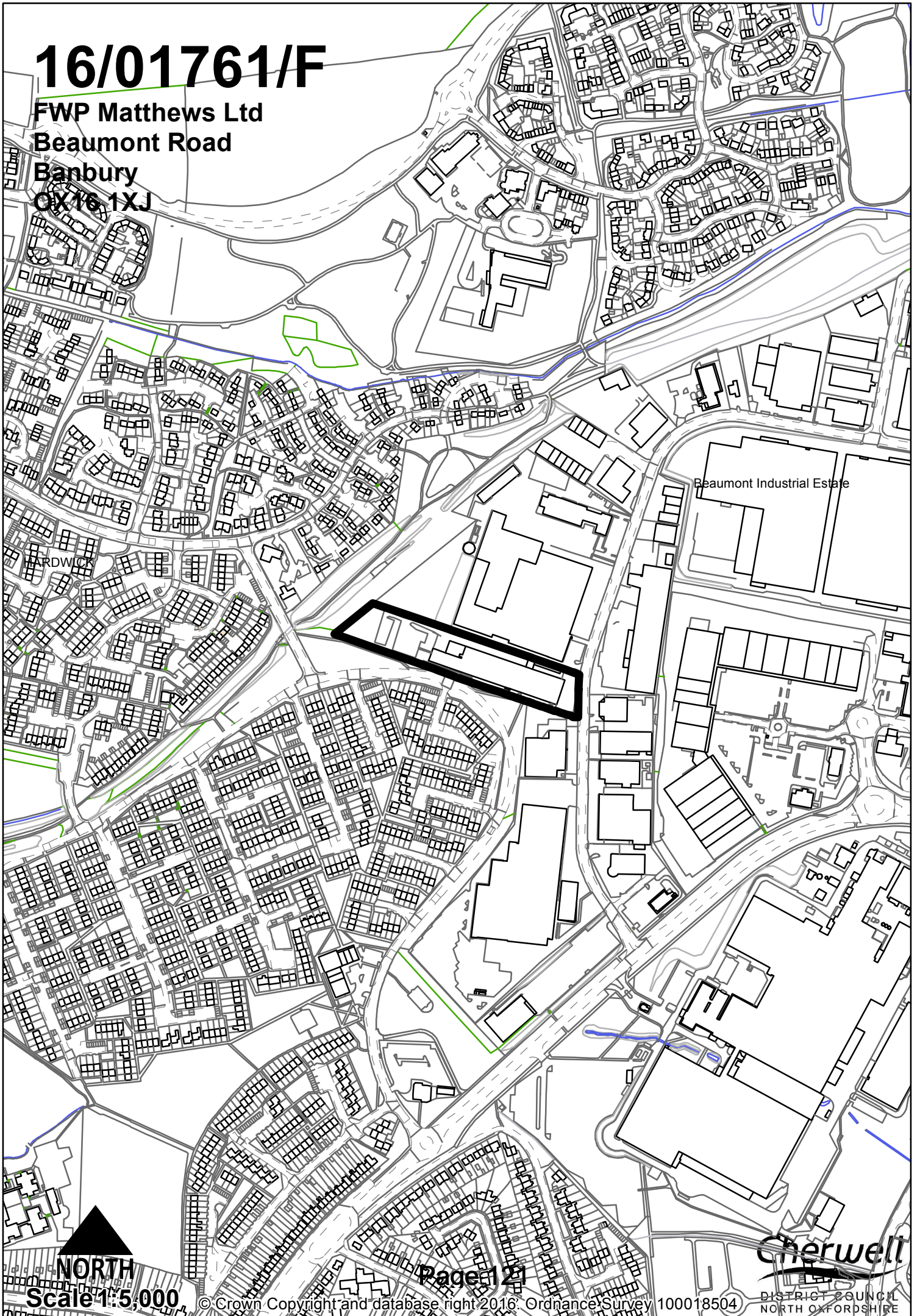


NORTH

Scale 1:1,500

# 16/01761/F

FWP Matthews Ltd  
Beaumont Road  
Banbury  
OX16 1XJ



Beaumont Industrial Estate

WARDWICK



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**NORTH**  
Scale 1:5,000

FWP Matthews Ltd.

**16/01761/F**

Beaumont Road,

Banbury

**Case Officer:** Bob Duxbury      **Contact Tel** 01295 221821

**Applicant;** FWP Matthews Ltd.

**Proposal:** Erection of loading canopy

**Expiry date:** 16.12 16

**Ward** Banbury Cross and Neithrop      **Committee Date** 17 November 2016

**Ward Councillors** Cllr Hannah Banfield; Cllr Surinder Dhesi; Cllr Alastair Milne Home

**Reason for referral:** Site size

**Recommendation** Approve

## **1. Application site and locality**

- 1.1 This application relates to the former Norbar site on the western side of Beaumont Road. It is a substantial industrial/warehouse building between others in Beaumont Road. It has a boundary with Longelandes Way to the south.

## **2. Description of proposed development**

- 2.1 The proposal is to construct a covered loading bay over an existing accessway that runs on the north side of the building. It would measure 20 metres in length by 10 metres wide sitting adjacent to the existing building. It would be 7.75 metres high with a clearance under the canopy of 6 metres. It would have a solid clad wall to the northern boundary with the adjacent industrial site.
- 2.2 Being on the north side of the building the canopy is screened by that building from the residential development in Longelandes Way.

## **3. Relevant Planning History**

- 3.1 Planning permission was granted in July 2016 for the use of this former B2 factory to use for B1,B2 and B8 uses (App ref no 16/00985/F)

#### **4. Pre-Application discussions**

None

#### **5. Response to Publicity**

- 5.1 This application has been publicised by way of a site notice displayed near the site, and by letters sent to the properties immediately adjoining the application site. No response was received

#### **6. Response to Consultation**

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

##### PARISH/TOWN COUNCIL

- 6.2. BANBURY TOWN COUNCIL: No comments received

##### STATUTORY CONSULTEES

- 6.4. OCC LOCAL HIGHWAYS AUTHORITY: No objections

##### NON-STATUTORY CONSULTEES

CDC Environmental Protection Officer No Objections

#### **7. RELEVANT PLANNING POLICY AND GUIDANCE**

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

##### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

SLE 1 Employment Development

ESD15 Character of the built environment

## CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- ENV1: Environmental pollution
- ENV12: Development on contaminated land

### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Ministerial Statement from the Secretary of State dated 25<sup>th</sup> March 2015.

## **8. APPRAISAL**

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

- Impact on adjacent commercial properties
- Impact upon nearest residential properties
- Impact on highway safety

8.2 Given it's location on the plot the canopy would have no effect other than arguably on the site to the north on Beaumont Road . On this side of the site there is a slight change in level downwards into the adjacent site, which would mean that the eaves height of the canopy is effectively a metre or so higher than 6 metres shown on the gable. This has no significant effect on the use of the adjacent site or building.

8.3 The canopy is shielded from the houses in Logelandes Way and High Furlong by the existing building. There is no other public vantage point. The under cover servicing of the building will not change the position of the servicing and should not affect the level of external noise created by these servicing activities.

8.4 Servicing this site by HGVs is all undertaken on this north side of the building and not direct from the public highway. The canopy will not affect these arrangements, merely covering an area adjacent to an existing loading door

## **9. 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 forms Design and Access Statement and drawings numbered 436/01 and 436/02

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

3. Prior to the commencement of the development hereby approved, a colour scheme for the colouring of the external wall and roof shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the wall and roof shall be finished and thereafter maintained in accordance with the approved colour scheme.

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.

4. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the first use of the canopy the approved surface water drainage scheme

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

# Agenda Item 13

## 16/01960/F

2 - 4 Old Grimsbury Road  
Banbury  
OX16 3HG



Scale 1:200

# 16/01960/F

2 - 4 Old Grimsbury Road  
Banbury  
OX16 3HG



Scale 1:1,250

**Case Officer:** Olivia Colson                      **Ward(s):** Banbury Grimsbury And Hightown

**Applicant:** Mr Alex Osborne

**Ward Member(s):** Cllr Andrew Beere  
Cllr Claire Bell  
Cllr Shaida Hussain

**Proposal:** External refurbishment to include two additional roof lights (conservation standard) to west elevation of roof and one additional roof light to east elevation. Amended fenestration throughout, removal of fascia board on north elevation and re-render whole frontage, except top most portion of north elevation. Gravel surfacing on drive.

**Referral reason:** Called in to Planning Committee by a Ward Member

**Committee Date:** 24.11.2016                      **Recommendation:** Approve

### 1. Application Site and Locality

1.1 The application site comprises an end of terrace dwelling, with garden to the rear and an area for parking/servicing to the side. The building is constructed in red brick with sections of render to its principal elevation, with a slate roof. The dwelling is larger (principally it is wider) than neighbouring dwellings on Old Grimsbury Road and set within a larger plot. There are no listed buildings close proximity, and one locally listed 100 West Street to the west of the application site. The site is located within the designated Grimsbury Conservation Area.

### 2. Description of Proposed Development

2.1 The application seeks planning permission for the insertion of two additional, conservation style roof lights to the west elevation of the roof of the building and one additional roof light to its east elevation, the installation of replacement fenestration throughout, the removal of the fascia board on the building's north elevation, the re-render of the whole of the building's frontage except the 'top most portion' of the north elevation, and the formation of gravel surfacing to the drive.

2.2 The application has been made as a householder application and does not seek planning permission for any change of use of the building. The plans suggest the applicant intends to use the building as an HMO. However, internal alterations do not require planning permission in this instance. It would be unreasonable to consider any potential future change of use as part of this application or refuse the current application for rooflights, windows and re-render on this basis.

### 3. Relevant Planning History

08/00785/F: Change of use of part ground floor from commercial to domestic APPROVED 14 May 2008.

16/00502/F: Change of use from class c3 residential to sui generis 12 bed sit units with communal kitchens and provision of cycle parking and bin storage WITHDRAWN 25 April 2016

16/00787/F: Change of use from class C3 into two self-contained units WITHDRAWN 19 May 2016

16/00968/F: External refurbishment to include additional two dormer windows to west elevation, amended fenestration throughout, removal of fascia board on north elevation and re-render elevations except topmost portion of north facing frontage, 1 No additional conservation rooflight and free draining gravel surfacing on drive to west side. WITHDRAWN 2 August 2016

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

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

- Density of the occupants is inappropriate for the area.
- Inadequate off-street parking.
- Create too much noise.

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

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

##### Parish/Town Council:

BANBURY TOWN COUNCIL: No objections

##### Cherwell District Council:

CONSERVATION OFFICER: No comments

##### Oxfordshire County Council:

LOCAL HIGHWAY AUTHORITY: Objection. Recommends refusal for the observations made below.

##### Observations and Comments

The general principle of this development is for Houses in Multiple Occupancy (HMO) arrangement. I am perplexed to the fact that the description of the proposal tactfully avoids mentioning the conversion of the property into a HMO. It can be seen from planning history that an application for C3 HMO's was once made which was withdrawn before a planning consideration was made.

Taking a look at this application, I notice that the proposal would convert the household into a 12 bedroom/bedsit accommodation. The council recognises that it is difficult to set actual car parking standards for sui generis developments such as HMOs as this will often depend on the character of the location and the end users. I have thus used this as the basis of my decision.

Parking provision is a major consideration when assessing applications for HMO as it will significantly impact on the character of the area and amenity of residents, and any proposal that is considered to be detrimental to highway safety and harm amenity will not be permitted. This application has failed to demonstrate adequate levels of car parking to meet the future requirements of the likely occupants. Nevertheless, as a general principle for guidance taken in places where HMO's are predominant, off-street parking should be provided for future occupants where this is possible to at least 0.5 the number of proposed occupants. This must also be supplemented by provision of covered, secure cycle parking facilities.

Old Grimsbury Road is located within walking distance of the town centre and Banbury train station which is this well presented with regular trains to Oxford, London Marylebone and Birmingham New Street. The layout of Old Grimsbury Road is a narrow road, predominantly fronted by terraced dwellings on both sides of the carriageway void of front gardens and off-street parking. To the east, Old Grimsbury Road is relatively wide, gradually narrowing down to about 4metres in width to the west and areas fronting the development. This section of the carriageway is also compounded by a bend which affects forward visibility. There are no TRO's along the length of the Old Grimsbury Road. Collectively, the safety of road users is likely to be put to risk by parking behaviour.

The application here proposes only 2 parking spaces, a provision likely to create excessive parking pressure on Old Grimsbury Road. In the vicinity of the development, the carriageway is not wide enough to accommodate parking on both sides of the carriageway and still leave sufficient vehicle access. The scale of the proposed development is thus likely to exacerbate parking demand. With the absence of TRO's, there is no guarantee that indiscriminate parking shall not happen.

Paragraph 23 of the Design and Access Statement has made reference to the removal of the hard surfacing in the back garden, to be replaced by permeable pea gravel. This shall not be acceptable considering that cycle storage is proposed across this surfacing, unless a hard surface walking/cycling strip is suggested for the purpose of wheeling bicycles across to the storage area. Also, access to the back garden needs to be clarified showing enough room besides the parking spaces west of the dwelling.

In light of the above, I find the proposals likely to be detrimental to the safety and movement on the highway.

Other External Consultees:

N/A

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

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

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

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

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

C28 – Layout, design and external appearance

C30 – Design of new residential development

## 6.2 Other Material Planning Considerations:

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

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

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

## 7. Appraisal

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

- Design and impact on the character of the area
- Impact on Heritage Assets;
- Effect on Neighbouring Amenity;
- Highway safety

Design, and impact on the character of the area

- 7.2 While the Conservation Officer has previously encouraged the removal of as much render as possible, the proposal retains the same portions and division of brick and render as currently exists.
- 7.3 The proposal includes the re-positioning of certain windows, which require consent because they are of a different appearance and because new south-facing first floor windows are proposed which exceed the tolerances of the General Permitted Development Order. The proposed windows are sliding upvc sash windows are considered acceptable in style and size.
- 7.4 The rooflights require consent because they are upper floor windows in side-facing elevations. The proposed rooflights would, subject to a condition to require them to be flush fitting, not have a significant impact on the character of the area.
- 7.5 Neither the removal of the fascia board or the laying of gravel to the drive would have a significant impact on the character of the area. Indeed, it appears likely that (subject to conditions) neither requires planning permission.

- 7.6 For these reasons the proposal would not have a significant impact on the wider visual amenity of the locality, and would thus accord with retained Policy C28 of the Cherwell Local Plan 1996 (Saved Policies) and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

#### Residential amenity

- 7.7 Other than the rooflights, no net additional upper floor windows are proposed. The three new openings to the south elevation would replace three existing openings, but would be positioned at a lower level and would have the same or reduced impact to the neighbour to the south-west of the application site. Given the position of the rooflights and their angle in the roof to which they would be inserted, it is considered that neither would adversely affect neighbours through loss of privacy. Further, as no extensions are proposed, it is considered that neighbouring residents would not be adversely impacted by way of loss of light or outlook.
- 7.8 For these reasons, the current proposal accords with Policy C28 of the Cherwell Local Plan 1996 (Saved Policies) and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

#### Highway safety

- 7.9 The proposal would not result in loss of parking. There would be an increase in the number of bedrooms to the dwelling, though internal alterations do not require consent, and one must have regard to the previous commercial use of the building and to the site's town centre location.
- 7.10 It is noted that the local highway authority (LHA) objects to the application on the grounds of the intended use of the building as an HMO. However, such a change of use does not form part of the current application, and it would be unreasonable to refuse the current application for rooflights, windows and re-render on this basis.
- 7.11 The LHA objects to the proposed surfacing. Notwithstanding that subject to conditions in the GPDO the proposed surfacing may not require planning permission, given that it has been included in this application and in order to ensure it complies with those conditions, it would be reasonable to require amended surfacing details by condition.

### **8. Conclusion**

- 8.1 The proposals are considered to be acceptable in visual and residential amenity terms and subject to condition the proposed surfacing is also considered acceptable. Therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

### **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, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Ecology



report, Flood risk assessment, design and heritage statement and drawings numbered: 005C, 003D, 004C, 001, 006, 002, 007 and 008.

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 With the exception of the windows hereby approved, the materials and architectural detailing to be used in the construction of the external surfaces of the development hereby permitted shall match, in material and colour, those used in the existing building, and shall be retained as such in perpetuity.

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

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

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

5 The access and remaining parking provision shall be kept free of obstructions at all times and used only for the storage of private motor vehicles.

Reason - In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

6 Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

**CONTACT OFFICER:** Olivia Colson / **TELEPHONE NO:** 01295 221814 /  
Nathanael Stock 01295 221886

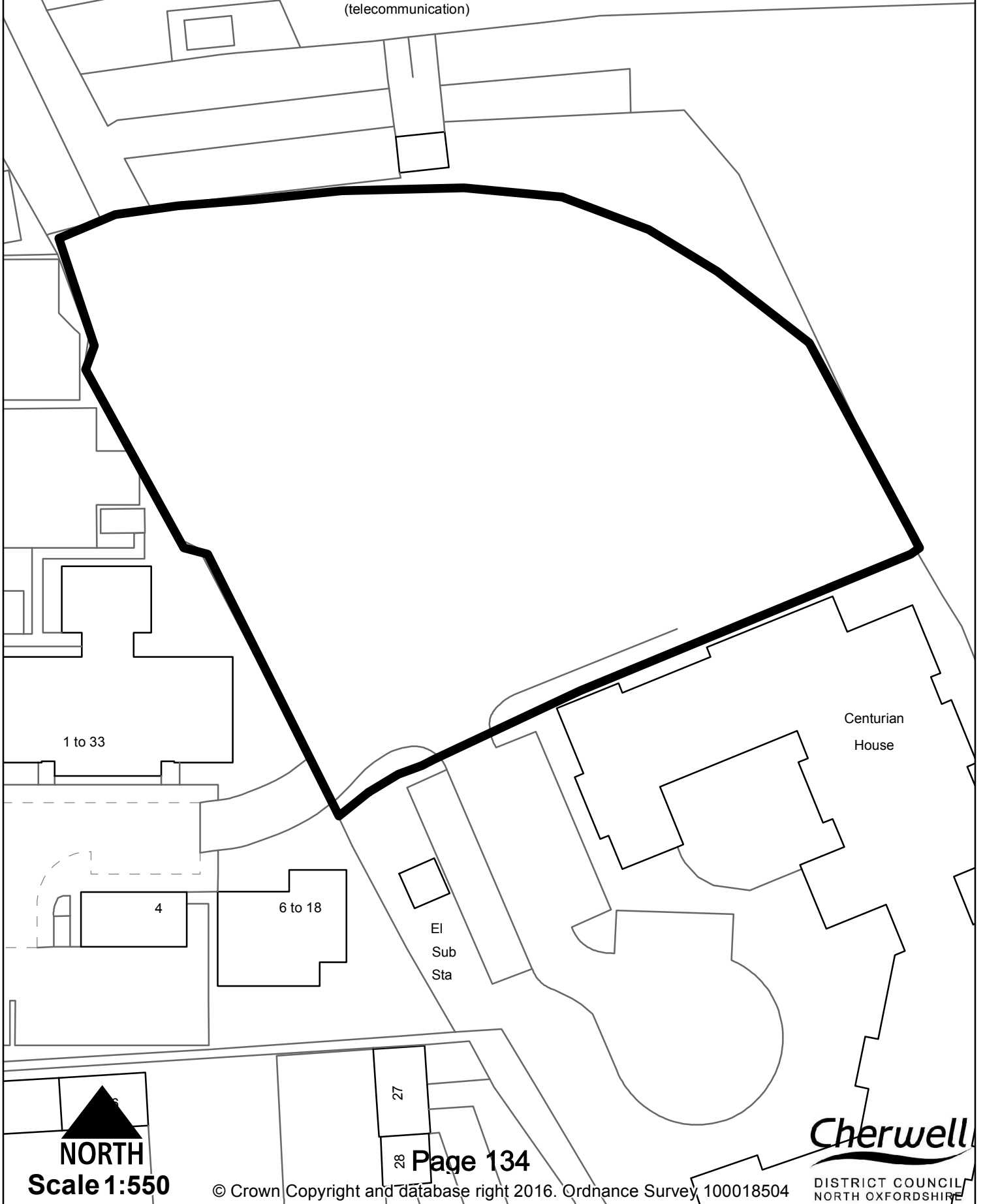
# Agenda Item 14

# 16/00478/DISC

**Former Oxfordshire Care Partnership Building  
London Road  
Bicester**

Mast

(telecommunication)



1 to 33

Centurian House

4

6 to 18

EI Sub Sta

27

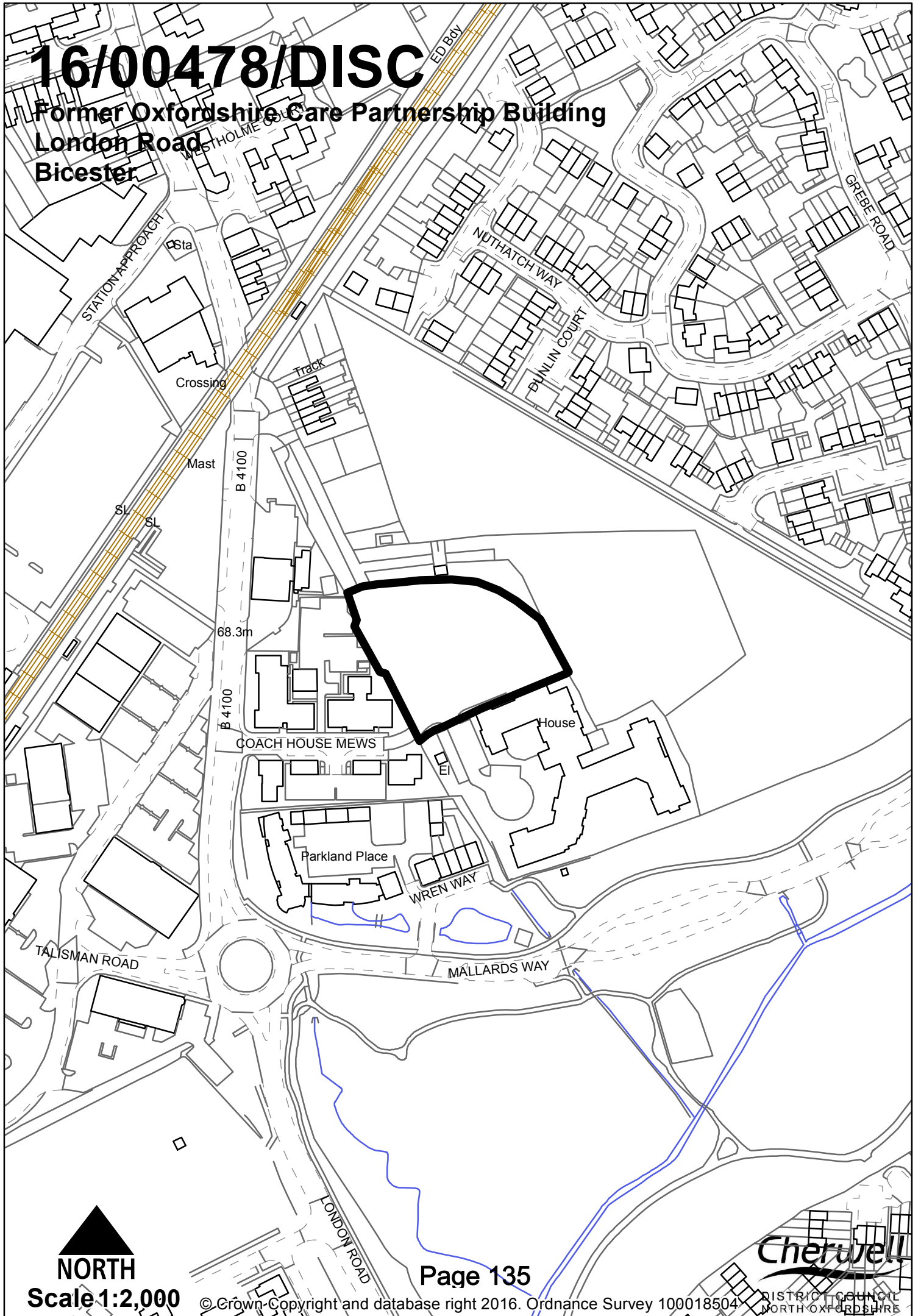
28

**NORTH**

**Scale 1:550**

# 16/00478/DISC

Former Oxfordshire Care Partnership Building  
London Road  
Bicester



Scale 1:2,000

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

**Applicant:** Keepmoat

**Proposal:** Discharge of Condition 7 (Privacy Screens) of 13/01708/CDC

**Expiry Date:** 13<sup>th</sup> December 2016 **Extension of Time:** N/A

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**Ward:** Bicester South and Ambrosden **Committee Date:** 24<sup>th</sup> November 2016

**Ward Councillors:** Cllrs Anderson, Cotter and Sames

**Reason for Referral:** CDC application

**Recommendation:** Approval

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## 1. SITE DESCRIPTION AND PROPOSED DEVELOPMENT

- 1.1 The site is 0.41 hectares in area and is located within Bicester to the south west of the town centre. It is bounded to the west by Coach House Mews. To the north and east, the site is bounded by allotments and public open space.
- 1.2 Planning permission was granted on 25<sup>th</sup> April 2014 (13/01708/CDC) for the development of the site to provide 42 apartments with associated parking, external amenity space, bin stores, cycle storage and vehicular access. The current application is seeking approval of the details required by condition 7 of that permission.

## 2. APPRAISAL

- 2.1 Condition 7 of this planning permission requires full design details of the privacy screens to be erected on the first and second floor units within Block 1, closest to the eastern most block of the Coach House Mews development, and states that these are to be approved by the Local Planning Authority. The reason for condition 7 is to safeguard the amenities of the occupants of the adjacent apartments, and so this is the primary consideration in assessing the details submitted.
- 2.2 Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 states that: *new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.*
- 2.3 The details required by condition 7 have already previously been approved by the Council under application 15/00078/DISC. This current discharge of condition application seeks to alter the materials already approved, from frosted toughened glass infill panels to 2mm thick aluminium polyester powder coated infill panels. There is however, no alteration to the height,

position and length of the panels which were previously deemed acceptable so as to safeguard the amenities of the occupants of the adjacent apartments.

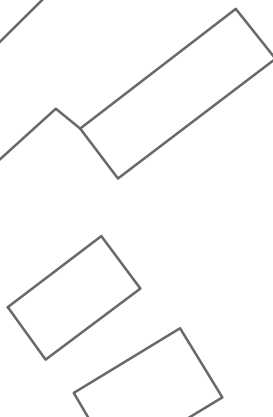
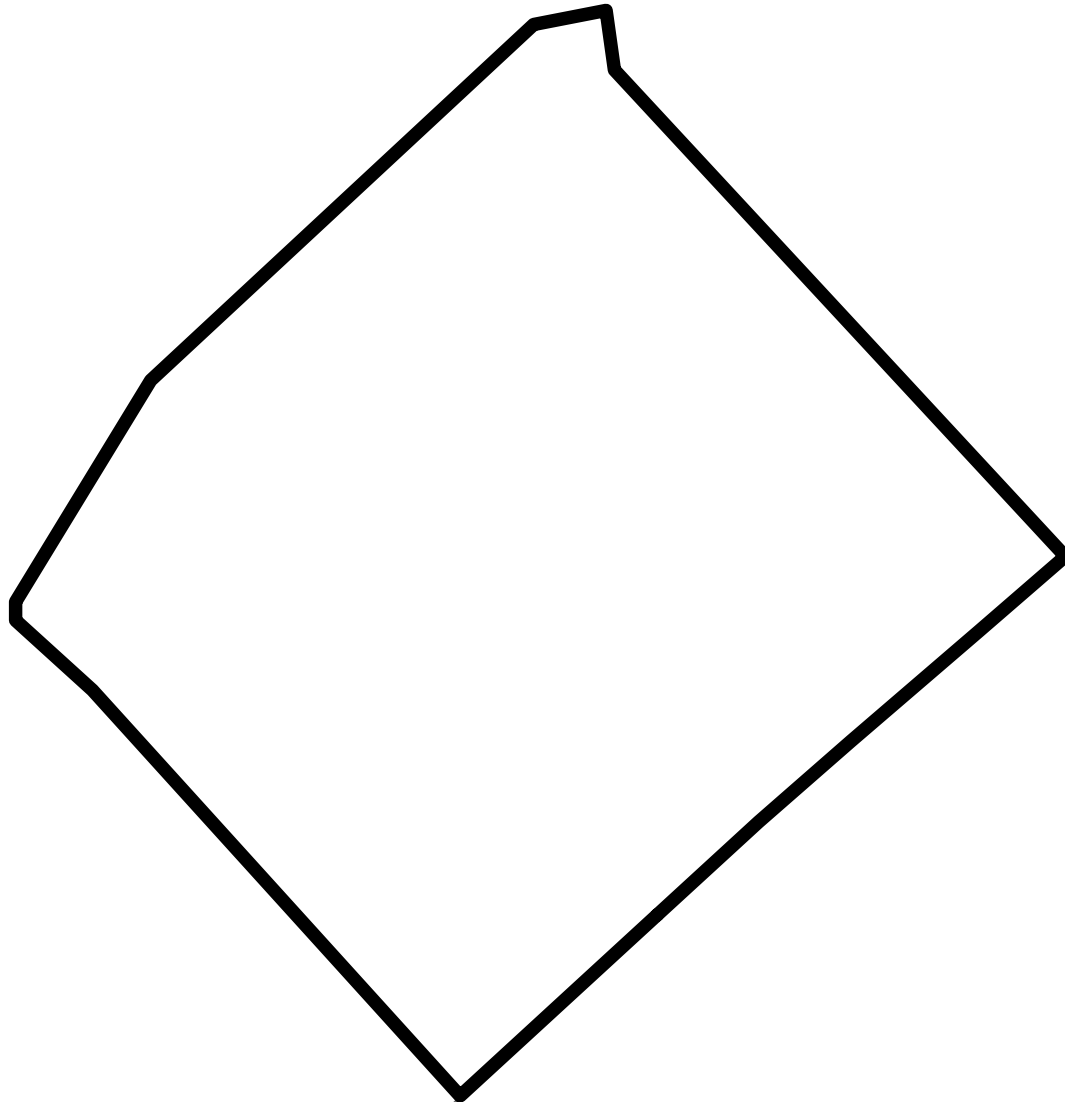
- 2.4 The change in materials is not considered to materially affect the privacy afforded to neighbours and future residents of the development. Thus, the details of the privacy screens are considered to be acceptable.

**3. RECOMMENDATION – APPROVAL**

The Local Planning Authority considers that the details submitted pursuant to Condition 7 of planning permission 13/01708/CDC are acceptable, and as such it is recommended that the details shown on the submitted drawings Nos: 1314-01 Privacy Screens Edition A Sheet 1; 1314/02; and WD.017 Revision B are approved.

# Agenda Item 15 16/00498/DISC

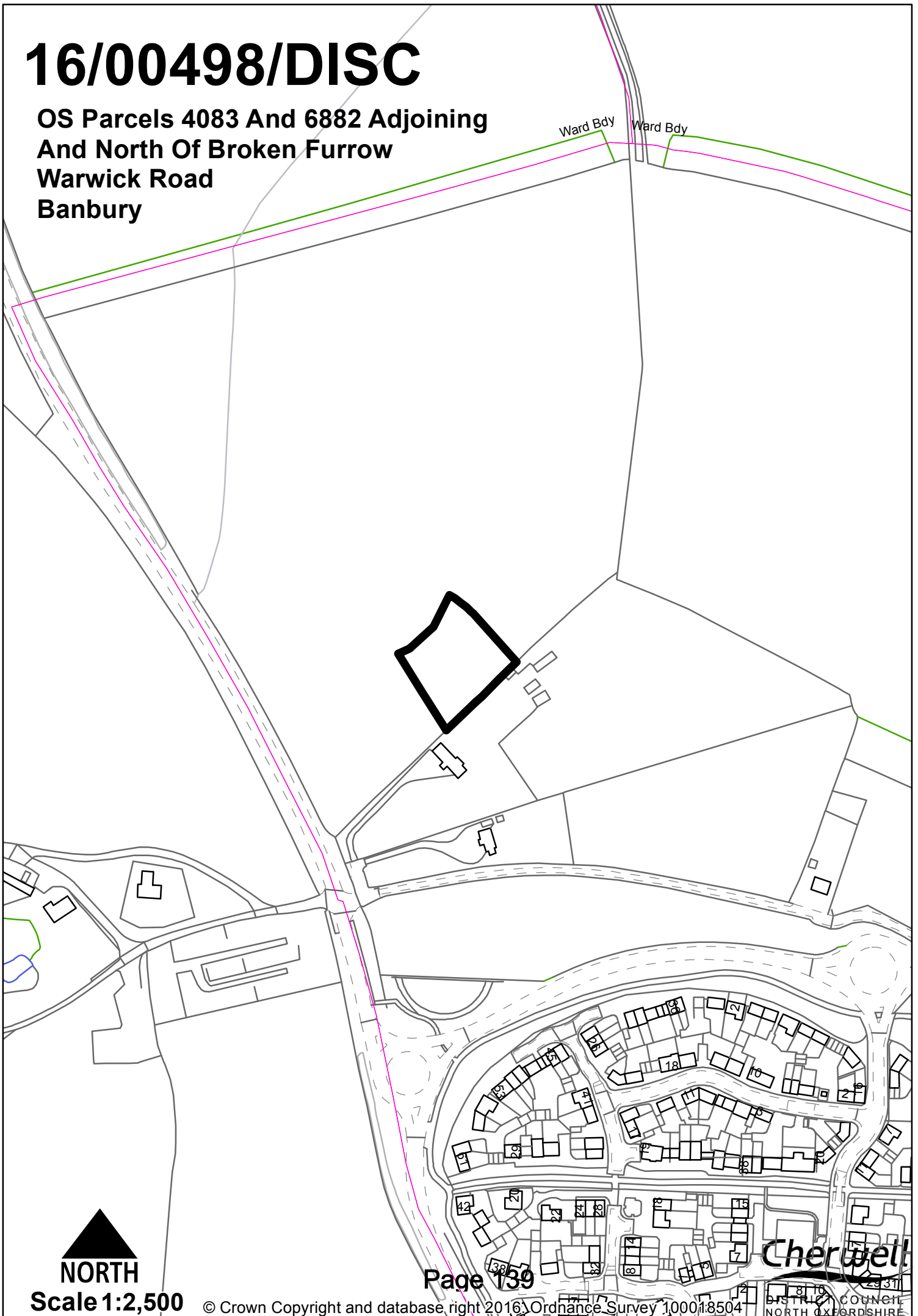
OS Parcels 4083 And 6882 Adjoining  
And North Of Broken Furrow  
Warwick Road  
Banbury



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

# 16/00498/DISC

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



**NORTH**  
**Scale 1:2,500**

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

**16/00498/DISC**

**16/00499/DISC**

**16/00511/DISC**

**16/00512/DISC**

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

**Applicant:** Cherwell District Council

**Ward Member(s):** Cllr Tony Ilott  
Cllr John Donaldson  
Cllr Nicholas Turner

**Proposal:** Discharge of Conditions 3 (energy strategy), 4 (brick sample) and 5 (roof tile sample) of 16/01485/CDC (16/00498/DISC), Discharge of Conditions 3 (energy strategy), 4 (brick sample) and 5 (roof tile sample) of 16/01484/CDC (16/00499/DISC), Discharge of Conditions 8 (specification of parking and manoeuvring), 12 (details of ground and finished floor levels) and 18 (cycle store /parking facilities) and Partial Discharge of Condition 9 (landscaping scheme) of 16/01484/DISC (16/00511/DISC) and Discharge of Conditions 8 (specification of parking and manoeuvring), 12 (details of ground and finished floor levels) and 18 (cycle store /parking facilities) and Partial Discharge of Condition 9 (landscaping scheme) of 16/01485/CDC (16/00512/DISC)

**Committee Date:** 24.11.2016

**Recommendation:** Delegate authority to officers to determine all four applications

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

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



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

The applicant seeks the Council's approval of details required by condition, specifically Conditions 3, 4, 5, 8, 9 (partially), 12, 18 of 16/01484/CDC and 16/01485/DISC.

## **3. Relevant Planning History**

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

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

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

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

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

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

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

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

16/01484/CDC – Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) (revised scheme of 16/00515/CDC) – granted with conditions

16/01485/CDC – Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total) (revised scheme of 16/00504/CDC) – granted, conditions

## **4. Response to Publicity**

N/A

## 5. Response to Consultation

### Parish/Town Council:

No comments

### Internal consultees

None

### Oxfordshire County Council:

None

### 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

PSD1 - Presumption in Favour of Sustainable Development  
SLE4 - Improved Transport and Connections  
BSC3 - Affordable Housing  
ESD1 - Mitigating and Adapting to Climate Change  
ESD2 - Energy Hierarchy  
ESD3 - Sustainable Construction  
ESD4 - Decentralised Energy Systems  
ESD5 - Renewable Energy  
ESD7 - Sustainable Drainage Systems (SuDS)  
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment  
ESD13 - Local Landscape Protection and Enhancement  
ESD15 - The Character of the Built Environment  
ESD17 - Green Infrastructure  
INF1 - Infrastructure  
BAN5 - Land North of Hanwell Fields

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

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

## 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 Condition 3 of both consents requires the submission of an Energy Strategy, which must be in line with the mandatory requirements of Code 4 in respect of ENE1 2010. The submitted details are considered acceptable.
- 7.2 Condition 4 of both consents requires the submission of a sample of the brick to be used in the construction of the external walls of the development. The submitted brick is the Arden Olde Farmhouse Original, which is considered acceptable.
- 7.3 Condition 5 of both consents requires the submission of a sample of the tile to be used in the construction of the roof of the development. The submitted tile is the Sandtoft TLE, which is a larger, concrete tile – such tiles are not supported within the Cherwell district in new major housing developments, of which this development forms part. An amended tile has been sought from the applicant.
- 7.4 Condition 8 of both consents requires the submission of full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas. Drawings “16022-GNA-A-ST-DR-A-0202-B” (Proposed Site Plan Building A), “16022-GNA-XX-ST-DR-A-0201-C” (Proposed Overall Site Plan) refer, as do three separate drainage drawings by Monson. No comments have yet been received from OCC Highways and will be reported to Members at the Committee.
- 7.5 Condition 9 of both consents requires a landscaping scheme for the developments. Drawings “16022-GNA-A-ST-DR-A-0202-B” (Proposed Site Plan Building A) and “LS-01” (‘Detailed Soft Landscape Proposals Car Park Areas’) refer. No details are provided for the means of enclosure, or for the specification or colour of the hard surface materials proposed, and some of the soft landscaping proposed is not considered acceptable, e.g. ornamental planting proposed in places where hedging is required in order to make the front parking areas acceptable in planning terms. Amended details have been sought.
- 7.6 Condition 12 of both consents requires full details of existing and proposed ground and finished floor levels and all boundary treatments and means of enclosure. Drawings “16022-GNA-A-ST-DR-A-0203-A” (Access and Refuse Strategy), “16022-GNA-XX-XX-DR-A-4400” (Fence Detail) and “H489A-MO-Z1-XX-GA-C-31400 C1” (Building A Proposed Site Levels Plan”) refer. The details of proposed levels take account of existing levels and no building up is proposed on what is a relatively flat site with a slight slope. The proposed details are considered acceptable. Notwithstanding the said plan re fencing, further details have been sought in respect of boundary treatments and means of enclosure.

7.7 Condition 18 of both consents requires details of covered cycle parking facilities for the developments. Drawing “H489A-MO-Z1-FN-DR-S-21202 C1” (‘Building A Refuse and Cycle Store Details’) refer. The said drawing provides a section of the slab for the cycle store, a foundation layout for the refuse store, and a typical section through the foundation of the refuse store. Two of these three are not required by the condition. The drawing is not clear as to elevational appearance or materials. Further details have been sought.

## **8. Conclusion**

8.1 The submitted details are acceptable in the case of Condition 4 (bricks) but are either unacceptable or missing in respect of other conditions subject of these current applications.

8.2 The applicant is eager to receive a determination of the application, but also approval of details, and it is in the interest of Local Planning Authority to do what it can to enable the applicant to begin development as quickly as possible once acceptable details have been agreed.

8.3 Notwithstanding that the target date for 16/00511/DISC and 16/00512/DISC is subsequent to that next meeting of the Planning Committee, it therefore seems prudent to seek delegated authority to approve amended details as soon as possible rather than wait to the following meeting of the Planning Committee. Obviously any matters resolved before Committee will be reported to Committee and an amended recommendation will be made.

**9. Recommendation: Delegate authority to officers to determine all four applications once acceptable amended details have been received (if consultee comments have not been received by Committee.**

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## Cherwell District Council

### Planning Committee

24 November 2016

#### Appeals Progress Report

#### Report of Head of Development Management

This report is public

#### Purpose of report

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

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

#### 2.0 Report Details

##### New Appeals

- 2.1 **16/00281/Q56 Field Farm, Whichford Road, Hook Norton.** Appeal by Ms Taylor against the refusal of planning permission of change of use of 3 barns to 3 dwellings including operational development.

**16/00468/F Land Aji to 33 Nuffield Drive, Banbury.** Appeal by Mr Freeman against the refusal of planning permission for the erection of 1 new dwelling – re-submission of 15/01538/F.

**16/01394/F 16-30 Fairfax Centre, Kidlington.** Appeal by Mr Meadowcroft against the refusal of planning permission for the formation of 3 No studio dwellings in roof space – re-submission of 15/02114/F.

**16/01582/TPO 5 Ty Craig, Victoria Road, Bicester, OX26 6PP.** Appeal by Mr Hyett against the refusal of permission to fell 1 no cedar tree subject to Tree Preservation Order 8/2000.

- 2.2 Forthcoming Public Inquires and Hearings between 24<sup>th</sup> November 2016 and 15<sup>th</sup> December 2016.

**Planning Hearing commencing Wednesday 30<sup>th</sup> November 2016 at 10am, River Cherwell Meeting Room, Cherwell District Council, Bodicote House, White Post Road, Bodicote, OX15 4AA.** Appeal by Vanderbilt Homes & International Wood Agency Ltd against the refusal of outline planning permission for the demolition of existing industrial buildings and erection of 21 affordable dwellings and 49 open market dwellings, with associated new access, open space and landscaping. 15/02074/OUT. Former Lear Corporation, Bessemer Close, Bicester.

### 2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Dismissed the appeal by Mr Jamshidifard against the refusal of planning permission for the insertion of window (existing unauthorised). Mill Street Chiropractic, 127 Mill Street, Kidlington, OX5 2EE. 15/01515/F (Delegated).**

The main issue was whether the development would preserve or enhance the character or appearance of the Church Street Conservation Area.

The Inspector agreed with the Council that the historic street pattern and range of types and styles of historic and listed buildings in the Conservation Area contribute positively to its character, as do the traditional building forms and use of local building materials in most of the historic buildings.

The terrace at 127 to 135 (odd numbers) Mill Street (the terrace) is identified as a locally listed building in the Cherwell District Council Kidlington Conservation Areas Appraisal. The host building is part of a terrace constructed of a simple pitched roof form, traditional building materials, and is prominently sited where Evans Lane meets Mill Street and makes a positive contribution to the character and the appearance of the Conservation Area. The terrace has a degree of significance as a non-designated heritage asset that merits consideration in planning decisions.

Although now including shops at ground floor level, the repeated chimney stacks and first floor window openings in the stone-built terrace allow the main part of the building to be appreciated as a row of modest historic dwellings. The Inspector referred to the Council's photographs, which were taken before the development was carried out, as demonstrating that the pattern of multi-paned glazed doors and mainly-paned shop windows and awnings maintained the scale and rhythm of the dwellings in the terrace.

The door and window in the shop front at the appeal building have been replaced by a large plastic-framed plain-glazed window, which broadly aligns with the former window sill. The lower part of the doorway has been filled in rendered and painted and the awning and its lead flashing have been removed and replaced by a flat fascia panel.

The Inspector judged that, due to the loss of the doorway and its replacement with modern materials such as a wider plastic-framed window, and the replacement of the awning with a fascia sign panel, the development harmfully disrupts the important rhythm in the terrace. Its inharmonious proportions and modern appearance result in demonstrable harm to the significance of the Conservation Area as a whole and damage the positive contribution made by the terrace to the character and the appearance of the Conservation Area.

The Inspector concluded that nearby developments did not provide support to this harmful development. The Inspector took into account the appellant's concerns regarding flood risk, hygiene and ventilation, but concluded that the new side entrance to the premises is at a similar level to the removed doorway, so the adverse effects of flooding, including its impact on hygiene, would not be materially mitigated by its repositioning and there is little to show that the development achieves any other public benefit.

**2) Dismissed the appeal by Mr and Mrs Ivetic against the refusal of planning permission for the redevelopment of site for the erection of nine new two storey open market dwellings, with associated parking spaces and upgraded access. S & S Motors, Rear of 63 Ploughley Road, Arncott, OX15 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 Arncott, 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 Arncott and the general form of the village as a whole. Furthermore, the Inspector stated that the proposal would not represent a logical rounding off of Arncott given the relative juxtaposition between the existing and proposed development in the area.

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 Part 1 (LP), saved Policies H18 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within National Planning Policy Framework (NPPF).

In relation to the matter of highway safety, the Inspector noted that whilst there is a path along the property frontages, this would not extend down the driveway to Ploughley Road. In addition, the Inspector stated that it is unclear whether service vehicles, being the largest vehicle likely to visit the site, would be able to enter and exit in a forward gear. The Inspector 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. The Inspector therefore 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 LP and Government guidance contained within NPPF.

### **Costs Appeal**

A costs application was submitted in relation to the decision to refuse the planning application. The costs application was made on the basis that the Council acted unreasonably in that:

- 1) They had previously indicated broad support for the proposal;
- 2) Arncott is deemed a highly sustainable location to accommodate new residential development;
- 3) The District is still seeking to accommodate around 3,500 extra dwellings which cannot be accommodated at nearby Oxford; and
- 4) The refusal of the application was an attempt to thwart development at neighbouring land rather than a proper consideration of its own merits.

In relation to the 1<sup>st</sup> ground, the Inspector concluded that such pre-application advice is usually given without prejudice to the final determination of any application and that this is a matter for local government accountability rather than an issue relating to the planning merits of the appeal.

Regarding the 2<sup>nd</sup> ground, the Inspector stated that the Council's concern was based upon the effect of the development on the character and appearance of the area, being a 'backland' style proposal. The Inspector therefore concluded that the Council provided sufficient evidence to justify their views and as such no unreasonable behaviour occurred.

In relation to the 3<sup>rd</sup> ground, the Inspector noted that at the time of the adoption of the Cherwell Local Plan 2011-2031 (LP) it was acknowledged that there would be some unmet housing need arising from Oxford, and whilst the exact amount to be accommodated within Cherwell was not agreed at that point in time, the LP made provision for this by means of a partial review within 2 years (July 2017). The Inspector went on to state that given the relatively recent adoption of the LP, and that it provides for a timely review to deal with unmet need arising from Oxford, it remains up-to-date when considered against the NPPF as a whole. Consequently, the Inspector considered that the housing supply policies are up-to-date. Thus, the Inspector concluded that in determining the application in accordance with the LP, the Council have not acted unreasonably.

Regarding the fourth ground, the Inspector noted that on the evidence put forward, there is nothing to suggest that the Council's handling of this application was an attempt to thwart development at neighbouring land.

The Inspector therefore concluded that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, had not been demonstrated and that an award of costs was not justified.



### **3.0 Consultation**

None

### **4.0 Alternative Options and Reasons for Rejection**

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

Option 1: To accept the position statement.

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

### **5.0 Implications**

#### **Financial and Resource Implications**

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

Comments checked by:

Denise Taylor, Group Accountant, 01295 221982,  
[Denise.Taylor@cherwellandsouthnorthants.gov.uk](mailto:Denise.Taylor@cherwellandsouthnorthants.gov.uk)

#### **Legal Implications**

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

Comments checked by:

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

#### **Risk Management**

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

Comments checked by:

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

## 6.0 Decision Information

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

A district of opportunity

### Lead Councillor

None

### Document Information

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