

Public Document Pack



Committee: Planning Committee
Date: Thursday 15 December 2016
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

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

Substitutes

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

AGENDA

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

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

3. **Requests to Address the Meeting**

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

4. **Urgent Business**

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

5. **Minutes** (Pages 1 - 14)

To confirm as a correct record the Minutes of the meeting of the Committee held on 24 November 2016.

6. **Chairman's Announcements**

To receive communications from the Chairman.

Planning Applications

7. **Jack Barn, West End, Launton, Bicester, OX26 5DG** (Pages 17 - 34) **16/01598/F**
8. **Wroxton House Hotel, Stratford Road A422, Wroxton, Banbury, OX15 6QB**
(Pages 35 - 47) **16/01640/F**
9. **Wroxton House Hotel, Stratford Road A422, Wroxton, Banbury, OX15 6QB**
(Pages 48 - 56) **16/01641/LB**
10. **Land North Of OS 0006 And South East Of College Farm, Pinchgate Lane, Bletchington** (Pages 57 - 87) **16/01706/F**
11. **Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton**
(Pages 88 - 106) **16/01780/F**
12. **22 Sheep Street, Bicester** (Pages 107 - 117) **16/01906/F**
13. **8 Halifax Road, Bicester, OX26 4TG** (Pages 118 - 128) **16/01993/F**
14. **The Pheasant Pluckers Inn, Burdrop** (Pages 129 - 141) **16/02030/F**
15. **Cherwell District Council, Former Offices, Old Place Yard, Bicester**
(Pages 142 - 145) **16/00541/DISC**

Review and Monitoring Reports

16. Appeals Progress Report (Pages 146 - 155)

Report of Head of Development Management

Summary

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

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

Sue Smith
Chief Executive

Published on Wednesday 7 December 2016

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 24 November 2016 at 4.00 pm

- Present: Councillor David Hughes (Chairman)
Councillor James Macnamara (Vice-Chairman)
- Councillor Hannah Banfield
Councillor Andrew Beere
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Chris Heath
Councillor Alastair Milne-Home
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 Barry Wood (In place of Councillor Mike Kerford-Byrnes)
- Apologies for absence: Councillor Mike Kerford-Byrnes
Councillor Nicholas Turner
- Officers: Bob Duxbury, Team Leader (Majors)
Bob Neville, Senior Planning Officer
Nat Stock, Team Leader (Others)
Stuart Howden, Senior Planning Officer
Preet Barard, Solicitor
Aaron Hetherington, Democratic and Elections Officer

106

Declarations of Interest

12. FWP Matthews Ltd, Beaumont Road, Banbury.

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

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

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

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

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

13. 2 - 4 Old Grimsbury Road, Banbury, OX16 3HG.

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

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

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

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

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

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

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

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

Councillor D M Pickford, Non Statutory Interest, as a member of Bicester 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 this item..

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

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

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

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

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

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

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

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

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

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

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

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

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

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

107 **Requests to Address the Meeting**

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

108 **Urgent Business**

There were no items of urgent business.

109 **Minutes**

The Minutes of the meeting held on 27 October 2016 were agreed as a correct record and signed by the Chairman.

110 **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.

111

Heatherstone Lodge, Banbury Road, Finmere, MK18 4AJ

The Committee considered application 16/01209/OUT for a residential development and associated infrastructure at Heatherstone Lodge, Banbury Road, Finmere for Siteplan UK LLP.

Andrew Hirst, neighbour to the application site, addressed the committee in objection to the application.

Alex Cowling, agent for the applicant, addressed the committee in support of the application.

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

Resolved

That application 16/01209/OUT be 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.
4. The Flood Risk Assessment submitted with this application does not comply with the requirements set out within the National Planning Policy Framework and does not sufficiently address the high risk area of flooding to the north of the boundary of the site. Thus, the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and it has not been clearly demonstrated that the development and its future users will be safe over the lifetime of the development. The proposal is therefore contrary to Policy ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the NPPF.
5. 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, BSC3 and BSC11 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

112 **The Lion, Main Street, Wendlebury, OX25 2PW**

The Committee considered application 16/01430/F for a proposed accommodation block, which was an alteration to the previously approved application 15/00185/F, at The Lion, Main Street, Wendlebury for Mrs Sarah Robinson-Smith.

Parish Councillor Tim Hibbert, on behalf of Wendlebury Parish Council, addressed the committee in objection to the application.

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

Resolved

That application 16/01430/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;
 - 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 11th November 2016.
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 25th March 2015.
4. The external roofs of the development shall be constructed in accordance with the slate samples inspected on site by the Local Planning Authority on 18th November 2016, unless samples of alternative slates are first submitted to and approved in writing by the Local Planning Authority prior to their use in the development.
5. 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 Local Planning Authority on 18th November 2016.
6. 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.
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.

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.
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, reduceddig areas, crossing points and steps. Thereafter, the development shall be carried out in accordance with the approved landscaping scheme.
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.
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.

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

The Committee considered application 16/01548/F, a full planning application for a residential development of 99 dwellings (Use Class C3) together with parking, public open space, landscaping and associated infrastructure at land

north of Gaveston Gardens and rear of Manor Farm, Banbury Road, Deddington for David Wilson Homes (Mercia).

Parish Councillor David Rogers, Chairman of Deddington Parish Council, addressed the committee in objection to the application.

Councillor Pickford proposed that application 16/01548/F be refused by reason of its scale, layout and design and taking into account Cherwell District's ability to demonstrate an up to date housing land supply, the application was 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. Councillor Sibley 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 16/01548/F be refused for the following reasons:

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

114

Corner Meadow, Farnborough Road, Mollington

The Committee considered application 16/01740/F for the change of use of part of the land to provide 6 additional caravan pitches at Corner Meadow, Farnborough Road, Mollington, for Mr James Doran.

Councillor Ken Atack addressed the committee as Ward Member.

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

Resolved

That application 16/01740/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings labelled: 1073-J-2016-01b and 1073-J-2016-02b.
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).
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.
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.
6. No commercial activities shall take place on the land, including the storage of materials.
7. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site at any time whatsoever.
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.
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.

The Committee considered application 16/01760/F for the change of use of land to use as a residential caravan site for gypsy families with 5 caravans and laying of hardstanding at The Stable Block, Farnborough Road, Mollington for Mr Thomas Doran.

Councillor Atack addressed the committee as Ward member.

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

Resolved

That application 16/01760/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, 1:1250 Site Location Plan and Block Plan.
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).
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.
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.
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.

7. No commercial activities shall take place on the land, including the storage of materials.
8. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site at any time whatsoever.
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.
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.

116

FWP Matthews Ltd, Beaumont Road, Banbury

The Committee considered application 16/01761/F for the erection of a loading canopy for at Beaumont Road, Banbury for FWP Matthews Ltd.

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

Resolved

That application 16/01761/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms Design and Access Statement and drawings numbered 436/01 and 436/02
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.
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

117

2 - 4 Old Grimsbury Road, Banbury, OX16 3HG

The Committee considered application 16/01960/F for an external refurbishment to include two additional roof lights (conservation standard) to the west elevation of roof and one additional roof light to the east elevation, mended fenestration throughout, removal of fascia board on the north elevation and re-render of the whole frontage, except the top most portion of the north elevation and Gravel surfacing on drive at 2-4 Old Grimsbury Road, Banbury for Mr Alex Osborne.

Samantha Lambert, neighbour to the application site, addressed the committee in objection to the application.

David Holmes, agent to the application, addressed the committee in support of the application.

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

Resolved

That application 16/01960/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, Ecology report, Flood risk assessment, design and heritage statement and drawings numbered: 005C, 003D, 004C, 001, 006, 002, 007 and 008.
- 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.
- 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.
- 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.

- 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.
- 7 The application site shall be used only for purposes falling within Class C3 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose(s) whatsoever.

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

The Committee considered application 16/00478/DISC for the discharge of Condition 7 (Privacy Screens) of the previously approved application 13/01708/CDC at the former Oxfordshire Care Partnership Building, London Road, Bicester for Keepmoat.

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

Resolved

That 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.

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

The Committee considered applications 16/00498/DISC, 16/00499/DISC, 16/00511/DISC, 16/00512/DISC for the 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) at OS Parcels 4083 and 6882 adjoining and north of Broken Furrow, Warwick Road, Banbury for Cherwell District Council.

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

Resolved

That authority be delegated to officers to determine all four applications once acceptable amended details have been received.

120

Appeals Progress Report

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

Resolved

(1) That the position statement be accepted.

The meeting ended at 6.45 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

15 December 2016

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Jack Barn West End Launton Bicester OX26 5DG	16/01598/F	Launton and Otmoor	Refusal	Michelle Jarvis
8	Wroxton House Hotel Stratford Road A422 Wroxton	16/01640/F	Cropredy, Sibfords And Wroxton	Refusal	Bob Neville
9	Wroxton House Hotel Stratford Road A422 Wroxton	16/01641/LB	Cropredy, Sibfords And Wroxton	Refusal	Bob Neville
10	Land North Of OS 0006 And South East Of College Farm Pinchgate Lane Bletchingdon	16/01706/F	Launton & Otmoor	Approval	Stuart Howden
11	Land West Of M40 Adj To A4095 Kirtlington Road Chesterton	16/01780/F	Fringford And Heyfords	Refusal	Stuart Howden
12	22 Sheep Street Bicester	16/01906/F	Bicester East	Approval	George Smith
13	8 Halifax Road Bicester OX26 4TG	16/01993/F	Bicester East	Approval	George Smith
14	The Pheasant Pluckers Inn Burdrop	16/02030/F	Cropredy, Sibfords and Wroxton	Approval	Bob Neville
15	Cherwell District Council Former Offices Old Place Yard Bicester	16/00541/DISC	Bicester South and Ambrosden	Delegate authority to officers to determine the application	Shona King

16/01598/F

Jack Barn
West End
Launton
Bicester
OX26 5DG

Pond

Jack Barn

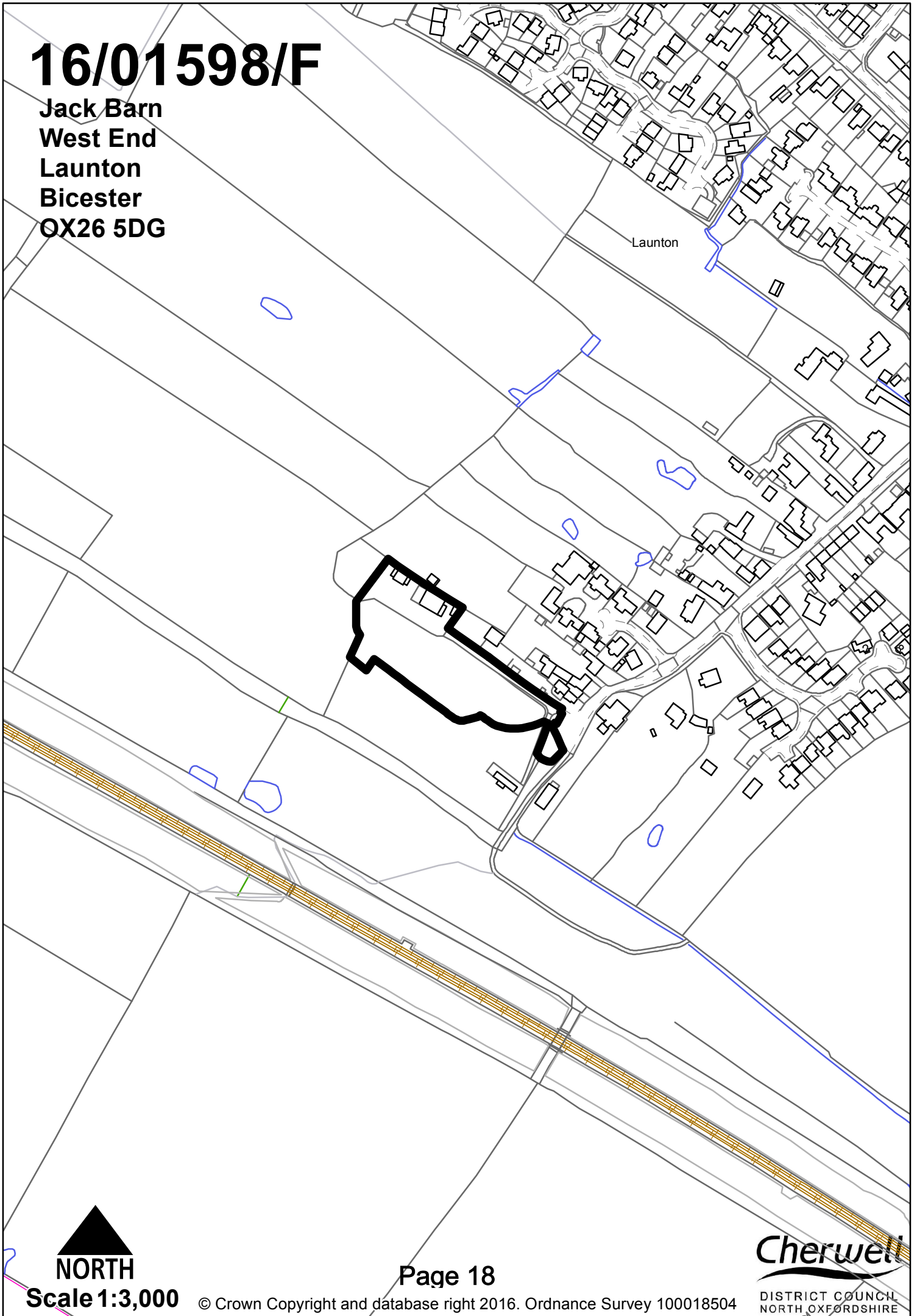
Track



NORTH
Scale 1:800

16/01598/F

Jack Barn
West End
Launton
Bicester
OX26 5DG



NORTH

Scale 1:3,000

Jack Barn
West End
Launton
Bicester
OX26 5DG

16/01598/F

Case Officer: Michelle Jarvis **Ward(s):** Launton and Otmoor

Applicant: Mr Howson

Ward Member(s): Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Proposal: Demolition of development at Jack's Barn and the erection of ten dwellings.

Committee Date: 15 December 2016 **Recommendation:** Refusal

Reason for Referral: Major development

1. APPLICATION SITE AND LOCALITY

- 1.1 This application relates to a site located at the southern end of West End, Launton. A store/workshop which was restricted to a mixed agricultural and equestrian use already occupies part of the proposed site, along with some ancillary buildings. This was given planning permission in 2010 (ref 10/00021/F). The applicant runs a metal fabrication business from within this unit in contravention of an enforcement notice (ref 12/00113/EBCON) which was upheld at appeal (the Council is currently in the process of pursuing a prosecution). Within the applicant's ownership is also an open agricultural field to the south which contains a stable building in the south-eastern corner of the site.
- 1.2 There is an existing access to the workshop from West End which runs along the boundary of number 70 West End and also a new dwelling recently constructed in the garden of 66 West End. The access then widens into an existing yard associated with the workshop building. A separate track provides access to the existing stable building.
- 1.3 The site is enclosed by hedgerows along the eastern, southern and western boundaries. There is a Public Footpath (272/3/10) which passes close to the east of the site and views can be glimpsed through the existing vegetation.
- 1.4 West End itself is characterised by a mix of housing types, comprising of traditional cottages infilled with modern developments, which are mainly in the form of small cul de sacs.
- 1.5 The Chiltern mainline railway runs some 150 metres to the south of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Full planning permission is sought for the demolition of the existing building and the erection of ten new dwellings on the site, including on part of the paddock land to the south. The

proposed development site occupies some 0.7ha of land. The application proposes the removal of the existing building (subject to enforcement action) and would also result in the reduction in size of the adjacent paddock land to the south-eastern side of the existing barn known locally as “Jacks Field”.

2.2 The applicant is proposing a development of mixed tenure including:

- 4x two storey, two bedroom cottages
- 3x two storey, three bedroom houses
- 3x two and half storey, four bedroom houses

Each property will benefit from gardens and also off-road parking.

2.3 Currently access into the site is taken from an existing road which runs from an entrance on West End along the north-east boundary of the site. This application seeks to amend the access arrangements and provide a new access road suitable for adoption, which will be a no-through road culminating in a square which provides a turning area in the north-west corner of the site.

2.4 In addition, a further private drive is proposed some distance from the entrance from West End which forks off to the west of the site and provides access to the larger plots.

2.5 The dwellings would be arranged in a roughly linear fashion along the access road, but with no clear principal frontage. An area of play is proposed at the south-eastern corner of the site, at the entrance off West End.

2.6 The application was due to be determined by 11 November 2016. No extension of time has been agreed with the applicant, and the applicant has chosen to exercise their right to appeal against non-determination. As such Cherwell Council is no longer the determining authority in this case, and Planning Committee is being asked to resolve how it would have determined the application, as this will form the basis of the Council’s case in the appeal.

3. RELEVANT PLANNING HISTORY

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
10/00021/F	Erection of store/workshop on existing hard-standing.	Permitted
15/00392/OUT	OUTLINE - Erection of 8 No detached houses; creation of informal open space	Refused
15/02006/OUT	OUTLINE - Erection of two detached dwellings with garages	Refused
16/00657/OUT	Erection of 2 No dwellings - re-submission of 15/02006/OUT	Refused (Appeal currently underway relating to this)

4. RESPONSE TO PUBLICITY

4.1 The application was publicised by way of neighbour notification letters and a notice displayed near to the site. The comments raised by third parties are summarised as follows:

- Five letters supporting the application from the neighbours of the site and also the Black Bull PH. The comments are summarised as follows:

- A suitable site for development
- The number of dwellings will not affect highway safety
- The new houses will bring an increase in business to the pub
- The proposal includes smaller houses which are in short supply in the village
- The dwellings are designed to be older style
- The development will give a better edge to the village
- There is a good mixture of house types proposed
- An attractive and well thought out scheme

- Four letters objecting the application raising the following issues:

- Extend the village limits
- Unacceptable use of agricultural land
- Increase in traffic
- Implications on sewage and water
- Current Enforcement Notice on the land
- The buffer zone to Bicester would be taken away - and the development lies outside the village boundary
- The proposed development is completely out of character with the cluster of old cottages, which are very much in keeping with their surroundings.
- Most of these cottages do not have any gardens and their amenities would be adversely affected by loss of all privacy, noise and disturbance by increased traffic (at least 20 cars) next to their front door, partial overshadowing (also by planned landscaping), loss of light, distance and a feeling of space.
- We have had 2 very recent major developments of mainly large houses in Launton - no affordable houses in sight in the present proposal.
- The layout of the development, and especially position of the landscaping, ignores that the natural landscape is being ruined and spoilt.
- The proposed playground nearest to the traffic fumes and in the wettest, darkest corner is utterly misplaced.
- Traffic is already at its upper limit in West End, at the crossroads and in the whole of Launton. The proposal would add to highway safety issues in the area.
- Flooding: The field may not be a designated floodplain, but where are the "local water courses" into which surface drainage would go? After three minutes of a downpour the whole turn-around area of West End was flooded more than one inch deep (sat. 21/6/2015). The field is a natural and valuable soak-away.
- Set a precedent for more development

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

5. RESPONSE TO CONSULTATION

- 5.1 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.
- 5.2 LAUNTON PARISH COUNCIL: **Object** to the application on the grounds that *"the ten houses proposed would go beyond the built up limits of the village and extends the urban boundary"*.

CHERWELL DISTRICT COUNCIL

- 5.3 PLANNING POLICY MANAGER: There is no objection to the principle of residential development in Launton as it is a Category A village. However, development of this site would extend the built up limits of Launton in a westerly direction which would lead to incremental coalescence with Bicester. This would harm the village's identity and character. Detailed consideration of the impact on the countryside, the existing settlement pattern, and the justification for a lower density development is also required.
- 5.4 DESIGN AND CONSERVATION OFFICER: Formal comments still awaited
- 5.5 BUSINESS SUPPORT MANAGER: It is estimated that this development has the potential to attract New Homes Bonus of £74,564.64 over 6 years under current arrangements for the Council.
- 5.6 LANDSCAPE OFFICER: **Objection** to the lack of LAP provision on the site. In terms of the landscape impact, considers that this is negligible and could be dealt with by condition.
- 5.7 ARBORICULTURAL OFFICER: Has requested the addition of a tree survey before he can provide comments.
- 5.8 ENVIRONMENTAL PROTECTION OFFICER: I have **no objections** to this application but would ask for conditions to be imposed to safeguard against the risk of land contamination because of the current use on-site.
- 5.9 HOUSING OFFICER: **no objections**.
- 5.10 WASTE & RECYCLING: No comments received.

OXFORDSHIRE COUNTY COUNCIL

- 5.11 TRANSPORT: **Objection**. A drawing of the site access onto West End showing layout, visibility splays (as calculated using Manual for Streets) and large vehicle tracking has not been submitted with the application.

There is a stretch of West End northwards from the site access for about 40m where there is no footway provision. The applicant has made no reference to this and it has not been demonstrated how pedestrians can be accommodated safely on the highway from the site access to the existing footway provision.

As such, it has not been demonstrated that safe and suitable access can be provided to/from the site for all users.

N.B: An amended plan has been submitted which shows vehicle tracking within the site. This has been forwarded to OCC Transport for comment, and any additional comments received will be reported in the written updates.

5.12 EDUCATION: Approval subject to contributions to mitigate the impact of the additional demand placed by the development on local primary school facilities, secured through a Section 106 Agreement

5.13 RIGHTS OF WAY OFFICER: No comments received.

OTHER EXTERNAL CONSULTEES:

5.14 BUCKINGHAMSHIRE BERKSHIRE OXFORDSHIRE WILDLIFE TRUST (BBOWT): No comments to date

5.15 THAMES WATER: No objections subject to conditions and an informative

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:

Policy PSD 1	Presumption in favour of sustainable development
Policy BSC 1	District Wide Housing Distribution
Policy BSC 2	The Effective and Efficient Use of Land – Brownfield land and Housing Density
Policy BSC 3	Affordable Housing
Policy BSC 4	Housing Mix
Policy BSC 10	Open Space, Outdoor sport and Recreation Provision
Policy BSC 11	Local Standards of Provision-Outdoor Recreation
Policy ESD1	Mitigating and Adapting to Climate Change
Policy ESD 13	Local Landscape protection and enhancement
Policy ESD 15	The Character of the built and historic environment
Policy Villages 1	Village categorisation
Policy Villages 2	Distributing growth across rural areas
Policy SLE1	Loss of employment site
Policy INF 1	Infrastructure

Cherwell Local Plan 1996 (Saved Policies)

Policy H18	New dwellings in the countryside
Policy C8	Sporadic Development in the Open Countryside
Policy C15	Prevention of coalescence of settlements
Policy C28	Layout, design and external appearance of new development

Policy C30	Design of new residential development
Policy ENV1	Noise
Policy ENV12	Contamination

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.

Home extensions and alterations design guide (2007)

The Annual Monitoring Report 2015 (January 2016)

Strategic Housing Land Availability Assessment (SHLAA) Update 2014

7. **APPRAISAL**

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

- Principle of Development;
- Design, impact on the character of the area and landscape impact;
- Accessibility, Highway Safety, Parking and Impact on the Public Right of Way;
- Residential Amenity;
- Ecological Implications;
- Affordable housing, infrastructure and service impacts;
- Other material considerations

Principle of development

7.2 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.

7.3 Paragraph 12 of the NPPF notes that the development plan is the starting point of 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.

7.4 The Council, as concluded in its latest Annual Monitoring Report published in December 2015, can demonstrate a five-year supply, and this has been tested and upheld at appeal. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.

7.5 In the adopted Cherwell Local Plan 2011-2031 Part 1, Launton is designated a Category A village. This means that it is considered to be a village capable of taking some limited residential development in the form of minor development, infilling or conversions. The

application site is located beyond the built up limits of the settlement and this is therefore at odds with Policy Villages 1, which concerns development within the built limits. Notwithstanding this conclusion, Launton is identified as a potential location for accommodating some of the additional housing required in the District's rural areas and therefore Policy Villages 2 needs to be considered.

7.6 Policy Villages 2 states that sites for additional residential development at the Category A villages 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 Local Plan Part 2 is currently scheduled to be presented to the Council's Executive at its meeting in January 2017. This policy does allow for development beyond the built-up limits of settlements however it is very clear that proposals will only be considered for 10 or more dwellings (i.e. it does not promote piecemeal development on the edge of settlements). It goes on to list criterion for considering whether specific proposals and sites are acceptable (page 250). Of particular relevance in relation to this application are the following points from that list:

- Whether the land has been previously development land or is of lesser environmental value;
- Whether development would contribute in enhancing the built environment;
- Whether significant adverse landscape impacts could be avoided;
- Whether satisfactory vehicular and pedestrian access/egress could be provided;
- Whether necessary infrastructure could be provided

7.7 The application site was considered as part of a larger site in the Strategic Housing Land Availability Assessment (SHLAA) update 2014. (Site reference LA025). It was concluded that *'the site was unsuitable for residential development as it is outside the built-up area within a rural area, and it is considered that encroachment of more of the village in a westerly direction would lead to incremental coalescence with Bicester to the detriment of the village's identity and character. The site also lies within a protected species buffer for Great Crested newts, and therefore development would have a detrimental impact to the local ecology.'*

7.8 Policy H18 of the Cherwell Local Plan 1996 is also of some relevance in this circumstance as well. This policy looks to resist new dwellings in the countryside outside of the built up limits of settlements unless certain criteria are met such as being essential for the purposes of agriculture and policy compliant in other respects.

7.9 The proposed new dwellings would result in the demolition of the store/workshop if approved. Therefore the proposal also stands to be considered against policy SLE 1 of the adopted Cherwell Local Plan 2011-2031 Part 1. This policy sees the Council, as a general principle, protecting existing employment land and buildings for employment uses. Whilst the on-going issues with the store/workshop are noted, the replacement of the building will still result in the loss of an employment use. However it is important to note that this is a single unit and is not part of any bigger employment site (employing the applicant and perhaps one other). The loss of this employment site would not have a material impact on the employment provision available in the District, and so should be given limited weight in the determination of this application.

7.10 The proposed development is not disproportionate with the amount of development that it is considered Launton, as a Category A village, could take, being the minimum amount to qualify for consideration under Policy Villages 2. Therefore it is difficult to justify resisting the development in general sustainability terms. However it is important to be mindful of the other issues and criteria of Policy Villages 2 (listed in para 7.6) which are also material

considerations in the determination of this application. Therefore, whilst the principle of developing 10 dwellings at Launton may be acceptable under Policy Villages 2, this is subject to other considerations as addressed in the following sections of this report.

Design, impact on the character of the area and landscape impact

- 7.11 Government guidance contained within the NPPF outlines 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.
- 7.12 Paragraph 61 of the NPPF 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’.
- 7.13 Policy ESD15 of the Cherwell Local Plan Part 1 (CLP 2031) states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards...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.”*
- 7.14 Saved Policy C30 of the Cherwell Local Plan 1996 (CLP 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.
- 7.15 Considering first the site’s relationship to existing development, the village of Launton is very diverse in terms of the age and style of the properties within it. West End exhibits this diversity with elements of old development as well as relatively new development. For example, the small cul-de-sac of nine dwellings, known as “West End Close”, to the east of the development site is a modern addition to the village. However the rural setting and character of the village has not been undermined by the more recent additions which are considered to fit comfortably with the more traditional settlement pattern. The character of the village is interlinked with the wider landscape which defines the edges of the village and reinforces the settlements linear form, with development lining the main routes with small groups of dwellings leading off these routes. The existing edge of the village at the application site is currently defined by housing which turns the corner from West End and lines the start of a track, bounded by black estate railings, to the industrial shed. The recent addition of the new bungalow (constructed as an infill site) closes the gap between the housing and industrial shed and reinforces the hard built edge to the village.

- 7.16 Given that the existing form of development in this part of the village has evolved in a very linear form, with small, contained cul-de-sac developments branching off from West End, down towards the proposed site, this development is not considered to integrate well into this existing built form. The layout as proposed is excessively deep, extending beyond the limits of built development along the north-west side of West End, and creates a new frontage perpendicular to West End. Furthermore it isolates itself from the existing development and creates an almost “private” estate on the edge of the village which has no ties at all back to the existing built form. The proposed development sits in isolation compared to the current development in West End. The area which is outlined for development is also a site which makes a significant contribution to the rural character and setting of this area, being a paddock in agricultural use. The proposed development would represent a harmful encroachment of development onto this open space.
- 7.17 Turning to the layout, the proposed layout can be broken down into two main elements. Firstly there is the removal of the existing industrial building and its replacement with four dwellings in a staggered terrace arrangement. Whilst the removal of the existing industrial building could be a benefit, it is considered that the addition of four terraced houses in this position is overdevelopment resulting in very cramped plots with no meaningful relationship with the street and appearing some detached from both existing and the remaining proposed development.
- 7.18 The second element of the layout relates to the additional housing proposed predominantly on the green field land to the south east of the existing industrial unit (known locally as Jack’s Field). Aside from the principal of the extension being beyond the village limits, the large scale, mostly detached (although it is noted there is one semi-detached) properties are out of keeping with much of the built form in the locality.
- 7.19 The massing of the buildings is considered to be over dominant and significantly out of scale with the more modest buildings both bordering the existing site and further along West End. The plot depth is much bigger than is traditionally found in the village and the layout as proposed does not reflect at all the historic settlement pattern of the village. The principal frontage appears to face south-west onto the remaining paddock, but this results in the development turning its back on the access road leading to the 4 terraced units, with Plot 10 (at the front of the site) separated from the rest of the development by the new access drive. Overall the layout appears disjointed and lacks coherence, and fails to reinforce or integrate with the existing pattern of development in the area.
- 7.20 Turning to detailed design matters, the dwellings as proposed include design features such as exposed chimneys, large porches and fenestration details which are not compatible with the existing built form of vernacular buildings in the village and are more representative of dwellings found in other more urban locations. Furthermore, there are concerns relating to the way in which the properties are proportioned. For example the three bed houses are shown very long and squat resulting in a disproportionately deep gable and shallow roof pitch. This is not typical of vernacular buildings in the village, and Plot 9 in particular would present a dominant and unattractive blank gable to the new access drive.
- 7.21 Overall the layout and design is considered to be of a very poor design. It is not a well thought out scheme with the different house types and styles appearing disjointed and incoherent. There is no strong frontage which is contrary to much of the front facing design

that exists in this part of the village. Furthermore, the design has created many inactive edges along one of the access routes to the houses. This is visually unattractive and adds to the isolated feeling of the development. The detailed design and proportions of the dwellings also fail to reinforce local distinctiveness.

7.22 Turning to matters relating to the landscape impact of the proposed development, Policy ESD13 of the Cherwell Local Plan Part 1 2011-2031 states that: "Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. 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."

7.23 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: '*contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmark features or views.*

7.24 The Council's Landscape Officer considers that the impact of the development on the landscape surrounding the site is negligible and that a scheme for appropriate landscaping could be secured through a planning condition if necessary. As there are no trees within the site and the boundary of the site is to be left as is currently, the requirement to provide a tree survey is not considered necessary in this instance. The applicants are proposing the planting of additional native trees to increase the biodiversity in the area.

7.25 The application is accompanied by a 'Landscape, Public Right of Ways and Visual Impact Statement'. It provides a lot of visual evidence outlining how the development is acceptable in this location and concludes by stating 'In conclusion, the proposed development will not be detrimental to the visual quality of the local landscape. It has no impact on the use of the PRoWs (sic). The impact on those glimpsed views towards Launton from the surrounding PRoWs (sic) will remain that of development on the edge of the village. But the proposed development will be frontage development, making for a much more attractive entrance into the village for walkers using the footpath route'.

7.26 Overall, taking account of the site context and existing vegetation, officers concur that there would not be a wider landscape harm resulting from the development. Nevertheless, and despite the comments of the Landscape Officer, there remains concern that this area of open space currently provides a natural end to development on this edge of the village and makes a positive contribution to the rural setting, character and identity of the village. Its loss will therefore result in some localised landscape harm. It is not considered that any form of replanting would mitigate for the loss of this area.

- 7.27 Overall the proposed layout is unacceptable in both design terms and also its potential impact on the local landscape and rural setting of the village. It is therefore contrary to guidance provided in the NPPF as well as being contrary to policies ESD13 and ESD 15 of the CLP 2031 and policies C30 of the CLP 1996.

Accessibility, Highway Safety, Parking and Impact on the Public Right of Way

- 7.28 This application proposes an alteration to the existing local highway network insofar as it looks to provide a new access onto the current turning area at the termination of West End (drawing number 6167.04 refers).
- 7.29 Concern has been raised with regard to the ability of the local highway network to accommodate safely the increase in traffic that these dwellings would generate. This has also been a constant complaint through the enforcement case related to the industrial unit due to the need for large lorries to transport steel to and from the site. The local highway authority has taken into account issues raised regarding the junction with West End and Station Road and has balanced this proposal against records which show no recorded accidents on that junction. Overall, they have no objection in highway safety terms relating to additional traffic from the proposed development using this junction.
- 7.30 There are however, significant concerns against the safety associated with the proposed access to the development. Currently the applicant has not demonstrated to the satisfaction of the highway authority that they can provide a safe and suitable access to and from the site for all users. In particular no dedicated pedestrian access is proposed, and the Highway Authority is concerned that there is potential for conflicts to arise between pedestrians and vehicles using the new access. The applicant has submitted additional information with a view to overcoming the concerns that have been raised but at the time of writing this report, no further comments from the local highway authority have been received. Therefore the application fails to demonstrate that safe and convenient access will be provided to serve the development, contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained in the NPPF.
- 7.31 With regard to any impact on the adjacent Public Right of Way (ref 272/3/10) which passes close to the site, there will not be any permanent impact or obstruction of the right of way as a result of the development. Whilst construction work may have a temporary impact, this can be addressed by way of a planning note on any permission, drawing attention to the need to have consent from the Highways Authority for any temporary obstruction or closure of the right of way.

Residential Impact

- 7.32 Para 17 of the NPPF lists a set of planning principles which should “underpin” both plan-making and decision-taking. One of these principles states 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*”.
- 7.33 Advice provided in Policy ESD15 of the adopted Cherwell Local Plan (2011-2031 part 1) also echoes this by listing its own set of criterion that new development should accord with. This includes “*consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space*”.

- 7.34 Policy ENV 1 of the Local Plan 1996 (saved policy) is of relevance to the issue of residential amenity on this site in relation to the impact that the proximity to the existing mainline railway (some 160 metres to the south) will have on any proposed development in this location.
- 7.35 Considering first the relationship to the existing dwelling recently constructed to the rear (south-east) of the workshop/store (first approved 11/00246/F and then more recently 15/00595/F), the submitted drawings show that the site boundary will be a brick garden wall separating the existing rear garden of the new house from the proposed four parking spaces to serve the four new dwellings on this portion of the site. Furthermore, there is a window serving the bedroom space at first floor level in this existing property as well.
- 7.36 Given that the built form of proposed development is some distance away from the existing dwelling, and would appear to comply with Cherwell Council's guidance on separation distances between residential properties, there will be no issues associated with overlooking or over-domination. The parking spaces, although there will be a level of disturbance due to their use on this boundary, on balance are also not considered to be of enough concern to be considered detrimental to the living conditions of the occupiers.
- 7.37 It is also noted that there will be an increased and more regular use proposed for the current access which runs alongside the boundary of the neighbouring properties. Again this use, whilst increased and likely to be more noticeable, is unlikely to be of such a detriment to the occupiers to justify a refusal of the application.
- 7.38 In terms of the proposed development and its layout, officers are satisfied that the relationship between plots would be acceptable and would comply with Cherwell Council's guidance in respect of minimum distances between residential properties, reducing the potential for overlooking and affording each property with an acceptable amount of outdoor space and outlook.
- 7.39 It is possible that the development will be impacted by the noise of the railway, and the proposed development would bring the built edge of the village closer to the railway than existing. The supporting text to saved Policy ENV 1 (Cherwell Local Plan 1996), states *"where a source of pollution is already established and cannot be abated, the Council will seek to limit its effect by ensure development within the affected area maintains a suitable distance from the pollution source"*.
- 7.40 The applicant has submitted a Noise Impact Assessment, and this concludes that the site is suitable for residential use and that "the future expansion of the railway line is not likely to impact the noise climate at the proposed site". The Assessment was prepared by a qualified firm of civil engineers, and the Council's Environmental Protection Officer has not raised any objections or concerns about the potential noise impact and disturbance to future residents. Therefore, whilst the potential impact on these dwellings from noise from the railway is a concern, it is not considered to be enough justification on its own for recommending the refusal of the application, subject to the mitigation measures proposed in the submitted Noise Impact Assessment.

Ecological Implications

- 7.41 Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making.

Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*

- 7.42 Paragraph 109 of the NPPF states that: *The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible.* This requirement is echoed by Policy ESD10 of the CLP 2031 Part 1.
- 7.43 The applicants have submitted an Extended Phase 1 Habitat Survey (originally produced in February 2015). In this submission, the consultants have confirmed that the circumstances are not significantly different since 2015 and as such the conclusions are still valid now.
- 7.44 The survey concludes that there are no likely impacts to any statutory or non-statutory nature conservation sites. Furthermore, the habitats within the site are all of low ecological value. Whilst there is potential for there to be Great Crested Newts living on ponds adjacent to the site, there are no ponds suitable for Great Crested Newts on the site. A further more in-depth study could be conditioned if permission were to be granted, to address the potential risk of Great Crested News crossing the site.
- 7.45 The Council's Ecological Officer has not commented on these proposals but as the survey has concluded that the habitats within the site are of low ecological value, there is little concern that there will be any significant ecological impacts from this development. The proposal is therefore considered to be in compliance with policy.

Affordable housing, infrastructure and service impacts

- 7.46 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 and 123 of the Community Infrastructure Regulations 2010 (as amended). Contributions must be:
- Necessary to make the development acceptable in planning terms;
 - Directly relate to the development; and
 - Fairly and reasonable related in scale and kind to the development.
- 7.47 Policy BSC 11 of the adopted Cherwell Local Plan 2011-2031 outlines what is expected in terms of the provision of open space, sport and recreation. It outlines how provision should usually be made on site in accordance with the minimum standards.
- 7.48 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, public transport, sports provision, play provision and public open space. Oxfordshire County Council have requested contributions towards the extension of the S5 bus service to include evenings and Sundays, a s278 agreement to deal with the creation of the new site access, and contributions towards the planned expansion of

Launton Primary School. These items would need to be secured via a section 106 agreement, to mitigate the impacts of the development in this respect. No mention of such an agreement is made in the application submission and neither has the applicant provided the Council with any Heads of Terms to consider.

- 7.49 Given that the proposal seeks consent for ten dwellings, it is necessary for the applicants to provide a Local Area of Play (LAP) on site in accordance with requirements of Cherwell District Councils Supplementary Planning Document, Planning obligations Draft Supplementary Planning Document May 2011 (Appendix D).
- 7.50 Whilst a LAP is proposed on site, there are no details shown in relation to what it will comprise and what arrangements there are for its long term provision. This would need to be addressed by way of conditions and/or a legal agreement.
- 7.51 The Council's Strategic Housing Officer has no objections to the proposed scheme, and given the size of the development, and in accordance with Policy BSC3 of the Cherwell Local Plan 2011-2031 Part 1, the development falls just below the threshold for affordable housing to be provided on the site. Notwithstanding this, it is considered that currently the applicant is not maximising the potential for the development of the site and if the layout and house type were revised it would allow for the provision of some affordable housing. As a result it has not been demonstrated that this is an efficient way of developing the site, and that the site is not suitable for 11 or more dwellings such that Policy BSC3 would apply.
- 7.53 As it stands, the absence of a suitable Section 106 Agreement to make provision for affordable housing and to mitigate the impacts of the development on existing transport and community facilities infrastructure is a secondary reason (following the principal of the development) for refusal of this application.

Other Material Considerations

- 7.54 As the site is currently occupied by, an albeit unauthorised, metal fabrication business, the nature of this use means that there could be issues associated with contamination of the site from material used in the processes and therefore it would be necessary for the applicant to carry out an assessment to the satisfaction of the Council's Environmental Protection Officer. This could be dealt with by condition if the application were to be recommended for approval.
- 7.55 An Enforcement Notice was served (ref 12/00113/EBCON) following the breach of two conditions on the original permission for the workshop/store (ref 10/00021/F). It is alleged that the workshop use is not in accordance with the approved plans and also the external storage was contrary to one of the planning conditions. A Notice was served and then this was successfully defended at appeal. The applicant to date has not complied with the Notice and Cherwell Council are now following procedures to prosecute for non-compliance with the Notice in the Magistrates Court.
- 7.56 The history including the enforcement case is a material consideration as it outlines the harm that the current use causes residents in terms of noise and disruption. The Inspector has agreed that the current use of the building is unacceptable therefore any argument based on removal of the unauthorised use is not a material consideration. If the building was being used in accordance with the planning permission, this would address any harm to neighbouring residents.

8. CONCLUSION AND PLANNING BALANCE

- 8.1 The application for the erection of ten dwellings, whilst potentially acceptable in general sustainability terms under Policy Villages 2 of the Cherwell Local Plan 2011-2031 Part 1, is considered to be poorly designed and integrated with the existing pattern of development in the village, such that the site is not suitable for development in the manner proposed. The form, layout and relationship of the development does not respect the existing settlement pattern, would result in a development that appears disjointed and lacking design coherence, and would result in encroachment onto an area of undeveloped land that currently contributes to the rural setting and character of the village. There would be economic and social benefits resulting from the delivery of new housing, and some limited environmental benefits resulting from the removal of the existing business use. However the existing business use is unauthorised in any event, and in the context of Cherwell Council having a 5 year housing land supply, there is no immediate pressing need for additional housing in the rural areas.
- 8.2 Furthermore, there are significant design issues with the layout and detailed design of the development as it currently stands and there is a lack of a Section 106 Agreement for the site to mitigate the infrastructure impacts of the development and provide for affordable housing.
- 8.3 Against this backdrop, the proposal is considered to cause significant and unacceptable harm to the character, quality and appearance of the area, in conflict with Development Plan policy, and there are no benefits to outweigh this harm. The application should therefore be resisted on the grounds set out below.

9. **Recommendation** – that had Cherwell District Council been the determining authority, it would have **REFUSED** permission for the following reasons:

- 1 By virtue of its siting, scale, layout, and relationship with existing development, in particular its extension to the rear of the building line along West End, its orientation and lack of integration with the streetscene of West End, and the scale and detached form of the plots, the proposed development would result in an inappropriate encroachment into the open countryside beyond the built-up limits of Launton with harm to the rural character and quality of the area and the setting of Launton. The proposal therefore fails to accord with Government guidance contained within the National Planning Policy Framework, Policies Villages 2, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies H18, C28 and C30 of the Cherwell Local Plan 1996.
- 2 By virtue of its layout and the scale, form and design of individual dwellings, in particular the detached backland relationship of plots 1 to 4, the separate nature of plot 10, and the use of non-traditional features such as exposed chimneys, large porches, deep blank gables and shallow roofs, and fenestration details, the proposed development appears disjointed and incoherent with too great a variation in house types and many inactive edges. The proposal is therefore contrary to the provisions of the National Planning Policy Framework, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28 and C30 of the Cherwell Local Plan 1996.
- 3 By virtue of a lack of a satisfactory Section 106 legal agreement to ensure that the development adequately mitigates its impact on community and transport infrastructure,

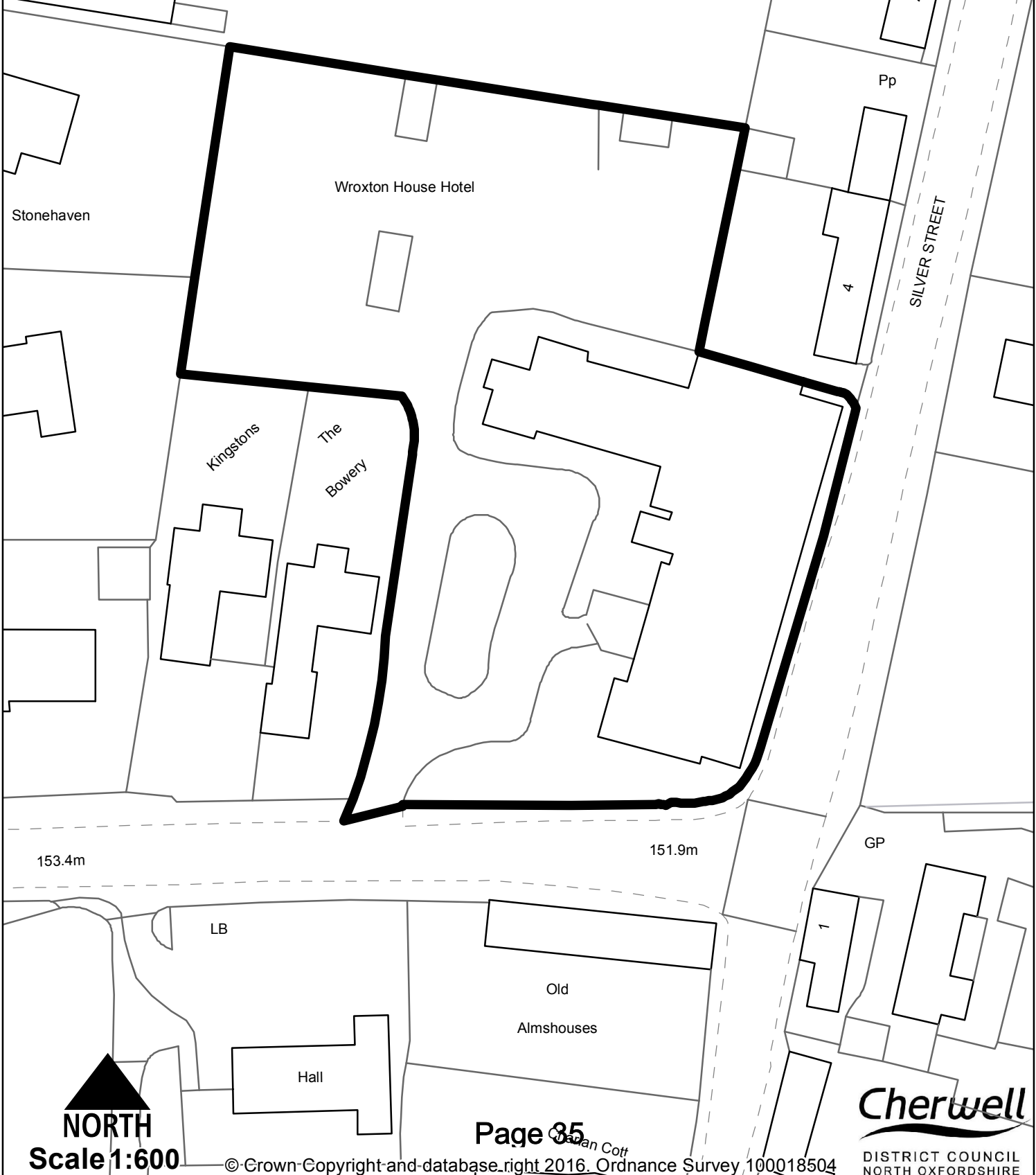
provides appropriate levels of affordable housing, and secures the provision of open space, the local planning authority cannot be satisfied that the impacts of the development in this respect can be made acceptable. The proposal is therefore contrary to the provisions of the National Planning Policy Framework and policy INF 1 of the Cherwell Local Plan 2011-2031 Part 1

CONTACT OFFICER: Michelle Jarvis

TELEPHONE NO: 01295 221826

16/01640/F

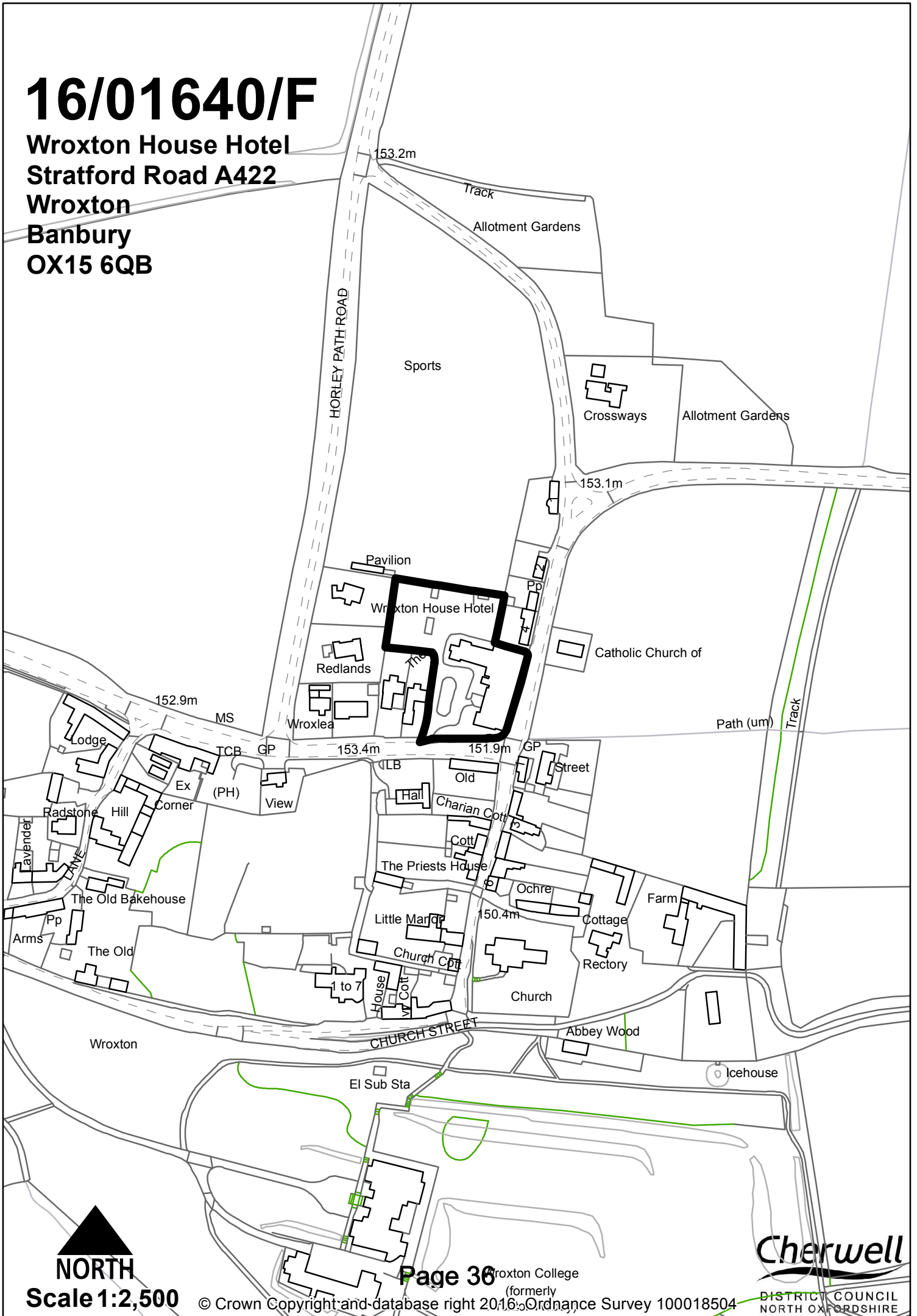
Wroxton House Hotel
Stratford Road A422
Wroxton
Banbury Pavilion
OX15 6QB



NORTH
Scale 1:600

16/01640/F

Wroxton House Hotel
Stratford Road A422
Wroxton
Banbury
OX15 6QB



Scale 1:2,500

Wroxton House Hotel
Stratford Road A422 Wroxton

16/01640/F

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

Applicant: Best Western Plus Wroxton House Hotel

Proposal: Two-storey extension to rear of hotel to provide 8 no. additional bedrooms, reconfiguration of car park and associated works

Expiry Date: 07/10/2016 (Extension of time agreed until 16/12/2016)

Ward: Cropredy, Sibfords And Wroxton **Committee Date:** 15/12/2016

Cllr Ken Atack

Ward Councillors: Cllr George Reynolds

Cllr Douglas Webb

Reason for Referral: Member call-in in light of public interest indicated by the Parish Council

Recommendation: Refusal

1 APPLICATION SITE AND LOCALITY

- 1.1 The site is an established hotel complex located in the rural village of Wroxton. The hotel buildings are largely of stone construction, with a mixture of roofing materials (including thatch, clay tiles and slate) being employed on various buildings within the site. The site is accessed off the Stratford Road (A422) and has an existing parking area. The site is bounded by the Stratford Road to the south and east, residential properties to the west and a sports pitch and further residential properties to the north. The site has been the subject of significant development over the years with numerous extensions and alterations being approved by Cherwell Council.
- 1.2 In terms of site constraints, the site sits within the Wroxton Conservation Area and the historic village core which is considered of archaeological interest. The original main buildings are grade II listed and further grade II listed properties sit adjacent the site to the north and along Church Street to the south. The grounds of grade II* Wroxton Abbey lie some 130m east of the site.
- 1.3 There are records of notable and protected species (Pipistrelle Bats and Common Swifts) within the vicinity of the site; but given the nature of the proposed development it is considered that these species would not affect or be affected by the proposed development. The geology in the area is also known to contain naturally occurring elevated levels of Arsenic, Chromium and Nickel as seen across much of the district. There are three trees on site which are protected under TPO 6/2004; 2 Lawson Cypress trees and one Yew tree.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks permission for a link detached two storey extension to the rear of the hotel to provide 8 no. additional bedrooms (25% increase in overall

bedroom capacity of the existing hotel) with the reconfiguration of the car park and associated works including landscaping. The proposed extension would be located to the north-west of an existing previously extended accommodation block, and would have a footprint of some 113m², with accommodation on two floors with an overall height ridge of ~7.85m. The building is proposed to be of predominantly stone construction, with elements of hung tile under a twin-ridged pitched tiled roof to match the existing roofing materials on the adjacent building. The proposed extension would be linked to the existing accommodation via a two storey glazed link.

- 2.2 The proposals would also include landscaping works, including the removal of two protected Cypress Trees, a tree replanting scheme and the reconfiguration of the car park area to provide 46 no. parking spaces.
- 2.3 The determination period for the application has been agreed to be extended with the applicant's agent, to allow for consideration of revised and additional information submitted in response to case officer and consultee comments and to allow for the application to be presented to Planning Committee.

3 RELEVANT PLANNING HISTORY

- 3.1 CHN.LB.CA.763/86 - Main entrance alterations, additions of bedroom block and demolition of existing store room to existing hotel. Alterations to existing bungalow into staff quarters and formation of car park. Permitted 04.12.1987.

CHN.LB.871/87 - Extension and re-modernising of existing hotel. Permitted 17.04.1988.

CHN.91/589 - Conversion of staff house to hotel bedroom accommodation. Permitted 03.12.1991.

CHN.LB.810/90 - Change of use, conversion and refurbishment and extension to form 5 hotel bedrooms and bathrooms. Permitted 21.01.1991.

09/01108/F & 09/01109/LB - Proposed alterations and single storey extension. Permitted 22.10.2009.

09/01636/F - Proposed single storey servery extension and alterations (Modification of Planning Consent 09/01108/F dated 22 October 2009). Permitted 18.03.2010.

15/00736/F & 15/00579/LB - Alterations and erection of two storey extension to rear of hotel. Withdrawn 31.08.2015.

16/01388/F & 16/01389/LB - Replacement timber orangery and lantern rooflight to entrance and lobby. Permitted 01.09.2016

(Please note that this is not a complete summary of the planning history at the site and that there have been further applications at the site)

4 PRE-APPLICATION DISCUSSIONS

- 4.1 The following pre-application discussions have taken place with regard to this proposal:
 - 16/00110/PREAPP-Proposed two storey rear extension to Hotel to form 8 additional guest bedrooms and associated works: Advice was given that there may be potential for a further extension of hotel facilities at the site, but that support would not be given for the design as submitted with the enquiry. The proposals were considered to detrimentally impact on the setting and significance of Wroxtton House Hotel and adjacent grade II listed buildings, and that this harm would not be outweighed by the public benefit, with regard to

tourism and the local economy in this instance. The proposals were considered to be contrary to Saved Policies C18 and C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance within the NPPF. Officers provided indicative sketches of a possible alternative scheme with the report which was issued to the applicant's agent on the 11/05/2016.

5 RESPONSE TO PUBLICITY

- 5.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.
- 5.2 No comments have been raised by third parties.

6 RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL

- 6.2 WROXTON PARISH COUNCIL: **No objections.** Making the following comments:

'The owners of the hotel have been attempting to add capacity to a very successful business to avoid the necessity of turning trade away, as is happening all too regularly at the moment. The extension would fit neatly behind and at a right angle to an existing modern extension and would be almost entirely invisible to passing traffic. This is because it would be set well back from the road, occupying part of the existing parking area. In addition, it would not be in the sightlines of the neighbouring properties.'

It seems to us that, in the difficult economic conditions in which North Oxfordshire finds itself, CDC should be bending over backwards to encourage any business which brings trade, employment and tourism to the area. Wroxton House Hotel is highly respected as a place to stay and to entertain and employs 35 staff, which surely puts it into the category of businesses to be encouraged rather than obstructed by the planning system'.

STATUTORY CONSULTEES

- 6.3 HIGHWAYS AUTHORITY: **No objections subject to conditions.** Originally raised an objection on the grounds of insufficient details of parking layouts and vehicle tracking, but following the submission of revised and further information, withdrew their objection.
- 6.4 HISTORIC ENGLAND: **No objection.** Commenting that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

NON-STATUTORY CONSULTEES

- 6.5 CDC ARBORICULTURE: **No comments received.**
- 6.6 CDC CONSERVATION: **Objects.** Commenting: *'We are not opposed to the extension of this successful hotel subject to a good design which respects the listed buildings and their setting. The Grade II listed hotel has been extended by a high percentage of its original footprint and it is strongly recommended that any extension should be compact to ensure minimum impact on the character and significance of*

the listed building. The views from the conservation area are also important. We previously advised the Applicant that the extension should aim to extend in the style of the existing extensions and look to be an integral part of the building's evolution. We recognised the roof was complicated with a wide valley gutter between two pitched roofs. The proposal shows a separate building with a boxy-glazed link. The form, the heavy horizontal bands and eaves and fenestration are all too heavy and the juxtaposition with the existing building is crude. It would not be a positive enhancement to the listed building, it would not be a neutral addition. It would have a negative effect on the character and significance of the listed building and causes less than substantial harm. We do not recommend approval of the scheme as submitted'.

- 6.7 OCC ARCHAEOLOGY: **No objections.** There are no archaeological constraints to this scheme.

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

SLE 3: Supporting Tourism Growth

ESD 1: Mitigating and Adapting to Climate Change

ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 15: The Character of the built and historic environment

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

T2: New hotels, motels, guest houses and restaurants within settlements

C28: Layout, design and external appearance of new development

C30: Design Control

C31: Compatibility of proposals in residential areas

- 7.5 Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

8 APPRAISAL

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

- Principle of development
- Design and impact on the historic environment and character of the area

- Residential amenity
- Highway safety
- Ecology

The property is a listed building and issues relating to the direct impact on the listed building are to be dealt with under an associated listed building consent application ref. 16/01641/LB.

Principle of development

- 8.2 Government guidance contained within 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 Paragraph 6 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy, and in the context of these proposals this would include the preservation and enhancement of the historic environment.
- 8.4 Policy PSD1 contained within the CLP 2031 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 8.5 Policy Villages 1 of the CLP 2031 groups villages into three separate categories (A, B and C). Wroxton is considered a Category A village. Category A villages are considered to be the most sustainable settlements in the District's rural areas given the level of services, community facilities, relative transport links that they have to offer and in this instance the proximity of the village to the urban centre of Banbury. Policy Villages 1 is considered relevant in so far as identifying that the site is considered to be in a sustainable location.
- 8.6 The NPPF places substantial weight on supporting a prosperous rural economy. It sees sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside as key opportunities for support. Policy SLE 3 of the CLP 2031 is consistent with the NPPF and supports tourism in sustainable locations.
- 8.7 Saved Policy T2 of the CLP 1996 further indicates that within the built up limits of a settlement the provision of new hotels, motels, guest houses and restaurants will generally be approved subject to the other policies in the plan. The supporting text of this policy further states that: *'The Council considers that the provision of new hotel, motel, guest houses and restaurants within settlements is acceptable provided that the nature of the proposed development is compatible with the size and character of the settlement and there are no adverse environmental or transportation affects resulting from the proposal'*.
- 8.8 The Council is generally supportive of sustainable development which benefits tourism within the district, which is reflected both in the policies of the Development Plan and historic permissions at the site. Whilst the site is in a sustainable location, and in this respect could be considered in accordance with the provisions of Policy SLE 3 of the CLP 2031, this policy and Saved Policy T2 of the CLP also require that proposals are broadly consistent with the provisions and aims of other policies within the Development Plan.
- 8.9 In this instance it is considered that there are adverse impacts in relation to the effects on the historic environment, in terms of the siting and design of the proposed

structures, discussed further below, resulting in the proposals being in conflict with the policies of the Development Plan and therefore unacceptable and further that the presumption in favour of sustainable development contained within the NPPF should not apply.

Design and impact on the historic environment and character of the area

- 8.10 The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 8.11 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.
- 8.12 The site is within the Wroxton Conservation Area, which was first designated as such in 1977, reviewed in 1996 and is again currently under review. Conservation areas are designated by the Council under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; with the aim being to manage new development within such areas to ensure that the character or appearance of the Conservation Area, and the special architectural or historic interest which it may possess, is preserved and where possible enhanced.
- 8.13 Furthermore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy ESD 15 of the CLP 2031 further echoes this aim and advice.
- 8.14 As noted above, the site is within the Wroxton Conservation Area, a Designated Heritage Asset. The NPPF (Para. 126) advises that Local Planning Authorities should positively set out strategies for the conservation and enjoyment of the historic environment, and should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. It further states that in developing this strategy, local planning authorities should take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - the desirability of new development making a positive contribution to local character and distinctiveness; and
 - opportunities to draw on the contribution made by the historic environment to the character of a place.
- 8.15 Policy ESD 15 of the CLP is consistent with the advice and guidance within the NPPF with regard to the conservation of the historic environment and looks for development to:
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness;
 - Conserve, sustain and enhance designated and non-designated Heritage Assets, including their settings, ensuring that new development is sensitively sited and integrated;

- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.
- 8.16 The Council's Conservation Officer objects to the proposals, commenting: *'The proposal shows a separate building with a boxy-glazed link. The form, the heavy horizontal bands and eaves and fenestration are all too heavy and the juxtaposition with the existing building is crude. It would not be a positive enhancement to the listed building, it would not be a neutral addition. It would have a negative effect on the character and significance of the listed building and causes less than substantial harm'*.
- 8.17 The applicant contends that any views of the proposals would be limited, and that as the proposed building would not be directly connected to the more historic structures at the site there would be little impact on the existing listed buildings or the character and appearance of the surrounding Conservation Area.
- 8.18 Whilst in many respects officers acknowledge that views of the proposals will be fairly localised, there would be opportunities for views from surrounding properties, the sports field and into the site from the highway to the east and south. Further, that it is not just these views that need to be considered, but also the experience that is had within the site, with regard to the character, appearance and setting of the listed buildings and the surrounding Conservation Area. Officers consider that the proposed building does not relate well to either the existing historic building or the later additions to the site; other than being of similar construction and finished materials. The two storey proposal with its glazed two storey link extension would appear somewhat as a separate building which, in officer's opinion, albeit seen in the context of the more modern additions to the hotel, would further compound the harm that has been caused to the significance of the original grade II listed property through the numerous additions that have been permitted at the site.
- 8.19 Given the somewhat divorced siting of the main structure and incongruous design of the glazed link, the proposals are not considered to be sympathetic or respectful of the setting of not only the listed hotel buildings, but also the setting of the row of listed cottages which sit along Silver Street on the eastern boundary of the site.
- 8.20 Specific details with regards to the glazed link are considered to be somewhat lacking from the application's supporting information. Given the comments of the Conservation Officer and in order to ensure the satisfactory appearance of such development, it is considered that appropriate design details would need to be secured through appropriate conditions, should the Committee be minded to grant approval. Further conditions would also be required in terms of construction methods and materials.
- 8.21 The proposals as currently submitted are considered to cause 'less than substantial' harm to the character, appearance and setting of the listed building and the designated Conservation Area, and the setting of adjacent listed buildings.
- 8.22 The NPPF (Para. 134) advises 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.
- 8.23 The applicant has provided viability information with regard to the current business and the proposed development going forward. The applicant considers the relevant viability points to be:
- *Hotel occupancy for the last 6 months has been over 87%, which is very healthy but raises issues of room availability and lost revenue at certain times of the year*

- *The proposal will release an extra 2920 rooms capable of accommodating 3635 extra guests (1.5 x rooms sold), which is significant in terms of the guest, tourism and business accommodation offer at the Hotel and the wider area*
- *Additional room revenue is estimated at some £293,000 pa (NB this is £70,000 pa more than for 6 bedrooms), which with a projected occupancy of 80% + justifies the investment*
- *The proposal will cost some £632,000 to construct and fit out including fees but excluding finance, which adds some £44,000*
- *The return on capital would be about £75,000 pa or in the region of 11.8% (just 6% for the smaller extension)*
- *The proposal is significantly more commercially viable with 8 bedrooms than 6 bedrooms*
- *This is a significant commitment and investment by our clients into a well-run, successful business and Hotel that supports the local community and economy*

- 8.24 Discussions have taken place with the applicant with regard to the design of the proposals; however, the design has not evolved from the scheme considered at the pre-application stage. The applicant argues that the design solution showing a standalone building, albeit link detached, was considered the preferred option given that it would have less of an impact on the hotel business during the construction phase and that it would simplify the connection to the existing accommodation block, which has a somewhat complicated roof structure. The Council's Conservation Officer has put forward design solutions which offer a more integrated style of development, both at the pre-application stage and during the application; however, these options do not appear to have been explored by the applicant. Officers further consider that any impact on the existing hotel operations could potentially be managed so that there would only be short-term disruptions, and that a more long-term view of the proposed development needs to be had.
- 8.25 The applicants contend that other options have been explored including the previous withdrawn scheme 15/00736/F & 15/00579/LB, however these other schemes and their associated viability have not been expanded upon within the supporting information with this current application. A breakdown of construction costs has been submitted with the application; including a comparison of two alternative schemes for 6 and 8 bedroom developments. A request was made as to how these figures have been calculated, however it remains unclear as to what these figures were based on i.e. a comparable scheme or standard construction costing.
- 8.26 Whilst officers acknowledge that there would be a benefit to the business going forward, and by association a benefit to local tourism opportunities and rural economy, they remain of the opinion that a more appropriate design solution could be progressed that would meet the needs of the applicants whilst being considered more appropriate within the context and therefore likely to be acceptable to the Authority in terms of the impact on the historic environment.
- 8.27 As can be seen from the details submitted in support of the application the existing hotel business is very successful and in officer's opinion, this would still be the case should this development not be permitted. Whilst the proposals would result in 8 no. additional bedrooms at the hotel supporting tourism and the rural economy, on balance, given the above assessment it is considered the public benefit gained would not be so significant that it would outweigh the harm to the historic environment that would be caused in this instance.
- 8.28 The proposals also include revised parking arrangements (discussed below) and landscaping of the site including the removal of two Cypress trees protected by Tree Preservation Order No. 6/2004. Whilst no comments have been received from the

Council's Arboricultural Officer (A.O.) at the time of the preparation of this report, at the pre-application stage no objections were raised with the following comments being made:

"There are three trees on site which are protected under TPO 6/2004; 2 Lawson Cypress trees and one Yew tree. It is proposed that the two Cypress trees are removed and the Yew tree is retained. The two Cypress trees are not prominent specimens. It is only possible to see the top of these trees from the main road between the buildings. They do not make a significant contribution to the character of the conservation area. The Ash tree to the front of the hotel is much more prominent and contributes more to the Conservation Area. On balance, due to their limited public amenity value and the fact that the cypress trees are going to be replaced I will concede their removal. The Yew tree can be safely retained as long as the submitted tree protection plan is adhered to. There is also a small Holly tree which is going to be removed. It is a small specimen which contributes very little to the Conservation Area. I am happy with the proposals for replacement planting. I have no objections subject to appropriate conditions being attached".

- 8.29 The application is supported by a 'Tree Report' which sets out the scope of tree related works, tree retention and protection during construction and a replanting scheme. Given the advice previously received from the Council's A.O. (above) it considered unlikely that an objection would be received from the A.O. in respect of the works now proposed, given that little has changed since the assessment at pre-application stage.
- 8.30 The proposed landscaping and replacement tree planting is considered acceptable and compliance with the details submitted could be secured through appropriate conditions should permission be granted, and the proposals are therefore considered acceptable in this regard.

Residential amenity

- 8.31 Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. Saved Policy C31 of the CLP 1996 further requires that in existing residential areas any development which is not compatible with the residential character of the area, should not cause an unacceptable level of nuisance or visual intrusion. 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'.
- 8.32 No objections have been received from local residents in respect of the proposals. The proposed new building would be sited in excess of 25m from adjacent residential buildings and the use of the site would not change as a result of the proposed development. Given the context of the site, nature of the proposals, existing boundary treatments and the relationship with surrounding neighbouring properties, the proposals are considered to be at a scale and of a design that they would not detrimentally impact on the amenity of neighbouring residential properties in terms of loss of light, privacy or over-dominance and are therefore acceptable in this regard.

Highway safety

- 8.33 The Highways Authority (H.A.) raises no objection to the proposals, following the submission of revised plans, subject to full details of the proposed parking area being submitted and approved. Officers see no reason to disagree with this opinion.
- 8.34 Initial concerns were raised by the H.A. based upon grounds of insufficient detail of parking layouts and vehicle tracking being submitted with the application to

demonstrate that there would be sufficient parking provision within the site for the level of accommodation proposed. Revised details were submitted during the course of the application which shows 46 spaces being retained within the scheme which was considered consistent with the County Council's parking standards.

- 8.35 The proposals would utilise the existing access and would unlikely result in a significant increase in the number of vehicles travelling to and from the site. The requirements of the H.A., in terms of approval of the parking layout, construction and drainage, could be secured through appropriate conditions, should the application be approved.
- 8.36 As such it is considered that the proposals would not significantly impact on the safety and convenience of other highway users and are therefore considered by officers to be acceptable in terms of highway safety.

Ecology

- 8.37 Conserving and enhancing the natural environment requires that "the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures" (NPPF, Para. 109). These provisions are echoed within Policy ESD 10 of the CLP 2031.
- 8.38 There are records of Swifts nesting in the vicinity and at the hotel itself, and the applicant acknowledges this site constraint within their planning statement. As with all birds, Swifts are protected whilst at the nest and rearing young until the last young have fledged, under the Wildlife and Countryside Act 1981 (as amended). At the pre-application stage it was recommended that any full application should include submission of a Swift mitigation scheme to include - how current swift nesting sites will be impacted, the intended seasonal timing of works and the location of any alternative or enhanced nesting provision within the new extensions to be provided for Swifts.
- 8.39 The applicants have not included any such assessment or mitigation strategy within the current application's supporting documentation; referring to previous recommendations made by the Council's Ecologist on the withdrawn scheme 15/00736/F, in which it is suggested that this matter could be dealt with through the addition of appropriate conditions.
- 8.40 It is considered that should permission be granted, appropriate conditions would need to be attached to any such permission to ensure that the proposed development is brought forward in accordance with a robust Swift Mitigation Strategy, which should assess any potential impacts and detail proposed mitigation measures, to ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the CLP 2031 and Government guidance contained within the NPPF.

9 CONCLUSION AND PLANNING BALANCE

- 9.1 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. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.2 There is a need to undertake a balancing exercise to examine whether any benefits of a development would outweigh the adverse impacts such that it would be justified to grant permission. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the Act continues to require

decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.

- 9.3 The principle of a further extension at the site could be considered acceptable in terms of it being in a generally sustainable location, and Officers acknowledge that the application is very finely balanced and that there are benefits in terms of the proposals supporting the expansion of the existing successful hotel business. However, by virtue of its siting, form and design it is considered that the proposed development would likely result in detrimental impacts on the character and appearance of the site, the setting of the adjacent listed buildings and surrounding Conservation Area. In this instance, and given the weight placed by the NPPF and planning legislation on preserving designated heritage assets, it is considered that it has not been demonstrated the benefits clearly outweigh the harm that would be caused to the historic environment.
- 9.4 The proposals are therefore considered contrary to the above mentioned policies and as such the application is therefore recommended for refusal for the reason set out below.

10 Recommendation

10.1 That permission is refused, for the following reason:

Reason:

1. The proposed extension, by virtue of its linked detached form, divorced siting and incongruous design, in particular the glazed link, fails to integrate with the existing building and do not preserve or enhance the historic character or setting of the grade II listed hotel building or adjacent listed buildings to the south, causing 'less than substantial' harm to these designated Heritage Assets and to the character and appearance of the Conservation Area. It has not been demonstrated that the benefits of the proposals clearly outweigh the harm caused. The proposed development therefore fails to accord with Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and paragraphs 14, 17, 132 and 134 of the National Planning Policy Framework.

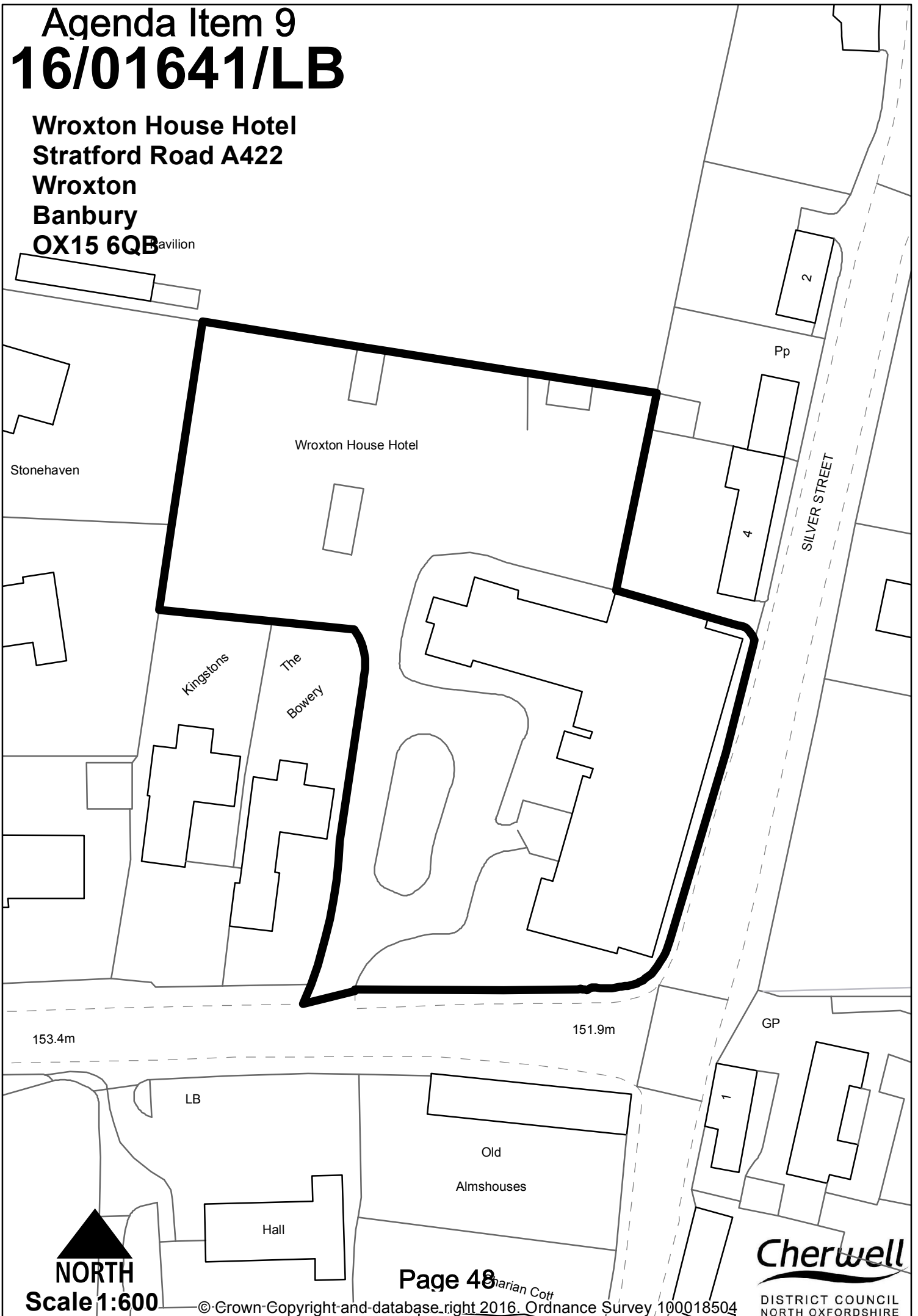
PLANNING NOTES

1. For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: Application forms, 'David Lock Associates' Planning Statement (August 2016), Design and Heritage Statement (Rev. B July 2016), 'Sacha Barnes Ltd' Tree Report (Updated July 2016) and drawings numbered: W.4122.SU01, W.4122 SK21 Rev. A, W.4122 SK22 Rev. B, W.4122 SK23 Rev. B, W.4122 SU02 Rev. C, S7283/FA S01, S7283/FA S02 and S7283/FA S03 Rev. B; submitted with the application and W.4122-Revised Site Layout Plan and Refuse Vehicle Tracking Plan; received with agent's email dated 15/11/2016.

Agenda Item 9

16/01641/LB

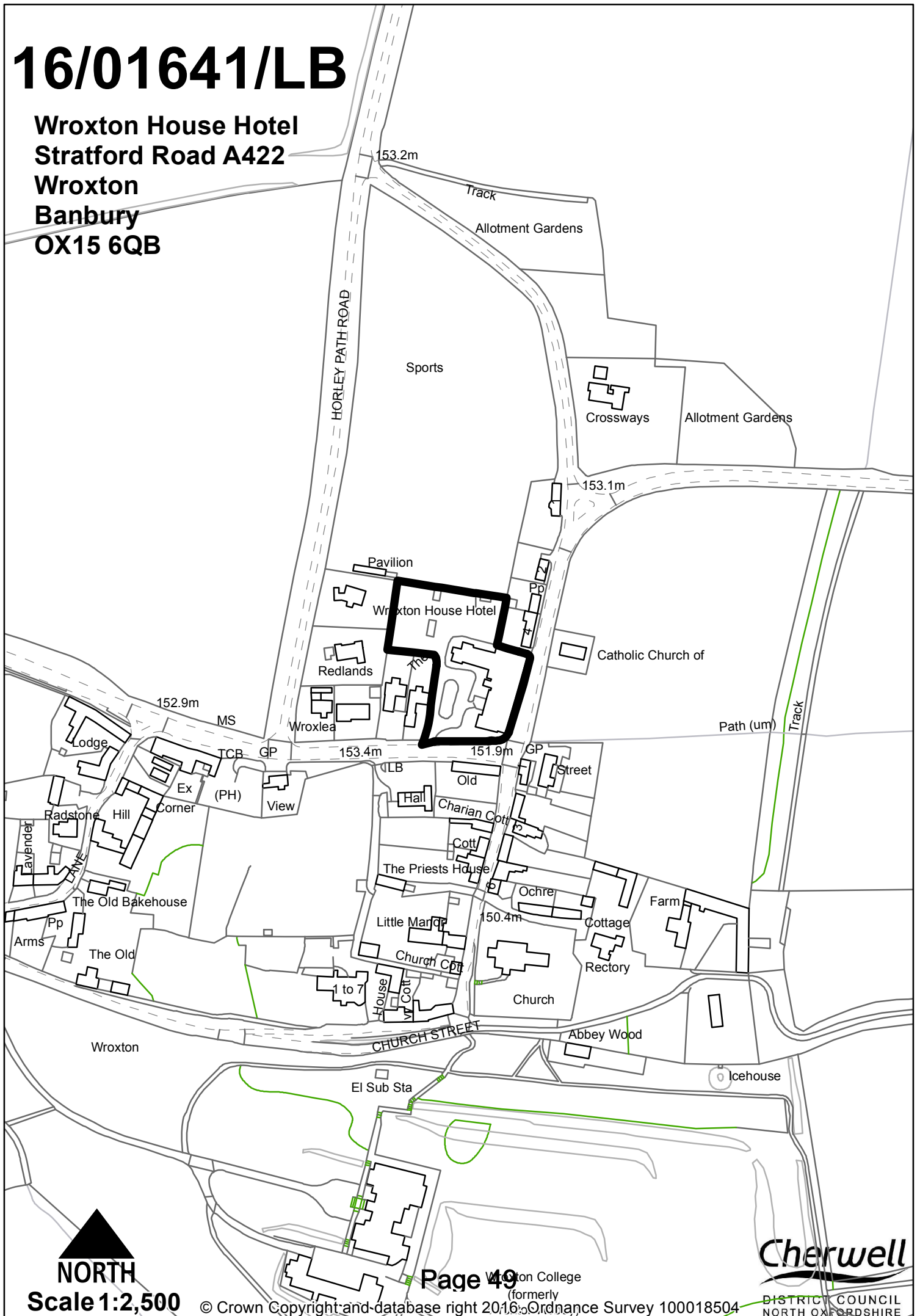
Wroxton House Hotel
Stratford Road A422
Wroxton
Banbury
OX15 6QB



NORTH
Scale 1:600

16/01641/LB

Wroxton House Hotel
Stratford Road A422
Wroxton
Banbury
OX15 6QB



Scale 1:2,500

Wroxton House Hotel
Stratford Road A422 Wroxton

16/01641/LB

Case Officer: Bob Neville

Contact: 01295 221875

Applicant: Best Western Plus Wroxton House Hotel

Proposal: Two-storey extension to rear of hotel to provide 8 no. additional bedrooms, reconfiguration of car park and associated works

Expiry Date: 07/10/2016 (Extension of time agreed until 16/12/2016)

Ward: Cropredy, Sibfords And Wroxton

Committee Date: 15/12/2016

Cllr Ken Atack

Ward Councillors: Cllr George Reynolds

Cllr Douglas Webb

Reason for Referral: Member call-in in light of public interest indicated by the Parish Council

Recommendation: Refusal

1 APPLICATION SITE AND LOCALITY

- 1.1 The site is an established hotel complex located in the rural village of Wroxton. The hotel buildings are largely of stone construction, with a mixture of roofing materials (including thatch, clay tiles and slate) being employed on various buildings within the site. The site is accessed off the Stratford Road (A422) and has an existing parking area. The site is bounded by the Stratford Road to the south and east, residential properties to the west and a sports pitch and further residential properties to the north. The site has been the subject of significant development over the years with numerous extensions and alterations being approved by Cherwell Council.
- 1.2 In terms of site constraints, the site sits within the Wroxton Conservation Area and the historic village core which is considered of archaeological interest. The original main buildings are grade II listed and further grade II listed properties sit adjacent the site to the north and along Church Street to the south. The grounds of grade II* Wroxton Abbey lie some 130m east of the site.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks listed building consent for a link detached two storey extension to the rear of the hotel to provide 8 no. additional bedrooms (a 25% increase in overall bedroom capacity of the existing hotel) with the reconfiguration of the car park and associated works including landscaping. The proposed extension would be located to the north-west of an existing previously extended accommodation block, and would have a footprint of some 113m², with accommodation on two floors with an overall height ridge of ~7.85m. The building is proposed to be of predominantly stone construction, with elements of hung tile under a twin-ridged pitched tiled roof to match the existing roofing materials on the

adjacent building. The proposed extension would be linked to the existing accommodation via a two storey glazed link.

- 2.2 The proposals would also include landscaping works, including the removal of two protected Cypress Trees, a tree replanting scheme and the reconfiguration of the car park area to provide 46 no. parking spaces. However these works are not considered as part of this listed building consent application are subject to separate assessment under the related planning application (16/01640/F).
- 2.3 The determination period for the application has been agreed to be extended with the applicant's agent, to allow for consideration of revised and additional information submitted in response to case officer and consultee comments and to allow for the application to be presented to Planning Committee.

3 RELEVANT PLANNING HISTORY

- 3.1 CHN.LB.CA.763/86 - Main entrance alterations, additions of bedroom block and demolition of existing store room to existing hotel. Alterations to existing bungalow into staff quarters and formation of car park. Permitted 04.12.1987.

CHN.LB.871/87 - Extension and re-modernising of existing hotel. Permitted 17.04.1988.

CHN.91/589 - Conversion of staff house to hotel bedroom accommodation. Permitted 03.12.1991.

CHN.LB.810/90 - Change of use, conversion and refurbishment and extension to form 5 hotel bedrooms and bathrooms. Permitted 21.01.1991.

09/01108/F & 09/01109/LB - Proposed alterations and single storey extension. Permitted 22.10.2009.

09/01636/F - Proposed single storey servery extension and alterations (Modification of Planning Consent 09/01108/F dated 22 October 2009). Permitted 18.03.2010.

15/00736/F & 15/00579/LB - Alterations and erection of two storey extension to rear of hotel. Withdrawn 31.08.2015.

16/01388/F & 16/01389/LB - Replacement timber orangery and lantern rooflight to entrance and lobby. Permitted 01.09.2016

(Please note that this is not a complete summary of the planning history at the site and that there have been further applications at the site)

4 PRE-APPLICATION DISCUSSIONS

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

- 16/00110/PREAPP-Proposed two storey rear extension to Hotel to form 8 additional guest bedrooms and associated works: Advice was given that there may be potential for a further extension of hotel facilities at the site, but that support would not be given for the design as submitted with the enquiry. The proposals were considered to detrimentally impact on the setting and significance of Wroxton House Hotel and adjacent grade II listed buildings, and that this harm would not be outweighed by the public benefit, with regard to tourism and the local economy in this instance. The proposals were considered to be contrary to Saved Policies C18, C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance within the NPPF. Officers provided indicative sketches of an alternative scheme with the report which was issued to the applicant's agent on the 11/05/2016.

5 RESPONSE TO PUBLICITY

- 5.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.
- 5.2 No comments have been raised by third parties.

6 RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL

- 6.2 WROXTON PARISH COUNCIL: **No objections.** Making the following comments:

'The owners of the hotel have been attempting to add capacity to a very successful business to avoid the necessity of turning trade away, as is happening all too regularly at the moment. The extension would fit neatly behind and at a right angle to an existing modern extension and would be almost entirely invisible to passing traffic. This is because it would be set well back from the road, occupying part of the existing parking area. In addition, it would not be in the sightlines of the neighbouring properties.

It seems to us that, in the difficult economic conditions in which North Oxfordshire finds itself, CDC should be bending over backwards to encourage any business which brings trade, employment and tourism to the area. Wroxton House Hotel is highly respected as a place to stay and to entertain and employs 35 staff, which surely puts it into the category of businesses to be encouraged rather than obstructed by the planning system'.

STATUTORY CONSULTEES

- 6.3 HISTORIC ENGLAND: **No objection.** Commenting that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

NON-STATUTORY CONSULTEES

- 6.4 CDC CONSERVATION: **Objects.** Commenting: *'We are not opposed to the extension of this successful hotel subject to a good design which respects the listed buildings and their setting. The Grade II listed hotel has been extended by a high percentage of its original footprint and it is strongly recommended that any extension should be compact to ensure minimum impact on the character and significance of the listed building. The views from the conservation area are also important. We previously advised the Applicant that the extension should aim to extend in the style of the existing extensions and look to be an integral part of the building's evolution. We recognised the roof was complicated with a wide valley gutter between two pitched roofs. The proposal shows a separate building with a boxy-glazed link. The form, the heavy horizontal bands and eaves and fenestration are all too heavy and the juxtaposition with the existing building is crude. It would not be a positive enhancement to the listed building, it would not be a neutral addition. It would have a negative effect on the character and significance of the listed building and causes less than substantial harm. We do not recommend approval of the scheme as submitted'.*

7 RELEVANT NATIONAL AND LOCAL PLANNING POLICY AND GUIDANCE

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:
- 7.3 Cherwell Local Plan 2011 - 2031 Part 1 (CLP 2031)
ESD 15: The Character of the built and historic environment
- 7.4 Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)
C18: Development affecting a listed building
- 7.5 Other Material Planning Considerations
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

8 APPRAISAL

- 8.1 The key issues for consideration in this case are:
- The impact on the listed building
- Issues relating visual and neighbour amenity and highway safety are to be dealt with under the associated application for full planning permission ref. 16/01640/F.
- Impact on the listed building
- 8.2 The key issue to consider is the impact upon the historic character, interest and fabric of the listed building, and the impact upon the significance of this designated heritage asset. The purpose of the planning system is to contribute to the achievement of sustainable development and the Framework defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the Framework is a presumption in favour of sustainable development and in the context of this application would include conserving and enhancing the historic environment.
- 8.3 The Wroxton House Hotel is a Designated Heritage Asset and therefore the NPPF requires that any development must sustain and enhance its significance, and development should also make a positive contribution to its local character and distinctiveness. The emphasis is on ensuring that the historic significance of the heritage asset is not harmed.
- 8.4 Policy ESD 15 of the CLP 2031 indicates that new development should be of high quality design that where appropriate should conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with Government advice and guidance within the NPPF and NPPG.
- 8.5 Saved Policy C18 of the CLP 1996 further advises of the Council’s desirability of preserving the listed building or its setting or any features of special architectural or historic interest.

- 8.6 The proposals would be connected to a more modern addition to the hotel complex and would not directly impact on the original historical elements of the site. Nevertheless the Council's Conservation Officer objects to the proposals, commenting: *'The proposal shows a separate building with a boxy-glazed link. The form, the heavy horizontal bands and eaves and fenestration are all too heavy and the juxtaposition with the existing building is crude. It would not be a positive enhancement to the listed building, it would not be a neutral addition. It would have a negative effect on the character and significance of the listed building and causes less than substantial harm'*.
- 8.7 The applicant contends that any views of the proposals would be limited, and that as the proposed building would not be directly connected to the more historic structures at the site there would be little impact on the existing listed buildings or how they are experienced from within the surrounding Conservation Area.
- 8.8 Whilst in many respects officers acknowledge that views of the proposals will be fairly localised, there would be opportunities for views from surrounding properties, the sports field and into the site from the highway to the east and south. Further, that it is not just these views that need to be considered, but also the experience that is had within the site, with regard to the character, appearance and setting of the listed buildings. Officers consider that the proposed building does not relate well to either the existing historic building or the later additions to the site; other than being of similar construction and finish materials. The two storey proposal with its glazed two storey link extension would have the appearance of being a somewhat separate building which, in officer's opinion, albeit seen in the context of the more modern additions to the hotel, would further compound the harm that has been caused to the significance of the original grade II listed property through the numerous additions that have been permitted at the site.
- 8.9 Given the somewhat divorced siting of the main structure and incongruous design of the glazed link, the proposals are not considered to be sympathetic or respectful of the listed hotel buildings and their setting.
- 8.10 Specific details with regards to the glazed link are considered to be somewhat lacking from the application's supporting information. Given the comments of the Conservation Officer and in order to ensure the satisfactory appearance of such development, it is considered that appropriate design details would need to be secured through appropriate conditions, should the Committee be minded to grant approval. Further conditions would also be required in terms of construction methods and materials.
- 8.11 The proposals as currently submitted are considered to cause 'less than substantial' harm to the character and appearance of the listed building. The NPPF (Para. 134) advises 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.
- 8.12 The applicant has provided viability information with regard to the current business and the proposed development going forward. The applicant considers the relevant viability points to be:
- *Hotel occupancy for the last 6 months has been over 87%, which is very healthy but raises issues of room availability and lost revenue at certain times of the year*
 - *The proposal will release an extra 2920 rooms capable of accommodating 3635 extra guests (1.5 x rooms sold), which is significant in terms of the guest, tourism and business accommodation offer at the Hotel and the wider area*

- *Additional room revenue is estimated at some £293,000 pa (NB this is £70,000 pa more than for 6 bedrooms), which with a projected occupancy of 80% + justifies the investment*
- *The proposal will cost some £632,000 to construct and fit out including fees but excluding finance, which adds some £44,000*
- *The return on capital would be about £75,000 pa or in the region of 11.8% (just 6% for the smaller extension)*
- *The proposal is significantly more commercially viable with 8 bedrooms than 6 bedrooms*
- *This is a significant commitment and investment by our clients into a well-run, successful business and Hotel that supports the local community and economy*

8.13 Discussions have taken place with the applicant with regard to the design of the proposals; however, the design has not evolved from the scheme considered at the pre-application stage. The applicant argues that the design solution showing a standalone building, albeit link detached, was considered the preferred option given that it would have less of an impact on the hotel business during the construction phase and that it would simplify the connection to the existing accommodation block, which has a somewhat complicated roof structure. The Council's Conservation Officer has put forward design solutions which offer a more integrated style of development, both at the pre-application stage and during the application; however, these options do not appear to have been explored. Officers further consider that any impact on the existing hotel operations could potentially be managed so that there would only be short-term disruptions, and that a more long-term view of the proposed development needs to be had.

8.14 The applicants contend that other options have been explored including the previous withdrawn scheme 15/00736/F & 15/00579/LB, however these other schemes and their associated viability have not been expanded upon within the supporting information with this current application. A breakdown of construction costs has been submitted with the application; including a comparison of two alternative schemes for a 6 and 8 bedroom development. A request was made as to how these figures have been calculated, however it remains unclear as to what these figures were based on i.e. a comparable scheme or standard construction costing.

8.15 Whilst officers acknowledge that there would be a benefit to the business going forward, and by association a benefit to local tourism opportunities and rural economy, they remain of the opinion that a more appropriate design solution could be progressed that would meet the needs of the applicants whilst being considered more appropriate within the context of the listed buildings and therefore likely to be acceptable to the Authority in terms of the impact on the historic environment.

8.16 As can be seen from the details submitted in support of the application the existing hotel business is very successful and in officer's opinion, this would remain the case should this development not be permitted. Whilst the proposals would result in 8 no. additional bedrooms at the hotel supporting tourism and the rural economy, on balance, given the above assessment it is considered the public benefit gained would not be so significant that it would outweigh the harm to the historic environment that would be caused in this instance.

9 CONCLUSION

9.1 Given the above assessment in the light of current guiding national and local policy context, it is considered that proposals represent an inappropriate form of development which demonstrates conflict with policies of the Development Plan, in terms of harm being caused to the historic environment.

- 9.2 Officers acknowledge that the application is very finely balanced and that there are benefits in terms of the proposals supporting the expansion of the existing successful hotel business. However, by virtue of its siting, form and design it is considered that the proposed development would likely result in detrimental impacts on the character and appearance of the site, and in particular the setting and significance of the Grade II listed Wroxton House Hotel. In this instance, and given the weight placed by the NPPF and planning legislation on preserving designated heritage assets, it is considered that it has not been demonstrated the benefits clearly outweigh the harm that would be caused to the historic environment.
- 9.3 The proposals are therefore considered contrary to the above mentioned policies and as such the application is therefore recommended for refusal for the reason set out below.

10 Recommendation

10.1 That consent is refused, for the following reason:

Reason:

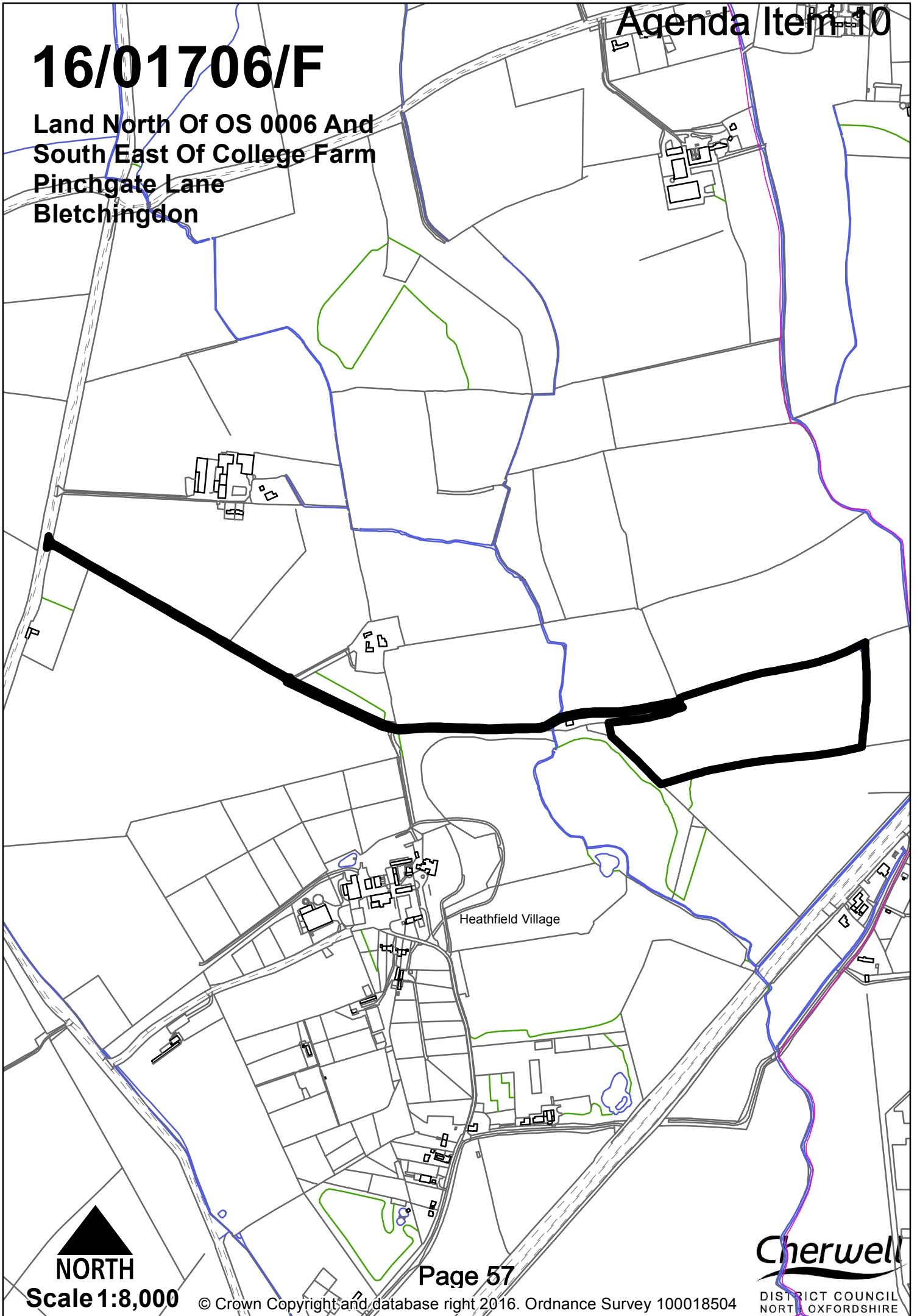
1. The proposed extension, by virtue of its linked detached form, divorced siting and incongruous design, in particular the glazed link, fails to integrate with the existing building and do not preserve or enhance the historic character or setting of the grade II listed hotel building. It has not been demonstrated that the benefits of the proposals clearly outweigh the harm caused. The application therefore fails to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996, and paragraphs 14, 17, 132 and 134 of the National Planning Policy Framework.

PLANNING NOTES

1. For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: Application forms, 'David Lock Associates' Planning Statement (August 2016), Design and Heritage Statement (Rev. B July 2016), 'Sacha Barnes Ltd' Tree Report (Updated July 2016) and drawings numbered: W.4122.SU01, W.4122 SK21 Rev. A, W.4122 SK22 Rev. B, W.4122 SK23 Rev. B, W.4122 SU02 Rev. C, S7283/FA S01, S7283/FA S02 and S7283/FA S03 Rev. B; submitted with the application and W.4122-Revised Site Layout Plan and Refuse Vehicle Tracking Plan; received with agent's email dated 15/11/2016.

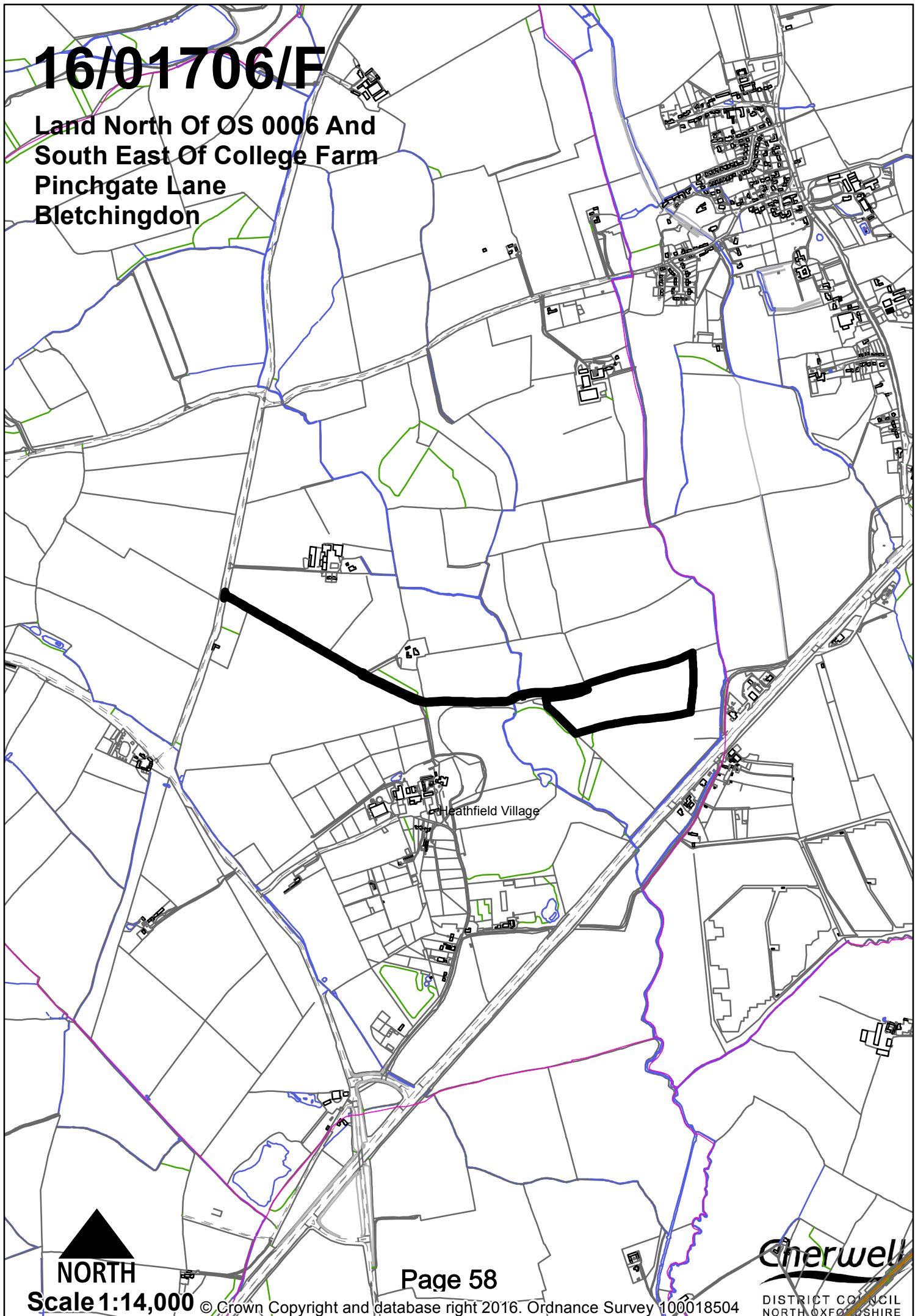
16/01706/F

Land North Of OS 0006 And
South East Of College Farm
Pinchgate Lane
Bletchington



16/01706/E

Land North Of OS 0006 And
South East Of College Farm
Pinchgate Lane
Bletchington



Scale 1:14,000

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

Applicant: JE & AJ Wilcox

Proposal: Conversion of 3 no. redundant farm buildings into 5 no. dwellings, erection of covered car parking building and extensions to barns and demolition and removal of 7 no. redundant farm buildings and 3 no. lean-to extensions

Expiry Date: 4th January 2017 **Extension of Time:** N/A

Ward: Launton & Otmoor **Committee Date:** 15th December 2016

Ward Councillors: Cllrs Hallchurch, Holland and Hughes

Reason for Referral: Major Development

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1 The site is located to the east of the un-named highway (known locally as Dolly's Lane) between Islip Road (B4027) and Tollbrook Corner, approximately 200 metres to the north of Heathfield, approximately 110 metres to the north west of the northbound Weston on the Green Service Station serving the A34 and approximately 800 metres south west of the nearest properties in Weston on the Green. The site consists of a hard surfaced access track at its western end, known as Pinchgate Lane, which runs for approximately 475 metres in a south easterly direction. A narrow strip of the site continues in a south easterly direction, then in an easterly direction for approximately 700 metres after Pinchgate Lane turns towards the College Farm Farmhouse to the north of the site. This section of the site is not hard surfaced. This narrow strip of the site continues into a relatively flat agricultural field which makes up the eastern end of the site. This field is currently used for arable purposes. The overall site area equates to 6 hectares.
- 1.2 The applicants operate an agricultural business from College Farm and Grove Farm. It includes 908 acres of owner occupied land, together with a further 1400 acres of land which is contract farmed for other land owners. It is noted within the Design and Access Statement that the existing agricultural business is predominantly based on arable cropping, producing combinable crops of wheat, barley, rape and beans. It is also noted that the business employs two full time employed agricultural workers.
- 1.3 The site is within the Oxford Green Belt. The access track, is within a Zone 2/3 Flood Plain and the development is within 20 metres of a 'Main River'. The site lies to the south of the Kirtlington and Bletchington Parks and Woods Conservation Target Area. The site has some

ecological potential as it is located within 2KM of the Weston Fen SSSI and legally protected species have been recorded within close proximity to the site including the Butcher's-broom and Long-eared Bat. Public Footpath 134/12/20 runs along the east boundary of the site, whilst Public Footpath 134/13/30 runs across the access track. The development is located within an area of archaeological interest with a number of prehistoric and Roman settlement sites in the vicinity.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for the construction of a new poultry unit to the eastern end of the site within the agricultural field. The proposed development consists of 6 No. poultry buildings, each with dimensions of approximately 24.4m x 91.4m with an eaves height of approximately 2.7m and a ridge height of approximately 5.9m. The buildings are proposed to run parallel to each other, with these buildings having a north to south orientation. These proposed buildings are of steel portal frame construction, with the walls being pre formed concrete to 60cm and polyester coated profile sheeting above. The roof cladding would also be polyester coated profile sheeting. The colour of these buildings is proposed to be juniper green. The buildings will be fitted with high velocity ridge mounted ventilation fans and side inlet vents. Each building would contain a control room, which would include a specialist computer system which thermostatically controls the desired temperature within the bird housing area, using the heating and ventilation systems. Feeding and lighting is also controlled by the computer system.
- 2.2 The use of the proposed buildings is for the rearing of broilers from day old chicks through to finished table weight. The development is proposed to house 50,000 birds per building, with 300,000 birds proposed for the site in total. It is noted within the Design and Access Statement that the broiler rearing cycle operates on an all in all out system, and each cycle takes approximately 45 days. The birds are to be placed in the sheds as day old chicks and are to be reared for 38 days when they reach finished table weight. The Design and Access Statement notes following depopulation of the birds, the site will be empty for 10 days for cleaning and preparation for the incoming flock of birds. Foul washout water will be drained to a sealed tank. It is noted by the applicant's agent that the site will operate with 7.5 flocks per annum.
- 2.3 In addition to the six poultry buildings, it is also proposed to build :
 - A biomass boiler building: The building is proposed to measure approximately 91m x 15m with an eaves height of approximately 7 metres and a ridge height of approximately 9 metres. The building is proposed to the east of the poultry buildings with a north to south orientation. The proposal includes the provision of a poultry litter burning biomass boiler and storage building for the waste. This is proposed to generate electricity to provide for the heating of the housed birds and to supply the grid. The waste is proposed to be stored under negative pressure within this sealed building and used as the fuel source to heat the poultry units. The waste produced by the process (ash) is proposed to be used as a sustainable fertilizer on agricultural land. It is noted within the Design and Access Statement that the applicants currently purchase fertiliser and this is stored within the buildings at Grove Farm. A wheat store is also proposed in this building, and this wheat would be used to feed the chickens;

- 17 No. feed bins: The feed bins are proposed to be sited together the north of the poultry buildings. The feed bins are proposed at a height of approximately 7.6 metres and are to be constructed from plastic and coloured juniper green;
- A sub-station: Measuring approximately 3m x 3m with a height of approximately 3 metres. The building is proposed to the north east of the poultry buildings and to be constructed from polyester coated steel sheeting;
- A switch room: Measuring approximately 3m x 3m with a height of approximately 3 metres. The building is proposed to the north east of the poultry buildings and to be constructed from polyester coated steel sheeting;
- A back-up generator pad: Measuring approximately 6m x 4m and to the north east of the poultry buildings;
- 3 No. feed blending rooms: Measuring approximately 3m x 3m; and sited between the poultry buildings;
- A reception building: Measuring approximately 12.5m x 9.5 with a height of approximately 3 metres. The building is proposed to the north of the poultry buildings;
- A dead bird shed: Measuring approximately 6m x 4m with a height of approximately 3.1 metres. The building is proposed to the north of the poultry building and to be constructed from polyester coated steel sheeting;
- A water tank: A circular structure to the west of the poultry buildings with a diameter of approximately 5.1 metres;
- A pump house: Measuring approximately 2.2m x 2.2m with a height of approximately 2.9 metres. The building is proposed to the west of the poultry buildings and is to be constructed from polyester coated steel sheeting;
- 6 No. Gas tanks: To the east of the poultry buildings; and
- An attenuation pond: To the east of the poultry buildings.

2.4 The section of the site between Pinchgate Lane and the field accommodating the poultry buildings is proposed to be hard surfaced so that the poultry unit can be accessed by HGVs. At the entrance to the unit a gate is proposed as well as a weighbridge and wheel wash. Hard standing is proposed between the poultry buildings and the boiler building as well as to the north of these buildings. Vehicular parking is proposed within the hard surfaced area.

2.5 The proposed development will utilise the existing site access. This access is proposed to be improved to enable 16.5m maximum articulated lorries to manoeuvre into and out of the site access.

2.6 The application is accompanied by an Environmental Statement as the application requires an Environmental Impact Assessment as outlined in the screening opinion issued by Cherwell District Council in September 2016 (ref: 16/00073/SO).

3. RELEVANT PLANNING HISTORY

3.1 16/00022/SCOP: The applicant's agent sought the formal opinion of the Local Planning Authority in respect of what information was to be required in the Environment Statement for such a proposal (i.e. poultry unit). The Scoping Opinion requested:

- A Flood Risk Assessment;
- An Odour Impact Assessment;

- A Noise Impact Assessment;
- An Ecological Survey;
- A Landscape Visual Impact Assessment;
- A Contaminated Land Assessment;
- A Transport Statement; and
- A Waste Management Plan.

This information has been included within the Environmental Statement accommodating the planning application before members.

4. PRE-APPLICATION DISCUSSIONS

- 4.1 16/00116/PREAPP (closed on 18th May 2016). This proposed a similar scheme to the one before members. It was concluded that whilst the proposal constituted appropriate development in the Oxford Green Belt, there was not enough information at the pre-application stage for officers to offer a view that could later be relied upon as to whether they could support this proposal, having regard to other material considerations. It was noted by officers that the proposal would undoubtedly cause harm to the visual appearance and rural character of the landscape and an assessment into the overall impact of the proposed poultry unit upon the visual appearance and character of the landscape would need to be provided alongside the application. Furthermore, it was stated by officers that sufficient justification to overcome the level of harm identified would need to be provided (i.e. detailed information on the need for the poultry unit of this scale and the reasoning for its siting). At the pre-application stage it was also noted that more information was required regarding environmental pollution and nuisance, including an Odour Impact Assessment that focusses on how the odour emissions will affect the surrounding area and a Waste Management Statement which focuses on how and where the waste is to be stored as well as the means of disposing the waste.

5. RESPONSE TO PUBLICITY

- 5.1 This application has been publicised by way of a two site notices 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 12 letters of objection in respect of the proposed development from 11 members of the public. The Local Planning Authority has also received a petition with 7 signatures objecting to the planning application. The concerns raised by third parties are summarised as follows:
- Proposed site is inappropriate for such a development;
 - Inappropriate development in the Green Belt and expands development closer to Oxford;
 - The proposed use would be an industrial one;
 - Would cause significant harm to the landscape;
 - The enjoyment of surrounding paths will be compromised;
 - Too close to Heathfield and the care home and driving range there, as well as the A34 service area;

- Odour concerns;
- Noise from operation and traffic;
- Highway concerns:
 - Would increase traffic in the surrounding area;
 - Volume of traffic on Dolly's Lane;
 - Lorries on the narrow Dolly's Lane would cause highway safety issues;
 - Road in Bletchingdon unsuitable for such development;
 - The Transport Statement is inadequate;
 - No mention is made of the transport implications of the construction period, but the traffic implications would be formidable;
 - The HGVs would cause damage to the roads;
- Detrimental impact upon Heathfield House Care Home, which includes residents with dementia and would not be able to attract new residents therefore leading to unemployment and other consequences;
- There is a severe risk of pollution to two brooks;
- Loss of profit for nearby businesses;
- Devaluation of property.

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 Bletchingdon Parish Council: **Object** to the application. The Parish Council has set out:

- The objections to the operation of such a factory in this location;
 - Ill-conceived and disregard to the local community;
 - It's an industrial use, not an agricultural one;
 - Not clear how this proposal would increase the sustainability of the business;
 - Additional feed will be required from off the site;
 - Not clear where is the ash proposed to be stored;
 - No clarity of how the water tank will be supplied;
 - There is no statement regarding the final disposition of the foul water;
 - Modelling is not fully accurate and the integrity of any building will not eliminate all odour;
 - Dust from faeces and ash, cannot be fully contained;
 - Transport issues relating to the operation would be immense;
 - There needs to be a traffic routing agreement to prevent additional traffic passing through Bletchingdon village;
 - Excessive traffic on a B road and Dolly's Lane which are unsuitable for HGVs;
 - Will increase the flooding risk;
 - Significant harm to the landscape;
 - No obvious benefits to the community regarding employment.

- The objections related to the construction of the factory in a difficult to access location.
 - Excessive amount of traffic on B4027 and Dolly's Lane;
 - There are no references to traffic requirements for delivery of racking, cages, support equipment, water tank, or the Biomass equipment;
 - There are no references to the traffic required to deliver plant to the site.
- An objection related to the public footpaths being compromised by the proposed development;
- Harm to the Oxford Green Belt.

6.3 Weston on the Green Parish Council: Has concerns about traffic movements of lorries using the B430 through the village at any point. These are allayed by the traffic management plan and provision of a dedicated route, but the Parish Council would want to make sure this is highlighted in any permission if Cherwell Council saw fit to pass this application. Otherwise the Parish Council has **no objections** to this application.

STATUTORY CONSULTEES

6.4 Environment Agency: **No objections.**

6.5 OCC Highways Authority: **No objections** subject to conditions requesting:

- Full details of the means of access;
- Full details of the turning areas;
- SuDS design for the site being submitted to and approved in writing by the Local Planning Authority;
- The development being carried out in accordance with the Flood Risk Assessment.

A Section 278 Agreement will be required for any off site works, particularly the access improvement.

6.6 Highway Safety: **No objections.**

6.7 National Planning Casework Unit: **No comments received.**

6.8 Natural England: **No comments received.**

6.9 Thames Water: **No objections.** Foul water for this development is not draining into Thames Water assets and therefore does not affect us.

NON-STATUTORY CONSULTEES

6.10 Agricultural Advisor: No objections. Concludes that: *"The proposal for the broiler unit is soundly based and is a reasonable farm development to ensure that the farm continues to support the farm's partners and families into the future."*

6.11 Arboricultural Officer: **No objections**, subject to a Tree Protection Plan and Arboricultural Method Statement.

6.12 Archaeology Officer: **No objections** subject to conditions. The site is located in an area of archaeological potential. A programme of archaeological investigation will therefore be required ahead of any development.

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

6.14 CPRE Oxfordshire: **Object** to the application for the following reasons:

- The proposed development is not an agricultural use, but an industrial use and is therefore inappropriate development in the Green Belt and would be contrary to the aim of Green Belt policy;
- The odour mapping does not show the prevailing wind that will move the unacceptable odours some distance from the application site;
- Vehicles would find it difficult to pass HGVs on Dolly's Lane and the HGVs would cause damage to this highway. The applicant fails to mention the additional requirement for light vans and workers vehicles that would also use the local roads;
- Concerns that the HGVs will be operational at night therefore causing disturbance;
- A qualitative dust risk assessment is required;
- The nearby service station restaurant would be severely affected by emissions, notably dust and odour.

6.15 Ecology Officer: **No comments received.**

6.16 Emergency Planning Officer: **No comments received.**

6.17 Environmental Protection Officer: **No objections** subject to a condition.

An Environmental Permit has been prepared which will ensure that odour, noise and waste arising from the proposal is controlled by the Environment Agency to statutory standards. The Environment Agency has required that information be supplied by the applicants to support the level of environmental control required by the permit. The permit contains conditions including implementation of a noise and odour management plan, review of waste management no less than 4 yearly, implementation of a manure management plan, odour, noise, vibration and pest control at acceptable levels outside the site.

The Odour Impact Assessment has been reviewed, which concludes that all nearby residential receptors would be below the Environment Agency's benchmarks for moderately offensive odours.

The Noise Impact Assessment has been reviewed, which conclude that's that the nearest receptors would experience impact ranging from negligible to low at worst. However, it is recommended to provide shielding and/or reduced sound output for the relevant sources to reduce the impact further, as there is an unobstructed path between extract terminations and receptors A and C.

No objections in relation to land contamination.

6.18 Landscape Officer: Broadly agrees with the significance of effect of the poultry unit identified within the LVIA, but believes that the impact from viewpoint 9 to the north of the site has been underestimated and notes that the development will be a noticeable in the landscape for the length of the south bound Public Right of Way. The Landscape Officer notes that in addition to visual impacts there will be noise from traffic, boilers, fans in an area which currently has traffic 'hum' from the A34. The Landscape Officer questions why this is located in an area where there are currently no other buildings visible. The Landscape Officer states to claim that

the mitigation scheme will reduce the visual impact of the development from significant to not significant is optimistic, particularly as there is very little planting along part of the eastern and northern boundaries.

6.19 MoD Safeguarding: **No objections.**

6.20 Natural England: **No objections.**

6.21 Ramblers Association: **No comments received.**

6.22 OCC Rights of Way: Bletchingdon FP 12 runs on the eastern edge of the site and is largely un-affected by the proposal. However the path is shown to have 2 alignment changes on the proposed site plan.

6.23 Oxford Green Belt Network: **Object** to the application. The supporting documentation omits a large amount of information, notably there is no reference in what is said over the Green Belt about the openness. The proposal is industrial and not agricultural and would cause significant harm to the openness of the Green Belt. The proposal would also harm the visual amenities of the area. It is difficult to see how the scheme can operate without turning the access track into a road. Information in relation to surfacing and lighting is lacking. In relation to odour, insufficient attention has been paid to the service station and food outlet close by on the A34 and these are likely to suffer most from the effect of prevailing westerly winds.

6.24 Thames Valley Policy Design Adviser: **No comments received.**

6.25 Waste & Recycling: **No comments received.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

7.2 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

- PSD1 - Presumption in Favour of Sustainable Development
- SLE1 - Employment Development
- ESD1 - Mitigating and Adapting to Climate Change
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 - Conservation Target Areas
- ESD13 - Local Landscape Protection and Enhancement
- ESD14 - Oxford Green Belt
- ESD15 - The Character of the Built and Historic Environment
- ESD17 - Green Infrastructure

- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR7 - Development attracting traffic on minor roads
- TR10 - Heavy Goods Vehicles
- AG2 - Construction of farm buildings
- AG3 - Siting of new or extension to existing intensive livestock and poultry units
- AG4 - waste disposal from intensive livestock and poultry units
- C8 - Sporadic development in the countryside
- C14 - Countryside management projects
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution
- ENV12 - Development on contaminated land

7.3 Other Material Planning Considerations:

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

8 APPRAISAL

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

- Principle of the Development;
- Principle of the Development in the Green Belt;
- Landscape Impact;
- Impact upon the Historic Environment;
- Highways Safety;
- Environmental Pollution and Nuisance;
- Ecological Potential;
- Flooding Risk and Drainage;
- Potentially Contaminated Land;
- 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 NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. This also includes the development and diversification of agricultural and other land-based rural businesses. For the avoidance of doubt it is confirmed by your officers that the proposal is an agricultural use.

8.4 The existing agricultural business is based on arable cropping producing combinable crops. It is noted within the submitted Design and Access Statement that the business sector within

which the applicants operate is under significant financial pressure and these pressures on the existing farm business structure have forced the applicants to seek to diversify their farming business through investment in a new agricultural enterprise to support and complement the existing activities. The proposed diversification chosen is the development of a poultry unit for broiler production. The Council has sought the advice of an Agricultural advisor, and after reviewing the submitted documentation, they hold the view that the proposal is reasonable for the purposes of agriculture, from an agricultural development perspective to allow the farm to remain viable and sustainable for the next 20 years.

- 8.5 The proposal would therefore lead to the diversification and expansion of an established agricultural business within a rural area. Thus, it is considered that the proposed development could be acceptable in principle. However, the principle of the proposed development in this case is clearly also dependent on other material planning considerations which are discussed below (please see sections 8.23 -8.27 below).

Principle of the Development in the Green Belt

- 8.6 The site is in the designated Oxford Green Belt and so the development has to be assessed against Green Belt policy. Paragraph 89 of the NPPF states that certain forms of development are not inappropriate in the Green Belt including buildings for agriculture and forestry. Whilst, concerns have been received from third parties in relation to the scale of the proposal in the Green Belt, the proposed buildings would be for agricultural purposes and the development would not constitute inappropriate development within the Green Belt. As the development constitutes appropriate development in the Green Belt there is also no requirement to assess the impact of the proposal upon the openness of the Green Belt (Paragraph 79 of the NPPF) or the 'five purposes' of included land in Green Belts (Paragraph 80 of the NPPF).

Landscape Impact

- 8.7 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.
- 8.8 Policy ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided. Policy ESD13 also states that: *"Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside;*
 - *Cause undue harm to important natural landscape features and topography;*
 - *Be inconsistent with local character;*
 - *Impact on areas judged to have a high level of tranquillity;*
 - *Harm the setting of settlements, buildings, structures or other landmark features; or*
 - *Harm the historic value of the landscape."*
- 8.9 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *"New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards."*

- 8.10 Saved Policy AG2 of the Cherwell Local Plan 1996 notes that farm buildings and associated structures requiring planning permission should normally be so sited that they do not intrude into the landscape or into residential areas.
- 8.11 Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.12 Saved Policy C8 of the Cherwell Local Plan 1996 notes that sporadic development in the open countryside will generally be resisted if its attractive, open and rural character is to be maintained. Saved Policy C8 applies to all new development proposals beyond the built up limits of settlements, but will be reasonably applied to accommodate the needs of agriculture. The NPPF also advises that the open countryside should be protected for its own sake.
- 8.13 The landscape around the site and village is located within the Clay Vale character type within the Oxfordshire Landscape Study 2004, and this notes the area is characterised by a flat, low lying land form with mixed land uses, dominated by pastureland, with small to medium-sized hedged fields. Whilst the application site is typical of this landscape character, the proposed site is not considered to be highly sensitive and is not situated on land which was previously identified as an Area of High Landscape Value.
- 8.14 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 ACD Environment, fieldwork was undertaken to identify a number of viewpoints in the immediate and wider setting of the site. This LVIA states that of the 12 viewpoints assessed, the site would only be visible from four of these, and only in one of these views can the significance be considered major/moderate, i.e. significant (this being viewpoint 6 which is from Public Footpath 134/12/20 where it runs through the site). The LVIA then goes on to state that with suitable mitigation measures, the development will have a moderate visual impact (i.e. not significant). The LVIA also concludes that the scale and nature of the development and its siting within an agricultural landscape will have low landscape character sensitivity and the magnitude of change is small, therefore resulting in a significance of landscape effect of negligible.
- 8.15 The Council's Landscape Team and officers agree that the views from viewpoint 6 will be significant and that there would be a moderate degree of visual impact from viewpoints 5 (Public Footpath 404/3/40 looking south west towards to the site) and 8 (Public Footpath 134/13/20 looking south east towards the site). That said, the Council's Landscape Team and officers are not in agreement with the LVIA where it states that the significance of effect from viewpoint number 9 to the north of the site would be negligible (along Public Footpath 134/12/20). The Council's Landscape Team has stated that the proposal will form a noticeable feature in the landscape for the length of this south bound right of way. Officers are of the opinion that the significance of effect from viewpoint 9 and parts of this footpath would be major. Whilst it is accepted that views of the site will be localised due to vegetation in the area, it is considered that the proposal would have a major visual impact, and therefore cause significant harm to the immediate locality and some harm to the enjoyment of users of the nearby Public Rights of Way.
- 8.16 The Council's Landscape Team has also stated that the submitted mitigation scheme would not reduce the visual impact of the development from significant to not significant, particularly because there is minimal planting proposed along the eastern and northern boundaries of the site. Officers concur with the Landscape Officer that there is minimal planting proposed along the northern boundary of the site in the submitted landscaping scheme and that if the application is to be approved, then officers hold the view a condition should be attached

requesting a revised landscaping condition which shows further planting on the northern boundary so that clear views of the unit are more localised. In addition to this, officers consider that a landscape maintenance plan is required for a minimum period of 15 years.

- 8.17 In terms of impact upon landscape character, officers are not in agreement with the LVIA in that the proposal would have a magnitude of landscape impact that could be considered 'small' and are of the opinion that the magnitude of impact is 'medium'. This is because it is considered that the proposal would be prominent and because the proposal would be somewhat uncharacteristic when set within the attributes of the receiving landscape. The LVIA states that because the nature of development is an agricultural one, which would sit within an agricultural landscape it would have small landscape impact. However, the application site comprises a relatively large agricultural field and there is little significant built development within the vicinity of the site. The building complex itself, despite being agricultural in use, would be significant in size when compared with other farm developments in the locality. Thus, officers do not consider that the proposal would be characteristic when set within the attributes of the receiving landscape.
- 8.18 Furthermore, the highway improvements to Dolly's Lane in order to make the development acceptable from a highways safety perspective would result in more hard standing on this highway as well as the potential loss of some trees (not mature), and this would have a negative urbanising impact upon this narrow rural lane.
- 8.19 The documentation submitted with the application states that all existing boundary tree and hedgerow features are to be protected and retained. The Tree Survey states that the off-set of the proposals from the boundary tree belts are sufficient so that any impact upon the retained vegetation will be avoided.
- 8.20 The Council's Arboricultural Officer has raised no objections to the proposal, but has noted that they would wish to see the trees and hedges preserved and retained as they provide significant amenity value and contribute in screening the development, and has requested a Tree Protection Plan and Arboricultural Method Statement be submitted and approved prior to the commencement of the development. This has been recommended as a condition. Between the access and the proposed siting of the buildings, a new track is proposed for a large proportion of this section of the site and this has the potential to impact upon some trees and HGVs along this track could also cause harm to these trees. However, these trees could be removed without approval from the Council. Furthermore, given the amount of trees existing along this track, it is considered that the proposal is only likely to impact on a minority of these trees and this element of the proposal is not considered to cause significant harm the visual amenities of the area.
- 8.21 In terms of the tranquillity of the area, the site is approximately 125 metres to the north-west of the A34 and officers hold the view that the area is not one of high tranquillity. The proposed development would introduce elements which would generate further noise, such as transport on the site and extractor fans on each poultry building. The Council's Landscape Team hold the view that the area only currently has the traffic 'hum' from the A34. Officers are of the opinion that the noise generated from the A34, especially at peak times, exceeds a 'hum', but it is considered that the proposal would have an additional negative impact upon the tranquillity of this area, albeit a modest one.
- 8.22 The addition of this sizeable new building complex and associated infrastructure will undoubtedly have a harmful impact upon the rural character and appearance of the landscape. From the above, it is considered that the proposal would cause moderate harm to the landscape character of the area. Furthermore, whilst it is accepted views of the site will be localised, it is considered that there would be significant harm to the immediate locality and some harm to the enjoyment of users of the nearby Public Rights of Way. In addition to this, it

is considered that there would be some additional harm upon the tranquillity of the area. As such these agricultural buildings must be needed, designed and constructed for agricultural purposes and the location of the unit will need to be sufficiently justified in order to overcome the overall harm identified.

- 8.23 The Design and Access Statement submitted alongside the application discusses the need for the development. This states that the existing business sector within the applicants operate (i.e. arable cropping producing combinable crops) is under significant financial pressure and this has forced the applicants to seek to diversify their business through investment in a new agricultural enterprise to support and complement the existing activities. The Design and Access Statement also displays data published by Savills in June 2016 which highlights the financial pressure of the arable sector due to low commodity prices. The applicant's also submitted their last two years' profit and loss accounts as additional evidence of their difficulties. The Design and Access Statement then goes to note why poultry production was chosen as the new business venture, including that this is a venture that will be more economically sustainable in the long term as the end product is based on world prices, the market for chicken is strong, the development would provide a direct saving on fertiliser costs of £20,000 per annum to the existing business and the distance between the application site and the processing site is relatively close. The Design and Access Statement notes that other diversification opportunities were considered by the applicants, but the returns were not considered to be as attractive as the broiler proposal.
- 8.24 The Council's Agricultural Advisor has reviewed the supporting documentation submitted on behalf of the applicant. In relation to the need to diversify the existing business the Council's Advisor has noted that the arguments put forward in relation to falling margins and arable production in the UK are, soundly argued. The Council's Advisor then goes on to note that with the worldwide increase in land devoted to arable cropping, it will be the case, at least in the medium term, returns from arable commodities will be at or below current levels. The Council's Advisor holds the view that the outlook for the arable sector is not encouraging and notes that this coupled with the problems of weed control and pest control due to the withdrawal of certain chemicals adds further uncertainty.
- 8.25 After assessing the applicants' last two years' profit and loss accounts, the Council's Advisor is of the opinion that the trading position appears healthy, but these accounts include income from rented buildings at Staplehurst Farm and from the surplus dwellings let on Assured Shortholds. The Council's Advisor states that when these non-agriculture elements are removed, the income solely from an agricultural perspective is reasonable, but it is likely to remain at this level and there is potential for it to decrease.
- 8.26 The Council's Advisor has stated that proposal is reasonable for the purposes of agriculture, and the returns to the business are such that the enterprise will be self-financing within a short period and the will allow the farm to remain viable and sustainable for the next 20 years. Furthermore, the Council's Advisor states that the spent combustion from the waste fuelling the biomass building will have a fertiliser value to the farm resulting in cost savings on bought-in fertilisers. The Council's Advisor concludes that: *"The proposal for the broiler unit is soundly based and is a reasonable farm development to ensure that the farm continues to support the farm's partners and families into the future."*
- 8.27 Given the above, officers are confident that there is sufficient justification to diversify the current business. Whilst alternative options for diversifying the business have been looked into, the proposed poultry unit is likely to ensure that the agricultural business remains viable and sustainable in the long term. It is therefore considered that the proposal is reasonable for the purposes of agriculture.

- 8.28 The Design and Access Statement also discusses the reasoning behind the siting of the proposed unit. This notes that due to the nature of the development, this being an intensive livestock unit, there are a number of locational constraints to development which need to be satisfied and not just from a planning point of view. An Integrated Pollution Prevention and Control (IPPC) permit is also required from the Environment Agency in order to operate such a development. The Design and Access Statement notes that consideration was given to residential amenity, highway access, landscape and visual impacts and ecology in relation to the siting of the unit. It is stated that in bringing forward the development proposal, the whole of the applicants land holding was reviewed to determine the most appropriate location for the proposed development.
- 8.29 The Design and Access Statement displays that the holding is constrained by the Weston Fen SSSI, which is on the north western boundary of the land holding, and it is noted that an intensive livestock development of this nature would need to provide a separation distance to the SSSI of approximately 1.5KM in order to comply with IPPC permitted standards for ammonia and nitrogen deposition to the SSSI. It is also noted that the holding is constrained on the eastern boundary by the village of Weston-of the Green. Consideration was given to land close to the farm buildings at Grove Farm and Staplehurst Farm so that the proposed development would not be isolated from existing development. In relation to Grove Farm, this was discounted due to the proximity to the ancient woodland, which is within the 250 metres ammonia screening buffer afforded to Ancient Woodlands under the IPPC permitting requirements. In relation to Staplehurst Farm, this was discounted due to its proximity to Weston on the Green and because the access to the site is considered to be unsuitable.
- 8.30 The Design and Access Statement states that after concluding that the site was most appropriate location for the development, consultations and technical assessments were commenced in order to establish the suitability of the site for the proposed use. An IPPC pre-application ammonia screening request was submitted to the Environment Agency to determine whether the site would be appropriate in terms of ammonia and nitrogen disposition. This screening confirmed that the proposed site for the development was compliant with the IPPC permitting thresholds for ammonia and nitrogen deposition. Furthermore, the Environment Agency has granted an IPPC Permit for the proposed use on September 2016.
- 8.31 Officers consider that the reasoning provided within the Design and Access Statement for the siting of the proposed poultry unit on this relatively isolated parcel of land within the applicants holding, having regard to matters of environmental pollution, ecology and highways safety, is considered to be sufficient to justify the siting of the proposed poultry unit.

Impact upon the Historic Environment

- 8.32 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority gives special regard to the desirability of preserving a listed building or its setting. In this case it is the impact on the setting and significance of the Grade II listed barn that is to be considered. The applicant has submitted a Heritage Statement.
- 8.33 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.

- 8.34 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.”*
- 8.35 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”*
- 8.36 The nearest listed building to the proposed siting of the poultry unit is the Grade II listed Grove Farmhouse, which is approximately 700 metres to the north west of the proposed siting of the chicken buildings. In addition, the Grade II listed Staplehurst Farmhouse is approximately 900 metres north of the site. The siting of the proposed development is also approximately 800 metres to the south west of Weston on the Green Conservation Area. Given these separation distances between the heritages assets and the proposed siting of the poultry unit as well as the intervening landscaping, it is considered that the proposal will not harm the significance or setting of any designated heritage assets.
- 8.37 The County Council Archaeologist states that the site is located in an area of archaeological interest with a number of prehistoric and Roman settlement sites in the vicinity. The Archaeologist goes on the note that archaeological evaluation and subsequent investigation 400 metres south of the site recorded early Iron Age to Roman features including pits, ditches, gullies and postholes. He notes that a Roman roof tile suggest that higher status buildings exist in the area. He has also stated that further archaeological features have been identified from aerial photographs adjacent to these features. Early Iron Age features including a stone surface was recorded during excavations for a new sewer 700 metres north east of the proposed site. The Archaeologist notes that Roman pottery and finds have been recorded from the wider area.
- 8.38 A Geophysical Survey has been undertaken on the site on behalf of the applicant and this recorded a number of anomalies. The Archaeologist states that it is likely that a number of these possible features are geological in origin but there are further features which could be of an archaeological nature.
- 8.39 Given the above, the Archaeologist states that it possible that further archaeological features could survive on the site and a programme of archaeological investigation will need to be undertaken ahead of any development of the site. Thus, this has been recommended as a condition, should planning permission be approved.

Highways Safety

- 8.40 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”*
- 8.41 Saved Policy TR7 states that: *“Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.”*

- 8.42 Saved Policy TR10 states that: *“Development that would generate frequent Heavy Goods Vehicle movements through residential areas or on unsuitable urban or rural roads will not be permitted.”*
- 8.43 The documentation supporting this application notes that the proposed poultry unit will produce standard birds, based on a 48 day growing cycle, including 10 days at the end of the cycle for cleanout and preparation of the buildings for the incoming flock. The supporting documentation notes that finished birds are removed in three uplifts, on days 32, 37 and 38 of the cycle. The Transport Statement states that all collections and deliveries to the site will be limited to the operational hours of 8am to 6pm, with the exception to this timescale for bird removal on days 32, 37 and 38 where bird removal commences at 12pm. The Transport Statement notes that the busiest periods in terms of the HGV generation of the site will be on days 32, 37 and 38 when the birds are removed and taken to the factory. It goes on to note, that at its peak, the development proposals will generate 26 two-way trips (13 in, 13 out) on day 32. On days 37 and 38 the development would generate 28 two-way trips (14 in, 14 out). The statement notes that on the majority of operational days (44 days of the 48 day flock cycle) the site will generate between zero and 4 two-way (2 in, 2 out).
- 8.44 The Transport Statement notes that the proposed routing strategy will route vehicles left out of the site access then left onto the B4027 to the A34 heading north-east
- 8.45 It is acknowledged that a number of concerns have been raised by local residents in relation to highways safety, but the Local Highways Authority has raised no objection to the proposal subject to conditions and a Section 278 agreement.
- 8.46 The Local Highways Authority considers that the proposed route for exiting the site as outlined in the Transport Statement is acceptable. They have stated that the HGV movements proposed in the application do not fall under what is regarded as regular. The Local Highways Authority go on to note that because the HGV peak movements only take place on 3 days out of 48, with no more than one HGV for the majority of the cycle, they are not overly concerned.
- 8.47 That said, it is noted by the Local Highways Authority that at the busiest times of the cycle, when HGV movements are at peak, there is a likelihood of vehicles overrunning the highway edges. Whilst there are existing passing places on the narrow Dolly's Lane, the Local Highways Authority is of the view that these are incapable of accommodating the full length of articulated trucks associated with bird removal. For this reason, they state that the applicant should improve the passing bays along this road to standards capable of accommodating a 16.5 metre articulated truck. The Local Highways Authority has stated that Dolly's Lane is approximately 550 metres long and 4 suitable passing bays will be required (i.e. every 100 metres) to make the development acceptable. Officers are in agreement with the Local Highways Authority and this can be conditioned. The passing places would also be subject to a Section 278 agreement and the Local Highways Authority note that this can be secured as OCC records show that to the east of the lane, there is sufficient land available to form the required passing places.
- 8.48 The Local Highways Authority and officers consider it necessary to condition a routing strategy for HGVs as reference is made to the proposed route of exit, but not the route to access the site. The Local Highways Authority and officers consider that the same route to the

one used for the exit, would be acceptable and officers have concerns that other routes to the site could cause highway safety issues.

- 8.49 The Local Highways Authority has noted that the potential for operational impact on surrounding infrastructure due to the proposed development is only slight given the movements the proposal would create.
- 8.50 As part of the proposed development, the access off Dolly's Lane onto Pinchgate Lane is proposed to be upgraded to facilitate the development. This will involve the removal of the splitter island, resurfacing a section of the access to OCC standards and improving vision splays. The Local Highways Authority is content with this element of the proposal, but note that detailed specifications of the access will need to be submitted. The Local Highways Authority has noted that the drawing displaying the access improvements and visibility splays should indicate the extent of the splays, from carriageway edge to centre of the access on both sides. Full details of these access improvements will be attached as a condition should planning permission be granted.
- 8.51 In relation to parking and turning areas on the site, the Local Highways Authority has noted that such areas should be provided for HGVs. However, officers are content that there is adequate space on the site for parking and manoeuvring and that such details are not necessary.
- 8.52 In relation to the construction of the proposed poultry unit, the Local Highways Authority has stated that a Construction Traffic Management Plan is not required as the site is in a remote location and because the erection of the buildings would be relatively uncomplicated. The Local Highways Authority concluded that the traffic associated with the construction should be manageable without a Construction Traffic Management Plan.
- 8.53 Subject to conditions it is therefore considered that the proposal would not have a detrimental impact upon the safe and efficient operation of the highway network.

Environmental Pollution and Nuisance

- 8.54 Saved Policy ENV1 of the adopted Cherwell Local Plan states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other type of environmental pollution will not normally be permitted.
- 8.55 Policy ESD15 of the Cherwell Local Plan Part 1 states that: "*Development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*"
- 8.56 Saved Policy AG3 of the adopted Cherwell Local Plan notes that in the interests of the avoidance of pollution, new intensive livestock and poultry units or extension to existing units that require planning permission will be resisted where they would have a materially detrimental effect on nearby settlements or dwellings due to smell.
- 8.57 Saved Policy AG4 of the Cherwell Local Plan 1996 states that proposals for new intensive livestock or poultry units or extensions to existing units as may be permitted in the plan area will be required to include suitable provision for waste disposal. The text supporting saved Policy AG4 notes that when inadequate provision is made for waste disposal, there is a serious risk of smell problems or pollution to watercourses and ponds.

- 8.58 However, the National Planning Policy Framework in paragraph 122 states that: *“local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.”*
- 8.59 Importantly, such a development requires an Integrated Pollution Prevention and Control (IPPC) permit from the Environment Agency, and such a permit was granted to operate this proposed installation on 1st September this year. The IPPC permit covers issues such as on site noise, emissions and waste generated on site and their management as well as issues of concern in relation to the surrounding environment. The above said, the Local Planning Authority will need to be satisfied that the proposed use can be regulated effectively, without undue environmental harm.
- 8.60 Undoubtedly, the proposed development is of a nature that has the potential to produce noise and odours. There are some residences and commercial properties in the areas surrounding the site of the proposed poultry unit. The closest residences to the siting of these buildings are at: Family Farm, approximately 270 metres to the south east; a residence on the A34, approximately 310 metres away; Rowles Farm, approximately 390 metres to the south east; and Heathfield House Care Home, approximately 470 metres to the south west; and the farmhouse at College Farm, approximately 510 metres to the north west. The nearest commercial properties are on the service station area approximately 115 metres to the south east of the site and this includes a restaurant and petrol filling station.
- 8.61 An Odour Impact Assessment, Waste Management Plan and Noise Impact Assessment have been submitted alongside the application.
- 8.62 The Odour Impact Assessment uses computer modelling to assess the impact of odour emissions from the proposed broiler chicken rearing buildings. The odour emission rates from the proposed poultry houses have been assessed and quantified based upon an emissions model that takes into account the internal odour concentrations and ventilation rates of the poultry building. The odour emission rates obtained were then used as inputs to an atmospheric dispersion model which calculates exposure levels in the surrounding area. The Odour Impact Assessment concludes that the result of the modelling indicate that the 98th percentile hourly mean odour concentration at all nearby residential properties would be below the Environment Agency’s benchmark for moderately offensive odours. The Odour Impact Assessment does show that that the mean odour concentration for the nearby service station uses would, however, be just over this benchmark for moderately offensive odours, but it is noted in the Odour Impact Assessment that such odours would not give rise to significant proportion of complaints when referring to research by UK Water Industry Research (UKWIR).
- 8.63 This Waste Management Plan (WMP) notes that the poultry rearing element will produce approximately 330 tonnes of manure per flock cycle. On the cleaning out of the buildings at the end of each flock cycle, the manure will be removed from the poultry buildings and stored under negative pressure with the adjacent boiler buildings fuel storage area. The manure is to be fed into the boiler as the primary fuel source. It is noted that this process will utilise all of the manure produced by the birds each year.
- 8.64 The biomass boiler would produce waste in the form of ash, which is noted to be a commonly used agricultural fertiliser. The WMP states that the proposal will generate approximately 200 tonnes of ash per annum, and this ash material is to be used on the farmstead where the

material will be stored undercover within a farm building. The WMP notes that the applicant currently buys in the same amount of fibrephos fertiliser each year, so this would be a simple replacement to this existing process. The WMP states that the ash material will be analysed for its nutrient content to determine the appropriate spreading of volumes to be matched to the crop requirements to ensure legislative compliance. It is important to note that the spreading of fertiliser on agricultural land is controlled by the Nitrate Pollution Prevention Regulations 2015. Furthermore, the environmental permitted regime consists of a risk assessment of the fields on which the manure will be spread.

- 8.65 Whilst there is the potential for odour during periods of spreading, the applicants own some 908 acres of land and it is likely that the applicants would spread this ash on the land where and when it will cause fewest problems for property owners. It is likely that the odour from spreading will be short lived as well as it is normal practice to spread fertiliser after the harvesting of arable crops and for the fertiliser to be incorporated into the soil during ploughing and tillage operations. Concerns have been raised in relation to dust pollution from the ash on the fields, but again the spreading of waste is regulated under the IPPC permit.
- 8.66 The proposal would generate dirty water as a result of the washing out process for the sheds. The WMP states that the IPPC permit requires that this is contained within an approved containment system. The effluent of containment system must conform to the requirements of Schedule 2 of 'The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. The dirty water is proposed to be collected in two dedicated underground tanks. The WMP notes that at the end of each cleaning process, the dirty water tanks are to be emptied by vacuum tanker and the dirty water is spread to land in accordance with the provisions of the Nitrate Pollution Prevention Regulations 2015.
- 8.67 The Council's Environmental Protection Officer has reviewed the submitted Odour Impact Assessment and has raised no objections in relation to odour pollution. The Environmental Protection Officer has also acknowledged that the Environment permit will ensure that odour and waste arising from the proposal is controlled by the Environment Agency to statutory standards.
- 8.68 Whilst there is the potential for odour, given the above, officers are satisfied that that the proposed poultry unit can be regulated effectively, without causing materially detrimental levels of odour pollution, as well as pollution to watercourses and ponds.
- 8.69 In relation to noise pollution, concerns have been raised by third parties. The Noise Impact Assessment (NIA) submitted alongside the application has been conducted to determine the typical background noise levels at the nearest dwellings to the proposed broiler units. The NIA assesses the potential noise from the extraction system on the buildings and from transport (i.e. vehicles arriving/departing on the access road, manoeuvring and loading/unloading).
- 8.70 The NIA states that the fans are to be thermostatically controlled, with the total number of fans operating at any one time dependent on the bird's ventilation requirements. The document states the high stage (100% ridge extract fans operating) will typically only be triggered when the external temperature exceeds 23° and that during the evening and night, this temperature is not expected to be exceeded. The NIA concludes that the nearest residential receptors would experience, at worst, low to negligible levels of noise as a result of the extractor fans.
- 8.71 The NIA goes on to state that the loading/unloading area will be fully acoustically shielded from the nearest residential properties by the proposed unit itself. The NIA states that the majority of transport movements will only occur between 7AM and 8PM. The NIA concludes

that the nearest residential receptors would experience, at worst, low to negligible levels of noise as a result of the transport activities.

- 8.72 The Council's Environmental Protection Officer has reviewed the NIA and has raised no objections in relation to noise pollution. However, the Council's Environmental Protection Officer has recommended providing further shielding and/or reduced sound output for the relevant sources to reduce the impact further, as there is an obstructed path between extract terminations and the nearest residential receptors. However, given that the nearest receptors would experience an impact ranging from negligible to low, at worst, officers do not consider that this is necessary should planning permission be granted.
- 8.73 It is worth noting that the IPPC permit covers that matter of noise pollution beyond the installation boundary. Given the above, officers consider that proposed poultry unit can be regulated effectively, without producing materially detrimental levels of noise pollution.
- 8.74 Third parties have noted that the proposal would have a negative impact upon the Heathfield Care Home business, the Heathfield driving range business and the restaurant in the service station, by virtue of environmental pollution. However, given the above, officers consider that the proposal could be regulated effectively, without cause materially detrimental levels of odour and noise pollution and therefore do not consider that the proposal would have a significant negative impact upon these nearby businesses.
- 8.75 Detailing about lighting is limited and concerns have been raised in relation to light pollution. Officers are confident that such a scheme could be implemented without causing material detrimental levels of light pollution. Thus, should permission be granted, it is recommended a condition is attached requesting full details of the external lighting. Care will need to be taken to ensure that the level of lighting is not excessive.

Ecological Implications

- 8.76 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"*.
- 8.77 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."*
- 8.78 The application is accompanied by a Phase 1 Ecological Survey conducted by a qualified ecologist. The site and the immediate surroundings were surveyed for their ecological interest and two ponds (one of these being on the site) were assessed for their habitat suitability for Great Crested Newts. The Ecological Survey notes that the site contains a substantial area of unimproved grassland of ecological interest on the north, east and south edges of the site and the ponds have been categorised as good (on-site) and excellent (off-site) for Great Crested Newts. The report recommends that the unimproved grassland is fenced off to protect it from damage and/or disturbance during the construction phase of the project and that a permanent

buffer zone of approximately 1 hectare is size be established between the pond on the site and the proposed development as an undisturbed terrestrial foraging area for any Great Crested Newts and any other amphibians that potentially may use the site.

- 8.79 The report also recommends creating new wildlife habitats in area that are appropriate to the site's context, including 'wild' corners, five bird nest bokes and five bat roosting boxes on trees around the periphery of the site. The report concludes that providing that the recommendations are fully implemented there are no obvious ecological counter indications to the proposed project.
- 8.80 Comments have not been received from the Council's Ecology Officer during the consultation process. However, comments have been received from Natural England who have raised no objection to the proposal, but have not assessed this application for impacts on protected species.
- 8.81 In the absence of evidence to the contrary from the Council's Ecology Officer, and having regard to standard advice on protected species protected species, the case officer has no reason to doubt the findings and recommendations of the Survey. An Ecology Management Plan has been recommended as a condition, alongside the Landscape Manage Plan, to set out in detail biodiversity enhancement measure to achieve net gains in biodiversity.

Flooding Risk and Drainage

- 8.82 The majority of the site lies within Flood Zone 1, which is land which has a less than 1 in 1,000 annual probability of river flooding. However, the proposed access track to the unit is proposed to run through Flood Zone 2/3, which is land which has a 1 in 100 or greater annual probability of river flooding. A Flood Risk Assessment (FRA) has been submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the NPPF.
- 8.83 Policy ESD7 of the Cherwell Local Plan Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 8.84 The FRA submitted with the application concludes that there is a low risk of surface water flooding on the eastern and southern boundaries of the site, corresponding to shallow depressions in the topography, which are not part of the proposed developed area. The FRA goes on to note that published soil mapping shows that the site is located on soils described as 'slowly permeable.' It is stated that the percentage runoff is likely to be greater than 30%, therefore it is considered unlikely that surface water runoff could be managed using a system on infiltration. A 1,600m² attenuation pond has therefore been recommended, from which outflow is limited to below the greenfield runoff rate using an 0.075m diameter orifice and discharging into the Gollos Brook one field (140 m) to the east of the site.
- 8.85 The Environment Agency has raised no objections to the proposal. OCC Local Highways Authority has raised no objections to this in principle, but note that the recommendations as set out in the FRA with regard to the maintenance of the SuDS proposals should be incorporated into a SuDS Management and Maintenance Plan for the development, that will give assurance that these recommendations will be carried forward so that the system operates as designed. Thus, such a condition has been attached.

Potentially Contaminated Land

- 8.86 The site is on land which is potentially contaminated, but 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.

Sustainability and Energy Efficiency

- 8.87 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. Policy ESD4 of the Cherwell Local Plan Part 1 states decentralised energy systems are encouraged in all new developments and that all applications for non-domestic developments above 1000m² floor space will require a feasibility assessment for decentralised energy systems. Policy ESD5 of the Cherwell Local Plan Part 1 states that a feasibility assessment of the potential for significant on site renewable energy provision will be required for all applications for non-domestic developments above 1000m² floor space. Policy ESD5 goes on to note that where feasibility assessments demonstrate that on site renewable energy provision is deliverable and viable, this will be required as part of the development unless an alternative solution would deliver the same or increase benefit.
- 8.88 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 ESD1-5 of the Cherwell Local Plan Part 1. This is a matter that could be addressed by condition should planning permission be granted.

Other Matters

- 8.89 Concerns have been raised by third parties in relation to the devaluation of property prices, but this is not a material planning consideration.

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 poultry unit within an isolated rural location within the Oxford Green Belt. The proposal would lead to the diversification and expansion of an established agricultural business within a rural area and it is considered that the proposed development could be acceptable in principle. Furthermore, the proposal is considered to constitute acceptable development within the Green Belt.
- 9.3 In terms of the environmental dimension, it is considered that the proposed addition of this sizeable poultry unit and associated infrastructure would cause moderate harm to the landscape character of the area and significant visual harm to the immediate locality. In addition to this, it is considered that there would be some additional harm upon the tranquillity

of the area. Furthermore, in terms of the social dimension, it is considered that the proposal would cause some harm to the enjoyment of users of the nearby Public Rights of Way.

- 9.4 That said, in terms of the economic dimension, officers consider that there is sufficient justification for the need to diversify the current agricultural business and that the proposed poultry unit is likely to ensure that the agricultural business remains viable and sustainable in the long term, and is therefore reasonable for the purposes of agriculture. As a consequence, the proposal would also be in line with Paragraph 28 of the NPPF which states that Local Planning Authorities should support economic growth in rural areas by supporting the growth and expansion of all types of business in rural areas and promoting the development and diversification of agricultural businesses. In addition, the proposed development would create additional employment on the site of two full time jobs and would support jobs within the associated services industry within the poultry sector, for example, haulage contractors, chick suppliers, poultry feed suppliers, veterinary and medicine, cleaning contractors and pest control contractors. New development also provides some construction opportunities.
- 9.5 Cumulatively, officers consider that the environmental and social impacts identified above are significant. However, officers hold the view that the economic benefits identified above are considerable and outweigh these environmental and social impacts. It is therefore concluded that the proposal constitutes sustainable development and the application is recommended for approval.

9. RECOMMENDATION

That permission is **granted**, subject to:

a) The applicants entering into a Section 278 agreement in relation to the access to the site and the passing lanes on the un-named highway between the B4027 and the site (known as Dolly's Lane); and

b) the following conditions:

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

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

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

- Application Form submitted with the application;
- Design, Access & Planning Statement by Ian Pick dated August 2016 submitted with the application;
- Tree Report and Impact Assessment by ACD Environmental dated 15th August 2016;
- Drawing Numbers: 18250-01; 18250-02; IP/AJW/02; IP/AJW/03; IP/AJW/03A; IP/AJW/04; IP/AJW/05; IP/AJW/06; IP/AJW/07; IP/AJW/08; IP/AJW/09; and

IP/AJW/10;

- Environmental Statement prepared by Ian Pick dated August 2016 submitted with the application along with the following appendices:
 - Noise Impact Assessment by Matrix Acoustic Design Consultants dated 20th July 2016;
 - Odour Impact Assessment by Steve Smith dated 16th April 2016;
 - Landscape And Visual Impact Assessment by ACD Environmental dated August 2016;
 - Ecological Survey by Craig Emms dated June 2016;
 - Flood Risk Assessment by Hydro-Logic Services dated 8th August 2016;
 - Transport Statement by David Tucker Associates dated 8th August 2016;
 - Archaeological Evaluation Report by Allen Archaeology dated July 2016; and
 - Phase 1 Contamination Assessment by Land Drainage Consultancy Ltd dated August 2016;
- Soft Landscaping Plan by ACD Environmental dated August 2016 submitted with the application;
- Waste Management Plan by Ian Pick dated September 2016 submitted with the application; and
- Drawing Number IP/AJW/01 Revision A received from the applicant's agent by e-mail on 14th October 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 shall be carried out in accordance with the 'Recommendations for Mitigation and Further Survey' section of the Ecological Survey by Craig Emms dated June 2016 submitted with the application.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) for a minimum period of 15 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason - In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development, to protect habitats of importance to biodiversity conservation from any loss or damage and to comply with Policies ESD10, ESD13 and 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.

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

biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

6. 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 and including maintenance and management of SuDS features, 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.

7. Prior to the commencement of the development, and notwithstanding the details shown on Drawing Number IPA20673-11 submitted with the application, 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) full details of the water tank to the west of the poultry buildings, including height appearance and materials; and
- e) full details of the 6 No. gas tanks to the east of the poultry buildings including height, appearance and materials.

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

Reason - In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD13 and 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.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in

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

Reason - In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD13 and 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.

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

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD13 and 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. Prior to the commencement of the development hereby approved, a Sustainability and Energy Statement, outlining how sustainability will be built in the approved development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of this poultry unit, these sustainability measures will be implemented in accordance with the approved details.

Reason - To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of development hereby approved, a Routing Strategy for HGVs shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of the development, the Routing Strategy shall be implemented in accordance with the approved details.

Reason - In the interests of highway safety, to mitigate the impact of HGVs on the surrounding highway network and road infrastructure and local residents, and in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

12. 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 and prior to the first occupation, the 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.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved, full details of 4 No. passing places on the unnamed road (known as Dolly's Lane) between the B4027 and the site including, position, layout, construction, surfacing and drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the commencement of the development, the 4 No. passing places shall be provided on the site in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

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

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

15. Following the approval of the Written Scheme of Investigation referred to in condition 14, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

16. That full details of any lighting to be fixed on the buildings and on the ground 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 and retained as such thereafter.

Reason - In order to safeguard the amenities of the area in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies ENV1 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. All hard standing areas within the site must be constructed from a permeable material, or provision must be made within the site for surface water to discharge to soakaway/SUDS feature. There must be no increase in surface water run-off from the site to the highway or neighbouring properties as a result of this proposal.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

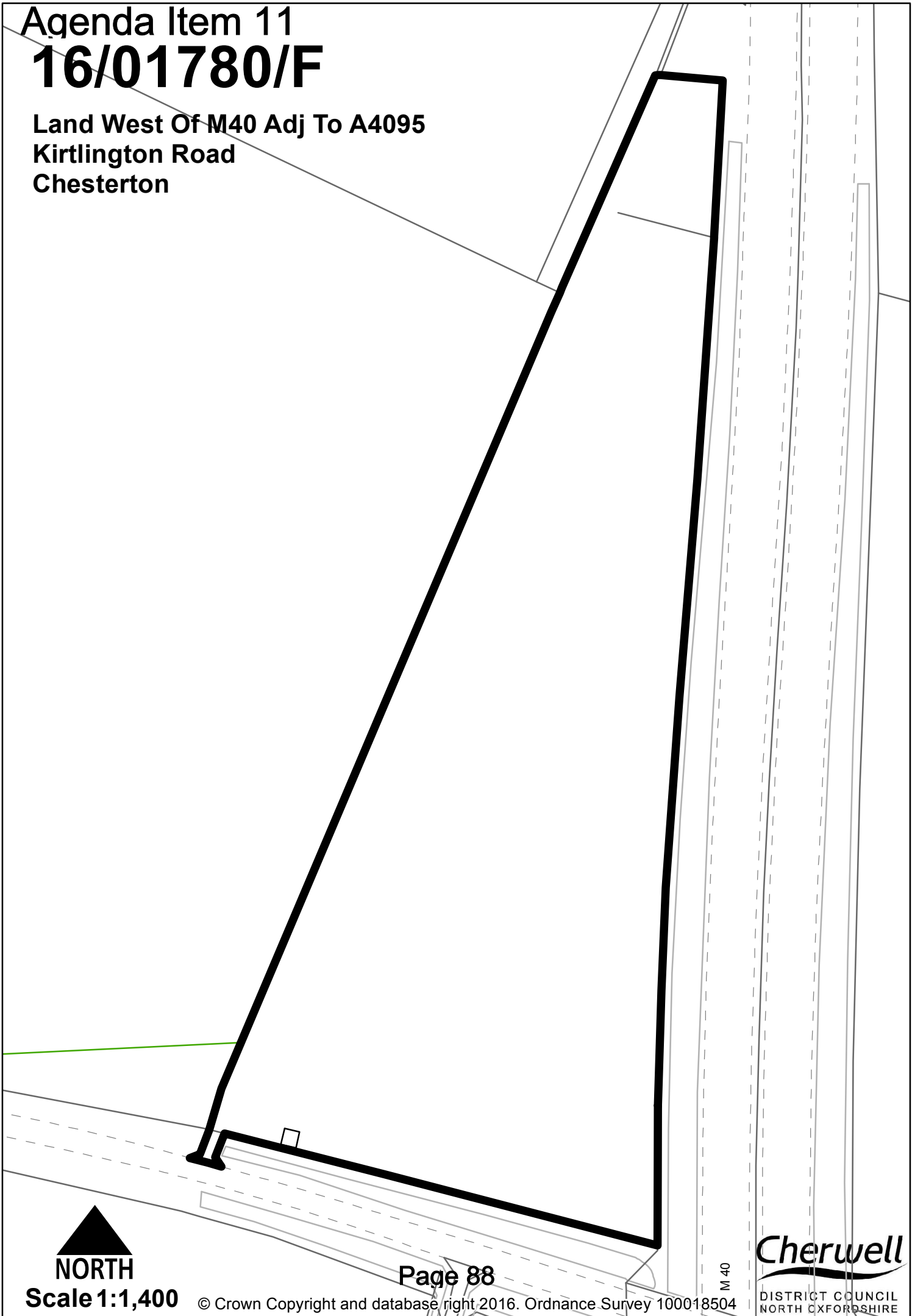
1. In relation to condition 7 (Landscaping Scheme) Bletchington Footpath 12 runs on the eastern edge of the site and this will need to be displayed correctly on the Landscaping Scheme.
2. In relation to condition 12 (details of access) details should indicate the extent of the vision splays, from carriageway edge to the centre of the access on both sides.
3. The Environment Agency has noted that the development may require an Environmental Permit from the Environment Agency under the terms of the Environmental Permitting (England and Wales) (Amendment) (No.2) Regulations for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of designated 'main rivers'. Further details and guidance are available on: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
4. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or

recklessly disturb, harm or kill bats or destroy their resting places.

5. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
6. 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.
7. 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.
8. 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
16/01780/F

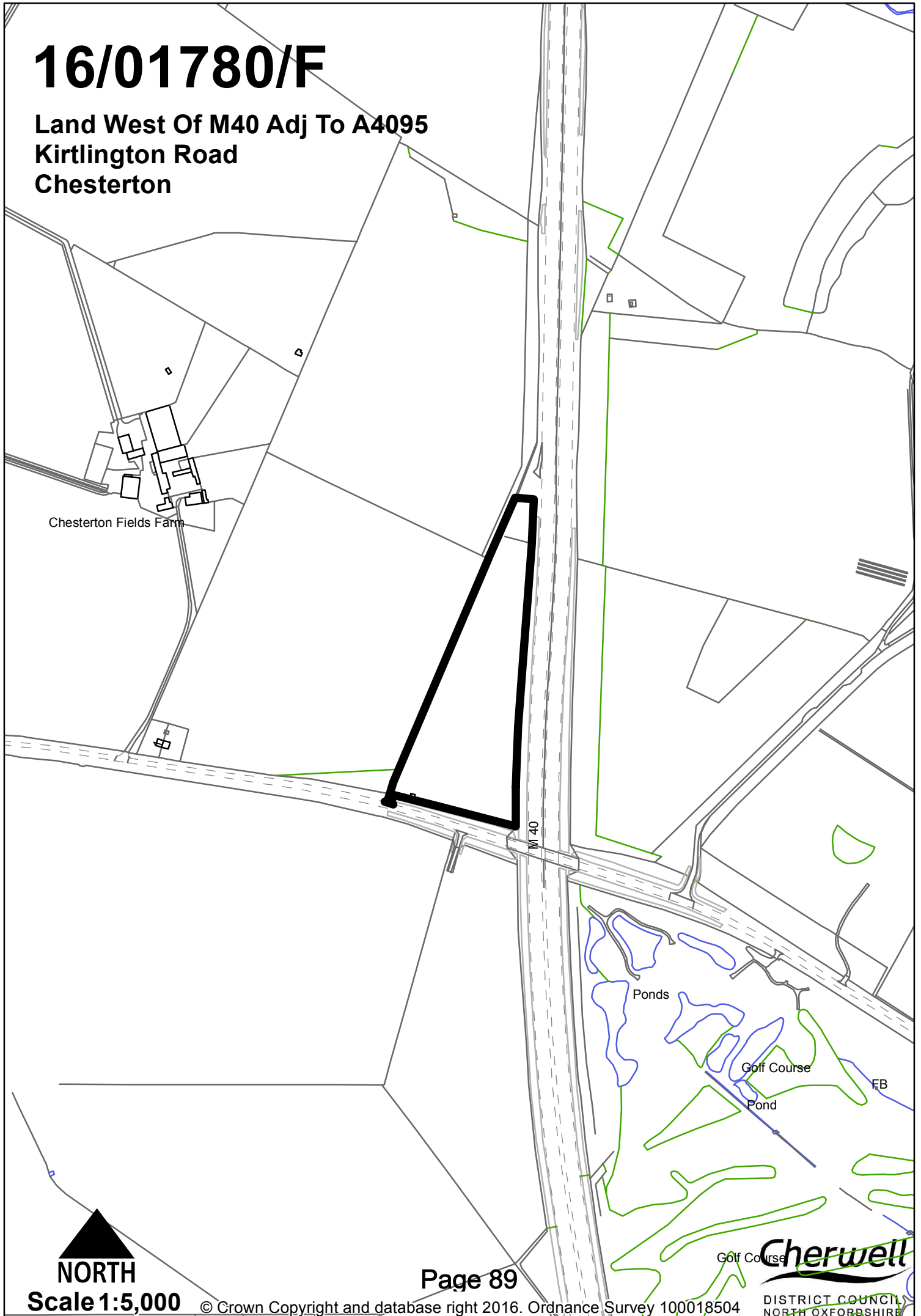
Land West Of M40 Adj To A4095
Kirtlington Road
Chesterton



NORTH
Scale 1:1,400

16/01780/F

Land West Of M40 Adj To A4095
Kirtlington Road
Chesterton



Scale 1:5,000

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

Applicant: Clifford Smith And Robert Butcher

Proposal: Change of use of land to use as a residential caravan site for 9 gypsy families, each with two caravans and an amenity building. Improvement of existing access, construction of driveway, laying of hard standing and installation of package sewage treatment plant.

Expiry Date: 2nd December 2017 **Extension of Time:** 23rd December 2016

Ward: Fringford And Heyfords **Committee Date:** 15th December 2016

Ward Councillors: Cllrs Corkin, Macnamara and Wood

Reason for Referral: Major Development

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1 The site is located to the north of the A4095 (Kirtlington Road) and the east of the site runs adjacent to the M40, but the site sits at a higher level to this Motorway as the Motorway is within a cutting. To the north and west of the site is open countryside. The site is located approximately 1.1 KM to the north west of Chesterton as the crow flies. The 2.7 hectare site comprises of an agricultural field and a small structure to the very south of the site. Access is achieved off the Kirtlington Road at the south west corner of the site.
- 1.2 The site is not within close proximity to any listed buildings and is not within a Conservation Area. Public Footpath 161/11/10 is shown to run along the western boundary of the site, but is noted by the OCC Public Rights of Way Officer to likely run on the other side of this boundary. The site has some ecological potential as protected species have been recorded within the vicinity of the site, including the Common Kestrel, Small Heath Butterfly and Brown Hare.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for a change of use of the site to a traveller caravan site comprising 9.No pitches, containing a mobile home, touring caravan and an amenity building. The amenity building is proposed to be approximately 5 by 4 metres and a height of approximately 3.6 metres. The pitches would be divided by fencing and hedging. The structures within the pitches are proposed to sit on permeable hard standing, whilst the rear of each pitch will contain a private garden area. A driveway running along the western and southern boundaries of the site, constructed from permeable hardstanding, is proposed to serve each pitch. Works to the access to the south west of the site are also proposed, including its widening in order for two vehicles to pass within the site entrance.

- 2.2 The installation of package sewage treatment plant is proposed to the north of the site, which would receive waste water from the pitches and would process it until a clear effluent is discharged into the environment. Details in relation to specification and dimensions of this plant are limited.
- 2.3 The proposed pitches, sewage treatment plant and hard standing would not fill the whole site area and there would still be access to the remaining field as a result of the proposal.
- 2.4 A screening opinion (ref: 16/00075/SO) issued by Cherwell District Council earlier this month (December 2016) stated that an Environment Statement was not required for this application.

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history directly related to this application.

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 two site notices 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 40 letters of objection in respect of the proposed development. The concerns raised by third parties are summarised as follows:
 - Consideration has not been given to alternative sites;
 - Contrary to policy as it is located within the open countryside;
 - Not an identified site in the Local Plan;
 - Not sustainable development as it offers no economic, social or environmental improvements;
 - Not sustainably located;
 - Housing would not be accepted on this site;
 - Too close to the village of Chesterton;
 - Chesterton does not have the capacity;
 - The village has limited facilities and services and no bus service;
 - The school is almost full and does not have the capacity required for this application;
 - Would be to the detriment of the village of Chesterton;
 - Would be of no benefit to Chesterton;
 - Would set a precedent for housing outside the village;
 - Would harm the character of the area;
 - Would be visible from Public Footpaths and Kirtlington Road;
 - Loss of enjoyment for users of the Public Footpath to west of the site;
 - The local road network cannot accommodate the extra traffic this will create;
 - Access is dangerous;
 - Required length of visibility splay could not be achieved;
 - There is no footpath next to the site along the Kirtlington Road and the development would be car reliant;

- Noise and air pollution to future residents as the site is located next to the M40;
- Loss of privacy to existing residents;
- Will create noise nuisance;
- Would cause harm to protected species;
- Would increase the flooding risk;
- Consideration needs to be given to drainage;
- Questionable whether the site has an adequate water supply;
- No access to electricity and current supply overloaded;
- No sewage facilities;
- The applicant should update the facilities at the existing park (Newlands Caravan Site);
- Is it the case that the applicant no longer wants to accommodate the gypsies on the site?
- They were asked to leave because of 'issues' caused at the current site;
- Would be 18 families instead of 9 and could be up to 72 people living on the site;
- Will not be managed properly and will go beyond what consent allows for;
- Site nearby was closed due to lack of demand and now contains park homes;
- Burden on Council with refuse collection;
- Waste disposal arrangements should be provided;
- Should be the inclusion communal recreation area;
- No consultation with local community before submission;
- Travellers would not successfully integrate with the local community;
- Fear of crime and anti-social behaviour;
- Loss of private view;
- Devaluation of property prices.

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 CHESTERTON PARISH COUNCIL: **Object** to the application on the following grounds:

- The proposal constitutes a residential development in an agricultural area. Incidentally, when the Parish Council supported a residential development in the village on agricultural land adjacent to a playing field the application was refused twice by the LPA;
- Could set a precedent for future changes of use;
- Due to concerns raised by the owner of Newlands Caravans Site at Bloxham;
- This proposal is excessive;
- Chesterton School is near capacity and could not accommodate the volume of entrants the proposal would bring;
- Chesterton is not in practice a Category A Village and is wrongly classified;

- Is it the case that mains water and electricity services are connected to the site?
- Would cause further traffic problems on the A4095;
- Chesterton had a site for travellers, but is now residential because it was deemed not to be required.

STATUTORY CONSULTEES

- 6.3 ENVIRONMENT AGENCY: **No comments received.**
- 6.4 OCC HIGHWAYS AUTHORITY: **Object** to the proposal. The Local Highways Authority (LHA) note that the proposed access is along Public Footpath 161/11 and discussions will therefore need to be entered into with OCC's Countryside Access Team and legal permissions sought from the relevant parties. The LHA note that if permission is to be granted, then they have requested conditions for full details of the means of access, full specification of the parking and manoeuvring areas, full details of waste storage/collection and that hard-standing being constructed from a permeable material or provision must be made within the site for surface water to discharge to soakaway/SuDS feature.
- 6.5 THAMES WATER: **No objections.** In relation to the Package Treatment Plant, foul water for this development is not draining into Thames Water assets and therefore does not affect Thames Water.
- 6.6 HIGHWAYS AGENCY: **No comments received.**

NON-STATUTORY CONSULTEES

- 6.7 CDC ECOLOGY OFFICER: **No comments received.**
- 6.8 CDC ENVIRONMENTAL PROTECTION OFFICER: **Objects** to the application. Before the submission of the noise survey, the Environmental Protection Officer (EPO) noted that the noise levels will be very high for the residents being adjacent to the M40. The EPO went on to state that there is no mitigation proposed and no noise report has been produced to show that the noise can be mitigated to acceptable levels and that the site is unsuitable for such a development. A noise survey was subsequently submitted by the applicant's agent. However, the EPO still has concerns with the proposal and noted that whilst the noise levels can be reduced to a lower level inside the caravans, they are still (just) above the recommended limits for bedrooms at night. The EPO also notes that the levels to the outside amenity are well above the top end of recommended levels. The EPO goes on to state: *"The internal noise at night may just be acceptable but couple this with the external noise and I don't feel that this site is appropriate for a development such as this as the noise in the external area (even with the mitigation) would give rise to significant adverse impacts on the health and wellbeing of the residents of the new development which the Noise PPG and NPSE advises should be avoided. Therefore I still object to this scheme on noise grounds."* The EPO states that if permission is granted there should be conditions in place to ensure that the site is built with the mitigation proposed in the noise report and that the mobile homes provided are in accordance with BS3632:2015 as recommended in the report.
- 6.9 OCC GYPSY & TRAVELLER SERVICES: No comments received.

- 6.10 CDC LANDSCAPE TEAM: **No objections** in respect of landscape and visual impact subject to conditions including a detailed landscaping scheme, the retention of the hedgerows on the southern roadside boundary and western boundary, with the filling of gaps in these hedgerows. The Landscape Officer has also requested rabbit guards for proposed hedgerow plants and trees, and that hedgerows and their root protection areas are protected with fencing during the construction period.
- 6.11 CDC LICENSING: **No objections**. The site owner will need to apply for a caravan site licence if planning permission is granted. In order for the licence to be granted the site owner must comply with the licence conditions.
- 6.12 CDC PLANNING POLICY: **No objection** in principle, subject to detailed consideration of the noise impact from the adjacent M40 and consultation with the Council's Environmental Protection Team. Policy BSC 6 of the Cherwell Local Plan Part 1 provides for 19 net additional pitches from 2012-2031. Since the adoption of the Local Plan, 20 pitches have been lost. This has now increased the requirement to 35 pitches (2015 AMR). 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). 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 proposed site is within 3km of Chesterton which is a Category A village, one of the more sustainable villages in the District (Policy Villages 1).
- 6.13 CDC RECREATION & LEISURE: **No comments received**.
- 6.14 RAMBLERS ASSOCIATION: **No comments received**.
- 6.15 OCC RIGHTS OF WAY: **No objections** to the proposal. Public Footpath 11/161/11 is shown on the Definitive Map (the legal document showing the position and status of the public rights of way) to run along the western boundary of the site. However, the footpath is currently provided for and walked on the other side of the field boundary, outside the site. The footpath was diverted via a Side Roads Order (SRO) in 1987 associated with the building of the M40. The alignment of the path of the SRO is consistent with the position that was laid out on the ground and is currently used, therefore suggesting that the path was recorded incorrectly on the Definitive Map. The applicants will need to consider the alignment of the footpath as shown on the Definitive Map even though this may be incorrect. There should be no structures placed across the line of the path that may obstruct it. The design of the access into the site will also need to take the footpath into account. If permission is granted, conditions will need to be attached to ensure that the footpath is not adversely affected.
- 6.16 CDC WASTE & RECYCLING: **Object** to the development. The developer has stated that there are no plans to incorporate areas to store and aid the collection of waste. The developer will have to satisfy that they have adequate provision for waste and recycling, before the application is agreed. Section 106 contribution of £106 per property will also be required.

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
- BSC6 - Travelling communities
- ESD1 - Mitigating and Adapting to Climate Change
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 - Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 - Sporadic development in the countryside
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution

- 7.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- 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 (2008) (although this document was withdrawn by the Government on 1st September 2015).
- 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
- Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Needs Assessment (2012/2013) (GTAA)
- The European Convention on Human Rights (ECHR) Articles 8 and Article 14 of Protocol 1
- Housing Act (2004)
- The Equality Act (2010)
- Noise Policy Statement for England (NPSE) (2010)

8 APPRAISAL

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

- Principle of the Development;

- Visual Impact and Effect on Landscape Character;
- Highway Safety;
- Residential Amenity;
- Ecological Impact;
- Flooding Risk and Drainage;
- 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 Policy PSD1 contained within the Cherwell Local Plan Part 1 echoes the NPPF'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 PPTS.
- 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 In relation to this planning application, it is the case that the site is proposed to be used as a long term residence. That said, the proposed residents of the site currently reside at a recognised traveller site in the District (Newlands Caravan Site, just outside Bloxham). Furthermore, each pitch is proposed to accommodate a touring caravan and these would be used for nomadic purposes. Officers are therefore satisfied that the application is for a site that would be used gypsies/travellers.
- 8.9 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 Chesterton, with a population of approximately 850, is the nearest settled community being some 1.1KM to the south east of the site. Officers are of the opinion that the proposed number of occupants at the site would not result in a development that dominates the nearest settlement of Chesterton.
- 8.10 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.
- 8.11 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 healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
 - d) not enclosing sites with excessive 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.
- 8.12 Policy BSC 6 of the Cherwell Local Plan Part 1 states that to meet the requirements set out, and in order to provide and maintain a five year supply of deliverable traveller sites, allocations will be made in Local Plan Part 2 and planning permissions will be granted for suitable traveller sites. Policy BSC6 also goes to state that: *"In identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied:*
- 1) *Within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village.*

- 2) *Within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.*

Other locations will only be considered in exceptional circumstances.

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 local provision;*
- k) *The availability of alternatives to applicants.”*

8.13 Under Policy Villages 1 of the Cherwell Local Plan Part 1, Chesterton is identified as a Category A village which allows for minor development, infill and conversions. 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. The site is located approximately 1.1KM by road from Chesterton therefore the site meets the first criteria as set out in Policy BSC6 relating to sequential tests.

8.14 Whilst Chesterton has a primary school, nursery, church and public house, it is acknowledged that Chesterton Parish Council has raised concerns in relation to the sustainability of the village, and it recognised that Chesterton does not have as many services and facilities as a number of other Category A settlements and that the bus service through the village is now extremely limited. That said, the site is also approximately 2.5 KM road distance away from the built up limits of the town of Bicester which contains GP and health services, schools, shops, recreational facilities, a library and many other services. The site also benefits from a good access to the highway network. The site is therefore considered acceptable in general sustainability terms.

8.15 The suitability of the site for gypsies/travellers will be discussed later in this report.

8.16 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 Part. 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.

- 8.17 The most recent Annual Monitoring Report (AMR) 2015 (December 2015) outlines that at the 31st 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 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). However, It is worth highlighting that 11 pitches were approved at Corner Cottage and The Stable Block in Mollington last month (ref: 16/01740/F and 16/01760/F)
- 8.18 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 (Newlands Caravan Site) at Bloxham, with the owners giving notice that they plan to close the site on 31st January 2017; which will result in the loss of 20 authorised pitches. In addition to this, there are currently no identified sites that could provide alternative accommodation. Officers consider that the significant unmet need in the District, the lack of suitable and available alternative sites, and the failure development plan to meet the identified need should be afforded considerable weight in the determination of this application.
- 8.19 Despite the referendum on the 23rd July 2016 where the United Kingdom opted leave the European Union, the European Convention on Human Rights is still in force to date. Under Article 8 there is a positive obligation to facilitate the gypsy way of life (Paragraph 96 of Chapman v UK (2001)). The Article 8 rights of those travellers on the Newlands Caravan Site are clearly engaged. The travellers who reside at Newlands Caravan Site and are looking to move to this application site are likely to face eviction on the 31st and if the application is to be refused, this could lead to a roadside existence and make access to health and education more difficult. Weight should be given to this matter.
- 8.20 The Equality Act 2010 places a general equality duty on decision makers in respect of planning permission. Travellers are believed to experience one of the worst health and education statuses in England. The Local Planning Authority has a duty to have due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people of different racial groups. Article 14 requires that the Convention rights shall be secured without discrimination on any ground including race.
- 8.21 Given the above, officers are of the opinion that the principle of creating 9 pitches on the site would be compliant with Policy BSC6 of the Cherwell Local Plan 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. However the principle of the proposal is subject to further material planning considerations, notably the suitability of site for gypsies/travellers, which will be discussed below.

Visual Impact and Effect on Landscape Character

- 8.22 ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the

local landscape character cannot be avoided. Policy ESD13 also states that: *“Proposals will not be permitted if they would:*

- *Cause undue visual intrusion into the open countryside;*
- *Cause undue harm to important natural landscape features and topography;*
- *Be inconsistent with local character;*
- *Impact on areas judged to have a high level of tranquillity;*
- *Harm the setting of settlements, buildings, structures or other landmark features; or*
- *Harm the historic value of the landscape.”*

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

8.24 Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the character of the open countryside.

8.25 The proposed development would clearly be visible from the public footpath to the west of the site and despite a hedgerow along the southern boundary of the site, it will be visible from the A4095, notably from the bridge section over the M40 and through the access. Undoubtedly the proposal, with the addition of mobile homes and day rooms, hardstanding and domestic paraphernalia would be alien within this landscape and would have an urbanising effect on this agricultural field within the open countryside. The proposal would therefore cause significant harm to the rural character and appearance of the landscape.

8.26 In addition, the noise survey supplied by the applicant’s agent concludes that a bund or bund/fence of a height of up to 5 metres will be required to the east of the pitches to mitigate the noise from the M40 and without such mitigation being implemented, the M40 would produce unacceptable levels of noise for the proposed future occupants of the site. However, details of such a feature have not been submitted and full details of this are required prior to the determination of the application, and this would be subject to public consultation. However, because a bund or bund/fence would be required in order to make the development acceptable to officers in terms of noise nuisance to future occupants of the site, it is considered that such a feature at a height of 5 metres would be clearly visible from bridge over the M40 on the A4095 and would likely be visible from the M40 itself, and would have an urbanising effect on the countryside and would appear alien in this landscape. It is considered that such a feature would therefore cause further harm to the rural character and appearance of the area.

8.27 The Council’s Landscape Team has raised no objections to the proposal in terms of the landscape and visual impact subject to conditions including a landscaping scheme, but this is not in the knowledge that a bund is also required. The Landscape Officer wants to see the southern roadside hedgerow retained and maintained to a height of 3.5 metres in order to

screen the site and the planting of trees within this hedgerow at irregular spacing. The Landscape Officer has also requested that the western boundary hedgerow is retained and maintained to a height of 3.5 metres and the planting of trees within this hedgerow at irregular spacing for the benefit of visual receptors using the Public Right of Way through the site. Officers hold the view that the retention of the hedgerows on the western and southern boundaries of the site and the planting of trees within gaps of these hedgerows would reduce the visual impact of the development. Thus, should planning permission be granted, a landscaping scheme and the retention and maintenance of the hedgerows on the southern and eastern boundary of the site will be recommended as conditions. The Landscape Officer has also requested that all hedgerows and their root protection areas are protected with fencing during the construction period so as to protect these hedgerows which will contribute in screening the proposed development. Whilst the aforementioned landscape conditions would reduce the visual impact of the development, officers consider that the proposal would cause significant harm to the rural character and appearance of the landscape.

Highways Safety

- 8.28 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.”*
- 8.29 The Local Highways Authority (LHA) has objected to the proposal. Public Right of Way 161/11 runs along the western boundary of the site and is accessed via the access into this site. The LHA has noted that in order to change the surface of this access, and thereby change the surface of the Right of Way and pass vehicles over it, the relevant permissions would need to be retained off the relevant parties. Officers do not consider that this constitutes a reason for refusal. As noted by OCC Rights of Way, whilst the Public Footpath line of the definitive map runs along the western side of the boundary within site, the Public Footpath currently runs outside the site along the western boundary. This is because the Public Footpath was diverted via a Side Roads Order (SRO) in 1987 associated with the building of the M40. Whilst the Public Footpath runs on the site at the current access and the proposed works to the access would likely result in a temporary diversion of this footpath at the access section of the site, this could be achieved via an agreement with OCC.
- 8.30 In relation to the access, the LHA has noted that any improvements to the access would require the applicant to enter into a Section 278 agreement with OCC, for works done on the highway. The LHA has also stated a detailed plan showing the access will need to be submitted for approval, which meets the required standards for an access off a 60mph A road. Should permission be granted, full details of the access will be proposed in the interests of highway safety. A 6 metre radii is currently being proposed, but the LHA has noted that in order for a refuse vehicle to pull up into the entrance way, it would be beneficial to increase the radii, to allow for easier pulling in and pulling out. The LHA has stated that the access way will, however, allow for 2 cars to pass each other, which will prevent vehicles having to reverse back out onto the A4095, minimising rear shunt collisions.
- 8.31 In relation to visibility splays, the LHA has stated that for a 60mph road, splays of 2.4m x 215m should be demonstrated and the LHA hold the view that these visibility splays are achievable given that the section of the road that the access opens on to is straight.

- 8.32 The LHA would like to see further information regarding parking for each pitch and has stated that each unit will have manoeuvring space so that vehicles can leave in a forward gear from their plot. Given the pitches are relatively spacious, officers are of the opinion that this can be achieved.
- 8.33 The LHA has stated that suitable areas for storage and collection of waste on the site, should be accommodated for, that are not in conflict with vehicle users, but allow easy access for refuse vehicles. Officers are confident that this can be accommodated on the site without being in conflict with vehicle users and being overly prominent from the public domain and should permission be granted a condition will be recommended requesting full details the waste storage/collection area.
- 8.34 Thus, given the above, officers consider that the proposal would not cause detrimental harm to the safe and efficient operation of the highway subject to conditions.

Residential Amenity

- 8.35 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.
- 8.36 Saved Policy ENV1 of the adopted Cherwell Local Plan states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other type of environmental pollution will not normally be permitted.
- 8.37 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“Development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.”*
- 8.38 The site is not within close proximity to any residential properties therefore it is considered that other residential properties would not be directly affected by the proposal.
- 8.39 With regard to the layout of the proposal, the proposed pitches would be relatively spacious being approximately 12 metres in width 30 metres in length, and officers are of the view that this is sufficient as it would allow for some privacy for each pitch and would avoid the overcrowding of the site.
- 8.40 However, the eastern boundary of the site runs adjacent to the M40 therefore there is the potential for significant nuisance for the proposed residents in terms of noise. A noise survey has been submitted by the applicant’s agent. This states that the present noise levels across the site are relatively high during day and night, and that the mobile homes, particularly within the northern part where noise levels are higher would be unlikely to be acceptable for residential development without additional mitigation measures being implemented. This has resulted in an amended site layout with the northern extremity of the pitches being moved further the south and because of this it is noted that boundary mitigation can also be provided alongside the motorway, this being an earth bund or bund and fence of 5 metres in height. Double glazing, with minimum sound insulation is also recommended. It is concluded within the report that with appropriate mitigation measures implemented, a good to reasonable standard of noise would be achieved within the homes and these measures would ensure that there are no significant impacts. Reference has also been given to the new residential development off Southam Road the north of Banbury and adjacent to the M40, by the applicant’s agent, where a noise barrier has been constructed on the boundary.

- 8.41 However, the Council's Environmental Protection Officer (EPO) has objected to the proposal. The EPO has stated even though the noise levels within the caravans can be reduced to a lower level, they will be still (just) above the recommended limits for bedrooms at night. The EPO goes on to state that the levels of noise to the outside amenity are well above the top end of the recommended levels. The EPO notes that the internal noise at night may just be acceptable on its own, but when this is combined with the external noise (even with mitigation) the EPO does not consider that the proposed development is appropriate on this site and would give rise to significant adverse impacts on the health and wellbeing of residents of the new development which the Noise PPG and NPSE advises should be avoided.
- 8.42 As noted above, further details of a bund or bund/fence would be required prior to the determination of the application and such a feature would also require public consultation. However, even with this feature, officers concur with the Environmental Protection Officer in that the proposed development is inappropriate on this site as the proposal would fail to provide a good standard of amenity for the proposed future occupiers of the site and would give rise to significant adverse impacts on the health and wellbeing of these proposed future occupiers.
- 8.43 A third party has raised concerns in relation to air pollution from vehicles using the M40 affecting the proposed residents of the development, but the Environmental Protection officer has raised no objections in relation to this matter. It is worth noting that the M40 is sited to the east of the site and the prominent wind direction is west to east. Furthermore, measures such as planting or a bund could reduce the impact of such emissions.

Ecological Impact

- 8.44 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"*.
- 8.45 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."*
- 8.46 Comments have not been received from Council's Ecology Officer during the consultation process and an Ecology Survey has not been submitted alongside this application. Regard is had to Government advice contained within the PPG in relation to biodiversity by officers.
- 8.47 The site is not within a 'sensitive area', is not within 2KM of an SSSI and there are no ponds or ancient woodlands on the site or within close proximity to the site. There is nothing that appears to raise the likelihood of protected species on the site, apart from the hedgerow along the boundary of the site. However, the widening of the access at the southern end of the site would result in the loss of a small section of a hedgerow and this has the potential to harm protected species. As the application also proposes hard standing on the site, there is also the potential for harm here as well. However, it is considered that this matter can be appropriately dealt with by a condition and that the harm could be compensated.

Flooding Risk and Drainage

8.48 The site is identified as being within Flood Zone 1, which is land which has a less than 1 in 1,000 annual probability of river flooding. Policy ESD6 of the Local Plan and the Framework states that a Flood Risk Assessment is required for proposals of 1 hectare or more in in Flood Zone 1. The site exceeds 1 hectare, but a Flood Risk Assessment has not been submitted alongside this application therefore an assessment has not been made of the flood risks arising from the proposed development and it has not been clearly demonstrated that the development and its future users will be safe over the lifetime of the development. The proposal is therefore contrary to Policy ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the NPPF.

Other Matters

8.49 Concerns have been raised in relation to the primary school at Chesterton being near full capacity and that there would be no more places at the school as a result of this proposal. It is worth noting however, that if the proposal were for 9 dwellings instead of 9 traveller pitches, this would fall below the threshold in the PPG for contributions towards schooling. It is therefore considered unreasonable to justify the refusal of the planning application on such grounds.

8.50 The installation of package sewage treatment plant is proposed to the north of the site, which would receive waste water from the pitches and would process it until a clear effluent is discharged into the environment. That said, details in relation to specification and dimensions of this plant are limited and should permission be granted, full details of this will be conditioned.

8.51 Concerns have been raised by third parties in relation to the matter of electricity supply, but this is a matter for the utility companies. Concerns have also been raised in relation to the matter of water supply, but this is not a material issue in this case and it is not likely to involve above ground infrastructure.

8.52 Reference has been made to Bicester Trailer Park by third parties, which is within close proximity to Chesterton, and it has been noted that this is no longer used as a traveller site, but a park home site, because there was no demand from travellers. Whilst there are park homes on this site, and these benefit from planning permission, the site also contains 8 gypsy pitches.

8.53 Third parties have noted that the proposal would set a precedent for housing outside the village. However, each case is assessed on its own merits and the policy context is different for such application.

8.54 It is noted by third parties that if planning permission is to be granted, the site would not be well managed and the use of the site will exceed what has actually been granted. However, this is not relevant to the determination of this planning application as consideration needs to be given to what is proposed in this planning application.

8.55 Whilst a number of issues have been raised by third parties, the following are not material planning considerations in this case:

- Fear of crime to surrounding properties as a result of the proposal;

- Would create anti-social behaviour;
- Loss of private view; and
- Devaluation of property.

9. CONCLUSION

- 9.1 The proposal seeks permission for a change of use of the site to a traveller caravan site comprising 9.No pitches. The site is within 3KM of the Category A village of Chesterton as well as the town of Bicester and benefits from a good access to the highway network. In terms of general sustainability the proposal is in compliance with Policy BSC6 of Cherwell Local Plan and is considered acceptable.
- 9.2 In terms of the suitability of the site for gypsies/travellers, as the site is located less than 3KM to a Category A village and the town of Bicester, it has relatively good access to health services and schools. In addition, the site is not located within close proximity to a conservation area or very close proximity to any listed buildings and is not considered to cause harm to the historic environment.
- 9.3 That said, the proposed development, would give rise to very high levels of noise that would impact upon the health and wellbeing of residents of the proposed development, and this should be afforded significant weight. Even with the addition of a bund or bund/fence, details of which would be required prior to the determination of the application, officers consider that the proposal would give rise to significant adverse impacts on the health and wellbeing of residents of the new development which the Noise PPG and NPSE advises should be avoided.
- 9.4 Furthermore, even with the mitigation measures suggested by the Council's Landscape Team, the proposal would have an urbanising effect on this agricultural field within the open countryside and would cause harm to the rural character and appearance of the landscape. In addition, the addition of a bund or bund/fence at a height of 5 metres would further exacerbate the overall harm to the character and appearance of the countryside. It is therefore considered that the proposal is not suitable for this proposed development.
- 9.5 It is acknowledged that there is an identified need for gypsy travellers pitches in the district and this issue will be further exacerbated with the expected closure of the Newlands Caravan site at Bloxham, with the owners giving notice that they plan to close the site on 31st January 2017, which will result in the loss of 20 authorised pitches. In addition to this, there are currently no identified sites that could provide alternative accommodation. Officers consider that the significant unmet need in the District, the lack of suitable and available alternative sites, and the failure of the development plan to meet the identified need should be afforded considerable weight in the determination of this application. That said, this is not considered to outweigh the harm identified above as a result of the site being unsuitable for such development. Thus, it is concluded that the proposal does not constitute sustainable development and the application is therefore recommended for refusal.

10. RECOMMENDATION

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

1. The proposed development, by virtue of its siting adjacent to the M40, would be adversely affected by noise, thereby resulting in an unacceptable living environment for the occupiers of the proposed traveller pitches. Insufficient information has been submitted to display that such harm could be appropriately addressed. As such, the development would not provide a good standard of amenity for the proposed residents and is considered to be unsustainable, contrary to Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
2. The proposed development, by virtue of its siting in the open countryside, overall scale and appearance, would have an urbanising effect on the open countryside, and would result in detrimental harm to the rural character and appearance of the area. Furthermore, the mitigation recommended in the Noise Survey would further exacerbate the harm to the rural character and appearance of the area. Thus, the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell local Plan Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government advice within the National Planning Policy Framework.
3. A Flood Risk Assessment has not been submitted with this application therefore an assessment has not been made of the flood risks arising from the proposed development and it has not been clearly demonstrated that the development and its future users will be safe over the lifetime of the development. The proposal is therefore contrary to Policy ESD6 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

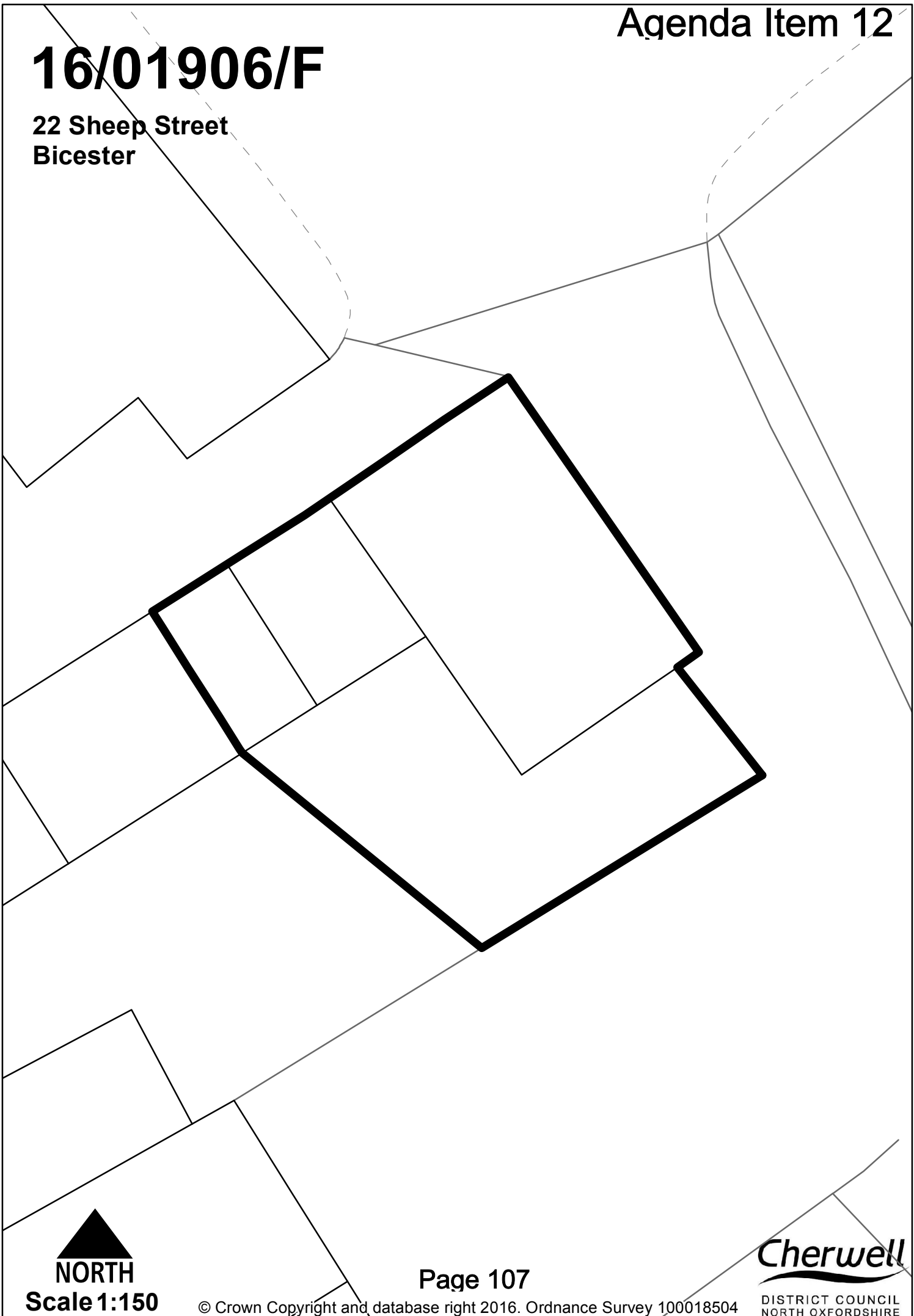
PLANNING NOTES

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 submitted with the application;
- Design & Access Statement by Philip Brown Associates submitted with the application;
- Site Plan at 1:2500 scale print at A4 submitted with the application;
- Plan 3 Utility Building submitted with the application;
- E-mail received from the applicant's agent on 23rd November 2016;
- Site Layout Plan at 1:1000 Scale received from the applicant's agent by e-mail on 23rd November 2016; and
- Noise Assessment by LFAcoustics dated November 2016, received from the applicant's agent by e-mail on 23rd November 2016.

16/01906/F

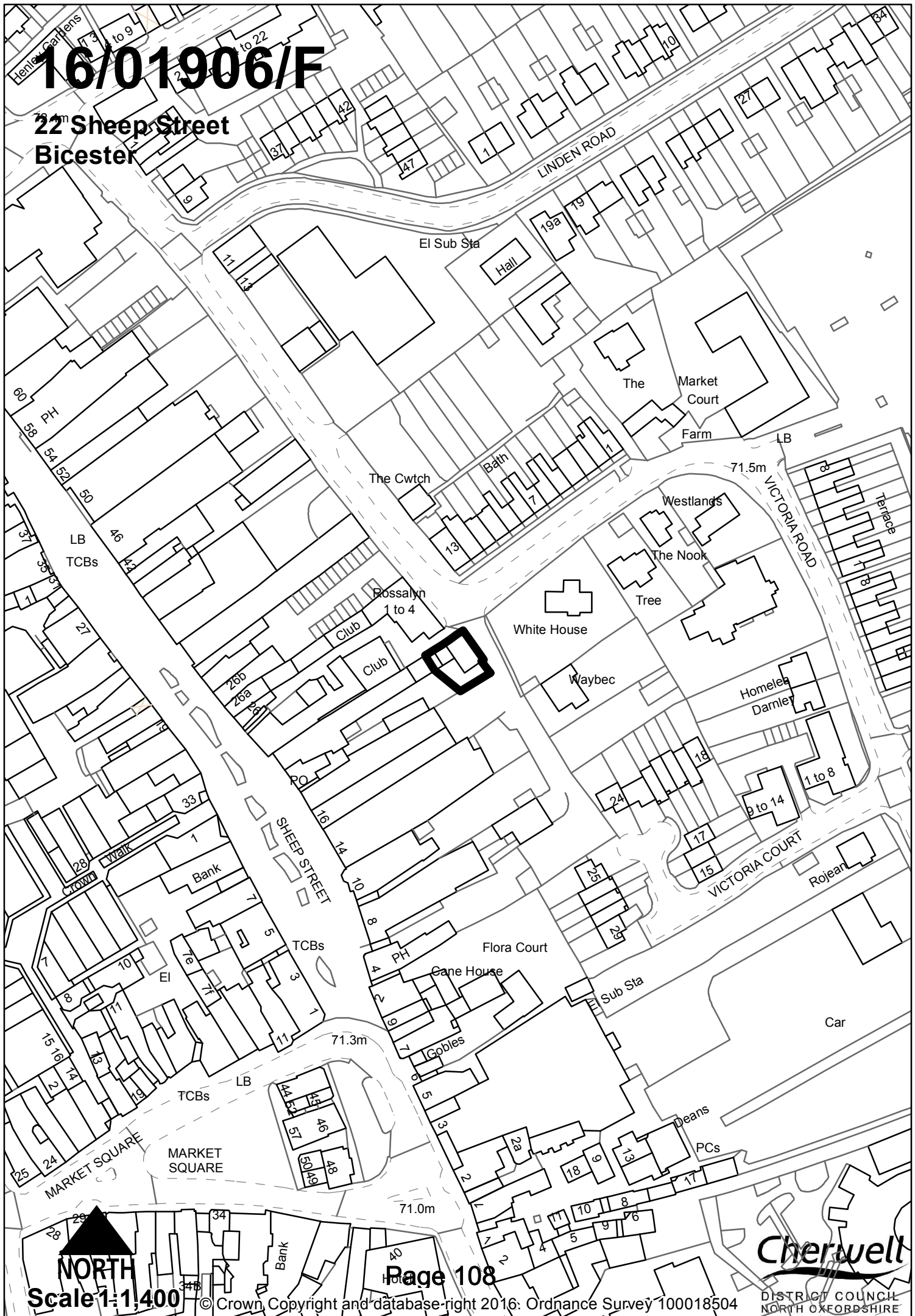
**22 Sheep Street
Bicester**



Scale 1:150

16/01906/F

22nd Sheep Street Bicester



NORTH

Scale 1:1,400

Page 108

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

Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Bicester

Case Officer:	George Smith	Contact Tel:	01295 221899
Applicant:	Grange Farm		
Proposal:	Change of Use and alterations to redundant storage barn and outbuilding to form 4No. single bed flat units		
Expiry Date:	15 th November 2016	Extension of Time:	19 th December 2016
Ward:	Bicester East	Committee Date:	15 th December 2016
Ward Councillors:	Cllrs S. Gaul, R. Mould, and T. Wallis		
Reason for Referral:	Called-in by Cllr Mould on the grounds of overdevelopment and concerns about parking and access		
Recommendation:	Approval		

1. APPLICATION SITE AND LOCALITY

- 1.1 22 Sheep Street is located in the town centre of Bicester. Sheep Street is a pedestrianised shopping street but vehicular access to the site is from the rear, from Backway Road which leads on to Victoria Road. Whilst at the front of the property the façade is of historic value as it retains traditional proportions and features, the rear of the property is far more complex with a variety of outbuildings and extensions. The site is also within Bicester Town Centre and is part of the Primary Shopping Frontage. This application relates to the two storey barn building to the rear, in what is known as Cherry's Yard, and the attached single storey garaging. It is stated in the Design and Access Statement that these buildings have been vacant since the sale of the site in 2011.
- 1.2 The site is located within the Bicester Conservation Area, is in close proximity to Grade II Listed Buildings at 20 and 24 Sheep Street and there are Common Swifts in the area, a Protected Species.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning consent to convert the existing barn and linked garages to residential accommodation. 4 Studio Flats are proposed. The 4 Studio Flats vary between living spaces of approximately 25.2m² to 27m², not including the shower room to each flat. The existing detached garage is proposed to be converted into a 'paved shared amenity area' with 8 cycle parking spaces and bin storage.

3. RELEVANT PLANNING HISTORY

- 3.1. 11/01098/F: Change of Use of existing storage building to residential. APPROVED 1st September 2011 – Consent for the conversion of the application barn into a single residential dwelling with garage
- 3.2. 15/01371/F: Change of use of outbuilding from storage to residential and erection of first floor extension. APPROVED 7th October 2015 – Consent for the conversion of a different outbuilding in the Yard, located to the southwest of the application barn.
- 3.3. 16/00197/F: Regularisation of as built internal layouts (2 flats) and division of one existing flat to form 2 smaller units. APPROVED 28th April 2016 – Consent for the conversion of the flats above the main shopfront onto Sheep Street, (previously consented for 1 flat but was converted as 2, however this change was achieved under Permitted Development) and then from 2 to 3 Flats.
- 3.4. 16/01097/F: Change of Use and alterations to redundant storage barn and outbuilding to form 5 No. single bed flat units WITHDRAWN 3rd August 2016 - Application withdrawn following concerns regarding an unacceptable living environment for future occupiers, as well as harm caused to the Conservation Area.

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records
- 5.2. No comments have been raised by third parties.

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. BICESTER TOWN COUNCIL: **Objects** – regarding impact on parking and vehicular access.

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections** – inclusion of cycle parking is a welcome addition from the previous submission.

NON-STATUTORY CONSULTEES

- 6.4. CDC ECOLOGY: **No objections** – regarding impact on swifts or bats, providing that a mitigation strategy can be achieved for the swifts. The Officer notes that the barn is highly likely to support swifts, and a conversion like this has the potential to cause harm to swifts if the timing of works to the building is not correct, but also that it has the potential to remove the nesting opportunity in the future. An acceptable mitigation strategy and working methods plan must be submitted to ensure the birds are accommodated.

- 6.5. CDC WASTE & RECYCLING: **Neither objects nor supports** – suggesting that although it is stated that there is adequate waste and recycling storage, this will have to satisfy the local authority that it is accessible and large enough.

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)

- SLE2 – Securing Dynamic Town Centres
- ESD1 - Mitigating and Adapting to Climate Change
- ESD10 – Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- Bicester 5 – Strengthening Bicester Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23 - Retention of Features Contributing to Character or Appearance of a Conservation Area
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- CDC Guide: Sub Division of Buildings for Residential Use (2011)

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
- Ecology

Principle of development

- 8.2. Paragraph 14 of the National Planning Policy Framework 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 Framework, 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 Framework 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 Framework, will therefore need to be applied in this context.
- 8.5. Paragraph 17 states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.
- 8.6. Paragraph B.88 of the Cherwell Local Plan (2011-2031 Part 1) sets out the principle of development in Bicester. Housing development within the District needs only take place in the locations that are most sustainable and must be capable of absorbing this new growth. Town centre locations are supported for housing to create lively centres that are lived in and generate added footfall to support retail and commercial activities.
- 8.7. Policy ESD1 of the Cherwell Local Plan (2011-2031 Part 1) states that measures will be taken to mitigate the impact of development within the District on climate change. This includes development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.8. Policy Bicester 5 of the Cherwell Local Plan (2011-2031 Part 1) sets out the principle of development within Bicester town centre. Residential development will be supported in appropriate locations in Bicester town centre except where it will lead to loss of retail or other main town centre uses.
- 8.9. Given the above, it is considered that the principle of dwellings on this site is acceptable, as the development would not lead to a loss of retail or town centre uses as the building is currently not in use and was last used as storage. However, the principle of the proposed development in this case is also clearly dependent on it not causing adverse harm to residential amenities, highways safety or ecology. These issues are discussed below.

Design and impact on the character of the area

- 8.10. Government guidance contained within the Framework requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.11. The site is within Bicester Conservation Area and Conservation Areas are designated heritage assets. Paragraph 132 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development*

within its setting. As heritage assets are irreplaceable, any harm loss should require clear and convincing justification.

- 8.12. Policy ESD15 of the Cherwell Local Plan Part 1 states that: “New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.” It also echoes the advice in the NPPF in respect of the importance of preserving and enhancing designated heritage assets.
- 8.13. 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 as well as compatible with existing buildings.
- 8.14. Saved Policy C23 of the Cherwell Local Plan 1996 highlights the presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character and appearance of the Conservation Area.
- 8.15. The applicant proposes a number of external alterations to the existing barn and linked garages, most notably the replacement of the characterful red tin cladding with vertical timber cladding, the insertion of a number of additional openings at single and first floor level, and the removal of the single storey store and replacement with the shared amenity area. It is noted that a previous application (11/01098/F), no longer extant, approved conversion of the building to residential use, including additional openings and replacement of the existing tin walls and roofing with brick and dark red plain tiles, and the introduction of a combined rooflight and window feature built into the front and rear elevations, and a large glazed area above the entrance door. This approved scheme is considered to have resulted in the building having a more overtly domestic appearance.
- 8.16. Officers had concerns with the previous application to convert the building to 5 flats (ref: 16/01097/F) based on its visual impact and the impact on the Conservation Area, considering the type and layout of the fenestration proposed, together with the complicated use of timber boarding of contrasting appearance. The current scheme features a similar style of fenestration, but the number of windows has been reduced, and the timber boarding is now only vertical. The overall result is a much more simple appearance which preserves something of the functional and traditional appearance of the existing building. It is thus considered to have a reduced impact on the Conservation Area, when weighed against what had been consented previously on the site under application 11/01098/F. The current application is considered to have a less domestic appearance than the previous consent, particularly considering the materials used and the size, siting and style of the previously approved fenestration.
- 8.17. Changes proposed to the single storey section of the building include the removal of the metal clad flat roof section, and the replacement of the existing roofline to the garage with slate. Whilst these would be clearly visible from the public domain along the path to the north of the site, it is not considered that these would cause any significant harm to the visual amenity of the site in the context of the Bicester Conservation Area.

Impact on residential amenity

- 8.18. Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1) states that new development proposals should, amongst other matters: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.* Likewise Paragraph 17 of the

NPPF states 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.*

- 8.19. There is no Policy within the Cherwell Local Plan which sets out the Local Planning Authorities guidelines in respect of acceptable amenity space for future occupiers. As such the Nationally Prescribed Space Standard contained within the Planning Practice Guidance is considered the most appropriate starting point for making this assessment. The standards state that the minimum gross internal floor area for a 1 storey, 1 bed dwelling for 2 persons is 50m². All 4 of the flats proposed fall below this minimum standard.
- 8.20. However, this Space Standard does not recognise studio flats, and thus Cherwell District Council's Sub Division of Buildings for Residential Use (2011) guidance should be used to assess the absolute minimum dimensions for room sizes, based on feasible arrangements and space required for furniture and movement. The minimum floor area for a studio flat is 20m², not including additional space for a bathroom in each case. It is considered that the studio flats proposed would thus comply with Cherwell Council's recommended minimum floor area. The acceptability of the proposals in amenity terms is also clearly dependant however, on future occupiers having sufficient levels of amenity regarding outlook and outdoor space.
- 8.21. Given the constrained nature of the building within its plot, the applicant is not able to provide a significant level of outside amenity space for future occupiers. An outside shared space is proposed to the rear of the entrance to the flats, created by the removal of the metal clad flat roof single storey section, but retention of the back wall. The courtyard is considered to be small, and would not offer privacy given its relationship to the surrounding buildings and courtyard. Nevertheless the proximity of the site in relation to town centre uses is also to be taken into consideration, and Garth Park is located approximately 6 minutes' walk from the site. In the context of the town centre location of the site, where a reduced level of outdoor amenity space may be expected, the arrangement as proposed is considered acceptable.
- 8.22. It is not considered that the future occupiers of the properties would have a significant level of opportunities for outlook, and where there are opportunities for outlook, the views are limited. However, this is not atypical of accommodation provided in town centre locations, and each studio flat would benefit from at least three openings, affording some natural light and outlook. This being the case, and on balance, it is considered an acceptable standard of amenity would be provided for future occupiers.
- 8.23. Due to the relationship with surrounding uses and buildings, and considering the building is not proposed to be extended or increased in height, officers are satisfied that the proposal would not result in unacceptable loss of outlook or privacy to neighbouring properties.

Impact on highway safety

- 8.24. The Highways Officer has no objection to this scheme, and commented on the last application at this site that given the sustainable location of the proposed development, the proposals are acceptable in transport terms, but would need to demonstrate an acceptable level of parking provision.
- 8.25. The applicant has now proposed that there will be 8 cycle parking spaces to the rear of the site. The Highways Officer has no objection to this. Whilst no on-site car parking provision is provided, given the small size of the studio flats proposed, and the town centre location, it is considered that the development would promote other,

more sustainable means of transport such as cycling, and access to bus and train services is also readily available within close proximity to the site.

- 8.26. The Cherwell Local Plan 2011-2031 Part 1 seeks to support development that promotes the use of sustainable transport modes and that is not reliant on the private car. This being the case, and in the absence of an objection from the Local Highways Authority, the lack of on-site car parking is considered acceptable.

Ecology

- 8.27. 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.
- 8.28. 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.
- 8.29. Common swifts have been recorded within 250m of the site, and during the previous application, a third party consultee had commented that it was believed common swifts were using the barn to nest. The Council's Ecology Officer had thus recommended that whilst there were no objections to the scheme, conditions should be attached to ensure an acceptable mitigation strategy for nesting birds. Conditions for this will be attached to any consent.

Other matters

- 8.30. The Council's Waste & Recycling Officer has recommended that a Section 106 contribution of £106.00 per property should be required. However, planning obligations should only be sought when they meet all of the following tests; necessary to make development acceptable in planning terms, directly related to the development, and fairly or reasonably related in scale and kind to the development. It is not considered that the development would meet the third test given the small number of units proposed, and therefore it is not considered reasonable to seek this contribution by way of a legal agreement.

9. CONCLUSION

- 9.1. The principle of the development is considered to be acceptable. The proposal would not cause detrimental harm to the character and appearance of the area, residential amenity, ecology or highways safety. The proposal is therefore compliant with the policies outlined in section 7 of this report. Overall, the proposal is considered to have no significant adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

10. RECOMMENDATION

10.1. That permission is granted, subject to the following conditions:

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 development shall be carried out strictly in accordance with the following plans and documents: Application forms, drawing numbers "6122.ROADSIDE.02A" and the Design and Access Statement dated September 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. Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the external 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 the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, samples of the timber boarding to be used in the construction of the external walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

5. The windows and doors shall be constructed from timber and details, at a scale of 1:20 including a cross section and colour/finish, shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a full mitigation strategy which is informed by a survey for swifts and other nesting birds carried out by a qualified

ecologist, and which shall include details of the location and design of alternative nest sites to be provided and timing of works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the alternative nesting sites shall be provided in accordance with the approved document.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan (2011-2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

7. No works to, or demolition of, buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site during development.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan (2011-2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first use or occupation of the development hereby permitted the covered cycle parking facilities shown on the approved plans shall be provided, and shall be permanently retained and maintained for the parking of cycles in connection with the development thereafter.

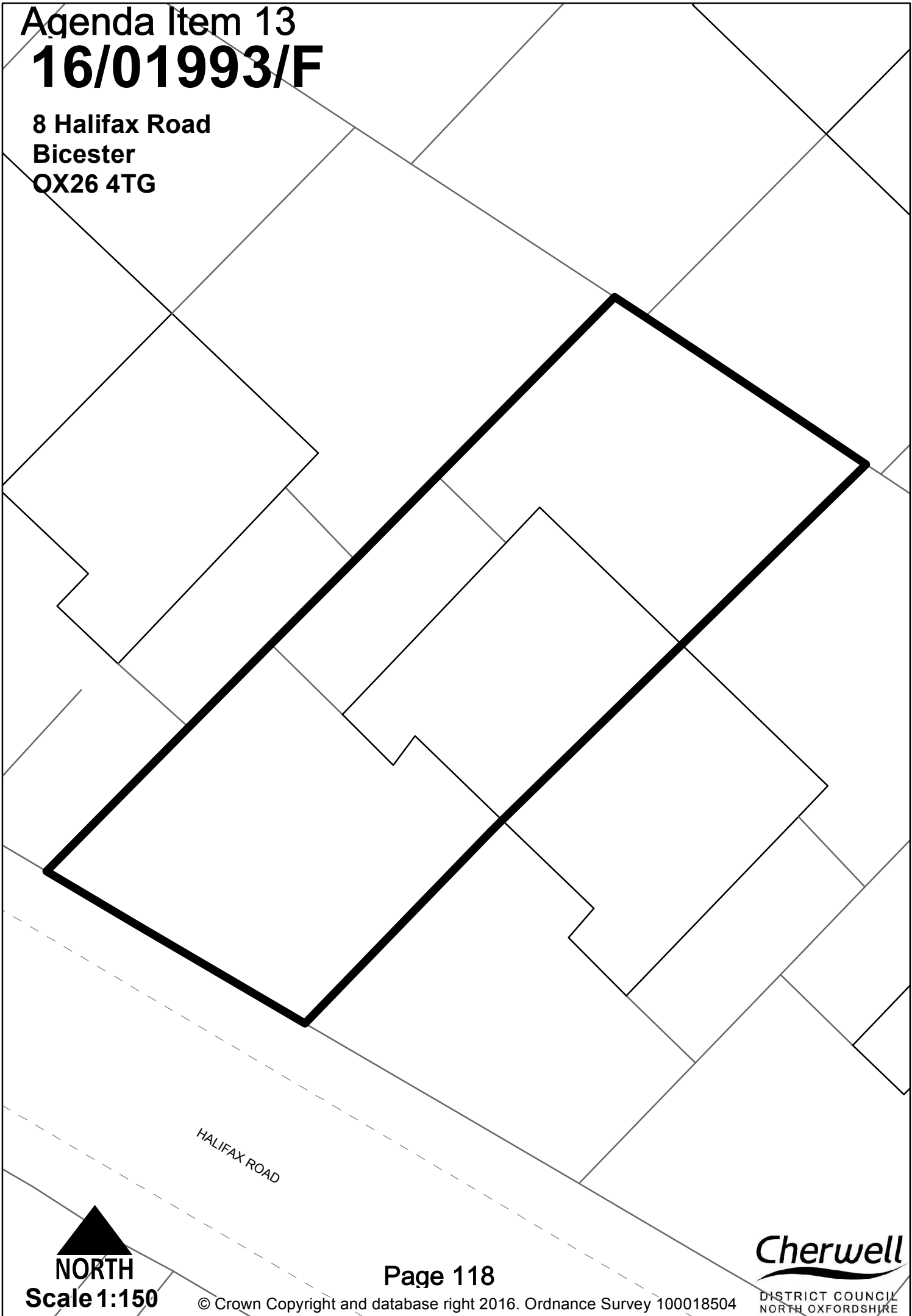
Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Cherwell District Council's guidance for bin storage is 1.4sqm per dwelling, and thus the bin store area will need to be a minimum of 4.6sqm to serve the 4 flats. If further advice and guidance is required this can be found on the Cherwell District Council website using this link:
<http://www.cherwell.gov.uk/index.cfm?articleid=1735>

Agenda Item 13
16/01993/F

8 Halifax Road
Bicester
OX26 4TG



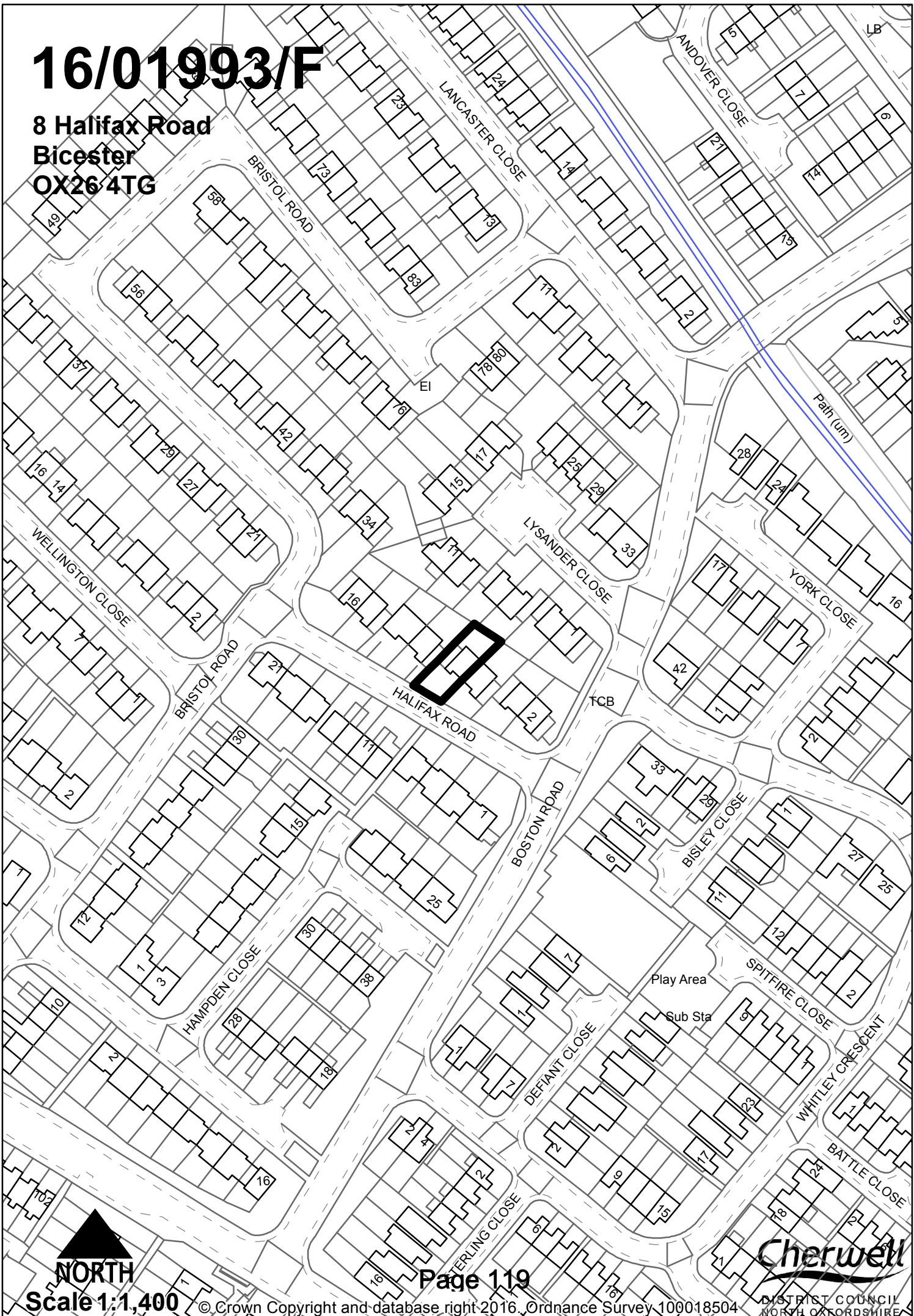
HALIFAX ROAD



NORTH
Scale 1:150

16/01993/F

8 Halifax Road
Bicester
OX26 4TG



Scale 1:1,400

8 Halifax Road
Bicester
OX26 4TG

16/01993/F

Case Officer: George Smith **Contact Tel:** 01295 221899

Applicant: Mr Ajay Kumar

Proposal: Extend double storey over the existing garage and sub-divide existing home into 2 x two bedroom flats.

Expiry Date: 08.12.2016 **Extension of Time:** 19.12.2016

Ward: Bicester East **Committee Date:** 15th December 2016

Ward Councillors: Cllrs S. Gaul, R. Mould, and T. Wallis

Reason for Referral: Called-in by Cllr Mould on the grounds of significant public interest, overdevelopment, and parking issues

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

1.1. The application site consists of a semi-detached, two storey dwelling with a linked garaged to the detached neighbour, facing southwest onto Halifax Road. The dwelling is made of brick and tile with uPVC windows and doors. The dwelling is not listed, nor is it in close proximity to any listed buildings. The site does not fall within a designated Conservation Area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application seeks planning permission to extend and convert the existing dwelling to 2 two bedroom flats. A side extension to form a second storey over the existing attached garage is proposed, to a height of approx. 6m, which would be set down from the main dwelling by approx. 0.1m and set back by approx. 0.4m. A single storey element to the front is also proposed, which would extend outwards by approx. 1.1m, with an eaves height of approx. 2.4m and a total height of approx. 2.9m. The side extension would be approx. 7.7m in depth at first floor level.

2.2. The applicant proposes brick and tile to best match the existing building, with uPVC windows and doors. 4 parking spaces are proposed, 2 to each flat. It is stated in the submitted drawings, Flat 1 would be 61.1m² and Flat 2 would be 66.8m², with both flats being accessed from a single entrance door, into a shared entrance lobby. Flat 1 would occupy the ground floor of 8 Halifax Road, and would feature a lounge/kitchen area, 2 bedrooms and a bathroom. Flat 2 would occupy the first floor, and would also feature a lounge/kitchen area, 2 bedrooms and a bathroom, but also with a study.

3. RELEVANT PLANNING HISTORY

3.1. There is no planning history relevant to this application.

4. PRE-APPLICATION DISCUSSIONS

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

- 16/00224/PREAPP: The applicant proposed to extend over the existing garage and to the rear, and for a subdivision of the building into 3 flats (2x1 bed flats and 1 x 2 bed flat). It was considered by the Case Officer that the proposed conversion would be an overdevelopment of the site, as it would result in concerns regarding amenity for future residents, and lack of adequate car and cycle parking facilities. It was recommended by the Case Officer that the conversion of the extended property to 2 flats may be more appropriate, providing it was appropriately designed and above concerns addressed. This report was sent on 6th September 2016.

5. RESPONSE TO PUBLICITY

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

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

- Flats are not in keeping with the rest of the street or area.
- Additional window that would overlook, both to the front and rear.
- Loss of light to adjacent neighbours.
- Subdivision and increased dropped kerb will have increased impact on busy road; increased parking, parking on pavement is a danger to pedestrians, impact on emergency services, cars parked on road create a blind spot.
- Storage of additional wheelie bins will impact on parking and the visual amenity of area.
- Planting proposed, when grown out, may limit the amount of space for parking.
- The proposal appears to impact on the shared party wall.
- Discrepancies in plans, including amount of parking proposed, where the party wall is shown, labelling of plans, and length of dropped kerb.
- Other concerns regarding where the current owner lives in relationship to the site, the precedent for further proposals and regarding the suitability of prospective owners/occupiers.

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. BICESTER TOWN COUNCIL: **Object** – by reason that the proposal would constitute an overdevelopment of the site; parking issues already existing on this road, and the proposal would compound this problem.

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections** – subject to conditions for improvement to the access, and for full details of the parking and manoeuvring areas to be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

NON-STATUTORY CONSULTEES

- 6.4. CDC HOUSING STANDARDS: **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)

- ESD1 – Mitigating and Adapting to Climate Change
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 7.3. Other Material Planning Considerations

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

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. Paragraph 14 of the National Planning Policy Framework 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 Framework, 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 Framework 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 Framework, will need to be applied in this context.
- 8.5. Paragraph 17 of the NPPF states that planning should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. Paragraph 111 states that Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed.
- 8.6. Paragraph B.88 of the Cherwell Local Plan (2011-2031 Part 1) sets out the principle of development in Bicester. It states that the aim of the Plan is to focus development "in and around the towns of Bicester and Banbury...to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth".
- 8.7. Policy ESD1 of the Cherwell Local Plan (2011-2031 Part 1) states that measures will be taken to mitigate the impact of development within the District on climate change. This includes development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.8. Given the above, it is considered that the principle of converting the existing dwelling on this site to two flats is acceptable. However, the acceptability of the proposed development in this case is also clearly dependent on it not causing adverse harm to the visual amenities of the locality, residential amenities, or highways safety. These issues are discussed below.

Design, and impact on the character of the area

- 8.9. Government guidance contained within the Framework requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.10. Policies C28 and C30 of the Cherwell Local Plan (1996) exercise control over the design of new development and seek to ensure that the appearance of new development is sympathetic to the character of the context as well as compatible with the existing dwellings in the area. Proposals to extend an existing dwelling

should be compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.

- 8.11. The houses on Halifax Road and the neighbouring streets of Lancaster Close and Bristol Road are of a largely uniform nature, with similar design and styles, in particular the semi-detached rows with joined garages. Whilst the dwellings are not of a particularly noteworthy design, it is considered important to ensure that new development does not detract from local character and distinctiveness.
- 8.12. The main element of the proposal is the first floor side extension. There are examples of first floor side extensions above the garage at sites on Halifax Road, Bristol Road and Lancaster Close. There appear to be two local examples where dwellings have extended at two storey level with no subservience, however, these are both end of row properties, so do not upset the rhythm and balance of the row. At 25 Lancaster Close, a two storey extension above the garage has been constructed, and consent has recently been granted for a similar two storey extension above the existing garage at 50 Bristol Road. These extensions are both evidently subservient to the main dwelling through the eaves and ridge lines being lower than those of the main roof.
- 8.13. As the Cherwell Home Extensions & Alterations Design Guide (2007) states *“Ideally, the eaves and ridge lines (of an extension) should be lower than those of the main roof to make the extension subservient to the original building.”* The proposal at 8 Halifax Road shows a clear subservience to the main dwelling, through it being set down from the main ridge height, and set back from the front elevation by 0.4m. As such officers consider that the proposed extension would not appear out of scale with the existing property or out of keeping with other properties in the area which have been similarly extended.
- 8.14. The introduction of the front ‘lean-to’ roof is not considered to have any significant impact on the visual amenity of the dwelling. Whilst the area is mainly characterised by flat roof garages and porches, there is evidence of single storey ‘lean-tos’ on other properties and the proposal would be consistent with these.
- 8.15. Concerns have been raised that the use of the dwelling as two flats would be out of keeping with the character of the area. However, the use would remain as residential and given the external changes to achieve this do not result in a building that would appear incongruous, out of scale or otherwise out of keeping with other dwellings in the area, the use as two flats is not itself considered to be harmful to the general character, quality and appearance of the area.
- 8.16. Concerns have been raised in regard to the planting proposed. It is considered necessary for Officers to condition that a landscaping scheme is submitted to the Council in order to secure an appropriate level of planting, and also to ensure that the bin storage is screened more appropriately, as the Council has concerns with the current arrangement.
- 8.17. In summary, given that the proposed extensions show clear subservience to the existing building, and there are other examples in the local area that have been granted consent for first floor side extensions, I consider that the proposed two storey side extension above the garage would comply with Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1), Policies C28 and C30 of the Cherwell Local Plan (1996) and relevant paragraphs of the Framework.

Residential amenity

- 8.18. Both local and national planning policy seeks to ensure that new development provides a good standard of amenity for existing and proposed residents, including in respect of privacy, overlooking and outlook. Whilst the proposed extension is large in scale relative to the dwelling and in the context of the area, it is not considered that the proposal would have a significant material impact on surrounding neighbours through loss of light, outlook or privacy. The neighbours at 10 Halifax Road may experience some loss of natural light to their rear garden, but not to an extent that would be so significant as to warrant a refusal of this application.
- 8.19. Officers note the neighbours' concerns regarding the introduction of additional windows to the front and rear elevations, which would cause overlooking. However, given that there are existing opportunities for overlooking from current first floor windows along Halifax Road, and the proposal does not extend towards either of the affected neighbours or beyond the front and rear elevations of the existing dwelling, it is not considered that the Council could sustain a refusal on these grounds.
- 8.20. Turning to the amenity afforded to the future occupiers of the flats, internal amenity space for future occupiers provides an indication as to whether the development constitutes an overdevelopment of the site. There is no Policy within the Development Plan which sets out the Local Planning Authorities guidelines in respect of acceptable amenity space for future occupiers. As such the Nationally Prescribed Space Standard contained within the Planning Practice Guidance is considered the most appropriate starting point for making this assessment.
- 8.21. The standards state that the minimum gross internal floor area for a 1 storey, 2 bed dwelling for 3 persons is 61m², and for 4 persons is 70m². Both flats have internal floor areas falling between these two minimum standards. As it would be a matter of personal choice for prospective occupiers whether the bedrooms are used as single or double/twin rooms, and given Cherwell Council does not have a Policy setting minimum space standards, officers are satisfied that the flats would provide an acceptable amount of indoor space.
- 8.22. Only the ground floor flat would have access to the rear garden. This garden area provides an acceptable level of outdoor amenity space for the smaller ground floor flat. The first floor does not have access to this area and it is noted that while only the ground floor flat would have access to this space, it could be overlooked by the occupiers of the first floor flat. However, a similar, although marginally less, level of overlooking could be achieved by the occupiers of 6 & 10 Halifax Road. Furthermore, flats typically have less access to outdoor amenity space than houses, and prospective occupiers would be aware of the proposed arrangement when deciding whether the accommodation is suited to their needs.
- 8.23. Given the above, and the lack of a Development Plan policy setting minimum standards for outdoor amenity space serving flats, the proposed arrangement is considered acceptable.
- 8.24. It is considered that the level of outlook for future occupiers of both flats is acceptable, providing both natural light and outlook. This being the case and having regard to the conclusions above, officers consider that an acceptable standard of amenity is provided for future occupiers.

Highway safety

- 8.25. Neighbours have raised concerns regarding the amount of car parking proposed for the flats, given that 4 car parking spaces would serve the 2 flats. The existing front

drive is considered to provide enough space for 4 cars, and the existing dwelling is a 4 bedroom property.

- 8.26. The applicant has provided 4 car parking spaces, 2 for each flat, with further cycle storage provided for each flat. The Council cannot anticipate the exact number of residents that could inhabit the flats at any one time, however, judging by the size of the flats, it is expected that each flat would hold between 1 and 3 residents.
- 8.27. Class L of Schedule 2 Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the conversion of small HMO's (Use Class C4) to dwellinghouse's (Use Class C3) and vice versa, thus allowing the use of a dwellinghouse by 3-6 residents as a House in Multiple Occupation. There is nothing within this Class or the planning history for the application site to restrict the applicant converting the existing dwelling into a HMO for at least 4 residents. Officers consider that a HMO on this site would generate a similar level of traffic generation to what has been proposed under this current application. Thus it would be difficult to sustain an objection to this application on parking grounds.
- 8.28. Furthermore it is considered that the development would promote other, more sustainable means of transport such as cycling, and access to bus and train services is also readily available in reasonable proximity to the site.
- 8.29. The Cherwell Local Plan (2011-2031 Part 1) seeks to support development that promotes the use of sustainable transport modes and that is not reliant on the private car. The GPDO also provides a fall-back for the applicant should an application be refused that could generate a similar or increased level of traffic generation and associated parked vehicles. This being the case, and in the absence of an objection from the Local Highways Authority, the amount of on-site car parking is considered acceptable.

Other matters

- 8.30. Officers note that two of the plans are both labelled "Proposed Ground Floor", however, it is clear from how the stairs are shown on each drawing and the lack of a single storey element from the first floor drawing, which drawing indicates the Proposed First Floor.
- 8.31. Officers note that the Design and Access Statement refers to three parking spaces, whereas the drawings show 4 parking spaces. The Council is content that there is an error in the text in the Design and Access Statement, as all the drawings indicate 4 parking spaces.
- 8.32. Officers also note that the length of existing dropped kerb is longer than the 2.8m shown on the plans, however, as this plan is clearly only indicating the kerb associated with the application site boundary, this also is a discrepancy on the plan which does not affect the Council's determination of the application.
- 8.33. Neighbours have raised concerns regarding the party wall, however, this is not a planning consideration, and is a civil matter between the applicant and the neighbour. A planning note is attached in respect of this.
- 8.34. Where the applicant lives in relation to the application site is not a planning consideration and should not have any bearing on the Council's decision. Likewise concerns about who is likely to occupy the flats are not a planning consideration and cannot be controlled through the planning process.

9. CONCLUSION

- 9.1. The principle of the development is considered to be acceptable. The proposal would not cause detrimental harm to the character and appearance of the area, residential amenity, or highways safety. The proposal is therefore compliant with the policies outlined in section 7 of this report. Overall, the proposal is considered to have no significant adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

10. RECOMMENDATION

10.1. 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, drawing numbers "A.01.1", "A.01.2", "A.01.05 Rev A", "A.01.6 Rev A", "A.01.7 Rev A", "A.01.8 Rev A", "A.01.9", "A.01.10 Rev A" and "A.01.13 Rev A".

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

3. The materials to be used for the external walls, roofs, windows and doors of the extensions hereby approved shall match in terms of colour, type and texture those used on the existing building.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building 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 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 hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
- (c) details of any new boundary treatments, along with details of the proposed bin storage areas and their means of enclosure.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first use or occupation of the development hereby permitted the cycle parking facilities shown on the approved plans shall be provided, and shall be permanently retained and maintained for the parking of cycles in connection with the development thereafter.

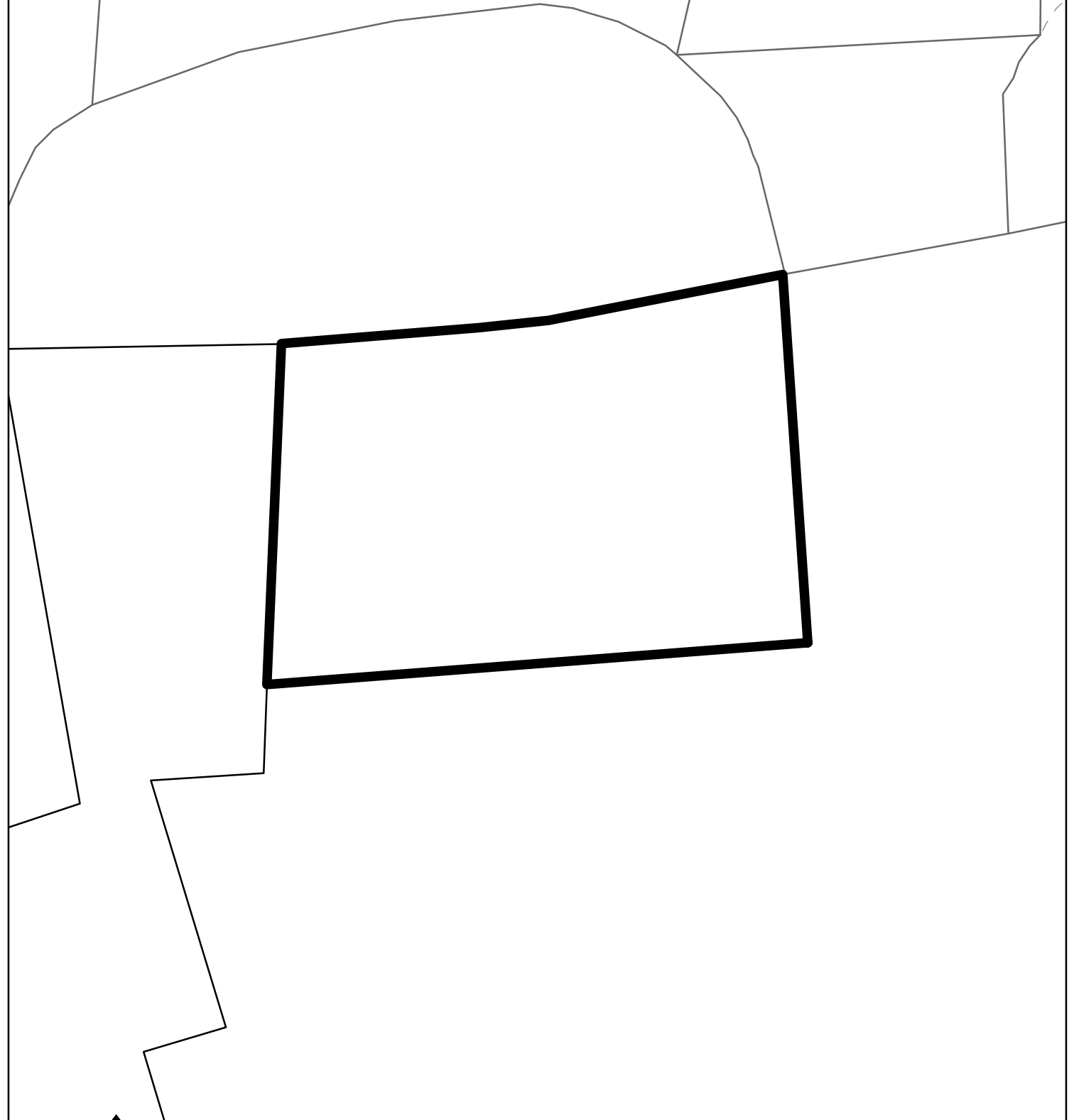
Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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.
2. Although consent has been granted for the extended access, this does not give consent for the applicant to carry out the works. The applicant would be required to contact OCC Highways and gain a Road Opening Permit.

16/02030/F

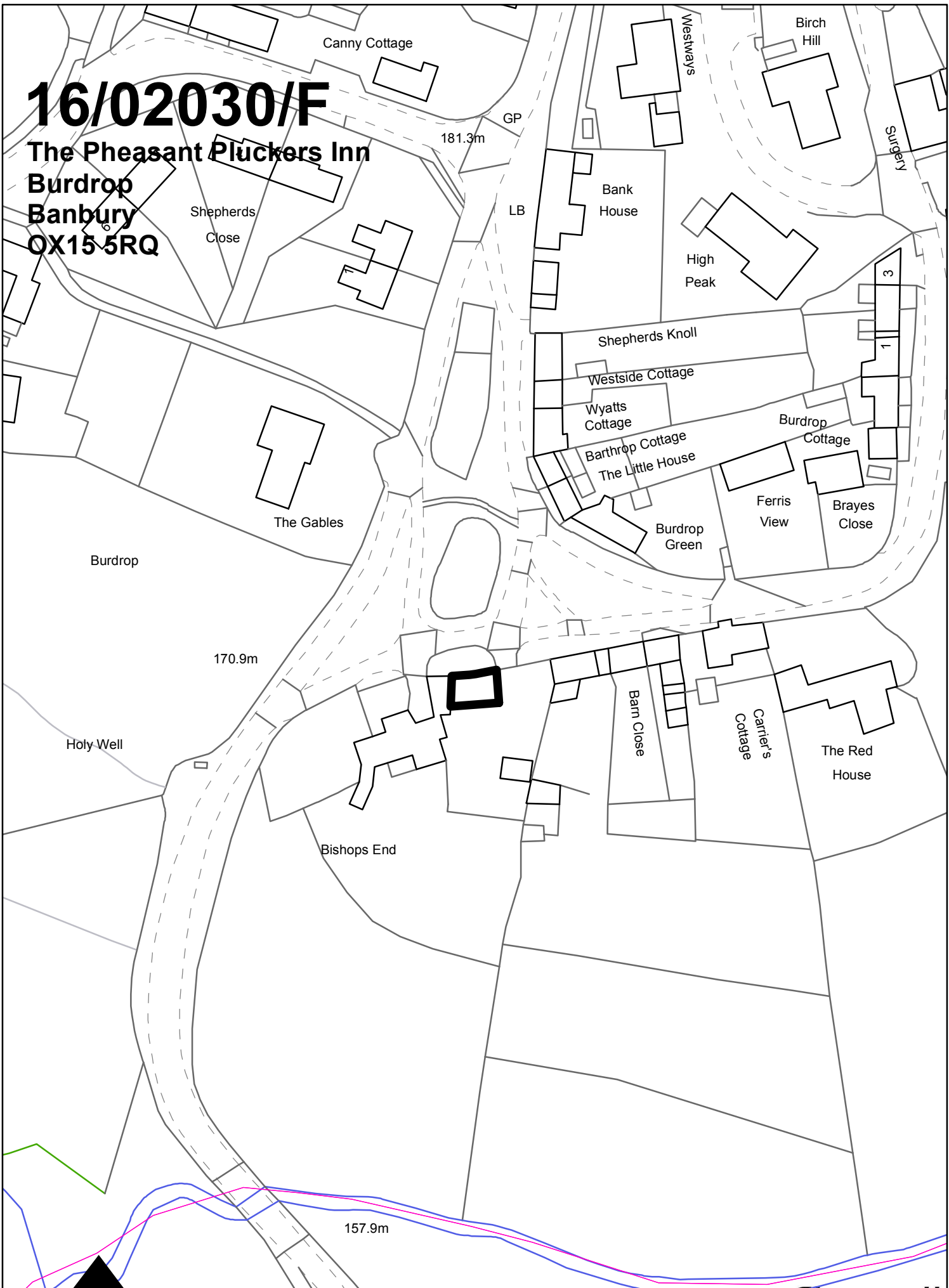
**The Pheasant Pluckers Inn
Burdrop
Banbury
OX15 5RQ**



**NORTH
Scale 1:100**

16/02030/F

The Pheasant Pluckers Inn
Burdrop
Banbury
OX15 5RQ



NORTH

Scale 1:1,000

Case Officer:	Bob Neville	Contact Tel:	01295 221875
Applicant:	Mr Geoffrey Richard Noquet		
Proposal:	Erection of a single storey building providing 3 No en-suite letting rooms - re-submission of 16/01525/F		
Expiry Date:	02.12.2016	Extension of Time:	19.12.2016
Ward:	Cropredy, Sibfords and Wroxtton	Committee Date:	15 th December 2016
Ward Councillors:	Cllrs K. Atack, G. Reynolds, D. Webb		
Reason for Referral:	Significant public interest and locally controversial		
Recommendation:	Approval		

1 APPLICATION SITE AND LOCALITY

- 1.1 The application site is located within Burdrop, a small settlement which forms part of the Sibford Gower/Ferris village settlement. The site lies immediately adjacent to The Pheasant Pluckers' Inn (formerly known as the 'Bishop Blaize') and is located within the current car park of the public house. Immediately to the west of the application site is the former bottle store which is attached to the public house and is now in use as a holiday let. Immediately to the east of the site lies the vehicle access to the car park.
- 1.2 In terms of site constraints, the site lies within the Sibford and Burdrop Conservation Area, the public house is identified as a Locally Significant Asset within the Conservation Area Appraisal and was designated as an Asset of Community Value (ACV) in February 2016. There are a number of grade II listed buildings within the vicinity of the site with the nearest being Barn Close some 20m east of the site. To the south of the site, beyond the car park and the pub garden the land drops away into the valley known as the Sibford Gap.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks permission for the erection of a single storey building of stone construction under a slate roof to provide 3 no. ensuite letting rooms. The building is proposed to be attached to the rear of the existing holiday let, incorporating part of the existing car park boundary wall and as such will be partially sited within the existing public house car park.
- 2.2 The application comes following the refusal of application 16/01525/F, and whilst described as a resubmission of the refused application, is significantly different in terms of the actual proposed development, as a result of attempting to address the previous reasons for refusal.

3 RELEVANT PLANNING HISTORY

- 3.1 06/01697/F - Change of use from licensed premises to dwelling house. REFUSED 6 October 2006.
- 3.2 07/00630/F - Resubmission of 06/01697/F - Change of use from licensed premises into dwelling house. REFUSED 29 June 2007
- 3.3 09/01257/F - Alterations and extensions to barn to provide 4no. ensuite letting rooms. WITHDRAWN
- 3.4 09/01557/F – Change of use from closed public house to dwelling. WITHDRAWN
- 3.5 12/00011/CLUE - Certificate of lawful use existing. Use as single dwelling house. REFUSED. 15 February 2012
- 3.6 12/00678/F - Change of use of a vacant public house to C3 residential (as amended by site location plan received 18.07.12). REFUSED. 20 July 2012. APPEAL DISMISSED. 13 August 2013.
- 3.7 13/00116/F - RETROSPECTIVE – New roof to barn; 3 number rooflights and door installed to the upper floor. APPROVED. 21 March 2013
- 3.8 13/00781/F - Change of use of a redundant barn/store into a 1 bedroom self-contained holiday letting cottage. NON DETERMINATION APPEAL. ALLOWED 17 February 2014. This application went to Committee on the 3rd October 2013 and members resolved that if they had the opportunity to determine the application, it would have granted planning permission.
- 3.9 13/00808/CLUE - Certificate of lawful use existing – change of use from A4 to A1. REFUSED. 12 July 2013.
- 3.10 13/01511/CLUE - Certificate of lawful use existing – A1 use for the sale of wood burning stoves and fireside accessories. NOT PRECEDED WITH APPLICATION RETURNED
- 3.11 14/01388/CLUP - Certificate of lawful use proposed – change of use from A4 to A1. REFUSED. 14 October 2014. APPEAL DISMISSED
- 3.12 15/01103/F - Removal of conditions 3 and 4 of planning permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling. REFUSED. 18 August 2015. APPEAL DISMISSED
- 3.13 16/01525/F - Erection of a two storey cottage with 2 en-suite bedrooms, kitchen, dining and lounge facilities. Permission is also required for the siting of a garden shed. REFUSED. 6 October 2016.

4 PRE-APPLICATION DISCUSSIONS

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

5 RESPONSE TO PUBLICITY

- 5.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.
- 5.2 28 individual letters/emails of objection have been received from local residents and further correspondence has also been received on behalf of the Bishop Blaize Support Group (BBSG) in objection to the proposals. The comments raised by third parties are summarised as follows:

- The proposals are out-of-keeping and will affect the setting of the adjoining listed building and character and appearance of the conservation area; impacting on views and also the AONB;
- The public house and its associated car park have been identified as an Asset of Community Value (ACV). This has identified the public house as an important village asset;
- The development proposed is on the car park of the former public house, which is an intrinsic part of the public house. It has been recognised that the car park is essential to the future opening of the public house, since without it the pub would find it difficult to attract business from a wider area.
- The surrounding roads are unsuitable to accommodate any further on-street parking;
- The Bishop Blaize was previously an excellent successful village pub and offered a welcoming and friendly village atmosphere for the village residents;
- The application advises that the proposal will support the long term viability and sustainability of the public house. However, the pub is currently not considered to be trading as a pub and is only open on Sundays for lunch;
- This application is another attempt to close the pub and turn it into a residential dwelling. The pub has only been open on limited random occasions restricting its viability and the applicants continue to live on the premises. The occupation of the pub accommodation can only take place if the public house is open;
- Previously the existing holiday let accommodation was not considered to be viable by the applicants within supporting information attached to application 15/01103/F;
- The pub is up for sale and requests to view the property and offers have been rejected by the applicant.

5.3 3 letters/emails have been received in support of the proposals. The comments raised by third parties are summarised as follows:

- The existing holiday let is a good place to stay;
- The site is in a good location and would offer additional opportunities for tourist accommodation where currently options are limited.

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

6 RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL

6.2 SIBFORD GOWER PARISH COUNCIL: **No comments received.**

6.3 SIBFORD FERRIS PARISH COUNCIL: **Objects**

- It has not been demonstrated by the applicant that the Pheasant Pluckers Inn is being run as a viable public house;

- Construction in the car park to the public house would remove parking spaces from the public house which, in the view of the parish council, would be detrimental to its future viability.

STATUTORY CONSULTEES

- 6.4 HIGHWAYS AUTHORITY: **No objections.**

NON-STATUTORY CONSULTEES

- 6.5 OCC ARCHAEOLOGY: **No objections.** *'The above proposal would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme'.*
- 6.6 CDC CONSERVATION: **Objects.** *'The design of the proposed building is both unacceptable and uninspiring. There is nothing that reflects the local built heritage in respect to Inns or their ancillary buildings'.*
- 6.7 CDC ENVIRONMENTAL PROTECTION (EPO): **No objections.** Making the following comments: *'I have no objections to this application but would mirror comments on the previous application that in view of the potential impact of noise from the public house on the proposed development it is recommended that any such development, if approved, should be tied to the public house and used only as short term holiday lets or as letting rooms. Conversely there are also the potential impacts on the ability of the public house to develop without unreasonable restrictions being imposed as a result of the proposed development being present if approved, contrary to paragraph 123 of the National Planning Policy Framework.*

This side to the potential noise and disturbance from patrons arriving and departing is because the proposed development is in the car park of the public house. In addition there may be noise and odour disturbance from plant related to the pub that whilst being acceptable for short term lets may prove to be a problem if it were to become a residential property'.

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
 SLE 3: Supporting Tourism Growth
 ESD 15: The Character of the built and historic environment
- 7.4 Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)
 T2: New hotels, motels, guest houses and restaurants within settlements
 C28: Layout, design and external appearance of new development
 C31: Compatibility of proposals in residential areas

ENV1: Pollution control

7.5 Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

8 APPRAISAL

8.1 The key issues for consideration in this case are:

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Highway safety

Principle of development

- 8.2 Government guidance contained within 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 Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy.
- 8.4 Policy Villages 1 of the CLP 2031 groups villages into three separate categories (A, B and C). The site is recognised as being within a Category A village given its close association with Sibford Ferris/Sibford Gower. Category A villages are considered to be the most sustainable settlements in the District's rural areas given the level of services, community facilities and relative transport links that they have to offer.
- 8.5 The NPPF places substantial weight on supporting a prosperous rural economy. It sees sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside as key opportunities for support. Policy SLE 3 of the CLP 2031 is consistent with the NPPF and supports tourism in sustainable locations.
- 8.6 Saved Policy T2 of the CLP 1996 indicates that within the built up limits of a settlement the provision of new hotels, motels, guest houses and restaurants will generally be approved subject to the other policies in the plan. The supporting text of this policy further states that: *'The Council considers that the provision of new hotel, motel, guest houses and restaurants within settlements is acceptable provided that the nature of the proposed development is compatible with the size and character of the settlement and there are no adverse environmental or transportation affects resulting from the proposal'*.
- 8.7 There is significant planning history at the site and significant concerns have been raised with regard to the potential loss of the pub as a community facility. Media reports (Campaign for Real Ale) suggest that 27 pubs close every week and much comment has been made with regard to the viability of the public house, designated as an Asset of Community Value, given its restricted opening hours and current levels of service it provides.
- 8.8 The applicants have indicated that the public house was re-opened as a Pub on Sunday 10th July 2016 following a period of closure, providing bar facilities and serving Sunday Lunches; during the course of the application the applicants have

further indicated that the pub is now open at lunchtimes from 12 till 2pm. The site also offers accommodation within the existing one-bed holiday cottage attached to the public house; this is advertised on their social media page and via the Airbnb website (Airbnb is described as a trusted community marketplace for people to list, discover, and book unique accommodation around the world). From viewing the website it is apparent that the holiday cottage is being let and a number of good reviews have been left by customers.

- 8.9 The applicants have indicated that the pub business is currently running at a loss and is not viable, with very few customers and that the main source of business related income is through the letting of the existing holiday cottage and that the proposed holiday lets are therefore vital for the long-term viability and sustainability of the Public House.
- 8.10 The site has previously been run as a successful public house and officers are of the opinion that the site retains such key attributes and attractions that would mean, with the right business model, the site could be operated successfully in the future without the need for the holiday let accommodation now proposed. Nevertheless, officers consider that the proposed additional letting rooms would have the potential for increased income and assist the long-term viability of the public house, and is a diversification strategy of public house businesses that is being successfully employed by many other similar establishments across the country.
- 8.11 It is considered that the proposals are compatible with the size and character of the settlement and there are no significant adverse environmental or transportation affects resulting from the proposal (discussed further below), that would suggest that the proposals are not consistent with the provisions and aims of Development Plan policies. Further, the proposals would provide additional tourist accommodation in a sustainable location, which, subject to remaining ancillary to the public house, would assist in its long-term viability and sustainability as an Asset of Community Value.

Design and impact on the character of the area

- 8.12 The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.13 Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
- 8.14 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.
- 8.15 The site is within the Sibford Gower and Burdrop Conservation Area, which was first designated as such in 1988. Conservation areas are designated by the Council under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; with the aim being to manage new development within such areas to ensure that the character or appearance of the Conservation Area, and the special architectural or historic interest which it may possess, is preserved and where possible enhanced.
- 8.16 Furthermore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy ESD 15 of the CLP 2031 further echoes this aim and advice.

- 8.17 The NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of Heritage Assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of a Heritage Asset and any harm or loss should require clear and convincing justification. It goes onto state that where development proposals 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.
- 8.18 The proposals are for a single storey building sitting adjacent an existing holiday cottage associated with the public house and it should be noted that the scale of the proposals is significantly reduced from the previously refused scheme (16/01525/F). The proposed building would be of stone construction under a slate roof, with the existing car park boundary wall being incorporated in the scheme as the external wall of the proposed new building, with three narrow slit windows being introduced to provide natural daylight to the proposed ensuite bathrooms.
- 8.19 Views of the proposals from the public domain would be of a structure largely similar in appearance to other buildings within the street-scene to the east and north-east of the site and as such in the case officer's opinion would not appear unduly out-of-place in the context. Land levels drop to the west and south and the car park area of the public house sits at a higher level than the main public house buildings. Notwithstanding that the ridge line of the proposed building would be on a slightly higher level than the existing public house, the single storey scale and simple form of the building would read as a subservient structure in relation to the public house and the adjacent properties to the east, and would not appear overly dominant within the street-scene.
- 8.20 The overall increase in built form would be some 1.5m above the line of the existing wall along a 9m section. Whilst views through the site would in some respects be disrupted by the introduction of the new building these would be seen in the context of the existing boundary wall and existing holiday cottage.
- 8.21 The Council's Conservation Officer raises concerns with the design of the building particularly the fenestration detailing on the southern elevation. Whilst amended details have not been received during the course of the application it is considered that specific acceptable details in relation to construction materials and fenestration detailing could be secured through appropriate conditions to ensure the satisfactory appearance of the completed development. Whilst the comments of the Conservation Officer have been noted in terms of the design of the proposed building, given the above assessment it is considered that a reason to refuse the application on design grounds alone would be difficult to sustain should any such refusal be appealed.
- 8.22 Subject to sympathetic materials being secured it is considered that the proposals would not likely result in any significant detrimental impacts on the general visual amenities of the site and its setting with the street-scene; therefore sustaining the character and appearance of the surrounding conservation area and setting of nearby listed buildings. Further, it is considered that any harm would not be so significant that it would outweigh the public benefit through additional tourist accommodation opportunities and the associated benefits to the viability of the public house as a community asset.

Residential amenity

- 8.23 Saved Policy C31 of the CLP 1996 requires that in existing residential areas any development which is not compatible with the residential character of the area,

should not cause an unacceptable level of nuisance or visual intrusion. 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'.

- 8.24 Given the context of the site and the relationship with surrounding neighbouring properties, the proposals are considered to be at a scale and of a design that they would not detrimentally impact on the amenity of neighbouring residential properties and are therefore acceptable in this regard.
- 8.25 The proposed building is not considered appropriate as a standalone development. As noted in the comments of the Council's EPO, given the proximity of the proposals to the public house and its associated car park, occupants would likely be subject to noise and disruption by patrons using the public house and the operations of the premises. Whilst being acceptable for short term lets occupied in association with the use and business of the public house, this may prove to be a problem if it were to become a residential property or separated from the use of the public house. It is therefore considered that appropriate conditions be attached to ensure that the proposed letting rooms remain as such and ancillary to the public house should the application be permitted.

Highway Safety

- 8.26 The Highways Authority has assessed the proposals and raises no objections on highway safety grounds, indicating that in their opinion the proposals would not have a significant detrimental impact on highway safety and traffic movement.
- 8.27 The existing car park is not formally laid out and the levels of parking provision actually achievable could vary on the types of vehicles attending that site and how they were arranged within the site. Based on the information submitted the Highways Authority do not consider that the proposals would result in a loss of parking at the site with a reconfiguration of the existing parking area retaining the existing 20 spaces (including 2 spaces to the front of the property) indicated by the applicant within their application.
- 8.28 A number of comments have been made with regard to the need to retain the car park to ensure viability of the site for use as a public house going forward. Notwithstanding the current levels of use of the premises, the site has previously been, and in officer's opinion could potentially again be, a successful business and the need for the car park to support this use is not disputed. Whilst there are currently no adopted parking standards the current level of provision is considered appropriate for the size of the public house and given that there would be no change in the level of provision officers see no reason why the proposed development should have any significant impact on the potential viability of the site going forward.
- 8.29 The proposals would likely result in a requirement for three spaces (one per room) to serve the holiday lets. The holiday lets would be ancillary to the public house use and therefore it is not unreasonable to conclude that any vehicles would be parked within the public house's car park. The HA suggest that any overflow parking could be accommodated on the local road network and would not have a severe impact on road safety. Officers are doubtful that the local roads would be suitable for any further on-street parking, but in the absence of any objections from the HA it is difficult to sustain an argument for refusal on highway safety grounds.
- 8.30 The applicant has submitted a revised parking layout during the determination of the application following it becoming apparent that the original layout based on out-of-date Ordnance Survey Data was inaccurate and that there was a greater parking capacity than originally thought. Officers still have concerns as to the accuracy of the submitted plan and accessibility of some of spaces within the revised layout, but

consider that an appropriate layout could be secured through appropriately worded conditions attached to any such permission, to ensure most efficient use of the available parking space is made.

- 8.31 On balance it is considered that the proposals would not likely result in any significant detrimental impacts on the safety and convenience of other highway users and is therefore considered acceptable in terms of highway safety.

Other Matters

- 8.32 Several comments have been made with regard to the public house being up for sale at an inflated price and the applicant refusing viewings by potential purchasers and also not accepting offers of potential purchase. The potential sale of the public house is not considered to be material to the current application, given the applicant's indication to continue the use of the site as a licensed premise. As such whilst the applicant has provided valuation figures, the Council has not undertaken any financial appraisal or independent valuation exercise.

9 CONCLUSION

- 9.1 Officers consider that the proposed development assessed within this application is an acceptable form of development which would contribute to providing additional opportunities for tourism within the Cherwell District. The site is part of an existing established public house site which is considered acceptable in general sustainability terms and provided occupancy is restricted to being ancillary to the public house, the proposals would assist in maintaining and contributing to the long-term viability of the public house. Officers further consider that the site can accommodate the development without causing undue harm to the character and appearance of the site and its setting within the Conservation Area or on highway safety or residential amenity. 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, H.M. Land Registry Site Location Plan and drawings labelled: Proposed 3 Holiday Rooms 1:100 Floor Plan/Roof Plan, Proposed Single Storey Holiday Rooms 1:100 Elevations and A3 'Holiday Rooms' south and west elevations, and north and east elevations.

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 sample of the Welsh 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 the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone using lime mortar, 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 the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, full details of the doors and windows 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 the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, revised south elevation and floor plan drawings (showing a revised fenestration layout, omitting one of the windows to the central holiday let unit, replicating the layout of the end units) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first use/occupation of the development hereby approved, and notwithstanding the details submitted, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government

guidance contained within the National Planning Policy Framework.

8. All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

9. The building hereby approved shall be used for short term holiday lets only and shall remain ancillary to the property currently known as the 'Pheasant Pluckers Inn' (formerly Bishops Blaize/Bishops End) and as such shall not be sold, leased or used as an independent dwelling unit or for any other purpose including those within Class C of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason - The building, because of its design and siting, is not suitable for permanent residential accommodation and to safeguard the sustainability and viability of the community facility, in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996, Policies SLE3 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

10. The building hereby approved shall be used for short term holiday lets only and shall not be let or occupied by any person, or connected group of persons, for more than 28 days in any one calendar year, and a register of occupiers shall be kept for each unit, including as a minimum the name of the occupier(s) and the date of arrival and date of departure, and this shall be made available for inspection by the Local Planning Authority at all reasonable times.

Reason - The building, because of its design and siting, is not suitable for permanent residential accommodation and to safeguard the sustainability and viability of the community facility, in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996, Policies SLE3 and ESD15 of the Cherwell Local Plan 2011-2031 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.

16/00541/DISC

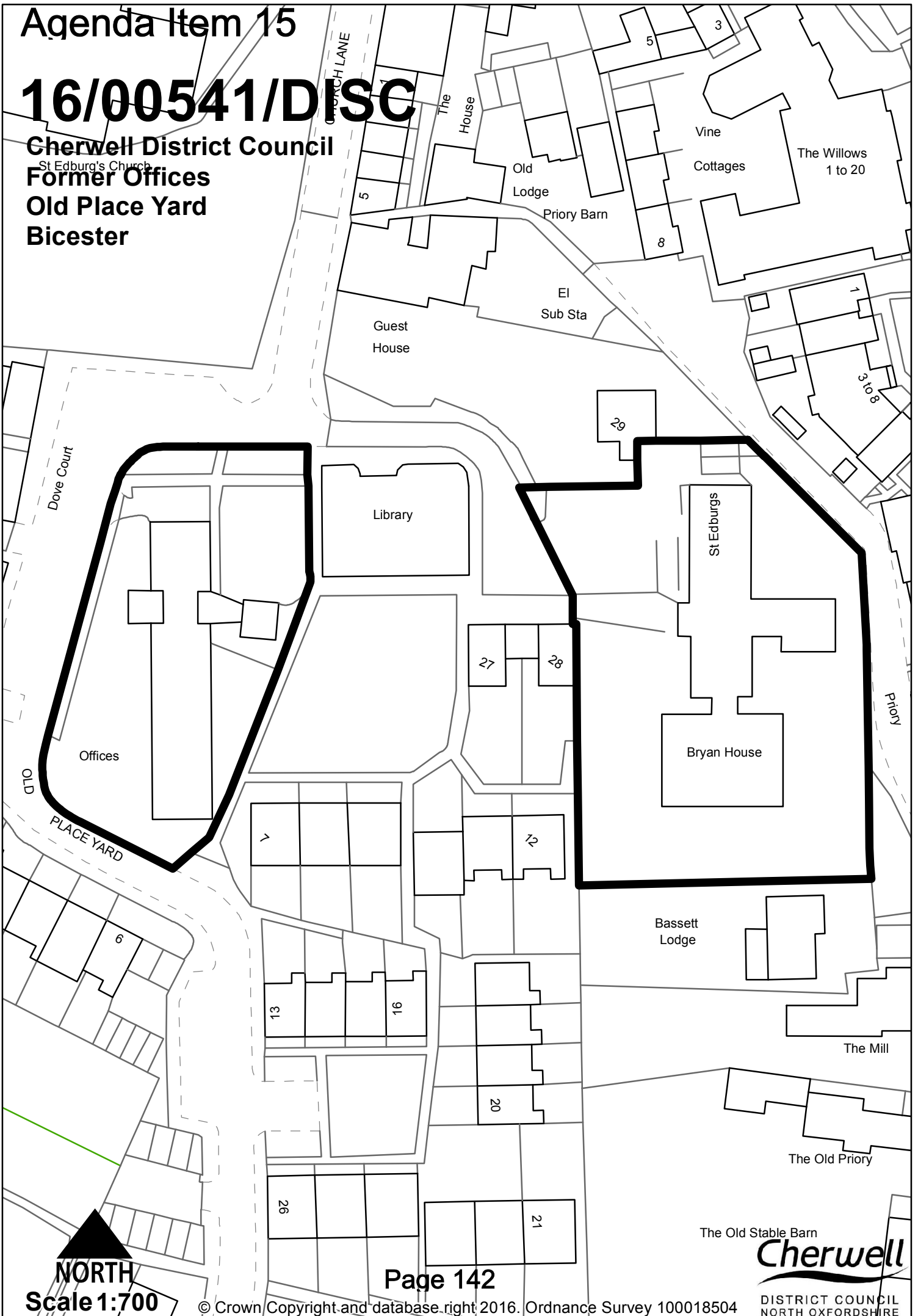
Cherwell District Council

St Edburg's Church

Former Offices

Old Place Yard

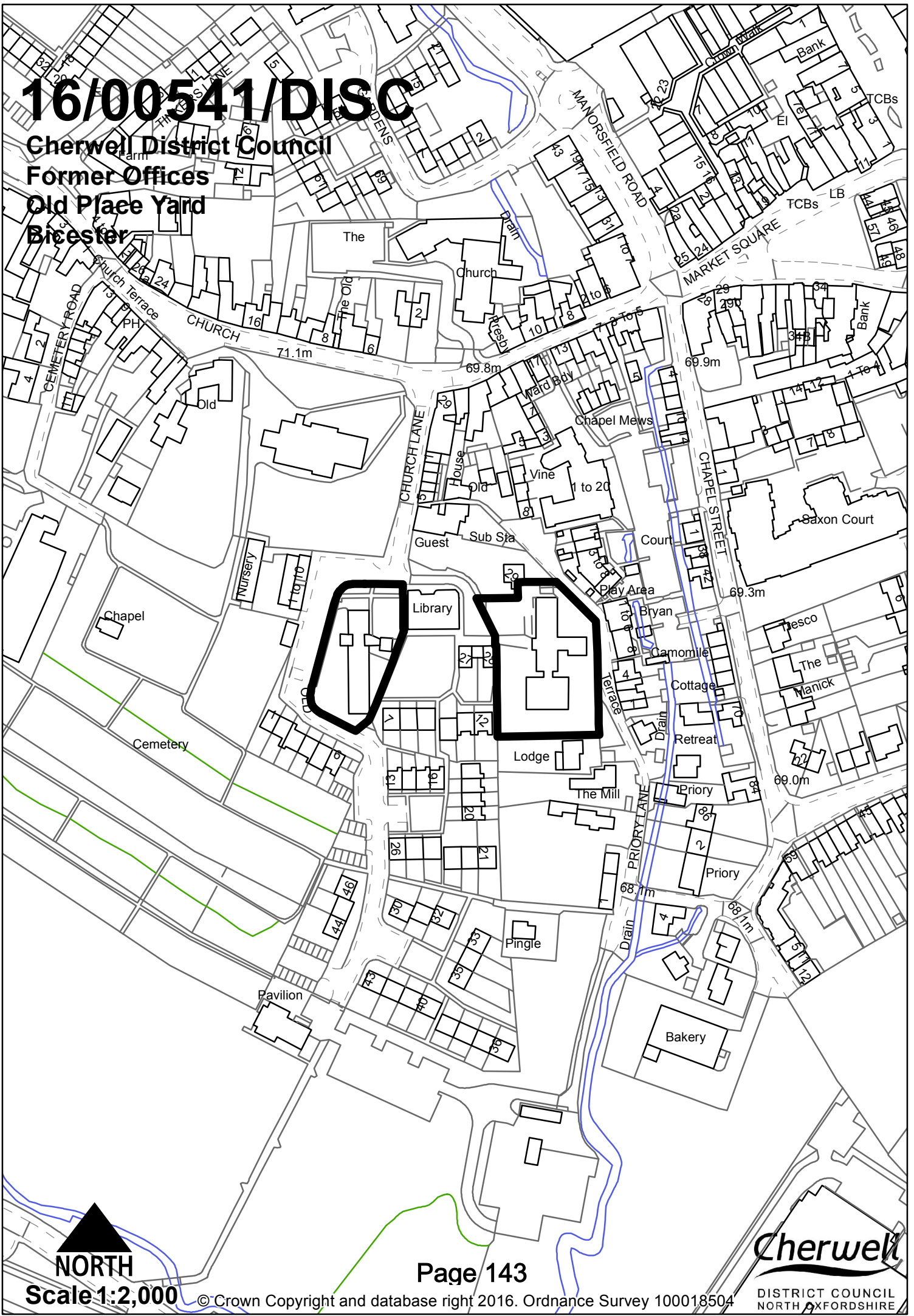
Bicester



NORTH
Scale 1:700

16/00541/DISC

**Cherwell District Council
Former Offices
Old Place Yard
Bicester**



Scale 1:2,000

Case Officer: Shona King **Contact Tel:** 01295 221643

Applicant: Cherwell District Council

Proposal: Discharge of Condition 5 (programme of work) and Condition 6 (archaeological scheme of investigation) of 16/00043/F

Expiry Date: 23rd January 2017 **Extension of Time:** N/A

Ward: Bicester South and Ambrosden **Committee Date:** 15th December 2016

Ward Councillors: Cllrs Anderson, Cotter and Sames

Reason for Referral: CDC application

Recommendation: Delegate authority to officers to determine the application

1. SITE DESCRIPTION AND PROPOSED DEVELOPMENT

- 1.1 The application sites are located immediately to the south of Bicester town centre. They comprise two sites to the west (Site A) and east (Site B) of the library, and following demolition of the buildings that were previously on the sites, are currently vacant.
- 1.2 Immediately adjacent to the westernmost site (Site A) is a Grade II listed dovecote. The sites are also within the setting of the Grade 1 listed St Edberg's Church and the Grade II* listed building known as The Old Priory. The boundary wall to the east of the site, forming part of the boundary with Priory Lane, is listed. The sites lie outside but adjacent to the Bicester Conservation Area. The site lies within an area of significant archaeological interest, being the site of Bicester Priory, and is currently being considered for scheduling by Historic England.
- 1.3 There is a public right of way running north/south along the eastern boundary of Site A.
- 1.4 Planning permission was granted on 13th June 2016 (16/0043/F) for the erection of 11 self-contained single storey units for adults with physical disabilities, learning disabilities and autistic spectrum conditions. 5 units are to be constructed on Site A and 6 units on Site B. Site A is to have a communal garden and the units within Site B are to have individual gardens as well as a communal garden. Both sites are to have car parking allocated to the units and Site B is to have a gated entrance to the units from the car park area. The current application is seeking approval of the details required by conditions 5 and 6 of that permission.

2. APPRAISAL

- 2.1 Condition 5 of the planning permission requires a staged programme of archaeological evaluation and mitigation to be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation prior to any demolition on

the site and the commencement of the development on Site A. The reason for condition 5 is to safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012) and so this is the primary consideration in assessing the details submitted.

- 2.2 Condition 6 of the planning permission requires the preparation of an Archaeological Written Scheme of Investigation relating to the application site area and including details of the piling methodology and foundation design and the submission of the Archaeological Written Scheme of Investigation to the LPA for approval prior to any demolition and the commencement of the development on Site B. The reason for condition 6 is to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.
- 2.3 The approval of the details submitted to discharge the conditions is dependent upon the responses of Historic England and the County Archaeologist to the formal consultation procedure, as they are the professional bodies qualified to comment on these matters and who requested the conditions be attached to the permission. These responses have not been received to date.
- 2.4 The discharge of conditions relating to archaeological matters is normally delegated to officers on the recommendation of the County Archaeologist and Historic England and it is purely because the Council is the applicant that this application is before Members. It therefore seems prudent to seek delegated authority to officers to determine the application, in accordance with the advice received from the County Archaeologist and Historic England. Should any comments be received and matters resolved before Committee, this will be reported to Committee and an amended recommendation will be made.

<p>3. RECOMMENDATION – Delegate authority to officers to determine the application once comments have been received from the County Archaeologist and Historic England.</p>
--

Agenda Item 16

Cherwell District Council

Planning Committee

15 December 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 **14/01675/OUT OS Parcel 4200 Adjoining and North East Of A4095 and Adjoining land South West of Howes Lane, Bicester.** Appeal by Albion Land Ltd against the refusal of planning permission for outline consent of Erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

16/01116/Q56 Springhill Farm, Barford St Michael, OX15 0PL. Appeal by R C Baker Ltd against the refusal of prior approval for the conversion of part of existing barn to two dwellings with associated development.

16/01598/F Jack Barn, West End, Launton, OX26 5DG. Appeal by Mr Howson against the non-determination of planning application for the demolition of development at Jack's Barn and erection of 10 dwellings.

16/01756/ADV Bon Marche, 30 Bridge Street, Banbury, OX16 5PN. Appeal by Bonmarche against the refusal of advertisement consent for 1 no. internally illuminated fascia sign and 1 no. double sided internally illuminated projecting sign.

2.2 Forthcoming Public Inquires and Hearings between 24th November 2016 and 15th December 2016.

None.

2.3 **Results**

Inspectors appointed by the Secretary of State have:

1) Dismissed the appeal by Mr and Mrs Jones following the serving of an enforcement notice. Land at Field Farm, Stratton Audley Road, Stoke Lyne, OX27 8RL. 15/00304/EUNDEV.

This was an appeal against an enforcement notice which requires the removal of a mobile home at Field Farm, Nr Stoke Lyne – a site within the open countryside, immediately adjoining Bainton crossroads.

Planning permission was granted, on appeal (ref APP/C3105/A/12/2170866), for the temporary (3 years) stationing of a mobile home (referred to as an Eco-Pod), associated decking and ancillary outbuilding in August 2012. The Eco-Pod is a cigar-shaped structure clad in cedar shingle that sits on timber supports. The Eco-Pod was used in connection with a bio-mass facility which occupies buildings elsewhere on the site - notwithstanding the name of the site, the site currently is not used for farming. The business processed wooden pallets and other scrap wood into “heat logs” and “heat pellets”. The dangerous nature of the operation provided the justification for an on site presence (the appellants’ son). Indeed the facility has not been operational following a fire in 2012, which preceded the appeal decision.

Following lengthy unsuccessful discussions with the appellants an enforcement notice was served on 26th May 2016 requiring the appellants to remove the Eco-Pod and associated structures from the site. They were also required to remove the materials used to construct a track to the Eco-Pod.

The subsequent appeal against this notice was made on three separate Grounds:

Ground A (that permission should be given for what is alleged in the notice)

Ground D (that at the time the notice was issued, it was too late to take action against the track) and Ground G (that the time for compliance is too short).

Ground A - The Inspector concluded that irrespective of whether it was well screened from the road, as had been argued, the Eco-Pod remains an incongruous domestic intrusion in open countryside. It was therefore concluded that in the absence of a current need there were no mitigating factors to justify its retention.

Ground D – In absence of any substantive evidence provided by the appellants, the Inspector was convinced by the case submitted by the Council, most notably the aerial imagery, which demonstrated that the track was constructed within the last four years and was therefore not immune from enforcement action.

Ground G - The Inspector found that given the time of year, it would be unreasonable to require the occupier of the Eco-Pod to vacate the site in the timeframe sought by the Council. The Inspector therefore amended the enforcement notice to increase the length of the compliance period from eight weeks to six months.

The appeal was therefore dismissed subject to amendments to the enforcement notice.

2) Allowed the appeal by Mr Kevill against the non-determination for prior approval for conversion of 2 No. agricultural grain silos to 2 No. single storey residential properties. Grains Silos, Godington Hall, Godington, OX27 9AE. 15/01827/Q56– (Delegated).

The proposal was the conversion of two grain silos to dwellings with associated operational development. Due to an administrative error the Council had not determined the application within 56 days of the date of valid receipt of the application, but the Inspector agreed with the Council that in order to be permitted development the proposal must meet the criteria of Q.1 and that the Council's administrative error had no relevance as to whether or not it was permitted development (see below, costs decision). It was relevant only insofar as the assessment related to matters under Q.2 – to which the Council had no objection.

The appeal was allowed.

The main issue was therefore whether the proposed was permitted development under Class Q.1 of the GPDO.

The Inspector considered there was no requirement on an applicant to request any change of use for the curtilage. This finding appears to run contrary to the restrictions of the GPDO at Paragraph X of Part 3 which (among other things) defines 'curtilage'. The Inspector appeared to consider the onus remained on the applicant to ensure development carried out complied with the restrictions of Class Q and Paragraph X, though did not expressly say so.

Further, and although the curtilage measured 107.3 sq m and the buildings 105.6 sq m, and the former must not exceed the latter, the Inspector considered that "to all intents and purposes it is correct to considered the proposed curtilage as being so close in size to the area occupied by the buildings that the aforementioned requirement of the GPDO is met". This finding also appears to run contrary to the normal application of the GPDO, that is that restrictions must applied strictly, with proposals either meeting or not meeting those restrictions and those that do not meet those restrictions not being considered permitted development because they are 'close enough'. The Council is considering making submissions to PINS to question the Inspector's conclusions in this regard.

The Inspector refused the appellant's costs application, concluding that the late issue of the Council's decision was an administrative oversight and did not constitute unreasonable behaviour, and finding that "the decision being out of time meant that prior approval was deemed to have been granted [but did] not necessarily mean that the development would be lawful. Prior approval can only be granted to development which falls within a permitted development right".

The Inspector also helpfully clarified that, while the Council may seek additional evidence when the application is live, "a substantial responsibility lies with the applicant to provide the necessary information", that, "in this case what was required should have been fairly evident without a need for the Council to have had to probe for it and even then it did not obtain all that was ideally required", and that, "[the Council's] actions in effect alerted the appellant to concerns, justified on the relative paucity of evidence then submitted, as to whether the [proposal] was permitted development and would be lawful if undertaken."

3) Dismissed the appeal by Mr Stubbs and Dr Levers against the refusal of listed building consent for the replacement of windows and 1 and 2 Tithe Barn, Street Through Merton, Merton, OX25 2NF. 16/00205/LB + 16/00206/LB – (Delegated).

Planning Permission was sought for the replacement of a total of 12 wooden casement windows, 7 of these at 1 Tithe Barn and 5 at the adjacent 2 Tithe Barn, with an increase in the head and jamb details by 7mm and the depth increased by the double glazing by 15mm. The Inspector identifies the main issue as being whether the proposed works would preserve the architectural or historical interest of the Grade II Listed Building.

The Inspector considered that such increases in size, whilst seemingly small, would nonetheless be discernible given the differing appearance of the proposed windows. The Inspector also noted that the windows shown on the brochure page are of a differing design to the existing windows, with prominent features that do not appear on the existing windows. The Inspector considered that the appearance of the windows would contrast with the existing windows within the appeal properties, and also resulting in half of the Tithe Barn having dissimilar windows compared to the part at Nos 3 and 4, where no windows would be replaced.

The Inspector concluded that the proposals would therefore have a negative impact on the listed buildings, and therefore fail to preserve the special interest of the building, and resulting in less than substantial harm to the designated heritage asset in the form of the listed building, with no public benefit.

4) Dismissed the appeals by Mr Ali and Mr Ali Sadiq against the refusal of planning and listed building consent. 1-2 St John's Place, South Bar Street, Banbury, OX16 5HP. 16/00401/F + 16/00402/LB (Delegated). Partial award of Costs given in relation to the withdrawn enforcement notice 16/00030/ELISTD.

The applications had been for retrospective consent for the erection of a single storey extension including re-cladding and removal of window.

Both appeals were dismissed.

The main issue was whether the proposal would preserve the listed building and whether or not it would preserve the character or appearance of the Conservation Area.

The Inspector examined the issue in some detail, finding the side elevation to be “an important element in the building’s designed composition” and “enabling a clear appreciation of the building’s fundamentally simple and robust form”. The Inspector found that the gap between the appeal listed building and St John’s Priory School was particularly sensitive given the latter was also a Grade II listed building and an “impressive structure” in its own right, and that the gap was “important in distinguishing the two buildings, defining their relationship and facilitating appreciation of their very different characters”. The Inspector adjudged that, although views are limited, the extension is apparent in public views.

There was discussion of the appeal site’s history. The Inspector found the appellants to have provided insufficient evidence in support of their assertions regarding the presence of a previous structure, and that it was unlikely the plans for the 2007 scheme would have omitted a “discrete element of the building which it was intended to remain”, and therefore concluded on the basis of the available evidence that at the time of the 2007 application “there was no substantive structure within the area of the present extension at ground floor level”.

The Inspector concluded that the erected extension fails to preserve the special architectural interest of the listed building or the character and appearance of the conservation area. In weighing public benefits, the Inspector found that the extension did not materially increase the usefulness of the building or result in any other material public benefit.

The Inspector considered saved Policy C18 of the 1996 Local Plan to be “of considerable age and its rejection of extensions to listed buildings on the simple basis of whether they are minor is somewhat at odds with the Framework’s approach of assessing impact”, but said, “the Policy also requires extensions to be sympathetic to the architectural character of the building. That requirement seems to me consistent with the Framework.”

The Inspector refused the appellant’s costs application in respect of the planning and listed building consent applications, but concluded that the costs application should succeed only insofar as it related to grounds (b), (f) and (g) of the enforcement appeals.

In respect of the former, the Inspector noted, “the subject matter of the appeals (the appeal extension) involves the carrying out of unauthorised works to a listed building, which is a very serious matter within the planning system.” The Inspector noted paragraphs 186-187 require LPAs to approach decision taking in a positive way and to look for solutions rather than problems, but opined, “what that duty means in practice will depend on the circumstances and planning merits of the matter in question. It does not amount to an expectation that all proposals should be the subject of prolonged negotiation or that adequate negotiation is only to be considered achieved where the outcome is permission and consent”.

The appellants alleged that the Council had failed to take certain matters into account in its assessment. The Inspector disagreed, stating “the reasons for refusal given in the decision notices are in summary form, but this is usual and they are clear. Moreover, they are supported by the analysis in the officer reports, to which they applicants clearly had access in advance of making the appeals, and at appeal the Council has further explained its stance.”

However, the Inspector found that the enforcement notice contained a serious drafting error, rendering it ineffective, and noted that the Council did not seek to claim that its withdrawal of the enforcement notice, after the appeals had been lodged, “arose for reasons other than its own lack of care”.

5) Allowed the appeal by Mr O’Neill against the refusal of reserved matters on application 15/00640/OUT layout, scale, appearance and access. The Green Barn, Stoke Lyne Road, Stratton Audley, OX27 9AT. 16/00366/REM (Delegated).

The appeal related to a refusal of reserved matters in respect of an outline scheme for 3 dwellings on the edge of Stratton Audley, which affects the setting of the village Conservation Area. The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the area.

The Inspector considered the existing Dutch barn on the site to be a dominant feature that is “highly conspicuous from Stoke Lyne Road, on the approach into and out of the village”. The Inspector also considered the appeal site to be well connected to the built up area of the village. As regards the merits of the appeal scheme, the Inspector observed that “The layout of the proposed development would reflect the traditional courtyard arrangement of a farm complex and would therefore be in keeping with the rural character of the area and the agricultural history of the site and wider village”.

The Inspector disagreed with the Council’s concerns about the scale of development, in particular Plot 3 (which is adjacent existing buildings in the village), considering that it would be in keeping with the ridge heights and general scale of existing dwellings in the vicinity of the appeal site and would not appear unduly prominent. The Inspector also disagreed with the Council’s concerns about the siting and design of Plot 1 (which is on the outer edge of the development site). The Inspector commented that “whilst the Council maintains that it has been clear about the importance of this part of the site in terms of its openness, the principle of development for 3 dwellings has been established on the entire appeal site”. Moreover, the Inspector considered that the rural setting of the village would be maintained and that the removal of the existing Dutch barn “would somewhat off-set any restriction of views caused by the siting of the dwelling on Plot 1”. As regards the design of Plot 1, which seeks to appear as a traditional converted barn, the Inspector concluded that whilst it would not precisely replicate a traditional barn “When considered in the context of the other relatively modern looking, 2 storey properties that are located around Stoke Lyne Road on approach to the appeal site, the dwelling on Plot 1 would not appear unduly stark when entering the village from the north-west”.

Overall the Inspector concluded that the proposal would not have a harmful effect on the character and appearance of the area, and would not have a

harmful impact on the Stratton Audley Conservation Area or its setting. The appeal was therefore allowed.

6) Dismissed the appeal by Mr Tibbetts against the refusal of planning and listed building consent for the conversion of dovecote to library. Tythe Barn, Goose Walk, Bloxham, OX15 4JD. 16/00719/F + 16/00720/LB – (Delegated).

The proposal was alterations to convert the dovecote into a library. Two doorways would be inserted into the structure in its east and west walls to allow access to the internal area of the buildings beyond. Existing modern doors to the front of the dovecote would be replaced by non-opening doors which would be similar in design to the existing, albeit with larger areas of glazing to provide more natural light to the library.

Both appeals were dismissed.

The main issue in both appeals was whether the proposals would preserve the special architectural and historical interest of the Grade II* curtilage listed building.

The Inspector found that the larger expanses of glass would cause the property to appear overly domesticated, making the building appear even less like a dovecote and more like a domestic extension; he found that the introduction of an access to the east wall of the dovecote would not harm its functional significance but that the creation of the access to the west wall would result in the loss of historic fabric, would create a new route through the building and would be a domesticating feature, adversely affecting the significance of the building.

The Inspector concluded that since the building was already in and surrounded by residential use and appeared in sound condition and therefore that any public benefits of the proposal were clearly outweighed by the harm that would be caused by the west wall opening and the glass to the front elevation. The Inspector therefore concluded that the proposal would not preserve the special architectural and historical interest of the Grade II* curtilage listed building and for the same reasons would not preserve or enhance the character and appearance of the Bloxham Conservation Area.

7) Allowed the appeal by Mr Tolputt against the refusal of planning permission for the erection of a greenhouse to principal elevation (retrospective). 37 Dashwood Rise, Duns Tew, OX25 6JQ. 16/00615/F – (Delegated).

Retrospective planning permission was sought for the erection of a greenhouse to the front of the dwelling. The application was refused as it was considered that the greenhouse, by reason of its siting, form and materials, results in an alien and visually incongruous development that causes significant and demonstrable harm to the character of the area, contrary to Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996.

The appeal was allowed.

The Inspector identified the main issue as being the effect of the greenhouse on the character and appearance of the surrounding area.

The Inspector concluded that whilst it was obvious that the new greenhouse had been built in front of the existing bungalow, in front of the “building line” and in front of a bedroom window, that did not make the greenhouse unacceptable in itself. The Inspector found the greenhouse to be modest in scale, even by comparison with the bungalow (which is not a large building), and lightweight and transparent in appearance. The Inspector concluded it was not unduly intrusive in the street scene, having the appearance of a modest, domestic garden feature rather than being an “alien” element in the street scene. It did not, therefore, harm the street scene or the character and appearance of the surrounding area to a degree that could be considered unacceptable in planning terms. Further, the Inspector concluded it provided a useful adjunct to the property and was evidently valued by the current householders in the enjoyment of their home. The latter is not normally a material consideration, going against the grain of the way Inspectors consider such proposals.

8) Allowed the appeal by Mr and Mrs Roberts against the refusal of planning permission for a single storey rear extension. 4 The Stables, Launton Road, Stratton Audley, OX27 9AX. 16/01128/F – (Delegated).

The proposal was a single storey extension to a converted barn.

The appeal was allowed.

The main issue was the proposal’s impact on the character and appearance of the host building as a non-designated heritage asset and on the character and appearance of the Conservation Area.

The Inspector found that the residential conversion had involved some modification to the building, including extensions plus the creation of an archway in to the original building, but that, although the original character had been compromised, the buildings were traditional in form and material and made a positive contribution to the Conservation Area.

The Council had considered the extension to overly domestic and not in keeping with its form and overall character. The Inspector disagreed, considering the proposal to be of acceptable form and design and to be sufficiently harmonious with the host building, extending it in a relatively unobtrusive way and that, although being apparent in the street scene, would maintain the character and appearance of the original building and its surroundings.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

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

Option 1: To accept the position statement.

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

5.0 Implications

Financial and Resource Implications

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

Comments checked by:

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

Legal Implications

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

Comments checked by:

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

Risk Management

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

Comments checked by:

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

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
Contact Information	01295 221811 tom.plant@cherwell-dc.gov.uk