

Committee: Planning Committee

Date: Thursday 19 January 2017

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 15 December 2016.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. Site Of Former Playground, Woodpiece Road, Upper Arcott (Pages 17 - 20) 16/00562/DISC

8. Phase 3 Apollo Office Park, Ironstone Lane, Wroxton (Pages 21 - 37) 16/02113/F

9. Land Ad to Oxford Canal, Spiceball Park Road Banbury (Pages 38 - 55) 16/02366/OUT

10. Unit 2, Franklins House, Wesley Lane, Bicester (Pages 56 - 63) 16/02434/F

Review and Monitoring Reports

11. Appeals Progress Report (Pages 64 - 70)

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 11 January 2017

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 15 December 2016 at 4.00 pm

Present: Councillor David Hughes (Chairman)

Councillor Hannah Banfield
Councillor Andrew Beere
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Chris Heath
Councillor Mike Kerford-Byrnes
Councillor Richard Mould
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Barry Richards
Councillor Nigel Simpson
Councillor Les Sibley

Substitute Members: Councillor Ken Atack (In place of Councillor Alastair Milne-Home)
Councillor Barry Wood (In place of Councillor Alan MacKenzie-Wintle)

Also Present: Councillor Douglas Webb
Councillor Sean Gaul
Councillor Simon Holland

Apologies for absence: Councillor James Macnamara
Councillor Alastair Milne-Home
Councillor Alan MacKenzie-Wintle
Councillor D M Pickford
Councillor Nicholas Turner

Officers: Bob Duxbury, Team Leader (Majors)
Bob Neville, Senior Planning Officer
Nat Stock, Team Leader (Others)
George Smith, Assistant Planning Officer
Nigel Bell, Team Leader - Planning / Deputy Monitoring Officer
Aaron Hetherington, Democratic and Elections Officer

121 **Declarations of Interest**

12. 22 Sheep Street, Bicester.

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

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

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

13. 8 Halifax Road, Bicester, OX26 4TG.

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

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

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

15. Cherwell District Council, Former Offices, Old Place Yard, 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 Lynn Pratt, Declaration, as a member of the Executive and would leave the meeting for the duration of the item.

122 **Requests to Address the Meeting**

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

123 **Urgent Business**

The Chairman reported that he had agreed to add one item of urgent business to the agenda, application 16/02345/ADJ, Land opposite Red Lion, Little Tingewick, Buckinghamshire. Cherwell District Council was a consultee on the application which would be determined by Aylesbury Vale District Council by the end of December. Aylesbury Vale had agreed to extend the deadline for consultation responses to 16 December 2016 to allow the Planning Committee to consider Cherwell's response to the consultation.

124 **Minutes**

The Minutes of the meeting held on 24 November 2016 were agreed as a correct record and signed by the Chairman.

125 **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.

126 **Jack Barn, West End, Launton, Bicester, OX26 5DG**

The Committee considered application 16/01598/F for the demolition of development at Jack's Barn and the erection of ten dwellings at Jack Barn, West End, Launton, Bicester, OX26 5DG for Mr Howson.

The committee was advised that the applicant had chosen to exercise their right to appeal against non-determination as the application should have been determined by 11 November 2016, and no extension of time had been given by the applicant. As such Cherwell District Council was no longer the determining authority in this case, and the Planning Committee was being asked to resolve how it would have determined the application, as this would form the basis of the Council's case in the appeal.

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

Resolved

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 southern portion of the 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

127 **Wroxton House Hotel, Stratford Road A422, Wroxton, Banbury, OX15 6QB**

The Committee considered application 16/01640/F for a two-storey extension to the rear of the hotel to provide 8 no. additional bedrooms, reconfiguration of car park and associated works at the Wroxton House Hotel, Stratford Road A422, Wroxton, Banbury for the Best Western Plus Wroxton House Hotel .

Michael Robarts, Chairman of Wroxton and Balscote Parish Council, Duncan Chadwick, agent to the applicant and John Smith, the applicant, addressed the committee in support of the application.

Councillor Reynolds proposed that application 16/01640/F, subject to conditions, be approved. Councillor Heath seconded the proposal.

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

Resolved

That application 16/01640/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, '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, S7283/FA S01, S7283/FA S02 and S7283/FA S03 Rev. B submitted with the application; and Refuse Vehicle Tracking Plan received with agent's email dated 15/11/2016;

and W.4122 SU02 Rev. E received with agent's email dated 19/12/2016.

External Materials and Appearance

- 3 Notwithstanding the details submitted, prior to the commencement of the development hereby approved, full design and construction details of the proposed structure linking the additional accommodation block to the existing building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved.
- 4 Prior to the commencement of the development hereby approved, a sample of the tile to be used in the covering 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 sample so approved.
- 5 Prior to the commencement of the development hereby approved, a sample of the hung tile to be used on the northern and western elevations 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 sample so approved.
- 6 Prior to the commencement of the development hereby approved, a natural stone sample panel (minimum 1m² in size) shall be constructed on site using lime mortar to show the type, coursing and jointing of the natural stone to be used in the construction of the development hereby permitted and shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development to be constructed of stone shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
- 7 All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.

Parking and Manoeuvring

- 8 Prior to the first use/occupation of the development hereby approved, the parking and manoeuvring areas shall be provided in accordance with the plan approved (W.4122 SU02 Rev. E) and 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 parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times.

Trees and Ecology

- 9 a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved

plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

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

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

- 10 The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the 'Sacha Barnes Ltd' Tree Report (Updated July 2016).
- 11 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.
- 12 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for Swifts which shall include details of the location and design of alternative nest sites to be provided, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use/occupation of the development, the alternative nesting sites shall be provided in accordance with the approved document.

128

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

The Committee considered application 16/01641/LB for listed building consent for a two-storey extension to rear of hotel to provide 8 no. additional bedrooms, reconfiguration of car park and associated works at the Wroxton House Hotel, Stratford Road A422, Wroxton, Banbury for the Best Western Plus Wroxton House Hotel.

Michael Robarts, Chairman of Wroxton and Balscote Parish Council, Duncan Chadwick, agent to the applicant and John Smith, the applicant, addressed the committee in support to the application.

Councillor Reynolds proposed that application 16/01640/F be approved, subject to conditions. Councillor Attack seconded the proposal.

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

Resolved

That application 16/01641/LB be approved subject to the following conditions:

- 1 The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, '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, S7283/FA S01, S7283/FA S02 and S7283/FA S03 Rev. B submitted with the application; and Refuse Vehicle Tracking Plan received with agent's email dated 15/11/2016; and W.4122 SU02 Rev. E received with agent's email dated 19/12/2016.
- 3 Notwithstanding the details submitted, prior to the commencement of the development hereby approved, full design and construction details of the proposed structure linking the additional accommodation block to the existing building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved.
- 4 Prior to the commencement of the development hereby approved, a sample of the tile to be used in the covering 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 sample so approved.
- 5 Prior to the commencement of the development hereby approved, a sample of the hung tile to be used on the northern and western elevations 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 sample so approved.
- 6 Prior to the commencement of the development hereby approved, a natural stone sample panel (minimum 1m² in size) shall be constructed on site using lime mortar to show the type, coursing and jointing of the natural stone to be used in the construction of the development hereby permitted and shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development to be constructed of stone shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
- 7 All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.

129

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

The Committee considered application 16/01706/F for the erection of 6 No. agricultural buildings for poultry production, together with associated infrastructure of broiler building, ancillary buildings, feed bins, hardstandings, access and drainage attenuation pond at Land North Of OS 0006 And South East Of College Farm, Pinchgate Lane, Bletchingdon for JE and AJ Wilcox.

Councillor Simon Holland addressed the committee as Ward member.

Jo Hodgetts, Regional Manager of Heathfield House, addressed the committee in objection to the application.

Ian Pick, agent to the applicant, addressed the committee in support of the application.

Councillor Sibley proposed that application 16/01706/F be refused as the proposed development was unsuitable for the location, with the exact wording delegated to officers. Councillor Banfield seconded the proposal.

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

Resolved

That application 16/01706/F be refused for the following reason:

1. On the basis of the available evidence, the Local Planning Authority is not satisfied that the proposed intensive poultry unit would not cause materially detrimental levels of odour resulting in undue harm to the amenities of the surrounding environment, in particular the environment of users of the nearby commercial premises and the living environment of the occupiers of nearby residential properties. As such the proposed development is considered to be unsustainable and contrary to Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

130

Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton

The Committee considered application 16/01780/F for the change of use of land to use as a residential caravan site for 9 gypsy families, each with two caravans and an amenity building. The application further sought approval for the improvement of existing access, the construction of a driveway, the laying of hard standing and installation of package sewage treatment plant at Land West of the M40 adjacent to the A4095, Kirtlington Road, Chesterton for Clifford Smith And Robert Butcher.

In introducing the report, the Development Control Team Leader referred Members to the written update and that the officer recommendation had

changed from refusal to deferral to allow for a proper assessment of the additional information supplied, and one final opportunity for the applicant to address officer's concerns with the development.

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

Resolved

That consideration of application 16/01780/F be deferred to allow for a proper assessment of the additional information supplied, and one final opportunity for the applicant to address officer's concerns with the development.

131

22 Sheep Street, Bicester

The Committee considered application 16/01906/F for the change of use and alterations to a redundant storage barn and outbuilding to form 4 No. single bed flat units at 22 Sheep Street, Bicester for Grange Farm.

Councillor Gaul addressed the committee as Ward Member.

Councillor Mould proposed that application 16/01906/F be refused on the grounds of overdevelopment to the area and concerns over parking and access. Councillor Pratt seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Clarke proposed that application 16/01906/F be approved. Councillor Corkin seconded the proposal.

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

Resolved

That application 16/01906/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, drawing numbers "6122.ROADSIDE.02A" and the Design and Access Statement dated September 2016.
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.

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.
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.
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.
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.
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.

132

8 Halifax Road, Bicester, OX26 4TG

The Committee considered application 16/01993/F to extend a double storey over the existing garage and sub-divide an existing home into 2 x two bedroom flats at 8 Halifax Road, Bicester for Mr Ajay Kumar.

Councillor Gaul addressed the committee as Ward Member.

Nicola and Lisa Henton-Mitchell addressed the committee in objection to the application.

Councillor Mould proposed that application 16/01993/F be refused on the grounds of overdevelopment to the area and concerns over parking and access. Councillor Pratt seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Hughes proposed that application 16/01993/F be approved.
Councillor Clarke seconded the proposal.

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

Resolved

That application 16/01993/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, 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".
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.
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.
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.

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.

133

The Pheasant Pluckers Inn, Burdrop

The Committee considered application 16/02030/F for the erection of a single storey building providing 3 No en-suite letting rooms - re-submission of 16/01525/F at The Pheasant Pluckers Inn, Burdrop for Mr Geoffrey Richard Noquet.

Dr Oswyn Murray, Chairman of Sibford Gower Parish Council, addressed the committee in objection to the application.

Councillor Reynolds proposed that application 16/02030/F be refused as the application was contrary to Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1, saved policies C28, C30 and C33 of the Cherwell Local Plan 1996, and relevant guidance in the National Planning Policy Framework. Councillor Kerford-Byrnes 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 16/02030/F be refused for the following reason:

1. The proposed single storey holiday let accommodation building, by reason of its prominent siting, scale and unsympathetic appearance is considered to be inappropriate development within the context, which will appear as an incongruous feature within the street scene causing undue harm to the character and appearance of the designated Conservation Area, the setting of the public house (a non-designated heritage asset), and disrupting views through to the surrounding valued countryside. The public benefits of this proposal do not outweigh this harm. Therefore the proposed development is contrary to Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1, saved policies C28, C30 and C33 of the Cherwell Local Plan 1996, and relevant guidance in the National Planning Policy Framework.

134

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

The Committee considered application 16/00541/DISC for the discharge of Condition 5 (programme of work) and Condition 6 (archaeological scheme of investigation) of 16/00043/F at Cherwell District Council, Former Offices, Old Place Yard, Bicester 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 the application once comments have been received from the County Archaeologist and Historic England.

135 **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.

136 **Land Opposite Red Lion, Little Tingewick, Buckinghamshire, (Urgent Business Item)**

The Committee considered application 16/02345/ADJ, a neighbouring authority application for the change of use of the land for the siting of a caravan for residential purposes for 1 No gypsy pitch together with the erection of a stable block and hardstanding ancillary to that use at Land Opposite Red Lion, Little Tingewick, Buckinghamshire.

Cherwell District Council was a consultee on the application which would be determined by Aylesbury Vale District Council

Councillor Corkin proposed that the following comments be raised in addition to those set out in the officers report: the proposal would result in an urbanising effect that would detrimentally impact upon the rural character of Finmere and the surrounding landscape. Councillor Wood Seconded the proposal.

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

Resolved

That Cherwell District Council make the following comments to Aylesbury Vale District Council on application 16/02345/ADJ:

The proposal would result in an urbanising effect that would detrimentally impact upon the rural character of Finmere and the surrounding landscape.

Whilst designated as a Category A settlement Finmere and Little Tingewick have poor sustainability.

In addition, to the following comments:

That Aylesbury Vale District Council, as the determining authority in this case, should be satisfied of the following:

- That the development is for gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (DCLG 2015);
- That the development does not harm the setting or significance of the adjacent Grade II listed Red Lion PH;
- That the development does not result in undue harm to highway safety; and
- That the visual impacts of the development are, or can be made, acceptable in other respects.

The meeting ended at 7.37 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

19 January 2017

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.

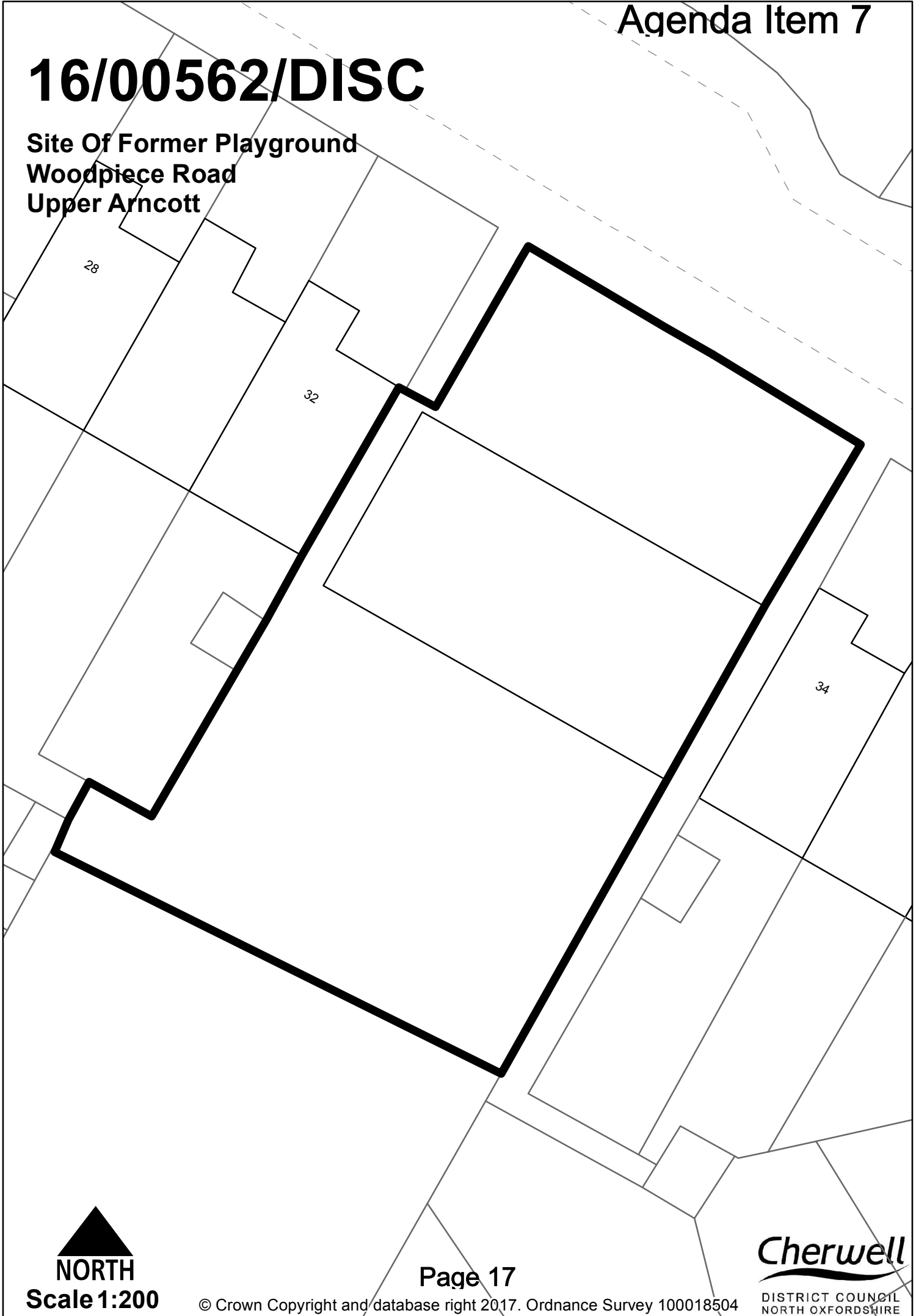
Background Papers

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	Site Of Former Playground Woodpiece Road Upper Arcott	16/00562/DISC	Launton and Otmoor	Delegate authority to officers to determine the application	Matthew Chadwick
8	Phase 3 Apollo Office Park Ironstone Lane Wroxton	16/02113/F	Cropredy, Sibfords and Wroxton	Approval	Bob Neville
9	Land Ad to Oxford Canal Spiceball Park Road Banbury	16/02366/OUT	Banbury Cross and Neithrop	Approval	Bob Duxbury
10	Unit 2 Franklins House Wesley Lane Bicester	16/02434/F	Bicester East	Approval	Gemma Magnuson

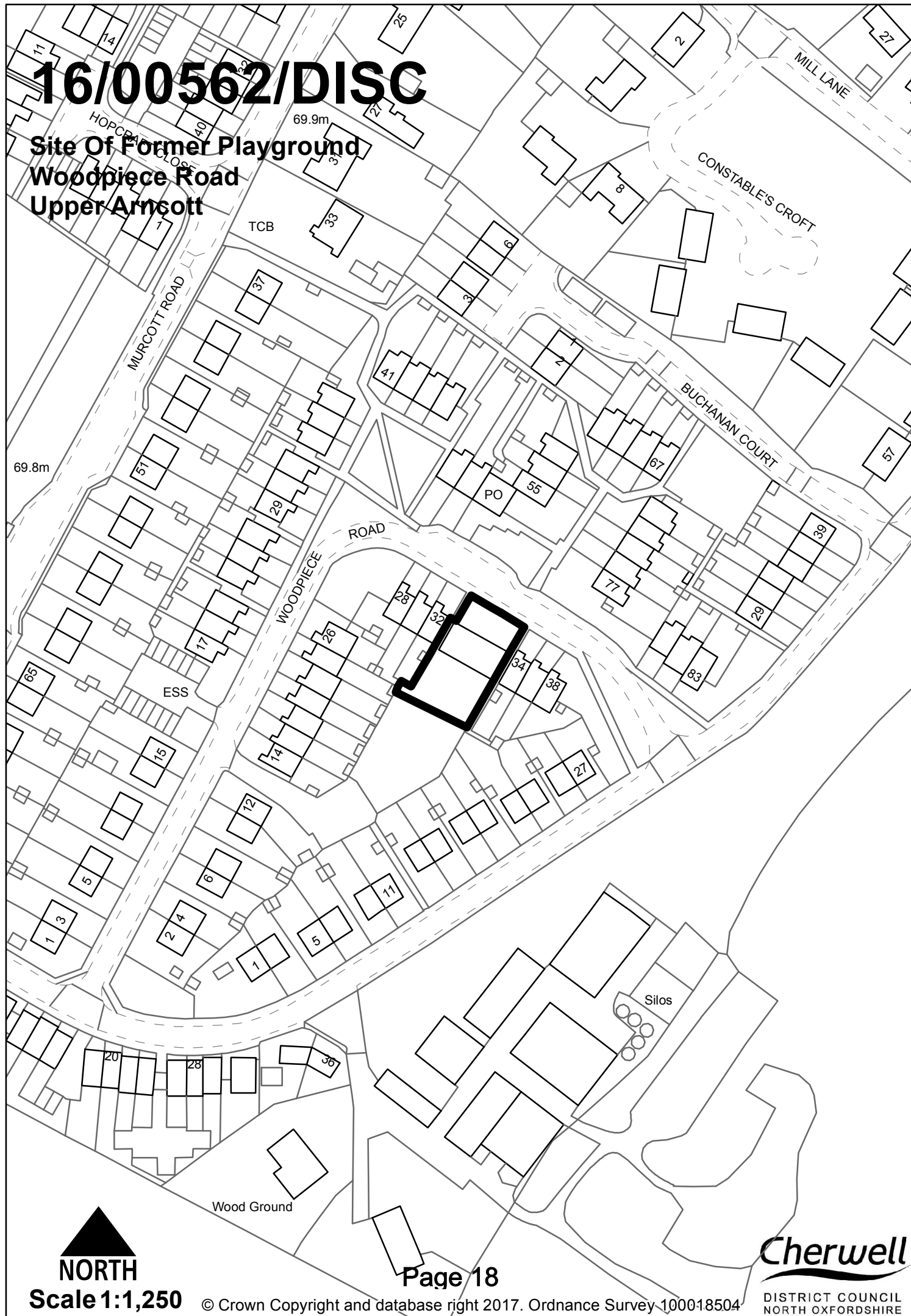
16/00562/DISC

Site Of Former Playground
Woodpiece Road
Upper Arncott



16/00562/DISC

Site Of Former Playground
Woodpiece Road
Upper Arncliffe



Scale 1:1,250

Case Officer: Matthew Chadwick

Applicant: Cherwell District Council

Proposal: Discharge of Condition 12 (contamination) of 13/01882/CDC

Expiry Date: 3rd February 2017

Ward: Launton and Otmoor **Committee Date:** 19th January 2017

Ward Councillors: Cllrs Hallchurch, Holland and Hughes

Reason for Referral: CDC application

Recommendation: Delegate authority to officers to determine the application

1. SITE DESCRIPTION AND PROPOSED DEVELOPMENT

- 1.1 The application site is located in the east of the village of Upper Arccott. The site is situated to the south side of Woodpiece Road between numbers 32 and 34. The site previously accommodated a playground. The site is surrounded by residential properties. The site is located within an area of potentially contaminated land.
- 1.2 Planning permission was granted on 7th February 2014 (13/01882/CDC) for the erection of 3 new terraced dwellings on the site. The current application is seeking approval of the details required by condition 12 of that permission.

2. APPRAISAL

- 2.1 Condition 12 of the planning permission requires a desk study and site walk over to identify all potential contaminative uses on site and to inform the conceptual site model which will be used to decide any mitigation that is required. The condition requires this information to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The reason for condition 12 is 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.
- 2.2 The approval of the details submitted to discharge the condition is dependent upon the response of Cherwell's Environmental Protection department to the formal consultation procedure, as they have the necessary expertise to comment on these matters and requested the condition be attached to the permission. This response has not been received to date.
- 2.3 The discharge of conditions relating to land contamination issues is normally delegated to officers on the recommendation of the Environmental Protection department and it is purely

because Cherwell 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 Environmental Protection department. 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 Environmental Protection department.</p> |
|--|

16/02113/F

Phase 3
Apollo Office Park
Ironstone Lane
Wroxton

Playing Field

Track

Track

Drain

152.4m

GP

Apollo Park

3d
3a

2a
2d

Tank

Track

Mast

ETL

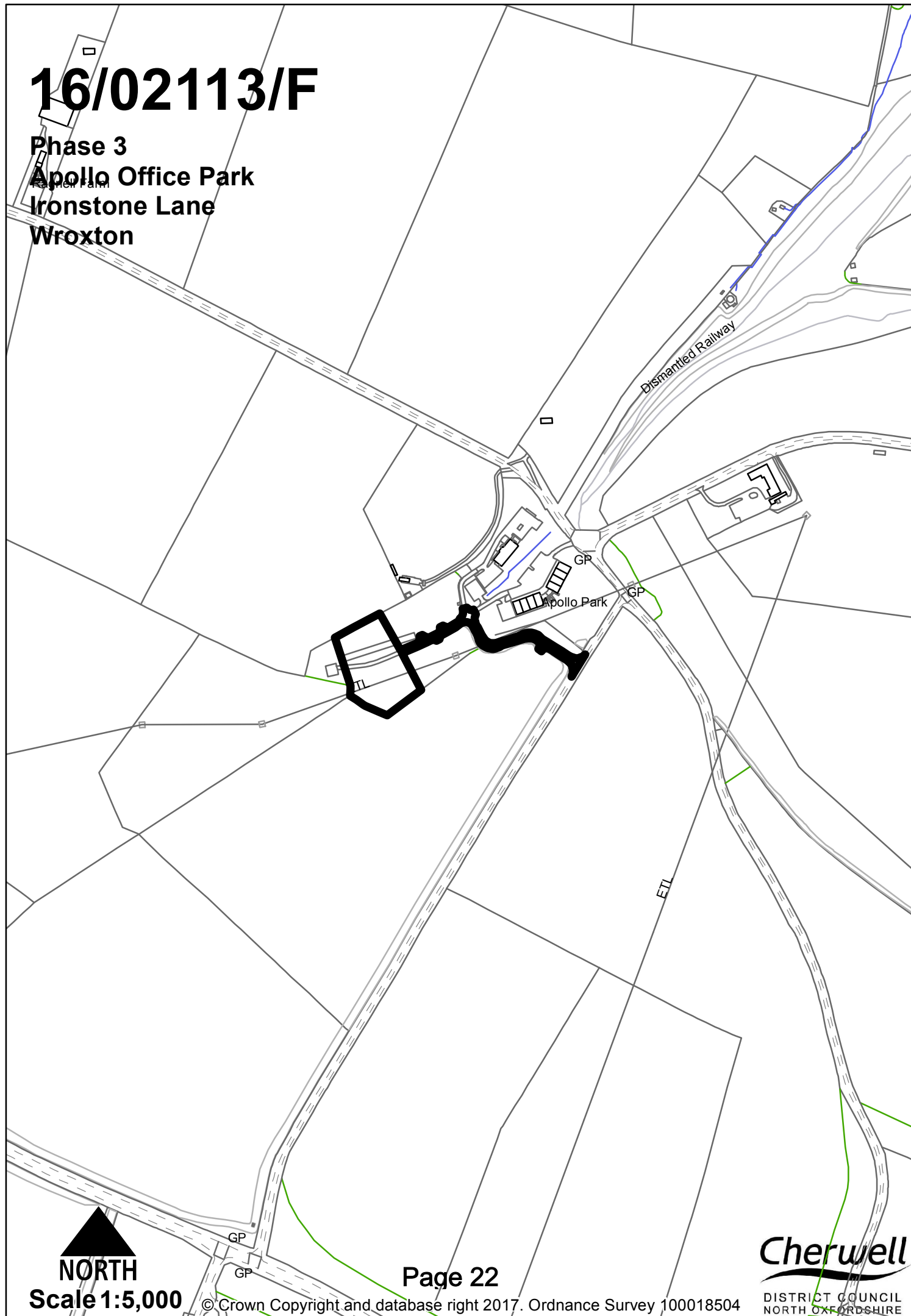
158.1m



Scale 1:1,500

16/02113/F

Phase 3
Apollo Office Park
Ironstone Lane
Wroxton



Scale 1:5,000

Phase 3 Apollo Office Park
Ironstone Lane
Wroxton

16/02113/F

Case Officer: Bob Neville

Contact: 01295 221875

Applicant: Apollo Business Parks LLP

Proposal: Provision of 10 No. Employment Units (B1, B2 & B8), together with associated car parking and landscaping provision.

Expiry Date: 27.01.2017

Ward: Cropredy, Sibfords and
Wroxton

**Committee
Date:** 19.01.2017

Cllr Ken Atack

Ward Councillors: Cllr George Reynolds
Cllr Douglas Webb

Reason for Referral: Major development

Recommendation: Approval

1 APPLICATION SITE AND LOCALITY

- 1.1 The application relates to a 0.75 ha. brown-field site located some 0.8km north-west of Wroxton village, and is part of an existing business park formerly known as the Wroxton Ironstone Works. The site is located on, and accessed off, Ironstone Lane, which is in turn accessed off of the Stratford Road (A422). The site sits adjacent a recently completed extension to Apollo Business Park (which consists of B1, B2 and B8 commercial units) to the north-east, with open countryside surrounding the wider business park site. The site has been cleared of vegetation prior to the submission of this application and there are mature hedgerows and trees to the boundaries of the site with a woodland area to the west.
- 1.2 In terms of site constraints, the site is within an area of potentially contaminated land associated with the historic use of the site and the geology of the area is also known to contain naturally occurring elevated levels of Arsenic, Chromium and Nickel as seen across much of the district. The site is within a Minerals Consultation Area. The Northern Valleys Conservation Target Area is ~200m north-east of the site and environmental records show a local wildlife site (BBOWT Railway Cutting Horley) ~200m north-east of the site.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application seeks permission for 10 no. employment units to be accommodated within three separate buildings arranged in a 'U' shape, similar to that seen on the recently completed development adjacent granted permission under ref. 14/01898/F. The building walls would be of a brick finish (Northcot Brick Limited Multi Red Rustic) and the roof would be profiled metal cladding (Kingspan KS1000RW 115mm Merlin

Grey RAL 180 40 05). The proposals would result in an additional 1638m² of floor space accommodated on two levels (ground floor and mezzanine) with an overall height to the ridge of the buildings of some 9m. The proposed uses would fall into Classes B1 (light industrial), B2 (general industrial) and B8 (storage and distribution). Access would be via the existing access off Ironstone Lane which serves the wider business park. Associated car parking, cycle parking, servicing areas and landscaping would also be provided.

3 RELEVANT PLANNING HISTORY

- 3.1 04/01234/F - Demolition of existing buildings and erection of 2 No. units for B1 (business) and B2 (general industrial) use with associated parking and landscaping - permitted 15 October 2004.

05/00457/F - Demolition of existing buildings, erection of units for B1 use with associated parking, landscaping and vehicular access. Amendment to permission 04/01234/F - permitted 29 April 2005.

10/00134/F - Proposed erection of 3 no. B1 units set within and below earth moundings; improvements and enhancement to railway line, car parking and associated landscaping on existing derelict brownfield site to form extension to existing Phase 1 development - permitted 08 July 2010.

11/00473/F - Variation of Condition 7 and 9 (of 10/00134/F) – revised highway mitigation measure and revised travel plan - permitted 21 November 2011.

14/01898/F - Provision of 10 no employment units (Classes B1, B2 & B8), car parking and associated landscaping (revised scheme following approval of 11/00473/F) - permitted 20 March 2015.

15/02281/F - Variation of Condition 2 of 14/01898/F - minor changes to floor layout, fenestration and elevations to Units 10-14 together with minor amendments to car parking layout, cycle and bin store, location and landscaping - permitted 29 January 2016.

16/00960/F - Variation of Condition 2 (plans) of 15/02281/F - minor changes to floor layout, fenestration and elevations to units 4 and 7 - permitted 23 August 2016.

4 PRE-APPLICATION DISCUSSIONS

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

- 16/00166/PREAPP: Proposed provision of 10 No employment units, associated car parking and landscaping. The principle of development was supported, but it was identified that there was clearly a need for further assessment of some of the issues raised by the proposals, particularly in relation to highways matters. Report issued 25/07/2016.

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 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 comments received.**

STATUTORY CONSULTEES

- 6.3 OXFORDSHIRE COUNTY COUNCIL SINGLE RESPONSE:

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

'The proposals laid out in the Transport Assessment appear to address issues raised in our pre-application transport report. Although the development does not lie in a sustainable location, it is likely to generate a low trip rate. The use of the development will probably mean that the majority of (if not all) movements will be made by vehicle. Considered in the context of the application proposals, I find it necessary to make improvements along the narrow Ironstone Lane, by providing passing bays that are wide enough and suitably surfaced to accommodate the development traffic.'

Travel Plan

This is the 3rd phase of development at this site. The site does have very high car use mainly because of its location.

A framework travel plan has been submitted with this application and this has been checked against our guidance. Below are some general comments on the submitted travel plan which will need some further development.

- The 2008 survey results mentioned in the travel plan may provide some interesting points for discussion but their age makes them unsuitable for travel plan purposes. We usually recommend that surveys are no more than two years old.*
- The range of actions that are included within the travel plan are unlikely to be comprehensive enough to lead to a 10% reduction in SOV trips made by employees to and from the site. Further development will be required to develop a more comprehensive range of short, medium and longer term measures. Some further actions have been included in the travel plan but these are not all incorporated into the travel plan implementation tables. So the current implementation tables do not contain enough detail, for example, what new infrastructure will be added at the construction phase, cycle parking, improved footways?*
- An overview of the number of employees who currently work at the site and how many are expected to work there when the new units have been completed.*
- Inclusion of a summary of local bus services, although it is noted that distances to bus stops may be a barrier to their use.*
- The inclusion of a location map including walking and cycling isochrones and showing the location of available bus stops.*
- As this travel plan is now for the whole site a commitment to a new base line survey which will be carried out within three months of the occupation of the new units but will be for the whole site should be made. A copy of the survey that will be used should be included in the appendices. This survey will explore*

opportunities for increasing sustainable travel to and from the site and attempt to identify any barriers that exist.

- *Postcode information for all site users will be used in conjunction with new survey responses to see which forms of sustainable transport are most likely to be used by employees. This information should show which employees can for instance car share their journeys to and from work.*
- *Targets for each mode of travel will need to be specified for each survey year in both number and percentage terms showing how the reduction of SOV journeys to and from the site will be reduced and allow progress towards this target to be more closely monitored.*
- *The target to reduce single occupancy vehicle trips to and from the site by 10% will still mean that more employees travel to and from the site than the local 2011 census Travel to work data. The travel plan will need to explore this fully and justify that this target is challenging enough.*
- *Para 4.2.4 It is recommended that Oxfordshire Liftshare is promoted as the car sharing option of choice <https://oxfordshire.liftshare.com/>*

Para 5.2.2 Staff travel packs, employees should be given a choice of either a paper or electronic pack. The electronic version has the advantage of reducing costs and allowing employees to directly access things like car sharing web sites'.

ARCHAEOLOGY: No objections. *'The site contains the remains of the former post medieval iron stone works. The proposed development will not impact on any known archaeological deposits but may impact on standing building remains associated with this important industrial site and their setting. We would therefore recommend that the advice of your Conservation Officer should be sought regarding this application'.*

6.4 OCC MINERALS & WASTE: **No objections**

6.5 ENVIRONMENT AGENCY: **No comments received**

NON-STATUTORY CONSULTEES

6.6 CDC ARBORICULTURE: **No objections**

6.7 CDC CONSERVATION: **Verbally confirmed no objections to the proposals.** Whilst the site has been cleared, the heritage of the site has been captured with the erection of information boards and monuments to the historic use of the site.

6.8 CDC ECOLOGY: **No objections subject to conditions.** *'The submitted ecological mitigation plan is fine as regards protected species and provides some reasonable biodiversity enhancements. I would be happy for this to be conditioned as is'.*

6.9 CDC ENVIRONMENTAL PROTECTION:

- **LAND CONTAMINATION: No comments received.**
- **ANTI-SOCIAL BEHAVIOUR: No objections subject to conditions.** *'No objections subject to reasonable hours of work being conditioned in relation to B2 and B8 uses to prevent any loss of amenity arising from noise/ pollution'.*

6.10 CDC LANDSCAPE SERVICES: **No objections.** *'The planting scheme is fine. Root protection has been included which is very welcome'.*

6.11 CDC PLANNING POLICY: **No objections.** *'Paragraph B.1 of the 2015 Local Plan states that the Plan aims to support sustainable economic growth in the District and paragraph B.8 states that the Council will support limited new employment in the rural areas.'*

Policy SLE1 states that unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A.

The proposals are in principle inconsistent with Policy SLE1 of the 2015 Local Plan which states that employment development should be located on the edge of Category A villages. However, the site, even though not on the edge of the village, is only 1 km from Wroxton (a Category A village) and is relatively close to labour supply at Banbury. The proposal is also an extension to an existing site which follows the proposed approach set out in Local Plan Part 1 for exploring extensions to existing sites in Local Plan Part 2.

Importantly, Appendix 7 of the 2015 Local Plan shows how saved Policy EMP1, in relation to rural sites, is 'retained', and therefore is not replaced by policies in the 2015 Local Plan. The site is allocated for employment use in the adopted 1996 Local Plan (saved policy EMP1). Policy EMP1 of the 1996 Local Plan (saved policies) states that employment generating development will be permitted on the sites shown on the proposals map, subject to other policies in the Plan. Paragraph 3.48 of the Adopted Local Plan (saved policies) applies to the application site and states that the site is considered suitable for development that is compatible with the local road network and would improve the appearance of the site.

Paragraph 3.58 of the 1996 Local Plan explains that the Council will use an upper limit of 500 sq m for proposals as a guide but will have particular regard to the individual site characteristics and the nature of the proposed development which are likely to vary considerably from case to case.

Any potential significant negative impacts on the landscape and natural environment should be considered.

Paragraph 14 of the NPPF sets out a presumption in favour of sustainable development. Paragraph 17 states that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.

Paragraph 28 states that Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.

Paragraph 17 encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Annex 2 defines previously developed land'.

6.12 BERKS BUCKS & OXON WILDLIFE TRUST (BBOWT): **No comments received.**

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

SLE 1: Employment Development (site not allocated).

SLE 4: Improved Transport and Connections

ESD 1: Mitigating and Adapting to Climate Change

ESD 3: Sustainable Construction

ESD 7: Sustainable Drainage Systems

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

ESD 13: Local Landscape Protection and Enhancement

ESD 15: The Character of the built and historic environment

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

EMP1: Employment Generating Development (retained with regard to rural sites – site allocated).

TR1: Transportation Funding

C14: Trees and Landscaping

C28: Layout, Design and External Appearance

ENV12: Development on contaminated land

7.4 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
- Highway safety
- Ecology and Biodiversity
- Residential amenity
- Environmental Impact

Principle of development

8.2 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having three dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this proposal this would include delivering business and industrial units and securing high quality design without causing harm to local character and landscape, whilst ensuring new development is sustainably located to minimise other environmental impacts.

8.3 The NPPF seeks to secure support for the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings and encourages Local Planning Authorities to proactively meet the development needs of rural business. Furthermore, under paragraph 21 Local Planning Authorities should support existing business sectors, taking account of expansion and be flexible enough to accommodate needs not anticipated. These aims are reflected in the policies of Cherwell's Development Plan.

- 8.4 The NPPF further encourages the effective use of brownfield land by reusing land that has been previously developed, whilst actively managing 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. However, the Government recognises that different measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
- 8.5 The site is within an allocation referred to within the Cherwell Local Plan 1996 as a site proposed for employment generating development and as such saved Policy EMP1 (retained with regard to rural sites) is relevant. Policy EMP1 is generally supportive of the principle of employment development on allocated sites subject to other relevant Policies in the plan. The policy's supporting text specifically refers to the site, at paragraph 3.48, stating that: *'the site is suitable for small scale employment generating development that is compatible with the local road network and would improve the appearance of the site'*.
- 8.6 Policy SLE 1 of the CLP2031 also seeks to protect existing employment sites whilst supporting sustainable economic growth. It states that: *'employment development will be focused on existing operational or vacant employment sites'*. Further that, *'on existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations'*.
- 8.7 The applicant indicates the proposals to represent the third and final phase of the existing business park, and the proposed site area is consistent with the land allocation within Saved Policy EMP1 of the CLP 1996. Cherwell Council has consistently shown support for the business park as can be seen from the planning history of the site. The units constructed under Phase 2 appeared to be occupied at the time of the site visit, which would suggest the park to be an attractive location and offering good facilities for potential businesses; supporting economic growth within the district.
- 8.8 The site is located less than 1km from Wroxton a Category A (most sustainable) village and is an allocated employment site within the Development Plan. Improvements to Ironstone Lane (including passing spaces) have been secured through a S278 agreement attached to a previous consent on the Apollo Business Park for Phase 2 (14/01898/F) and these works have been undertaken.
- 8.9 The Government shows a clear commitment to supporting economic growth in rural areas and there is a clear requirement for the planning system to support sustainable economic growth. The use of previously developed land to provide employment generating development, as demonstrated within this application, is considered to accord with the provisions of the NPPF.
- 8.10 Officers therefore consider that the principle of developing additional small-scale employment units on the allocated site would be largely consistent with both national and local policy guidance and is therefore considered acceptable subject to the further considerations below.

Design and impact on the character of the area

- 8.11 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.
- 8.12 Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that

proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements.

- 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.
- 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 existing business park and proposed development is set back off Ironstone Lane and views from this highway are largely limited to those gained at the existing access to the site. The existing business park is visible within the landscape with glimpsed and distance views available when travelling along the lanes between Wroxton and Hornton. These views are to some extent screened by existing hedgerows and trees on the boundaries of the business park site and those along the edge of the highways. The proposals would increase the built form in this location and would also be visible to the same extent as the existing business units.
- 8.16 In terms of appearance the proposals largely replicate the scale and form of the development of Phase 2 approved under ref. 14/01898/F, and in this respect would not appear out-of-place when viewed in the context of the existing commercial units.
- 8.17 As noted above, the site is situated in the open countryside and careful control of the design of the development is required to protect the character of the landscape. The proposals are supported by a landscaping scheme which looks to both reinforce existing boundary hedgerows and also introduce additional planting which would further screen and soften the appearance of the proposals within the wider landscape.
- 8.18 The Council's Landscape and Arboricultural Officers raise no objections to the proposals considering the proposed landscaping scheme appropriate and sufficient to ensure that any visual intrusion into the open countryside would not be so significant that it would warrant a reason to refuse the application on these grounds.
- 8.19 It is acknowledged that the proposals would be visible within the wider landscape, but that they would be seen against the existing business park units. On balance, and given the site is allocated for employment development and so some visual impact is to be expected, it is considered that these views would not be so significant that the proposed development would cause undue harm to the visual amenities of the site or its setting in the wider landscape. In this respect the proposals are considered as being consistent with Development Plan policies.

Highway Safety

- 8.20 The application is supported by a Framework Travel Plan and a detailed Transport Statement which addresses issues relating to vehicular movements, access, parking, and highway improvements. The Highways Authority (H.A.) has assessed the proposals and supporting documentation and raises no objections subject to conditions considered necessary to secure specific details in relation to access, parking, drainage, construction management and an appropriate Travel Plan. Officers see no reason to disagree with the opinion of the Local Highways Officer.
- 8.21 The proposals utilise the existing access for the business park site and incorporate both vehicular (40 spaces) and cycle (10 spaces) parking provision which are considered appropriate by the H.A. for the levels of commercial development proposed. As Cherwell Council does not have any adopted parking standards, officers have no reason to dispute the H.A.'s conclusions in this respect. Whilst given its rural location the proposals would result in additional vehicular movements to and from the site it is considered that the improvements already made to Ironstone Lane (the addition of passing bays) allow for an increase in traffic along this route without

causing any significant detrimental impacts on the safety and convenience of other highway users.

- 8.22 Comments were initially made by the H.A. with regard to the need for additional highway improvements, however these were retracted following it being highlighted that the improvements shown within the application (the provision of passing bays) were in fact those secured through the S278 Agreement attached to the previous permission 14/01898/F, which had now been implemented.
- 8.23 The application is supported by a Framework Travel Plan which looks to promote more sustainable travel options for the business. The H.A. notes several amendments that would be required to the details contained within this document for it to be considered acceptable. It is considered that the requirements of the H.A. could be secured through appropriate conditions attached to any such permission.
- 8.24 Further comment was also made by the H.A. with regard to the need for a legal agreement to secure Travel Plan monitoring fees. Paragraph 203 of the NPPF states that: *'Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition'*. Paragraph 204 further states that: *'Planning obligations should only be sought where they meet all of the following tests:*
- *necessary to make the development acceptable in planning terms;*
 - *directly related to the development; and*
 - *fairly and reasonably related in scale and kind to the development'*.
- 8.25 In this instance the securing of a payment in relation to Travel Plan monitoring fees is not considered necessary to make the proposed development acceptable in planning terms as it has not been demonstrated that the administrative work required to monitor the Travel Plan will require additional resources, such that a contribution may be justified. Therefore such an obligation would fail to meet the tests set out within the NPPF; in light of this, such an obligation is not considered appropriate and officers have not pursued any such legal agreement, on this basis.
- 8.26 On balance, the proposed development is considered to have a negligible impact upon highway safety, and in conjunction with an acceptable Travel Plan and further specific details sought via condition, is considered to accord with the requirements of the NPPF in terms of sustainable transport.

Ecology and Biodiversity

- 8.27 The NPPF - 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" (Para. 109)
- 8.28 Paragraphs 192 and 193 further add that, "The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question".
- 8.29 One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application.

The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to 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.

- 8.30 Local planning authorities must also have regard to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
- 8.31 In respect to the application site, an Ecological Survey and Biodiversity Enhancement Scheme (dated September 2016) report has been submitted with the application. The Council’s Ecologist has reviewed the survey and its findings and recommendations and raises no objections subject to the development being carried out in accordance with the report.
- 8.32 The site has previously been cleared of vegetation and the report indicates that the proposals would not result in any significant ecological impacts, but does make several observations and recommendations to ensure the protection of identified elements of ecological interest (including reptiles previously known to be present within the vicinity of the site) particularly during the construction phase of the scheme; it is considered appropriate to condition that any such approval is carried out in accordance with the details of this report, to ensure that the development does not cause harm to any protected species or their habitats and to ensure that there would be a net gain in opportunities for biodiversity.
- 8.33 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue to be safeguarded notwithstanding the proposed development. The proposal therefore accords with the Framework - Conserving and enhancing the natural environment and Policy ESD 10 of the CLP.

Residential amenity

- 8.34 ESD15 of the CLP 2031 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority and 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’.
- 8.35 Given the context and isolated position of the site and that there are no residential properties in close proximity, it is considered that there would be no impact on residential amenity and that the proposals would be acceptable in this regard. As such the development accords with Government guidance contained within the NPPF that seeks development that will function well and add to the overall quality of the area, and saved Policy ENV 1 of the adopted Cherwell Local Plan 1996 that states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.
- 8.36 Whilst the comments of the Environmental Protection Officer in respect of regulating the hours of operation are noted, given that the proposals would not affect residential amenity and there are no such restrictions on existing units at the wider business park, it is considered that it would not be appropriate to restrict opening hours through condition; as this would not meet the tests for the use of conditions set out within the NPPF.

Other Matters

- 8.37 Government guidance contained within the NPPF requires the planning system to contribute to and enhance the natural and local environment by preventing both new and existing development from contribution to or being put at unacceptable risk from, or being adversely affected by unacceptable level of soil, air, water or noise pollution or land instability, and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Saved Policy ENV12 of the CLP 1996 states that: *'development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site and the development is not likely to result in contamination of surface or underground water resources'*.
- 8.38 The site once formed part of the North Oxfordshire Ironstone Company, which was the largest producer of ironstone in the Oxfordshire Orefield. Given the former use of the site the land is considered to be potentially contaminated. Whilst no formal comments have been received from the Environment Agency or the Council's Environmental Protection Officer in relation to the current application, no objections have been received in relation to previously approved development on the site or adjacent land; with the matter being dealt with through an appropriate condition being added to any such decision. Whilst it is unlikely that contamination would affect the development, the strategy is required in order to ensure that any unexpected contamination encountered during the development is suitably assessed and dealt with, such that it does not pose an unacceptable risk to ground or surface water.
- 8.39 With regard to Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1, this states that "all new non-residential development will be expected to meet at least BREEAM "Very Good" with immediate effect". It goes on to state that this should be demonstrated through an Energy Statement. It also states that all development proposals should demonstrate sustainable construction methods such as minimising energy demands, incorporating the use of locally sourced materials, and reducing waste and pollution and making adequate provision for the recycling of waste.
- 8.40 The applicants have provided a brief Energy Statement which states that it is not considered feasible to install roof-mounted PV solar panels on the buildings, and also that it is not considered practical or necessary to include a scheme for rainwater harvesting. However the Statement does not set out what positive measures will be implemented to contribute to reducing energy consumption and improve sustainable construction. As such a revised Energy Statement is recommended to be secured by condition.

9 CONCLUSION

- 9.1 Given the above assessment, it is considered that subject to proposed conditions, the proposal considered within this application is an acceptable form of development, which would support economic growth in an appropriate rural area within the district allocated for employment development and which does not conflict with the policies of the adopted Local Plan. The development causes no significant harm to residential amenity or highway safety; the design is sympathetic to the character of the context of the existing business site whilst not significantly intruding into the open countryside. As such, it is considered to comply with the above mentioned policies and is recommended for approval as set out below.

10 RECOMMENDATION

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

Conditions:

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

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, 'Design and Access Statement', Ecological Survey and Biodiversity Enhancement Scheme (dated September 2016) and drawings labelled: 2975-13B, 3120/01B, 3120/02D, 3120/03C, 2318-301 and 2318-302.

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

3. The development hereby approved shall be carried out strictly in accordance with the sections titled 'Reptile Mitigation Plan' and 'Biodiversity Enhancement Scheme' within the Ecological Survey and Biodiversity Enhancement Scheme for Phase 3, Apollo Business Park, Wroxton, submitted with the application, which was prepared by Philip Irving dated September 2016.

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

4. If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

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

5. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented for the duration of the construction phase of development and shall be operated in accordance with the approved details.

Reason - In the interests of highway safety during the construction period and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of development a scheme for the surface water

drainage of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be implemented prior to the first occupation of the development and operated in accordance with the approved details.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, an amended Energy Statement shall be submitted detailing the measures to be employed during the construction and operational phases of development to reduce energy use and waste, and to make efficient use of resources. Thereafter the development shall be carried out in accordance with the approved Energy Statement.

Reason - In the interests of sustainability and to mitigate the impact of development on climate change, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 Government guidance contained within the National Planning Policy Framework.

8. Prior to the first occupation of the development the access road, parking and manoeuvring areas shall be constructed, laid out, surfaced, drained (SUDS) and completed in accordance with the plans hereby approved, and shall thereafter be retained unobstructed at all times except for the parking and manoeuvring of vehicles in connection with the development.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD6, ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use or occupation of the development hereby approved, and notwithstanding the details submitted, an amended Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Framework Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

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.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other

than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

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

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. The units hereby permitted shall be used only for purposes falling within Classes B1, B2 or B8 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose(s) whatsoever.

Reason – In the interests of sustainable development and in order to maintain the character of the area in accordance with Saved Policy C28 of the Cherwell Local Plan 1996, Policies SLE1 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

13. Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved building shall not be extended or altered without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in the interests of sustainability and in order to safeguard the amenities of the area in accordance with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. No external lights/floodlights shall be fixed on buildings or erected on the land without the prior express consent of the Local Planning Authority.

Reason – In order to safeguard the visual amenities of the area in accordance with Saved Policies ENV1 and C28 of the Cherwell Local Plan, Policies ESD 13 and 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

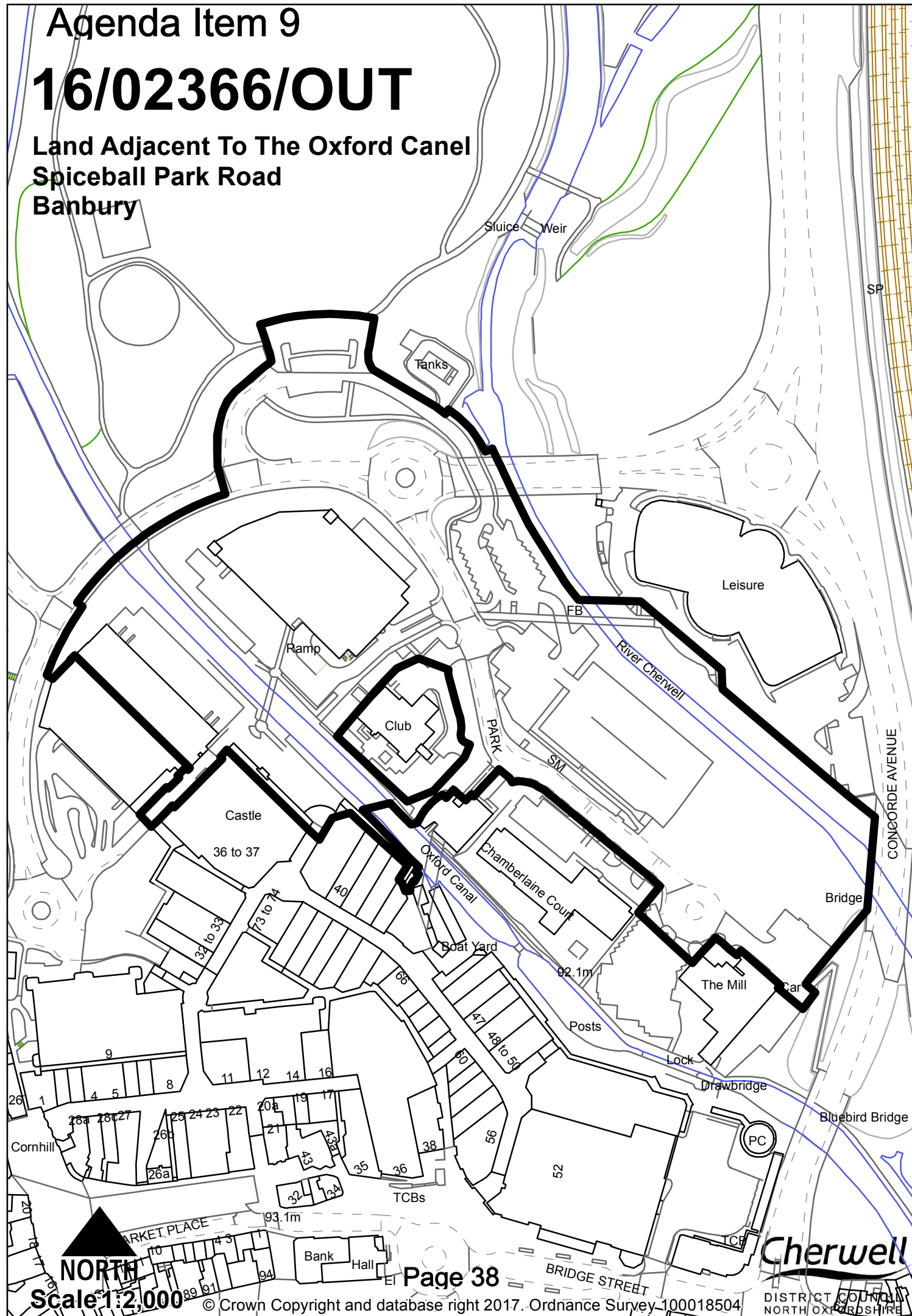
PLANNING NOTES

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.
3. 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.
4. The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact: County Archaeologist, Archaeology Planning Regulation, County Hall, New Road, Oxford OX1 1ND, (Telephone 01865 328944).
5. With regard to condition 9, you are advised to refer to the comments of Oxfordshire County Council's Highway Authority dated 21 November 2016 made in respect of the Framework Travel Plan. The revised Framework Travel Plan should seek to respond to these comments.

Agenda Item 9

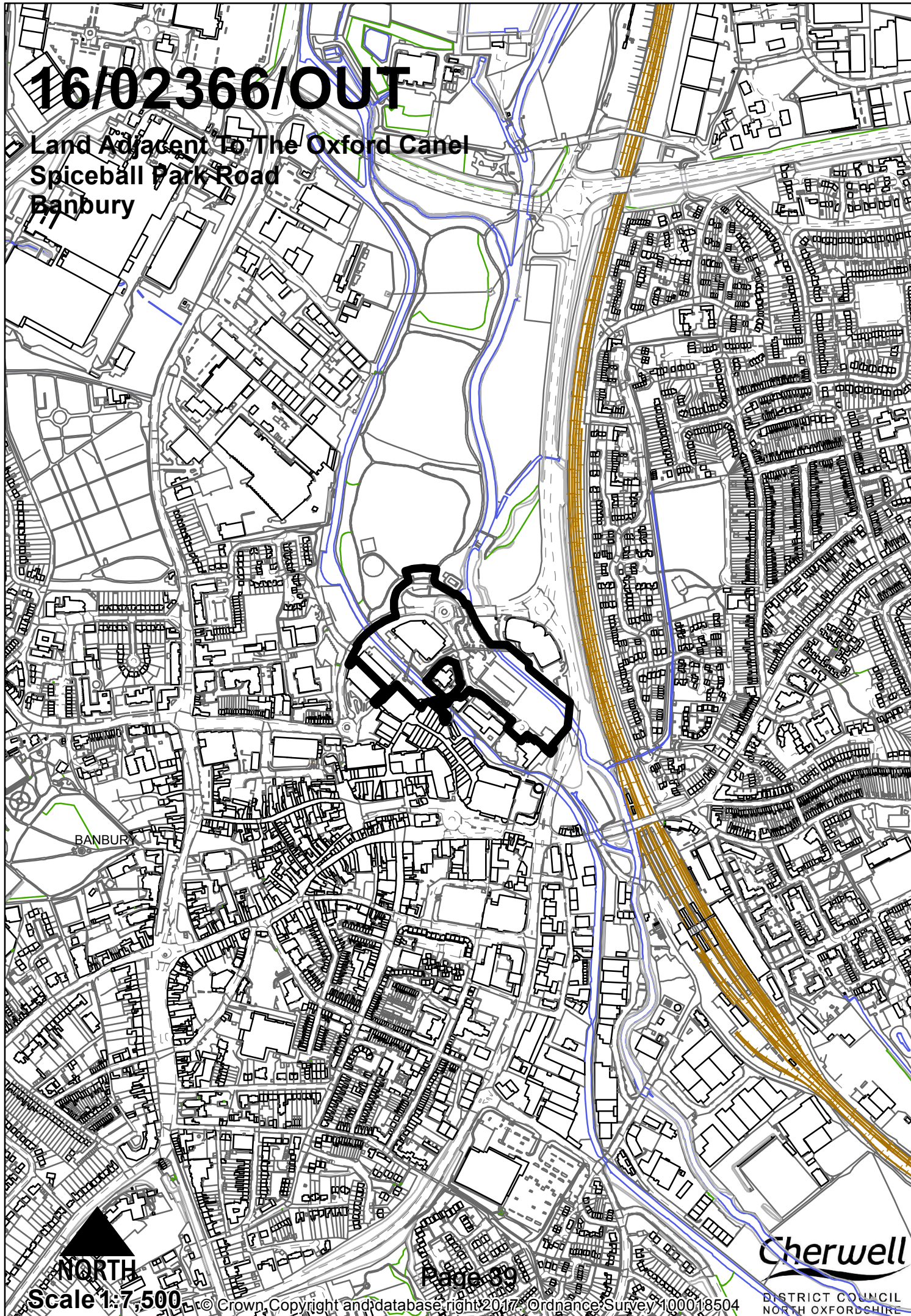
16/02366/OUT

Land Adjacent To The Oxford Canel
Spiceball Park Road
Banbury



16/02366/OUT

Land Adjacent To The Oxford Canal
Spiceball Park Road
Banbury



Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

NORTH
Scale 1:7,500

Page 39
© Crown Copyright and database right 2017. Ordnance Survey 100018504

Land Ad to Oxford Canal

16/02366/OUT

Spiceball Park Road Banbury

Ward: Banbury Cross and Neithrop **District Councillor:** Cllrs Banfield, Dhesi and Milne-Home

Case Officer: Bob Duxbury

Recommendation: Approval

Applicant: Scottish Widows plc and Scottish Widows Unit Funds Ltd

Application Description: Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block and Condition 9 to be removed as no longer justified

Committee Referral: Major

Committee Date: 19 January 2017

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site extends to 4.69 hectares and includes the Castle Quay Shopping Centre northern car park and the frontage of the southern car park, General Food Sports and Social Club, and the site of the former Spiceball Sports and Leisure Centre (which was demolished in 2010). The river Cherwell forms the north-eastern boundary and the Oxford canal bisects the south-western part of the site. Following the redevelopment of the Spiceball site in 2010 a large part of the site is now given over to parking. The site is bounded to the east by Concorde Avenue (A4260) which links the town centre to A422 and the M40. To the north of the site linking to Concorde Avenue is Cherwell Drive which runs east/west to the north of the site as it then curves towards Castle Quay. A central spine road then runs into the site (Spiceball Park Road). The site and area is urban in character. The site lies close to the town centre with bridges over the canal connecting the site to Castle Quay and the surrounding town centre uses.
- 1.2 On the eastern side of the canal lies sheltered housing at Chamberlaine Court which sits between the Banbury Museum and The Mill Arts Centre. To the north of the river Cherwell lies the new Spiceball Leisure Centre. To the south and west of the canal is the Castle Quay shopping centre. The site lies close to the town centre and is identified as an edge of centre location within the adopted Cherwell Local Plan 1996 Proposals map. The site is also identified under Policy Banbury 9: Spiceball Development Area, of the Proposed Submission Local Plan as a site suitable to deliver retail and leisure uses and to strengthen the night time economy.

- 1.3 With regard to site constraints, Council records indicate that the site is located within Flood Zone 3 and part of the site (Oxford Canal) is designated a Conservation Area. Adjacent to the site is Tooley's Boatyard which is a Scheduled Ancient Monument and the Mill Arts Centre which is locally listed. Public footpath 120/103 runs along the tow path of the canal. Protected species (water voles) have been recorded at the river and the site is classified as an high area of archaeological interest. Given the previous uses, the land is also likely to be contaminated.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Outline planning permission has been granted in outline for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and associated canal footbridge and General Foods Sports and Social Club band practice room; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail food store (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses, alterations to the rear of the Castle Quay Shopping Centre landscaping, construction of infrastructure, car parking and associated works, including the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road | Land Adjacent To The Oxford Canal Spiceball Park Road (13/01601/OUT)

- 2.2 The proposed minimum and maximum floorspace of the development is indicated in the table below:

Use (Class)	Minimum Area (GIA) m ²	Maximum Area (GIA) M ²
Supermarket (A1)	3, 150	5, 100
Restaurants (A3)	1,750	4,830
Hotel (C1)	1, 855	4,715
Cinema (D2)	2, 400	4, 780
Car Parking	385 Spaces	620 Spaces

- 2.3 The application was supported by an indicative master plan indicating the likely disposition of uses and a series of parameters plans indicating the maximum and minimum deviation in the layout and scale of the proposed development.
- 2.4 Only access was dealt with as part of that application with all other matters (appearance, landscaping, layout and scale) were reserved for future consideration.
- 2.5 This application relates to variations to the approved plans with regards to two aspects only, namely
- Access arrangements for Block C – the food store site
 - Seeking the deletion of condition 9 related to works to the River Cherwell
- 2.6 The proposed changes to access arrangements arise as a result of discussions with prospective operators and seek to modify the approved access, movement and servicing.

The changes affect a number of approved plans set out in the original condition 4. The application is accompanied by revised application plans; a design and access statement; a transport technical note; a flood risk addendum; an ecology technical note; an acoustic technical note and an updated arboricultural impact assessment

- 2.7 A description of the access changes can be found at paragraph 8.7 below

3. RELEVANT PLANNING HISTORY

- 3.1 See above

4 RESPONSE TO PUBLICITY

- 4.1 To date no third party comments have been received

- 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.

TOWN COUNCIL

- 5.2 No comments received.

STATUTORY CONSULTEES

- 5.3 Environment Agency: **No comments yet received**

- 5.4 OCC Highways Authority:

No objection subject to conditions and satisfactory legal agreement

Key issues:

- ☐ Clarification needed on pedestrian access to upper deck car park and through car park to store entrance.
- ☐ Further information required on retaining walls and other structures required
- ☐ Additional area of highway requires stopping up
- ☐ Further swept path analysis required
- ☐ Deliveries to store must take place outside store/upper deck car park opening hours

Legal agreement required to secure:

A deed of variation to the agreed S106 and draft S278 agreements will be required, replacing drawings, descriptions of works, and technical information on structures with the same level of detail and the same commitments.

Conditions:

This application reinforces the need for the conditions regarding Car Park Management and Delivery and Servicing Plans, and Construction Traffic Management Plan. Early discussion on these is recommended. I do not recommend any changes to conditions other than those

requested in this application. Highways has no comments regarding the removal of Condition 9.

Informatives:

The plans show a small area of existing adopted highway needing to be stopped up at the southern end of Spiceball Park Road. The applicant is recommended to contact OCC's Highway Records team at the earliest opportunity to discuss this, and it will be subject to a separate process.

OCC require saturated CBR tests (assuming cohesive soils) at the location of all new accesses and adoptable carriageway/footway.

Detailed comments:

This application seeks to vary the approved plans. Principally the Highway Authority is concerned with changes to the Highway Works plan HP010 (Plan C in the S106 agreement), showing the required highway works.

Since we were formally consulted on this application, a further revision of the Transport Technical Note, Doc ref: 5764/UTA/03 dated 12 December 2016 has been submitted to us by the applicant, containing a revised 'Proposed Highway Works' drawing 5764 HP010 Rev N, and it is on this plan that I base my comments. However, we have not been formally consulted by the LPA on this document.

The main changes that the application seeks to make are summarised in the Design and Access Statement and the Transportation Technical Note. In transport terms the main change is that the service access to the retail food store will be taken from a new access point close to the bend in Spiceball Park Road, instead of at the southern end of Spiceball Park Road. This new access will also be the vehicle entrance and exit to the upper deck car park. Whereas previously this car park was not allocated to any particular use, the upper deck car park will be principally for the retail food store, with 1.5 hours free parking for other users. Access to the lower deck car park will be from a re-aligned roundabout at the end of Spiceball Park Road. The exit from this car park will be under the bridge at the northern end and out onto Cherwell Drive at the existing junction west of Spiceball Park Road/Cherwell Drive roundabout junction. There will be a dedicated disabled parking area at the southern end of the lower deck car park, and only users of these spaces will be permitted to exit onto Spiceball Park Road via a dedicated exit south of the roundabout at the southern end.

The latest revision is slight, and has been made as a result of the foodstore building having to move by approx. 2m to avoid an intermediate pressure gas main, which this has had a knock on effect on the location of the exit from the disabled spaces under the foodstore which has moved 2m closer to the existing roundabout. There has also been a minor amendment to the layout in the existing Mill Arts centre car park which results in the car park spaces being reduced from 39 to 31 compared with the previous version (this is still more than originally proposed).

However, I have also noticed that the latest version has reduced visibility splays at the main upper deck car park access compared with the application (see comments below).

The change also results in the loss of most trees on the eastern side of Spiceball Park Road.

Traffic Impact

I consider the overall impact of the change which this application seeks to make, to be positive. HGVs delivering to and servicing the store, as well as cars accessing the upper deck car park, will not pass the residential properties on Spiceball Park Road. Due to the upper deck car park now exiting onto Spiceball Park Road, there will be more traffic on the Spiceball

Park Road arm of the roundabout at the northern end of Spiceball Park Road, and slightly less on the Cherwell Drive west arm.

A revised assessment has been made of this roundabout showing that there is sufficient capacity. The revised Transport Technical note claims that the trip generation in the original Agreed Transportation Assessment was overstated and, based on recent TRICS analysis, proposes significantly lower trip generation for the development. I reserve my opinion on this: there is confusion over which version of the original TA is the agreed version and I have been unable to ascertain the version which the LPA considers the agreed version. Additionally, the number of surveys in the TRICS analysis is small, and could be skewed by the specific circumstances of the developments selected. However, as there is no change to the proposed floor areas, it is reasonable to assume that the trip generation will not be higher than that proposed in the original application. It is also reasonable to assume that the trip distribution will not be significantly different – only the turning movements at Spiceball Park Roundabout will be affected.

In any case, no change is proposed to the highway mitigation contributions and measures previously agreed.

Access

The new access to the upper deck car park (described above) has been designed with the minimum visibility splay to the north in accordance with Manual for Streets for 30mph. Given that the development will result in frontages close to the road, the speed humps on Spiceball Park will be retained, and there will be a raised pedestrian crossing to the north of the access, this is considered acceptable, subject to a safety audit which is part of the S278 technical approval process.

The roundabout at the southern end of Spiceball Park Road is not designed to DMRB standards and has no deflection, but is in a very slow speed environment and similar to the existing one so this is considered acceptable subject to a safety audit that will be required as part of the S278 process. There will be access only to the lower deck car park from this roundabout, with the only exiting vehicles coming from the disabled car park, exiting onto Spiceball Park Road just south of the roundabout. Clarification is needed on how other vehicles will be prevented from using this exit. A car park management plan has been conditioned and we will expect it to include this detail.

Entrance to the car park must be controlled to ensure that vehicles with a height greater than the clearance of the bridge at the northern exit, do not enter.

In terms of pedestrian access, the pedestrian access points to the upper deck car park need clarification and need to be suitable for disabled access, both north and south of the vehicular access. Safe walking routes need to be provided within the car park. The Pedestrian Site Circulation Plan 407-PO-18 shows a primary pedestrian route crossing Spiceball Road at the vehicular entrance, and the primary pedestrian route to the store entering the car park at this point. This is not ideal and should be reconsidered. Pedestrian movement across the access junction should also be discouraged as it is a wide bellmouth with no refuge. There should be a clear pedestrian route through the car park to the store from the raised crossing. Further refinement to the plans is recommended to address this.

I am concerned about the tracking for the HGV within the car park, which shows it having to reverse down the two thirds of the car park into the loading bay. This would not be safe when the car park is in use. A delivery and servicing plan is required by condition and we will expect to see a commitment that deliveries will take place outside of store opening times. Given the relocation of the service bay and delivery route away from residential properties, this should

be acceptable. This would result in deliveries arriving when the car park is closed. We will need to be confident that delivery vehicles would be able to gain access to the car park and not have to wait in the road, causing an obstruction.

Swept path analysis has been provided for the HGVs turning left in and right out of the upper deck car park access. The vehicle crosses the centre line, but this will be acceptable if deliveries are made out of store opening hours.

Also, as the roundabout on Cherwell Drive appears to have been realigned, we will need to see swept path analysis for HGVs at the roundabout, as well as for the entire realigned Spiceball Park Road, since the roundabout at the southern end will still have to cater for turning vehicles including other HGVs.

The proposed widening of Spiceball Park Road will assist with emergency access past any queuing traffic.

Structures

It will be necessary to agree technical information about retaining walls to replace the information in the existing S106 agreement and draft S278 agreement with the same level of detail. Currently there is no information provided regarding retaining walls or development structures supporting the highway along the east side of Spiceball Park Road. Walls G, H and K from the previous application and the S106/S278 agreements are no longer shown, but given the level changes, it is clear that there will be new supporting structures, sufficient detail of which will need to be agreed before a Deed of Variation can be agreed. There appears to be no change to wall J (at the Social Club) but this needs clarification.

The location of the new access is at a high point in Spiceball Park Road – there is a significant level difference between the road and the existing car park. The widening and realignment at this point will involve significant construction and material to be brought in, reinforcing the need for the Construction Traffic Management Plan.

Car park layout

No comments are offered on the layout, other than the need to accommodate safe walking routes and cycle parking, as it will be covered in the reserved matters application

Drainage

No information is provided about drainage – we will expect to see surface water drainage information in the reserved matters application.

- 5.5 The Canal and River Trust have **no objection** to the removal and variation of the conditions mentioned above provided that all other conditions and the S106 agreement remain unchanged.

NON-STATUTORY CONSULTEES

- 5.6 Planning Policy Officer : **Does not wish to comment**
- 5.7 Archaeology Officer: **No objections** as the suggested variations have no impact upon the previous archaeological advice

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

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

6. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1 - Presumption in Favour of Sustainable Development
- SLE2 – Securing Dynamic Town Centres
- 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
- ESD 16- The Oxford Canal
- ESD17 - Green Infrastructure
- BAN 7 – Strengthening Banbury Town Centre
- BAN 9 – Spiceball Development Area
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- S2 - Maintenance of a compact central shopping area (Banbury)
- C1 – Nature conservation
- C4 – Habitat creation
- C5 – Protect Ecological value of River Cherwell
- 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)

8 APPRAISAL

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

- Principle of the Development;

- Highways Safety and convenience;
- Ecological Potential;
- Flooding Risk and Drainage;

8.2 The Principle of Development

In Jan2014 when considering the main application I commented as follows

It is important to set the context of the proposed development in relation to national and local plan policy. At the heart of the National Planning Policy Framework (the Framework) is the presumption of sustainable development. The Framework states there are three dimensions to sustainable development: environmental, social and economic.

At paragraph 14 the Framework clarifies the principles of plan-making and decision-taking and states that for decision-taking this means “approving development proposals that accord with the development plan without delay.” The Framework also clarifies the position where development plans are absent or where plans are silent or out of date. In this scenario, planning permission should be granted unless;

“-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

-specific policies in this Framework indicate development should be restricted.”

In seeking to build a strong, competitive economy the government is “committed to securing economic growth in order to create jobs and prosperity...ensuring that the planning system does everything it can to support sustainable economic growth.” (para. 18 – 19 of the Framework). The Framework also recognises the importance of ensuring the vitality of town centres and encourages planning policies to be positive and promote competitive town centre environments which set out policies for the management and growth of centres over the plan period.

Those comments were still pertinent when the application was finally authorised at the meeting in August 2014.

- 8.3 Since that consideration the Cherwell Local Plan 2011-2031 has been adopted in July 2015. That document contains Policy Ban 9 which specifically relates to this site and I quote below in full

Policy Banbury 9: Spiceball Development Area

Development Area: 5 hectares

Development Description: Land between the canal and river Cherwell to the north east of the Castle Quay Shopping Centre will be developed to provide a mixture of town centre uses, comprising new retail and leisure uses associated with strengthening the night economy of the centre of Banbury.

- Use classes - Retail (including small A1, A3), Hotel (C1), Leisure (D2), Car parking.

Infrastructure Needs

- Open Space – to be focused on the canal/river corridor and linking with existing open space to contribute to the objective of creating a linear park and thoroughfare from the north of the town to Bankside in the south
- Access and Movement – access achieved from existing Spiceball park Road
- Utilities – off site improvements to utilities network may be required

Key site specific design and place shaping principles

- Proposals should comply with Policy ESD10 and ESD15
- Well-designed retail premises and leisure services should form a key element of this mixed use development
- A high quality landmark mixed retail and leisure development that supports the growth of the Town Centre to the north of the Oxford Canal and helps integrate and improve access to the existing Spiceball Leisure Centre
- A refurbished Mill Arts Centre
- A new library for Banbury
- A public space focusing on the Oxford Canal and/or river and improved pedestrian access to the new Spiceball Centre from the town centre
Public transport should be provided for, including the provision of new bus stops
- Public transport should be provided for, including the provision of new bus stops
- New footpaths and cycleways should be provided, that link to existing networks
- Additional car parking with opportunities for commercial and residential uses above
- A Transport Assessment and Travel Plan to accompany development proposals
- The creation of a high quality public realm with careful consideration of street frontages and elevation treatment to ensure an active and vibrant public realm
- Architectural innovation is expected with large scale buildings and car parking areas to ensure that these objectives are met
- Height and massing sensitive to the surroundings, ensuring there are no adverse effects on important views/vistas
- A design which respects and enhances the adjoining historical setting, especially the Mill arts centre and other historic canal related heritage
- A design which maximises the opportunity of the Canal, providing active uses and more footfall in this area

- **Pedestrian and cycle linkages that are fully integrated with a new, high quality public realm and enable a high degree of integration between the town and Spiceball Leisure Centre**
- **Provision for public art, relating to the canal to enhance the quality of the place, legibility and identity**
- **The Oxford Canal Towpath should be improved to encourage movement north to Spiceball Country Park and south to the Canalside area and the Bus Station**
- **Sustainable modes of travel should be encouraged**
- **A Flood Risk Assessment will be required for any future planning application**
- **Provision of sustainable drainage including the use of SuDS in accordance with 'Policy ESD 7: Sustainable Drainage Systems (SuDS)' and taking account of the Council's Strategic Flood Risk Assessment (SFRA), and the Level 2 SFRA**
- **Demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of policies ESD 1 – 5.**

Additional requirements for this site include:

A comprehensive approach to site planning and delivery is preferred with proposals for the whole site being accompanied by a detailed masterplan. A phased approach may be permitted provided it can be clearly demonstrated that proposals will contribute towards the creation of a single integrated and coherent development. In order to achieve continuity in design and delivery of the vision, a small-scale, piecemeal approach would not be appropriate.

Applications should take into account and plan for the known or anticipated implications of proposals on remaining areas.

- 8.4. Insofar as it is necessary to do so this application does not conflict with that policy
- 8.5 The principle of development for this development was established by the planning permission granted in October 2016 (13/01601/OUT) following the consideration by this Committee in August 2014 and the successful conclusion of negotiations on the Section 106 agreement. The variations proposed by this application do not affect the compliance of the scheme with policy .
- 8.6 A full assessment of the original proposal can be seen on the Council's websites in the reports on the 2013 application presented to Planning Committee on 9th January 2014 and 7th August 2014

Highway safety and convenience

- 8.7 The main thrust of this variation to the existing permission relates to the access arrangements for the food store element of the overall scheme. The main changes can be summarised as

- (i) Repositioning of the access point to the upper level (food store) parking, now located approximately half way down Spiceball Park Road. This also becomes two way ie. providing access to and egress from the food store car park.
- (ii) Relocation of the HGV service yard from within the lower level of Block C (previously facing Spiceball Park Road [Chamberlaine Court and Mill Arts Centre]), to the upper deck of the food store car park (adjoining the north east elevation of the foodstore).
- (iii) Access to the HGV service yard will be via the relocated entrance (see (i) above), actively managed to avoid conflict between customer (car) movements and HGV servicing and manoeuvring. Store servicing is to take place out of core opening hours.
- (iv) Minor revisions to the point of car access to the lower level (all purpose) car park arising from the retaining of the existing turning circle on Spiceball Park Road (between Chamberlain Court and the Mill Arts Centre). Use of this is to be reversed to permit car access only, with egress (accept in times of flood) to be via the route under Cherwell Drive.
- (v) Introduction of an new egress point at the far end of the lower car park deck (close to the terminus of Spiceball Park Road) to provide a dedicated disabled car park (14 spaces). No general car traffic will be able to utilise this egress point.
- (vi) Introduction of new pedestrian/cycle connection between the River Corridor and the lower deck of the food store
- (vii) Alterations to the public car park to the north of the adjoining Mill Arts Centre are now limited to minor 'accommodation' works, with the relocation of two disabled parking spaces (and a net reduction of 8 car parking spaces overall).

The following arise as a consequence of the above changes:

- (i) Improved alignment of pedestrian route between CQ2 (cinema/leisure box) and the connection to the Cherwell Leisure Centre.
- (ii) Replacement of previously approved A1 Use Class (food store) and servicing space at lower deck level with car parking.
- (iii) A marginal increase in the maximum deviation of Block C towards the River Cherwell (by 1.5m) and towards Spiceball Park Road (by 0.5m).
- (iv) Incursion of the HGV service yard deck (columns at ground level) in to the proposed 8m 'stand-off' previously agreed with the Environment Agency (itself representing a significant increase on the current stand-off).
- (v) Marginal realignment of the turning circle on Spiceball Park Road (between Chamberlain Court and Mill Arts Centre).
- (vi) Impact on previously retained trees and revisions to landscape parameters plan.

During the life of this application a further alteration has been made as a result of the foodstore building having to move by approx. 2m to avoid an intermediate pressure gas main. This has had a knock on effect on the location of the exit from the disabled spaces under the foodstore which has moved 2m closer to the existing roundabout. There has also been a minor amendment to the layout in the existing Mill Arts centre car park which results in the car park spaces being reduced from 39 to 31 compared with the previous version (this is still more than originally proposed).

8.8 It will be noted in 5.4 above that the highway authority (OCC) do not object to the proposals but comments are made about pedestrian routes within the upper deck car park, HGV swept paths, and servicing timing. They also comment upon issues of concern to the highways authority re retaining walls and other structures (concerned with the Section 278 agreement that there needs to be between the applicant/OCC) and a small area of additional stopping up that appears to be necessary).

8.9 In response to those comments the applicants agent says

The response raises a number of detailed points which are outside of the scope of the current application, but will be relevant to the Reserved Matters submission. These comments are noted.

Pedestrian routes across the site are shown indicatively on the parameters plans. There is no change to these plans as a result of this application. The precise location of these, including the routes through the car park in the northern part of the site, will be determined in the subsequent reserved matters. Appropriate disabled access will be provided in a manner which is convenient and safe.

Similarly, the precise detail of the retaining structures required across the site will be detailed as part of the reserved matters. The detailed highway plan for approval (HP010 Rev P) seeks only to establish the location of these where adjacent to the highway – as per the previous outline scheme.

We are aware of that the current proposal requires additional land to be stopped up and that process has commenced.

Deliveries to the foodstore car park will necessitate access through the car park. Swept path analysis will be provided as part of the Reserved Matters to illustrate how this arrangement will work satisfactorily, as it does at many other of the operator's sites.

The delivery/servicing requirements are matters of detail to be considered as part of the Reserved Matters submission. We note the request for additional planning conditions regarding car park management and deliveries/servicing, and note that these were not conditions that CDC sought appropriate to apply to the first outline.

OCC has already been provided with swept path analysis of HGVs circulating the realigned roundabout (copy of plans attached for information - though this does not form part of the formal submission for approval) but we will extend this along the length of Spiceball Park Road and provide this detail direct to OCC for further comment as necessary. OCC confirmed back in September that the realigned roundabout was acceptable on this basis.

A Deed of Variation to the S106 Agreement has been sent to OCC for approval.

OCC seeks clarification on how vehicles exiting the lower deck car park to the north will be controlled to prevent vehicles other than disabled users using it. Again, this is a matter of detail which will form part of the Reserved Matters but for the purposes of accessing the acceptability of the access arrangements, we can confirm that the car park will be split at the point of entry (left for main car park, right for blue badge holders) with a designed area for blue badge holders, operating on a one-way circuit, not linked to the main car park. This will significantly reduce the risk of the disabled exit point beyond the roundabout being used by other vehicles. In any event, given the light usage of this part of Spiceball Park Road, the detailed arrangements are entirely acceptable as a means to control access.

Vehicle height restrictions will of course be applied to the car park entrances, though this is a matter of detail, not for approval at this stage.

- 8.10 We are yet to receive further comments from OCC. In their absence it appears to your officers that all these matters are capable of being attended to either by condition or at reserved matters stage. The issue of the timing of servicing is understood to be important to the intended operator, who requires the ability to service at all times. There is undoubtedly a possibility of conflict with the free flow and safety of users of the car park, but these are capable of being overcome by the use of a banksman to oversee the reversing of a servicing vehicle. This arrangement already exists at other food stores in Banbury and Bicester. A further update on these matters will be given at Committee.

Ecological Impact and flooding

- 8.11 Turning to the issue of the removal of condition 9. That condition is set out below

9. The development phase on the site of the Former Leisure Centre shall only take place once a scheme for the enhancement of the River Cherwell (between Cherwell Drive and Concorde Avenue) is submitted and agreed to in writing by the local planning authority.

Thereafter this phase of the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. Specific design requirements to ensure the safety of the development are:

- **The creation of meanders within the channel of the River Cherwell to the North and South of the site**
- **The removal of young sycamore trees aligning the bank and replace with native shrubs and larger native trees set back from the top of the bank**
- **The placement of gravel within the channel.**
- **The creation of small backwaters, joining the River Cherwell**

Reason - To provide enhancement to the river corridor.

- 8.12 The applicant considers the condition to no longer be justified, failing to meet all the tests of reasonableness as set out in paragraph 206 of the NPPF, namely:
- (i) necessary;
 - (ii) relevant to planning and;
 - (iii) to the development to be permitted;

(iv) enforceable;

(v) precise and;

(vi) reasonable in all other respects.

Specifically it is considered that the condition lacks precision, clarity (by reference to general 'enhancements' but with specific requirements to ensure the 'safety' of development), is no longer desirable (given the baseline condition of this stretch of the River) and has been superseded by improvements are being undertaken north of this stretch of the river

8.13 In support of their case the applicants make the following points

The development provides a riparian corridor for the River Cherwell and has limited impacts on the river habitat.

It is understood through consultation with the Environment Agency and the Wildlife Trust that mitigation for the new leisure centre development on the opposite bank included river enhancements, which were completed adjacent to the proposed development site in the form of a backwater channel. This work is still evident today in periods of high water. It is also their opinion that the habitat here is generally of good quality and is the current location of fish surveys for the Environment Agency, which show 'Good' fish populations according to the Water Framework Directive (WFD). WFD data also shows that invertebrate populations here are 'Good' and that the River Cherwell supports good hydromorphological quality elements.

The enhancements proposed in the condition, with the exception of the removal of young self seeded sycamores aligning the bank (see below) are already being completed on the River Cherwell, upstream of the site at Spiceball Park.

In 2015, the Environment Agency provided funding to support Phase 1 of a river restoration project known as Wild Banbury. The works involved electro-fishing on the River Cherwell, clearing away vegetation and trees overshadowing the river, creating small backwaters and planting up shallow river banks to create meanders.

In May 2016 Berks, Bucks and Oxon Wildlife Trust, the Heritage Lottery Fund, Banbury Town Council, Cherwell District Council and Grundon Waste Management announced that they are working together on Phase 2 of this project. A significant amount of funding has been secured to provide new opportunities for community groups and individuals to get involved in heritage conservation skills such as scything, as well as creating new habitats for wildlife by digging out ponds, clearing scrub and planting wild flowers. As part of this work the River Cherwell will be re-landscaped with new banks planted up with native wild flowers, bridges and benches so that more people can enjoy the amenity provided by the river.

As part of the development there will be the provision of a public footpath promoting access to the river corridor and linking it to Spiceball Park, providing much improved recreational access to the river corridor and enhancing the connectivity of the development. It is the applicants view that Condition 9 should be removed as it will not provide any further betterment to the current situation.

Any in-stream works undertaken adjacent to the site will only provide minimal benefits to the river corridor in this location which, as already stated, is already believed to be of good

quality. In addition, any works are constrained by the concrete embankments and maintenance access, which need to be retained.

With regards the removal of the self seeded sycamore trees referenced in the Condition (second bullet), these have been recommended for removal by the applicants arboriculturalist. A suitable replacement scheme is to be provided as part of the landscaping submission pursuant to the Outline Permission, but specifically responding to Condition 16 (which will be retained in any successor permission) and requires that:

“Prior to the installation of the first and successive phases of the development hereby approved, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping shall include:

Details of the proposed tree and shrub planting including their species, number, size and positions, together with grass seeded/turfed areas,

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 excavation distance between the base of the tree and the nearest edge of any excavation,

Details of the hard surface areas, including pavements, pedestrian areas, reduced-dig area, crossing points and steps”.

4.13 Landscaping proposals and enhancement within the River Corridor will be submitted pursuant to Condition 16. In discharge this condition it is anticipated that Cherwell District Council will seek advice from the Environment Agency and other relevant consultees.

- 8.14. We are yet to receive a response to the consultation with the Environment Agency. An update on this will be provided to the Committee.
- 8.15 The submission includes an updated assessment of flood risk. It confirms no material change to previously accepted findings

Other Matters

- 8.16 The relocation of the food store service yard to the north-east of the building will have noticeable acoustic benefits for the residents of Chamberlain Court as the servicing vehicles will turn off Spiceball Park Road before reaching this residential building, and furthermore any noises from the unloading of vehicles will be screened by the building itself.
- 8.17 Both the approved layout scheme and that shown on the revised parameter plans show the loss of many of the trees on the Spiceball Park Road frontage of the foodstore, caused by the change in levels at this point, the change in alignment of the road and the positioning of the building relative to that road. There will be opportunities to introduce new soft landscaping on parts of this frontage.

9. CONCLUSION

- 9.1 The changes to the access arrangements to Spiceball Park Road are considered to be acceptable, and indeed offer some advantages over the approved layout in reducing the potential disturbance to the residents of the nearby properties. Detailed concerns expressed by the highway authority are considered to be capable of being overcome satisfactorily by the use of conditions upon the subsequent reserved matters application that needs to be made.

- 9.2 The removal of condition 9 seems appropriate given the explanation set out by the applicants at paragraph 8.13. Confirmation of this from the Environment Agency is awaited.

10. RECOMMENDATION

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

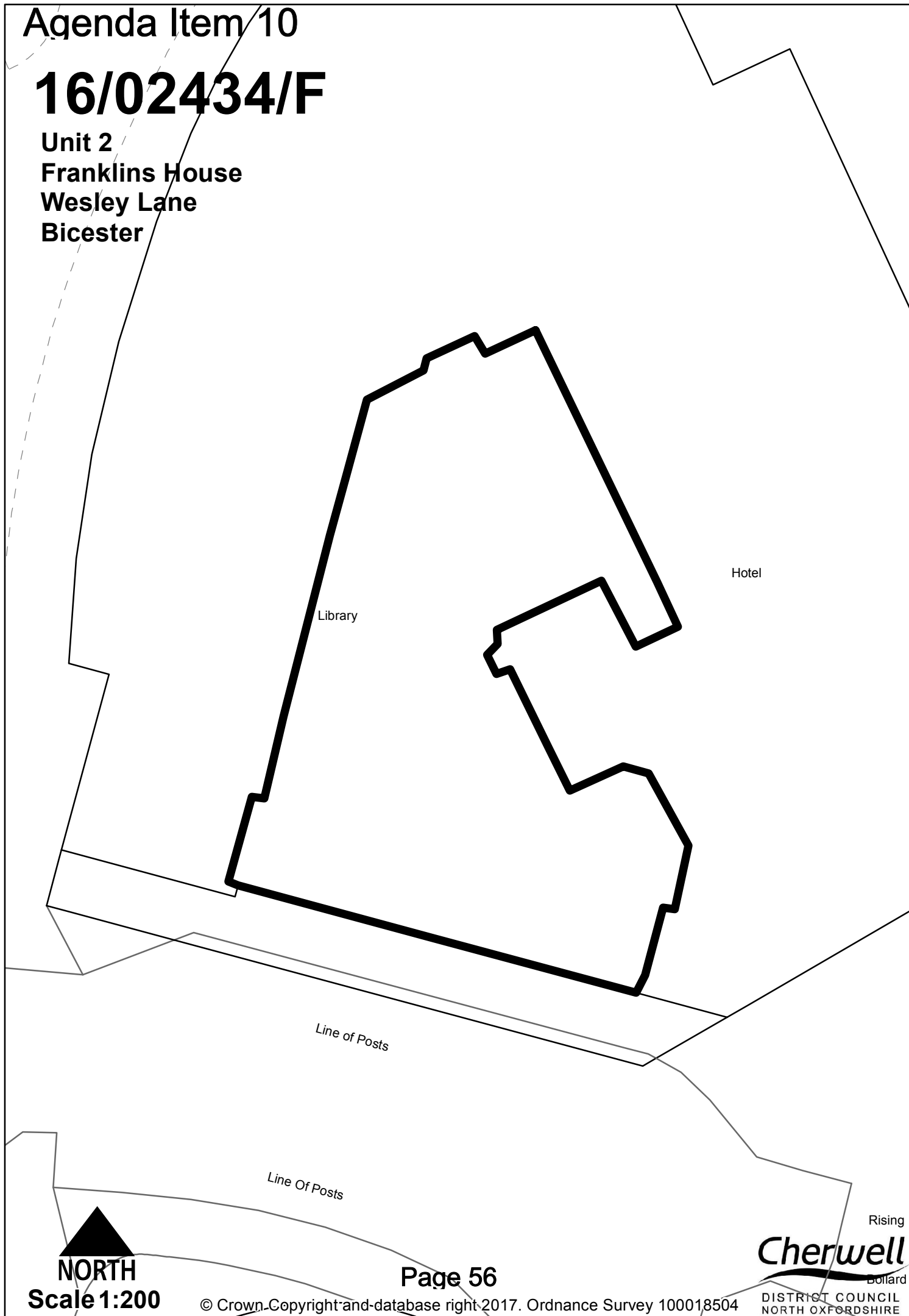
- a) The final comments of Oxfordshire County Council as highway authority and Environment Agency
- b) The applicants entering into a Deed of Variation to enable the provisions of the existing Section 106 legal agreement and Section 278 agreement with OCC to apply to this new consent
- c) the following conditions:
 - 1. It is recommended that previous condition 4 be amended to allow the substitution of alternative parameter plans to provide for the revised access arrangements
 - 2. That all previous conditions attached to permission 13/01601/OUT , except for condition 9 , shall be applied too this new consent

PLANNING NOTES

All previous planning notes are recommended to be re-applied .

16/02434/F

Unit 2
Franklins House
Wesley Lane
Bicester

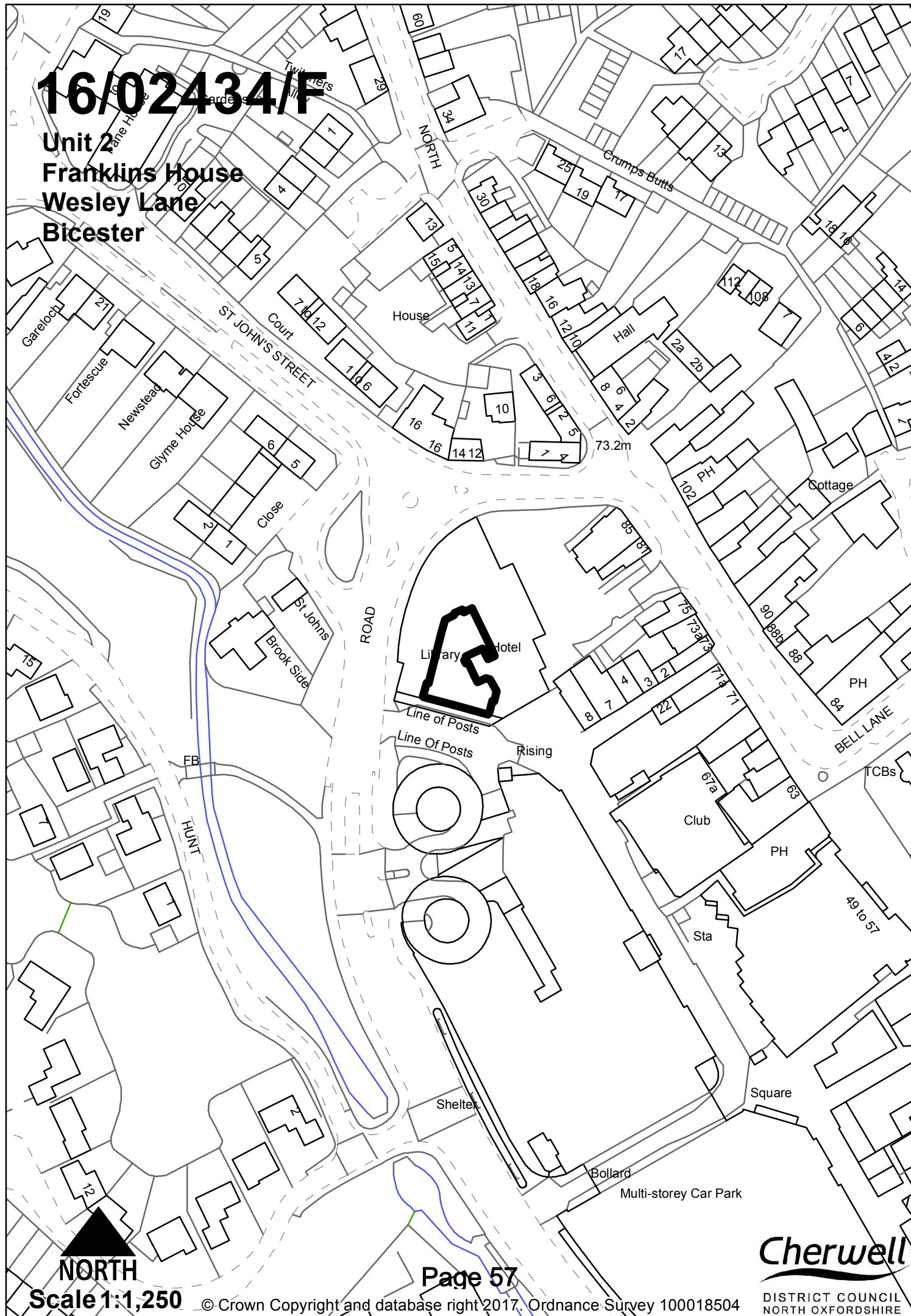


NORTH

Scale 1:200

16/02434/F

Unit 2
Franklins House
Wesley Lane
Bicester



Case Officer: Gemma Magnuson **Ward(s):** Bicester East

Applicant: Ms Karen Curtin – Cherwell District Council

Ward Member(s): Cllr Sean Gaul
Cllr Richard Mould
Cllr Tom Wallis

Proposal: Change of use from Class A to B1(a) office "Incubation space for start-up business"

Committee Date: 19.01.2017 **Recommendation:** Approve

Reason for Referral Cherwell District Council Application

1. Application Site and Locality

- 1.1 The application relates to a ground floor Class A (A1, A3, A4 or A5) unit at Franklins House on Wesley Lane in Bicester town centre. The building has recently been constructed, and is not a listed building. The site is in close proximity to the Bicester Conservation Area boundary. The land is potentially contaminated, and is of medium archaeological interest. A number of protected and notable species have been identified in the vicinity.
- 1.2 Franklins House is a five storey building that has consent for mix of uses including Class A, B1 (a), C1 and D1 uses.

2 Description of Proposed Development

- 2.1 The current application seeks a temporary 5 year consent to change the use of Unit 2 from Class A (A1, A3, A4 or A5) to Class B1(a), allowing the flexibility to lease the space as either Class A or Class B1(a) for 5 years. If the unit is not taken up for retail use then it is proposed to operate as an incubation centre for start-up businesses. More specifically, the office would be designed to provide desk space, meeting space and hot desk space to support start-up businesses locating within Bicester. The applicant considers the temporary 5 year consent is sufficient to provide the catalyst for local office-based businesses to locate within Bicester in the first instance, before finding longer term premises in the Bicester area.

3 Relevant Planning History

<u>App Ref</u>	<u>Description</u>	<u>Status</u>
14/00403/F	Erection of a five storey building comprising community and town centre uses together	Permitted 20

with servicing and alterations to the vehicle access June 2014

15/00180/F	Variation of Conditions 2, 3, 15 and 18 of 14/00403/F	Permitted on 20 March 2015
15/02230/F	Variation of Conditions 2 and 18 of 14/00403/F	Permitted on 22 January 2016

4 Response to Publicity

4.1 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. The final date for comment was 05 January 2017. One letter has been received commenting as follows:

- The redundant space could be used for community purposes. For instance, part could be used to house a Heritage Centre/Museum. Another part could be used as a Post Office, generating income and easing pressure on Martins in Sheep Street. Any surplus space could be used as incubation space, accomplishing three projects.

5 Response to Consultation

Bicester Town Council: welcome the application.

Cherwell District Council Business Support Unit: no comments received.

Cherwell District Council Economic Development: no comments received.

Oxfordshire County Council Highway Authority: no objection.

6 Relevant National and Local Planning Policy and Guidance

6.1 Development Plan Policies:

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

Cherwell Local Plan 2011 - 2031 Part 1

ESD15 - The Character of the Built and Historic Environment

SLE1 - Employment Development

SLE2 - Securing Dynamic Town Centres

BIC5 - Strengthening Bicester Town Centre

Cherwell Local Plan 1996 (Saved Policies)

ENV1 – Development likely to cause detrimental levels of pollution

C28 - Layout, design and external appearance of new development

C31 – Compatibility of proposals in residential areas

6.2 Other Material Planning Considerations:

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

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

7 Appraisal

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

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

Principle of Development

- 7.2 The acceptability of the principle of the change of use from Class A (A1, A3, A4 or A5) to B1(a) stands to be considered against Government guidance contained within the NPPF and Policies SLE1, SLE2 and Bicester 5 of the Cherwell Local Plan 2011-2031.
- 7.3 The Cherwell Local Plan 2011-2031 designates the site as being beyond the current town centre boundary, although within the Area of Search for the Town Centre Extension. The site is not within the Primary Shopping Frontage.
- 7.4 Government guidance contained within the NPPF to ensure that local authorities support the viability and vitality of town centres, as the heart of their communities. A range of suitable sites should be allocated in order to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development that is needed in town centres. Where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity. A Main Town Centre Use (MTCU) is defined as retail development, leisure, entertainment facilities (e.g. cinemas, night clubs, health and fitness centres, bingo halls), offices and arts, culture and tourism development. The B use proposed does not fall into this definition.
- 7.5 Policy SLE 1 of the Cherwell Local Plan 2011-2031 relates to employment development, which is defined as a B Use Class. Employment proposals in Bicester would be supported if

they are within the built-up limits of the settlement, outside the Green Belt, make efficient use of previously developed land, make efficient use of existing and underused sites and premises and increasing the intensity of use on sites, have good access by public transport and other sustainable modes, meet high design standards using sustainable construction and does not have an adverse effect on surrounding land uses, residents and the historic and natural environment.

- 7.6 Policy SLE2 of the Cherwell Local Plan 2011-2031 seeks to direct retail and other Main Town Centre Uses towards the town centre of Bicester. Where proposals for retail and other MTCU's are proposed in non-town centre locations they should be in edge of centre locations. Preference will be given to sites that are well connected to the town centre and the sequential test will be applied.
- 7.7 Policy Bicester 5 seeks to strengthen Bicester town centre and states that shopping, leisure and other MTCU's will be supported within Bicester town centre. The Council will review the town centre boundary through the Local Plan Part 2, but prior to this, retail and other MTCU's will only be supported within the Area of Search if they form part of new schemes which help deliver the aims for central Bicester.
- 7.8 Whilst the site itself is beyond the current town centre boundary, the unit does form a part of a larger building accommodating other MTCU's, such as the existing offices and hotel, which have only recently been accepted in this location. Further, the site is around 10 metres from the current town centre boundary, and forms a part of the Area of Search. Whilst other vacant units are available within the current town centre boundary that could be considered for the proposed B1 (a) use, given that the proposed use would replace an approved MTCU, the close proximity to the current town centre boundary and the aims of the development to make use of a vacant unit, encourage economic activity and improve the character and appearance of the centre of Bicester, it is considered that the principle of the development can be supported.
- 7.9 In addition, only a temporary consent is sought, enabling the development to be re-assessed at the end of the five year period, if necessary.

Design, Layout and Appearance

- 7.10 The proposed development would involve no external alterations and there would be no impact upon the design, layout and appearance of the building as a result.

Impact on Heritage Assets

- 7.11 The proposed development would involve no external alterations and there would be no impact upon the setting of the designated Conservation Area as a result.

Accessibility, Highway Safety and Parking

- 7.12 The site itself does not benefit from designated off-street car parking, although it is positioned opposite a large public car park and in close proximity to bus stops serving the town centre. There are 10 cycle spaces available on site. The Highway Authority has raised no objection to the change of use, and it is considered that the development would not result in harm to highway safety, in accordance with Government guidance contained within the NPPF.

Effect on Neighbouring Amenity

- 7.13 Government guidance contained within the NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy ESD 15 of the Cherwell Local Plan 2011-2031 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. In addition, saved Policy C31 of the Cherwell Local Plan 1996 seeks compatible development in residential areas, and saved Policy ENV1 of the Cherwell Local Plan 1996 seeks to resist development that would result in materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution.
- 7.14 When taking account of the current authorised use of the site for Class A1, A3, A4 or A5 purposes, it is considered that Class B1(a) has a lower potential to detrimentally affect the amenity enjoyed by the occupants of nearby residential properties. Class B1(a) uses are generally compatible with residential areas, and it is not considered that significant harm would be caused to living amenities, in accordance with the above Policies.

8. Conclusion

- 8.1 The principle of the proposed change of use in this edge of centre location is considered acceptable, and the development is not considered to cause harm to the visual amenities of the area, the setting of the designated Conservation Area, highway safety or neighbouring amenity, in accordance with Government guidance contained within the NPPF, Policies SLE1, SLE2, ESD 15 and Bicester 5 of the Cherwell Local Plan 2011-2031 and saved Policies C28, C31 and ENV1 of the Cherwell Local Plan 1996.

9. Recommendation

That the application is **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.

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Supporting Planning Statement dated November 2016, Drawing Number 035/01, 035/02

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

3. The premises shall be used only for purposes falling within Class B1(a) as specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.

Reason – To enable the Council to review the position at the expiration of the stated period,

in order not to prejudice the consideration of future proposals for the land in accordance with Policies SLE2 and Bicester 5 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. At the expiration of five years from the date hereof the use specified in your application shall be discontinued and the unit shall revert back to Class A1, Class A3, Class A4 or Class A5 use as specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 approved as part of 15/02230/F.

Reason – To enable the Council to review the position at the expiration of the stated period, in order not to prejudice the consideration of future proposals for the land in accordance with Policies SLE2 and Bicester 5 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

CONTACT OFFICER: Gemma Magnuson

TELEPHONE NO: 01295 221827

Agenda Item 11

Cherwell District Council

Planning Committee

19 January 2017

Appeals Progress Report

Report of Head of Development Management

This report is public

Purpose of report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **16/00548/F Land at Hempton Lodge, Snakehill Lane, Hempton.** Appeal by Cre8ive Homes against the refusal of planning permission for development of a single storey dwelling – re-submission of 15/01563/F.

16/00892/OUT 15 and 17 Milton Road, Bloxham, OX15 4HD. Appeal by Mr Barmby against the refusal of planning permission for outline of 3 dwellings.

16/01706/F Land North Of OS 0006 And South East Of College Farm, Pinchgate Lane, Bletchington. Appeal by JE and AJ Wilcox against the refusal of planning permission for the erection of 6 no. agricultural buildings for poultry production, together with associated infrastructure of boiler building, ancillary buildings, feed bins, harstandings access and drainage attenuation pond.

16/02001/F 18 New Street, Bicester, OX26 6EY. Appeal by Bicester Golf and Country Club against the refusal of planning permission for a two storey front and single storey side extension (revised scheme of 16/00524/F).

16/02030/F Bishops End, Burdrop, Banbury, OX15 5RQ. Appeal by Mr Noquet against non-determination for the erection of a single storey building providing 3 No. en-suite letting rooms – re-submission of 16/01525/F.

16/02058/F March House, Main Street, Mollington, OX17 1BP. Appeal by Mr and Mrs Finlay against the refusal of planning permission for erection of replacement garage and garden store with home officer over.

- 2.2 Forthcoming Public Inquires and Hearings between 19th January 2017 and 16th February 2017.

Planning Hearing commencing Tuesday 7th February 2017 at 10am in the River Cherwell Meeting Room, Cherwell District Council, White Post Road, Bodicote, OX15 4AA. Appeal by Vanderbilt Homes & International Wood Agency Ltd against the refusal of planning permission for the demolition of existing industrial buildings and erection of 21 affordable dwellings and 49 open market dwellings, with associated new access, open space and landscaping. Hearing rescheduled following the cancellation of the originally scheduled date (30th November 2016).

2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Dismissed the appeal by Mr Hussain against the refusal of planning permission for two storey extension and conversion to form four flats. 42 Grimsbury Square, Banbury, OX16 3HP. 16/00042/F – (Delegated).**

The appeal relates to a two storey side extension and conversion to 4 flats of an existing residential property. The Inspector identifies the main issues as being the effect of the proposal on the character and appearance of the area, and whether it would provide satisfactory living conditions for future occupiers with regard to outdoor amenity space.

On the first issue, the Inspector concluded that the extension would result in a substantial and disproportionate addition, failing to follow the prevailing building line along this side of Grimsbury Square. The Inspector also noted that the extension would thus give the property an unbalanced appearance, incongruous in views from around the junction of Grimsbury Square and Grimsbury Drive, and from further along the latter. The inspector considered that the prominent location on this junction draws attention to this. Whilst the appellant made note of other extensions in the immediate area that had also been extended, the Inspector concluded that insufficient evidence was provided to demonstrate the reasoning for these decisions, and in any case, each application and appeal should be judged on its individual merits.

Regarding the second issue, the Inspector made note that the extension would substantially reduce the amount of space to the side of the property, and would leave a substantially smaller rear garden compared to most of the dwellings in the area. However he considered that whilst the resulting outdoor space would not be sufficient to provide an adequate outdoor amenity space in itself considering the likely number of future occupants, given the substantial area of public open space in Grimsbury Square, the Inspector concluded that their overall needs would be met.

The Inspector therefore concluded that whilst the proposal would provide acceptable living conditions for the proposed development's future occupiers, this would be significantly and demonstrably outweighed by the harm to the character and appearance of the area.

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

The proposal was to enclose an open area of land to the side of a suburban dwelling. The Council considered that the amenity space formed a valuable part of the public realm and streetscene. The main issue for consideration, therefore, was whether the proposed fence would adversely affect the character and appearance of the area.

The Inspector found that the land was physically contiguous with an area of public open space to the rear of the property and that the erection of timber fencing around the land would have resulted in a *small but nonetheless pronounced adverse effect by diminishing the overall spaciousness that is a characteristic of the street scene*, contrary to Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 Cherwell Local Plan 2011-2031 Part 1 which states that *new development should, amongst other things, contribute positively to an area's local distinctiveness and integrate with existing streets and public spaces*.

Although the appellant provided examples of other schemes nearby, the Inspector could not draw any useful comparisons between them and the appeal proposal. The Inspector did however agree with the Council's argument that the grant of planning permission would set a precedent for similar development in the surrounding area and the approval of this proposed could have been used in support of similar schemes in the locality. The Inspector found that this *was not a generalised fear of precedent, but a realistic and specific concern given that there are other properties nearby with areas of land within their grounds but outside of their physically contained garden areas*. The appeal was therefore dismissed.

3) Dismissed the appeal by Mr Allmond against the refusal of outline planning permission for the erection of a single detached dwellinghouse – re-submission of 15/00800/OUT. Land adj to Corner Cottage, Bignell View, Chesterton. 16/00422/OUT – (Delegated).

The Inspector concluded that the main issue is the effect of the proposed development on the character and appearance of the Chesterton Conservation Area.

The Inspector stated that the development in Bignell View is mainly one house deep with most dwellings on relatively generous plots with spacious gardens and that there is a sense of spaciousness in a relatively low density built environment. The Inspector went on to note that the siting of the dwelling, albeit with its limited height, on the plot would occupy the visual space that exists between Ailleen and Corner Cottage and it would therefore adversely affect

views towards traditional stone historic buildings of Bignell View and the Conservation Area from the roads to Kirtlington and Little Chesterton. The Inspector stated that these are the first views of the Conservation Area at that entry point to the village and are of value, despite not being identified in the Chesterton Conservation Area Appraisal.

The Inspector considered that the design, footprint and height of the proposal would be likely to draw the eye to the detriment of the Conservation Area and would also appear incongruous in the street scene in its prominent location. The Inspector also noted that the mass and density would compromise the spacious character of this part of the village at the start of the conservation area.

The Inspector concluded that the development would cause less than substantial harm the character and appearance of the conservation area and whilst there are some limited public benefits to the scheme, these were not considered to outweigh the harm identified therefore the appeal was dismissed.

4) Dismissed the appeal by Farima Properties Ltd against the refusal of planning permission for the erection 1 No. dwelling with associated parking and garden (resubmission of 15/01996/F). Land at Third Acre, Shutford Road, Balcote, OX15 6JQ. 16/00567/F – (Delegated).

The appeal related to the construction of a two storey dwelling to the front of the bungalow at Third Acre, Balcote. The Inspector identified the main issue as being the effect of the proposal on the character and appearance of the area with particular regard to whether it would preserve or enhance the character or appearance of the Balcote Conservation Area and the Grade II listed Butchers Arms Public House.

The appeal site is located outside of the conservation area but located directly adjacent to it. The site is located directly to the north of the Grade II listed Butchers Arms.

On the matter of the impact on the conservation area, the Inspector stated that though the site was located outside of the conservation area, it still made a positive contribution to the loose-knit and spacious character of the area. The erection of a dwelling on a parcel of land that contributes to the character and appearance of the conservation area was considered to have a harmful effect on the conservation area.

On the matter of the impact on the setting of the nearby listed building, the Inspector stated that the open spaces to the north and south of the Butchers Arms provide a very important part of its setting. The dwelling would have been of a much smaller scale than the public house and because of the combination of this incongruous contrast in proportions and the impact on the space surrounding the listed building, it was considered that the development would be harmful to the setting of the heritage assets. This harm was considered to be less than substantial and the provision of one further dwelling was not considered to be a sufficient public benefit to outweigh the harm caused to the significance of the heritage assets.

The Inspector concluded that the development would harm the character and appearance of the area and in particular harm the significance of the CA and the

Grade II listed building. The development would be contrary to Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28, C30 and C33 of the Cherwell Local Plan 1996.

5) Allowed the appeal by Mr Howson against the refusal of planning permission for the erection of 2 No. dwellings – re-submission of 15/02006/OUT. Jack Barn, West End, Launton, OX26 5DG. 16/00657/OUT – (Delegated).

The appeal related to the removal of the existing large, modern store/workshop building, clad in grey steel over concrete panels and including roller doors and its replacement with two detached dwellings. The Inspector identified the main issue in this case being the effect of the proposed development on the character and appearance of the area.

Whilst a previous appeal Inspector, who dealt with an enforcement appeal on the site, considered the site to be within the open countryside, the current Inspector concluded that there was now an obvious physical and visual relationship with the village (following the construction of a new dwelling on an adjacent site) and that the appeal development “would relate well to it”.

The Inspector considered that *“the replacement of the large, industrial looking building with 2 dwellings, in an area already characterised by residential development would not result in the urbanisation of the site or detract from the rural character or setting of this part of Launton. Consequently, the proposed development would not have a harmful effect on the character and appearance of the area.”* The development was therefore concluded to be policy compliant and the appeal was allowed.

Turning to the appellant’s application for costs, it had been alleged by the appellant that the Council had behaved unreasonably by virtue of: ignoring the planning merits of the site; becoming side-tracked by the enforcement investigation; providing mixed messages regarding the acceptability of the proposal; and failing to positively and proactively engage with the appellant.

The Inspector dismissed these accusations and found that the Case Officer had acted reasonably and that the application report was not either biased or negative. As unreasonable behaviour had not been demonstrated, the application for costs was refused.

6) Allowed the appeal by Mr Castle against the refusal of planning permission for a single storey extension to rear, new roof light window and summer house. Orchard Barn, 40 Yew Tree Close, Launton, OX26 5AE. 16/00798/F – (Delegated).

The appeal proposal was for a single storey rear extension, a new roof light window and summer house. The main issue identified by the Planning Inspector was the impact on the character and appearance of the host converted barn (non-designated heritage asset) and its surrounding area.

In respect of the extension, the Inspector concluded that it would reflect the roof form of the original barn but would be set down at roof level and set back from

the side elevation and would be narrower in width than the host dwelling. The Inspector considered that the primarily glazed elevation fronting Station Road would appear as a later addition and would also limit the visual impact of its massing.

The Inspector was of the opinion that the proposed summer house would not have any greater impact than the domestic paraphernalia which can be currently be seen. Notwithstanding the fact that it was to be inserted into a converted barn, the Inspector found that the proposed roof light was small in size and would be similar to others seen on the adjoining building.

The Inspector therefore concluded that the appeal should be allowed as, in their opinion, not only did it comply with the development plan it also accorded with the Council's design guide for the conversion of farm buildings.

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