

**Committee:** Planning Committee  
**Date:** Thursday 18 May 2017  
**Time:** 2.00 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

## Membership

Membership of the Committee will be confirmed at the Annual Meeting of the Council on Tuesday 16 May 2017

## 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 - 17)

To confirm as a correct record the Minutes of the meeting of the Committee held on

## 6. Chairman's Announcements

To receive communications from the Chairman.

## Planning Applications

7. **Part Land On The North East Side Of Gavray Drive Bicester** (Pages 21 - 63)  
**15-00837-OUT**
8. **Inside Out Interiors Ltd, 85 - 87 Churchill Road, Bicester, OX26 4PZ**  
(Pages 64 - 76) **16/02461/OUT**
9. **Cherwell District Council, Former Offices, Old Place Yard, Bicester**  
(Pages 77 - 80) **17/00023/DISC**
10. **Rookery Barn, 66 Lower End, Piddington, Bicester, OX25 1QD** (Pages 81 - 97)  
**17/00133/F**
11. **OS Parcel 9635 North East Of HM Bullingdon Prison, Widnell Lane, Piddington**  
(Pages 98 - 132) **17/00145/F**
12. **Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury**  
(Pages 133 - 160) **17/00284/REM**
13. **18 Bridge Street, Banbury** (Pages 161 - 177) **17/00288/F**
14. **NB Acres, Aynho Road, Adderbury, OX17 3NU** (Pages 178 - 189) **17/00448/F**
15. **Eco Business Centre, Charlotte Avenue, Bicester** (Pages 190 - 216)  
**17/00573/CDC**
16. **Land West Of Horn Hill Road, Adderbury** (Pages 217 - 236) **17/00588/F**
17. **Stratton Fields Livery Stables, Launton Road, Stratton Audley, Bicester, OX27 9AS** (Pages 237 - 248) **17/00591/F**
18. **Playing Field East Of Geminus Road, Chesterton** (Pages 249 - 257)  
**17/00632/F**
19. **33 Waller Drive, Banbury, OX16 9NS** (Pages 258 - 264) **17/00774/F**

## **Review and Monitoring Reports**

### **20. Appeals Progress Report (Pages 265 - 274)**

Report of Head of Development Management

#### **Summary**

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

#### **Recommendations**

The meeting is recommended:

- 1.1 To accept the position statement.

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

## **Information about this Agenda**

### **Apologies for Absence**

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

### **Declarations of Interest**

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

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

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

### **Evacuation Procedure**

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

### **Access to Meetings**

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

### **Mobile Phones**

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

### **Queries Regarding this Agenda**

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

**Ian Davies**  
**Interim Head of Paid Service**

Published on Wednesday 10 May 2017

# Agenda Item 5

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,  
Bodicote, Banbury, OX15 4AA, on 13 April 2017 at 4.00 pm

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

178 **Declarations of Interest**

**9. Land South of and Adjoining Bicester Services, Oxford Road, Bicester.**

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

Councillor Les Sibley, Disclosable Pecuniary Interest, as a member of Bicester Town Council which was consulted on the application.

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

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

**11. OS Parcel 0005 South Of Hill Farm And North Of West Hawthorn Road, Ambrosden.**

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

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

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

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

179 **Requests to Address the Meeting**

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

180 **Urgent Business**

The Chairman reported that he had agreed to add one item of urgent business to the agenda.

181 **Minutes**

The Minutes of the meeting held on 16 March 2017 were agreed as a correct record and signed by the Chairman.

182 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
2. The order of the agenda would be changed and the next item confirmed accordingly at the conclusion of each item.

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### **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 8 gypsy families, each with two caravans and an amenity building. Improvement of existing access, construction of driveway, laying of hard standing and installation of package sewage treatment plant for Clifford Smith and Robert Butcher at Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton.

Matthew Pearson and Andrew Glossop, local residents, addressed the committee in objection to the application.

Philip Brown, agent for the applicant, addressed the committee in support of the application.

Councillor Clarke proposed that application 16/01780/F be approved in line with the officer recommendation. Councillor Heath seconded the proposal. The motion was duly voted on subsequently fell.

Councillor Pickford proposed that application 16/01780/F be refused as the proposal was contrary to Policies ESD13 and ESD15 of the Cherwell local Plan Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government advice within the National Planning Policy Framework. Councillor Milne Home seconded the proposal.

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

### **Resolved**

That application 16/01780/F be refused for the following reasons:

1. The proposed development, by virtue of its siting adjacent to the M40, would be adversely affected by noise, thereby resulting in an unacceptable living environment for the occupiers of the proposed traveller pitches. As such, the development would give rise to "Significant Adverse Effects" on the health and wellbeing of residents of the new development and is considered to be unsustainable, contrary to Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework and Noise Planning Practice Guidance.
2. The proposed development, by virtue of its siting in the open countryside, overall scale and appearance, would have an urbanising

effect on the open countryside, and would result in detrimental harm to the rural character and appearance of the area. Thus, the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell local Plan Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government advice within the National Planning Policy Framework.

184 **Church Leys Field, Blackthorn Road, Ambrosden**

The Committee considered application 16/02370/F for the erection of 85 dwellings with public open space, associated parking, landscaping, new vehicular accesses and servicing for Bellway Homes Limited And Archstone Ambrosden Limited at Church Leys Field, Blackthorn Road, Ambrosden.

Councillor Wood proposed that application 16/02370/F be deferred to allow further negotiations. Councillor Richards seconded the proposal.

**Resolved**

That application 16/02370/F be deferred to allow for further negotiations.

185 **Land South of and Adjoining Bicester Services, Oxford Road, Bicester**

The Committee considered application 16/01078/F for Bicester Gateway (Kingsmere – Retail) four Class A1 (retail) units, one Class A3 (Café/restaurants) unit, a Class D2 (gym) unit, surface level car parking, access, servicing and associated works for CPG Development Projects Ltd at Land South of and Adjoining Bicester Services, Oxford Road, Bicester.

Luke Raistrick, on behalf of Tesco and Graham Warriner, on behalf of Barton Willmore addressed the committee in objection to the application.

Iain Miller, the applicant, addressed the committee in support of the application.

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

**Resolved**

That application 16/02505/OUT be approved, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of Oxfordshire County Council to secure financial contributions as outlined above and Countryside and other related parties in varying the pre-existing agreement in respect of 06/00967/OUT
- b) Amendments to the materials proposed requiring the use of natural materials



- c) That delegation be given to officers to make any further minor adjustments to the conditions deemed necessary before final approval
- d) the following conditions:
  1. No development shall commence until full details of the landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
  2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
  3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
  4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: (These need to be inserted)
  5. Prior to the commencement of the development hereby approved, samples of the materials to be used in the construction of the walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
  6. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
  7. Prior to the commencement of the development hereby approved, a natural stone and brick sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid dressed and pointed in strict accordance with the stone and brick sample panels approved.
  8. Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.
  9. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site/existing and proposed site levels for the proposed 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 approved finished floor levels plan.

10. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the development first being brought into use.
11. Prior to the commencement of the development hereby approved, full details of the new boundary wall and gates to be constructed, along the rear Service Yard boundary shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the new boundary treatment shall be erected, in accordance with the approved details, and retained and maintained in situ at all times.
12. Prior to the commencement of the development hereby approved, full details of a scheme to acoustically enclose all items of mechanical plant and equipment within the building, including compressor motors and fans. Thereafter, and prior to the first occupation of the building, the development shall be carried out and retained in accordance with the approved details.
13. All buildings hereby approved shall be constructed to at least a BREEAM 'Very Good' standard.
14. If, during development or as part of any further investigation, contamination not previously identified 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.
15. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
16. Prior to the commencement of the development hereby approved, full details of all of the accesses to the site (including vehicular and pedestrian), including position, layout, construction, drainage, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the accesses shall be constructed and retained in accordance with the approved details.

17. Prior to the first use of occupation of the development hereby approved, covered cycle parking facilities shall be provided on site in accordance with the details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
18. Prior to the first use of occupation of the development hereby approved, a Framework travel plan shall be submitted and approved in writing by the Local Planning Authority. Thereafter, within 3 months of the occupation/use of the units hereby approved, supplementary travel plan(s) linked to the Framework Travel Plan shall be submitted and approved in writing by the Local Planning Authority.
19. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and adhering to the approved Kingsmere Development Design Code before the development is completed. The scheme shall also include:
  - Discharge Rates
  - Discharge Volumes
  - Maintenance and management of SUDS features(this may be secured by a Section 106 Agreement)
  - Sizing of features – attenuation volume
  - Infiltration in accordance with BRE365
  - Detailed drainage layout with pipe numbers
  - SUDS (list the SUDS features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy).
  - Network drainage calculations
  - Phasing
20. Prior to the first use of the business hereby approved, suitably located waste bins shall be provided outside the premises and retained for public use in accordance with details to be firstly submitted to and approved in writing by the Local Planning Authority.
21. The development hereby approved shall be carried out in accordance with the recommendations set out in of the Ecological Appraisal Document carried out by Aspect Ecology in July 2015.
22. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

23. Prior to the commencement of the development hereby approved, full details of a scheme for the location of habitat boxes on the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building of the development, the habitat boxes shall be installed on the site in accordance with the approved details and thereafter maintained and retained in situ.
24. Within the first available planting season following the occupation of the building, or on the completion of the development, whichever is the sooner, the existing hedgerow along the A41 boundary shall be reinforced by additional planting in accordance with a detailed scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority. Thereafter, any plant/tree within the hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species 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). Thereafter the new planting shall be properly maintained in accordance with this condition.
25. The retail units hereby approved shall be used for the sale of comparison goods only as specified in the application, with some ancillary food retail and café facilities in units 2 and 3, strictly in accordance with paragraphs 3.5 and 3.6 of the Planning and Retail Statement prepared by Mango dated December 2016. The units shall not be subdivided without the express planning consent of the Local Planning Authority.
26. The A3 and D2 units hereby approved shall be used only for the purpose of a restaurant and Gym as indicated on the approved plans and for no other purpose whatsoever.
27. Prior to the commencement of any development on the site, a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plan.
28. Prior to the commencement of the development hereby approved, the ANPR Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plan.
29. Prior to the commencement of the development hereby approved, a signage strategy shall be submitted to and approved in writing by the Local Planning Authority. The signage shall thereafter be carried out in accordance with the approved strategy.
30. No works between March and August 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 the site, together with details of measures to protect the nesting bird interest on the site.

31. All species used in the planting proposals associated with the development shall be native species of UK provenance.
32. Planting pit details in hard landscaped areas
33. Planting pit details in soft landscaped areas
34. The A3 unit in Block B hereby approved, shall be used only for A3 purposes and for no other purpose whatsoever.
35. The first floor to Block B hereby approved, shall be used only for the purposes of a gym and for no other purpose whatsoever, including any other purpose in Class D2 of Schedule of the Town and Country Planning (Use Classes)(Amendment)(England) Order 2005.

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**OS Parcel 2200 Adjoining Oxford Road North Of Promised Land Farm, Oxford Road, Bicester**

The Committee considered application 16/02586/OUT for Phase 1 of the proposed new business park ("Bicester Gateway") comprising up to 14,972 sq m (Gross External Area) of B1 employment based buildings, plus a hotel (up to 149 bedrooms), with associated infrastructure, car parking and marketing boards for Bloombridge LLP at OS Parcel 2200 Adjoining Oxford Road North Of Promised Land Farm, Oxford Road, Bicester.

Richard Cutler, the applicant, addressed the committee in support of the application.

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

**Resolved**

That application 16/02586/OUT be approved, subject to the following conditions:

1. No development shall commence on a phase identified within an approved phasing plan until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase have been submitted to and approved in writing by the Local Planning Authority.
2. Prior to the submission of any application for reserved matters approval and notwithstanding any plans submitted as part of this application, a phasing plan covering the entire application site 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 phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase it relates to as set out in the approved phasing plan.

3. In the case of the reserved matters, no application for approval shall be made later than:
  - a) With respect to development identified as Phase 1A on drawing no. 16084 P102, the expiration of one year beginning with the date of this permission.
  - b) With respect to development identified as Phase 1B on drawing no. 16084 P102, the expiration of five years beginning with the date of this permission.
4. Neither Phase 1A or Phase 1B of the development to which this permission relates shall be begun later than the expiration of two years from the final approval of the reserved matters relating to that phase or, in the case of approval on different dates, the final approval of the last such matter to be approved.
5. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and drawings:16084 P101 Rev. P1
6. All applications for reserved matters approval shall be accompanied by details of the existing ground levels together with proposed finished floor levels of all buildings within that phase. Development in that phase shall thereafter be undertaken in accordance with the ground/floor levels approved as part of a subsequent grant of reserved matters approval.
7. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development Order) 2015 (and any Order or Statutory Instrument revoking, amending or re-enacting that order), all water, waste, energy and communication related services on the site to serve the proposed development shall be provided underground and retained as such thereafter except with the prior express written approval of the local planning authority.
8. Except to allow for the means of access and necessary visibility splays, the existing hedgerows along the western (A41), southern and eastern (Wendlebury Road) boundaries of the site shall be retained and properly maintained at a height of not less than 3m from the date of this planning permission, and if any hedgerow plant/tree dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.
9. All applications for reserved matters approval that submit details of 'access', shall be accompanied by full details of the access visibility splays relating to that phase of the development (including layout and

construction). Thereafter, and prior to the first occupation of the development within that phase, the visibility splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.

10. Prior to the commencement of a phase of the development, a Construction Management Plan relating to that phase shall be submitted to and approved in writing by the local planning authority which details measures to protect biodiversity during construction and mitigate impact on the local highway network. The development shall thereafter only be carried out in accordance with the approved Construction Management Plan.
11. Prior to first occupation of development on a phase, a Travel Plan relating to development in that phase shall be submitted to and approved in writing by the local planning authority. Thereafter, the development in that phase shall operate in accordance with the approved Travel Plan.
12. Prior to first occupation of any Class B1 development on land indicated in the application drawings as Phase 1B, a car park management plan shall be submitted to and approved in writing by the local planning authority. Thereafter, the entirety of the development on Phase 1B shall operate in accordance with the approved car park management plan.
13. Prior to the first occupation of development in a phase, a delivery and servicing plan relating to that phase shall be submitted to and approved in writing by the local planning authority. Thereafter, deliveries and servicing shall thereafter take place for that phase in accordance with the approved delivery and servicing plan unless otherwise agreed in writing by the local planning authority.
14. Prior to the commencement of development in a phase, details of a scheme of surface water drainage to serve that phase shall be submitted to and approved in writing by the local planning authority. The development in that phase shall thereafter be implemented in accordance with the approved surface water drainage scheme and shall not be occupied until the approved surface water drainage scheme has been full laid out and completed.
15. No development shall commence on any phase until impact studies on the existing water supply infrastructure relating to that phase, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, has been submitted to and approved in writing by the Local Planning Authority.
16. Development shall not commence on any phase until a drainage strategy detailing any on and/or off site drainage works for that phase has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or

surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

17. Prior to the commencement of development on a phase, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation for that phase which shall be submitted to and approved in writing by the Local Planning Authority.
18. Following the approval of the Written Scheme of Investigation referred to in condition 17, and prior to the commencement of development in a phase (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out in that phase by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.
19. The development hereby approved shall be carried out at all times in accordance with the methodology contained within the submitted "Archaeological Protection Measures Report – produced by Brian Hamill and dated 19th January 2017" unless otherwise with the prior written agreement of the local planning authority.
20. The development on Phase 1A shall only be used only for purposes falling within Use Class C1 as specified in the Schedule to the Town and Country Planning (Use Classes) ( (England) Order 1987 (as amended) and for no other purpose(s) whatsoever notwithstanding any provisions otherwise contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (including any amendments or re-enactments of this Order). The development on Phase 1B shall only be used only for purposes falling within Use Class B1 as specified in the Schedule to the Town and Country Planning (Use Classes) (England) Order 1987 (as amended) and for no other purpose whatsoever notwithstanding any provisions otherwise contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (including any amendments or re-enactments of this Order).
21. All applications for reserved matters approval relating to a phase shall be accompanied by details of the external lighting to be installed within that phase including details of luminance and light spillage. The development shall thereafter only be constructed in accordance with the lighting details approved as part of the grant of reserved matters approval and no other external lighting thereafter installed without the prior written consent of the local planning authority.
22. No removal of hedgerows, trees or shrubs shall take place between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based



on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

23. All applications for reserved matters approval shall be accompanied by a statement that appraisals the ecological implications of those reserved matters proposals including how they would mitigate harm to protected/priority species and contribute towards achieving an overall net gain for biodiversity as part of the overall development. Thereafter, measures set out in the statement shall be implemented in full on site in accordance with the details approved as part of the grant of reserved matters approval.
24. If the development on Phase 1A or Phase1B does not commence within three years of the date of this decision, updated surveys for all statutorily protected species assessed as part of the planning application shall be re-undertaken prior to the commencement of the development in order to establish changes in the presence, abundance and impact on such species. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of any development on that phase. Thereafter, the development shall be carried out in accordance with the approved details.
25. All buildings hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision. All applications for reserved matters approval relating to a phase shall be accompanied by details demonstrating how the buildings within that phase would be designed to achieve the BREEAM 'Very Good' rating.
26. The first application for reserved matters approval relating to each of Phases 1A and 1B shall be accompanied by an Energy Statement relating to that phase that demonstrates the significant on-site renewable energy provision that will be incorporated into the development on that phase except where such on-site renewable energy provision is robustly demonstrated within the Energy Statement to be unfeasible or unviable. The on-site renewable energy provision approved as part of the reserved matters approval shall thereafter be fully incorporated within the development and no occupation of development within that phase shall take place until the approved on-site renewable energy provision is fully installed and operational.
27. No development shall commence on a phase until full details of the 3m wide combined footway/cycleway (including lighting) along the A41 to serve that phase has been submitted to and approved in writing by the local planning authority. The approved combined

footway/cycleway shall thereafter be provided to serve that phase prior to the first occupation of any development within that phase.

28. No development shall take place until full details of the provision of a new bus stop layby along the southbound carriageway of the A41 (adjacent to Phase 1A) have been submitted to and approved in writing by the local planning authority. No development shall thereafter be occupied until the bus stop layby has been provided in accordance with the approved details.
29. No development shall take place until full details of a signalised pedestrian crossing (between the new southbound and existing northbound bus stops of the A41 in the immediate vicinity of the site) has been submitted to and approved in writing by the local planning authority. No occupation of any part of the development shall occur until the approved signalised pedestrian crossing has been provided in accordance with the approved details.
30. No development shall take place on Phase 1B until full details of a new mini-roundabout system to replace the existing Vendee Drive/Wendlebury Road priority junction have been submitted to and approved in writing by the local planning authority. No occupation of development on Phase 1B shall take place until the approved mini-roundabout system has been completed.
31. Unless otherwise agreed in writing by the local planning authority, no development shall be occupied on Phase 1B until the works to the highway shown in drawing no. 35172/5502/008 (contained in the Transport Assessment) have been carried.
32. Development shall not be occupied on Phase 1B unless and until Oxfordshire County Council as the Local Highway Authority has made a Traffic Regulation Order introducing a speed limit reduction to 30mph along the length of Wendlebury Road adjacent to the application site.
33. All applications for reserved matters approval relating to Phase 1B shall be accompanied by details of the proposed alignment and treatment of public footpath 161/8/20 within the site unless the local planning authority has confirmed in writing beforehand that such details are not required for that reserved matters application. The development shall thereafter be carried out in accordance with the public footpath details approved as part of the grant of reserved matters approval.

**OS Parcel 0005 South Of Hill Farm And North Of West Hawthorn Road, Ambrosden**

The Committee considered application 16/02611/OUT for up to 130 dwellings; open spaces for recreation (including children's play spaces and outdoor sports); a sports pavilion; community orchard and allotments; new vehicular and pedestrian access off Blackthorn Road and associated landscaping,

parking, engineering works (including ground re-modelling), demolition and infrastructure for Hallam Land Management Ltd at OS Parcel 0005 South Of Hill Farm And North Of West Hawthorn Road, Ambrosden.

Councillor Wood proposed that application 16/02611/OUT be deferred to allow further negotiations. Councillor Richards seconded the proposal.

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

**Resolved**

That application 16/02611/OUT be deferred to allow further negotiations.

188

**Rookery Barn, 66 Lower End, Piddington, Bicester, OX25 1QD**

The Committee considered application 17/00133/F for the Erection of building to provide an indoor menage for Dr & Mrs N Brener at Rookery Barn, 66 Lower End, Piddington, Bicester, OX25 1QD.

Councillor Clarke proposed that application 17/00133/F be deferred to allow a formal site visit. Councillor Pickford seconded the proposal.

Councillor Richards proposed that a recorded vote be taken. Councillor Milne Home seconded the proposal. A recorded vote was duly taken and Members voted as follows:

Councillor Hughes - For  
Councillor Macnamara - Abstain  
Councillor Banfield - Abstain  
Councillor Beere - Abstain  
Councillor Billington - For  
Councillor Clarke - For  
Councillor Corkin - For  
Councillor Heath - For  
Councillor Milne-Home - For  
Councillor Kerford-Byrnes - For  
Councillor Mould - For  
Councillor Pickford - For  
Councillor Pratt - For  
Councillor Reynolds - Abstain  
Councillor Richards - For  
Councillor Sibley - For  
Councillor Wood – For

**Resolved**

That application 17/00133/F be deferred to allow for a formal site visit,

**9 Deers Close, Bodicote, Banbury, OX15 4EA**

The Committee considered application 17/00257/F for the demolition, internal alterations and extension to an existing bungalow forming 4 bedroom dwelling & garage along with the existing roof raised for Mr & Mrs M Tibbetts at 9 Deers Close, Bodicote, Banbury, OX15 4EA.

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

**Resolved**

That application 17/00257/F be approved subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: DDC-2017-440 001; DDC-2017-440 002B; DDC-2017-440 003B; DDC-2017-440 004C; DDC-2017-440 005B; DDC-2017-440 007B; and DDC-2017-440 008B
3. The materials to be used for the external walls and roofs of the extensions hereby approved shall match in terms of colour, type and texture those used on the existing building.
4. Notwithstanding the approved plans and prior to the first occupation of the development hereby approved, the first floor rooflights in the side (north) elevation of the dwellinghouse and the rear two windows of the box dormer on the side (south) elevation, shall be fixed shut, other than the top hung opening element, and shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.
5. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the first floor walls or roof of the dwelling without the prior express planning consent of the Local Planning Authority.

**Changes to the designation regime for local planning authorities**

The Report of Head of Development Management submitted a report which outlined government changes to the designation regime for local planning authorities.

**Resolved**

- (1) That the report be noted.

191 **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.

192 **Exclusion of Press and Public**

**Resolved**

That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part I, Paragraph 5 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

193 **Appeal by Albion Land Ltd**

The Head of Development Management submitted an exempt report which updated Members on the status of preparations for this appeal including advice sought from Counsel and consultants. Based on this, Officers sought to understand from Members how they wished to proceed.

**Resolved**

- (1) That the advice, including the Counsel Opinion, be noted.
- (2) That Officers be advised to proceed in line with the advice of Counsel (exempt annex to the Minutes as set out in the Minute Book).

The meeting ended at 7.17 pm

Chairman:

Date:

# Agenda Annex

## CHERWELL DISTRICT COUNCIL

### PLANNING COMMITTEE

18 May 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

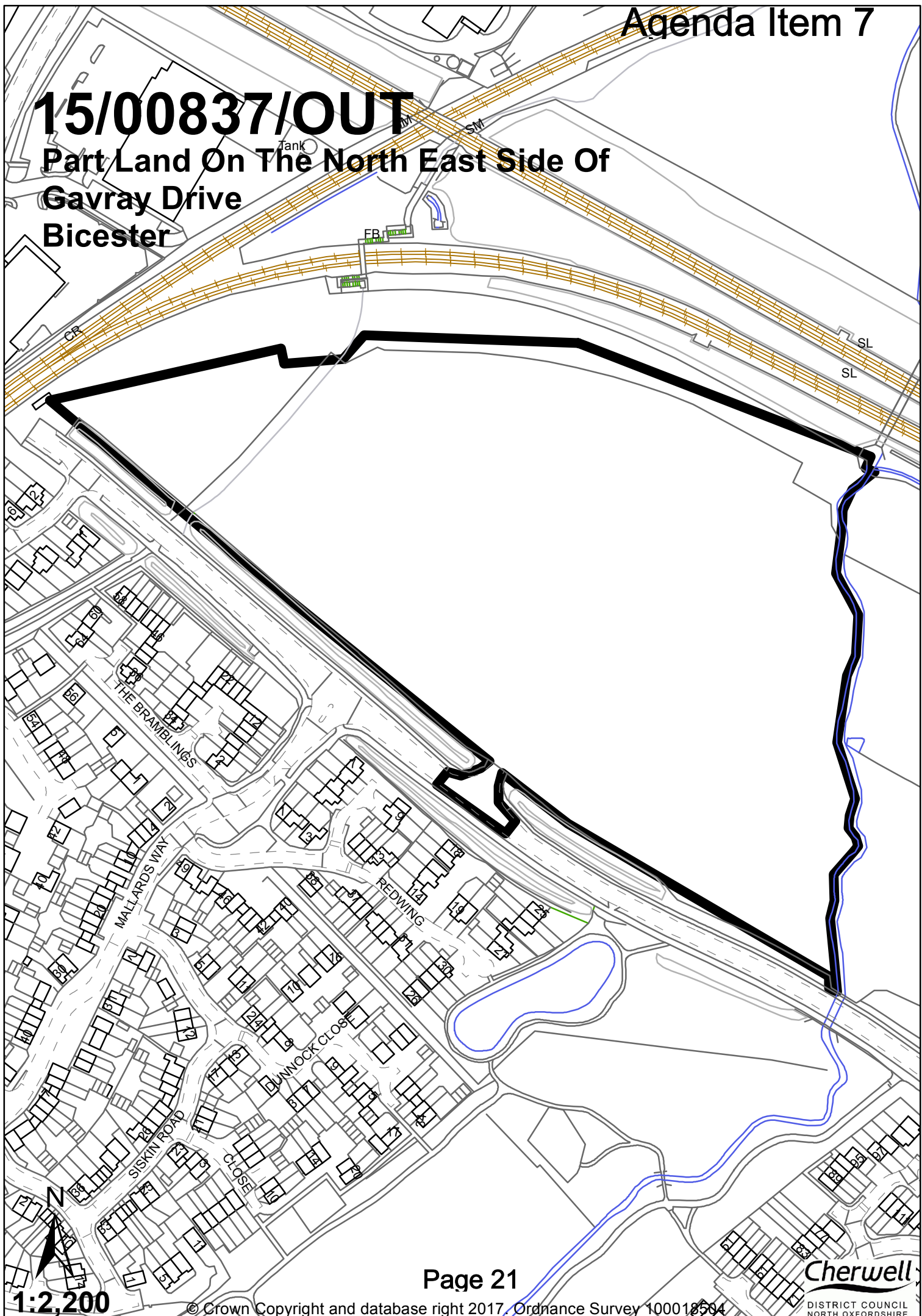
|    | <b>Site</b>  | <b>Application No.</b> | <b>Ward</b>                     | <b>Recommendation</b> | <b>Contact Officer</b>             |
|----|--|------------------------|---------------------------------|-----------------------|------------------------------------|
| 7  | Part Land On The North East Side Of Gavray Drive Bicester                                    | 15/00837/OUT           | Bicester South And Ambrosden    | Approval              | Matthew Parry                      |
| 8  | Inside Out Interiors Ltd<br>85 - 87 Churchill Road<br>Bicester<br>OX26 4PZ                   | 16/02461/OUT           | Bicester                        | Approval              | Matthew Chadwick                   |
| 9  | Cherwell District Council<br>Former Offices<br>Old Place Yard<br>Bicester                    | 17/00023/DISC          | Bicester South And Ambrosden    | Approval              | Shona King                         |
| 10 | Rookery Barn<br>66 Lower End<br>Piddington<br>Bicester<br>OX25 1QD                           | 17/00133/F             | Launton and Otmoor              | Approval              | Gemma Magnuson                     |
| 11 | OS Parcel 9635 North East Of HM Bullingdon Prison<br>Widnell Lane<br>Piddington              | 17/00145/F             | Launton and Otmoor              | Refusal               | Emily Shaw                         |
| 12 | Land Adjacent To The Oxford Canal<br>Spiceball Park Road<br>Banbury                          | 17/00284/REM           | Banbury Cross and Neithrop      | Approval              | Bob Duxbury                        |
| 13 | 18 Bridge Street<br>Banbury  | 17/00288/F             | Banbury Cross and Neithrop      | Approval              | Lewis Bankes-Hughes                |
| 14 | NB Acres<br>Aynho Road<br>Adderbury<br>Banbury<br>OX17 3NU                                   | 17/00448/F             | Adderbury, Bloxham And Bodicote | Approval              | Caroline Roche/<br>Nathanael Stock |
| 15 | Eco Business Centre<br>Charlotte Avenue<br>Bicester  | 17/00573/CDC           | Bicester North And Caversfield  | Approval              | Caroline Ford                      |
| 16 | Land West Of<br>Horn Hill Road<br>Adderbury  | 17/00588/F             | Adderbury, Bloxham and Bodicote | Approval              | Bob Neville                        |
| 17 | Stratton Fields Livery<br>Stables<br>Launton Road<br>Stratton Audley<br>Bicester<br>OX27 9AS | 17/00591/F             | Launton and Otmoor              | Refusal               | James Kirkham                      |

|    |   |            |  |          |                   |
|----|---|------------|--|----------|-------------------|
| 18 | Playing Field East Of<br>Geminus Road<br>Chesterton | 17/00632/F | Fringford And<br>Heyfords                | Approval | James<br>Kirkham  |
| 19 | 33 Waller Drive, Banbury,<br>OX16 9NS               | 17/00774/F | Banbury<br>Calthorpe<br>And<br>Easington | Approval | Michael<br>Sackey |



# 15/00837/OUT

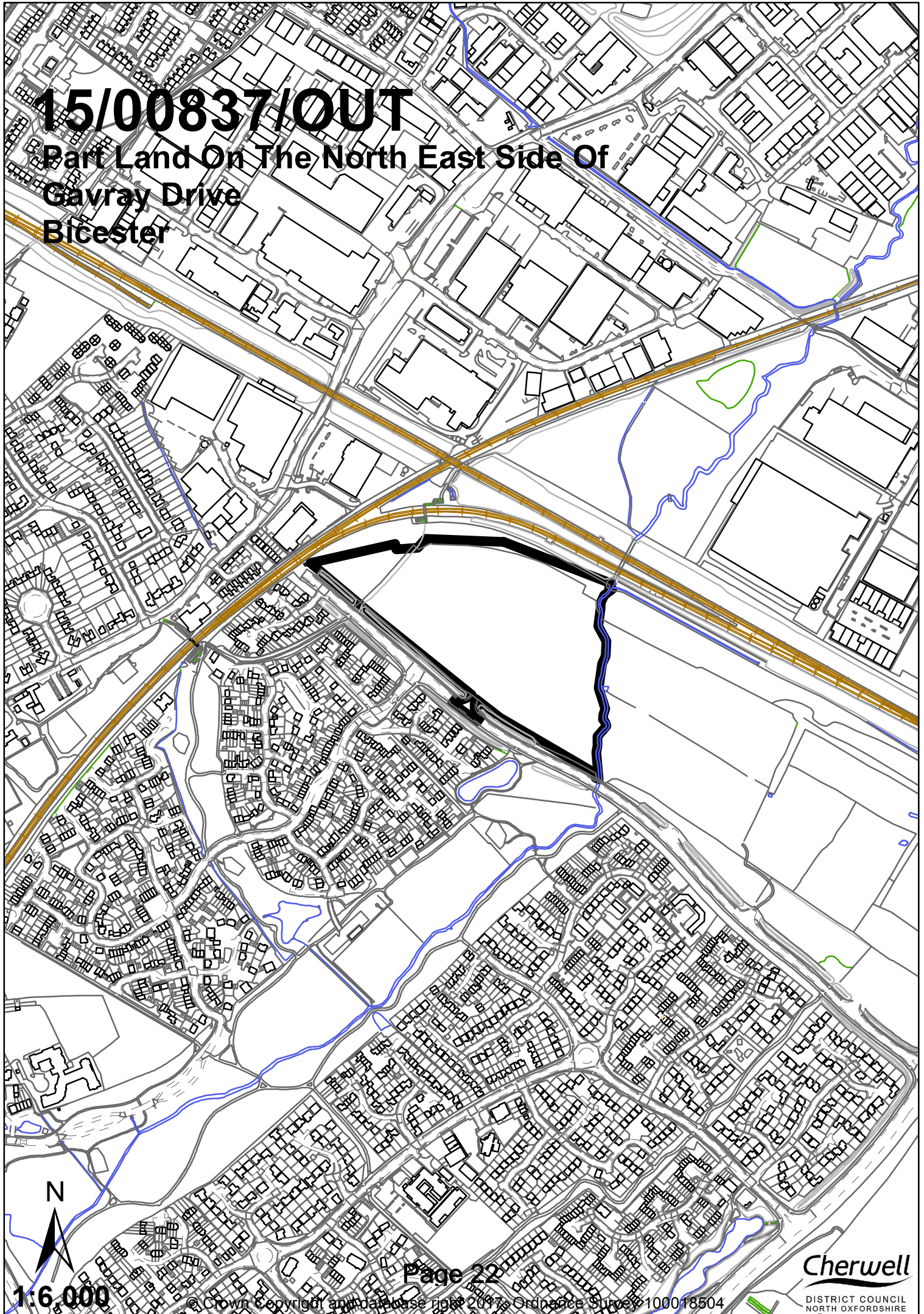
Part Land On The North East Side Of  
Gavray Drive  
Bicester



1:2,200

# 15/00837/OUT

Part Land On The North East Side Of  
Gavray Drive  
Bicester



|                             |   |                        |                           |
|-----------------------------|---|------------------------|---------------------------|
| <b>Applicant:</b>           | Gallagher Estates, Charles Brown And Simon Digby  |                        |                           |
| <b>Proposal:</b>            | OUTLINE - Residential development of up to 180 dwellings to include affordable housing, public open space, localised land remodelling, compensatory flood storage and structural planting |                        |                           |
| <b>Ward:</b>                | Bicester South And Ambrosden  |                        |                           |
| <b>Councillors:</b>         | Cllr David Anderson<br>Cllr Nick Cotter<br>Cllr Dan Sames   |                        |                           |
| <b>Reason for Referral:</b> | Major Development   |                        |                           |
| <b>Expiry Date:</b>         | 10 August 2015  | <b>Committee Date:</b> | 18 <sup>th</sup> May 2017 |
| <b>Recommendation:</b>      | Approve subject to legal agreement  |                        |                           |

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1 The application site relates to a 6.92 hectare area of land comprising an arable field to the north of Gavray Drive in Bicester. The site is situated between the 1990's era residential estate of Langford Village to the south and Bicester Park Industrial Estate to the north. Railway lines are beyond the western and northern boundaries including the new east-west rail chord that connects the two lines.
- 1.2 Langford Brook flows along the site's eastern boundary and features overhanging trees and shrubs although this is mostly along its eastern bank. The brook flows from the north underneath the east-west railway line via a newly installed culvert which is secured by steel palisade fencing. The site's southern boundary with Gavray Drive is formed by a belt of woodland with an existing access stub providing the only break in the woodland at a relatively central position along the southern boundary. A short section of the southern boundary immediately adjacent to Langford Brook is also open and formed by grassland and scrub. The site's northern boundary is delineated by the new east-west rail chord which rises to adjoin the main east-west railway line up on its embankment. The site's western boundary is now similarly formed by the new east-west rail chord and the western corner of the site has until recently been used as the Network Rail works compound associated with the construction of the new rail chord.
- 1.3 A single hedgerow traverses the site on a southwest-northeast alignment and follows the route of an existing public footpath (129/3/20) which runs from Langford Village through the application site, over and then under the railway line, and then through the industrial estate to the north to meet Charbridge Lane (A4421). It forms part of a wider footpath network that connects with countryside routes in and around Launton.

- 1.4 A strip of land forming the eastern part of the application site is within an area designated in the Development Plan as a Conservation Target Area where restoration of important habitats and the conservation and enhancement of species is sought. Approximately one-third of the site (adjacent to Langford Brook) is also within land identified by the Environment Agency to be variously at medium and high risk of fluvial flooding (Flood Zone 2 and 3). Langford Brook itself as well as land to its east is part of the designated Gavray Drive Meadows Local Wildlife Site (LWS) which also includes an area of land to the opposite side of Charbridge Lane.
- 1.5 The application site forms part of a wider site allocated in the Cherwell Local Plan 2011-2031 Part 1 as Bicester 13. This includes land to the east of Langford Brook up to the boundary with Charbridge Lane. Bicester 13 is allocated for residential development for approximately 300 dwellings together with associated infrastructure.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 The application is made in outline with all matters reserved except for details of access. The application seeks outline planning permission for a development of up to 180 dwellings together with associated public amenity space, recreation areas, localised land remodelling, flood storage compensation works and new structural landscaping.
- 2.2 As the application is in outline, Members are only considering the principle of accommodating the amount and type of development proposed on the site. The details of the design and layout of the development would then fall to be determined later as part of subsequent reserved matters application.
- 2.3 Members should note that the application has been accompanied by an Environmental Statement (ES). It therefore falls to be considered as an EIA application for the purposes of the Environmental Impact Assessment (EIA) Regulations 2011 (as amended). Officers have considered the ES in assessing the proposals, writing this report and reaching the overall recommendation.

## 3. RELEVANT PLANNING HISTORY

- 3.1 The following planning history is considered potentially relevant to the proposals:

| <u>Application Ref.</u> | <u>Proposal</u>  | <u>Decision</u>                |
|-------------------------|--|--------------------------------|
| 96/00255/F              | Construction of 20,864m <sup>2</sup> manufacturing assembly plant, for automotive components, together with ancillary offices.   | Application Refused            |
| 96/00321/F              | Construction of 20,864m <sup>2</sup> manufacturing and assembly plant, for automotive components, together with ancillary offices. Construction of new access.   | Application Refused            |
| 04/02797/OUT            | OUTLINE - Residential development (including affordable housing) incorporating a County Wildlife Site, together with the land reserved for a primary school, community facilities, public open space, rail chord and | Not Determined. Appeal allowed |

|               |  |   |
|---------------|--|---|
|               | structure planting.  | 12.07.2006                              |
| 05/01035/OUT  | OUTLINE - Residential development (including affordable housing) incorporating a County Wildlife Site, together with the land reserved for a primary school, community facilities, public open space, rail chord and structure planting.(Duplicate application)  | Application Refused                     |
| 09/00584/F    | Variation of Condition 8 of planning permission 04/02797/OUT.  | Application Permitted                   |
| 09/00909/REM  | Reserved matters to Outline 04/02797/OUT. Road and drainage infrastructure.  | Not Proceeded With                      |
| 10/01667/OUT  | Extension of time limit to 04/02797/OUT: Residential development.  | Pending Consideration                   |
| 12/00850/OUT  | Extension of time limit of 09/00584/F - Variation of Condition 8 of planning permission 04/02797/OUT relating to residential development (including affordable housing) incorporating a County Wildlife Site, together with the land reserved for a primary school, community facilities, public open space, rail chord and structure planting                                     | Pending Consideration                   |
| 12/00024/SO   | Screening Opinion to 12/00850/OUT - Extension of time limit of 09/00584/F - Variation of Condition 8 of planning permission 04/02797/OUT relating to residential development (including affordable housing) incorporating a County Wildlife Site, together with the land reserved for a primary school, community facilities, public open space, rail chord and structure planting | Screening Opinion Issued - EIA Required |
| 14/00008/SCOP | SCOPING OPINION - Proposed residential development (including affordable housing) public open space, localised land remodelling, structure planting and retention of the local wildlife site.  | Scoping Opinion Issued                  |

#### **4. RESPONSE TO PUBLICITY**

- 4.1 Following receipt of the application in May 2015 it was publicised by way of site notices displayed near to the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council was able to identify from its records. The application was originally publicised as an EIA development, departure from the Development Plan and affecting a public right of way.
- 4.2 In March 2017, the applicant submitted additional information in the form of a minor revision to the illustrative parameters plan as well as biodiversity metrics as part of efforts to appraise the ecological implications of the proposals. Officers did not request this information and it was submitted voluntarily by the applicant. This additional information was then the subject of further publicity for a minimum of 21 days in the same manner as the original submission though the proposals were no longer considered to represent a departure from the Development Plan and were not publicised as such this time around. The Secretary of State has also been sent a copy of all of the applicant's substantive submissions as part of this application (both application documentation as well as the ES) given that it constitutes an EIA application.
- 4.3 The comments received can be viewed in full on the Council's website, via the online Planning Register. Over 60 third party objections have been received and the concerns raised have been summarised as follows:
- Development to the east of Langford Brook should be resisted as it is important for wildlife;
  - Further housing is completely unnecessary and would destroy one of the few remaining wildlife habitats in Bicester;
  - Bicester has been ruined by overdevelopment;
  - Affordable housing is not needed and would affect the quality of the area;
  - The land east of Langford Brook should be designated as a local green space;
  - The new homes would experience significant noise and vibration from the railway line and would be unsuitable for families;
  - Gavray Meadows are akin to a green lung for residents of Langford Village;
  - The site has considerable landscape and amenity value for local residents who appreciate the views across the open field when using the public footpath;
  - The proposals will increase traffic on local roads that are already subject to significant congestion;
  - Building on land to the west of Langford Brook would have a negative ecological impact. The land adjacent to the brook is wet meadowland which is increasingly rare;
  - The land to the east of Langford Brook, including the Gavray Drive Meadows Local Wildlife Site, would suffer from adverse effect due to recreational disturbance, domestic cats and dogs etc;
  - The group of small fields to the east of Langford Brook have historical value as well as landscape value as the field pattern together with ridges and furrows indicate historic agricultural use;
  - The land remodelling together with the three year duration of the construction works would be of particular nuisance to local residents;
  - The Council has indicated that it is looking to designate the LWS as a Local Green Space in its Local Plan. Future residents will wish to use the Local Green Space. The unavoidable increase in public use of the LWS will cause further deterioration of its habitat and is in need of active management;
  - The applicant too easily dismisses the proposed loss of the hedgerow within the site which was found to show evidence of habitat for White Letter Hairstreak

butterfly. This requires mitigation through new hedgerow planting of Dutch elm disease resistant strains of elm in the new hedgerows;

- The submission of an application to develop only part of the site under the control of the applicant is contrary to Policy Bicester 13. That policy seeks to secure an holistic scheme for all of the site – i.e. both Gavray Drive West and Gavray Drive East, not piecemeal development that prejudices the likelihood of the policy aspirations being achieved. Amongst other things, the site-wide policy seeks to secure ‘no net loss’ of biodiversity, in concert with the principles of the NPPF. It recognises that this can only be achieved through the appropriate protection and securing of the assets of high nature conservation value east of the Langford Brook. The current application makes no such provision, and given that it will generate additional pressures on those assets, is clearly contrary to the policy. Even taken in isolation, it would result in net loss to biodiversity if the balance of loss versus gain is tested using the Defra ‘biodiversity offsetting’ metrics, a system which I believe Cherwell are considering greater use of in common with neighbouring authorities. The applicant should be invited to withdraw the application and submit a scheme for the whole of the land between Gavray Drive and the Bicester-Marylebone railway line so that can be properly assessed against the emerging local and incumbent national planning frameworks.

- Application 15/00837/OUT makes no provision to protect and enhance the LWS or indeed any of the land east of the Langford Brook. This land represents over 50% of the allocation site and it is inconceivable that future residents will not use or otherwise benefit from it.

- Application 15/00837/OUT seeks to deliver 180 units on the least constrained and most profitable part of the allocation site, west of the Langford Brook. It is not clear whether there has been adequate exploration of whether a higher density could be achieved on this least constrained land. Taking account of the other policy objectives and constraints, the grant of this application would therefore create a situation where, if 300 units are to be achieved, some 120 units will have to be squeezed onto land east of the brook. It is clear that creating this situation through grant of this application would compromise the full suite of adopted policy objectives set out under Bicester 13 being delivered.

- The applicant has not sought to address concerns regarding increased recreational pressure on the LWS and so the application should be refused.

- The application does not take account of impacts that the development would have on the wildlife interest of land to the east of Langford Brook;

- The application should be refused unless a holistic masterplan for the whole of Bicester 13 is submitted that demonstrates proper preservation, restoration and management of the CTA and LWS;

- The density of new housing should be increased on the application site to reduce the amount of development necessary on land to the east and thereby help preserve its wildlife value;

- The whole of the land to the east of the brook within the CTA should become the Gavray Meadows Local Nature Reserve with interpretation panels provided to increase knowledge and interest in nature conservation;

- The LWS should be protected, Bicester is becoming a ‘garden town’ with few areas for wildlife;

- The additional information submitted by the developer is unclear – why are they now assessing biodiversity impact resulting from development on the land to the east of the brook? In assessing the impact of development on the application site – are they considering the implications of noise, predation by cats, dog walkers, litter etc – these are indirect impacts that need to be addressed.

- The developer’s claims that the proposals would not indirectly adversely affect the LWS to the east are not credible;

- Why is Cherwell District Council using Warwickshire County Council's ecology service and then utilising their biodiversity metric? Cherwell District Council should use its own system which is more robust;
- The submitted Biodiversity Impact Assessments are unintelligible and the public cannot give them the scrutiny they deserve;
- Without more detailed contextual information to support the Biodiversity Impact Assessment relating to developing land to the east of the brook, it is not possible for the public to accurately comment on it. Nevertheless, concerns are raised about some of the classifications of habitat as well as the grading attributed to them.
- Biodiversity Impact Assessments are of limited value and can be manipulated to provide the result sought by the developer.
- The application represents the piecemeal development of a wider allocated site and should be resisted as it jeopardises the end-objectives for development on Bicester 13;
- Policy Bicester 13 requires any development proposal on the site to make appropriate provision for preventing harm to the LWS and protected species interests on the eastern part of the site. The application makes no such provision and should be resisted;
- The capability of the eastern part of Bicester 13 to accommodate circa 120 dwellings whilst also delivering net gains for biodiversity is uncertain. Granting permission for 180 dwellings on the application site would sabotage the prospects of net biodiversity gain ultimately being achieved across the whole of Bicester 13;
- There is no reason why the developer could not submit a holistic masterplan for the whole of the site given that all of the land is within their control;
- Councillors voted to pursue Local Green Space designation for the allocated land to the east of the brook and north of public footpath 129/4. Approving this application would jeopardise this as it would indirectly lead to new housing on part of the land intended to be designated a Local Green Space.
- Residential development on the site could affect business operations at British Bakels Ltd off Granville Way due to its close proximity;
- Bicester has become a massive housing estate with little area left for nature and walkers. To build on this lovely meadow is completely wrong and against being a "Healthy Town";
- The developers have let the site run down for over 10 years and now say that it is of lesser wildlife value than it was. Because of this decade long neglect when they restore it to its original state, there will be no net loss of biodiversity when they build their houses. This is plainly wrong and the Council is being fooled.

Butterfly Conservation – Objection. Insufficient regard has been taken of Species of Principal Importance with the hedgerow proposed to be lost resulting in the loss of habitat confirmed to support white-letter hairstreak butterfly. This impact has been dismissed too readily by the developer in the Environmental Statement. The destruction of the hedgerow requires appropriate mitigation through inclusion of Dutch elm disease resisted strains of elm in the new hedgerows. All plantings in the green spaces should reflect the quality of the habitat to be found to the east of Langford Brook and the needs of the key species known to exist there. The applicant also fails to propose management of the LWS to the east of the brook that is within the applicant's control. This will suffer from increased indirect impact through recreational use and it requires management to protect its wildlife value. It is requested that planning officers reconsider their view that surrounding the LWS with housing will have no significant impact on its wildlife.

Bicester Local History Society - The Local Plan indicates that 300 houses should be built on Gavray Meadows. We feel strongly that these should be concentrated on the west side of the site, so as to reduce the impact on the sensitive wildlife site to the east. The developers have failed to make clear their plans for the whole site -



CDC should not be making decisions based on piecemeal information. We feel that you are not able to protect the conservation area or wildlife site if you proceed in this manner. It's essential that this application makes provision for funding and managing the wildlife site/nature conservation area on the east side which contains some of the UK's most endangered land, unimproved flood meadows and all the special plants and animals that depend on it. Bicester Garden Town needs to retain as many of its precious green spaces as possible. The developers have let the site run down for over 10 years and say that it is now of lesser wildlife value than it was, so that when they restore it to its original state, there will be no nett loss of biodiversity when they build their houses. CDC should be challenging this assertion, which is plainly wrong.

## **5. RESPONSE TO CONSULTATION**

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**

#### **Bicester Town Council** – Objection

The proposed new homes would increase Langford Village's population by approximately 441 people using the developer's estimates. This will put increase pressure on Langford's Primary School and GP practice which are already under some pressure. No additional provision is proposed as part of this application. Traffic on Mallards Way is also likely to increase and this is a residential road designed to have a 20mph speed limit.

Thames Water has already identified potential lack of capacity in the sewage network to accommodate this development which would lead to sewage flooding and therefore adverse environmental impact.

Building on the site would also have negative effects on ecology through loss of land as wet meadowland. The proposals would also jeopardise the ability to secure land to the east of Langford Brook as a Local Green Space.

### **CHERWELL DISTRICT COUNCIL (INTERNAL CONSULTEES)**

Community Services – No objection subject to the following being secured through planning obligations:

- Financial contribution sought towards expansion of Langford HalCentre Community Centre based on CDC matrix;
- Financial contribution towards a community welcome packs;
- Scheme of public art together with long term maintenance;

Recreation and Leisure – No objection subject to the following being secured through planning obligations:

- £179,889 index linked towards off-site provision of outdoor sports facilities at the Bicester Sports Village;
- £130,598 index linked towards expanding indoor sports facilities in Bicester;

Landscape Services – No objection subject to conditions/planning obligations:

The LVIA is a comprehensive report and I mostly agree with its conclusions. However, in respect of photo-view EDP7 where the development will be clearly seen by visual receptors on the PRoW and cycle way to Gavray Drive (there is no

hedgerow in the way) , and I disagree with EDP's assumption that the receptor sensitivity is medium (Landscape and Visual – Constructional and Operational Effects) because of the existing urban influence. This should be judged as high visual sensitivity for receptors with a magnitude of change of high resulting in a significance of effect of Major/Moderate (adverse), as considered from DLA/PDD's visualisation Fig 7 pp. 23 of the Design and Access Statement, April 23, against photo-view EDP 7. In order to effectively mitigate this potentially detrimental effect the landscape proposals must not only screen the built form but enhance the POS corridor/ flood Zone, as suggested in the illustrative masterplan, subject to EA approvals.

With the onset of winter and associated leaf drop of deciduous hedgerow to Gavray Drive the effect on visual receptors will more apparent because of the increased permeability. In order to mitigate the effect additional native hedgerow trees should be planted along this boundary, however the build line of the south facing units must be at a distance to reduce the effects of shade and light reduction caused by this hedgerow and trees. In this respect I would prefer to see a wider landscape buffer, than that proposed on the illustrated masterplan, between the road and the hedgerow. A particular concern is the proximity of the block adjacent to the retained hedgerow in the western corner. The building appears to not only conflict with the surveyed root protection area but will also be subject to the problems mentioned above (to be address at the reserved matters stage).

The public footpath is to be integrated into the scheme as proposed by the illustrative masterplan.

There are no recorded views from the new railway over-bridge. I judge the visual effect would a major magnitude of change from this however it is not a PRoW and therefore deemed less sensitive to visual receptors which would not be encouraged to linger on the over bridge.

The northern site boundary would benefit from the woodland buffer planting as indicated on the illustrative masterplan, this will be have many environmental benefits especially in landscape mitigation terms: the screening of the railway corridor and visual receptors of the railway, and the screening of the northern edge of the development from the aspect of the over bridge/PRoW.

I am encouraged to see visualisations of street trees in the DAS I would hope that the detailed design layout provides enough space for such trees to grow to full maturity, with appropriate amounts of soil volume in structured cell tree pits. Drainage /utility layouts are to work effectively with the street tree planting scheme, as evidenced by combining utility (sewerage and potable water systems, gas street light and electricity) information with tree planting proposals. The east-west orientation of the street will mean that trees on the northern side of the street will cast shade and reduce light levels to windows in south facing units. Therefore species, their mature sizes and location must be carefully considered. I suggest that the tree canopy sizes are drawn at the 25 year interval for the species proposed in order to ensure enough surrounding space is allocated.

There is no provision for LAPs within the housing areas. There should be at least 4 un-equipped LAPs within 100m of the farthest extremity of the housing to allow for children, parents and carers to walk to the play area on 'safe' footways without the need get in a car, and so be more sustainable. A combined equipped LEAP and LAP is required in an area that does not flood. The illustrative masterplan shows the play area overlays flood compensation which is unacceptable given future flooding problems and deprivation of play opportunities. A LAP should be located close to the PRoW.

## Environmental Protection – No objection

Further details are required at detailed application stage to see the proposed mitigation measures for noise. Planning conditions are required on any planning consent requiring the mitigation measures to be submitted, approved and completed prior to any dwellings being occupied.

## **OXFORDSHIRE COUNTY COUNCIL**

No objection subject to conditions and planning obligations.

## Transport

The Cherwell Local Plan details the requirements for development of the Gavray Drive allocation under 'Policy Bicester 13 - Gavray Drive'. In terms of transport infrastructure, access and movement from Gavray Drive needs to be demonstrated. In particular, details of the Key Site Specific Design and Place Shaping Principles must be provided to include:

- Retention of Public Rights of Way and a layout that affords good access to the Countryside.
- New footpaths and cycleways should be provided that link with existing networks, the wider urban area and schools and community facilities. Access should be provided over the railway to the town centre.
- A linked network of footways which cross the central open space, and connect Langford Village, Stream Walk and Bicester Distribution Park.
- A layout that maximises the potential for walkable neighbourhoods and enables a high degree of integration and connectivity between new and existing communities
- A legible hierarchy of routes to encourage sustainable modes of travel. Good accessibility to public transport services with local bus stops provided. Provision of a transport assessment and Travel Plan
- Additional bus stops on the A4421 Charbridge Lane will be provided, with connecting footpaths from the development. The developers will contribute towards the cost of improving bus services in the wider South East Bicester area.

The development will contribute to a severe cumulative impact on Bicester's peripheral route and so a contribution reflecting the scale of this development will be required through S106 agreement to mitigate this. The Local Transport Plan 4 Bicester Area Strategy includes proposals for improvements to the Eastern peripheral corridor to which Gavray Drive connects. The scheme of particular relevance towards mitigating proposals at Gavray Drive is as follows:

"Implementing increased link capacity on the A4421 between the Buckingham Road and Gavray Drive to complement the transport solution at the railway level crossing at Charbridge Lane and facilitate development in the area. This scheme will improve the operation of this section of the eastern perimeter road, and enhance the integration of the North East Bicester Business Park site with the rest of the town." As a result S106 contributions are sought towards the implementation of this scheme.

In addition, households proposed are likely to use Langford Village shops and facilities. Vehicular trips between the development and these facilities are therefore expected to use the Wretchwick Way/Peregrine Way Priority Junction, intensifying its use. The distributed flows used to model the junction do not allow for any peak traffic to or from the development turning into Peregrine Way here. In reality there would be a fair proportion of linked trips and in the am peak in particular, trips to the primary school. There is a local concern about safety risk at the ghosted right turn at this junction. These are not included in the assessment within the TA as only a

three-year assessment has been provided (a five year assessment was requested in scoping). £20,000 in contributions are therefore requested by S106 agreement for a scheme of safety improvements to this junction.

It was noted that within the TA, with the exception of the Graven Hill/Rodney House roundabout, junctions were forecast to operate within capacity with the development, and that with the introduction of the S278 scheme of improvements at the Graven Hill roundabout (to be delivered as part of the Graven Hill development) this would also operate within capacity with the development. Junctions were modelled with and without the allocated development site at South East Bicester, on the southeast side of Wretchwick Way. (This site is now adopted Policy Bicester 12). However, the Transport Assessment is now almost two years old and therefore, were we advising on the scope of a new TA, there would be many revisions that would be requested, including updating the assessment year, and making use of the newly updated Bicester Transport Model to provide future year forecast baseline flows and/or the use of the latest version of TEMPRO. The public transport information will also be out of date due to the withdrawal of some services.

Nevertheless, the updated Bicester Transport Model confirms the future severe impact on Bicester's peripheral route, taking into account Local Plan development, and it is not considered necessary to update the TA provided a proportionate contribution towards strategic improvements can be secured. The TA lacked detailed information about how the development would link into the local pedestrian and cycle network. Local routes have been examined as part of the work on the Bicester 12 Policy Site, and OCC has identified the following improvements which this site should provide, in order to link it to Bicester Town Centre, the adjacent Langford Village, and Bicester 12, which will offer employment and facilities. These are:

- Connection points at the northern and southern end of the site, with crossings over Gavray Drive to the existing cycle facility on the SW side.
- A raised crossing of Mallards Way.

These should be done as S278 works in connection with the site access, secured via the S106 agreement.

Within the site, connections should be provided through to the wider site, and the footpath towards the new footbridge over the railway will need to be surfaced and lit. Details of these connections should be required by condition.

#### Public transport

The site is within reasonable walking distance of Bicester Village rail station and Bicester Town centre, albeit these walking distances are in excess of national guidelines of 400 metres.

The half-hourly local bus service 22/23 which previously operated along Gavray Drive has now been withdrawn, so there are no services passing the site frontage. It is vitally important that residents are encouraged to walk to catch services that run along the Bicester peripheral route.

Significant new residential developments are planned to the south and south-east of Bicester, including Graven Hill and the planned South East Bicester development (Bicester 12). This development is requested to provide a proportionate contribution towards the delivery of a new and viable network of bus routes to the south and south-east of Bicester which will serve these other developments but will include a good level of service along Charbridge Lane/Wretchwick Way.

The developer will need to provide a pair of bus stops on Wretchwick Way, with appropriate hardstanding, crossing and footway. Given the traffic speed and volumes on Wretchwick Way, and the need to make the bus stops attractive to users, we require this to be a signalised crossing. These bus stops will provide the new residents with access to bus services operating via the eastern peripheral

route, such as the S5. When other services also run through Wretchwick Green via the new spine road, residents will also be able to walk to stops proposed at the northern end of that spine road.

#### Public rights of way

A footpath runs across the site and over the new footbridge across the rail chord (shown on the plans). The footpath will need to be diverted at the point where it runs over the railway bridge. A surfaced path must be provided by the developer to link to the steps of the footbridge. This must follow the existing alignment as far as possible and must be sensitively planned into the development as a distinct path.

#### Travel Plan

A travel plan has been submitted with this application. This travel plan has been referred to as a 'full' travel plan. I would like this term of reference to be changed to 'framework' or 'interim' travel plan as the submitted document does not contain the level of information required to be a full travel plan. A full travel plan should be submitted on occupation of the 90th house.

Contact details for the site Travel Plan Co-ordinator should be forwarded to the Travel Plans Team at Oxfordshire County Council. Paragraph 5.5 of the travel plan states that this will happen three months before occupation. This is welcomed.

I would like to question the pedestrian modal shift targets within table 7.1 of the travel plan. It appears that the pedestrian target decreases rather than increases?

The Baseline survey should happen at **50%** of full occupation not **75%** as outlined within the action plan.

The travel plan measures section is particularly vague. I would like to see a stronger commitment to the travel plan objectives within this section with the inclusion of more persuasive measures and incentives.

Paragraphs 6.19, 6.20 and 6.21 refer to a car sharing database for the site. I would question why this is required when residents can take advantage of the Oxfordshire liftshare site [www.oxfordshireliftshare.com](http://www.oxfordshireliftshare.com)

Paragraph 6.22 – the wording within this paragraph should be stronger i.e likely – should

A Residential Travel Information Pack should be submitted to the Travel Plans Team at Oxfordshire County Council for approval prior to first occupation.

#### Drainage Engineers

The Flood Risk Assessment has been reviewed and the principles embodied are considered to be appropriate with respect to surface water drainage. A suitable drainage strategy can be secured via planning condition.

#### Archaeology

The site is of some archaeological interest as identified by a trenched evaluation undertaken as part of a previous planning application. A staged programme of archaeological investigation is required ahead of the development and should be secured by planning conditions.

#### Property

As a result of pooling restrictions pursuant to Regulation 123 of the CIL Regulations 2010 (as amended), no mitigation of the impact on OCC community infrastructure is able to be secured.

#### Education

The following approximate financial contributions are required (dependent on final dwelling numbers/size/mix) to be secured through planning obligations to mitigate the impact of the proposed development:

- £1,015,716 towards expansion of Longfields Primary School;
- £1,013,954 towards new secondary school capacity in Bicester;

- £35,134 towards expansion of special educational needs facilities at Bardwell School.

## **OTHER EXTERNAL CONSULTTEES**

Environment Agency – No objection subject to conditions securing accordance with the Flood Risk Assessment as well as a management plan of a buffer zone along Langford Brook;

Natural England – No objection to the proposals on the basis of impact on SSSIs. It is for the LPA to assess the impact on local wildlife sites and priority species/habitats. The LPA should have regard to Natural England's standing advice with respect to potential impact on protected species.

Thames Water – The existing waste water public network may not have sufficient capacity to accommodate the development. As a result, a 'Grampian' type condition is necessary to prevent development until a drainage strategy detailing necessary on and off site infrastructure has been submitted to and approved in consultation with the sewerage undertaker.

Berkshire, Buckinghamshire, Oxfordshire Wildlife Trust (BBOWT) – Objection.

Gavray Drive Meadows Local Wildlife Site (LWS) is directly to the east of the application site and falls within the ownership of the applicant. The LWS and part of the application site sit within the Ray Conservation Target Area (CTA). There is also a specific policy for the allocated site, Bicester 13, which amongst other things protects the Local Wildlife Site and CTA, and highlights the need to comply with ESD11. It also sets out a requirement for an Ecological Management Plan to be agreed with the Council in consultation with local biodiversity interest groups. This approach is supported in the Inspector's Report on the Local Plan, which highlights the need for the development to contribute towards enhancement of the Local Wildlife Site's ecological interest (para 139 Cherwell Local Plan Inspector's Report).

It is recognised within the Ecology Chapter of the Environmental Statement (9.5.17) that the development will put the LWS at risk from adverse effects resulting from increased recreational pressure. To comply with Policy ESD10, mitigation is required to reduce the impact on the Local Wildlife Site and achieve a net gain in biodiversity. We do not consider the Public Open Space proposed along the Langford Brook sufficient to entirely mitigate the recreational pressure that will be generated by the development. Existing residents utilise Gavray Drive Meadows, and it is reasonable to expect that new residents of the proposed development would also. Long term nature conservation management of the Local Wildlife Site would help to mitigate the impact of recreational pressure on the site, improving the condition of the habitats and making them more resilient to recreational pressures.

The lack of management in recent years is regrettable, but it is encouraging that almost all of the meadow indicator species recorded in 2002 were found to still be present on the site. As is concluded in the botanical survey this indicates that, with management, the botanical interest of the LWS can be conserved and enhanced.

Management intervention is essential to prevent the loss of botanical diversity through ecological succession, and to improve condition of the grassland habitats. Management of the LWS is necessary to ensure its biodiversity interest is

conserved, and by improving habitat condition could also help towards mitigating impacts from recreational pressure. It is also clear from the emerging Local Plan that the area of the LWS should be protected and enhanced and an ecological management plan produced and implemented. This is an approach endorsed in the Inspector's Report on the Local Plan. An Ecological Management Plan for the long term management of the LWS should be produced by the applicant, and its implementation secured by planning obligation. Without this commitment the application does not comply with emerging Local Plan policy.

#### Network Rail – No objection subject to conditions

- The proposals could give rise to a material increase in usage at Bicester London Road level crossing and Bicester Eastern Perimeter Road (Charbridge Lane). No objection in principle to this but monitoring of the level crossings will take place. In approving the application Network Rail would like to rely on the LPA, Highways Authority and Rights of Way to support any future proposal to either close the crossing(s) and / or provide a replacement bridge or diversion, and not act to prevent it;
- There is a footpath / bridleway running through the red lined area. Network Rail will require access around the clock (24/7, 365) for not only maintenance and project works but also emergency services;
- Conditions are required in order to assess details of excavations, control the use of vibro-compaction equipment, prevent over-sailing of the railway line by scaffolding or drainage works discharging towards the railway line. A fence (possibly acoustic) is also required around the western and northern perimeters to prevent unauthorised access from the development onto the railway line in the interests of public safety;
- A minimum of a 2m gap between buildings and the boundary of Network Rail operational land is required to ensure that future maintenance of buildings does not require access onto railway land which could have disruption/safety implications and is a criminal offence;
- No trees should be planted next to the boundary with the operational railway. Network Rail would request that only evergreen shrubs are planted along the boundary and we would request that they should be planted a minimum distance from the Network Rail boundary that is equal to their expected mature growth height.

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

- 6.1 Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 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)

- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – Effective and Efficient Use of Land
- BSC3 – Affordable Housing

- BSC4 – Housing Mix
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD8 – Water Resources
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 – Conservation Target Areas
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Bicester 13 – Gavray Drive
- INF1 – Infrastructure

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

- C8 – Sporadic Development in the Open Countryside
- C28 – Layout, design and external appearance of new development
- C30 – Residential Amenity
- C31 – Residential Compatibility
- ENV1 – Pollution Control
- ENV12 – Contaminated Land

#### 6.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005: Biodiversity and Geological Conservation
- Circular 01/09: Rights of Way

## **7. APPRAISAL**

### 7.1 The key issues for consideration in this case are:

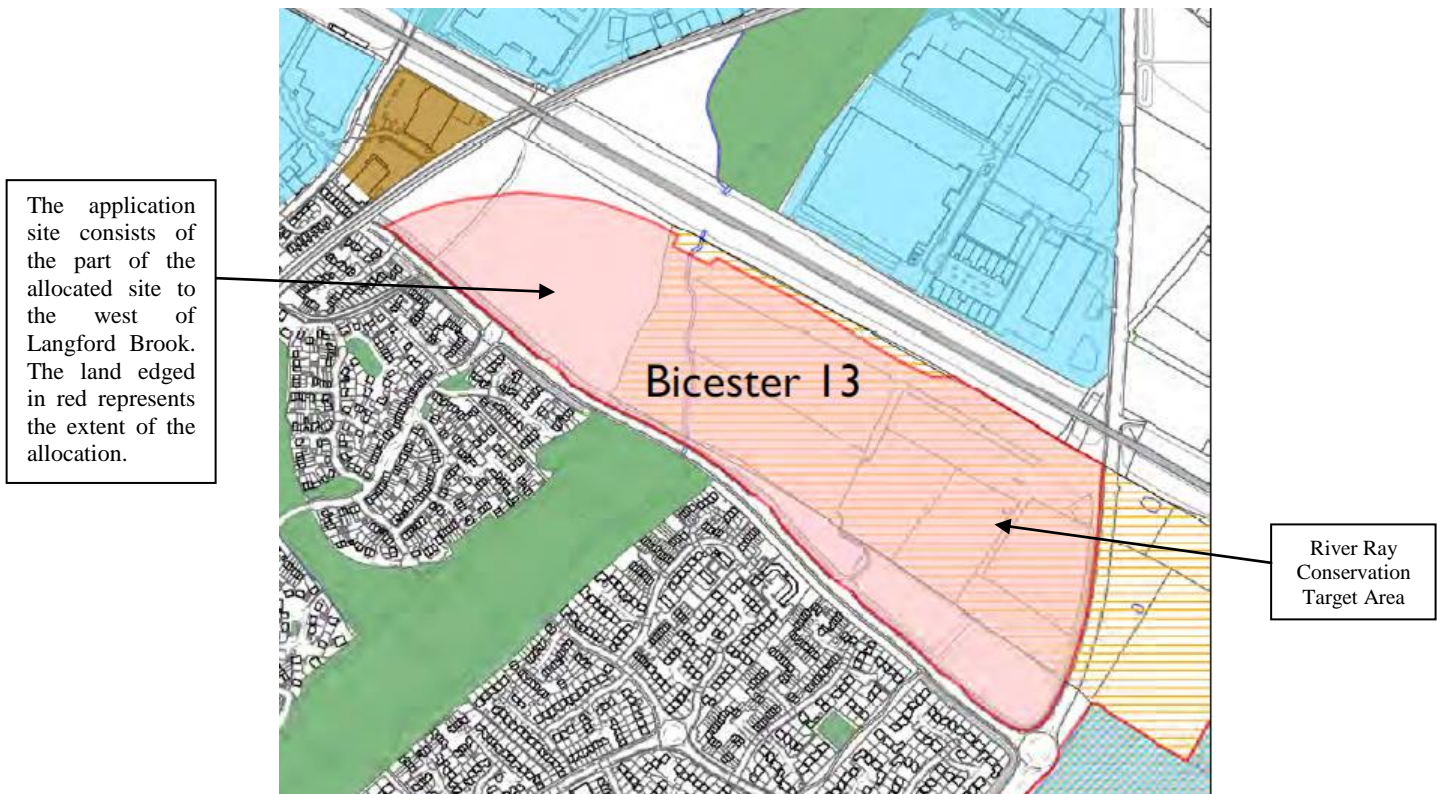
- Principle of Proposed Development;
- Access and Transport;
- Design and Layout;
- Housing Mix;
- Residential Amenity;
- Ecology;
- Flood Risk and Drainage;
- Infrastructure;
- Historic Environment;
- Trees/Landscaping;
- Energy Efficiency/Sustainability;
- Land Contamination;



- Local Finance Considerations;
- Planning Obligations.

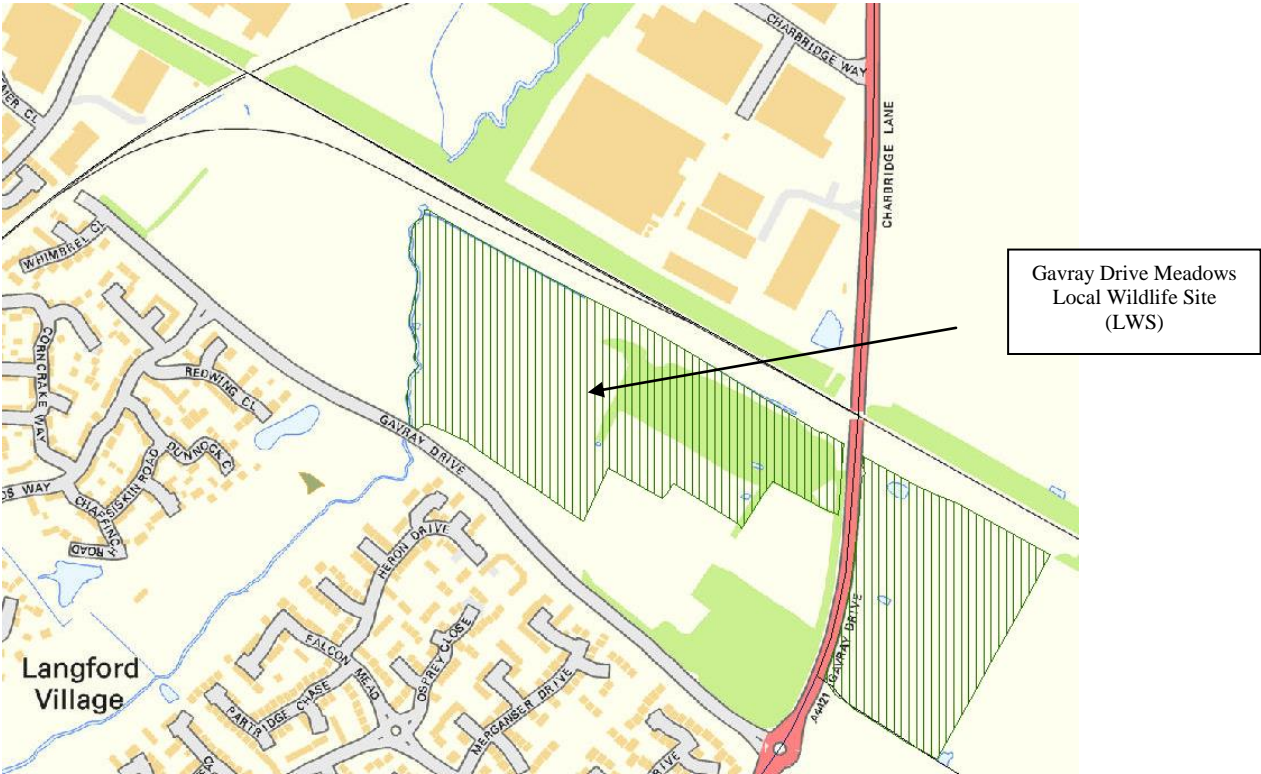
### Principle of Proposed Development

7.2 Planning legislation requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. The Cherwell Local Plan 2011-2031 Part 1 (CLPP1) is the primary document in the District's Development Plan and is up-to-date with national planning policy and guidance. The starting point is therefore to approve proposals that accord with the Development Plan without undue delay. The application proposes residential development on the western part of land allocated for new housing through Policy Bicester 13 of the CLPP1. Policy Bicester 13 is thus the primary planning policy of the Development Plan that these application proposals should be assessed against and has full weight. This policy provides for a total of 300 dwellings across the wider allocated site but is not so prescriptive as to apportion amounts of development to land either side of Langford Brook, nor does it specifically seek a comprehensive masterplan for development across the whole of the allocated site. The below extract from the Local Plan Policies Map shows the extent of the allocated Bicester 13 site.



7.3 Whilst it is often desirable for planning applications to be submitted that cover the whole of an allocated site, there is no planning policy or statutory basis on which to reject applications coming forward on parts of an allocated site subject to them being consistent with the overall objectives and requirements of the allocation policy. In this case the application site is a logical and easily defined part of the wider allocated site that does not, in principle, present undue difficulty in assessing its merits against the overall provisions of Policy Bicester 13. It is necessary however to be mindful of the overall provisions of Policy Bicester 13 throughout the consideration of the application to ensure that officers and Members are cognisant of any potential to unduly fetter the wider policy aspirations.

- 7.4 As the application proposes up to 180 dwellings on part of a site allocated for 300 dwellings the indications are that the proposals are acceptable in principle due to accordance with the provisions of Policy Bicester 13. Whilst, the remainder of the allocated site to the east of Langford Brook is larger it is evidently more constrained and would appear to leave approximately 120 dwellings to be provided across the remainder of the site. In considering the acceptability of the principle of the development, regard needs to be had as to whether the amount of development proposed is appropriate to the application site itself as well as the wider allocated site in light of the overall objectives of Policy Bicester 13.
- 7.5 Development on Bicester 13 to the east of Langford Brook is heavily restricted by the allocation policy which prevents any development in the LWS (as shown hatched in the below map extract). This means that there is a significantly reduced capacity to accommodate new housing on the land to the east of the brook particularly given the awkward shape of some of the remaining land. Furthermore, approximately half of the land potentially available for housing development to the east of the brook is within the designated River Ray Conservation Target Area (CTA) where (through Policies ESD11 and Bicester 13) development can only be considered acceptable if it is consistent with the objectives of nature conversation in the CTA. With this in mind, officers are satisfied that a greater amount of development should be proposed to the west of the brook in order to avoid undue pressure on land to the east and that this approach is consistent with the provisions of Policy Bicester 13.



- 7.6 The application site equates to 6.92 hectares of land and which, based on the submitted parameters plan, would leave approximately 4.5 hectares subject to housing development. As such, the application is proposing new housing at a density of approximately 40 dwellings/hectare which not only significantly exceeds the Council's specified 30 dwellings/hectare minimum density (see Policy BSC2) but is also greater in density than the majority of other greenfield housing developments

currently proposed or recently approved in the immediate area. It is also of a higher density than the Langford Village development with which it would share its most immediate relationship. Officers therefore cannot see any grounds for concluding that development proposed on the application site should be to a greater density as it currently provides an appropriate balance between making efficient use of land whilst also providing opportunity for a suitable quality and layout of development in keeping with the site and its surroundings. Furthermore, together with the Council's Urban Design officer, planning officers have considered and tested the illustrative plans submitted, including those shown within the Design and Access Statement, and concluded that whilst a number of indicative block depths are a little tight, it is possible to satisfactorily achieve 180 dwellings on the site subject to realistic detailed proposals (i.e. smaller, higher density housing and/or a greater proportion of apartments) being submitted in due course.

7.7 Notwithstanding the above, third parties have raised the prospect of the potential to increase the amount and therefore density of development on the application site in order to reduce potential pressure on the allocated land to the east to accommodate approximately 120 dwellings (the residual housing figure as provided for by Policy Bicester 13). Officers however do not agree and have found that there is no reason why accepting the amount of development currently proposed would in any way directly or indirectly lead to inappropriate future levels of housing on land to the east of the brook and thereby prejudice the Development Plan's wildlife conservation objectives for the LWS or CTA. This is for several reasons:

- Policy Bicester 13 is an adopted planning policy but it is not a planning permission and nor is it legislation. It does not require exactly 300 dwellings to be proposed/approved on Bicester 13 and it does not follow that proposing slightly less than 300 dwellings overall in order to respond to the site constraints would necessarily be a departure from the policy. There are other material planning considerations to address as part of the overall planning balance that takes place in making planning decisions which ensures that there is not a commitment to delivering 300 dwellings at the expense of all other impacts;
- Policy Bicester 13 specifically resists harm to the CTA and includes protection of the LWS. These are key requirements of the policy and provide the necessary means by which to robustly defend against any future planning application on land to the east of the brook where this would be materially harmful to wildlife interests even, potentially, at the expense of delivering the full 300 homes across the allocated site. Other Development Plan policies (such as ESD10 and ESD11) would also be material and similarly resist adverse impacts on local sites of wildlife value;
- The application site is being proposed to be developed to a reasonably high density in the context of surrounding development. There is no suggestion that it could be developed more densely and still deliver a suitable scheme that accords with other requirements of Policy Bicester 13. Put simply, there is no reason at all to conclude that the land to the west of Langford Brook is being proposed to be underdeveloped having regard to the Development Plan. Nevertheless, even if it transpires that achieving 120 dwellings on land to the east would lead to net ecological harm, there is still a strong planning policy basis on which to resist such a development proposal;
- The applicant has submitted a notional Biodiversity Impact Assessment relating to potential development on the remainder of the allocated site to the east of Langford Brook. Whilst not specific to a detailed proposal and therefore entirely theoretical, it does assist in demonstrating that there is scope for some built development in the CTA (but not LWS) whilst still achieving overall net biodiversity gains for the CTA and the LWS such that the full objectives of Policy Bicester 13 can be achieved in due course.

- 7.8 Having regard to the above, officers are therefore satisfied that there can be no objection to this application covering only part of the allocated Bicester 13 site and that the principle of the proposed development (both in terms of the type and amount of development proposed) is acceptable given its accordance with up-to-date planning policies within the Development Plan.

#### Access and Transport

- 7.9 Policy SLE4 together with national planning policy in the NPPF requires developments to be served by suitable and safe means of access for all road users. Policies SLE4 and Bicester 13 also require development proposals to maximise opportunities for sustainable modes of travel and provide a walkable neighbourhood with integration and connectivity to surrounding development as well as the wider countryside. Policy Bicester 13 also requires additional bus stops on Charbridge Lane to serve the development as well as financial contributions towards improving local bus services.
- 7.10 Access is not a reserved matter as part of this application for outline planning permission. As such, the means of access to and from the development is to be determined at this stage. A single vehicular access to the development is proposed from Gavray Drive through enlargement and modification of the disused existing bellmouth stub. Due to the alignment of Gavray Drive and the existing 30mph speed limit, highway officers at OCC have raised no concern regarding the visibility from this new junction and have similarly found that it is adequate to serve the expected levels of traffic. Officers have no reason to disagree with this conclusion.
- 7.11 A public footpath (129/3/20) passes through the site from its southwest corner to the new footbridge over the east-west rail chord and then underneath the main east-west railway line into the Bicester Park Industrial Estate. The proposals indicate that this public footpath would be predominantly retained on its existing alignment though, dependent on the detailed layout, might result in a need for a minor diversion to link up to the new footbridge. Nevertheless, the proposed development has the opportunity to substantively retain the existing public footpath. Officers would expect this to be hardsurfaced, safe and with an attractive setting, separated from new estate roads so that its use as a walking route is encouraged. Dropped kerbs to facilitate pedestrian and cycle crossing points over Gavray Drive would also be necessary and are recommended to be secured as part of granting planning permission.
- 7.12 The illustrative plans also indicate a further footpath linking Langford Village's Stream Walk with the new public amenity area proposed along the brook. Officers consider this to be a welcome proposal and assists in conveniently linking the new development to existing residential development and associated green infrastructure. The detail of such a link through the site would be expected to follow as part of reserved matters submissions but officers are satisfied that the proposals have the potential to provide good connectivity with the surrounding area in a manner that accords with the requirements of Policy Bicester 13. A condition is however recommended that requires approval of the means of crossing Gavray Drive and the associated works necessary to the footways to enable this.
- 7.13 In order to enable suitable access to a bus service for new residents of the development, bus stops along Charbridge Lane are required to be provided in accordance with Policy Bicester 13. No details have been provided at this stage but the applicant has confirmed willingness to provide this infrastructure in advance of any occupations on the site. Access to the bus stops would require an upgraded footway to the north side of Gavray Drive as well as a signalised crossing of

Charbridge Lane so that there is safe and convenient access to both north and southbound bus stops. Details of such infrastructure together with its provision is recommended to be secured by condition as well as through appropriate planning obligations. OCC is also seeking funding to cover the cost of providing bus shelters as well as real time information displays at the bus stops. Furthermore, and in accordance with the requirements of Policy Bicester 13, OCC is seeking a financial contribution of £1000/dwelling (index linked) towards improving the frequency of the bus service to ensure access to sustainable modes of travel for the new residents has been maximised.

- 7.14 In addition, and in reflection of the likely increased use of the existing cycleway along Gavray Drive as a result of the new development, officers a raised crossing of Mallards Way in accordance with the recommendations of OCC. This would raise driver awareness of cyclists and help to give priority to those travelling by bike. Officers are recommending that details of these works together with their construction are secured via both a condition on a planning permission as well as through a planning obligation.
- 7.15 Notwithstanding the provisions for travel by walking, cycling and by bus, it is inevitable that the proposed development would give rise to a significant number of car trips. As the planning application has been pending determination for a significant period of time, the Transport Assessment that accompanied the application is now a little out of date. Nevertheless, it was considered by OCC to be generally robust at the time of its submission and they have advised that by applying the updated Bicester Transport Model it confirms a future severe impact on Bicester's peripheral route and so a financial contribution reflecting the scale of this development should be required through a planning obligation to mitigate this. This amount has yet to be determined by OCC and officers are awaiting details of the sum sought. OCC's Local Transport Plan 4 Bicester Area Strategy includes proposals for improvements to the eastern peripheral corridor to which Gavray Drive connects. The scheme of particular relevance that the financial payment would contribute towards mitigating is stated by OCC to be as follows: "Implementing increased link capacity on the A4421 between the Buckingham Road and Gavray Drive to complement the transport solution at the railway level crossing at Charbridge Lane and facilitate development in the area. This scheme will improve the operation of this section of the eastern perimeter road, and enhance the integration of the North East Bicester Business Park site with the rest of the town." Subject to securing this financial contribution through a planning obligation, officers are satisfied that the proposal would adequately mitigate its wider adverse impacts on the local highway network to prevent future severe congestion in accordance with the requirements of Policies SLE4 and Bicester 13 of the CLPP1. In accordance with Policy Bicester 13 the applicant has submitted a travel plan that includes measures to reduce dependency on the private car. Whilst OCC has identified some concerns with the travel plan, there is no reason to conclude that an appropriate revised travel plan could not be submitted and approved via condition prior to occupation of any of the dwellings. Officers are also recommending that a financial contribution is also secured to cover OCC's costs of monitoring the travel plan.
- 7.16 It is also thought that residents of the proposed new development would be likely to use Langford Village shops and facilities and so vehicular trips through the Wretchwick Way/Peregrine Way priority junction would increase. There is local concern about safety risk at the ghosted right turn at this junction but the TA does not capture a number of incidents due to it only assessing a three year accident record. In order to ensure that this safety risk does not increase, OCC are recommending that £20,000 is secured towards safety improvements to this junction. A number of highway improvements and alterations are currently proposed as part of an application for outline planning permission on land allocated as

Bicester 12 in the Local Plan which requires far more extensive works given the scale of that development. Development on Bicester 12 is however unlikely to commence for a number of years and so this planning application on Bicester 13 has been considered on its individual merits so that highway improvements to the network are able to be provided sufficiently early to appropriately mitigate the impact of these application proposals rather than await necessary future and as yet undefined wider transport network upgrades.

- 7.17 In conclusion therefore, officers are satisfied that through the use of appropriately worded conditions and planning obligations, the proposed development would integrate successfully with surrounding routes, provide suitable and safe access for all whilst not having an undue adverse impact on the operation of the local highway network. In this respect therefore, the proposals are considered to comply with the requirements of relevant Development Plan policies including SLE4 and Bicester 13.

#### Design and Layout

- 7.18 Policy Bicester 13 requires development on the site to be of high quality and locally distinctive in its form, materials and architecture. It also seeks a well-designed approach to the urban edge which relates to the road and rail corridors. Policy Bicester 13 also requires provision of general greenspace, play space, allotments and outdoor sports facilities as outlined in Policy BSC11. Policy Bicester 13 also requires existing landscape features of significance to be retained as well as the provision of green infrastructure links including a central area of open space either side of Langford Brook. Policy ESD15 of the CLPP1 is also material and this supports the efficient use of land and requires new development proposals to be designed so as to improve the quality and appearance of an area and the way it functions. Saved Policy C28 of the Cherwell Local Plan 1996 (CLP 1996) is broadly reflective of these requirements too and adds that development should be designed to be sympathetic to its context. Together these Development Plan policies are consistent with national planning policy and guidance of the NPPF and PPG which reinforce the importance of good design as part of sustainable development.
- 7.19 The application is made in outline and so all matters of layout, scale, appearance and landscaping are reserved for later approval. Nevertheless, it is still necessary to consider whether the proposals could be properly accommodated on the site so that a suitable reserved matters scheme could be submitted in due course. In order to demonstrate this, the applicant has submitted a parameters plan and illustrative masterplan. This indicates that all of the existing boundary hedgerows would be retained with the exception of very minor works to open up the existing public footpath which would be safeguarded on its existing alignment. Furthermore, it also shows a central area of informal open space to the west of Langford Brook as specified in Policy Bicester 13 both to facilitate the creation of a green infrastructure link to Stream Walk to the south as well as act as a buffer to the brook. All new dwellings are also shown to be located outside Flood Zone 3 as required by Policy Bicester 13. The illustrative plan also indicates scope for significant new structural landscaping along the northern and western boundaries with the railway line and the proximity of dwellings to the railway has not been indicated to be of concern to the Council's Environmental Protection officers (and in any event they are shown to be further away than some existing houses in Langford Village).
- 7.20 The applicant proposes new children's play areas within the development and, following discussions with officers, these are outside of the central open space buffer to Langford Brook to ensure that they would not be at undue risk of flooding or affect wildlife conservation interest. The proposals exceed a number of thresholds set out in Policy BSC11 in relation to on-site recreation provision though Policy Bicester 13 recognises that the constrained nature of the site means that a contribution towards off-site formal sports provision is required rather than on-site

provision. As a result, no formal sports facilities are indicated in the illustrative plans and officers are satisfied that this is appropriate. With respect to play facilities, a development of this size should typically be served by a Neighbourhood Equipped Area of Play (NEAP) to accord with Policy BSC11 however the scale and nature of this facility on Bicester 13 would probably be inappropriate on the site as it would either prejudice the ability to achieve sufficient levels of new housing or the objectives for preserving and enhancing the ecological value of the site. For this reason officers are content that the illustrative plans do not indicate provision of a NEAP on the site. Similarly, the Policy BSC11 requirement for the provision of allotments on developments of 280 dwellings or greater would be exceeded across the whole of the Bicester 13 site but the small pro-rata level of required provision would not be appropriate either in terms of its future management for the town council or its potential to lead to further pressure on retention/provision of ecological habitat. Officers are therefore content that the illustrative plans do not indicate any provision for allotments on the site.

- 7.21 With the above in mind, officers are satisfied that the indicated general approach to development as set out in the submitted documents demonstrates that a suitable detailed scheme can be proposed on the application site at reserved matters stage in a manner that meets the requirements and objectives of Policy Bicester 13 as well as other relevant policies of the Development Plan. For this reason officers have concluded that the proposals have the ability to provide a development of high quality that is appropriate to the site and its context such that, in this respect, officers have no objections to the proposals.

#### Housing Mix

- 7.22 Policy Bicester 13 requires 30% of the dwellings to be provided on the site to be affordable units. Policy BSC3 goes on to require 70% of these affordable units to be affordable rented units with the remainder intermediate (i.e. shared ownership) in tenure. The application commits to meeting these affordable housing requirements which would need to be secured through a planning obligation if planning permission was to be granted.
- 7.23 Policy BSC4 also requires new residential development to provide a mix of homes to meet current and expected housing need. As the application is in outline, no details are available of the precise mix of dwellings proposed and it is not an issue able to be left to reserved matters stage. Therefore, in order to ensure that the development responds to current identified needs, officers recommend that a condition be imposed on a planning permission that specifies the minimum proportions of 2 and 3 bedroom dwellings (25% and 45 % respectively) to be included as part of applications for reserved matters approval which should ensure that the development appropriately responds to the District's housing needs. Such a mix would be consistent with the objective of achieving a higher density of development on the site. Advice from the Council's housing officers indicates that there has been little demand as of late for extra-care housing in the Bicester area and so this is not sought on the site. In any event, the requirement for it in Policy Bicester 13 conflicts with the 400 dwelling threshold set out in Policy BSC4 and background evidence to the CLPP1 indicated that provision as part of developments smaller than 400 dwellings would usually not be financially viable. Officers are therefore not recommending that extra-care housing is sought as part of this development.
- 7.24 Consequently, and having regard to the above, officers are satisfied that the proposed development would provide an appropriate mix of housing to meet those in priority need as well as the needs of the market in accordance with the requirements of Policies BSC3, BSC4 and Bicester 13 of the CLPP1.

#### Residential Amenity

- 7.25 Policy ESD15 of the CLPP1 requires the amenity experienced at both existing and future development to be considered as part of planning proposals. Similarly, Saved Policy C30 of the CLP 1996 requires new housing to provide acceptable standards of amenity and privacy. These Development Plan policies have requirements consistent with the NPPF which sets out, as a core planning principle, the need to seek a good standard of amenity for all existing and future occupants of land and buildings. The NPPF also states that *“planning decisions should aim to avoid noise from giving rise to significant adverse impact on quality of life and the need to mitigate/reduce other adverse impacts on health arising from noise”*.
- 7.26 The application is in outline and so the relationships between new houses on the site cannot be considered at this stage. Existing residential properties are however separated from the development by Gavray Drive as well as woodland along the roadside. The separation distance is significant and, as a result, the living conditions experienced at existing dwellings should not be adversely affected by the proposed development. A couple of third parties have raised some concerns that that the new dwellings could be affected by noise and nuisance from the existing industrial premises along Granville Way which could in turn prejudice the businesses. However, due to the significant separation distance and intervening landscape features, which includes the railway line and its associated embankment, officers consider this concern to be without justification. In any event, the site is allocated for residential development and its principle has therefore been established. A third party has also raised a concern about children from the new homes crossing the railway footbridge and following the public footpath underneath the railway embankment and into an unsurveilled open amenity area adjacent to Bicester Distribution Park which contains open drains. Officers consider this risk to be insignificant and, indeed, low probability off-site risks can be identified with any development proposals. In any event, the site is allocated and so the principle of residential development is established and it is not within either the applicant’s control to resolve these risks.
- 7.27 The site is in close proximity to the new east-west rail chord which links the two railway lines and wraps around the western and northern site boundaries. There is the potential for some train noise as well as vibration to be experienced at new dwellings close to the railway line. However, the new homes are illustratively shown to be located further away from the line than many existing dwellings in Langford Village and the Council’s Environmental Protection officers have not raised particular concerns about the future living conditions. A condition is however recommended that requires submission of a noise assessment and associated mitigation measures as part of reserved matters applications so that all homes are, if necessary, attenuated to achieve the relevant World Health Organisation standard. Furthermore, there is scope for structural planting between the new dwellings and the railway line to help reduce noise penetration as well as the erection of acoustic and security fencing. Further details of these are recommended to be required through a condition if planning permission is granted which accords with Network Rail’s consultation response. It also needs to be recognised that the site is allocated and so the principle of erecting new homes in close proximity to the railway line has already been established.
- 7.28 Consequently, officers have no concerns in relation to the quality of living or the safety of occupants of the proposed new dwellings nor the impact of the development on existing occupiers of neighbouring buildings/land. As such the proposals are considered to accord with the abovementioned Development Plan policies as well as relevant national policy set out in the NPPF.

#### Ecology



- 7.29 Policy Bicester 13 requires development on the site to secure a net biodiversity gain, avoid adversely affecting the Conservation Target Area and protect the Local Wildlife Site. The policy also requires the detailed consideration of ecological impacts together with the preparation and implementation of an Ecological Management Plan to ensure the long-term conservation of habitats and species within the site. Policy Bicester 13 also states that development proposals should retain and enhance significant landscape features which are of ecological value.
- 7.30 Policy ESD10 is also of relevance and, inter alia, seeks a net gain in biodiversity and the protection of trees together with avoidance/mitigation of harm caused to wildlife. Policy ESD10 also states that development resulting in damage to or loss of a site of local biodiversity importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause and that such harm could be mitigated. Policy ESD11 is also material and resists development in a CTA where it would prevent the objectives of that CTA being achieved.
- 7.31 These Development Plan policies are consistent with national planning policy in the NPPF which characterises sustainable development as including a move from net loss of biodiversity to achieving net gains and encourages opportunities to incorporate biodiversity in and around developments. The NPPF also emphasises the need to promote the preservation, restoration and recovery of priority habitats and species as well as the need to avoid harm to biodiversity as part of developments or, where unavoidable, adequately mitigate that harm. The Council also has a statutory duty under s40 of the Natural Environment and Rural Communities Act 2006 (NERC Act 2006) to have due regard to the purposes of conserving biodiversity as part of exercising its functions which includes determining planning applications.
- 7.32 The existing site comprises predominantly arable land with a woodland belt along its southern boundary, the tree-lined Langford Brook to its east and a hedgerow that projects into the site along the route of the public footpath. With the exception of the proposed removal of the section of hedgerow along the footpath, the remainder of the land to be developed is arable and so of very little value as ecological habitat and which should be outweighed by new habitat created in the form of residential gardens and public amenity areas. The loss of the hedgerow is regrettable but inevitable as part of creating a suitable form and layout of development on the site and in any event the surveys submitted as part of the application demonstrate that its ecological value is comparatively low. As it contains Elm, this hedgerow does however have the potential to support white-letter hairstreak butterfly and there was some limited evidence of this as part of the species surveys undertaken in support of the planning application. This species is listed nationally as one of principal importance (i.e. priority species) and regard must be had to impacts on it. However, there is significant scope for new hedgerow planting as part of the development including along the western and northern boundary which could include Dutch-elm disease resistant species of Elm and should provide greater amounts of such habitat than exist at present. Officers are therefore satisfied that as part of detailed landscaping proposals at reserved matters stage, the potential impact on this species could be adequately mitigated.
- 7.33 The ecological appraisal accompanying the application also identifies the other protected or priority species that might be affected by the proposed development, both during construction and post-completion. Dealing with these in turn, there were limited records of bats foraging within the woodland along the southern boundary and these could be disturbed temporarily due to increase levels of artificial lighting and noise during construction. However, the retention and enhancement of the woodland together with new planting and a suitable lighting scheme as part of reserved matters details should ensure that in the long term the effect on bats is

negligible. Similarly, a single Harvest mouse nest has been found in rough grassland at the southeast corner of the site which could be affected by the proposed development though conditions are recommended that require the works to take place outside the breeding season in late winter to early spring and the existing small area of rough grassland can be retained. The application also provides the opportunity for significant informal public open space including opportunity for areas of grassland along Langford Brook and so includes the potential for a minor increase in habitat for Harvest mice. There is however the potential for increased predation by cats but overall the effect on the Harvest mouse is considered to be negligible. As with any development of arable land, the proposals have the potential to reduce the habitat available to a number of species of farmland birds, some of which are listed as priority species, including skylark and lapwing. Construction activity would also disturb foraging and/or nesting. However, the amount of farmland lost to development in this case would be very limited in the context of the amount of remaining local farmland (both individually and cumulatively with other committed development schemes) and so the permanent adverse impact would be very minor. Temporary harm to farmland birds could be partly mitigated during construction through the use of sensitive working hours, lighting and construction methods which could be secured through the use of recommended conditions.

- 7.34 The part of the site to the west of the public footpath has also recently been used as the works compound associated with the construction of the east-west rail chord. These works have resulted in the loss of a section of the hedgerow along the public footpath as well as the entirety of the previous hedgerow adjacent to the railway line as well as a short section of the woodland belt along Gavray Drive. Together these works have resulted in loss of habitat on the site and whilst Network Rail have provided some new planting as part of conditions attached to their consent, the application proposals provide the opportunity to further restore some of the site's previous ecological value. As part of efforts to objectively assess the potential ecological impacts of the development, the applicant has submitted a Biodiversity Impact Assessment (BIA). This utilises a DEFRA-based metric to quantitatively value the overall net gain/loss of habitat on a site which in turn indicates the corresponding impact on biodiversity. Whilst a slightly crude tool as there is little room for qualitative assessment or indeed the recording of all habitat gains and losses, it is a useful instrument as part of the wider process of considering biodiversity implications of a development proposal. The Council's ecologist has reviewed the submitted BIA for the proposed development and is satisfied that it provides a realistic and robust appraisal of the long term impacts of the proposed development and demonstrates opportunity for modest net gains for biodiversity through further hedgerow management and planting, new water features (SuDS basins), replacement of arable crop with areas of residential gardens and the provision of new wildflower grassland meadow within the informal amenity space adjacent to Langford Brook which would contribute towards the habitat targets for the River Ray CTA. Once completed all such new and retained habitat within the public realm would need to be transferred to the Council via terms within a s106 agreement for future management (which the applicant has agreed to in principle) and this would secure its wildlife value in the long term. Moreover, as a public authority, all of the Council's functions are subject to the statutory duty to give due consideration to the conservation of biodiversity (NERC Act 2006) which gives additional future security to the habitat on the site once transferred to the Council. Officers recommend that if approved, a condition be imposed that requires the submission, approval and implementation of a Landscape and Ecology Management Plan (LEMP) that will set out the means by which retained and new landscaping on the site will be managed thereafter in the interests of ensuring continued biodiversity gain.

- 7.35 With the proposed development demonstrating opportunity for material gains for biodiversity both generally and within the River Ray CTA, officers are satisfied that the application is making the necessary contribution towards the ecological enhancement objectives contained within Policy Bicester 13 and does not lead to any further pressure on the remainder of the allocated site to rectify any deficiencies in this respect which might in turn prejudice the value of the LWS or CTA. Furthermore, the applicant's ecological appraisal and Environment Statement have concluded that, subject to conditions controlling construction measures, there would be no adverse impacts on the Langford Brook watercourse and so no downstream effects on wildlife or other wildlife sites. The Council's ecologists have raised no concerns in relation to these conclusions and so officers have no reason to disagree.
- 7.36 Policy Bicester 13 requires the preparation and implementation of an Ecological Management Plan to ensure the long-term conservation of habitats and species within the site. The policy also states that access to the LWS should be appropriately managed to protect ecological value. Policy Bicester 13 relates to the whole of the allocated Bicester 13 site and there are elements of its requirements that are not necessarily relevant, necessary or proportionate to proposals on only part of the site. As previously mentioned in this report, officers are satisfied that proposals on part of a site can be acceptable on this basis provided they do not fetter the ability to achieve the objectives of the allocation policy overall.
- 7.37 The Council has received a number of representations raising concern about the potential adverse impact of the proposed development on the LWS to the east of Langford Brook and the failure of the applicant to offer an ecological management plan for the LWS (which is within their control) to mitigate this impact. The concerns raised relate to the indirect effect of an additional population living in close proximity to the LWS and using it for recreation purposes which can lead to further dog walking, cat predation, littering and disturbance to wildlife.
- 7.38 Officers recognise the requirements of Policy Bicester 13 but are also cognisant that interventions through planning decisions need to be necessary, reasonable and proportionate to a development and its impacts. The application proposes up to 180 dwellings which would, once completed, be expected to support a population of about 400-450 residents. The development proposes children's play areas and an area of public open space alongside Langford Brook. There are also formal sports facilities to the south of Gavray Drive within Langford Village. As such, there are recreation facilities available to the new residents that would prevent undue pressure to utilise the LWS. Furthermore, there are also public footpath links out to the wider countryside beyond Charbridge Lane. Moreover, the proposed additional population represents only a minor increase in the context of the thousands of existing residents surrounding the LWS including within Langford Village. Any increase in recreational use of the LWS is therefore unlikely to be material and therefore it is difficult to conclude at this stage that it would be proportionate or necessary to impose financially significant as well as burdensome requirements relating to future management of the LWS. Members should also note that the LWS is separated from the application site by Langford Brook which presents a natural barrier and so access to it is not immediately available. This reduces the prospect of its regular access as well as potential for predation within the LWS by domestic cats resulting from the new homes.
- 7.39 Members should also bear in mind that the LWS is wholly on private land and there is no public right of access to it. Those that currently access it are therefore trespassing though the landowner has taken a relaxed approach and not sought to actively prevent public access though does not encourage it. It is therefore difficult to have regard to the potential for future residents to act unlawfully by accessing

neighbouring private land without permission. Nevertheless, even if trespassing onto the LWS was to take place, for the above reasons officers are not convinced that it would be to such a level that it would be materially significant in the context of existing levels of trespass to justify a requirement for a fully funded ecological management plan. The applicant is however fully aware (and has acknowledged) that as part of development proposals on land to the east of Langford Brook there is likely to be a significant net adverse impact on wildlife without proposing (and securing) a comprehensive strategy for long term management and enhancement of the LWS and the remaining parts of the CTA. Officers agree that it is only at this stage that a comprehensive ecological management plan could reasonably be requested and secured. Notwithstanding this, if Members are still concerned about the potential for indirect adverse impact on the LWS resulting from the proposed development increasing the risk of unauthorised recreational use then a condition could be imposed that requires the approval and implementation of measures to prevent public access to the LWS (as this is within the applicant's control).

- 7.40 The construction stage of the proposed development has the potential to give rise to harm to wildlife and, as with many major development proposals, this can be appropriately controlled and minimised through the use of conditions. This includes a requirement for the approval and implementation of an Ecological Construction Method Statement (ECMS) that would need to include measures to protect retained landscape features, minimise any risk of construction disturbance to wildlife as well as reduce risk of contamination of the brook. Moreover, officers recommend that a condition be imposed that prevents removal of hedgerows during the bird breeding season as well as a condition that requires a further site survey by an ecologist to take place less than three months before commencing development to determine whether there has been any changes to circumstances with respect to statutorily protected species.
- 7.41 Consequently, and subject to the imposition of the abovementioned conditions, officers are satisfied that the proposals would adequately protect and enhance biodiversity on the site as well as adequately mitigate any limited harm to protected and priority species in accordance with the requirements of Policies Bicester 13, ESD10 and ESD11 of the CLPP1 as well as national policy contained in the NPPF. Furthermore, there is no evidence that the proposals would give rise to direct or indirect material harm to the adjacent Gavray Drive Meadows LWS or the wider River Ray CTA and so there is no reasonable justification for an ecological management plan for the wider Bicester 13 site to be secured as part of these application proposals. There is no reason therefore to conclude that there is anything within the application proposals that is contrary to the overall biodiversity enhancement objectives set out in Policy Bicester 13.

#### Flood Risk and Drainage

- 7.42 Policy Bicester 13 requires consideration to be given to flood risk from Langford Brook and the incorporation of a sustainable drainage system (SuDS). Policies ESD6 and ESD7 resist development where it would be unduly vulnerable to flooding as well as proposals that would increase the risk of flooding either locally or elsewhere. Policies ESD6 and ESD7 closely reflect national planning policy and guidance set out in the NPPF and PPG.
- 7.43 The eastern third of the application site lies within a combination of Flood Zones 2 and 3 as defined in the Council's Strategic Flood Risk Assessment (SFRA) and the Environment Agency's flood mapping. Sites allocated within a Development Plan that have been subject to the Sequential Test through the preparation, examination and adoption of a Local Plan do not need to be the subject of a further sequential test as part of determining a planning application. This is confirmed within the Government's PPG. Consequently, the principle of constructing new homes in Flood

Zone 2 does not need to be considered further as Policy Bicester 13 endorses this. However, Policy Bicester 13 states that all housing must be located outside Flood Zone 3 yet some of the new housing is indicated to be provided in this flood zone given that the southeast corner of the site is modelled to be more likely to experience flooding. In order to obtain a sensible building line and eastern development edge, the applicant proposes that level-for-level flood compensation works are undertaken which slightly raise part of the southeastern corner of the site and lower land at the northeastern corner with the result that the flood zones are altered to remove all new housing from what would be Flood Zone 3. The Environment Agency has confirmed that they are satisfied with the works proposed and have no objection to the proposals subject to the development being carried out in the manner specified in the application's Flood Risk Assessment.

- 7.44 Notwithstanding the above, housing is technically proposed in the existing Flood Zone 3 and Bicester 13 was not subject to a Sequential Test as part of the preparation of the CLPP1 to accommodate development in such a flood zone. The aim of the Sequential Test is, as defined in the NPPF, to steer new development to areas with the lowest probability of flooding. However, having regard to the lack of available land within Flood Zones 1 and 2 on the application site to reasonably accommodate further development, the desire to avoid increasing levels of development on the part of the allocated site to the east of Langford Brook, the lack of obvious more suitable alternative residential development sites in or around Bicester as well as the appropriate nature of the flood compensation scheme proposed, officers are satisfied that there is no objection to development taking place in Flood Zone 3 and that the Sequential Test is passed in this case.
- 7.45 As set out above, whilst all new housing would ultimately end up within Flood Zone 2 as a result of flood compensation works, the proposals would see some new housing within the existing extent of Flood Zone 3 and the starting point is to avoid such development. With the sequential test considered to be passed, the NPPF and Policy ESD6 now require the application of the Exception Test. Such a test is necessary where new housing is proposed within Flood Zone 3 and is only passed where two criteria are met: (a) the wider sustainability benefits of the development outweigh flood risk; and, (b) a Flood Risk Assessment demonstrates that the development will be safe for its lifetime and not increase flood risk elsewhere.
- 7.46 With respect to criteria (a), officers are satisfied that the substantial need for new housing in a sustainable location on a site otherwise suitable for development provides significant wider sustainability benefits having regard to the Development Plan and national planning policy which would outweigh any limited impact of carrying out ground works to modify flood risk. With respect to criteria (b), the Environment Agency has advised that the flood compensation works would result in all new housing within Flood Zone 2 and which are suitably safe and has not raised any concerns that the works would lead to increased risk of flooding elsewhere. Officers are therefore satisfied that the Exception Test is passed and that subject to conditions requiring the recommendations of the Flood Risk Assessment to be carried out and imposing a restriction on new housing in the existing extent of Flood Zone 3, the proposals are considered to accord with the relevant requirements of the NPPF, Policy ESD6 of the CLPP1 and the spirit of Policy Bicester 13.
- 7.47 Both Policies Bicester 13 and ESD7 of the CLPP1 require new development to incorporate SuDS to ensure that there is no increase in risk of surface water discharge from the site which could cause flash flooding in a storm. The Flood Risk Assessment includes an overarching surface water drainage strategy for the development which the drainage engineers at OCC (the Lead Local Flood Authority) consider to be appropriate and which includes a system of balancing ponds and swales to store, treat and disperse storm water before controlled discharge to the

brook so that there is no increase in the rate of surface water run-off in comparison to pre-development levels. Full details of the surface water drainage scheme are recommended to be secured by condition and officers are satisfied that the details of such a scheme can accord with the requirements of Policies Bicester 13 and ESD7 of the CLPP1 as well as national planning policy which seeks sustainable drainage systems as part of major development.

#### Infrastructure

- 7.48 Policy Bicester 13 requires new development on the site to provide on-site infrastructure as well as provide financial contributions towards off-site infrastructure in order to deliver a suitable quality of new development and to mitigate the impact of development on public and community infrastructure. Policy INF1 has similar requirements though is not site specific.
- 7.49 Turning first to on-site infrastructure, this primarily relates to public amenity space and recreation facilities. New housing developments of the size proposed exceed thresholds in Policy BSC11 for a variety of children's play areas including for a Local Area of Play (LAP), Local Equipped Area of Play (LEAP) and a Neighbourhood Equipped Area of Play (NEAP). Given the limited size of the site, the walking distances from the new houses to centrally located play areas would not be significant and so officers are of the view that a single combined LAP/LEAP facility would be satisfactory and its provision should be secured through a planning obligation. A NEAP requires a greater area of land (8500sq m) and its provision on the site would either materially reduce the amount of land available for housing or put pressure on the CTA to accommodate more built development. In this case and given the site constraints, officers are satisfied that provision of funding towards an off-site facility would be more appropriate and so are recommending that a financial contribution is secured towards this through a planning obligation. Policy BSC11 also requires general green space to be provided to serve new dwellings and about 1.2ha would be expected to be provided as part of this development. Officers are satisfied that the area of public amenity space adjacent to Langford Brook constitutes suitable provision in this respect in that it is of an appropriate size and is pleasant, overlooked and easily accessible. A planning obligation is necessary to secure its provision together with other areas of public green space and their long term maintenance through transfer to the Council.
- 7.50 Policy Bicester 13 recognises that the site is constrained and so includes requirements for contributions towards off-site outdoor sports facilities rather than on-site provision. To this end officers recommend securing financial contributions of approximately £179,000 towards new outdoor sports facilities in the local area through a planning obligation. Similarly, officers also recommended that a financial contribution (approximately £130,000) is secured towards enhancing local indoor sports provision through a planning obligation to mitigate the impact of additional demand arising from the proposed development.
- 7.51 Developments of 275 dwellings or more are also required, through Policy BSC11, to provide allotments on site. Whilst the proposed development is less than 280 dwellings, cumulatively with development across the whole of the allocated site the policy threshold would be exceeded. As a result, officers recommend that the application proposals make a proportionate contribution. Rather than providing the necessary 0.2ha of allotments on the application site, which would be difficult to manage as such a small facility and which could prejudice the ability to achieve suitable efficiency of housing development on the site, officers recommend that a financial contribution is sought through a planning obligation for provision of further allotments off-site as part of wider new allotment provision at southwest Bicester. Policy Bicester 9 also requires new residential developments to make a contribution

towards establishing new cemetery provision in the town and officers recommend that such a contribution is sought through a planning obligation.

- 7.52 New residents as part of the proposed development would also place additional demand on the local community hall within Langford Village. Officers recommend that a financial contribution is secured towards improvements to this existing community hall to mitigate the impact of additional use. Further funds are also sought towards community integration packs for each household.
- 7.52 With respect to education, OCC has identified the need for additional capacity at primary, secondary and special education schools to accommodate new pupils arising from the proposed development. This includes a need to expand Longfields Primary School, provide a new secondary school in Bicester as well as improvements at Bardwell School. The application is in outline with the mix of housing unknown at this stage but OCC is seeking a contribution based on a matrix that corresponds to the final housing numbers/sizes approved as part of reserved matters applications. Officers agree that financial contributions are required to be secured as part of planning obligations to mitigate the impact on local education provision.
- 7.53 Having regard to the above, subject to securing the necessary on and off-site infrastructure through planning obligations, officers are satisfied that the proposed development would provide a satisfactory residential environment for new residents as well as adequately mitigate its impact on public infrastructure in accordance with the requirements of Policies Bicester 13, BSC11 and INF1 of the CLPP1.

#### Historic Environment

- 7.54 The NPPF places great importance on the preservation and enhancement of heritage assets, dependent on significance, as part of achieving sustainable development. The NPPF further adds that harm to heritage assets should be avoided unless outweighed by public benefits.
- 7.55 The application site is not in close proximity to any designated heritage assets with the Bicester Conservation Area and nearest listed buildings being some distance away. Similarly there are no scheduled monuments on the site or in the immediate surrounding area. There are also no non-designated heritage assets or locally listed buildings close to the site. As a result, the proposals would not have any effect on above-ground heritage assets and so there is no conflict with local or national planning policy in this respect.
- 7.56 Policy Bicester 13 requires an archaeological field evaluation to be undertaken to assess the impact of the development on archaeological features. An archaeological evaluation has been undertaken which recorded a number of archaeological features including possible Iron Age pits and a number of gullies. The evaluation only investigated part of the application site though OCC's archaeologist is satisfied that this is sufficient at this stage to determine likely archaeological interest. Further archaeological features may survive on the site however and a programme of archaeological investigation would therefore be required ahead of any development on the site. Officers are therefore recommending that, in the event planning permission is granted, that conditions should be imposed that require the approval and implementation of a staged programme of archaeological investigation that would be maintained during the period of construction. Subject to such conditions, officers are satisfied that the proposals would adequately preserve and record any buried heritage assets on the site in accordance with best practice and guidance set out in the NPPF.

#### Trees/Landscaping

- 7.57 As stated previously in this report, Policy Bicester 13 requires the retention and enhancement of significant landscape features. This reflects some of the requirements of Policy ESD10 which promotes the protection of trees as part of development proposals. The Council also has a statutory duty to ensure that in granting planning permission that adequate provision is made for the preservation or planting of trees. Landscaping is a matter reserved for later approval and so detailed landscape protection and planting schemes have not been proposed at this stage. However, the illustrative plans indicate the retention of all existing trees and hedgerows with the exception of the hedgerow that follows the public footpath through the site. Officers have already commented on the acceptability of removing this hedgerow which could be mitigated through new planting around the site edges and which would be expected to be detailed as part of reserved matters submissions. The existing woodland belt along the southern boundary is proposed to be retained and there is the potential for enhancement to replace some of the trees and hedgerows lost as part of the recent Network Rail works which have left a barren northern and western boundary to the site. Reserved matters applications would be expected to detail this new landscaping as well as demonstrate suitable protection measures with respect to retained trees. Reserved matters submissions would also be expected to detail the wildflower planting and grassland along Langford Brook to ensure that it provides suitable ecological habitat.
- 7.58 Consequently, officers are satisfied that a suitable detailed scheme is able to be proposed as part of reserved matters applications that would retain existing landscape features of importance whilst providing opportunity for mitigatory and further planting that would contribute towards biodiversity enhancement objectives and deliver an appropriate quality of development that is in keeping with its context. In this regard officers are therefore of the view that the proposals accord with the requirements of relevant policies of the Development Plan including Bicester 13 and ESD10.

#### Energy Efficiency/Sustainability

- 7.59 Policy ESD3 of the CLPP1, inter alia, requires new residential development to achieve zero carbon. This part of the policy is however no longer consistent with national planning policy and so can be afforded limited weight. Policy ESD3 does however require new dwellings to achieve a water efficiency limit of 110 litres/person/day – this requirement of the policy is still up-to-date and so a condition is recommended that requires new homes to accord with this limit.
- 7.60 Policies ESD4 and ESD5 are also material and the applicant has submitted an Energy Statement to demonstrate the potential feasibility of incorporating significant on-site renewable energy provision as well as the use of District Heating (DH) or Combined Heat and Power (CHP). Officers are satisfied that there is not a suitable local DH system to draw heat from. CHP is also not considered to be feasible given the lack of a consistent significant heating and water demand from the new homes. CHP systems can only operate efficiently where year round heating demand can utilise the available waste heat from co-generation to improve efficiency – this is not the case as part of the development. Officers have therefore found that the proposals have adequately demonstrated that DH and CHP systems are neither feasible nor viable in accordance with the requirements of Policy ESD4 of the CLPP1.
- 7.61 In accordance with Policy ESD2, the applicant proposes a fabric first approach to energy efficiency with details that would be provided as part of the detailed reserved matters submissions. The applicant does however commit to incorporating solar PV, solar thermal and waste water heat recovery as part of meeting the requirements of Policy ESD5. Officers are satisfied that such commitments meet the need to incorporate significant on-site renewable energy provision and a condition is



recommended that requires further details to be submitted as part of reserved matters applications.

- 7.62 Consequently, and having regard to the above, officers have found that the proposals have the opportunity to be sustainably constructed in accordance with the requirements of Policies Bicester 13 and ESD1-5 of the CLPP1 and that further assessments would be required as part of later reserved matters submissions to ensure the relevant standards continue to be met.

#### Land Contamination

- 7.63 Policy ENV12 of the CLP 1996 resists development that would take place on land that is potentially contaminated unless it is adequately remediated such that there is not a risk to human health or water resources. These policy requirements are consistent with national planning policy in the NPPF. There is no evidence that the site is contaminated such that it would be unsafe for occupation. Nevertheless, as a precautionary measure officers recommend the imposition of conditions that require a phased contamination risk assessment to be undertaken to determine the potential for contamination and any potentially necessary remedial works. Subject to these conditions, officers have no objection to the proposals in this respect.

#### Local Finance Considerations

- 7.64 The proposed development has the potential to attract New Homes Bonus of £956,196 over 4 years under current arrangements for the Council. Local finance considerations such as this can be material in the determination of planning applications. However, Government guidance set out in the PPG is clear that whether a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. Government guidance goes on to state that *'it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.'*

- 7.65 In the case of the proposed development, it is not clear how the New Homes Bonus payment would make the development acceptable in planning terms. As a result it should not be afforded material weight in the determination of this application. In any event, officers do not think it appropriate that the harmful impacts of a development should be balanced against financial gain for the Council and to do so would jeopardise public confidence in the planning system.

#### Planning Obligation(s)

- 7.66 Where on and off site infrastructure needs to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). Each obligation must be:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development;
  - c) fairly and reasonably related in scale and kind to the development.

- 7.67 Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. To do so would potentially render any decision unlawful. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. The statutory tests also ensure that planning permissions cannot lawfully be 'bought' by developers offering unrelated, disproportionate but nonetheless attractive contributions to try to achieve a planning permission that would otherwise not be granted. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them.

7.68 In order for the proposed development to be acceptable having regard to local and national planning policy requirements, officers recommend that the following items need to be secured via planning obligations within a legal agreement (with both Cherwell District Council and Oxfordshire County Council) in order to mitigate the impact of the proposed development:

*Cherwell District Council:*

- Provision of 30% affordable housing (70% affordable rent, 30% social rent);
- Provision of a combined LAP/LEAP on the site together with transfer to the Council and commuted sum to cover long term maintenance;
- Financial contribution in lieu of on-site provision of a NEAP;
- Financial contribution towards off-site improvements to indoor and outdoor sports facilities;
- Financial contribution in lieu of on-site provision of allotments (0.12ha);
- Financial contribution towards additional cemetery provision in Bicester;
- Financial contribution towards expansion of Langford Village Community Hall;
- Provision, maintenance and transfer to the Council of on-site public realm features including open space, trees, hedgerows, SuDS features etc;

*Oxfordshire County Council:*

- Financial contribution of £1000/dwelling towards improving local bus services;
- Financial contribution towards a strategy to increase capacity on the A4421 between Buckingham Road and Gavray Drive;
- £18,000 towards new bus stop infrastructure on Wretchwick Way;
- £1,240 towards monitoring the travel plan;
- £20,000 towards safety improvements at junction between Peregrine Way and Wretchwick Way;
- Financial contributions towards expansion of Longfields Primary School, provision of a new secondary school in Bicester and improvements at Bardwell School;
- A requirement to enter into a highway agreement under s278 of the Highways Act 1980 prior to commencement of the development to provide:
  - works on Gavray Drive including vehicular, pedestrian and cycle access, safe crossing points and a raised crossing across Mallards Way;
  - signalised crossing of Wretchwick Way including hardstanding for bus stops.

Other Matters

7.69 Network Rail has raised a number of matters in relation to the proposal that seek to ensure safety of the railway. Much of this relates to construction measures and the need to avoid oversailing of the railway and avoidance of undue levels of vibration. Officers propose that details of such measures are required to be contained within a construction management plan that is recommended to be secured by condition. It is unclear at this stage whether an acoustic fence would be necessary or simply a security fence to reduce risk of trespass onto the railway line and further details are recommended to be required through a condition. Where new fences are necessary, details of long term maintenance will need to be provided. Network Rail would be consulted as part of considering any details submitted in requirement of these conditions.

7.70 Network Rail has raised some queries regarding future soft landscaping treatment along the boundary with the east-west rail chord and expressed a preference for evergreen vegetation to avoid risk of leaves falling onto the tracks. It is not clear to what extent these comments are generic to development proposals or perhaps unduly precautionary. Officers would expect Network Rail to be consulted on the landscape proposals that are submitted as part of reserved matters applications to

ensure that it has the opportunity to provide input into consideration of the detailed scheme.

- 7.71 The comments from Network Rail are noted and in officers' view can be responded to appropriately through the use of conditions. As a result there is no reason to conclude that the proposed development would be inherently unsafe either for future residents or users of the railway or indeed be generally incompatible with its surroundings.
- 7.72 Bicester Town Council has raised some concern about the capacity of existing sewerage infrastructure to accommodate the development. These concerns would be overcome through the imposition of the condition recommended by Thames Water which would prevent development taking place until any necessary improvements to infrastructure have been identified and undertaken.
- 7.73 Some third parties have raised concerns about the implications of the proposals on the Council's aspirations to designate a Local Green Space on part of the allocated land to the east of Langford Brook. Even if this remains an aspiration through Local Plan Part 2, and it is not clear to officers how this would be consistent with Local Plan Part 1, it has absolutely no weight in the consideration of this application as it is not part of an emerging or adopted development plan document and so is not a material planning consideration.

## **8. PLANNING BALANCE AND CONCLUSION**

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay. For the reasons set out in the report, officers have found that the proposals are consistent with the policies of the Development Plan including, in particular, Policy Bicester 13. As such, the starting point is to approve the application.
- 8.2 It is then necessary to consider whether any material planning considerations indicate otherwise. National planning policy and guidance is one such consideration and includes a presumption in favour of sustainable development. The Council can demonstrate 5+ years of housing supply within the District and the policies of the CLPP1 were examined and found sound (subject to incorporation of modifications) against the provisions of the NPPF. As such, there is no reason to conclude that its policies are anything other than sustainable, up-to-date and consistent with the NPPF. As a result, the NPPF does not indicate a reason to depart from the decision that would otherwise be reached against the provisions of the Development Plan. Officers are unaware of any other material consideration of significant weight, including matters raised in response to consultation/publicity, that would justify departing from the decision that would be taken against the Development Plan.
- 8.3 As a result, officers have concluded that the application should be approved and outline planning permission granted subject to conditions and the completion of a legal agreement. In coming to this conclusion officers have had regard to the Environmental Statement submitted alongside the planning application and are satisfied that the proposals would not have significant adverse environmental effects subject to the conditions and planning obligations recommended. This report should be considered to constitute the local planning authority's statement for the purposes of reg. 24(c) of the EIA Regulations 2011 (as amended) as to the main reasons and considerations on which a decision to grant planning permission would be based

including a description of the measures to avoid, reduce or offset the major adverse effects of the development.

## **9. RECOMMENDATION**

That Members resolve to grant outline planning permission subject to the conditions listed below and delegate the issuing of the decision notice to the Head of Development Management following satisfactory completion of a legal agreement to secure the items listed in paragraph 7.68.

### Conditions

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

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

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

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

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

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

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

JJG050-015 Rev. A

14-033/009 Rev. B

and all applications for reserved matters approval shall be in general accordance with the principles set out in the submitted Parameters Plan (dwg no. 001 Rev. D).

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

5. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels of proposed buildings in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No dwelling hereby approved shall be occupied until 3 bins for the purposes of recycling, residual and garden waste have been provided for that dwelling in accordance with the following specification:

- One 240 litre blue wheeled bin for the collection of dry recyclable material;
- One 240 litre green wheeled bin for the collection of residual waste;
- One 240 litre brown bin for the collection of garden waste material

Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.

7. Prior to the first occupation of any dwelling hereby approved, full details of the fire hydrants to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any dwelling, the fire hydrants shall be provided in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

8. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day.

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

9. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul drainage, power, energy and communication infrastructure to serve the proposed development shall be provided underground and retained as such thereafter unless with the prior written approval of the local planning authority.

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

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

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

11. Prior to the commencement of the development, impact studies on the existing water

supply infrastructure, which shall determine the magnitude and timing of any new additional capacity required in the system and a suitable connection point, shall be submitted to, and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure the water supply infrastructure has sufficient capacity to accommodate the additional demand in accordance with Government guidance contained within the National Planning Policy Framework.

12. All applications for reserved matters approval shall be accompanied by a surface water drainage scheme for the site, based on the agreed JBA Consulting Flood Risk Assessment (FRA) and Drainage Assessment of reference 2013s7196, dated April 2015 and its accompanying appendices. The development shall subsequently be implemented in accordance with the surface water drainage scheme approved as part of the grant of reserved matters approval. The scheme shall include:

- Details of the stone blankets/storage basin as outlined in the FRA, including a network drainage plan of these details.
- Reduction in surface water run-off rates to 3.22 l/s/ha for the 6.7ha site.
- Detailed drawings of the flood compensation scheme.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and ensure future maintenance of these in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1.

13. No development shall take place until a scheme for the provision and management of an eight metre wide buffer zone alongside the Langford Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter 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. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting etc.

Reason - Development that encroaches on watercourses has a potentially severe impact on their ecological value. Insert site specific examples, e.g. artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. Land alongside watercourses, wetlands and ponds is particularly valuable for wildlife and it is essential this is protected.

14. The development shall be carried out in accordance with the recommendations and conclusions set out in the Flood Risk Assessment submitted as part of the planning application (produced by JBA Consulting and dated April 2015). No dwelling shall be constructed within that part of the site shown to be currently in Flood Zone 3 (as shown in submitted Flood Risk Assessment) except following the completion of the flood compensation scheme set out in the aforementioned Flood Risk Assessment to ensure the risk of flooding has been suitably reduced.

Reason – To ensure the development does not increase risk of flooding or result in new dwellings being unduly vulnerable to flooding in accordance with the requirements of

Policy Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

15. All applications for reserved matters approval shall be accompanied by details of the renewable energy provision to be incorporated into the development. Thereafter the development shall be carried out in accordance with the details of renewable energy provision approved as part of the granting of reserved matters approval.

Reason – In the interests of delivering environmentally sustainable development in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

16. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, an Ecological Construction Method Statement (ECMS), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved ECMS.

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

17. Prior to the first occupation of any dwelling hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the retained and proposed landscaped areas on the site shall be managed in accordance with the approved LEMP.

Reason LR4 - To ensure the delivery of green infrastructure and biodiversity gain in accordance with Government guidance contained within the National Planning Policy Framework.

18. All applications for reserved matters approval shall be accompanied by a Biodiversity Statement setting out how the detailed reserved matters proposals would ensure adequate protection and enhancement of biodiversity on the site so that an overall net gain is achieved as part of the development.

Reason – To ensure that a detailed scheme continues to achieve the net gains for biodiversity that the planning application and its supporting documentation indicate is deliverable in accordance with the requirements of Policies ESD10 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012).

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

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

21. Prior to the commencement of the development, full details of proposed alterations to the alignment, surfacing and treatment of Public Footpath 129/3/20 including the link to the rail footbridge to the north and a timetable for its delivery shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason – To ensure suitable permeability of the development in the interests of pedestrian amenity in accordance with the requirements of Policy Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

22. Prior to commencement of the development hereby approved, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the Local Planning Authority. The CMP shall include measures relating to:

- Management and routing of construction traffic;
- Measures to reduce adverse impact on neighbouring amenity;
- Details of measures to reduce risk of harm to the safety and operability of the railway.

The development shall be carried out in accordance with the approved Construction Management Plan at all times.

Reason – To ensure that construction work adequately safeguards the amenity of nearby residents and to minimise adverse impacts from construction traffic on the local highway network.

23. Prior to first occupation of the development hereby approved, the name and contact details of the Travel Plan Co-ordinator should be submitted to the Local Planning Authority and prior to the occupation of the 90th dwelling a full Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall 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.

24. All applications for reserved matters approval shall be accompanied by a noise impact assessment to demonstrate that all habitable rooms within the proposed dwellings experience internal noise levels that do not exceed the criteria specified in Table 4 of the British Standard BS 8233:2014. Thereafter the approved dwellings shall be constructed in accordance with the details set out in the noise impact assessment approved as part of the grant of reserved matters approval so that the above noise standard is achieved.

Reason – In the interests of ensuring a suitable standard of internal and external living environment as part of all new dwellings in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

25. No vibro-compaction machinery or piling shall take place as part of the construction of the development unless the details of such machinery has been submitted to and approved in writing beforehand by the local planning authority in consultation with Network



Rail.

Reason – In the interests of the safety of users of the adjacent railway line.

26. All applications for reserved matters approval shall be accompanied by details of the boundary treatment between the site and the adjacent railway line together with details of its long term maintenance arrangements. Thereafter the development shall be carried out in accordance with the details approved as part of the granting of reserved matters approval.

Reason – To ensure the appearance and safety of such a feature can be considered holistically as part of the wider urban design merits of the detailed scheme in accordance with the requirements of Policies ESD15 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

27. Prior to the commencement of the development, an earthworks management plan that sets out the approach to the storage and disposal of spoil created as a result of the construction of the development shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved plan.

Reason – In the interests of the visual appearance of the site in accordance with the requirements of Policy ESD15 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

28. Prior to the commencement of any part of the development within 10m of the existing public footpath, the footpath shall be protected and fenced to accommodate a width of a minimum of 5m in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter, the footpath shall remain fenced and available for use throughout the construction phase in accordance with the approved details.

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

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

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

30. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing beforehand that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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

31. No development shall commence until details have been submitted and approved in writing by the local planning authority that demonstrate how all dwellings on the site will achieve an energy performance standard equivalent to at least Code Level 4 of the former Code for Sustainable Homes. No dwelling shall be occupied until it has been constructed to meet the energy performance standard in accordance with the approved details.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

32. No dwelling shall be occupied until the means of vehicular access to the development and associated highway works as shown in drawing no. 14-033/009 Rev. B have been fully laid out and made available for continued use.

Reason – To ensure that there is a suitable means of access to the development in accordance with the requirements of Policies SLE4 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

33. No dwelling shall be occupied until a scheme of public art for the site has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the artwork, timetable for its provision as well as details of its long term maintenance. Thereafter the public art shall be provided and maintained in accordance with the approved scheme.

Reason – In the interests of creating a high quality residential environment in accordance with the requirements of Policy Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

34. No development shall commence until details of the pedestrian and cycle access links into the development from Gavray Drive as indicated in the Parameters Plan (dwg no. 001 Rev. D) together with associated works to the highway to enable connections with existing footpath/cycle links have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the pedestrian and cycle links have been provided as approved.

Reason – To enable appropriate means of pedestrian connectivity between the development and the surrounding area in accordance with the requirements of Policies SLE4, ESD15 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

35. No dwelling shall be occupied until details of a raised crossing of Mallards Way have been submitted to and approved in writing by the local planning authority together with a timetable for its provision. The development shall thereafter only take place in accordance with the approved details.

Reason – To ensure suitable and safe means of pedestrian and cycle connectivity to and from the development in accordance with the requirements of Policies SLE4 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

36. No development shall commence until details of two new bus stops on Wretchwick Way together with associated hardstanding, infrastructure, signalised crossing and footway improvements have been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the bus stops and associated means of access to them have been provided in accordance with the approved details.

Reason – In the interests of promoting and delivering sustainable modes of travel for the residents of the development in accordance with the requirements of Policies SLE4 and Bicester 13 of the Cherwell Local Plan 2011-2031 Part 1.

37. The development shall include a minimum of:

- 45% of the total number of private/market dwellings as three bedroom dwellings;
- 25% of the total number of private/market dwellings as two bedroom dwellings.

All applications for reserved matters approval shall reflect these requirements.

Reason – To ensure that the development responds to identified housing needs within the District in accordance with the requirements of Policy BSC4 of the Cherwell Local Plan 2011-2031 Part 1.

CASE OFFICER: Matthew Parry

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# Agenda Item 8

## 16/02461/OUT

Inside Out Interiors Ltd

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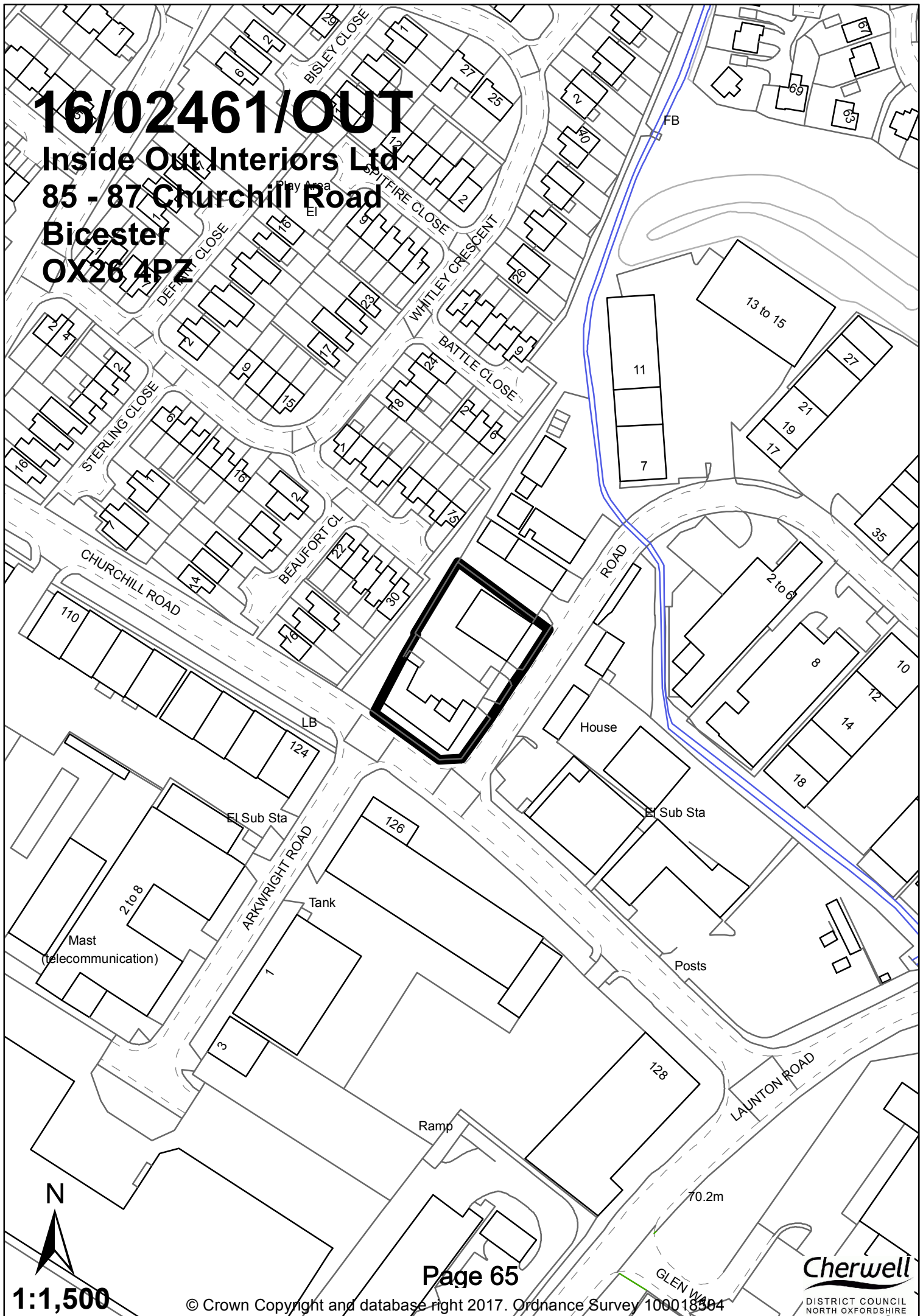
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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# 16/02461/OUT

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**85 - 87 Churchill Road**  
**Bicester**  
**OX26 4PZ**

**16/02461/OUT**

**Applicant:** Inside Out Developments Ltd

**Proposal:** Conversion of existing building to provide 5No two bed house, 1No two bed flat and 1No one bed flat, all with Parking, amenity space and shared cycle storage. New build to provide 1 No commercial unit with outside space, parking and cycle storage + 3No two bed flats with parking, gardens and cycle storage

**Ward:** Bicester East

**Councillors:** Cllr Sean Gaul  
Cllr Richard Mould  
Cllr Tom Wallis

**Reason for Referral:** Major by number of residential units proposed

**Expiry Date:** 22 May 2017                      **Committee Date:** 18 May 2017

**Recommendation:** Approve

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located in the east of Bicester and has a frontage onto Churchill Road but is accessed from Wedgwood Road to the east. The site is currently occupied by two separate buildings. The building facing Churchill Road accommodates offices, showrooms, storage and retail space for a construction, electrical and plumbing company called Inside Out Group. The site facing onto Wedgwood Road accommodates a light industrial unit and associated storage buildings. The building facing Churchill Road is two storeys in height and constructed from red brick and render, whilst the buildings facing Wedgwood Road are single storey and constructed from brick and cladding.
- 1.2. The site lies within an area of potentially contaminated land and the West European Hedgehog has been located in proximity of the site, which is a protected species.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. Outline planning consent is sought to convert and extend the existing building facing onto Churchill Road to form 7 residential units in total. All matters are reserved for consideration under a future reserved matters application. There would be 5 two bed houses, 1 two bedroom flat and 1 one bedroom flat. The building facing onto Wedgwood Road would be demolished, with a new building constructed to form a new retail unit at ground floor level with 3 two bed flats above. The new building would be constructed from brick and render to match the building facing onto Churchill Road. The indicative site plan shows 15 parking spaces provided between the two buildings.

2.2. Amended plans have been received during the course of the application. These amend the layout of the residential units to be created from converting the existing building, remove an area of enclosed garden that was proposed adjacent Wedgwood Road, and clarify that a single retail/showroom unit is to be created in the new building to be occupied by the applicant.

### 3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

| <u>Application Ref.</u> | <u>Proposal</u>  | <u>Decision</u>       |
|-------------------------|--|-----------------------|
| NE.39/72                | Office block, stores and workshop area   | Application Permitted |
| CHS.363/88              | Addition of first floor to single storey office and store  | Application Permitted |
| 00/00149/CLUE           | Certificate of Lawfulness Use Existing for the use of premises for static display of assembled kitchens and bathroom for illustrative purposes.  | Application Withdrawn |
| 00/02411/F              | Change of use from office, workshop and stores to offices, ancillary non-retail showrooms for display of kitchens and bathrooms together with ancillary retail unit for sale of paint and related products.<br>RETROSPECTIVE                       | Application Refused   |
| 01/00906/F              | Change of Use from office, workshop and stores to use comprising offices and ancillary non-retail showrooms for display of kitchens and bathrooms (Retrospective) (as clarified by agent's letter dated 29.05.01)                                  | Application Permitted |
| 01/01979/F              | Variation of Conditions 1,3 and 4 of 01/00906/F. To allow occupation of the building by more than one company or subdivision. Continue use of car park for storage of containers/skips. That parking areas need not be provided before occupation. | Application Refused   |
| 02/02397/CLUE           | Certificate For Lawful Use Existing to use ancillary retail unit for sale of paint and related products.   | Application Permitted |

3.2. The planning history for the site shows that the building was originally approved as a single storey office building and that the retail element on the site was established through a Lawful Development Certificate, as the showrooms were initially non-retail only. Importantly the retail use is ancillary to the business use and does not constitute a separate planning unit in its own right.

#### 4. PRE-APPLICATION DISCUSSIONS

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

| <u>Application Ref.</u> | <u>Proposal</u>   |
|-------------------------|---|
| 13/00408/PREAPP         | Conversion of current building to residential, creating 7 new 2 bed units with off street parking and gardens |

- 4.2. The principle of development was deemed to be acceptable. Further details were required to demonstrate that sufficient parking could be provided on the site. Concerns were also raised with the sizes of some of the kitchens and second bedrooms.

#### 5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 26.01.2017, although comments received after this date and before finalising this report have also been taken into account.
- 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.

##### TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BICESTER TOWN COUNCIL: **Objects**, as the proposal would be over development of the site and is unsuitable for the area. There are also concerns at the loss of commercial and industrial buildings.

##### STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to conditions relating to the access, car parking area, cycle parking provision, a travel information pack and drainage for the site.

A financial contribution of £1000 per dwelling would be required to support the new bus services serving the site (to be secured via a s106 legal agreement) and a further contribution would be required to introduce parking restrictions in the vicinity.

##### NON-STATUTORY CONSULTEES

- 6.4. ENVIRONMENTAL PROTECTION: **No objections**, subject to conditions relating to contaminated land and that a BS8233:2014 survey is undertaken and any mitigation required is implemented before occupation.
- 6.5. HOUSING STANDARDS: No comments received.



6.6. PLANNING POLICY: The application site is just within the 'Existing Strategic Employment Site' area as defined in the Key Policies Map of the Cherwell Local Plan 2011 – 2031 Part 1. The proposal will be considered against Policy SLE1 of the Local Plan.

6.7. THAMES WATER: **No objections.**

6.8. WASTE AND RECYCLING: No comments received.

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

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

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

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

- SLE1 – Employment Development
- SLE2 – Securing Dynamic Town Centres
- BSC2 – The Effective and Efficient Use of Brownfield Land
- ESD1 – Mitigating and Adapting to Climate Change
- ESD15 - The Character of the Built and Historic Environment

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

- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Home Extensions Guidance (2007)

## **8. APPRAISAL**

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

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

### Principle of development

- 8.2. The site is an existing employment site. The site is also located on the edge but within an area identified in the Cherwell Local Plan 2011 – 2031 Part 1 as an 'Existing Strategic Employment Site'.
- 8.3. Policy SLE1 of the Cherwell Local Plan 2011 – 2031 Part 1 states that where planning permission is required, existing employment sites should be retained for employment use unless the following criteria are met:
- the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term.
  - the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable.
  - the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.
- 8.4. Regard will also be had to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses.
- 8.5. Policy SLE2 states that retail and other main town centre uses will be directed towards the town centres of Banbury and Bicester. Proposals for retail and other main town centre uses not in the town centres should be in edge of centre locations. Only if suitable sites are not available in edge of centre locations should out of centre sites be considered.
- 8.6. The buildings were initially approved as offices and the ancillary retail element was established in 2003 through a Lawful Development Certificate.
- 8.7. The agent has stated that the building to the rear facing onto Wedgwood Road has not been used for 4-5 years and the building is considered to be beyond economical repair. The development would lead to a loss of employment floor space available on the site, however would still retain a commercial use. According to the application form the development would create 246m<sup>2</sup> of commercial floor space, whereas currently there is 341m<sup>2</sup>, so there would be a net loss of 95m<sup>2</sup>.
- 8.8. The tests specified in Policy SLE1 listed at paragraph 8.3 above have not been met in this application. Furthermore, the proposal involves the creation of a new commercial unit which would have an element of retail use, and this would be contrary to Policy SLE2 as the sequential test has not been satisfied. As such it is necessary to consider whether there are other material considerations which justify allowing the proposals in this case.
- 8.9. Whilst the submission fails to demonstrate that other employment uses for the building have been properly considered, it should be noted that a change of use of offices to residential would generally be acceptable under current permitted development rules (Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015. This would allow the upper floor to be converted to a residential use without an application. This is an important consideration in this application.
- 8.10. The application initially proposed three commercial units and highlighted that 'Inside Out Group', the existing occupiers may occupy one of these units. Amendments

were sought to the application and the three units are now shown combined into one and it has been clarified that 'Inside Out Group' would relocate their showrooms to the new unit.

- 8.11. Given that the site has an existing showroom with an element of retail use that would be replaced elsewhere on the site – and would be of a similar size – subject to conditions restricting the retail use the creation of a new showroom outside of the town centre of Bicester is considered to be acceptable in this instance. Furthermore, this would be one single unit that would be occupied by 'Inside Out Group' and this could be controlled by a planning condition.
- 8.12. The site is on the fringe of the residential and employment areas. It is located on the edge of the Churchill Road residential area and the site is bound by dwellings to the west. The site is identified in the Cherwell Local Plan as an 'Existing Strategic Employment Site', however given its location in such close proximity to existing dwellings it is considered that it may be a suitable location for residential development, a view first expressed by officers in 2014 under 13/00308/PREAPP. The Government's Planning Practice Guidance (PPG) states that pre-application advice should be a material consideration in the determination of planning applications, and so this view should be afforded some weight.
- 8.13. On balance, the principle of development is therefore considered to be acceptable. The development would result in a small net loss of existing employment space and would result in a new showroom with an element of retail use that is located outside of the town centre. However, given that the existing showroom would be replaced on site and occupied by 'Inside Out Group', its location outside of the town centre is considered to be acceptable. The principle of residential development is acceptable due to its location on the fringe of the residential and employment areas on Churchill Road and the provision of ten residential units within a sustainable location is considered to be a positive element of the proposal.

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

- 8.14. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.15. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. Likewise Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.
- 8.16. All matters are reserved for future consideration; however indicative elevations, floor plans and a site plan have been submitted as part of this application. The plans show that the appearance of the building facing onto Churchill Road would not be changed, with the exception of a small extension to the rear. The appearance of the building to the rear would broadly match that of the other building, with the use of brick and render.
- 8.17. The plans have been amended during the course of the application, and officers are now satisfied that the amount of commercial and residential floorspace applied for

could be accommodated on the site without appearing as overdevelopment or causing harm to the character and amenities of the area. In particular the plans show how private garden and amenity space along with adequate parking could be accommodated whilst also retaining areas of soft landscaping.

- 8.18. In summary the indicative proposals are considered to be the basis of an acceptable design solution but matters of appearance, landscaping, layout and scale shall be considered in detail under a future reserved matters application.

#### Residential amenity

- 8.19. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Likewise Saved Policy C30 of the Cherwell Local Plan 1996 state that the conversion of an existing building should provide standards of amenity and privacy that are acceptable to the local planning authority.
- 8.20. The Cherwell Home Extensions Guidance (2007) advises that where a new window is proposed, it should normally be at least 22 metres away from a window of a neighbour's habitable room to prevent loss of privacy. The indicative layout would exceed these separation distances and would not propose any windows that would cause significant overlooking of other properties. It is therefore considered that indicative layout would not cause harm to the amenity of occupiers of neighbouring dwellings.
- 8.21. The indicative plans show that nine out of the ten units would have amenity space, with the exception of one of the units in the converted building, which would only have an area for bin storage. Whilst this is unfortunate, given that this is for a one bedroom first floor flat, it is considered to be acceptable.
- 8.22. The development is located on the fringe of residential and industrial areas. The Environmental Protection Officer has requested conditions relating to sound insulation and a noise reduction survey to be undertaken. Given the location of the site, these conditions are considered to be reasonable. Conditions restricting the use of the new commercial unit are also necessary to ensure an acceptable relationship with the residential units proposed above.

#### Highway safety

- 8.23. The Highways Liaison Officer has offered no objections to the application, subject to a number of conditions relating to the access, car parking area, cycle parking provision, a travel information pack and drainage for the site.
- 8.24. Paragraph 206 of the National Planning Policy Framework states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 8.25. Whilst it is proper to establish whether safe and suitable access to the site can be achieved at this stage, access is not a matter for detailed consideration under this application. It is therefore considered that the proposed conditions, insofar as they relate to detailed design matters, would not meet the tests set out within Paragraph 206 and shall not be included on this application. Similar conditions may be included on a reserved matters application in the future.

- 8.26. A financial contribution of £1000 per dwelling is requested to support the new bus services serving the site and a further financial contribution is being sought to introduce parking restrictions in the vicinity.
- 8.27. Paragraph 204 of the National Planning Policy Framework 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.
- 8.28. It is considered that the contributions would not be necessary to make the development acceptable in planning terms as the level of movements to and from the site would not, in officers opinion be significantly different to that existing. Furthermore, the indicative layout shows 15 parking spaces provided on the site, which given the sustainable location of the development, is considered to be acceptable. It is also not clear how the contribution being sought is “fairly and reasonably related” to the development proposed in terms of requiring additional funding to support existing and planned bus services. The contributions would therefore fail to meet the tests of Paragraph 204 and will therefore not be sought.

#### Contaminated Land

- 8.29. Saved Policy ENV12 of the Cherwell Local Plan 1996 states that development on land which is known or suspected to be contaminated will only be permitted if:
- (i) adequate measures can be taken to remove any threat of contamination to future occupiers of the site
  - (ii) the development is not likely to result in contamination of surface or underground water resources
  - (iii) the proposed use does not conflict with the other policies in the plan.
- 8.30. The site lies within an area of potentially contaminated land. The Environmental Protection Officer has requested conditions relating to land contamination and these shall be included.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. On balance, the principle of development is considered to be acceptable, given the relatively small net loss of employment space, the new showroom replacing the existing on the site and being occupied by 'Inside Out Group' and the provision of ten dwellings on the residential and employment fringe. Matters of access, appearance, landscape, layout and scale are reserved for future consideration, however it is considered that a scheme could be achieved that would not cause harm to the visual amenities of the area, the amenity of the occupiers of neighbouring and proposed dwellings or highway safety.

## 10. RECOMMENDATION

That permission is granted, subject to the following conditions:

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

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

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

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

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

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. 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: Location Plan 1:1250 and Design and Access Statement.

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.

5. The new commercial unit hereby approved shall be occupied solely by the business currently known as “Inside Out Group” and shall be used as showrooms for the display and retail of goods and services relating to that business only and shall not be used for any other purpose whatsoever, including any other use falling within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises, and in view of the sites location outside of the town centre and within an existing employment site, in accordance with Policies SLE1, SLE2 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

8. If contamination is found by undertaking the work carried out under condition 7, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'* and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

9. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

10. Prior to the commencement of the development hereby approved, full details of a scheme for acoustically insulating all habitable rooms within the dwellings such that internal noise levels do not exceed the 'good' criteria specified in the British Standard BS 8233:2014 'Sound Insulation and Noise Reduction for Buildings', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the said dwellings shall be insulated and maintained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Saved Policies C30 and ENV1 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754



# 17/00023/DISC

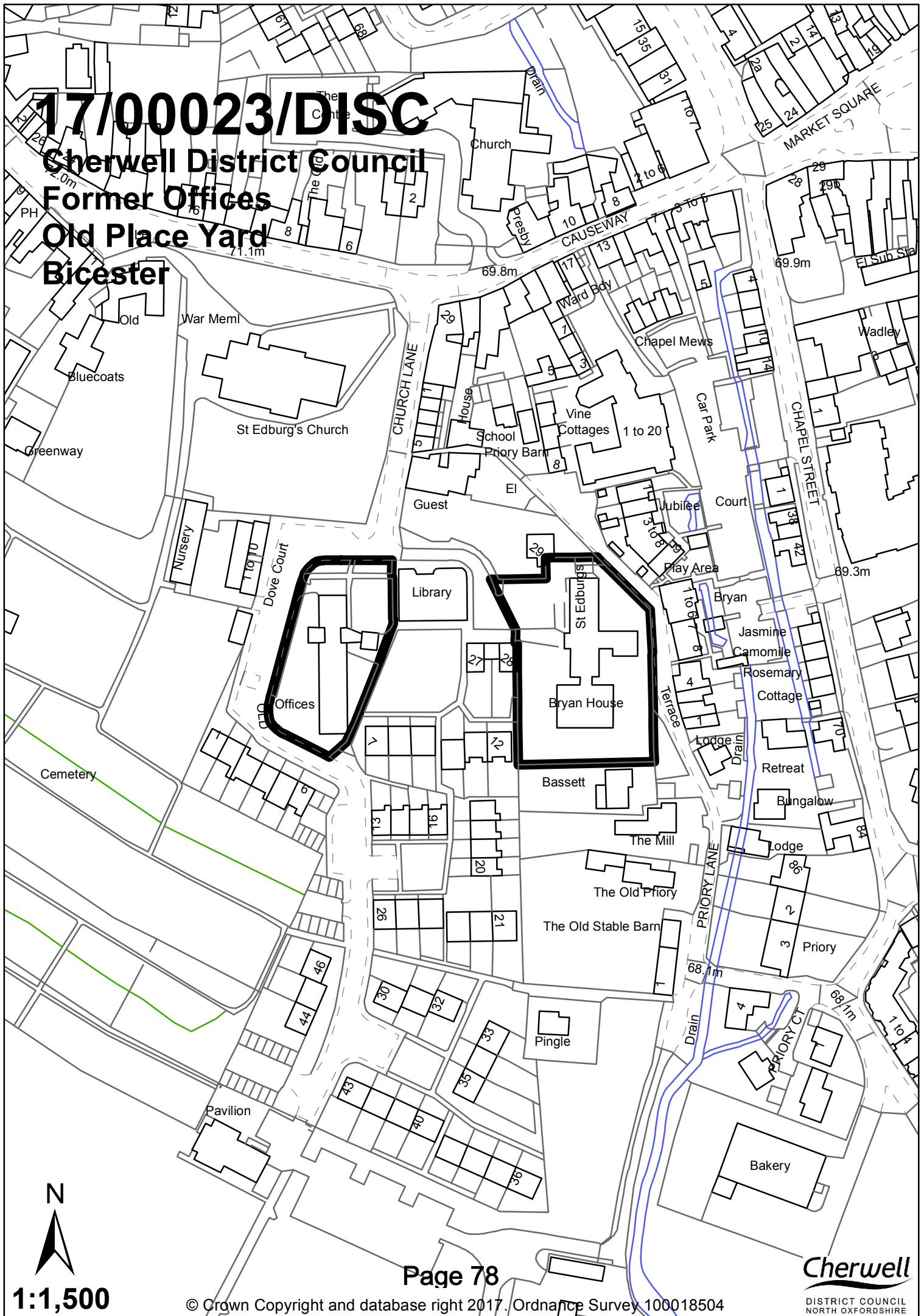
## Cherwell District Council

### Former Offices Old Place Yard Bicester



# 17/00023/DISC

## Sherwell District Council Former Offices Old Place Yard Bicester



|                             |  |                                    |
|-----------------------------|--|------------------------------------|
| <b>Applicant:</b>           | Cherwell District Council  |                                    |
| <b>Proposal:</b>            | Discharge of Conditions 11 (brick sample), 12 (roof tile sample) and 14 (door and windows details) of 16/00043/F |                                    |
| <b>Ward:</b>                | Bicester South And Ambrosden   |                                    |
| <b>Councillors:</b>         | Cllr David Anderson<br>Cllr Nick Cotter<br>Cllr Dan Sames  |                                    |
| <b>Reason for Referral:</b> | The Council is the applicant   |                                    |
| <b>Expiry Date:</b>         | 24 May 2017  | <b>Committee Date:</b> 18 May 2017 |
| <b>Recommendation:</b>      | Approve  |                                    |

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## **1. SITE DESCRIPTION AND PROPOSED DEVELOPMENT**

- 1.1 The application sites are located immediately to the south of Bicester town centre. They comprise two sites to the west (Site A) and east (Site B) of the library, and following demolition of the buildings that were previously on the sites, are currently vacant.
- 1.2 Immediately adjacent to the western-most site (Site A) is a Grade II listed dovecote. The sites are also within the setting of the Grade I listed St Edberg's Church and the Grade II\* listed building known as The Old Priory. The boundary wall to the east of the site, forming part of the boundary with Priory Lane, is listed. The sites lie outside but adjacent to the Bicester Conservation Area. The site lies within an area of significant archaeological interest, being the site of Bicester Priory, and is currently being considered for scheduling by Historic England.
- 1.3 There is an adopted footway running along the eastern boundary of Site A.
- 1.4 Planning permission was granted on 13th June 2016 (16/0043/F) for the erection of 11 self-contained single storey units for adults with physical disabilities, learning disabilities and autistic spectrum conditions. 5 units are to be constructed on Site A and 6 units on Site B. Site A is to have a communal garden and the units within Site B are to have individual gardens as well as a communal garden. Both sites are to have car parking allocated to the units and Site B is to have a gated entrance to the units from the car park area. The current application is seeking approval of the details required by conditions 11, 12 and 14 of that permission.

## **2 APPRAISAL**

- 2.1 Condition 11 of the planning permission requires the erection and approval of a brick sample panel showing the brickwork to be used in the construction of the walls of the development before the construction of the scheme above slab level. The

reason for condition 11 is to ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality.

- 2.2 The sample panel has been constructed and is laid in an English Garden Wall Bond (three courses of stretchers alternating with one course of headers). The brick that has been used is a Northcot Multi Red Rustic. This brick and method of construction is to be used at both Site A and B. It is considered that the brick and how it has been laid in the sample panel is acceptable for this development and compliments the surrounding development.
- 2.3 Condition 12 of the planning permission requires the submission and approval of tiles for the roofs of the development before the construction of the scheme above slab level. The reason for condition 12 is to ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality.
- 2.4 Two tile samples have been submitted. It is proposed to use MarleyEternit clay plain tile in Blue Smooth for Site A and MarleyEternit clay plain tile in Red Smooth for Site B. Both tile samples are considered to be appropriate for the development and are compatible with the surrounding development.
- 2.5 Condition 14 of the planning permission requires the submission of door and windows details before the construction of the scheme above slab level. The reason for condition 14 is to ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality.
- 2.6 Drawings of the doors and windows have been submitted but the drawings indicate an integral cill as well as a tile cill. This is considered unnecessary and amended plans are currently being sought. The windows/doors for Site A are to be timber finished in a pale grey and the windows/doors for Site B are also to be timber but finished in white. Subject to satisfactory amendments being received, these details are considered acceptable and compatible with the surrounding development.
- 2.7 The discharge of conditions relating to such matters as materials and design details is normally delegated to officers and it is purely because Cherwell District Council is the applicant that this application is before Members. It therefore seems prudent to seek delegated authority to officers to determine the application. Should the additional information and revised window details be received and matters resolved before Committee, this will be reported to Committee and an amended recommendation will be made.

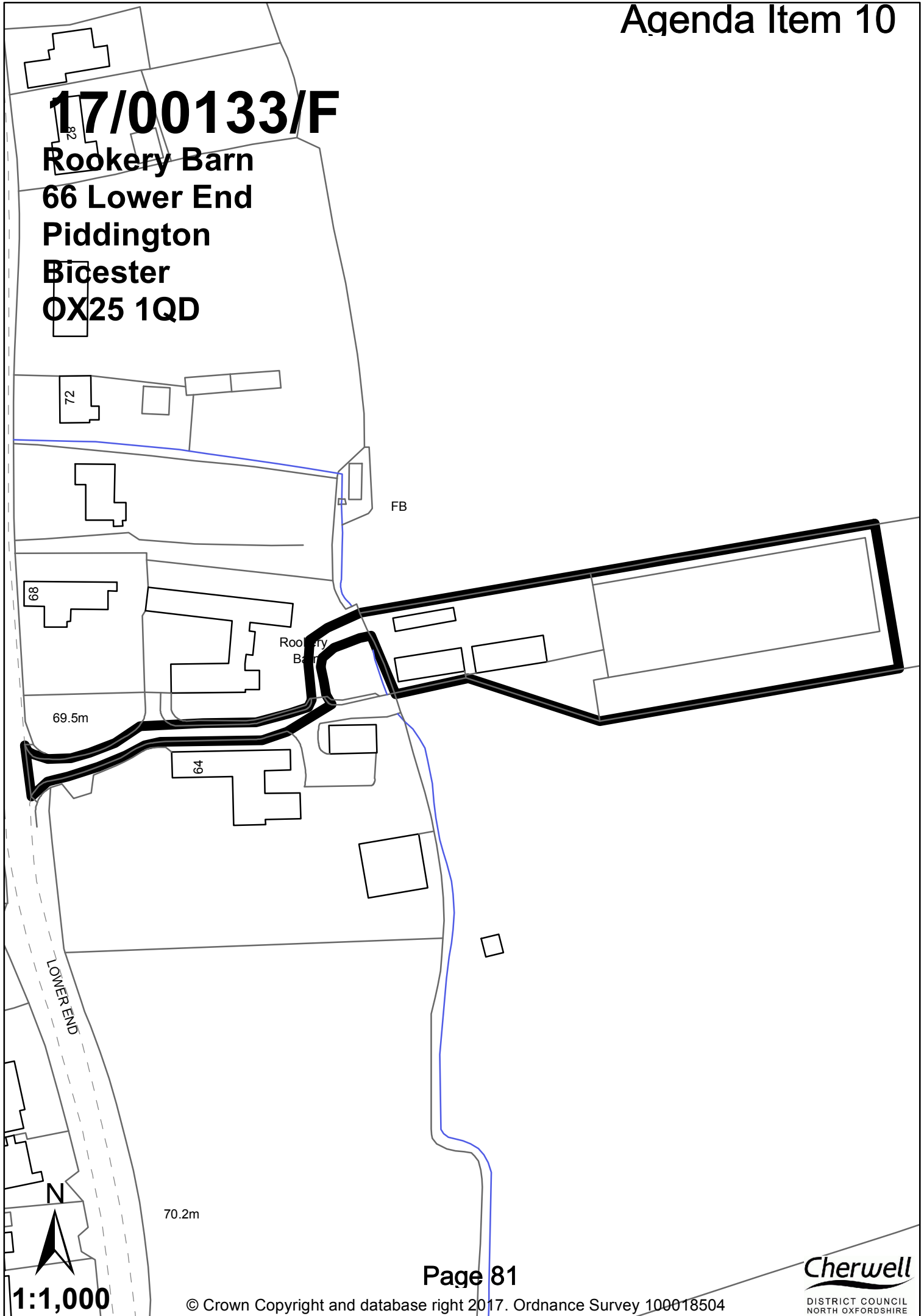
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| <p>3 <b>RECOMMENDATION</b> - Delegate authority to officers to approve the application once amended plans showing the revised window cill details in respect of condition 14 have been received.</p> |
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CASE OFFICER: Shona King

TEL: 01295 221643

**17/00133/F**

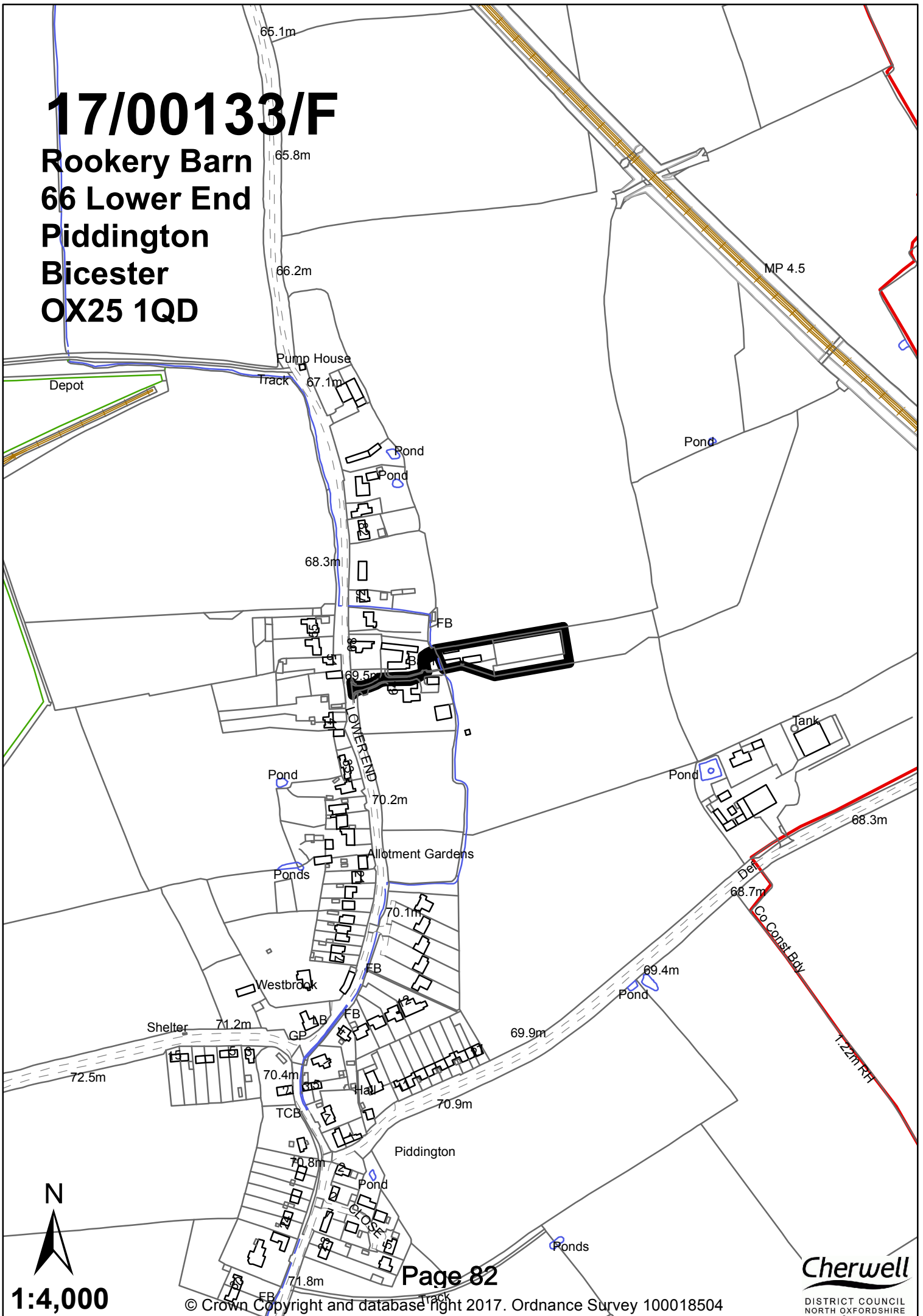
**Rookery Barn  
66 Lower End  
Piddington  
Bicester  
OX25 1QD**



**1:1,000**

# 17/00133/F

Rookery Barn  
66 Lower End  
Piddington  
Bicester  
OX25 1QD



**Applicant:** Dr & Mrs N Brener

**Proposal:** Erection of building to provide an indoor manege

**Ward:** Launton And Otmoor

**Councillors:** Cllr Tim Hallchurch  
Cllr Simon Holland  
Cllr David Hughes

**Reason for Referral:** Major development

**Expiry Date:** 15 May 2017      **Committee Date:** 18 May 2017

**Recommendation:** Approve

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## **1. APPLICATION SITE AND LOCALITY**

1.1. The application relates to a site situated north-east of the village of Piddington, to the rear of dwellings on Lower End. The land is currently surfaced and used as an outdoor ménage, and is positioned adjacent to an existing stable complex with associated structures. Vehicular access is taken from Lower End. The site does not contain any listed buildings, although Grade II listed 70 Lower End is situated to the north-west of the site. The site is within 20 metres of a Main River, and Great Crested Newts have been identified in the area.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. The proposed development would involve the construction of an indoor manege upon the site of the existing outdoor manege. The measured externally, the proposed structure would be 60.9 metres x 21.6 metres, with an eaves height of 4.3 metres and height to ridge of 6.1 metres. Construction materials would consist of green coloured profiled metal clad walls and grey fibrous cement profiled roof sheeting. A viewing gallery, solarium and store are also proposed, and these would be constructed from timber boarded walls with brickwork plinth and slate roof. The existing stable complex would remain as existing. Additional tree planting is proposed to the south of the building.

2.2. The use of the indoor manege would be limited to the personal use of the applicant, who is an amateur competitor in dressage. The applicant anticipates that vehicle movements to and from the site would reduce as a result of the development due to the lack of need to transport horses off site to indoor schools during inclement weather.

## **3. RELEVANT PLANNING HISTORY**

3.1. The following planning history is considered relevant to the current proposal:

| <u>Application Ref.</u> | <u>Proposal</u> | <u>Decision</u> |
|-------------------------|-----------------|-----------------|
|-------------------------|-----------------|-----------------|

#### 4. PRE-APPLICATION DISCUSSIONS

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

#### 5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments will be 27.04.2017, although comments received after this date and before finalising this report have also been taken into account. A total of 11 objections to the scheme have been received.

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

- If permitted would set a potentially disastrous precedent for the urbanisation of this pleasant rural village
- Proposal flies in the face of many Council policies e.g. EN30, EN34, C260
- It is of utmost importance that Piddington residents are made properly aware of the proposals and they are given sufficient time to consider their response – it is clear that this hasn't happened, most villagers including residents of Lower End are not aware of the application due largely to very limited neighbour consultation
- As owners of Grade II listed building in very close proximity to proposal we were not informed by Council, only became aware via a neighbour.
- Listed building is not shown on Council's plan of relevant matters
- Request that further neighbour consultation is carried out allowing a further 21 days for response
- As the applicant has only just submitted Certificate B and notified the owner of part of the proposed access, further time is required
- Applicant owns insufficient land for the proper screening of this massive building. As there is no room for tree planting on that side, the northern boundary consists of an existing farm hedge which is not wholly controlled by the applicant
- On the southern boundary, lack of space has obliged to proposed planting a row of trees tight against the neighbours boundary. As they grown, these trees will not be in the exclusive control of the applicant as their branches and roots will overhang and undermine the neighbour's property
- Complaint that the site notice was erected later than the date on the notice – *the Case Officer has confirmed that this is incorrect, and that the notice was erected during the morning of 02 March 2017*



- Large scale building of unsympathetic construction materials, which would dominate the rural landscape, in close proximity to a number of dwellings
- Surface of the existing menage has been raised considerably above the field level. The land and the farm hedge to the north of the menage slope downhill towards the east, this will accentuate the height of the building above the surrounding farmland and hedge, creating greater visual impact of the structure from all directions
- Currently water from the existing menage drains through the hedge and onto our farmland causing flooding at peak times. There must be proper provision for removal of rainwater away from the site
- It may increase traffic flow as in the future other users may come to use this “private facility”
- Industrial scale building would be highly intrusive, destroying its rural village setting and dominating the outlook of nearby residential properties including ours
- It would constitute an unpleasant eyesore which, contrary to the applicants answer to question 24, would be seen from miles around including from the public road and footpath to the south
- IT would detract from the view of the village from Muswell Hill, a popular walking area for villagers and others
- The building would be located on back land, significantly outside the village envelope
- Location of this vast building would seriously detract from the setting of a listed building from which it would be seen and the curtilage of which is only 30 yards from the equestrian site, namely Fir Tree House, an important Grade II William and Mary dwelling built in 1690, the only building in Piddington mentioned in Pevsner
- No overriding need for the proposed building which might justify this intrusive back land development on white land outside the envelope of this rural village. The sole function of the proposed development would be to benefit the applicants personal hobby without satisfying any local or national need, nor would it contribute any further to local employment as the building would simply cover an existing outdoor menage
- The sparse ecology report is based on a single visit and does not mention the presence of Great Crested Newts in the immediate vicinity as well as in the curtilage of nearby Fir Tree House
- In para. 12 of the application form the applicants answer no to the flood risk question, however, the erection of such a large building would create significant additional run-off to the adjacent watercourse contributing further to the regular flooding which occurs at this point where the stream turns west and often overflows across farmland adjacent to the site and over the garden of Fir Tree House
- Certificate B needs to be completed for the access road as this is owned by an adjacent landowner – *Certificate B was signed and returned on 21 March 2017*

- The proposed structure would be a massive ugly industrial building with steel cladding and fibre roof, such a building would be out of keeping with its currently pleasant rural situation
- No guarantee that the equestrian use of the proposed building would continue, in that event, a further undesirable change of use could be applied for in due course and the existence of this huge building would make it much more difficult for the planning authority to resist. Furthermore, if this proposal were permitted it would set an unwelcome precedent for yet further urbanisation of adjoining land
- Urge Planning Committee to refuse the application, which has nothing to recommend it or which could possibly override the considerable damage it would cause to the local environment and to the lives of local residents
- Extra traffic would be disruptive to my property
- This is a huge development in relation to the surrounding buildings and will have a significant effect on the neighbouring properties
- Remind the Planning Department that conditions imposed for recent applications in the immediate vicinity included the following reasons "in the interests of the visual amenities of the area and to ensure the creation of a pleasant environment" "to ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and on the adjoining buildings". While this may be true for the elevation viewed by the applicants the north and south elevations cannot be described as "pleasant" or "in Harmony
- There is going to be a large volume of rainwater run off from this proposed building and hard standing. It is essential that this is disposed of in a proper and sustainable manner. There are no drainage channels/ ditches within the vicinity of the site and we have been told on previous applications (environment agency/ Thames water) that surface water cannot be allowed to flow directly into the village brook as in times of heavy storm it cannot cope resulting in extensive flooding within the village
- Reduced property values and impact on quality of life
- If it is allowed to go ahead then the design on the long elevations should use "softer" more rural materials such as wood and brick, the drainage must be dealt with appropriately, and while I accept that this application is for private, non-commercial use, binding restrictions should be imposed to prevent change of use which could cause increased traffic and nuisance to the village residents at a future date.
- Scale of the proposed development to be considerably in excess of a private equestrian facility
- Adverse impact on views within and approaching the village
- Concern that the applicants or subsequent owners may use the building for commercial use as a business, leading to significant increase in traffic into the village using the narrow private access designed purely for private domestic use

- Window openings are shown on the elevation plans but not the floorplans – *the Case Officer does not consider that this prevents the consideration of the application.*
- One of the principal and characteristic features of Piddington is its linear pattern and form, where buildings generally front on to the roads from which they take access and to which there is limited (if any) development in depth. This ensures that there is a close relationship between the buildings and the surrounding countryside edge, with that countryside permeating (in places) up to the road frontage, and with the gaps between buildings and the negligible development in depth otherwise allowing a ready appreciation of the surrounding countryside from the principal roads through the village. The form and layout of the proposed development would, however, fundamentally conflict with that established pattern and character of development. In particular, in the position proposed the building would substantially extend the built edge of the village in to the surrounding countryside, where it would intrude in to rural amenities and character of the area
- The resultant building would be of a large and excessive scale that, when combined with its industrial, utilitarian design and form, and the range of insensitive external materials proposed, would be wholly at odds with the form of the surrounding domestic-scale buildings, and would represent a prominent and intrusive feature in the landscape that from the public highway, public rights of way, and private land, would detract from the established landscape qualities and character of the area
- Concern regarding light pollution from translucent panels in the external walls and roof of the building, arising from an outward glow of the building, raising the prominence and visual effects of the building detracting from the rural character and qualities of the area
- Development contrary to the National Planning Policy Framework and related saved Development Plan policies
- Enclosed and overbearing relationship with neighbouring 64 Lower End, detracting from residential amenities currently enjoyed
- Uncharacteristic landscaping proposed that would not afford any meaningful screening of the building and would not ameliorate the harmful amenity affects arising from a fundamental change in character and loss of the open and rural context. Further, landscaping conditions attached to previous planning permissions have either not been implemented as intended or have failed to deliver an appropriate landscape scheme
- Noise impacts, in particular resulting from the use within the building would be readily apparent from within their residential curtilage. Proposal would result in increase in number of vehicles using the access with associated advised amenity consequences arising from more general noise and disturbance, and damage to the access way
- Detriment to the setting of Grade II listed Fir Tree House, contrary to National Planning Policy Framework and associated Development Plan policies

- No details with regard to the surface water drainage proposals – essential requirements given the scale of the roof of the proposed building and the increase in surface water run-off rates that would result from such
- There has been considerable development on the site in the last few years - cumulative impact of the overall scale of the development on the site only adds to the unacceptable harm to the character and appearance of the area
- Impact of development will be felt by all villagers – consultation inadequate
- Size of building far in excess of all buildings in the village and will dominate the lower part of the village
- Proposed materials out of keeping and better suited to an industrial estate – no attempt at considering the surrounding vernacular for inspiration of material or design. The proposed clock tower does not compensate for the steel cladding and fibrous cement roofing both of which will only exacerbate the dominance of such an industrial style building in the village
- Whilst the applicant states that only she will use the indoor menage, such a large construction will inevitably be used by others. This will lead to a significant increase in towing vehicles in a quiet village
- Pedestrian residents have to use the roads for walking as there is only a short run of pavement at the other end of the village and on only one side of the road. Towing vehicles will be a traffic hazard on the quiet village roads. The road out of Lower End passes over a weight restricted rail bridge, and the further road is often under water. Thus any towing vehicles will pass through the village via either Widnell Lane (with blind corners) or Thame Road (with 3 right angled bends) on entry and exit, crossing the route of the school transport bus and across the path of children walking back home
- Quite why all the villagers should be negatively impacted for just one keen rider, who already has an outdoor menage, is beyond comprehension. Both horses and riders enjoy the outdoors, and all- weather facilities only make sense when activities have to take place almost 24/7 such as in commercial set ups, rather than for one part-time hobbyist.
- Detrimental to wonderful views of fields and undulating hills from back garden
- More than happy to comment on a smaller building that is less intrusive
- Impact upon amenity and enjoyment of our property
- Impact upon rural surrounds and settlements characteristics
- Level of lorries, vehicles, dust, noise, drive damage and general inconvenience will cause should be worth a refusal – this was experienced during the construction of the outdoor riding ménage
- Large warehouse type structure, industrial style will not blend into the surrounding village, along with the clocktower it will be highly visible from routes into the village and especially from the surrounding landscape
- Amount of space left around the plot begs the question of how viable vegetation screening will be to adjacent properties

- There must be a constraint that no commercial use will be made of the facilities in the future, this building should be removed should ownership change

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

## **6. RESPONSE TO CONSULTATION**

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Piddington Parish Council – objects, on the following grounds:

Piddington is a Category C village in Cherwell District Council's Local Plan where development is limited to extensions of existing properties and small amounts of infilling. Lower End is currently a section of ribbon development comprising a mixture of bungalow and two storey dwellings, with linear development along the road structure (a notable feature of Piddington village as a whole), current development would be on land outside of the village envelope and currently of open aspect.

- Alien feature in rural village landscape, the size of a significant warehouse, which would overpower all adjacent properties and swamping all other properties in the vicinity, visible from highways, footpaths, all areas of the village and local viewpoints such as Muswell Hill.

- Development will bring intrusive urbanisation to the village with profiled metal cladding and fibrous cement profiled sheet roofing, which will effectively be an extremely large industrial building (as large as an aircraft hangar) immediately adjacent to residential properties in the village and completely out of keeping with strict design conditions that have been proposed on residential development within the village.

- Development takes up almost all of the space immediately behind 66 Lower End leaving little space between the building and boundary hedges, creating an enclosed effect for residents which the Parish Council believes to be unacceptable.

- Development will significantly adversely affect the setting of not only the village as a whole, but of listed buildings in particular, with at least one listed building of such architectural merit as to warrant and entry into Pevsner.

- If minded to approve, the Parish Council would expect to see planning conditions to achieve strict controls over water run-off from the building, to control potential light pollution and a condition limiting the use of the development for the personal use of the current owners of the property, with a requirement to remove the building should their ownership of the property cease.

### STATUTORY CONSULTEES

6.3. OCC Drainage – no objection subject to suggested condition 6 being applied.

6.4. Environment Agency – no comments received at the time of writing.

## NON-STATUTORY CONSULTTEES

- 6.5. CDC Ecology – recommend a note with regard to protected species, the protection of the existing hedgerow during construction works, and that opportunities are taken to provide bat or bird boxes on the proposed new building, for example at the eaves level, making enhancements for local wildlife and benefit biodiversity .
- 6.6. CDC Environmental Protection – no objections or comments to make on the application as presented.
- 6.7. CDC Landscape Services – no objection, but recommend that a detailed soft landscaping scheme is required to mitigate the impact of the development. The proposed tree planting is too formal and should be planted in irregular naturalistic groups. Further comments were received on 04 April 2017 suggesting that if the management of the hedgerow to the north to 3.5 metres above ground level is going to be a problem then the building could be located 1.5 - 2m further south to accommodate 6 small trees to grown. Structural foundations may have to be revised in respect of the trees. However, further verbal advice was provided on 10 April 2016 stating that no objection would be raised if the building was not relocated.
- 6.8. OCC Single Response – no response received at the time of writing.

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

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

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

- PSD1 - Presumption in Favour of Sustainable Development
- ESD6 – Sustainable Flood Risk Management
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

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

- C8 - Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C31 - Compatibility of proposals in residential areas
- AG5 - Development involving horses
- 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. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area, including heritage assets
- Residential amenity
- Biodiversity
- Flood risk

### Principle of development

8.2. The equestrian use of the site and adjacent land has already been established by the previous consents for a stable complex and outdoor manege. Saved Policy AG5 of the Cherwell Local Plan 1996 states that proposals for horse related development will normally be permitted provided that the proposal would not have an adverse effect on the character and appearance of the countryside; the proposal would not be detrimental to the amenity of neighbouring properties and the proposal complies with the other Policies in the Plan.

8.3. The impact of the development upon the character and appearance of the countryside and the amenity of neighbouring properties are assessed later in the report, although it is considered that the principle of horse-related development in this rural location is acceptable in accordance with saved Policy AG5 of the Cherwell Local Plan 1996.

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

8.4. Government guidance contained within the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality, and the desirability of new development making a positive contribution to local character and distinctiveness.

8.5. Policy ESD 13 of the adopted Cherwell Local Plan 2011-2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

8.6. Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to resist sporadic development in the open countryside, although this will be reasonably applied to accommodate the needs of agriculture. Saved Policy C28 seeks to control new development to ensure that it is sympathetic to the character of its context.

8.7. There is no denying that the proposed building is of a large size, and that it would be visible from surrounding vantage points, including the rear facing openings of

dwellings along Lower End. The footprint would be approx. 1315 sq m and the height would be 6.1 metres to the ridge, which is a substantial structure. Furthermore, the development would take place beyond the built-up limits of the settlement of Piddington, in the open countryside.

- 8.8. However, the fact that something would be visible alone is not considered a reason to resist an application, and furthermore, the loss of a particular or pleasant view from neighbouring properties is not a material planning consideration.
- 8.9. The topography of the site and immediate surroundings is largely flat, with the land gradually rising towards the east. A railway line also runs approx. 350 metres to the east. The buildings associated with nearby Brill Farm are currently visible to the south-east. The site itself consists of an existing stable complex and the outdoor ménage currently consists of a large surfaced rectangle surrounded by post and rail fencing.
- 8.10. Aside from the clock tower feature on the western facing elevation, it is considered that the building would appear as a large, functional design agricultural barn, with steel clad walls and fibrous cement roof, which is considered to represent an appropriate feature in the rural landscape. While the proposed use of the building is not for agriculture, the principle of equestrian uses in the open countryside is generally accepted, as this is considered an appropriate location for such rural pursuits.
- 8.11. The proposed building would be positioned in open countryside, although it would be viewed as part of the existing stable complex, and such grouping of buildings is considered preferable to an isolated site away from other built form.
- 8.12. A Grade II listed building is positioned some 100 metres to the west of the site and due to this separating distance the site is not considered to play an integral role in forming the setting of the building. The site itself is not covered by any historic designations.
- 8.13. Existing landscape features, such as the hedgerow to the north and ponds are proposed for retention, and additional landscaping is proposed to the south of the proposed building. It is noted that the hedgerow to the north is not within the ownership or control of the applicant, and so it will not be possible to further enhance this boundary.
- 8.14. On balance, given that the development would involve an equestrian use in this rural location, the appearance of the structure as a large agricultural barn and the proximity of the site to other existing structures, Officers consider that the development would be in keeping with its rural context, and that it would not result in significant or demonstrable harm to the visual amenities of the locality. Further, the development would not materially harm the setting of the nearby listed building, in accordance with Government guidance contained within the National Planning Policy Framework, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C8, AG5 and C28 of the Cherwell Local Plan 1996.

#### Residential amenity

- 8.15. 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.

- 8.16. As previously mentioned, the equestrian use of the site has already been established. It is understood that the number of horses accommodated on site, and the existing provisions for the storage and disposal of manure would remain as existing. The indoor manege would also be used on a personal basis by the applicant, as opposed to a commercial riding school. The number of vehicle movements to and from the site is anticipated to be the same as, or fewer than, those existing.
- 8.17. Based on the above, it is considered that the proposed development would not result in significant harm to the neighbouring properties in terms of a loss of amenity. Concerns regarding noise and light pollution are noted; although the Environmental Protection Team raises no objection to the proposals. That said, it is considered reasonable to restrict the provision of outdoor lighting to serve the development, and the hours of use, to ensure that associated activities do not result in disturbance to neighbours at unreasonable hours (e.g. moving horses from the manege to their stables, which are closer to residential dwellings than the proposed manege). The applicant has indicated that they would be happy to comply with such a condition.
- 8.18. Subject to the above-mentioned conditions, the proposed development is not considered to cause significant or demonstrable harm to the living amenities currently enjoyed by neighbouring properties.

#### Biodiversity

- 8.19. Government guidance contained within the NPPF states that in determining planning applications local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last result, compensated for, then planning permission should be refused. Policy ESD 10 of the adopted Cherwell Local Plan 2011-2031 seeks both the protection and enhancement of biodiversity and the natural environment.
- 8.20. An Ecology Survey undertaken during February 2015 has been submitted with the application, that was originally submitted in support of the application for the stable complex and outdoor manege. The report concluded that the site would have no impact to the Piddington Brook, and that there were no obvious enhancements that could be carried out.
- 8.21. The Council's Ecology Officer is content that no further surveys are required in connection with the current application, although wishes to highlight the protected status of the Great Crested Newt (of which there are records in the vicinity of the site) with the applicant. Protective fencing along the existing hedgerow is also requested, which can be secured via condition, and biodiversity enhancements in the form of bat or bird boxes at eaves level on the proposed building.
- 8.22. It is considered that the proposed development would not significantly or demonstrably harm biodiversity, and that the development accords with Government guidance contained within the NPPF and Policy ESD 10 of the Cherwell Local Plan 2011-2031.

#### Flood risk

- 8.23. Government guidance contained within the NPPF states that in determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere. Policy ESD 6 of the adopted Cherwell Local Plan 2011-2031 states that where development is proposed within areas at risk of flooding it should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.
- 8.24. The site lies within Flood Zone 1, which is not considered to form a part of the flood plain. Piddington Brook, a Main River, is within 20 metres of the site, and comments received as a result of public consultation indicate that the site and surrounding land is known to suffer from drainage problems. Indeed, there are a number of small ponds in the vicinity of the site and during their visits to the site the Officer has noted that the land is wet.
- 8.25. At the time of writing, the Environment Agency has not provided comments on the scheme. In the absence of comments, it is to be assumed that no objections are raised.
- 8.26. OCC Drainage has requested a condition relating to the provision of a scheme for the disposal of surface water within the site due to the dimensions of the building.
- 8.27. Subject to the above mentioned condition, it is considered that the development would not result in the increase of flood risk elsewhere, in accordance with Government guidance contained within the NPPF and Policy ESD 6 of the Cherwell Local Plan 2011-2031.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. Officers are of the opinion that the principle of the equestrian use of the site has already been established through the existing stable complex and outdoor manege. The creation of an indoor manege, that would be similar in appearance to an agricultural barn, would be of an appropriate use and appearance in this rural context. The development is not considered to result in significant or demonstrable harm to the visual amenities of the locality, or the living amenities or privacy currently enjoyed by neighbouring properties. Further, the development would not materially harm the setting of the nearby listed building, the biodiversity of the site or increase the risk of flooding elsewhere, in accordance with Government guidance contained within the NPPF, Policies ESD 6, ESD 10, ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C8, C28, C31, AG5 and ENV1 of the Cherwell Local Plan 1996.

## **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Design and Access Statement dated December 2016, Drg No's. SK/06, SK/07 and 01 Rev. or

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

3. Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a schedule of the materials and finishes for the external walls and roof(s), including samples where appropriate, 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 approved materials.

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

4. Prior to the commencement of the development, and notwithstanding the plans hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

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

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

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

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

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

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

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

6. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the commencement of any building works on the site the approved surface water drainage scheme shall be carried out and prior to the first use of the building the approved scheme implemented, and maintained as such thereafter.

Reason - To ensure satisfactory drainage of the site to avoid flooding of adjacent land and property and to comply with Policy ESD 6 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works and exclusion fencing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

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

8. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the building the bat and bird boxes shall be installed on the site in accordance with the approved details.

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

9. No external lights/floodlights shall be erected on the land without the grant of further specific planning permission from the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the nearby dwellings in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. The indoor manege hereby permitted shall be used for private use only and no commercial use including riding lessons, tuition, livery or competitions shall take place at any time.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the nearby premises in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. The hours of use of the indoor manege shall be restricted to 8.00am to 10.00pm,

unless otherwise approved in writing by the Local Planning Authority.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the nearby premises in accordance with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Planning Notes**

1. 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.

CASE OFFICER: Gemma Magnuson

TEL: 01295 221827

Pipelines

**17/00145/F**

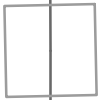
**OS Parcel 9635 North East Of  
HM Bullingdon Prison  
Widnell Lane  
Piddington**

68.6m

WIDNELL LANE



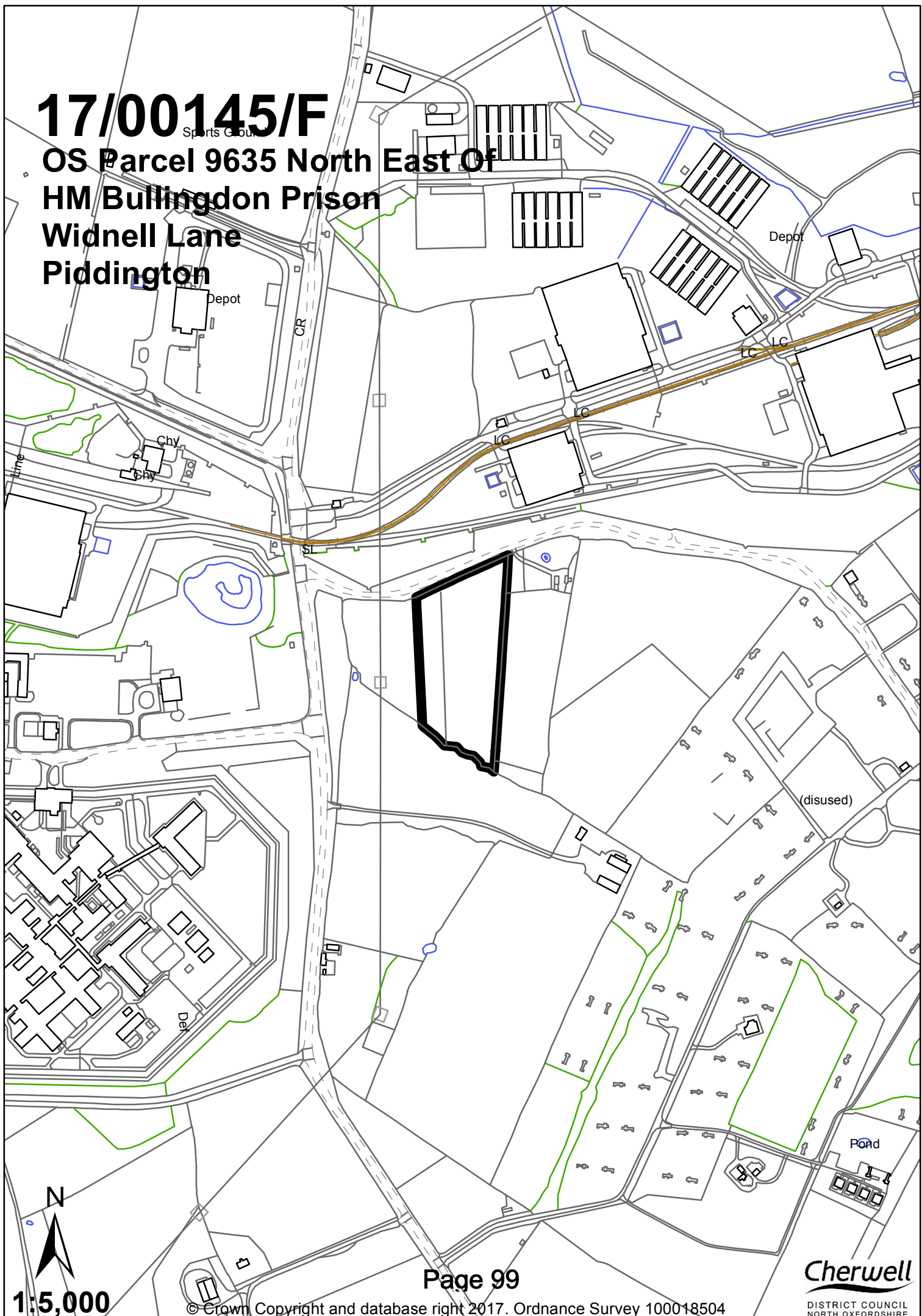
Pond



# 17/00145/F

Sports Club

## OS Parcel 9635 North East Of HM Bullingdon Prison Widnell Lane Piddington



N  
1:5,000

**Applicant:** Mr H.L Foster

**Proposal:** Change of use of land to use as a residential caravan site for 16 gypsy/ traveller families, each with two caravans, including improvement of access and laying of hardstanding

**Ward:** Launton and Otmoor

**Councillors:** Cllr Tim Hallchurch  
Cllr Simon Holland  
Cllr David Hughes

**Reason for Referral:** Major Application

**Expiry Date:** 21 April 2017                      **Committee Date:** 18<sup>th</sup> May 2017

**Recommendation:** **Refuse**

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located 1.2km to the west of the village of Piddington and 2km to the east of Upper Arncott and 3.5km from the village of Ambrosden. The B4011 lies approximately 100m to the west of the site and to the west of the B4011 lies HM Prison Bullingdon. The site of the proposed development is part of an agricultural field which is currently laid to grass. The site has an existing vehicle access entering from Widnell Lane on the northern boundary of the site. To either side of the existing access the site is enclosed on the road side frontage by mature native hedgerow to the northern boundary and the southern boundary is also made up of a mature native hedgerow.
- 1.2. The site is not in close proximity to any listed buildings and is not located within a conservation area. The site has some ecological value due to recent recordings of protected species within the vicinity of the site, including Great Crested Newts, Brown Hairstreak and Black Hairstreak butterflies. Piddington Training Area District Wildlife Site lies approximately 200m to the south east of the site and there is a pond on the neighbouring site located 30m away from the eastern boundary which has an average suitability for Great Crested Newts.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. This application seeks planning permission for the change of use of the land to be used as a gypsy and traveller caravan site comprising 16 pitches, each pitch containing one mobile home and one touring caravan. The proposals include the improvement of the existing site access, which includes the widening of the access to the site to 9m to allow for two way traffic. The proposal also includes construction of a driveway through the site measuring 6m wide and which follows a looped path



round the whole site. Each pitch can be accessed from the main site driveway. The site access is to be constructed from hardsurface tarmac and the driveways within the site are to be constructed from permeable materials. A play area is proposed in the south western corner of the site.

- 2.2. It is proposed to install an Alpha Septic Tank, one for each pitch at the site; these systems would receive the waste water and process it discharging clean water into a soak away within the site.
- 2.3. Screening Opinion (Ref: 17/00001/SO) issued by Cherwell District Council on the 6<sup>th</sup> February 2017 stated that an Environmental Statement was not required for this development.
- 2.4. An amended plan was received on the 3<sup>rd</sup> March 2017 which relocated pitch 16 to the eastern side of the site. The previous siting of pitch 16 was located in the south west corner of the site leading to a tightly located plot; the re-siting would allow for an extended play area or space for additional planting.

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

- 3.1. There is no planning history directly relevant to the proposal.

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

- 4.1. In light of the closure of Newlands Caravan Site Bloxham, informal pre-application discussions were held with the applicant in August and September 2016. The applicant contacted the Local Planning Authority seeking informal advice regarding the site at Widnell Lane, Piddington. Verbal advice was given to Mr Foster following a meeting held at the site on the 25<sup>th</sup> August 2016 and following consultation with the Local Highway Authority. Mr Foster was advised verbally that the site was located within 3KM of the village of Arncott, a Category A village, and so would qualify for consideration under Local Plan Policy BSC6, and could be accessed with appropriate visibility splays onto the highway. Mr Foster was invited to submit a planning application which was received on the 20<sup>th</sup> January.

### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site, that the Council has been able to identify from its records. The final date for comments was 02.03.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. The comments received can be viewed in full on the Council's website, via the online Planning Register.
- 5.3. The comments raised by third parties are summarised as follows:
  - *Piddington is a category C village where development is restricted. The village of Piddington is identified as a category C village in the Cherwell Local Plan and has no services. The proposed development is not located within the built up limits of Piddington and is not infilling or conversion and therefore does not accord with Policy Villages 1.*

- *Piddington has no services. Access to GP surgery and school is in Ambrosden which is 3.5km away. Secondary schools are in Bicester which is 10km away.*
- *The effect of the development on the character of the neighbourhood would have a dominating effect. Piddington is a small rural village with no amenities. The character of the village will be irreparably damaged should permission be granted. This would negatively affect a group of people much larger than the future occupants.*
- *Piddington floods regularly and the site is prone to surface water flooding (the northern end of the site is identified by the County Council as an area at medium/high risk of flooding from surface water). The site could therefore be affected by drainage problems and could lead to pollution risks from proposed septic tanks as the water table is high in this location. The proposal could increase run-off rates from the proposed caravans and hardstanding and could lead to additional flooding from surface water within the local area and on the highway. The application has been supported by insufficient information in relation to drainage.*
- *Foul drainage should be connected to existing main drainage services.*
- *The site is within 200m of intensively use livestock buildings.*
- *Access to the highway network from the site is via a narrow unclassified road. The increased use of this section of Widnell Lane would pose a risk to users of the highway.*
- *The proposed access to the site is on a bend in the road which has no national speed limit, the lane is already dangerous to drive/walk along, it has no street lighting, an uneven surface and obstructed views. Additional use of this access could lead to a highway safety issue. And increasing the risk of a road traffic accident, particularly due to the use of large vehicles and towing vehicles.*
- *Alternative exit from the site onto the A41 via the village and Lower End a single track road could also impact on the safety of this area of the local highway.*
- *The site is located within 150m of an MOD training facility where noise is generated by regular exercises which use pyrotechnics and blank gun fire. There are no proposals to mitigate the proposed development from harm and no proposals to ensure the safety of residents.*
- *Noise generated on the site would impact the quiet rural nature of the area and wellbeing of livestock*
- *The proposed development could potentially harm biodiversity. There are ponds in close proximity to the application site and mature hedgerows on the boundaries and possible use of the site by rare butterflies and other protected species*
- *The proposal is out of scale with the surroundings and does not conform to the local plans requirements that applications “respect the scale of, and do not dominate, the nearest settled community and avoid placing undue pressure on the local infrastructure.*

- *The site is isolated from existing towns and villages and therefore unlikely to be able to provide a satisfactory living environment for the future residents due to poor links to services. This is contrary to the traveller policy 2015*
- *The site is not served by mains water, sewage or electricity.*
- *The site is grade 3 agricultural land and is therefore a greenfield site. The change of use of this land from agriculture to a caravan site is not considered to be effective and efficient use of land.*
- *There has been no assessment of alternative sites to accommodate this development elsewhere. There are already a number of sites locally at Boarstall, Worminghall and Islip.*
- *The proposed change of use would put pressure on existing services at Arccott and Ambrosden*
- *The landowner has not approached the village to see if they wish the land to become a village asset*
- *The visual appearance of the proposed development would harm the visual appearance of the surrounding countryside and would also have a negative effect on the village of Piddington.*
- *The applicant has not considered the use of previously developed land. The proposed development is overdevelopment of the site, not well planned, there are limited opportunities for additional landscaping enhancing the development and ecological improvements.*
- *The open countryside siting would lead to an intrusive feature in the landscape and contrary to the sustainability criteria.*
- *The location of the site performs poorly in terms of sustainability. No bus services to or from the site, no footways on the road providing access to the site, or bus service at Bullingdon Prison. Residents would be largely dependent on the private car. The developer should be required to improve the existing access to the bus service.*
- *The site is too small to provide suitable ecological benefits and buffer planting to restrict views.*
- *There is a large number of vacant plots at an existing site near Arccott demonstrating a lack of demand in the immediate vicinity.*
- *The benefits of delivering traveller pitches could equally be secured on a site in or near a settlement with access to local facilities.*
- *No archaeological surveys have been carried out.*
- *The site of the proposed use does not have immediate residential neighbours, however, the site is within the vicinity of a park and playing field, people who use these facilities would be negatively affected due to increase in traffic on the road*
- *The use of the site as a caravan site would be out of keeping with the form of neighbouring development within the locality*

- *Incorrect references to the road names in the supporting statement.*
- *Concerns raised about light pollution from new lighting at the site.*
- *The proposed use could increase crime in the area.*
- *Concern that the applicant could gain permission for a gypsy and traveller site and subsequently apply for the change of use to residential dwellings on the site.*
- *Electricity pylons are sited to the west of the site which could pose a health and safety issue.*
- *Insufficient vehicle parking in the site*
- *It should be fully acknowledged that there is a district wide shortfall of gypsy and traveller pitches. However, the core principles of the NPPF are that any proposed development should be sustainable, there are no exceptions to the core principles of the NPPF. Therefore, any proposed development that meets the credentials of sustainable development should be approved without delay. The locality provides little provision for walking due to the lack of a footway along Widnell Lane and having to cross the B4011 to access the local bus service and Arncott. Therefore, residents are likely to be heavily reliant on the private car.*
- *The B4011 is a fast road and could be a health and safety issue for residents at the site access the local bus service.*
- *No existing travelling community in this area. The site is remote from existing communities and services*
- *The site is outside and area allocated for development in the local plan.*

## **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 AND NEIGHBOURHOOD FORUMS

- 6.2. **PIDDINGTON PARISH COUNCIL object to this application for the following reasons:**

- *The proposed development is within the boundaries of Piddington parish and the village of Piddington is the closest settled community.*
- *Cherwell Local Plan 2011-2031 (Part 1) comprises the Development Plan for the purposes of section 38(6) of the Planning and Compulsory Purchase Act 2004. The application site is not allocated for development in the Local Plan, which states that allocations, including locations for new traveller sites are to be made in the Local Plan Part 2 which is still in the course of preparation. As an unallocated site, any application for its development is to be considered in accordance with the criteria set out in Policy BSC6 in the Local Plan Part 1. Paragraph 14 of the NPPF is also relevant in the consideration of this application which provides a presumption in favour of sustainable development, but which also establishes that where the adverse effects of*

*granting permission would significantly and demonstrably outweigh any benefit, permission should be refused.*

- *The development of this site is contrary to the principle of sustainability, and there are real and compelling reasons why this application should be refused:*
  - *It proposes the development on a greenfield site, in agricultural use in the open countryside.*
  - *The site is close to, and in the catchment area of, the River Ray, which is of significant ecological sensitivity and is designated as a Nitrate Vulnerable Zone.*
  - *It is remote from any settled community. The nearest settlement is Piddington, which is a Category C village without facilities.*
  - *Although the site is within 3km of Arccott, a Category A village, the only shop in the village is more than 3 km away.*
  - *The site is not accessible by public transport and the nearest bus stop at Bullingdon Prison (700m away across a busy road) has an infrequent service.*
  - *It will increase the traffic on Widnell Lane which has no footpath or street lighting. The maintenance of adequate sight lines will depend on cutting back vegetation which is not on the applicant's land.*
  - *The site is susceptible to flooding.*
  - *The proximity of the proposed development will harm the amenity of the nearby Widnell Park, Jubilee Reserve and sports field.*
- *The proposed development would be contrary to Policy BSC6 and should be refused. Refusal would also be consistent with paragraph 14 of the NPPF and also with the recent decision of Aylesbury Vale DC to refuse permission for a site at Oakview Park, Boarstall which is about 3km as the crow flies from the proposed site at Widnell Lane.*
- *In July 2002 Cherwell District Council objected to a proposal for asylum seekers accommodation near Piddington, 60 metres away from the current proposal.*
- *Para. B139 of the Cherwell Local Plan in relation to travelling communities seeks to "secure sites that will provide suitable living environments in locations that are as sustainable as reasonably possible. It will be important to identify sites that will enable access to services, facilities and potential sources of employment, which will promote inclusive communities but which will not be out of scale with or dominate nearby settled communities". In relation to this Piddington Parish Council accepts that the proposed location is within 3km of the built up limits of Arccott (defined in the Local Plan Policy Villages 1 as a Category A Service Village) but would point out that the services available in Arccott are limited to a small village shop (which is more than 3km from the proposed site), a public house and a bus service. The services available in Ambrosden (also a Category A Service Village beyond the 3k limit) are similarly limited and under pressure from several new housing developments and residents likely to return with the garrison.*

- *The nearest settlement is Piddington which is 1.2km from the application site. Piddington is a small quiet rural community falling within the definition of a Category C Village where development is limited to “only infilling and conversions”. The sites location is in an isolated location away from local communities and the Parish Council consider this to be a contravention of paragraph 25 of the “Planning Policy for Travellers” (DCLG August 2015).*
- *The Parish Council does not believe that the proposals are acceptable for development either in a Category C Village, or as a rural housing exception site, and that the shortage of necessary services in the adjacent Category A Villages and the isolated nature of the site makes the proposed development completely inappropriate at this location.*
- *Advice from the ‘Friends, Families and Travellers’ (FFT) advocates that identifying land for traveller sites should consider siting near existing local connections. In this proposal the site has been purchased recently and there does not appear to be any local connections in this location.*
- *The site is located within the open countryside. Para. B254 of the Cherwell Local Plan seeks to ensure that development conserves and enhances the character of the countryside, the Council will carefully control the type, scale and design of development. The Parish Council does not consider the current proposal complies with this requirement.*
- *The site of the proposal is considered to be Grade 3 agricultural land. Agricultural should be retained and development located on previously developed sites in sustainable locations. It is the Parish Councils view that options for previously developed land should be considered before an area of agricultural land in a rural location is considered for development. There is no evidence that an investigation of alternative sites has been undertaken.*
- *The proposed development is not considered by the Parish Council to be appropriate farm diversification.*
- *The site is less than 300 metres from a MOD training facility where the use of ordnance and pyrotechnics, including illumination, is a regular and noisy occurrence. It should also be noted that, because of the design and construction of caravans and mobile homes, people who live in them are much more vulnerable to the impact of noise than people living in bricks and mortar. There are no proposals to mitigate the effects of this nearby use.*
- *To the west of the site there is an electricity pylon that crosses land approximately 60m away.*
- *Existing access to the field whilst in agricultural use has been minimal. The proposed change of use would generate increased traffic on Widnell Lane. It is not unreasonable to assume vehicle movements from each of the 16 pitches everyday. One movement from each pitch per day would amount to 32 movements at the site and it is likely that more than one trip a day will be made which could amount to a total of 100 movements at the site. This would greatly exceed the number of trips currently taking place at the site.*
- *The Parish Council maintains that the road is not wide enough to accommodate two passing vehicles should one be a HGV, a large van, a vehicle towing a caravan or an agricultural vehicle, resulting in serious damage to the verges and the edges of the road, which includes the drainage ditches either side. The annual average daily traffic flow for the*

*B4011 is in the region of 5000 fast-moving vehicles and the junction between Widnell Lane and the B4011 represents a significant hazard, particularly when considering long vehicles exiting this limited visibility junction. The access appraisal makes no provision for improvements to the junction to mitigate this danger.*

- *Widnell lane has no pedestrian footway or lighting. Due to overgrown hedges and waterlogged verges pedestrians would have to walk on the road. The visibility is poor and the safety of the increased number of pedestrians who would be using the road would be put at risk.*
- *No reference in the access statement about additional vehicle movements from the site through the village of piddington. Access to the A41 through the village is unsuitable for large vehicles as it is single track with weak railway bridges, an increase in traffic through the village is undesirable.*
- *The Parish Council identified a number of errors and inaccurate information in the design and access statement. The road numbers are incorrect and some of the text appears incomplete.*
- *The Parish Council is concerned that the pitches are crowded with no parking provision shown. No visitor parking proposed within the site. No area for waste storage and recycling.*
- *The Parish Council does not consider that the design of the proposal meets the requirements of paragraph 26 of "Planning Policy for Travellers Sites"*
- *The proposal will have a detrimental effect on valued Parish amenities known as the jubilee reserve and the sports field. Also a large stretch of Widnell Lane forms part of the Piddington Circular Walk, this walk would be adversely affected by the increase in traffic and by the visual appearance of the site. There are several equestrian businesses in the Parish who exercise horses within and around the village and would suffer loss of amenity from the proposed development.*
- *The surrounding area has high ecological value as it 1km from the Upper Ray Meadows Nature Reserve. This is identified by BBOWT as comprising a range of habitat and species. The site is close to and in the catchment area of the River Ray, which is a designated Nitrate Vulnerable Site pursuant to the Nitrate Pollution Prevention Regulations 2015. The River Ray continues to suffer from pollution and the nitrates in particular, and remains susceptible to further continuing pollution.*
- *The application has not been supported by a Great Crested Newt Survey, this should be provided as there are at least two ponds within 250m of the site and the pond in Widnell Park is 500m away. A phase 1 ecological report should be provided. An archaeological survey should be provided as significant interest including Roman artefacts has been found at a development site at Ambrosden adjacent to Blackthorn Hill Farm, which is a similar distance from the B4011.*
- *The Parish Council considers that the proposal will seriously damage the biodiversity of the River Ray Floodplains. Furthermore, the Parish Council's view is that the proposal would have a detrimental effect on biodiversity and landscape features.*

- *The Parish Council considers that a new site being delivered at Upper Heyford and a further one at Chesterton for 9 pitches will address the existing shortfall of gypsy and traveller pitches in Cherwell.*
- *The Parish Council do not consider that the proposal at Piddington is a suitable solution to the closure of the site at Bloxham as it is 20 miles away.*
- *The proposal could attract a further 60 adults to live in the Parish of Piddington which is considered to dominate the current population.*
- *The Parish Council is also aware of an application in Aylesbury Vale District to make a site at Boarstall permanent. This application was refused in August last year. The Parish considers that these two sites together would dominate the surrounding settled communities.*
- *The Parish Council are concerned about the risk of flooding on the application site which has not been considered by the application. Access to Piddington from the A41 is regularly cut off by flooding, any further flooding of Widnell Lane could risk cutting off the village.*
- *The proposed hard-surface areas proposed would increase surface water run-off and potentially increase the risk of flooding. The use of septic tanks can pose the risk of pollution to the local water system.*
- *The application does not include any information demonstrating if alternative sites have been considered. Furthermore, the Parish have suggested that consideration should be had for allocation of land within Bicester for gypsy and traveller pitches through the Local Plan process.*

**6.3 ARNCOTT PARISH COUNCIL object to this application for the following reasons:**

- *The site of this application is located 3.5km (along the roads) from Arncott and 4km from Ambrosden both of which are defined as Category A villages in the Cherwell Local Plan. The Parish Council would point out that the services in Arncott are limited to a small village shop, a public house and a limited bus service. The Parish Council believes that the siting of traveller sites in relation to education and medical facilities is important and Arncott has neither. Arncott also supports Oaksvie travellers site to the south of Arncott. Should this application be approved there will be 35 pitches looking to Arncott for services which could overwhelm the village and residents.*
- *The proposed site is located within the open countryside some distance from the prison. Arncott Parish Council has noted the recent reason for refusal relating to Oaksvie by Aylesbury Vale District Council (AVDC) and would urge Cherwell District Council to agree with the AVDC planning committee which concluded “harm arising from the visual impact of the site in the countryside should be accorded significant weight, and the harm arising from the unsustainable location of the site should (also) be accorded considerable weight”. And refuse the application.*
- *Arncott Parish Council consider that the proposed development constitutes development within the open countryside which would appear as an intrusive feature detracting from and to the detriment of the character and appearance of the area contrary to the sustainable development criteria. The site is remote from local services and residents would be largely dependent on the private motor car for day to day needs.*



- *The Parish Council has noted that the thrust of the Local Plan 2011-2031 is that development should be sustainable and the use of brownfield sites should be a priority. The Council has noted that one of Cherwell District Council's major development sites is Graven Hill, which makes no provision for gypsy and traveller sites. The siting of a traveller site close to a settlement with a greater range of services would be considered more appropriate.*

**6.4 AMBROSDEN PARISH COUNCIL object to this application for the following reasons:**

- *The site is situated in an isolated location away from local facilities.*
- *In contradiction with para. 25 of the DCLG, Planning Policy for Travellers 2015 which seeks to limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. The applicant has not considered the use of previously developed land, the site is not well planned and there is a paucity of soft landscaping, there are no opportunities for enhancing the development, no ecological site enhancements are proposed, however the provision of a play area is welcomed, but no details are provided.*
- *Contrary to para. 26 of the DCLG policy 2015 as the proposal is within the open countryside which would be an intrusive feature detracting from and to the detriment of the character and appearance of the area contrary to sustainable development criteria. The site is remote from local facilities and services and performs poorly in terms of sustainability. Residents would be largely dependent on the private car for accessing services.*
- *The local school at Ambrosden is at capacity and many children within the village are forced to attend other local schools.*
- *The doctor's surgery at Ambrosden is running on reduced hours.*
- *The bus service between Piddington and Ambrosden no longer runs.*
- *The harm arising from the proposed development would significantly and demonstrably outweigh the benefits that would accrue from the opportunity of a settled lifestyle.*
- *The site abuts an MOD training facility which regularly uses gun fire and explosions in exercise. There are no proposals to mitigate the proposed development from harm for noise.*
- *The site is too small to provide any mitigation of the impact of the harm created to the open countryside and no buffer strips of planting are proposed.*
- *The site has not been allocated in the Local Plan for development. Cherwell has a full 5 year supply of housing land.*
- *Large number of vacant plots at site nearby (Oaksvie 2 miles to the south) Is there therefore a need?*
- *The benefits could equally be secured from a site in or near a settlement with access to local facilities.*

- *The development would not represent sustainable development and would result in substantial harm to the surrounding area which is not outweighed by the benefits.*
- *The application is not supported by the following information: (1) Protected species survey (2) Ecological report (3) Archaeological survey.*
- *Suggested conditions if the Council are minded to approve: (1) limit business operations (2) specify number of days allowed for visitors (3) S106 to secure financial contributions to reinstate bus service to Piddington.*

#### STATUTORY CONSULTEES

##### 6.5 ENVIRONMENT AGENCY **comments letter dated 4<sup>th</sup> April 2017:**

- *The Environment Agency maintain that the preferred option is for this development to connect to the mains foul sewer. We maintain our advice that individual septic tanks are not recommended.*

##### 6.6 ENVIRONMENT AGENCY **comments letter dated 1<sup>st</sup> March 2017:**

- *The applicant proposes to use a separate septic tank for each of the 16 plots on the site. We discourage the use of non-mains drainage solutions where it is feasible to connect to the main foul sewer, which is a significantly more sustainable solution. Septic tanks require regular maintenance and emptying by road tanker to ensure that they do not discharge poor quality foul effluent into the environment. We note that the applicant has also considered the use of small sewage treatment or package treatment plants instead of septic tanks. Whilst a more sustainable solution, there are still significant maintenance issues to be considered with such a solution. The preferred option is always to seek connection to the main foul sewer in the first instance.*
- *Our maps indicate that the nearest foul sewer is approximately 250m from the site entrance (following the route of the roads) close to the junction of the B4011 and Palmer Avenue. However, the applicant should seek confirmation from Thames Water about the nearest available foul sewer to connect to.*
- *The use of septic tanks would require an Environmental Permit from us for each septic tank and we may not grant a Permit unless it can be demonstrated that it is not feasible to connect to the main foul sewer. We would strongly advise that the applicant contact Thames Water to discuss possible options to connect to the main foul sewer and amend their application to take this into account. Suggested planning note to advise applicant of the need to apply for a permit for the proposed septic tanks*

##### 6.7 ENVIRONMENT AGENCY **comments letter dated 21<sup>st</sup> February 2017:**

- *New development should be connected to the public mains (with prior written approval of the statutory undertaker) where possible. Proliferation of individual treatment plans can cause deterioration in local water quality (ground and surface water). This would be contrary to the principles of the EU Water Framework Directive.*

##### 6.8 BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST (BBOWT) **No principle objection, but the following issues need to be considered:**

- *The application comprises an agricultural field with native hedgerows defining the northern and southern boundaries. Native hedgerows are a Priority Habitat and as such are important habitats in their own right as well as acting as essential connectors for species. In addition, TVERC (Thames Valley Environmental Record Centre) holds a number of species records for the wider area including records of two rare butterfly species, which depend on the presence of native hedgerows.*
- *In line with para. 118 of the National Planning Policy Framework (NPPF) and Local Plan policy ESD10 it is considered important that the nature conservation interest is adequately considered and conserved. A net gain of biodiversity should be delivered.*
- *It is important that any removal of hedgerows is kept to a minimum and carried out outside the bird nesting season to ensure that no offence under the Wildlife and Countryside Act.*
- *Important that a sufficiently wide buffer is provided between the hedge and any hard-standing to ensure that potential impacts on hedges or trees are minimised. I suggest a minimum distance of 5m between any development and the base of the hedge. This distance should be applied to the new hard-standing proposed alongside the existing hedgerow adjacent to the road.*
- *A net gain for biodiversity is required by national and local planning policies and this could be achieved by integrating biodiversity enhancing measures such as hedgerow planting. Sufficient space is needed to allow for new hedgerow planting and a Landscape and Ecological Management Plan (LEMP) required.*
- *It has been brought to our attention that the site might be subject to flooding which has not been considered in the application. It is recommended that further information in respect of drainage is sought.*

**6.9 OXFORDSHIRE COUNTY COUNCIL (DRAINAGE AND TRANSPORT) Objection on the grounds of lack of information regarding drainage and vehicle tracking:**

- *The applicant needs to provide a full drainage strategy together with the required statistical data.*
- *Vehicle tracking analysis needs to be supplied which shows that a mobile home and caravan can safely enter, turn in, and leave the site in a forward gear.*
- *Vehicle tracking analysis needs to be submitted, which needs to show that a refuse vehicle of not less than 11.4m in length can safely enter and exit the development in a forward gear.*
- *The improved vehicle access should have a 10m radii and have a width of 4.8m. Any gate proposed should be set 16m into the site from the southern edge of the carriageway.*
- *Based on the speed survey submitted the highway authority is content that required visibility splays can be achieved.*
- *The applicant has not provided any indication of the drainage facility for the new hard-standing area. Also, there does not appear to be any consideration*

*of the requirement to mitigate for the increase in surface water runoff that may be accrued by the hard-standing area being built on a green field.*

- *From the plan provided it appears that the main access road through the site maintains a consistent width of 5.5m. However, the applicant needs to provide vehicle tracking analysis which should show that all vehicles likely to be used by travellers can safely enter and exit the development in a forward gear and can manoeuvre in and out of pitch areas.*
- *The applicant has not indicated where refuse will be stored and collected on any of the attached plans, and needs to provide vehicle tracking which shows that a refuse vehicle of not less than 11.4m in length can safely enter and exit the development in forward gear. If normal size refuse bins will be used, then a refuse lorry must be able to get within 25m of the waste collection point. If larger bins than this are to be used, then a refuse lorry must be able to get within 5m of the collection point.*

#### 6.10 OXFORDSHIRE COUNTY COUNCIL (EDUCATION):

- *OCC is not seeking education contributions to mitigate the impact on this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), and the need to reserve our ability to seek contributions for larger developments than this in the area in the future.*
- *For early years settings, there is currently anticipated to be sufficient provision in the area for the children generated by this proposed change of use.*
- **Primary** – *The primary school serving this area is Five Acres in Ambrosden, which also serves the local MoD population – numbers are therefore volatile. As of the October 2016 pupil census the school had 346 pupils on roll, against a total capacity of 420 places, but some year groups are full. The school currently relies on temporary accommodation to provide 60 of its places, and therefore only has 360 places in permanent accommodation. If this proposed development is permitted it would normally have been expected to contribute towards the cost of providing additional permanent accommodation at the school, either to replace the current temporary accommodation, or to further expand the school, should this be required as a result of local population growth. However, in this instance no contributions are required.*
- **Secondary** – *Bicester Secondary Schools currently have spare capacity, but this will be filled as the higher numbers now in primary school feed through. The large scale housing development planned for the town will require new secondary school establishments, which are planned for SW Bicester and NW Bicester.*
- **Special** – *Bardwell School admits from Bicester, Kidlington and surrounding villages. A recent £1m capital project has expanded permanent accommodation. Given the scale of planned housing growth in this area, further additional SEN capacity is likely to be needed in due course.*
- **Early Years** – *Existing settings in Lower Arncott and Ambrosden suggest that the existing provision has the capacity required to meet additional demand for spaces created by this and other housing developments in the area.*

#### 6.11 OXFORDSHIRE COUNTY COUNCIL (PROPERTY):

- *The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its community infrastructure. However, OCC is not seeking property contributions to mitigate the impact of this development on infrastructure. This is solely due to Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended).*
- *The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. It is suggested that a condition seeking details of the provision of hydrants in accordance with the Fire & Rescue Service as a condition to the grant of any planning permission.*

#### 6.12 THAMES WATER **comments on the proposal:**

- *The nearest foul sewer connection is MH7501 near Palmer Avenue. Connection to this site may only be possible by pumping (this needs to be confirmed) and a railway line needs to be crossed.*
- *Thames Water would require confirmation of the peak foul water flow to be discharged as well as how foul water is discharged to the nearest sewer; i.e. gravity or pumped to enable us to assess the impact on this site on the sewer.*

#### NON-STATUTORY CONSULTEES

#### 6.13 DEFENCE INFRASTRUCTURE ORGANISATION **Object to the proposed development:**

- *The MOD owns large areas of the adjacent land where training takes place with the use of small arms ammunition (blank) and the use of pyrotechnics including illumination types and noise simulation can be used. It is envisaged that the current level of use of the site will only increase in the future.*
- *Of particular concern is the appropriateness of the site for a residential caravan site due to possible impacts from noise and vibration from the adjacent MOD training areas. As such it is suggested that a Noise Impact Assessment is produced to support the assessment of the applications. As you will be aware, due to their design, residents in caravans can be more vulnerable to noise impacts than those who live in other types of dwelling.*
- *The Piddington Training area is used frequently during the week and weekends.*
- *The issue of noise should constitute a material planning consideration in respect of any planning application for the site. The MOD would welcome the submission of a noise assessment document in support of the planning application and welcome to opportunity to comment on the assessment. Paragraphs 109 and 120 of the NPPF which relate to adverse impact from noise pollution should be taken into account.*
- *The MOD has also commented that a water mains serving the training site passes through the site and is a private water supply.*

#### 6.14 CHERWELL DISTRICT COUNCIL PLANNING POLICY:

- **No objection in principle** subject to detailed consideration of, *inter alia*, landscape impact, highway safety and the impact of this development on the nearest settled community.
- The adopted Local Plan 2011-2031 provides to meet the identified need for pitches for gypsies and travellers. The Government Planning Policy for Traveller Sites (August 2015) will need consideration in relation to impact of the development, alternative sites and personal circumstances and sustainability. Policy BSC6 provides for 19 net additional pitches from 2012-2031. Since the adoption of the Local Plan 20 pitches have been lost. This has now increased the requirement to 28 pitches. (2016 AMR).
- At 31 March 2016, the total supply of Gypsy and Traveller pitches was 61. A net loss of 15 pitches is expected by the end of the monitoring year 2016/17 due to the on-going closure of the private site at Milton. Projected new supply in 2017/18 from permitted sites should increase supply to 57 pitches which still represents a net loss of 13 pitches since April 2012. The district does not presently have a 5 year supply of pitches for Gypsies and Travellers. The current published five year land supply position for gypsies and travellers is reported in the 2016 AMR and is currently reported as a -1.1 year supply for gypsy and travellers for the period 2016-2021. The AMR further reports that for the period 2017 to 2022 the supply is 1.6 years which includes a loss of 20 pitches and also includes permission granted for 11 pitches expected to be delivered during 2017-2018.
- There is a current need to identify new supply. Policy BSC6 provides a sequential and criteria based approach for identifying suitable locations for new traveller sites whether through site allocations in the Local Plan Part 2 or in the determination of planning applications.
- The proposed site is within 3km of Arncott which is a Category A village, one of the more sustainable villages in the District (Policy Villages 1). From a locational perspective, the proposal complies with Policy BSC6. However, detailed assessment will be required including through the application of the policy criteria for assessing the suitability of sites. This is a relatively large site located in open countryside. There are mature hedges along to north and southern boundaries however, the east and west boundaries are poorly defined with little or no significant vegetation. Detailed consideration of potential visual and landscape impact will, in particular be required, as well as highway safety.
- In considering the suitability of this site for travellers regard must also be had to Policy H of the Governments 2015 Planning Policy for Travellers Sites.

#### 6.15 CHERWELL DISTRICT COUNCIL ECOLOGY OFFICER **comments dated the 6<sup>th</sup> April 2017:**

- The PEA was undertaken in February which is a sub-optimal time of year to undertake a grassland assessment as many species are not visible. It may be possible that the grassland is of higher ecological value than has been identified and only a survey during the optimal time of year (Late May to July) would fully establish this.
- Pond 1 which has been identified as being of average suitability for Great Crested Newts (GCN) lies 30m to the east of the site. It is advised that the

pond be surveyed to establish if GCNs are present. A survey will establish the potential impact of the development on GCNs. The application site includes suitable terrestrial habitat for GCN. The survey needs to be carried out at the appropriate time of year (mid March –mid June) and appropriate mitigation measures recommended.

- *The proposed development replaces existing grassland with hard standing and therefore the ecologist has recommended a biodiversity impact assessment to determine if there is a biodiversity loss caused by the development and if so mitigation for this loss should be included in the proposed scheme and be secured by condition.*

6.16 **CHERWELL DISTRICT COUNCIL ECOLOGY OFFICER comments dated the 27<sup>th</sup> February 2017:**

- *In terms of the impact on hedgerows, it is good that the majority of the roadside hedgerow will be retained and protected. Ideally if a buffer zone of at least 2-3 m in width can be retained alongside all boundary hedgerows and the hedgerows be protected within the development then there should be no adverse impacts on the hedgerows. However as there could be other protected species present, e.g. badgers, or other issues such as the presence of invasive non-native plant species, a Preliminary Ecological Appraisal (PEA) is still recommended as this will include an assessment of the potential for the proposals to impact on such species. I understand that access to land outside of the applicant's ownership may not be possible, but it is standard practice that the applicant's ecologists request permission to access ponds outside application sites.*
- *In the first instance I would recommend a PEA and a great crested newt Habitat Suitability Index (HSI) assessment of ponds in the local area (should permission be granted to access them) and an assessment of the existing newt terrestrial habitat. If the ponds are suitable, further surveys will be required. These are restricted to between March and June when newts are present in the ponds (at other times of the year they largely spend on land) and comprise of 4-6 survey visits to determine presence/absence and population size. A recently developed survey technique using environmental DNA (eDNA) can be used to determine presence/absence, however should newts be present further surveys will still be required to determine the population size.*

6.17 **CHERWELL DISTRICT COUNCIL ECOLOGY OFFICER comments dated the 13<sup>th</sup> February 2017:**

- *There are several protected species records in the vicinity of the site. The existing site appears to comprise of existing grassland with mature field boundary hedgerows on the northern and southern boundaries of the site. These are habitats which have potential to support a number of protected species. There appear to be a number of ponds within the local area of the site and these may be suitable for breeding great crested newts. As such we would recommend that prior to determination of the application, a Preliminary Ecological Appraisal (PEA) is completed by a suitably qualified ecologist and submitted to the LPA for approval to provide a full assessment of the potential impact of the development on protected species and habitats, including the existing hedgerows. The PEA should include a hedgerow survey against the criteria under the Hedgerow Regulations (1997) to determine if they qualify as 'important' under the Regulations and suitable protective measures and buffers to the hedgerows included in the layout.*

- *Although we would welcome the proposed hedgerow creation on the western and eastern boundaries of the site, the planting should comprise of native species only and will require an appropriate buffer of at least 2m from the edge of the hedgerow to the area of development. Great crested newt Habitat Suitability Assessments (HSI) of the ponds will be required in the first instance, however further presence/absence surveys may be required should the ponds be suitable which can only be carried out during the survey season (approx. May to June).*

6.18 **CHERWELL DISTRICT COUNCIL ENVIRONMENTAL PROTECTION comments dated the 5<sup>th</sup> April 2017:**

- **Objection** due to lack of information in the form of a noise survey report to consider the impact of the nearby MOD training facility on the proposed used and future residents of the site.
- Comments received on the 2<sup>nd</sup> February originally raised no objection as the Environmental Protection Officer was not aware of the location of the training facility close to the site.

**7. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- BSC6 – Travelling Communities
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD8 – Water Resources
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- VILLAGES 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)



- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites (August 2015) (PPTS). This document sets out the Government's planning policy specifically for traveller sites and should be read in conjunction with the NPPF
- Designing Gypsy & Traveller Sites (2008) (although this document was withdrawn by the Government on 1st September 2015, it remains a useful starting point for considering the design and layout of proposed travellers sites)
- Gypsies and Travellers: Planning Provisions – Briefing Paper January 2016. Provides useful background information and summarises changes to the updated PPTS. It should be noted however that as this is only a Briefing Paper; it carries very limited weight and should not be relied upon as a substitute for specific advice
- CDC Annual Monitoring Report 2016 (AMR)
- Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Needs Assessment (2012/2013) (GTAA)
- The European Convention on Human Rights (ECHR) Articles 8 and Article 14 of Protocol 1
- Housing Act (2004)
- The Equality Act (2010)
- Cherwell District Council Statement of Community Involvement (July 2016)

## **8. APPRAISAL**

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

- Principal of Development;
- Gypsy and Traveller Pitch provision and 5 year supply position;
- Visual Impact and Effect on Landscape Character;
- Access and Highway Safety;
- Flood Risk, Drainage and Pollution
- Residential Amenity and Noise
- Ecology
- Other Matters (incl. agricultural land classification)

### Principal of Development

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

8.3 Policy PSD1 contained within the Cherwell Local Plan Part 1 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

8.4 The national planning policy context for the provision of sites for the travelling community is found in the guidance issued in August 2015 'Planning Policy for Traveller Sites' (PPTS) (which revises the original 2012 guidance) and should be read in conjunction with the NPPF.

- 8.5 A Government Briefing Note issued in January 2016 “Gypsies and Travellers: Planning Provisions” sets out the current planning policies relating to gypsy and traveller provision in an informative way for Members of Parliament. This highlights a change to the definition of “traveller” set out in the revised version of PPTS.
- 8.6 The Government’s overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life that they have whilst at the same time respecting the amenity and appearance of the settled community.
- 8.7 The definition of Gypsies and Travellers reads as follows: “Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependant’ education or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such”. It goes on to state: “In determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
- (a) whether they previously led a nomadic habit of life;
  - (b) the reasons for ceasing their nomadic habit of life;
  - (c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”
- 8.8 In relation to this planning application, it is the case that the site is proposed to be used as a settled base for members of the travelling community. The supporting statement submitted with the application does not identify individual travellers who are expected to occupy the site, however, it does make reference to the closure of Newlands Caravan Site, just outside Bloxham, with the loss of 36 pitches and that there is a substantial need for additional pitches in Cherwell and this proposal will go some way to addressing that identified need. The applicant has stated that the site would be used by gypsies and travellers and each pitch is proposed to accommodate a touring van and a mobile home. The gypsy/traveller status of future occupiers can be secured by a condition of any consent if planning permission is granted, in line with Government guidance. Officers are therefore satisfied that the application is for a site that would be used by gypsies/travellers.
- 8.9 The European Convention of Human Rights is still in force to date, despite the referendum last year where the United Kingdom opted to leave the European Union. Under Article 8 there is a positive obligation to facilitate the gypsy way of life (paragraph 96 of Chapman v UK (2001)) as gypsies and travellers are identified as a specialist group. The statement submitted with the application identifies that the proposal is for a residential caravan site for gypsies and travellers and the proposed development therefore provides new accommodation for the gypsy and traveller community with the Cherwell District. Therefore the contribution the site makes to facilitating the gypsy way of life weighs in favour of the proposal.
- 8.10 Policy H of the Government PPTS states that LPAs should consider the following matters when considering proposals for gypsies and travellers:
- (a) the existing level of local provision and need for sites;
  - (b) the availability (or lack) of alternative accommodation for the applicants;
  - (c) other personal circumstances of the applicant;

(d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;

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

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

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

8.12 Policy BSC 6 of the Cherwell Local Plan Part 1 states that to meet the identified need for new travellers pitches in the District during the plan period, and in order to provide and maintain a five year supply of deliverable traveller sites, allocations will be made in Local Plan Part 2 and through planning permissions that will be granted for suitable traveller sites. Policy BSC6 also goes on to state that: *“In identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied:*

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

*Other locations will only be considered in exceptional circumstances.*

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

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

- 8.13 The site of the proposal is located within 3km from Arncott, a village which is identified under Policy Villages 1 of the Cherwell Local Plan as a Category A village, which allows for minor development, infill and conversion. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. The site of the proposal is located approximately 2.5km by road from Arncott and therefore the site meets the first criteria as set out in Policy BSC6 relating to the sequential test for the siting of sites. However this does not mean the proposal is *de facto* acceptable in principle as Policy BSC6 also requires the assessment of the suitability of sites with reasonable accessibility to services and facilities by considering the additional criteria as set out above.
- 8.14 Whilst Arncott has a shop, chapel, village hall, sports field and 2 pubs, it is acknowledged that comments from the Parish Councils and a number of the residents of Piddington have raised concerns in relation to the sustainability and suitability of the site. It is recognised by officers that Arncott is not the most sustainable of the Category A villages as it does not have as many services and facilities as a number of the other Category A settlements. Having said that, the village does have a regular bus service between Bicester and Oxford which also stops on the B4011 just 150m from the application site. The site is also located 3.5km from Ambrosden where there is a wider range of services offering a primary school, shop, public house and part time surgery. That said the nearest village is Piddington which is a category C village and so one of the least sustainable villages in the District in terms of access to services, public transport and facilities.
- 8.15 Criteria (a) of Policy BSC 6 considers access to GP and other health services; the nearest GP surgery to the site would be the part time surgery at Ambrosden, located 3.5KM away. In order to access this service from the proposed site residents could use public transport; however, due to the restricted hours that this surgery operates and the limitations of the bus service it may be difficult for residents to rely on public transport and it is likely they will rely on the private car or travel further afield to access a full time service. It is considered by officers that the accessibility to GP and other health services would weigh against the proposal in assessing it against the sustainability and suitability criteria.
- 8.16 Criteria (b) considers access to schools; the nearest primary school is located at Ambrosden which is 3.5KM away a distance which is likely to be travelled by the private car as opposed to alternative modes of transport. It is considered by officers that whilst the site has access to education which would weigh in favour of the proposal, the weight to be attributed to this when assessed against the sustainability and suitability criteria is reduced given the distances involved.
- 8.17 Overall it is considered by officers that the location of the site is not the most sustainable location for a new gypsy and traveller site and whilst it does meet the sequential test for siting in relation to a Category A village, accessibility to services and facilities is limited with a reliance on the private car.
- 8.18 Furthermore, the site proposed comprises 16 pitches, which is considered a large site for gypsy and travellers within Cherwell, as the site has the potential to

accommodation 16 families and potentially over 60 individuals if there are 4 people per pitch. Therefore a site of this size should be located in a more sustainable location to ensure it meets the requirements of Government guidance in the NPPF and the PPTS. In this case due to the size of the site and its open countryside location with access to only limited services the site is not considered to be a sustainable location and this would be considered to weigh against the proposal when considered in light of the sustainability criteria set out in the NPPF and Policy H of the PPTS.

- 8.19 The additional criteria set out in Local Plan policy BSC 6 to be considered in assessing the suitability of sites will be set out in the topics and chapters below. In assessing the overall principal of the proposed development the unmet need for gypsy and traveller pitches within Cherwell and the lack of a 5 year supply of gypsies and travellers must also be weighed against the sustainability and suitability of the site; this is considered further below.

#### Gypsy and Traveller Pitch provision and 5 year supply position

- 8.20 In January 2013 the final report for a district-wide Gypsy and Traveller Housing Needs Assessment (GTAA) was completed. This informs the Council in terms of the district provision for gypsy and travellers up to 2031 and has been used to inform Policy BSC6 within the Cherwell Local Plan Part 1. The GTAA calculated that Cherwell had a population of 851 gypsies and travellers at the time of the report (not all of whom lived on authorised traveller sites). It goes on to outline that there were 70 authorised pitches throughout the District which were spread over seven sites at that time.
- 8.21 The most recent Annual Monitoring Report (AMR) 2016 (March 2017) outlines that at the 31<sup>st</sup> March 2015 the total number of authorised pitches in Cherwell for Gypsies and Travellers was 61 and the requirement for pitches within the period 2016-2031 is a need for 28 pitches. It states that the District currently has a -1.1 year land supply for gypsies and travellers for the period 2016-2021 (down from 2.9 for the period 2015-2020) and a 1.6 year land supply for the period of 2017-2022. The AMR further outlines that there is an overall requirement for an additional 28 pitches over the plan period (taking into account all those pitches that are anticipated to be lost in the period 2016-2021). It is worth highlighting that the 11 new pitches that were approved at Corner Cottage and The Stable Block in Mollington last year (ref: 16/01740/F and 16/01760/F) have been factored into the land supply in the AMR and are expected to be delivered during 2017-2018.
- 8.22 Given the above evidence there is clearly an identified need for additional gypsy and traveller pitches, whether that be on existing sites or the bringing forward of new sites. Moreover, it should also be noted that the lack of authorised pitches within the district has been compounded with the closure of the Smith's Traveller site (Newlands Caravan Park) at Bloxham on the 31<sup>st</sup> January 2017; this will result in the loss of 36 previously authorised pitches and this has been factored into the latest AMR. In addition to this, there are currently no identified sites that could provide alternative accommodation. Officers consider that the significant unmet need in the District, the lack of suitable and alternative sites, and the lack of

allocated sites in the Development Plan to meet the identified need should be afforded considerable weight in the determination of this application.

### Visual Impact and the Effect on Landscape Character

- 8.23 Policy ESD13 of the Cherwell Local Plan seeks new development which respects and enhances the character and appearance of the landscape, including securing appropriate mitigation if harm to the local landscape character cannot be avoided. Policy ESD13 also states that proposals will not be permitted if they would:
- *Cause undue visual intrusion into the open countryside*
  - *Cause undue harm to important natural landscape features and topography*
  - *Be inconsistent with local character*
  - *Impact on areas judged to have a high level of tranquillity*
  - *Harm the setting of settlements, buildings, structures or other landmark features, or*
  - *Harm the historic value of the landscape.*
- 8.24 Policy ESD15 states that *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design.”*
- 8.25 Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the character of the open countryside from sporadic development.
- 8.26 Policy C of the Government PPTS advises that when assessing the suitability of sites in rural and semi-rural settings, local planning authorities (LPAs) should ensure that the scale of such sites does not dominate the nearest settled community. In this instance Piddington, with a population of approximately 370, is the nearest settled community being some 1km to the east of the site.
- 8.27 The site is currently bounded by a mature native hedgerow to the northern boundary which measures approximately 2.5 metres in height. The existing hedgerow currently screens views into the site from Widnell lane apart from at the point of the access, due to the gap in the hedge, views can be achieved into the site when stood at the access. There are limited views of the site from the wider surroundings. The site cannot be seen from the B4011 due to a high mature hedgerow which bounds the field boundary adjacent to this road. Furthermore, due to the flat nature of the site itself and the surrounding landscape along with the mature hedgerow boundary features in the locality views into the site are limited only to very localised views from Widnell Lane and distant views of the site from the surrounding area are extremely limited. Subject to approval of a suitable landscape scheme including additional planting to the eastern and western

boundaries of the site, the proposal is therefore consider by officers to cause limited harm to the rural character and appearance of the landscape.

- 8.28 Regarding whether the proposal would dominate the nearest settled community, the site is located approximately 1km from Piddington and is therefore not visible from the village and furthermore, would not be a prominent feature within the surrounding landscape due to existing hedgerows and proposed planting which would offer screening to the site. Officers are therefore of the opinion that due to the siting of the proposal it is not considered to be of a scale that would dominate the nearest settled community.
- 8.29 The application proposes a significant amount of new native hedgerow and tree planting to the eastern and western boundaries of the site and additional hedgerow and tree planting within the site. This proposed new hedgerow planting is welcomed as it will provide a natural buffer to the development helping to maintain and enhance the local character of the area in accordance with Policy ESD13 of the Cherwell Local Plan.

#### Highway impact and access arrangements

- 8.30 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”*
- 8.31 The Local Highways Authority (LHA) has objected to the proposal, in relation to the lack of information to demonstrate that the site can be entered and manoeuvred in by a large 11.4m refuse vehicle and a vehicle needed to empty septic tanks, allowing the vehicles to leave the site in a forward gear. This is to ensure that the adjacent highway is not obstructed by large vehicles required to visit. This information has not been forthcoming and the application is not supported by this information. However, the proposed layout allows for a 5.5m wide road way which follows a loop around the whole of the site, which could be controlled as a one way loop if required. Therefore it is officers’ opinion that the concerns held by the Local Highway Authority in relation to manoeuvrability within the site can be overcome by a condition which requires tracking details of an 11.4m refuse vehicle and suitably sized vehicle for maintenance of the septic tanks, and suitable management arrangements of the road way through the site to ensure no blockages within the site which could lead to hold ups within the adjacent highway.
- 8.32 The Local Highway Authority are content with the improvements to the site access which provides suitable visibility splays of 2.4 metres x 58 metres to the west and 2.4 metres by 100 metres to the east. The visibility splays provided are based on speed surveys carried out on the section of Widnell Lane where access to the site is located. The Local Highway Authority have also pointed out that there is a 3-4m width of verge along the frontage of the site for the length of the required visibility splays. This is to the north of an existing drainage ditch and is therefore within the highway boundary. Therefore, the Local Highway Authority is confident that the required visibility splays can be achieved. Based on the above it is the officers’ opinion that the proposed development would not harm highway safety.

- 8.33 Some of the third party comments have raised concern with vehicles exiting the site to the right and travelling through the village of Piddington onto the A41 towards Aylesbury. Concerns regarding safety were raised in terms of Lower End being a single track road and more traffic along Widnell Lane. The visibility splays at the access are adequate and ensure safety on Widnell Lane when leaving and entering the site. Due to the location of the site close to the B4011, it is likely that the majority of trips will turn left out of the site then right onto the B4011. If vehicles do turn right out of the site and travel through Piddington village to access the A41, this is a public highway which comprises passing bays to the north of the village and the speed through the village is restricted. As such the Local Highway Authority have advised that the safety of road users using this route would not adversely affect highway safety.
- 8.34 The LHA would like to see further information regarding parking for each pitch and has stated that each unit will need to have manoeuvring space so that vehicles can leave in a forward gear from their plot. Given the pitches are relatively spacious officers are of the opinion that this can be achieved by way of an appropriate condition if the application was to be approved.
- 8.35 The LHA has stated that suitable areas for storage and collection of waste on the site should be provided, that are not in conflict with vehicle users, but allow easy access for refuse vehicles. Officers are confident that this can be accommodated on the site without being in conflict with vehicle users and being overly prominent from the public domain and should permission be granted a condition will be recommended requesting full details of the waste storage/collection area.
- 8.36 Thus, given the above, officers consider that the proposal would benefit from suitable access in safety terms and would not cause detrimental harm to the safe and efficient operation of the highway subject to conditions.

#### Flood Risk and Drainage

- 8.37 Policy ESD6 of the Cherwell Local Plan outlines that the Local Planning Authority will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.
- 8.38 Policy ESD6 expects a site specific flood risk assessment to accompany development proposals where the development site is located in an area known to have experienced flooding problems. *Flood risk assessments should assess all sources of flood risk and demonstrate that:*
- *There will be no increase in surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event with an allowance for climate change (the design storm event)*
  - *Developments will not flood from surface water up to and including the design storm event of any surface water flooding beyond the 1 in 30 year storm*



*event, up to and including the design storm event will be safely contained on site.*

- 8.39 The application proposes the use of septic tanks draining to a soak away, to deal with the foul water at the site. A separate septic tank is proposed for use on each of the 16 plots. In terms of surface water drainage on the site, the application is supported by limited information and does not provide a drainage solution for surface water.
- 8.40 The northern part of the application site is identified on Oxfordshire County Councils Flood risk tool kit as having a high to medium risk of flooding from surface water. The application has not been supported by a flood risk assessment or drainage strategy for the site. Porosity tests were carried out at the site and the results demonstrated a mean percolation value of 99 which, according to guidelines, is just inside the acceptable value for soakaway construction. The outer acceptable limit is 100. Due to the border line results it is advised by the drainage company who carried out the percolation tests, against installing a soakaway and to use an alternative drainage solution.
- 8.41 The Environment Agency have made comments on the application and have advised that the use of septic tanks and non-mains drainage solutions are discouraged, where it is feasible to connect to the main foul sewer, which is a significantly more sustainable solution. Septic tanks require regular maintenance and emptying by road tanker to ensure they do not discharge poor quality foul effluent into the environment. However the advice of Thames Water appears to indicate that it may not be practical to connect to the main foul sewer due to the need to install a pump and cross a railway.
- 8.42 Oxfordshire County Council has raised an objection to the application in relation to surface water drainage and foul drainage. In terms of surface water drainage the applicant has supplied soakage test results for the site, which appear to show infiltration techniques to ground will not be a viable option to be used at the site. However, the application is still not supported by a suitable strategy to deal with surface water runoff at the site and therefore it has not been demonstrated that the proposal would not lead to increased surface water flooding in the vicinity and downstream of the site. In terms of foul drainage the County Council consider the use of septic tanks at the site and connection to a soakaway, without treatment of the sewage is not acceptable as this could lead to pollution of the local water courses. The application has not been supported by a suitable strategy to deal with foul water and has therefore not demonstrated that the proposal does not pose a risk to pollution of the local water source.
- 8.43 The proposed development due to lack of information regarding surface and foul water drainage and the known problems with surface water flooding experienced in the area is therefore considered by officers to be contrary to Policy ESD6, ESD7 and Policy ESD8 and criteria (c) of Policy BSC6 of the Cherwell Local Plan.

### Residential amenity and noise

- 8.44 Paragraph 17 of the NPPF notes that planning should always seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.45 Paragraph 120 of the NPPF states that *“To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or Proposed Development to adverse effects from pollution, should be taken into account”*.
- 8.46 Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke and others types of environmental pollution will not normally be permitted.
- 8.47 Policy ESD15 of the adopted Cherwell Local Plan Part 1 states that *“Development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.”*
- 8.48 The site is located 125 metres from an agricultural dwelling to the south east of the site. The separation distance between the proposal and the dwelling is considered sufficient to ensure that the proposed use of the site as a residential caravan site would not cause undue harm to the occupiers of the nearby dwelling.
- 8.49 The site is also located 125 metres from an agricultural building housing cattle. This nearby agricultural use has the potential to create unwanted odour which could affect the proposed residential caravan site. However, the agricultural use is already established and, taking account of the prevailing wind direction (south-westerly), is considered to be a suitable distance away not to cause odour that will adversely harm the residential amenity of any future occupants.
- 8.50 With regard to the layout of the proposal, the proposed pitches would measure a minimum of 17m by 17m, which is considered by officers to be of a sufficient size to allow for the siting of a mobile home and touring van and would allow for privacy and amenity space for each pitch. The proposed layout is not considered to be overcrowding of the site.
- 8.51 The site is located 200 metres from a Ministry of Defence (MOD) training area known as Piddington Training Area. This training area is used by the MOD for a variety of exercises using small arms ammunition (Blank) and the use of pyrotechnics including illumination types and noise simulation. The site is used frequently during week days and at weekends for a variety of exercises. This type of use which generates noise and disturbance could cause undue harm to the residents of the prosed site, particularly due to the nature of the residential caravans which offer little noise attenuation due to their light weight construction. The Council's Environmental Protection Officer has been consulted on the application and has been provided with a copy of the comments received from the MOD.

- 8.52 The Environmental Protection Officer did not raise an objection to the initial consultation, however, at that time he was not aware that the site was 200m away from a MOD training facility which is used regularly and uses pyrotechnics including illumination types and noise simulation. Following the concerns raised by the MOD, the Council's Environmental Protection Officer has recommended that a noise survey be carried out to provide further evidence to demonstrate the potential impact on the proposed residential use. Without this information the application has not adequately demonstrated that the proposal would not be adversely affected by the activities taking place at the nearby MOD training facility. Officers therefore consider that the proposed development is contrary to Policy ESD15 of the adopted Cherwell Local Plan Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996 as it has failed to demonstrate that the future residents of proposed development would not be unduly harmed by the nearby MOD training facility. It would also conflict with criteria (e) of Policy BSC6 of the Cherwell Local Plan.
- 8.53 The site is located 350m to the west of the community park which is used by the residents of Piddington Village. The distance between the proposed site and the existing community park is considered adequate to ensure that no adverse impact is caused to the users of the community park from noise and disturbance generated by the proposed use.

#### Ecology

- 8.54 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, and providing net gains in biodiversity where possible, contributing to the Government's aim to halt the overall decline in biodiversity.
- 8.55 Paragraph 118 of the NPPF seeks to "...conserve and enhance biodiversity by applying, amongst others, the following principles:
- *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused*
  - *Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted*
  - *Opportunities to incorporate biodiversity in and around developments should be encouraged*
- 8.56 Policy ESD10 seeks to protect and enhance biodiversity and the natural environment, by achieving a net gain in biodiversity, through supporting developments which incorporate features to encourage biodiversity.
- 8.57 The site is an open agricultural field currently comprising rough grass land which has the potential for some ecological value. Great Crested Newts (GCN) have been recorded in the vicinity of the site and Brown and Black Hairstreak butterflies have also been recorded. As the proposed development will replace the existing

grass land with permeable hard standing or a loose chipping surface material, the proposed works are likely to result in a loss to biodiversity.

- 8.58 A Preliminary Ecological Assessment of the site was undertaken in February which concluded that the site was of low wildlife interest. The Council's Ecologist has provided comments on the submitted Ecological Appraisal and advised that the survey was carried out at a sub-optimal time of year for grassland habitats. Therefore, due to the time of year the survey was carried out it may be possible that the grassland is of higher ecological value and only a survey during the optimal time of year (late May to July) would fully establish this. Without full understanding the ecological value of the site it is impossible to accurately identify any required mitigation or biodiversity enhancements to be incorporated into the proposed development that in turn might impact on the layout and the number of pitches that can be accommodated. The proposed development does include two linear sections of native hedgerow to the east and west boundaries, which will offer some biodiversity improvement, however without understanding the ecological value of the grassland site it is impossible to identify any other biodiversity enhancements required and therefore the development does not demonstrate compliance with Policy ESD10 and the NPPF.
- 8.59 Furthermore, GCN have been recorded within the vicinity of the site and the Preliminary Ecological Survey identified a suitable pond 30m away from the application site. The Council's Ecologist has advised that taking into account the distance of the pond from the site, the average suitability of the pond, and the recent records of GCN within the surrounding area a GCN survey should be carried out of the pond to establish the potential impact of the development on GCN.
- 8.60 In summary the Ecologist has asked that the application is supported by a detailed assessment and Biodiversity Impact Assessment calculation undertaken by the consultant ecologist with onsite mitigation included and a GCN survey of the pond to the east to establish if there is a GCN presence and how mitigation will be incorporated into the development to ensure biodiversity enhancement of the site. Currently the application is supported by inadequate information to establish the impact of the proposed development on biodiversity and where the proposed development receives a biodiversity gain in accordance with Policy ESD10 and guidance in the NPPF.

#### Other Matters

- 8.61 A number of the third party comments have highlighted that the land to which the application relates is grade 3 and 4 agricultural land. Grade 3 is good to moderate agricultural land and grade 4 is poor quality agricultural land. Concerns have been raised that the proposed development would lead to the loss of good quality agricultural land, however, the area of land is not an excessively large area of agricultural land and is not of the highest quality. Therefore, the change of use of this piece of land would not result in the loss of a significant amount of high quality agricultural land and officers consider the loss of agricultural land would not be significant to cause harm due to the loss of this piece of land to an alternative use.
- 8.62 There is currently a gypsy and traveller site to the south of Arcott, known as Oakview Park. This site has been referred to in a number of the third party comments as a site which is currently providing pitches nearby. This site has a complex planning history and benefited from a temporary permission for the site for 19 residential gypsy and traveller pitches, which expired in 2012. A further application to retain the use of this site for 19 gypsy and traveller pitches was refused on the 18<sup>th</sup> August 2016 and there has been no appeal lodged. Therefore,

this site is currently unauthorised and cannot contribute to the number of gypsy and traveller pitches currently available. Furthermore, this site is located outside of the Cherwell District and is not considered within the calculation for current gypsy and traveller provision within Cherwell. A further site at Worminghall (8km from the proposed site at Piddington) was referred to in some of the third party comments as a site which was providing gypsy and traveller provision in close proximity to the proposed site. This site is located 8km from the proposed site and is also outside of Cherwell District and is therefore not considered as part of the gypsy and traveller provision within Cherwell.

- 8.63 Oxfordshire County Council have been consulted on the application and have responded in relation to identifying mitigation for the impact of the development on education provision, and additional strain caused by the development on existing community infrastructure. Oxfordshire County Council have advised that they will not be seeking contributions in relation to education, transport improvements or community improvements due to the relatively small scale of the proposal which would not be considered to cause an adverse impact on existing community facilities and therefore the County Council will reserve their ability to seek contributions for larger developments than this in the future.
- 8.64 In terms of Cherwell District Council contributions that may be sought through a Section 106 agreement it is considered by officers that provision for appropriate landscaping including a Local Area for Play (LAP) and suitable waste and recycling provision, can be secured through a suitably worded condition if planning permission is granted. In terms of affordable housing, the proposed development comprises a specific type of housing development which is addressing an existing need within Cherwell, separate and distinct from standard types of housing provision. Therefore it is not considered appropriate to seek contributions to affordable housing in this case.
- 8.65 A number of comments have been raised regarding whether the site is serviced by facilities including fresh water, mains drainage, and electricity. The planning statement submitted with the application confirms that there are mains water and electricity services already connected to the site. In terms of foul drainage, the main drainage system is currently located approximately 250 meters to the north west of the site at the junction of the B4011 and Palmer Avenue. The ability to connect into the main drainage system would be a complicated and costly exercise and therefore the proposal incorporates the use of individual septic tanks from each of the proposed 16 pitches. The Environment Agency has advised that this is not ideal and this raises some conflict with Policy B6(i).
- 8.66 The submitted application does not include details of lighting proposals for the site. A suitable worded condition can be used to secure appropriate lighting on the site if the application is approved.

## **PLANNING BALANCE AND CONCLUSION**

- 9.1 The proposal seeks permission for the change of use of existing agricultural land to a residential travellers caravan site comprising 16. No pitches. The site is located within 3KM of the category A village of Arccott and 3.5KM from the village of Ambrsoden and benefits from suitable access to the local and wider highway network, and so can be considered under Policy BSC6 of the Local Plan.
- 9.2 In assessing the sustainability and suitability of the site the criteria set out within Local Plan policy BSC6 is relevant in determining the most suitable locations for gypsy and traveller sites.

- 9.3 Criteria (a) considers access to GP and other health services, the nearest GP surgery to the site would be the part time surgery at Ambrosden, located 3.5KM away. In order to access this service from the proposed site residents could use public transport, however, due to the restricted hours that this surgery operates and the infrequent nature of the bus service it may be difficult for residents to rely on public transport and it is likely they would rely on the private car or travel further afield to access a full time service. It is considered by officers that the limited accessibility to regular GP and other health services would weigh against the proposal in assessing it against the sustainability and suitability criteria.
- 9.4 Criteria (b) considers access to schools; the nearest primary school is located at Ambrosden which is 3.5KM away a distance which is likely to be travelled by the private car as opposed to alternative modes of transport. It is considered by officers that the site in terms of sustainability has poor access to education which would weigh against the proposal when assessed against the sustainability and suitability criteria.
- 9.5 Criteria (c) seeks to avoid areas at risk of flooding, in assessing the application it has come to light that part of the site has a medium to high risk of surface water flooding, which could be further exacerbated by slow percolation rates demonstrated by tests carried out at the site. Therefore the proposal does not seek to avoid areas at risk of flooding and furthermore the application does not adequately demonstrate that the proposal would not increase surface water run-off rates and lead to flooding of the site and elsewhere downstream. The application has failed to demonstrate that the proposed development would not lead to additional flooding of the site and further flooding downstream of the site and therefore this matter weighs against the proposed development.
- 9.6 Criteria (d) considers the suitability of the site in relation to access to the existing highway network; in this respect the proposal is considered to be appropriately located without undue harm caused to highway safety.
- 9.7 Criteria (e) considers the potential for noise and disturbance on the future residents of the site. The proposal is located 125 metres from an MOD training facility which regularly uses pyrotechnics during exercises carried out in close proximity to the proposed development. The application has not been supported by additional information to demonstrate that the amenity of future occupants of the site would not be adversely affected by the activities taking place at the nearby MOD site and therefore the potential impact from noise weighs against the proposals.
- 9.8 Criteria (f) seeks to ensure harm to the historic and natural environment is limited. In this case the application has not been supported by adequate information to demonstrate that harm will not be caused to the natural environment and protected species and does not identify any potentially required mitigation. In this case potential harm to protected species and the lack of identified mitigation weighs against the proposed development.
- 9.9 Criteria (g) seeks to ensure that proposals provide for a satisfactory living environment, the application has not demonstrated whether this criteria can be met as there is uncertainty as to the impact the nearby MOD training facility will have on future occupants without further information in the form of a noise report.
- 9.10 Criteria (h) seeks to ensure that efficient and effective use of land is made, in this case the current agricultural land is rated moderate to good, which will be lost by the proposed development, however, it is considered that the amount of agricultural land lost and the quality of the land would not be a significant loss.

- 9.11 Criteria (i) considers the likely deliverability of the proposal, including whether utilities can be provided on the site. The application indicated that both mains water and electricity are available on the site. The site is not connected to mains drainage and currently the proposal seeks the use of 16 septic tanks. The EA have advised that a connection to mains drainage should be provided if possible, however, in this case mains drainage is 250 metres away across a railway line, so connection could be problematic and costly. However, the current application has been supported by information detailing the use of septic tanks to a soak away which is not acceptable due to the slow percolation rates, and therefore currently the application is not supported by information which demonstrates that suitable services can be provided without undue harm to the local environment. Therefore, the potential risk of surface water flooding and the risk of pollution into the watercourse from the use of septic tanks weighs against the proposed development in assessment against the criteria.
- 9.12 Criteria (j) looks at the existing level of local provision for gypsy and travellers across the Cherwell District. It has been identified above, at para. 8.12, 8.13 and 8.14, that there is a significant unmet need for gypsy and traveller pitches across the Cherwell District. The latest Annual Monitoring Report advises that there is currently a -1.1 year supply of pitches for the period 2016-2021. The current level of need across Cherwell District weighs heavily in favour of the proposed development which would provide additional pitches to meet the unmet need. Officers consider that significant weight should be given to current unmet need of gypsy and traveller sites within the District.
- 9.13 Criteria (k) considers the availability of alternative sites for the applicant. In this case no alternative sites have been considered and the application is not supported by any information about individuals that are interested in occupying the site if it is approved. However, there is an identified need for pitches which this application goes some way towards addressing and weight must be attached to this.
- 9.14 In conclusion, there is clearly an unmet need for gypsy and traveller pitches in Cherwell which must be weighed against the suitability of the site in sustainability terms for a gypsy and traveller site. The site is located within 3KM of a category A village, however, Arncott is not one of the most sustainable Category A villages within the district and offers limited services for the future residents of the site. Other services are provided in the village of Ambrosden but are located 3.5KM away from the site. The nearest settlement, Piddington, is a category C village which is one of the least sustainable settlements in the District.
- 9.15 The site comprises 16 pitches which is a large proposal in terms of the number of individuals who could occupy the site and given the size and the poor sustainability of the site is not considered to be a suitable and sustainable form of development, having regard to the guidance contained in the PPTS which states that new sites in the countryside should be strictly limited. Furthermore, the site suffers from surface water flooding and no drainage strategy has been submitted to demonstrate no further harm to flooding in the vicinity, and inadequate ecological surveys to enable full assessment of the impact on the natural environment have been submitted, and inadequate information in relation to noise impact from an existing use has been supplied. Therefore it is considered that the identified harm caused by the proposed development in terms of the site and the proposal not meeting or demonstrating the requirements set out under Policy BSC6 in terms of sustainability and suitability is significant, and is not overcome by the unmet need for gypsy and traveller pitches within Cherwell.

**9. RECOMMENDATION:**

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

1. The proposed development, by reason of its size (comprising 16 pitches), siting in relation to existing services, risk from surface water flooding, relationship to existing noise generating uses, potential harm to the natural environment and potential to cause pollution to the local watercourse, is not considered to be a suitable or sustainable development when assessed against Policy BSC6 of the Cherwell Local Plan. The harm resulting from the proposed development is significant and is not considered to be outweighed by the identified unmet need for gypsy and traveller pitches within Cherwell. The proposed development is therefore considered to be contrary to Government guidance contained within the NPPF, Policy H of Government guidance in Planning Policy for Travellers Sites (PPTS) and Policies PSD1, BSC6, ESD1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.
2. The planning application has been supported by inadequate information to demonstrate that the proposed development would effectively manage on site surface water drainage to ensure that the development does not lead to an increase in surface water run-off and would not lead to an increase in flood risk at the site and elsewhere. Furthermore, the development proposes the use of septic tanks and soak-aways, which could lead to pollution of the local watercourse from untreated effluent. The proposed development is therefore considered to be contrary to Policies ESD6, ESD7 and ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the NPPF.
3. The planning application has been supported by inadequate information to demonstrate the impact of the proposed development on protected species has been properly understood and the requirement for mitigation to secure a net gain in biodiversity can be met. The proposed development is therefore considered to be contrary to Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained with the NPPF.
4. The planning application has been supported by inadequate information to demonstrate the impact of existing noise generating uses operating in the immediate area on the future residents of the site has been properly understood and is, or can be made, acceptable. The proposed development is therefore considered to be contrary to paragraph 17, 120 and 123 of the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.

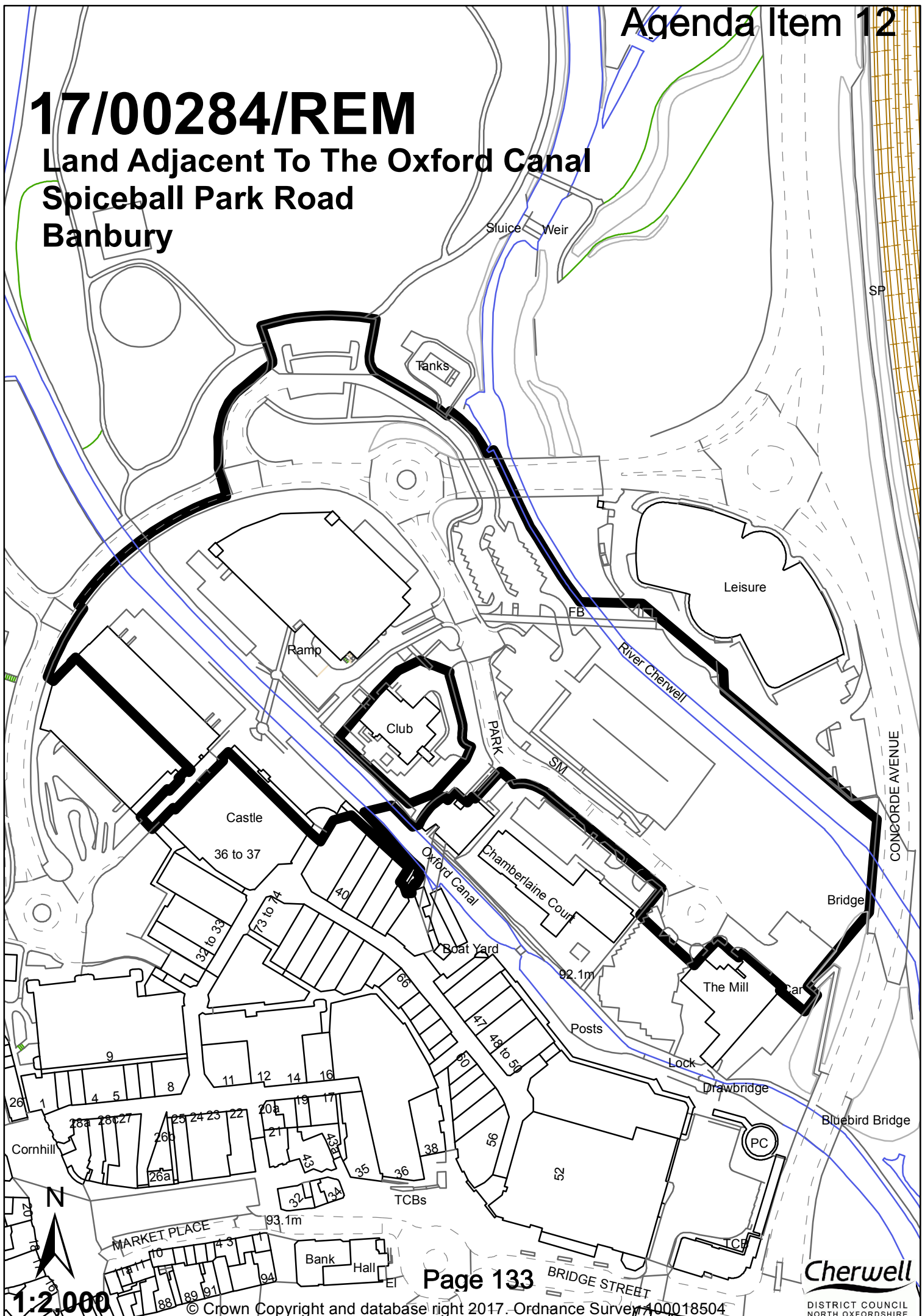
CASE OFFICER: Emily Shaw

TEL: 01295 221819



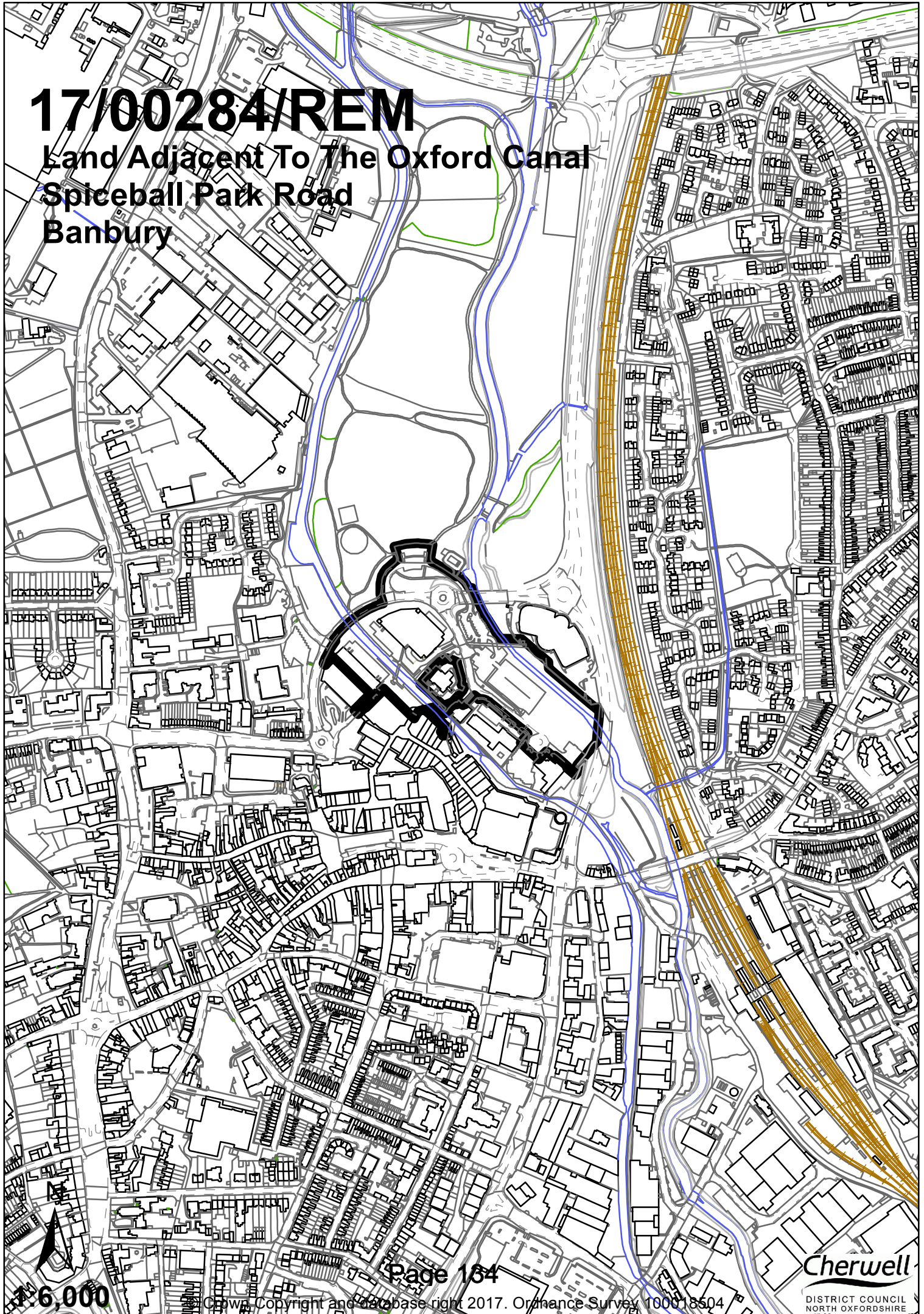
# 17/00284/REM

## Land Adjacent To The Oxford Canal Spiceball Park Road Banbury



# 17/00284/REM

Land Adjacent To The Oxford Canal  
Spiceball Park Road  
Banbury



|                             |   |                                    |
|-----------------------------|---|------------------------------------|
| <b>Applicant:</b>           | Scottish Widows PLC & Scottish Widows Unit  |                                    |
| <b>Proposal:</b>            | Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping. |                                    |
| <b>Ward:</b>                | Banbury Cross and Neithrop  |                                    |
| <b>Councillors:</b>         | Cllr Hannah Banfield<br>Cllr Surinder Dhesi<br>Cllr Alastair Milne-Home   |                                    |
| <b>Reason for Referral:</b> | Major application that the Council has an interest in   |                                    |
| <b>Expiry Date:</b>         | 9 May 2017  | <b>Committee Date:</b> 18 May 2017 |
| <b>Recommendation:</b>      | Approve   |                                    |

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1 This application is for approval of Reserved Matters pursuant to Outline Planning Permission 16/02366/OUT.
- 1.2 Permission 16/02366/OUT was for the variation of two conditions to an earlier outline planning permission for the following development :
- “Outline planning permission 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 the 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 food retail (Use Class A1), hotel (Use Class C1), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses; alterations to the rear of 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”.*
- 1.3 The Outline Planning Permission followed an earlier approval (13/01601/OUT) in October 2016 for development of substantially the same form, albeit with a marginally different access and highway arrangement.
- 1.4 The site falls within the extended town centre (Cherwell Local Plan 2016), and Policy ‘Banbury 9: Spiceball Development Area’ underlines the Council’s

commitment to bringing forward a mixed commercial development in this area. The early submission of Reserved Matters seeks to facilitate early delivery of the development, to start later this year.

- 1.5 The Reserved Matters comprise scale, layout, appearance and landscaping. Access was not reserved in the outline applications and as such, full planning permission has been granted for the proposed alterations to Spiceball Park Road to serve the proposals under the Outline Planning Permission. Approval of all other Reserved Matters across the entire development site is sought in this application.
- 1.6 The Outline Permission was granted subject to a range of controls imposed by Planning Condition which relate to matters outside the scope of this Reserved Matters submission. For clarity these relate to:
- Archaeology
  - Ecological mitigation and enhancement
  - Environmental noise limits and controls including operational plant and mitigation
  - Surface water drainage, SUDS, flood mitigation and management
  - Landscaping
  - Car park routing and guidance
- 1.7 The application is supported by a suite of accompanying documents, which assess the detailed design, scale and layout of the proposals in line with the development parameters established by the Outline Planning Permission. These documents comprise:
- Application drawings
  - Design and Access Statement
  - Transport Technical Note
  - Flood Risk Statement
  - Consultation Statement
- Supporting statement
- Framework Construction Environmental Management Plan
- 1.8 The application site extends to 4.31 hectares and encompasses the Castle Quay shopping centre northern car park and the frontage of the southern car park, the General Food Sports and Social Club band practice room (not the Social Club itself), and the site of the former Spiceball Sports and Leisure Centre (which was demolished in 2010).
- 1.9 The entirety of the Oxford Canal included with the application boundary forms part of the Oxford Canal Conservation Area. The site is also near to Tooley's Boatyard,

a Scheduled Ancient Monument, and to the Mill Arts Centre, a locally listed building.

- 1.10 The site is located within Flood Zone 3 of the adjacent River Cherwell and within an area subject to historical river flooding. Such flooding is a combination of river flooding and flooding from the Oxford Canal which interacts with the River Cherwell and its tributaries upstream of the site.
- 1.11 In respect of the matters reserved for subsequent determination the following development principles were established by the outline permission to which the detailed design must comply.
- 1.12 These establish minimum and maximum development parameters relating to:
- the type and scale of uses (floorspace by Use Class)
  - the number of parking spaces
  - the broad positioning and size of the development blocks (length, width and height of blocks)
  - the spaces between buildings
  - other design features including an option for an external canopy
  - areas of hard and soft landscaping
  - the extent of demolition
  - the extent of excavation
- 1.13 The Outline Permission also includes indicative pedestrian and cycle routes through the development site. The highway access to the development including the layout of Spiceball Park Road is fixed by the outline permission, having been the subject of extensive consultation at outline stage. It is therefore not for consideration as part of this submission.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The development is a mixed-use retail and leisure development that seeks to ensure the delivery of a high quality expansion of the commercial core of Banbury town centre as envisaged in the adopted Local Plan.
- 2.2 The proposals are in line with the parameters set by Outline Planning Permission 16/02366/OUT and comprise the following principal elements:
- Foodstore (Class A1) – 2,942 sq m GIA
  - 117 bed hotel (Class C1) – 4,230 sq m GIA
  - 8 Screen cinema (Class D2) – 4,101 sq m GIA

- 6 restaurants and a café (Class A3/A4) – 3,790 sq m GIA
- 586 car parking spaces within the application site
- 84 cycle spaces

Each of the principal elements is described below

#### Foodstore

- 2.3 The foodstore is located on land to the south of the River Cherwell and north of Spiceball Park Road on land of the former Spiceball Leisure Centre that has last been used as surface parking following the demolition and relocation of that building to the north.
- 2.4 The foodstore will extend to 2,942 sq m and have a sales area of 1,686 sq m net. The store is located towards the eastern end of Spiceball Park Road with its car parking to the west, extending up to Cherwell Drive. The car park for the foodstore has 124 spaces.
- 2.5 The existing levels of this development site drop away from Spiceball Park Road, which means it is possible to maximise the amount of parking by building the foodstore on a podium, with its parking on a deck which is level with the store entrance with a separate car park below providing space for 217 vehicles. Cars will gain entrance to the foodstore car park directly from Spiceball Park Road in the location fixed by the outline permission. This will require a small ramp up. The lower car park will be accessed off the roundabout towards the end of Spiceball Park Road and all vehicles, save for disabled drivers, will exit under Cherwell Drive and therefore will not use Spiceball Park Road to leave the car park. These access arrangements have already been approved under the outline permission.
- 2.6 The arrangement for pedestrian access into the foodstore is either via steps, a ramp or lift immediately adjacent to the store entrance, or via steps and a ramp from the lower level parking. There will also be a footpath adjacent to the car park entrance off the roundabout at the end of Spiceball Park Road.
- 2.7 The existing pedestrian bridge to Spiceball Leisure Centre will be modified as part of the proposals. This walking route will extend over the foodstore car park and down a ramp to a crossing on Spiceball Park Road (it will be demarked by a change in surface material) which will then lead directly past the Social Club to the restaurants and Castle Quay Shopping Centre.
- 2.8 The design of the foodstore is driven largely by the intended operator's requirements. It will be regular in shape with a monopitch roof and will be finished in a mix of white render and cladding panels. It will be 9 metres high, which is the equivalent of about 3 storeys. The store entrance is on the western elevation and will have a fully glazed façade. All servicing will be to the north, adjacent to the River, furthest from residential properties, via the store car park.
- 2.9 A new sub-station is required to serve the development and this is located adjacent to the western elevation of the foodstore. It is a simple structure with a pitched roof and has direct access to Spiceball Park Road for maintenance purposes.

### Hotel

- 2.10 The hotel is to be situated on land to the south of the Oxford Canal and north-west of Castle Quay Shopping Centre. It abuts the South Car Park of Castle Quay and includes a proportion of the multi-storey car park (Castle Quay South) that is to be demolished and rebuilt to provide 162 car parking spaces. The hotel is positioned to front the canal and will effectively 'screen' the multi storey car park from the canal. The hotel will comprise a hotel lobby and restaurant on the ground floor with 117 rooms overlooking the canal, arranged over 6 storeys above. There will be an area for plant provided on the roof which will be screened.
- 2.11 The building will be relatively narrow in profile to maximise retention of parking in the multi-storey car park and to provide adequate set back from the canal to allow ready access to the canal.
- 2.12 The building will be generally rectangular in shape, with a flat roof with parapet. The external elevations are expressed as double height features with a geometric pattern comprising areas of recessed brickwork and render. The precise materials are still to be agreed.

### Cinema and restaurants

- 2.13 The cinema and restaurants building is to be located on land to the north west of the GF Sports and Social Club and north of Oxford Canal. It is a mixed-use block comprising an integrated multi storey car park providing 251 spaces, an 8 screen cinema, 6 restaurant units and a café.
- 2.14 Existing site levels are utilised to create three levels of parking (lower ground, ground and first) accessed off Spiceball Park Road, allowing the double height restaurants to front the canal to the south, with the cinema positioned over the restaurants and car parking areas. The restaurants will have external south-facing terraces and the cinema will also have a café bar in its foyer with a further external terrace overlooking the canal.
- 2.15 The southern facades of the restaurants and the cinema foyer will be fully glazed. The cinema screen block will be wrapped in profiled aluminium with ribbed metal cladding providing relief to break up its massing. The profile of the roof is articulated in a saw-tooth shape to provide interest. The cinema is within the outline development parameters and in terms of its scale, will sit lower than the height of the hotel which is the tallest part of the development.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. The following planning history is considered relevant to the current proposal

| <u>Application Ref.</u> | <u>Proposal</u>   | <u>Decision</u>                      |
|-------------------------|---|--------------------------------------|
| 13/00054/SO             | Screening Opinion - Outline planning permission for the redevelopment of land adjacent to the Oxford Canal, Banbury   | Screening Opinion not requesting EIA |
| 13/01601/OUT            | Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and | Application Permitted                |

Social Club; 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 foodstore (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, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and 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

|              |   |   |
|--------------|---|---|
| 13/00082/SO  | Screening Opinion - Outline planning permission for the redevelopment of land adjacent to the Oxford Canal, Banbury   | Screening Opinion not requesting EIA                            |
| 16/02366/OUT | 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. | Resolution to approve subject to Section 106 agreement with OCC |
| 16/00099/SO  | 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. | Screening Opinion not requesting EIA                            |
| 17/00006/SO  | Screening Opinion for the reserved matters application relating to 16/02366/OUT   | Screening Opinion not requesting EIA                            |

#### 4. PRE-APPLICATION DISCUSSIONS

- 4.1 A dialogue has been maintained with the designers of these buildings throughout the outline application phase and since. Numerous detailed discussions have been held with the architects concerning the appearance of hotel, cinema and supermarket. Senior Members have been informed of the development of the design during this period.



## 5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site. The final date for comments was 16.03.2017, although comments received after this date and before finalising this report have also been taken into account.

The comments raised by third parties are summarised as follows:

5.2. Two letters have been received from third parties

The first is from the residents of Chamberlaine Court and is divided into comments concerning the construction period and those concerning the design and operation of the development

Their comments on construction cover

- Siting and security of construction compounds
- Routeing of construction vehicles
- Dust and mud control
- Method of construction –piling?
- Removal; of traffic calming
- Hours of construction
- Need to maintain access to Chamberlaine Court throughout build
- Contact arrangements for site

With respect to the design and operation of the development they comment as follows

- The need to restrict the hours of opening of the foodstore
- The timing of servicing for the foodstore and querying the use of reversing alarms
- Lighting of podium car parking – to be switched off outside store opening times
- Lift –ensuring quiet operation
- Need for security to react to anti-social behaviour in car parks etc.
- Control of audible noise from restaurants/bars
- Encourage use of parking near cinema/restaurants to avoid late night noise
- Parking controls in Spiceball Park Road
- Barrier control of parking?

- Siting of air handling equipment?

A second representation has been received from a narrowboat user. This expresses concern about further retail development, as this may impact detrimentally upon existing businesses in the town.

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

## **6. RESPONSE TO CONSULTATION**

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. **Banbury Town Council** raise no objections

### STATUTORY CONSULTEES

- 6.3. **Oxfordshire County Council** object and comment as follows

Objection was originally made on the basis that the retaining wall design was still the subject of negotiation. The plans and sections submitted with the application were unacceptable due to their potential impact on the highway. It is understood that these details have now been satisfactorily resolved and that OCC will withdraw it's objection

It is expected that the other points can be addressed through the conditions on the outline permission as well as some additional conditions as recommended below

Key issues:

- Revisions to retaining walls - now understood to be agreed
- Concern regarding reversing HGVs in the foodstore car park
- Vehicular and emergency access to the hotel remains a concern
- Cycle parking quantity, locations, access and dimensions
- Flood evacuation strategy needed for Block B lower level car park
- Concern regarding car park payment strategy
- Construction Environment Management Plan – some details need addressing

(CDC officer note. Further revised plans have been received that address some of the above matters. Careful assessment of the need for further conditions is necessary)

Attention drawn to the fact that the original Section 106 agreement needs to be amended to release the outline permission to which this reserved matters relates

They seek conditions as below

- A condition requiring an evacuation plan for the lower level car park in Block B, which is intended to be allowed to flood in extreme flood conditions.

- A condition requiring the alleyway between the existing Castle Quay shopping centre and the multi-storey car park to be kept closed with a bollard

Detailed comments supporting the above representations are available on the Council's web-site

6.4 The **Canal and River Trust** comment has the following comments on the individual elements of the proposals

Hotel

The end elevation of the hotel is rather bland, and does not meet the architectural aspirations of the scheme. This elevation is very visible from the canal and towpath and we suggest that further consideration is given on how best to enliven it, either by additional glazing or more use of contrasting brick.

Retail/cinema block

The frontage of the retail/cinema block on elevation looks rather bland, with concrete surfacing proposed for the steps/boulevard. We request higher quality surfacing for this important part of the public realm which fronts the canal Conservation Area. The plan shows planting areas along the frontage, whereas the elevation shows steps along the entire frontage. Which is correct? Planting would help break down the frontage.

Public Realm to the front of CQ1

The proposed landscaping of the area in front of CQ1 is interesting in terms of levels and forms, but we have concern over the planting choices, particularly in relation to the planting beds which should be less 'ornamental' in nature, although it is quite difficult to gauge exactly what is proposed without detailed planting plans. There is no indication of where the Wisteria will grow, but perhaps it is not appropriate choice?

The trees will need to be contained, to prevent root damage to the canal wall, and we question the suitability of Acer Platanoides which have very shallow roots and can cause issues with adjacent paving, as well as being very large, seeding freely and can be susceptible to aphids and the associated 'honey dew' problems.

Smaller, more 'open' species such as Betula jacquemontii and Acer campestre (as well as the proposed Malus species) would be more appropriate than large trees with very dense crowns. the Ulmus are slow growing, and may therefore be more appropriate, although they may require quite a lot of maintenance.

We suggest that further consideration is given to the elevations and public realm details as mentioned above and we would welcome the opportunity to comment on any further revisions.

6.5 The **Environment Agency** comment that *"We would hope that as long as the proposed details comply with the planning conditions we requested on the outline planning permission, together with any advice provided in our consultation response, that the submitted details would be sufficient for you to determine the application."*

6.6 **Thames Water** have reviewed the documentation provided; RESERVED MATTERS - FLOOD RISK SUMMARY REPORT Doc. RefCQ2-BWB-EWE-XX-RP-EN-0003\_FloodRiskSummaryReport, Status S2 and have no objection to the discharge of the reserved matters relating to Conditions 5, 6 & 7.

## NON-STATUTORY CONSULTEES

6.7 **CDC Environmental Protection Officer** does not wish to comment

6.8 **Ecology** advice (provided by Warwickshire County Council acting as CDC consultants) comments that “Largely the proposed landscaping is appropriate and the corridor along the River Cherwell is welcomed, however I would note that *Rosa rugosa* is a non-native invasive species listed on Schedule 9 of the Wildlife and Countryside Act (1981). Therefore this species should not be used within the final landscaping scheme and it is recommended that a diverse native species are used alternatively, which have a far higher value to wildlife than non-native species. The proposed lighting scheme should also ensure that any light spill is avoided along the River Cherwell corridor, to ensure that the corridor remains suitable for nocturnal species such as foraging/commuting bats, birds and otter.

I welcome the proposed bird and bat boxes on the parapet wall of the upper car park deck and recommend the locations and specifications of these are provided within the final landscaping details. Although the Design and Access statement provides an indication of the landscaping strategy, I would recommend that detailed landscaping plans are provided and secured by condition of any approval granted”

6.9 **CDC Landscape Architect** comments that the Landscape Strategy should provide a clear indication of measures to mitigate elevations of Block B Cinema, Block A Hotel, Block C Foodstore, the cinema and food store car parks. The planting of trees in the locations are acceptable – and there is limited space to increase tree cover within the current layout, however I have a preference for blocks of native silver birch and pine to mitigate and counteract the scale of the building for the benefit of human experience. This would be in preference to the proposed fruit and crab apple trees which will result in a nuisance in respect of fruit fall on pavements and the attraction of wasps.

Application of Woodland Blocks, subject to important vis-splays and CCTV envelopes.

- Northeast elevation of cinema car park, but kept well away from pedestrian access on the north to allow for light levels and prevent oppressiveness. Three woodland block required to this elevation with view corridors between them of allow the building to be legible.
- The north-western green area to the hotel planted as woodland, but to kept well away from pedestrian and cycle storage access for the above reasons.
- the proposed tree locations for the southern elevation of the hotel is welcomed.

Visually onerous elevations should be mitigated with green walls , for an example the northern elevation of Spiceball Leisure Centre is successfully clothed in *Parthenocissus* sp. Sufficient volume of soil medium with moisture levels maintained by irrigation systems is essential due to dryness created by the building rain shadow and wind funnelling.

Application of Climbers:

- For visual receptors on Cherwell Drive the visual impact of the wall of the service yard to the cinema with a height up to 4850
- Identify where appropriate

The green route between the Spiceball Leisure Centre and the canal is good idea, however the planting in minimal. Trees and planting should enhanced to mitigate building impacts, wind funnelling and improve amenity:

- Increase tree cover between the end of the Spiceball bridge. The triangular-shaped beds on both side of the vehicle access to be considered for the planting of individual trees, services a soil medium volumes permitting (note that a minimum of 15 m3 of tree soils is required for each tree).
- Space should be found for 2 more trees within the concourse opposite the of unit 6 elevation

The open aspect of the café frontages and association with the canal corridor/function is appropriate and perhaps trees here would be appropriate because user sightlines from the cafes are important.

The cycle pedestrian route, with the proximity of the split level car park and the food store excessive vegetation may be oppressive for users. Improve it by:

- Increase the depth of the corridor between the buildings and the bank of the river.
- Allow for maintenance access for EA operatives (presumably the EA will be commenting on this matter)
- Provide clear surveillance of river from the route to reduce risk.
- Revise the planting proposals accordingly.

Visual receptors from the Spiceball Leisure site will experience a harmful expanse of car parking/vehicles (for food store). It will influence the setting of the development. It should be visually mitigated by planting. It is necessary to improve the amenity of the river corridor and to this end, with the widening of the pedestrian/cycle route, it should be possible to plant trees on the upper level of the car park (this has been achieved successfully on other developments). In addition some edge treatment to the car park, similar to the formal hedging example on Spiceball car park.

Further information required:

- Detailed cross-sectional information appertaining to the terracing of the green route concourse and the café/canal interface, also including levels between the Spiceball bridge and the green route concourse.
- Evidence the levels are DDA compliant
- Soft landscape proposals
- Hard landscape proposals (and surface materials)

6.10 **CDC Urban Design and Conservation Officer** concludes in her comments as follows

“The proposals submitted as part of the Reserve Matters Application, broadly follow the principles and parameters established in the Outline application. The LPA were clear that there are a number of issues that need to be considered and resolved at a Reserve Matters stage. I feel that these issues have not yet been fully resolved. These include:

- Public realm improvements around the site, especially, the Oxford Canal, Spiceball Park Road and connectivity between the Spiceball Leisure Centre and the Town Centre
- Establish a more sensitive approach to the architectural form, materials and details, including consideration of the materials and massing of the architecture at the hotel and cinema.”

In more detail she comments (summarised)

## Public Realm

*A public realm led approach to this site has always been a fundamental part of the development proposals. The implementation of this is critical if this area is to be successfully connected to the town centre thus optimising the areas strategic potential. One of the key objectives of the development in this area is to provide a comprehensive redevelopment offer that helps to activate the Oxford Canal.*

- *While the proposals will offer greater activity and a positive public frontage onto this area, with a low terrace overlooking the canal, there are a number of issues regarding the levels which are likely to result in a poor relationship. The current level changes between the Canal towpath and the development area is very significant in places and it was hoped that these issues would be appropriately resolved through the new development proposals for the area. Many of our concerns relate to the design of the bridge and its landing points which will create areas of separation between the terrace and towpath.*

### Spiceball Park Road

*Spiceball Park Road will be retained and this area forms a key part of the scheme. It is currently a car dominated environment and a significant redesign is required to ensure a public realm led approach. This area provides the main vehicular entrance to the scheme, which will for many be their first sight of Banbury Town Centre. This route also provides pedestrian access to The Mill area and the Banbury Museum alongside Spiceball Leisure Centre and the Town Centre. A number of changes to this route would improve the way it is used by pedestrians and the area could be positively designed as a 'lane' with shared surfaces, cobbles and block paving.*

### Spiceball Leisure Centre Connection

*In the current proposals pedestrians walking from Spiceball Leisure Centre to the Town Centre would follow a convoluted route: cross the existing bridge and ramp down before ramping or stepping (unclear) up to the deck level, cross a busy car park; take steps or ramp a storey down to grade; cross Spiceball Park Road alongside the vehicular access to the cinema / restaurant block before walking to the new Canal Bridge*

## Buildings

### Canalside Block – Cinema, A1 and A3

*Development in this area is focused on the canal, with a terrace level providing an interface with the new development area. The proposal shows a good relationship between the towpath and the terrace space / retail area. The terrace is elevated 1.3m above the tow path and I am comfortable that the proposals will establish a positive relationship in this area.*

*Along the canal frontage a simple architectural approach is proposed, with modern materials and a layering / modularisation of the building form to help break down its mass. This is a large building and the cinema element is a particularly bulky element. The A1 and A3 retail units have been used to wrap around the cinema along the canal edge. These help activate the canal and break down the scale of the cinema. A sawcut approach to the roof has also been taken, which while unusual is much more successful than a rectangular box might have been in this area. While the layering of uses has been relatively successful at breaking down the huge scale of this building from the Canal, when viewed from a distance (for*

*instance from Castle Quay 1) the cinema roof is likely to be a very dominant feature in the townscape.*

*The southeast elevation is really important, forming the frontage to the key route which runs to Spiceball Park Road to the Canal. At the Canal end the building is well articulated, with active frontages wrapping around the corner (albeit with significant height differences). The area towards Spiceball Park Road is a less attractive environment, with a high wall and looming largescale architecture and parking access.*

*The north east and north west edges of the building onto Cherwell Drive and Spiceball Park Road are less successful. These areas are dominated by access, servicing and parking and the architectural form and massing. The deck parking projects over 15m beyond the main building and will be dominant. While it is accepted that a building of this nature will have a less attractive rear, it is felt that more can be done to improve this relationship*

#### **Hotel**

*The hotel element has been extensively discussed as part of the pre application discussions. One of the challenges that we have faced has been that the building parameters agreed in the OUTLINE have been maximised, with a very simple abstract form projecting from the building footprint. The approval of the height parameters are subject to the form, massing and the architecture fitting comfortably with the environs and it was anticipated that there would be greater variation in the building form.*

*While improvements have been made, we still have significant concerns about the design of this building.*

- *The two side elevations are poorly designed, with limited fenestration and the area to the south does not spill out onto the public space associated with Castle Quay*
- *The rear elevation is very odd and long views will be visible from the Town Centre*
- *We are still awaiting CGIs which explain the impact in key areas*
- *The ground floor provides active frontage onto the Canal area only and has a limited relationship with the landscaped area which provides the interface with Castle Quay.*

#### **Food store**

*The overall architectural form is simply detailed with glass and plastic panelling, which is typical of stores belonging to this budget supermarket. From the higher deck level the glazed entrance will be attractive. At ground level, from the path along the Cherwell, Cherwell Drive and Spiceball Park Road much of the view will be of exposed parking decking. It is not clear what the detail is in this area, but climbing plants are proposed in some areas to help mitigate the view (though we have concern over the growth of these given the orientation).*

#### **Architectural Design, Details and Material**

*The architectural design is an important element of the scheme. It is especially important that the architecture on either side of the canal reads as a whole and has a shared vocabulary / relationship. I do not feel that the current proposals read as a united scheme.*

- *The proposed bridge structure is very lac lustre*

- *The cinema is a large scale buildings and its internal function means there are limited areas for access or glazing. From the canal side the cinema is wrapped with restaurants and the first floor lobby and cinema bar area. Other facades do not benefit from this wrapping effect and the scale of the building therefore appears very bulky and will dominate open views from the town centre approach. The scale of the building is emphasised by the dark metal seamed material shown in the perspectives. Greater thought needs to be given as to how the building scale can be broken down from long views. In addition the choice of material needs to be reconsidered in relation to the Hotel element and with regard to the buildings scale*
- *The Hotel is very tall compared to other buildings within Banbury. While this building has a positive role in terms of animating a part of the canal which would otherwise be the back of decked parking, the design is overall disappointing. The two side elevations are particularly poor and these need to be addressed.*

### Conservation Issues

*The development impacts on the heritage assets of the Oxford Canal Conservation Area, Tooleys Yard Scheduled Ancient Monument, the Mill Arts Centre and the Banbury Conservation Area. The development does not affect the historic fabric of any of these assets, but has a significant impact on their settings. The parameters for development are set by the OUTLINE permission, but the details of the scheme as set out in the reserved matters can have a significant impact on the success of the development and their impact on the surrounding heritage assets.*

*The hotel and cinema buildings are located at the entrance to Banbury from the north-east. The buildings are of a considerable scale and mass and will therefore be highly visible from a considerable distance to the north. The architectural design therefore requires careful consideration to ensure that the buildings form an appropriate gateway approach to the town.*

*The hotel and cinema buildings also have an immediate frontage on to the canal and their relationship with the canal will have a significant impact on the success or otherwise of the scheme to enliven the canal*

*Issues relating to the public realm and the pedestrian canal bridge have been addressed by the Urban Design Officer and I would support these comments. The treatment of the public realm around the canal area is fundamental to the success of the scheme. I would also iterate that the public realm should look beyond the specific site boundary and provide a unified approach along the stretch of canal through Banbury drawing in other cultural and historic assets including the Mill Arts Centre and Tooley's Boatyard.*

*The key issue is that the public realm should be suitable to its canal side location. The proposed design with a range of planters appears to have taken the area as an open square and has ignored its distinctive canal side location. It would be useful to look at the treatment of other waterways regeneration areas (including Stratford Upon Avon and Gas Street in Birmingham), but crucially it also needs to reflect the distinctive character of the Oxford Canal which has a unique place-identity created based on its early construction. It is appreciated that the original form and character of the area has gone, but use of historic maps and photographs could provide clues to link the area to its past and it is fundamental that there is an appreciation of the wider character of the Oxford Canal. A well thought out design for the public realm could transform the area and provide a positive link between the Oxford Canal and Banbury town centre.*



*Tooleys Boat Yard is the oldest working dry dock on the inland waterways (with an associated forge) and has been in operation since 1790 when the Oxford Canal opened. The site is a Scheduled Ancient Monument and it is of substantial historic significance. The Oxford Canal Conservation Area Appraisal states 'Within the Castle Quay centre is the Banbury Museum and the remains of the stone-lined dry dock of Tooley's boatyard. This area is probably an original, or certainly early, feature of the canal and is now a scheduled ancient monument. It is one of the iconic sites on the canal system, partly because of its rarity value and partly because it was in this dock that Tom Rolt's boat Cressy was reconditioned in 1939; the adjacent smithy also survives'.*

*It is vital that the proposed new development does not compromise the business operation of the boat yard during the course of construction works or following the completion of the works. Mitigation measures need to be put in place if there is to be any impact on the business. The 'Summary Construction Environmental Management Plan' does not make any reference to closures of the canal, although it is likely that there will be some impact during the construction of the new bridge. Full details should be provided of the construction programme and consultation needs to take place with the owner / management of the Tooley boatyard.*

*The setting of the boatyard was significantly altered following the development of the Castle Quay shopping centre. The boatyard lies outside the proposed development boundary, but it is regrettable that there has been no attempt to enhance the setting and surroundings of this significant heritage asset within the scheme.*

#### *Mill Arts Centre*

*The Mill Arts Centre is an 18<sup>th</sup> century Corn Mill and associated Millers House which retains much of its historic fabric. It is a locally listed building and an important cultural asset for Banbury. The building lies outside the proposed development area, but it is unfortunate that the opportunity has not been taken to fully integrate this asset with the other cultural and leisure facilities in the area (museum, sports centre, cinema, hotel). The location of the proposed supermarket is unfortunate in this respect as it reduces the potential for connections to the site. It is appreciated that this was a principle agreed at OUTLINE stage, but there does not appear to be any attempt to include this cultural asset within the wider scheme by way of wider public realm enhancements, signage or cultural branding.*

#### *Banbury Conservation Area*

*The proposed development will also impact on the setting of Banbury Conservation Area which is located at a short distance to the south of the development site. Long distance views have not yet been provided of the new development, but it is likely that due to the scale of the hotel building in particular that it will be visible from a number of locations from within the conservation area. If there are any views in which the proposed development can be seen in the same line of sight of St Mary's Church will need to be given particular consideration. The proposed rear elevation of the building is very featureless and has extremely limited fenestration. The design is unlikely to provide a positive backdrop to heritage assets within the area.*

The full comments of the officers concerned are available on the Council's web-site.

## 7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- SLE2 - Securing Dynamic Town Centres
- ESD6 – Sustainable Flood Risk Management
- ESD15 - The Character of the Built and Historic Environment
- ESD16 – The Oxford Canal
- Ban 9 – Spiceball Development Area

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

- C28 – Layout, design and external appearance of new development
- C34 – Protecting views of St.Marys Church, Banbury

### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Banbury Vision and Masterplan SPD- quoted below

*The Spiceball area is located between Cherwell Drive to the north, Concord Avenue (A4260) to the east, and Oxford Canal to the south-east. It contains the Spiceball Leisure Centre, multi-storey and surface car parking, The Mill Theatre, Chamberlaine Court residential home, Banbury Museum and General Foods Sports and Social Club.*

*All the existing development is accessed from the roundabout on Cherwell Drive. The area around the canal is a missed opportunity to focus development on the amenity and boating activity of the canal. It is one of the major assets of the Town, with the boats providing an attractive and ever changing scene. A new canal basin could be provided as part of the comprehensive regeneration of the area.*

*There is the opportunity on the Spiceball site to create an attractive urban and landscape gateway into the town with improved connectivity to the town centre and enhancement around the canal. New development should provide greater activity and vitality along the canal and improve links across the development into Spiceball leisure centre.*

*To enhance the regional role of Banbury and to build upon the existing assets, the area should be developed as a leisure, entertainment and cultural quarter with improved links into the town centre. This site could accommodate a number of different options dependent on public sector funding for new cultural/arts and leisure buildings. With reference to the recent planning permission for the site, proposals should also provide for a new foodstore.*

*A range of town centre uses should be provided on the site along with public open spaces. The existing multi-level car park and nearby land should be redeveloped for mixed town centre uses including leisure and A3 and A5 uses. A significant new public place should be provided alongside the canal with A3 uses, public art and attractive landscaping.*

*The area containing the short term car park next to the canal and The Mill should be developed to enable the expansion of The Mill with new performance spaces and additional community facilities.*

*Options to extend the museum should also be considered if funding becomes available to expand this facility. General Foods Social Club and Chamberlain Court will remain on the site.*

*An outline planning permission has now been granted which includes proposals for a cinema, hotel, A3 uses, a food store and car parking. The Council is working with a development partner to deliver proposals.*

## **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
- Public realm
- Heritage impact
- Residential amenity
- Construction arrangements
- Operational issues
- Access and car parking
- Landscaping

8.2. The principle of this development was first approved in October 2016, having been resolved to be approved by this Committee in 2015 subject to a legal agreement with OCC which took some time to resolve (13/01601/OUT) . In January this year consideration was given by this Committee to a variation of that outline planning permission to allow for the reconfiguration of the access arrangements off Spiceball Park Road to facilitate alternative access arrangements to the proposed foodstore. That permission (16/02366/OUT) is yet to be issued (it requires a deed of variation of the OCC legal agreement). As a consequence any approval of this reserved matters application will need to be delayed until the varied outline consent has been formally issued.

8.3. The proposals continue to comply with the objectives and design principles contained in the Banbury Vision and Masterplan SPD quoted above at paragraph 7.3.

8.4. The Spiceball site is a complicated brownfield area with multiple constraints, including historic flooding, level changes, existing uses, parking and heritage and residential amenity sensitivities. In addition, the proposals are for large scale commercial uses which typically require a large building footprint. The outline planning permissions have established a set of parameters for the development, namely the location of the uses on site, the heights, massing and maximum/minimum building dimensions. This application therefore deals with the architecture of the buildings, the proposed public realm and details such as car park layout, servicing and other operational arrangements. The report seeks to analyse each of these issues.

### **Design of hotel**

8.5. The hotel is proposed to the south-west of the canal on the area of open car parking between the multi-storey car park and the canal. Clear parameters for the scale and height of the hotel building were established at the outline stage. Because of the

narrowness of the site the building is designed as having a single aspect to the canal. Considerable discussion has been held between the designers and Council officers over a protracted period to explore alternatives to the treatment of the facades of the building. Senior Members have also been consulted during this process. The alternatives have been limited by the strict grid of bedrooms and their windows required by the hotel operators desire to have uniformity in the bedroom space and interior design

- 8.6. The seven–storey building has been designed in such a way as to help reduce the perception of its true scale by the use of horizontal and vertical detailing. It is a bold contemporary approach which seeks to break up what could otherwise be a very bland building. It has also been amended to ensure that there is a degree of similarity in design elements to the restaurant/cinema building which will be on the opposite side of the canal at this point. Images of the building are available in the on-line file (this is listed as Block A), both as elevations and in computer generated images the design and access statement. It should be pointed out that the CGI images are not thought to accurately show the colouration of the materials and their patterning of the building. It is hoped that better images will be available at Committee.
- 8.7. It will be noted that the Council's Urban Designer has some reservations about the design of the building, especially with regards to the narrow side elevations (blank except for limited fenestration) and the rear elevation which will be visible from Castle Street above the top deck of the multi-storey car park. The building results in an active frontage to the canal , but is less successful in addressing the space to the south-east at the rear of the existing Castle Quay development This latter element of the concern has been addressed by revised plans
- 8.8. At the time of writing the Council was still awaiting further CGI images to allow further consideration of these matters and some revised elevational material has been received. Your officers continue to have reservations about the end elevations especially the northern one that is visible from the approach from the north along the canal. To avoid delaying the issuing of the reserved matters approval it is recommended that a condition is attached that has the effect of not giving approval to these end elevations , but requires the submission of further details before the commencement of that part of the development

#### **Design of cinema/restaurant block**

- 8.9. This building contains car parking (in semi-basement and decked parking), a floor of restaurants with a terrace to the canal, and an eight screen cinema above also with a foyer bar and terrace overlooking the canal. Again the outline planning consents have established the quantum of uses and the height and scale parameters.
- 8.10. The architects have used a simple architectural approach in this area, with modern materials and a layering of the building form to help break down its mass. This is a large building and the cinema element inevitably has to be a high and bulky element. The A3 units have been used to wrap around the parking along the canal edge. These help activate the canal and break down the scale of the block. A sawcut approach to the roof of the cinema has been taken, which while unusual is much more successful than a rectangular box might have been in this area. While the layering of uses has been relatively successful at breaking down the large scale of this building close up, when viewed from a distance (for instance from the back of the existing Castle Quay) the cinema roof is likely to be a very dominant feature. The applicants intention is to externally illuminate this building at night to make it a feature of the area.

- 8.11. The Council's Urban Designer again has some reservations about elements of the building. In this case it is the rear of the building – as it faces Spiceball Park Road and Cherwell Drive. These areas are dominated by the access, car parking structures and servicing arrangements. The architect believes that these sides of the building can be successfully cloaked by structured climbing plants but there must be some doubt about their success on this north facing side of the building. Again CGI views of the approach to the building are awaited.
- 8.12. Conversely we consider that the canalside elevation with terracing a small height above the towpath will create an attractive and active frontage.

### **Design of foodstore**

- 8.13. This building is to be located in the part of the site formally occupied by the demolished old Spiceball Leisure centre. The location of the store is at the eastern end of the site and on a podium, and the parking strategy of some underneath the building and also on the podium has been established at the outline stage.
- 8.14. The car parking is arranged over two levels, creating a large decked structure which stretches across a large portion of the north of the site. There is a significant change in level between the slab height of the car park and both Spiceball Park Road and the River Cherwell, with the landscape treatment and movement area feeling somewhat pinched compared to other areas of the site. The car park is tight against Spiceball Park Road.
- 8.15. The design of the foodstore is a simply detailed single-storey box (albeit containing staff facilities etc on a mezzanine floor). It has a glazed frontage to the podium car park and is largely blank faced to Spiceball Park Road and the river. Obviously the building is mounted above ground level when seen from Spiceball Park Road and there is a consequent need to cloak the appearance of ground floor car parking. This area will potentially flood and therefore water has to be able to flow in from the river side of the building. Any built structure would restrict the flow of water and this therefore limits the alternatives for screening. As with the cinema block it is intended to use a wire structured climbing plant solution.
- 8.16. Our Urban Designer is concerned about the level changes which in her opinion will constrain pedestrian movement across the site to the new Spiceball leisure centre and will restrict access to the retail offer. The architects have sought to overcome these issues by having steps, ramps and an elevator to try to ensure that access for all is available.
- 8.17. On the river side of the building a landscaped pathway is to be provided, but the car parking will be exposed to view, as will the servicing arrangements above. A substantial part of the existing river bridge is to be retained, landing onto the podium car parking level. Further information has been sought about levels here to ensure that easy and safe access is maintained, and verbal assurances have been given by the applicant to reconsider the detail in this vicinity.

### **Public realm and landscaping issues**

- 8.18. A public realm led approach to this site has always been a fundamental part of the development proposals. The implementation of this is critical if this area is to be successfully connected to the town centre to optimise the areas strategic potential. One of the key objectives of the development offer in this area is to provide a comprehensive redevelopment offer that helps to activate the Oxford Canal. In the opinion of our Urban Designer there are a number of areas where the submitted proposals fell short of delivering this aspiration. Some of these issues are difficult to

resolve, especially in the context of the nature and form of development agreed in the outline permission. There are however improvements that can be made. At the time of writing additional information on levels has been sought to enable a full assessment to be made.

- 8.19 The important areas for consideration are
- The relationship between the canal towpath and development areas
  - The relationship between the Spiceball Leisure Centre and the Town Centre and the public realm treatment along Spiceball Park Road and The Mill
  - The relationship between the development scheme and the GF Club
  - The Cherwell river side
- 8.20 The Oxford Canal is a key piece of the public realm within the Town Centre and is well used by local residents. One of the key principles underpinning the redevelopment of this area is the revitalisation of this asset. The Oxford Canal tow path is an existing feature which runs along the length of the Oxford Canal. The tow path is more formalised with paving in this area of Banbury. While the proposals will offer greater activity and a positive public frontage onto this area, with a low terrace overlooking the canal, there are a number of issues regarding the levels in this area, which could result in a poor relationship in some areas. The current level changes between the Canal towpath and the development area are significant in places and it had been hoped that these issues would be appropriately resolved through the new development proposals for the area, perhaps for example with the introduction of stepped seating down to the canal at the rear of the existing Castle Quay. Full levels and bridge details have now been provided and are being assessed. It is understood that options are limited, and the stepped approach referred to above is not possible, but it may be appropriate to also impose a condition requiring further submissions in this area.
- 8.21 Spiceball Park Road will be retained and this area forms a key part of the scheme. It is currently a car dominated environment and this area needs to be designed as part of the town centre public realm rather than a vehicular focused area. This area provides the main vehicular entrance to the scheme, which will for many be their first site of Banbury Town Centre. This route also provides pedestrian access to The Mill area and the Banbury Museum. In addition this street will be crossed by pedestrians moving between Spiceball Leisure Centre and the Town Centre. Full planning permission for this roadway has however been granted as part of 16/02366/OUT and it will not be possible to now negotiate further significant changes with OCC. It should be possible however to ensure that the main pedestrian crossing area on Spiceball Park Road gives priority to pedestrians
- 8.22 With regards to the relationship to the GF Social Club, it is understood that there will be a drop between the pedestrian walkway and the social club grounds that requires a large retaining wall. Some amendments have been made to the scheme and a glass fence/parapet on top of a retaining wall is proposed. This will somewhat reduce the impact which otherwise would be caused by a brick parapet wall above a retaining wall.
- 8.23 A strip of land will remain between the proposed foodstore and the river. This will be landscaped and provided as a footpath/cycleway.

**Heritage impact**

8.24 Insofar as the site impacts upon the Oxford Canal Conservation Area the Conservation Officer comments that *“The hotel and cinema buildings are located at the entrance to Banbury from the north-east. The buildings are of a considerable scale and mass and will therefore be highly visible from a considerable distance to the north. The architectural design therefore requires careful consideration to ensure that the buildings form an appropriate gateway approach to the town.*

*The hotel and cinema buildings also have an immediate frontage on to the canal and their relationship with the canal will have a significant impact on the success or otherwise of the scheme to enliven the canal”*

The Conservation Officer is particularly critical of the northeast elevation of the hotel (see also paragraph 8.7 above). Concerns about the lack of an active frontage at the opposite end of the building have now been addressed.

With regards to the cinema building and its impact upon the Oxford Canal Conservation Area it is commented that *“In functional terms the proposal to ‘wrap’ the cinema building with cafes and restaurants is welcome as is the proposal to have outdoor seating along the towpath”*. Comment is made about the need to be careful in assessing the materials to be used.

Subject to the intended condition concerning the end elevations of the hotel your officers conclude that the impact upon the Conservation Area is acceptable and will preserve that character and appearance of that Area.

Further comments were made about the setting of Tooleys boatyard ( a scheduled ancient monument) and the Mill Arts Centre (a locally listed building ). The impact of the proposals upon these heritage assets was assessed at outline stage – when the parameters for the size and siting of the buildings proposed were established, and there is nothing in the design of these buildings now proposed which alters the assessment that the settings of these buildings will not be detrimentally affected.

### **Residential amenity and operational issues**

8.25 The above sections have addressed the design and impact upon users of the development, the town centre and the canal. I now move on to consider the impact upon local residents. There is only one set of residents in close proximity to the development, and those are the residents of Chamberlaine Court. Members will see that we have received detailed comments from them about the impact of the development upon them, and also concerns about construction impacts as well.

8.26 With regards to the temporary construction issues it is believed that all of these issues can be overcome with conditions and a construction management plan – see below

8.27 The comments received from residents concerning the operational issues of the development relate to matters concerning noise nuisance and other impacts upon the quiet enjoyment of their properties. Hours of operation and servicing of the foodstore are still to be discussed at the time of writing. Lighting of the car park is addressed through Condition 5. The issue of anti-social behaviour and rough-sleeping will be a matter for the management of the development and is not a matter that the planning system can deal with directly. The issue of the operation and noise emanating from the restaurants will be a matter for the licensing regime.

### **Construction issues**

- 8.28 In this busy town centre location it is important to ensure that as few problems as possible occur through the construction of the development. It will be necessary to control issues such as the location of the construction compounds, their screening and security; hours of work; dust control; mud on road issues; lorry routing; etc. Attention will also need to be given to maximising the availability of car parking through the build process. Some of these issues will be dealt with through the Council's development agreement, but others are and will be captured in the construction environmental plans approved under the outline consent and attached to this potential reserved matters approval.

### **Access and car parking**

- 8.29 As noted at Paragraph 6.3 above OCC, as local highway authority have objected to the proposal on the grounds that some submitted details (with regards to retaining wall design on Spiceball Park Road) are unacceptable. It is understood that the applicant is to withdraw these details and will deal with these issues via Highways Act procedures. It is hoped that in the light of this approach that OCC will feel able to withdraw their objection. It is anticipated that this will be received before Committee.
- 8.30 Turning to other matters that the County Council have raised, the reversing of service vehicles in the foodstore car park is a matter that Members may recall was discussed in the January Committee. It was agreed that that this servicing arrangement, whilst not ideal, was tolerable and furthermore there were other examples of this arrangement at other budget food retailers in Banbury and Bicester, where there had been no reported issues. These retailers tend to get a very restricted number of servicing vehicles in the store opening times. It will be seen that a condition is proposed to require the submission of a scheme of working.
- 8.31 Emergency access to the hotel will continue to be available as currently through the accessway between the existing Castle Quay and the North car park. This route is protected against mis-use by lockable bollards and is marked as being required for emergency access. It is envisaged that this arrangement will persist with the new development. Via the County Council's single response system we are aware that the Fire Officer has been consulted on fire access to the hotel and the existing Castle Quay shopping centre and has confirmed that he is content with arrangements. Access for taxis to the hotel is more troublesome. However, there is an existing taxi drop off area in the forecourt to the car park, accessed off the Castle Street roundabout. Whilst this is in walkable distance it is not ideal, but is difficult to improve upon.
- 8.32 Cycle parking quantity and location is raised, along with flood evacuation strategies. These issues are dealt with by conditions on either the outline or this intended consent, as is the requirement to agree a car parking payment strategy. This is only a planning matter insofar as it is necessary to ensure that any car park entrance queuing that may be caused does not cause issues of highway safety or convenience, and is usually a matter of barrier placement or the adoption of a pay on foot system with ANPR.

## **9. PLANNING BALANCE AND CONCLUSION**



- 9.1. This is an important town centre site, and this scheme delivers considerable regeneration benefits and provides uses that are poorly represented in the town centre. As noted in the introduction of the report the principle of this development, with the position of the buildings and their size, has already been agreed and this application deals with the design of the buildings and the spaces between them. Despite the continued reservations expressed by the Urban Design and Conservation Officer these are considered to be relatively minor and addressable through minor revisions/reserving the approval of a limited number submissions through conditions.
- 9.2. It is known that the developer is keen to make an almost immediate start on this redevelopment and it is hoped that Members will see the substantial benefits of this proposal and grant reserved matters approval now with any limited matters still to be dealt with as set out above.

### RECOMMENDATION

That permission is granted, subject to

- (i) The first issue of the associated outline planning permission following the completion of the legal agreement with OCC, and
- (ii) The following conditions
  1. Except where otherwise stipulated by condition on this reserved matters approval or the original outline planning permission, the development shall be carried out strictly in accordance with the following plans and documents so far as they relate to the reserved matters for which this approval was sought ( *to be completed* )

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

2. Prior to the commencement of each main part of the development hereby approved (i.e. the hotel, cinema/restaurant block, and the foodstore), a schedule of materials and finishes for the external walls and roof(s) of that part 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 approved schedule.

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

3. Prior to the commencement of each main part of the development of the development hereby approved, full details of all proposed external lighting, and its hours of usage, shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

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

4. Prior to the commencement of each main part of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of each main part of the development hereby approved, full details of the refuse bin storage for that part of the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the buildings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

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

6. Notwithstanding the details shown on submitted plans and in the Design and Access Statement, prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

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

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

- (c) details of the hard surface areas, including pavements, pedestrian areas, , crossing points and steps, public seating and waste bins etc.

- (d) details of the wire-based climbing plant systems

(e) full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees

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

7. Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

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

8. Prior to the first use of the foodstore details shall be submitted to and approved by the Local Planning Authority of the arrangements to be put in place and maintained for the safety of users of the car park during the manoeuvring of service vehicles within the car park and those agreed arrangements shall thereafter be retained.

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

9. Prior to the first use of the car parks associated with this development a car parking payment strategy shall be submitted to and approved by the Local Planning Authority and thereafter brought into use and maintained unless first agreed by the LPA

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

10. Prior to the first use of the car parks hereby approved a flood evacuation policy for the car parks shall be submitted to and approved by the Local Planning Authority

Reason: In the interests of public safety

11. No servicing of the foodstore premises shall be undertaken between the hours of 9.00pm and 6.00am

Reason - In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. Prior to the first use of the foodstore details of the proposed parking arrangements for shopping trollies and any click and collect facility shall be submitted to and approved by the Local Planning Authority and thereafter maintained and notwithstanding the provisions of Classes B and C of Part 7, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 and its subsequent amendments, the arrangements shall not be 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 order to safeguard the amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

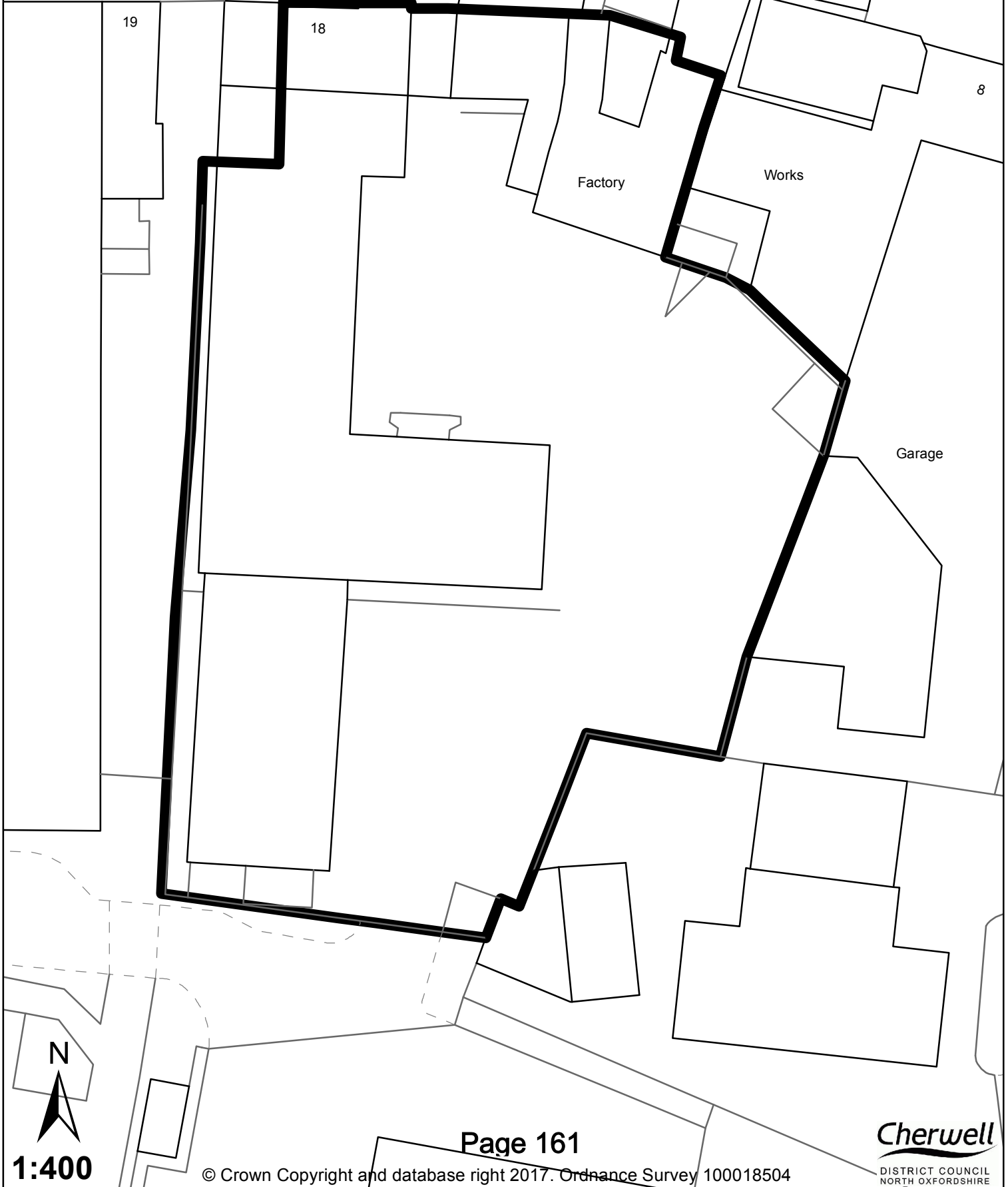
13. The construction of the development hereby approved shall be undertaken in accordance with the details and general approach set out in the Construction Environmental Plan accompanying the outline planning permission submission and summarised in the document submitted with this application. Additional details concerning dust and mud control measures , and about construction compound location(s) shall be submitted to and approved by the Local Panning Authority prior to the commencement of development.

Reason - In order to safeguard the amenities of the area and to comply with Policies C31 and ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

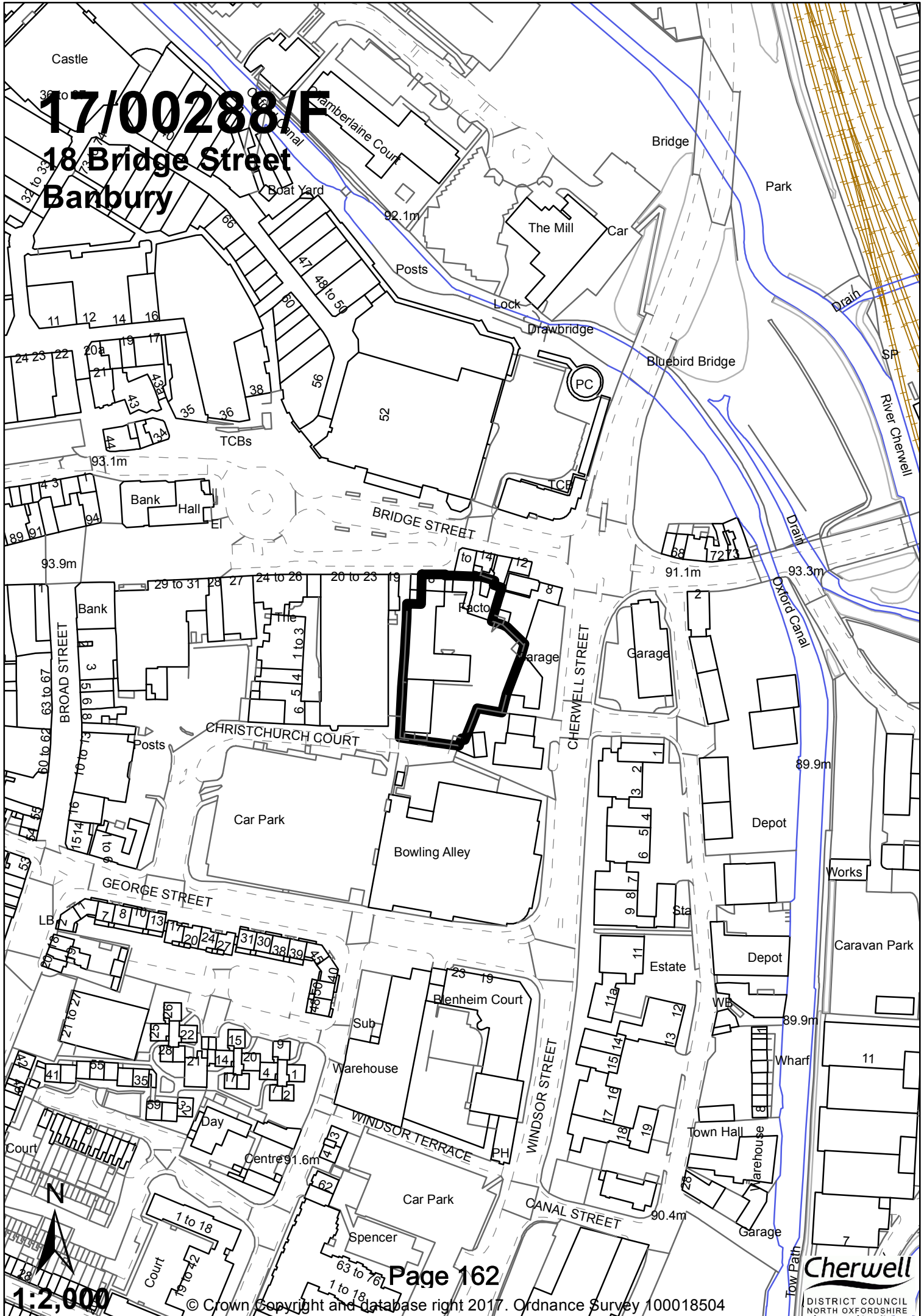
14. Notwithstanding the details shown on the submitted drawings further details of a revised treatment of the north-west and south east elevations of the hotel shall be submitted to and approved by the Local Planning Authority prior to the commencement of the construction of that building element, and shall thereafter be built in accordance with those approved plans.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

**17/00288/F**  
**18 Bridge Street**  
**Banbury**



**17/00288/F**  
**18 Bridge Street**  
**Banbury**



|                             |   |                                    |
|-----------------------------|---|------------------------------------|
| <b>Applicant:</b>           | Brickmort Developments  |                                    |
| <b>Proposal:</b>            | Four storey extension to existing building to create 10 self-contained apartments |                                    |
| <b>Ward:</b>                | Banbury Cross and Neithrop  |                                    |
| <b>Councillors:</b>         | Cllr Hannah Banfield<br>Cllr Surinder Dhesi<br>Cllr Alastair Milne-Home           |                                    |
| <b>Reason for Referral:</b> | Major Development (10 Units)  |                                    |
| <b>Expiry Date:</b>         | 18 May 2017   | <b>Committee Date:</b> 18 May 2017 |
| <b>Recommendation:</b>      | Approve   |                                    |

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. 18 Bridge Street (Crown House) is a part three, part four storey, former office building in the centre of Banbury which was granted prior approval in November 2016 under Schedule 2, Part 3, Class O of the General Permitted Development Order 2015 for change of use to a residential use comprising 37 apartments. The internal operations required in connection with this change of use have now commenced and the external alterations required were approved under application reference 17/00243/F. The building is located within a mixed use area, comprising a range of commercial, retail and light industrial uses and is accessed via Christ Church Court. The building is constructed from brick with a concrete tile roof.
- 1.2. The application site is located adjacent to the designated Banbury Conservation Area and abuts public footpath (120/56/10) which runs along the western perimeter of the site. The site is not located within an area identified to be at risk of fluvial flooding.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. Planning permission is being sought for the erection of a four-storey extension to the east elevation of the existing building. The extension would have a footprint of approximately 194 m<sup>2</sup> with the same eaves and ridge height as the existing building.
- 2.2. The extension would contain 10 apartments, comprising 2 studios, 4 one bed apartments, 2 two bed apartments and 2 three bed apartments.
- 2.3. The extension would be constructed from brick with roof tiles to match the existing building. Elements of external cladding are also proposed although exact details remain to be agreed. The windows proposed are grey uPVC. Juliet balconies are proposed on the north elevation of the extension, serving a number of bedrooms.

## **3. RELEVANT PLANNING HISTORY**

3.1. The following planning history is considered relevant to the current proposal:

| <u>Application Ref.</u> | <u>Proposal</u>  | <u>Decision</u>       |
|-------------------------|--|-----------------------|
| 16/01763/O56            | Proposed change of use of existing office building into 37 No. apartments  | Application Permitted |
| 17/00243/F              | External alterations to include additional windows, doors and canopy alterations in connection with prior approval 16/01763/O56 for the proposed change of use of existing office building into 37 No apartments | Application Permitted |
| 17/00658/F              | Change of use of existing building to create coffee shop (Class A3) and 1 no. 1 bedroom unit at ground floor level and 3 no. residential units (2 no. studio units and 1 no. 2 bed unit) at first floor level    | Pending Consideration |
|                         | This application relates to the conversion of the existing mock-Tudor building located on Bridge Street, which forms part of Crown House.  |                       |

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

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

#### **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 30.03.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties as a result of this consultation process.

#### **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 AND NEIGHBOURHOOD FORUMS

6.2. **Banbury Town Council:** No objections.

##### STATUTORY CONSULTEES



- 6.3. **Thames Water:** No objection with regards to sewerage or water infrastructure capacity subject to conditions relating to surface water drainage.
- 6.4. **Oxfordshire County Council:** No objection subject to conditions relating to car parking, cycle parking, pedestrian access, drainage, fire hydrants and refuse collection. No Section 106 contributions are sought due to Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended).
- 6.5. Taking this proposal for 10 apartments, and the consent for conversion of the existing office building into 37 apartments, there will be a net reduction in peak hour vehicle trip generation.
- 6.6. The site is highly sustainable, given proximity to bus stops, rail station, and employment opportunities within easy cycling and walking distance. As a consequence, the fact that it will provide only 29 parking spaces for 47 dwellings is considered acceptable, given the fact that adjacent streets have parking restrictions in place. Nevertheless, it is strongly recommended that spaces are allocated, such that residents moving in will know whether or not they can park a car on site.
- 6.7. The Transport Statement is incorrect in stating that the provision of 40 cycle parking spaces meets OCC's parking standards. There should be a total of 88 spaces. This is particularly necessary here to provide sufficient cycle parking, because of the lack of car parking spaces, and the fact that the site is compact and cycles parked informally are likely to cause an obstruction. Sufficient cycle parking is necessary to maximise the opportunity for sustainable travel.
- 6.8. There is no turning head at the end of Christchurch Court, and no possibility of turning large vehicles within the site. The applicant says this arrangement was in place when the office building was occupied. However, the adjacent road layout and pedestrian usage of Christchurch Court has changed since then.
- 6.9. If vehicles cannot use the Matalan service area forecourt to turn, they will be forced to reverse some 80m down Christchurch Court, across a very busy pedestrian access between the car park and the town centre. This has obvious risks to pedestrian safety. It may be possible to address this by seeking an agreement with the adjacent landowner to use the service area for turning.
- 6.10. In terms of refuse collection, CDC should seek assurances from its environmental team that one of the crew always acts as a banksman when vehicles reverse down Christchurch Court.
- 6.11. The Transport Statement also says that Christchurch Court is a public highway but the OCC records show that it is unadopted.

#### NON-STATUTORY CONSULTTEES

- 6.12. **Environmental Protection:** As per the application for the conversion of the existing building this department requests that a noise report should be conditioned that ensures that the proposed residential properties meet the noise levels laid out in BS8233:2014. This is due to the possibility of noise disturbance from the surrounding commercial premises (including noise from any plant associated with these commercial premises) and from the nearby busy Cherwell Street.
- 6.13. In addition, due to the sensitivity of the development and its location the full contaminated land conditions are recommended to be placed on any permission if granted.

- 6.14. **Business Support Unit:** It is estimated that this development has the potential to attract New Homes Bonus of £41,332 over 4 years under current arrangements for the Council.
- 6.15. **Recreation and Leisure:** Section 106 contributions are requested towards indoor and outdoor sports facilities, community hall provision and public art.
- 6.16. **Design and Conservation:** Crown House is a 20<sup>th</sup> century building without architectural merit constructed at a time when 'local distinctiveness' was yet to become a watchword phrase.
- 6.17. It is unlikely that the proposed extension will cause additional harm to the setting of the conservation area providing it is blended into the existing construction i.e. constructed in identical materials without detailing which draws attention. I cannot support the proposed detailing which attempts highlight this extension and bring unnecessary visual attention to a building which is less than iconic.
- 6.18. 10 units are considered unacceptable. Architecturally balanced fenestration is achievable if fewer units are envisaged.
- 6.19. Gates onto Bridge Street would be considered acceptable providing they are detailed appropriately and allow visual connectivity into the site from the highway e.g. metal gates.
- 6.20. **Landscape Services:** Further details of hard and soft landscape proposals are required. These are an essential requirement for mitigating the visual impact of the parking areas and built form. Tree planting to be in accordance with BS8545:2014. General landscaping to be in accordance with BS4428:1989. Plants are to comply with the National Plant Specification.
- 6.21. Section 106 contributions are requested towards off-site play area improvements at Howard Road play area.
- 6.22. **Strategic Housing:** Due to the application being for less than 11 units, there are no requirements for affordable housing. Unfortunately because the application is attached to a wider residential conversion under permitted development there will be no requirement for affordable housing across the entire scheme should this application be successful.
- 6.23. **Building Control:** No comments received.
- 6.24. **Planning Policy:** No comments received.
- 6.25. **Urban Design:** No comments received.
- 6.26. **Thames Valley Police:** No comments received.
- 6.27. **Waste and Recycling:** No comments received.

## 7. RELEVANT PLANNING POLICY AND GUIDANCE

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

number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- BSC2 – Effective & Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC11 – Local Standards of Provision – Outdoor Recreation
- SLE4 – Improved Transport & Connections
- ESD15 – Character of the Built & Historic Environment
- Banbury 7 – Strengthening Banbury Town Centre

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

- C28 – Layout, design and external appearance of new development
- C30 – Design of New Residential Development

#### 7.3. Other Material Planning Considerations

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

### **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
- Housing mix and affordable housing
- Residential amenity
- Contamination
- Highways Safety
- Waste
- Landscaping and play provision
- Sport, public art and community facilities
- Other matters

#### **8.2. Principle of development**

8.3. Policy Banbury 7 states that residential development will be supported in appropriate locations in the town centre except where it will lead to a loss of retail or other main town centre uses. Furthermore, the change of use of sites used for main town centre uses in the town centre will normally be permitted if proposals contribute significantly to the regeneration of the town centre.

8.4. The existing building on the site was granted prior approval for change of use to residential use in November 2016. The internal operations required in connection with this change of use have now commenced. The principle of residential development within this location has therefore been established. The main issue for consideration is therefore whether the development is in an appropriate location and whether it would contribute significantly towards the regeneration of the town centre.

- 8.5. Crown House is a prominent building within Banbury Town Centre and has remained vacant for a significant period of time, falling into a state of disrepair. The granting of prior approval has enabled the building to be brought back into use and the current application presents an opportunity to regenerate the site by providing additional residential units within the town centre, enhancing the character and appearance of the building, and the local environment. The location of the building within the town centre and within a short distance of public transport connections, retail and leisure facilities, means that the location is considered both appropriate and sustainable.
- 8.6. The proposal is therefore considered to comply with Policy Banbury 7.
- 8.7. Policy BSC 1 provides a target of 7,319 dwellings within Banbury over the plan period mostly on allocated sites. Of this total, 416 dwellings are expected to be delivered through windfall sites. In the latest Annual Monitoring Report dated March 2016, it was reported that there have been 206 completions of windfall dwellings. The 10 units proposed are therefore considered to contribute towards the remaining windfall dwellings identified under Cherwell Local Plan 2011-2031 Part 1 and maintain the Council's current 5 year housing land supply.
- 8.8. The proposal is therefore considered to comply with Policy BSC 1.
- 8.9. Design, and impact on the character of the area**
- 8.10. The proposed extension is considered to be consistent with the scale and design of the existing building. The extension would be erected using brick to match the existing building with elements of external cladding. Although the exact details remain to be agreed and will be sought by condition, it is anticipated that a material such as zinc will be used. The proposed cladding will add an element of variation to the building's façade. The windows proposed will be grey uPVC, similar in appearance to those approved for the existing building under application reference 17/00243/F.
- 8.11. The proposed extension is located adjacent to the designated Banbury Conservation Area but is considered unlikely to affect the setting, character or appearance of the heritage asset. Although the Design and Conservation Officer has stated that they are unable to support the proposed architectural features, these are considered necessary to improve the character and appearance of an otherwise unremarkable office building and to create an attractive place to live.
- 8.12. As part of the proposed redevelopment of the site, a pedestrian access is proposed to connect the building to Bridge Street via the undercroft adjacent to 15-17 Bridge Street (the Katherine House Hospice Shop). This access will be secured by a pedestrian access gate, which represents an opportunity to provide an interesting and well-designed form of public art, linking public and private domains and providing an attractive and secure access to the development. It is recommended that a condition is imposed requiring full details of the pedestrian access gate to be submitted to and approved by the Council and for the pedestrian access to remain available for residents at all times.
- 8.13. Overall, subject to the aforementioned conditions, the proposed development is considered to comply with Policies C28 and ESD15 and Government guidance contained within the National Planning Policy Framework requiring good design.
- 8.14. Housing mix and affordable housing**

- 8.15. Policy BSC 2 requires the effective and efficient use of brownfield land through a housing density of a least 30 dwellings per hectare. The total site area of Crown House represents approximately 0.3 hectare. Taking into account the proposed number of dwellings (10) and the number of dwellings permitted under the prior approval (37) the total number of dwelling proposed is 47, which represents a density of approximately 157 dwellings per hectare. This meets the target threshold of 30 dwelling per hectare and given the location and form of development, this is considered acceptable. The proposal is therefore considered to comply with Policy BSC 2.
- 8.16. BSC 4 states that new development should provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. Development should also take into account the provision of affordable housing as required by Policy BSC 3.
- 8.17. The proposed development provides a mix of homes ranging from studios to three bed apartments. Although a mix is proposed, the mix does not accord with the requirements of the Strategic Housing Market Assessment due to the high proportion of studio and one bedroom apartments. However, taking into account the number of apartments within the existing building, which comprise mainly of two and three bed apartments, the overall mix of apartments is considered to comply with the requirements of Policy BSC 4.
- 8.18. Policy BSC 3 states that proposed developments which include 11 or more dwellings or which would be provided on sites suitable for 11 or more dwellings will be expected to provide at least 30% of new housing as affordable homes on site. As the proposed development is for 10 dwellings, there is no requirement for the provision of affordable housing.
- 8.19. Although additional dwellings could be provided on-site, the ability to do this, without the comprehensive redevelopment of the site, is limited by the requirement to provide a suitable housing mix as well as sufficient car and cycle parking, landscaping and amenity space within the site. It is however noted that a limited number of additional units could be provided through the conversion of the adjoining office building fronting Bridge Street, with limited impact on car and cycle parking, landscaping or amenity space.
- 8.20. The proposal is therefore considered to comply with Policy BSC 3 and BSC 4.

#### **8.21. Residential amenity**

- 8.22. The proposed development is located within a mixed use area, comprising a range of commercial, retail and light industrial uses. There is therefore the potential for the residents of the proposed development to be affected by noise from these uses. Environmental Protection has therefore recommended a condition requiring the apartments to be acoustically insulated. Subject to this condition and the submission of an acceptable acoustic installation scheme, the proposal is considered not to cause harm to future occupants in terms of noise disturbance. Furthermore, due to the residential nature of the development proposed, it is unlikely that the surrounding uses will be adversely affected in terms of noise disturbance.
- 8.23. The proposed development contains a number of ground floor apartments which would directly overlook the proposed car park. Although this is beneficial from a security viewpoint in terms of natural surveillance, there is the potential for loss of privacy, as well as disturbance from the parking. A landscape buffer has therefore been proposed to mitigate this impact. Subject to the implementation of an acceptable landscaping scheme, the ground floor apartments are considered

unlikely to result in loss of privacy and disturbance. In addition, the proposed development is considered unlikely to result in direct overlooking or loss of privacy of the existing building due to the configuration and orientation of the extension in relation to the existing building.

8.24. The proposed development is not considered to cause additional overshadowing of the existing building or neighbouring buildings by virtue of its scale and orientation in relation to the existing building.

8.25. The proposed extension is therefore considered to comply with Policy C30 and provides a standard of amenity acceptable to the Council.

#### **8.26. Contamination**

8.27. Due to the commercial nature of the development site, Environmental Protection has recommended a condition requiring a desk study and site walkover are undertaken to ensure that any potential sources of contamination are identified and remediated.

#### **8.28. Highways safety**

8.29. The proposed development is located in a highly sustainable town centre location and there would be a net reduction in peak hour vehicle trip generation compared to the original use of the building. The 29 parking spaces proposed (serving the existing building and extension) are therefore considered to provide an acceptable level of parking provision. The Local Highways Authority has raised concerns however about the allocation of these parking spaces due to the number of dwellings proposed exceeding the number of spaces provided. It is therefore recommended that a condition is imposed requiring the production of a car park management plan which demonstrates how these spaces will be allocated to residents.

8.30. A total of 40 cycle parking spaces have been proposed to serve the development (incorporating the existing building and extension). This is below the number recommended by the Local Highways Authority. A condition is therefore recommended to ensure satisfactory provision of cycle parking within the site.

8.31. The Local Highways Authority has raised concerns about turning within the site, which is accessed via Christchurch Court, an unadopted narrow service road which serves the site as well as the adjacent bowling complex and Matalan store. Whilst it is possible to turn within the Matalan service area, this would require agreement from the owners of the site and cannot be addressed as part of the planning process. The Local Highways Authority has raised specific concerns about the reversing and turning of refuse collection vehicles but is satisfied that this can be addressed by the Council. The Council's Waste and Recycling Officer has raised no concerns with regards to the reversing and turning of refuse collection vehicles.

8.32. In addition to the comments received by the Local Highways Authority, it is recommended that additional conditions are imposed in respect of a Construction Traffic Management Plan and Construction Environment Management Plan to ensure satisfactory management of the site and safety of pedestrians and other road users during the construction phase of the development.

8.33. Subject to the aforementioned conditions, the development is considered unlikely to cause harm in terms of highways safety.

#### **8.34. Waste**

8.35. A waste storage area has been proposed, close to the entrance to the site but limited details about refuse waste storage and collection arrangements have been supplied. A condition is therefore recommended to ensure that satisfactory waste storage is provided.

**8.36. Landscape and play provision**

8.37. A landscaping scheme has been submitted as part of this application but the Landscape Officer has raised concerns about the scheme as proposed, primarily due to the type of plant species proposed and the lack of consideration of aspect. It is therefore recommended that a condition is imposed requiring the submission of a comprehensive landscaping scheme which addresses the Landscape Officer’s concerns, in order to achieve a high quality and attractive environment.

8.38. The Landscape Officer has also requested a Section 106 contribution towards the improvement of the Howard Road Play Area in Grimsbury. However, due to the distance from the development to the play area, which is in excess of 1,100 meters, this contribution is not considered to meet the three tests required to determine whether a planning obligation can be sought in relation to a development (as required by Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), namely, is it necessary to make the development acceptable in planning terms, is it directly related to the development, and does it fairly and reasonably relate to the development in terms of scale and kind.

**8.39. Sport, public art and community facilities**

8.40. Section 106 contributions have been sought towards indoor and outdoor sport, public art and community facilities with limited justification as to their intended use. National Planning Policy Guidance states that tariff-style contributions should not be sought from development of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square meters. As the floorspace of the proposed development does not exceed this threshold, and the number of units proposed does not exceed 10-units, it is not considered appropriate to seek these contributions.

**9. PLANNING BALANCE AND CONCLUSION**

9.1. The proposed extension will contribute towards the reuse and regeneration of a brownfield site in the centre of Banbury which has remained vacant for a significant period of time. The extension will result in the addition of 10 one, two and three bedroom apartments to the 37 apartments currently being provided and will contribute towards the Council’s housing targets. The proposed extension is considered to improve the character and appearance of the existing building and is not considered to cause harm in terms of residential amenity or highways safety. Overall, the proposal is considered to represent sustainable development, comply with the policies outlined in Paragraph 7 of this report and is therefore recommended for approval subject to the conditions below.

**10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

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

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

Purchase Act 2004.

- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with Drawing Numbers 12659-LP100, 12659-E001-G, 12659-E002-C and 12659-E003-C.

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

- 3 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes, including samples where applicable, for the external walls and roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 4 Prior to the commencement of the development hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason - To ensure the delivery of satisfactory streets that deliver the green infrastructure, play and other features necessary to create a successful place, to accord with a high standard of design and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the first occupation of the development hereby approved, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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.

- 7 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

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

- 8 Prior to the commencement of the development hereby approved, a car park management plan which demonstrates how car park spaces will be allocated to residents, and how parking restrictions shall be enforced within the development, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the car park spaces shall be allocated to residents and parking restrictions shall be implemented in strict accordance with the approved car park management plan.

Reason - In the interests of highway safety and to ensure the satisfactory provision of off-street car parking 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.

- 9 Notwithstanding the details submitted and prior to the commencement of the development hereby approved, full details of the pedestrian access to the site from Bridge Street (adjacent to 15 - 17 Bridge Street), including specification details of the proposed pedestrian gate (which is considered to provide an element of public art within the site) and access arrangements, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the pedestrian access gate shall be installed, and the pedestrian access permanently retained and maintained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the pedestrian access and to ensure the creation of a safe and convenient access to the site for pedestrians in accordance with Policies SLE4, ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 10 Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

- 11 Notwithstanding the submitted details and prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping

the site shall include:-

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 13 Prior to the commencement of the development hereby approved, full details of a scheme for acoustically insulating all habitable rooms within the apartments such that internal noise levels do not exceed the criteria specified in Table 4 of the British Standard BS 8233:2014, 'Guidance on sound insulation and noise reduction for buildings', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of development, the apartments shall be insulated and maintained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 14 Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 15 Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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

- 16 If a potential risk from contamination is identified as a result of the work carried out under condition 15, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

- 17 If contamination is found by undertaking the work carried out under condition 16, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

Policy Framework.

- 18 If remedial works have been identified in condition 17, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 17. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 20 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods, details of construction vehicle parking/waiting areas, compound details as well as an agreed route for HGV traffic to the development site. The approved Plan shall be implemented in full throughout the entirety of the construction phase of the development.

Reason - In the interests of highway safety and to safeguard the amenities of pedestrians and other road users in accordance with Government Guidance in the NPPF.

**PLANNING NOTES**

- 1 Consent has been granted subject to conditions. It is the developer's responsibility to ensure that they have read and understood the requirements of the conditions, and that they comply with the conditions when carrying out the development. If you are unclear about what is required, please contact the case officer for further advice.

In some cases conditions require further details to be submitted and approved by the Local Planning Authority. You will need to make a formal application to the Council for approval of these details, and you need to allow up to 8 weeks (following receipt of a valid application) for the Council to make a decision on the acceptability of the details. This is particularly important where a condition requires further details to be approved before any work commences as any work carried

out before those details have been approved would be unauthorized and at risk of planning enforcement action.

The conditions application fee is £28 in respect of householder development, and £97 per in any other case. The fee is payable each time a conditions application is made. You can include multiple conditions in one application, and this can be more cost and time effective than submitting details for each condition separately.

Guidance on making an application is available online on the Council's website by going to <http://www.cherwell.gov.uk/index.cfm?articleid=8983>

- 2 It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required.

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

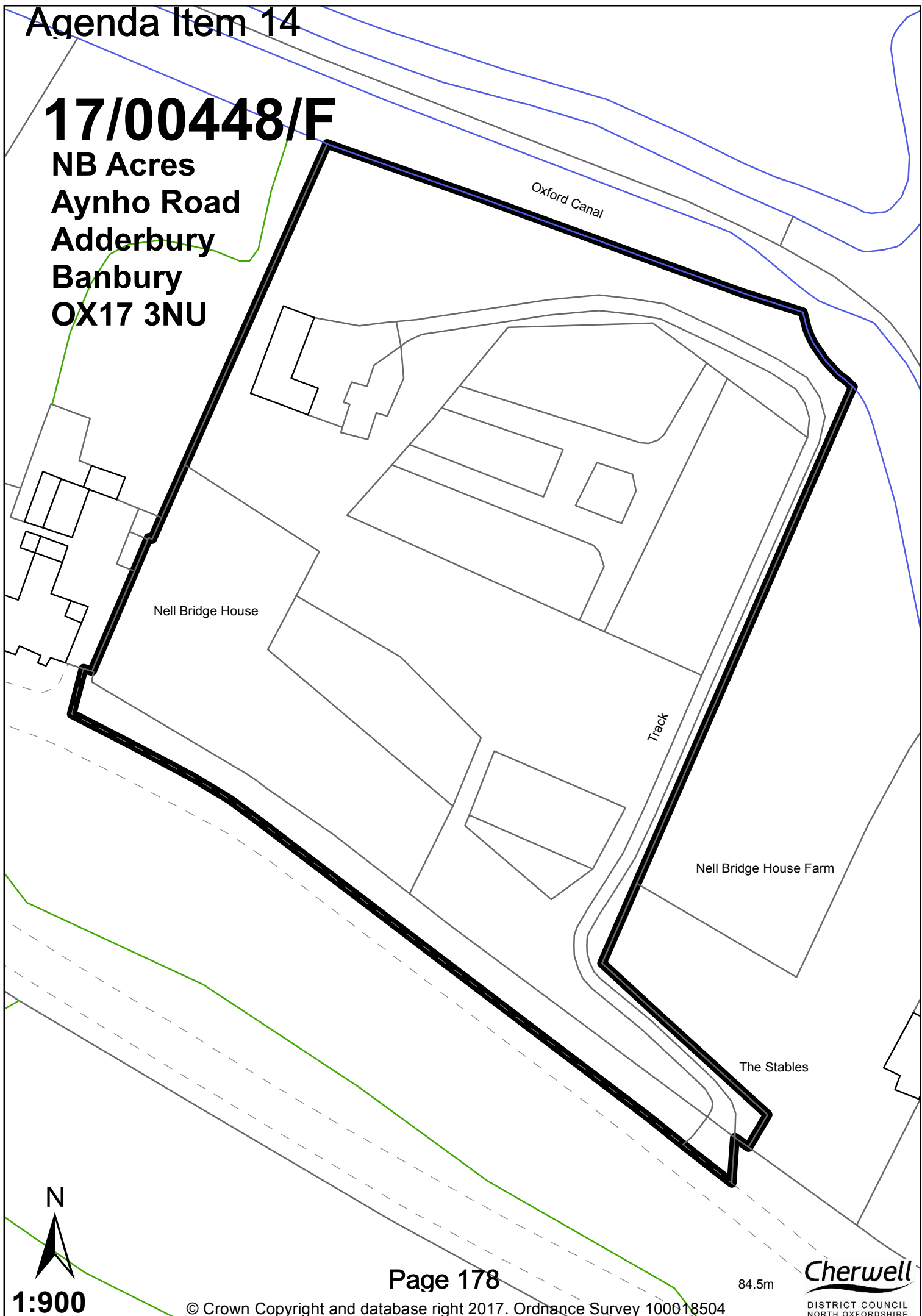
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4 The applicant is advised that Oxfordshire County Council Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems.

CASE OFFICER: Lewis Bankes-Hughes

TEL: 01295 221884

# 17/00448/F

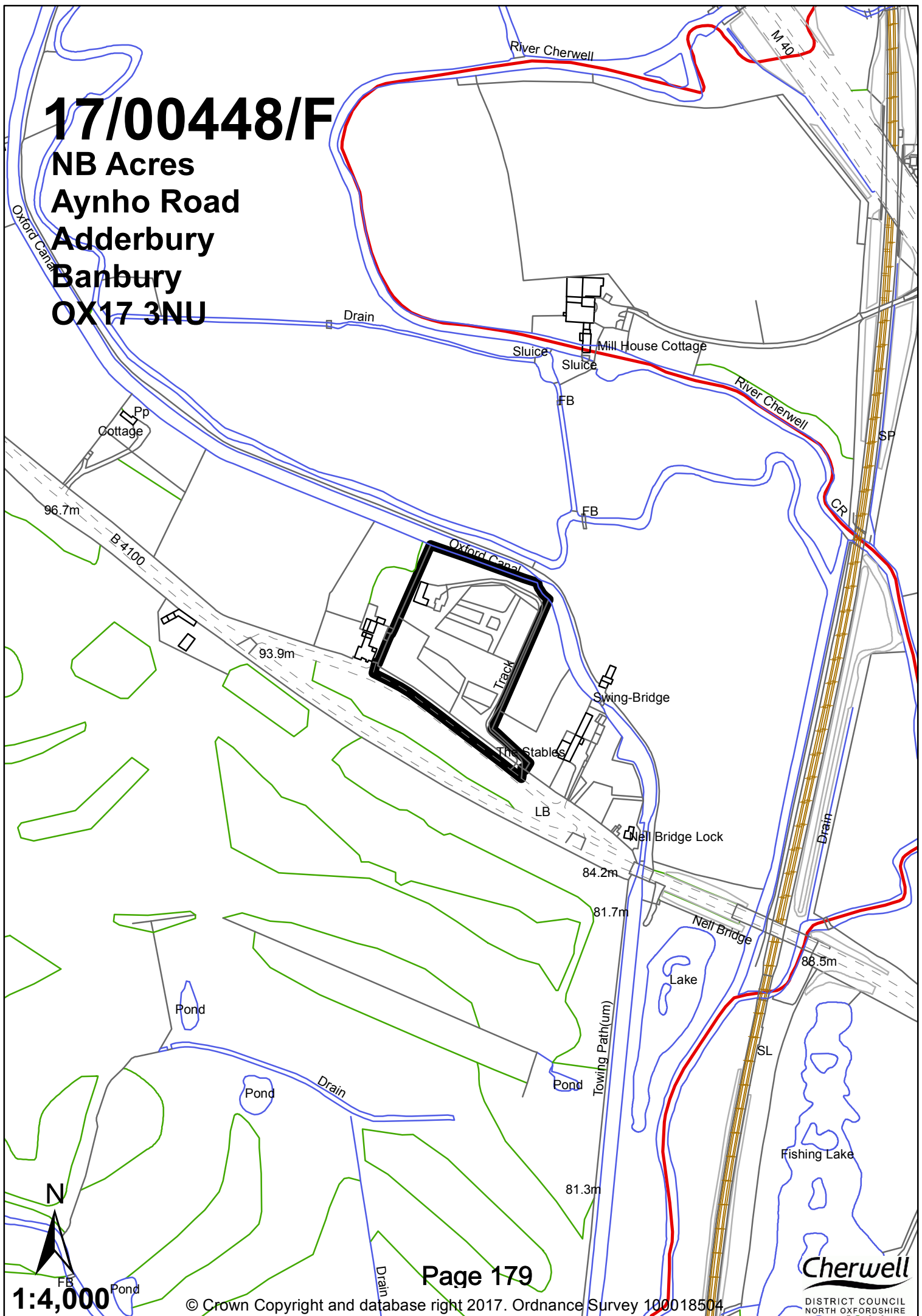
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NB Acres  
Aynho Road  
Adderbury  
Banbury  
OX17 3NU



**Applicant:** Mrs Sara Wherry

**Proposal:** Change of use of sections of agricultural land to land to be used to site touring caravans, motorhomes and tents for no more than 21 consecutive days between certain dates (1st March - 31st October). Plus associated and ancillary works as detailed in site plan 1.

**Ward:** Adderbury, Bloxham And Bodicote

**Councillors:** Cllr Mike Bishop  
Cllr Chris Heath  
Cllr Andrew McHugh

**Reason for Referral:** This application has been called in by the Ward Member in order to consider amenity and environmental issues.

**Expiry Date:** 12 May 2017                      **Committee Date:** 18 May 2017

**Recommendation:** Approve

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site currently operates as an agricultural small holding accessed from a lay-by on the B4100 to the south east of Adderbury. It is a parcel of land located between Nell Bridge House to the west and Nell Bridge House Farm to the east. The site shares a boundary with the lay-by to the south and the Oxford Canal to the north.
- 1.2. The site operates as a small-holding with a range of animals being kept on site either in small informally laid out enclosures or free range. There is one main barn on site which is understood to house agricultural equipment and paraphernalia and be used for uses ancillary to the small-holding. It is understood that some camping and caravanning has been taking place on the site, within the restrictions set out by the Camping and Caravanning Club regulations, although an Exemption Certificate has not been issued in this instance.
- 1.3. The site abuts the Oxford Canal Conservation Area. Flood Zone 2 encroaches into a small section in the north-eastern corner of the site. A protected species buffer extends out from land associated with Nell Bridge House into the south-western section of the site. Species identified in the area include bats, badgers and toads. Other constraints have been identified but given the nature of the application they are not relevant to the consideration of the proposal.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The application seeks to obtain planning permission to utilise parts of the site for the purposes of camping and caravanning for an 8 month period each year. The applicants are seeking a maximum capacity of 10 caravans and 20 tents with no individual units being allowed to remain on site for a period of longer than 21 consecutive days. The proposal is for a 'child free' campsite.



- 2.2. No permanent structures are required for the purposes of the change of use although 3 portable toilets would be provided along with a washing up area, adjacent to the existing barn and screened behind a bamboo (or similar) screen. Electric hook-ups are provided which are connected below ground and mounted on small posts at each pitch. The pitches would remain grassed and no additional hard-standing proposed.
- 2.3. The majority of the pitches are to be provided in the central area of the site whilst overflow pitches would be located in the south-western corner of the site. The original submission included a 3m buffer between any caravan and combustible structure, this was shown on the original submission. However, in order to try and alleviate concerns of a neighbouring property owner the applicants have offered to increase this buffer to 15 metres from the boundary wall.
- 2.4. The proposals had originally included the installation of a red diesel tank, for use in connection with passing canal boats. However, due to concerns arising from the Canal and River Trust, this element has been removed from the scheme.

### 3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

| <u>Application Ref.</u> | <u>Proposal</u>  | <u>Decision</u>       |
|-------------------------|--|-----------------------|
| 08/02578/F              | Erection of Agricultural barn. Widening of entrance to land with new gates and access track. | Application Permitted |

### 4. PRE-APPLICATION DISCUSSIONS

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

### 5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 28.04.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. The comments raised by third parties are summarised as follows:

#### **Opposed to the scheme**

- Appears partially retrospective
- Proposed area for tents is immediately adjacent to the boundary wall of Nell Bridge House and windows of this property and others overlook the site
- Parked vehicles, caravans and tents result in the area becoming a noisy and cluttered urban setting
- The use has resulted in noise and intrusion including barbeque smoke and smells
- Concern about security

- Concern about sanitary arrangements and impact on water quality
- Access to water is unknown
- Noise arising from regular mowing of the field
- Minimum requests are made if the Council is minded to approve the application – these include minimum distance of tents etc from the boundary, removal of the advertising van from the highway verge, insurance that the barn will be used solely for agricultural purposes
- Ambiguities not addressed could potentially lead to future expansion on this agricultural site

#### **In favour of the scheme**

- Protection and generation of welcome inflow to the local economy

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

## **6. RESPONSE TO CONSULTATION**

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

### **PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS**

6.2. **Adderbury Parish Council:** Objects to the application for the following reasons and making the following comments;

- Detrimental impact on neighbouring properties
- Development creep from unregulated activities
- Application of health and safety standards
- No authorisation from the Caravan Club, provision of Environment Agency approved facilities
- 'Extra' activities are not in keeping with the rural site and will cause noise and disturbance to neighbouring properties
- Further activity potentially resulting in damage to the canal bank, detrimental to wildlife and contrary to Canal Conservation Area
- Diesel storage should be properly regulated
- Visibility from the lay-by is poor and is on a fast stretch of road
- Detrimental impact on the landscape, screening should be provided

### **STATUTORY CONSULTEES**

6.3. **Oxfordshire County Council Highways:** No objections.

- 6.4. **Canal & River Trust:** On the basis that the red diesel tank is removed from the proposal no objections are raised with regard to the proposal.

#### NON-STATUTORY CONSULTEES

- 6.5. **Ecology:** Any scrub removal should be timed to avoid nesting bird season and as such an informative should be included on a decision. Landscaping should comprise of native species. Any lighting should be low level and directional to avoid sensitive habitats including the canal and hedgerow field boundaries.
- 6.6. **Landscape Services:** Did not wish to comment

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

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

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

- PSD1 – Presumption in favour of sustainable development
- SLE3 – Supporting tourism growth
- ESD8 – Water resources
- ESD13 – Local landscape protection
- ESD16 – The Oxford Canal

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

- C7 – Topography and character of the landscape
- ENV1 – Environmental pollution including noise, vibration, smell or smoke
- ENV7 – Water quality

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Adderbury Neighbourhood Plan: Pre-submissions Plan (November 2016)

### **8. APPRAISAL**

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

- Principle of development
- Impact on the character of the area
- Residential amenity and environmental pollution
- Add others as appropriate/relevant

#### Principle of development

- 8.2. Policy SLE3 of the adopted Cherwell Local Plan 2011-2031 gives support to proposals for new or improved tourist facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the district. This is partially about supporting the economy and the prosperity of the District. Paragraph 28 of the NPPF, whilst relating more specifically to the formulation of planning policies, encourages diversification of agricultural businesses and supports sustainable rural tourism that respect the character of the countryside.
- 8.3. The application form states that the use is already taking place. That informal pitches for camping and caravanning continue to have been provided without the benefit of planning permission or an Exemption Certificate from the Camping and Caravanning Club demonstrates in itself that there is a demand for such facilities. It is noted that Bo Peep camping site has closed in that time, which had been located closer to the village of Adderbury.
- 8.4. Policy ESD18 of the Cherwell Local Plan 2011-2031 seeks the protection and enhancement of the Oxford Canal corridor and also encourages recreation, leisure and tourism related use of the canal where appropriate. It does not deal, however, with tourism uses in close proximity to the canal.
- 8.5. Policy ESD15 of the adopted Cherwell Local Plan and Policies C28 and C29 of the Cherwell Local Plan 1996 seek to control the character of the built and historic environment and all new development including new buildings, extensions and conversions. C29 specifically refers to development within the vicinity of the Oxford Canal.
- 8.6. This application constitutes a change of use in a rural location and involves the temporary positioning of caravans and tents and the siting of temporary toilets it, does not constitute development per se and as such these policies are not directly relevant to the consideration of the proposal.
- 8.7. There is a general presumption in favour of supporting tourism development providing there is no identified harm arising from it in respect of other material considerations. This will be considered in the sections below.

#### Impact of the character of the area

- 8.8. Policy ESD13 of the adopted Cherwell Local plan seeks to protect the character and appearance of the landscape. It sets out that development will not be permitted if it would cause undue visual intrusion into the open countryside. This reflects the general thrust of the NPPF which seeks the protection and enhancement of valued landscapes (paragraph 109). However greatest weight is given to designated landscapes such as National Parks and AONBs.
- 8.9. The proposals are essentially a change of use of the land, for seasonal use, and as such would not result in any permanent structures or alterations to the land. The caravans and tents are all mobile structures and it would seem that, although the applicant has requested a limit to the maximum stay of 21 consecutive days, they are likely to impose shorter limits. The application has been submitted on the basis that the site would only operate between 1 March and 31 October. As such there would be no caravans or tents on site for 4 months of the year.
- 8.10. The site is not within any landscape designations but is close to the Oxford Canal Conservation Area. The site is secluded from the main B4100, screened behind a significant landscape belt adjacent to the B4100. The site is visible from within the lay-by, although partially screened behind a field hedgerow and it is only glimpsed

from the B4100 when passing the junctions with the lay-by. The only other public vantage point, within close proximity to the site, is the canal tow path. The site, in part, slopes steeply from the canal to the location where the tents and caravans are to be located, with a ridge in the land restricting direct full views between the relevant part of the site and the canal. This means that whilst the caravans and tents will be seen they would not be prominent and would be located some 80 metres from the tow path. As such they would not dominate the landscape.

- 8.11. Given the temporary nature of the structures and the fairly limited opportunities for public views to be obtained of the site it is considered that the development would not result in demonstrable harm to the visual amenities of the area or the character of the countryside. The proposal thus accords with Policy ESD13 of the Local Plan 2031 and the relevant paragraphs of the NPPF.

#### Residential amenity and environmental pollution

- 8.12. Saved Policy ENV1 of the Cherwell Local Plan 1996 and Policy ESD8 of the adopted Cherwell Local Plan 2031 set out that development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.
- 8.13. A neighbouring resident has raised concerns about the noise that has occurred as a result of the camping and caravanning activities that have taken place on the site to date and also the smells that arise as a result of barbeques.
- 8.14. The applicant has sought to alleviate concerns relating to noise by imposing quiet times between 11pm and 6am and also operating a 'child free' site. Noise that arises from maintenance of the land through mowing, also a concern raised by the neighbour, is something that could occur whether the site was being used solely for agricultural purposes or the mixed used including camping and caravanning. The noise arising from mowing would not necessarily be considered as a nuisance as it could occur in any domestic or agricultural setting.
- 8.15. The issue of smells arising from barbeques is also unlikely to be considered a nuisance or form of environmental pollution given the open nature of the site. The impacts perceived by the neighbouring property owner are likely to be reduced as a result of the applicant's intention to now impose a 15m buffer between the location of tents and caravans and the boundary wall.
- 8.16. Given the nature and extent of the proposals it is not considered that the use would result in noise and disturbance sufficient to justify refusal of the application. As such the proposal complies with saved Policy ENV1 of the Cherwell Local Plan 1996 and Policy ESD8 of the adopted Cherwell Local Plan 2031.
- 8.17. In terms of other neighbour impacts it is the case that the view from neighbouring sites, across the application site would change. However, private views cannot be protected by planning legislation. It is only if a proposal were to result in harm through scale and proximity, i.e. overbearing form of development, or through loss of light or a loss of privacy, could it be refused. In this instance, while there may be a perceived impact on privacy, there is a clear division between the application site and neighbouring residential property by way of a stone boundary wall which largely screens the ground floor windows and private amenity space of the neighbouring property. The applicant has agreed that the opportunity to plant a further boundary could be discussed with the neighbour. It is not considered that adverse neighbour impact would be sufficient enough to justify imposing a condition to require such planting to take place.

- 8.18. Saved Policy ENV7 of the Cherwell Local Plan 1996 resists development that would have a detrimental impact on surface or underground water bodies including canals. The proposal includes locating three portable toilets on site. These are maintained by a waste disposal company and as such are unlikely to have any adverse impact on water quality in the vicinity of the site. The proposed red diesel tank which was of concern to the Canal and River Trust has now been removed from the submission and as such there are no likely adverse issues arising from this proposal.

#### Highway safety

- 8.19. Despite the Local Highway Authority (LHA) recognising that the junctions at either end of the lay-by are substandard and the B4100 being a 60mph road these are existing junctions. Only two accidents have occurred in this location, on the southern access, and these have involved vehicles turning right into the lay-by and being struck by vehicles from behind. Therefore there is no link between the campsite use and the number of collisions. It cannot be demonstrated that the proposal would be detrimental to highway safety, particularly given the above and as the use subject of this application has operated for several years. Motorhomes and vehicles towing caravans are likely to turn into or out of the access more slowly than cars but will be more visible to other road traffic due to their size.
- 8.20. The LHA has considered the use of signage but considers the benefit to be negligible and as such is not pursuing additional signage.
- 8.21. Given the above and the lack of objections from the LHA the proposal accords with paragraph 32 of the NPPF, which requires safe and suitable access to the site.

#### Other issues raised by objectors and the applicant's response to objections

- 8.22. Correspondence from neighbouring residents suggests some ambiguities in the application submission with regard to the areas in which the camping and caravanning is to occur and also with the number of caravans and tents which may be accommodated on site.
- 8.23. Whilst the precise area to be used for camping and caravanning purposes has not been measured in terms of its acreage the submitted site plan is to scale and clearly identifies the areas in which caravans and tents are to be located. The lack of this detail appears to be of concern to a neighbour – it is taken to suggest that a greater number of caravans and tents could be located on the site than are currently proposed. Whilst it may be the case that the site area could support a higher number of caravans and tents and still comply with Camping and Caravanning Club restrictions the submission is clear in its intention to only seek planning permission for 10 caravans and 20 tents. This planning application is to be assessed on this basis, and in the event of an approval a condition would be imposed restricting the numbers as specified. Any increase from these numbers would require a further planning application, which in turn would be considered on its own merits.
- 8.24. Concern has also been expressed about events which take place on the site at various times throughout the year. The precise nature of all of these events is not known but the applicant has provided information which suggests that touring theatre companies visit on an annual basis and attract significant numbers of spectators. It is likely that these events are being carried out under the temporary uses permitted development rights which allow for temporary uses to occur for no more than 28 days a year, subject to compliance with other restrictions. These events do not form part of the consideration of this application.

8.25. The applicant has been proactive in seeking to address the concerns of the Parish Council and neighbouring residents. The responses to the objections can be viewed in full on the Council's website. However, the following points are made, in summary;

- Adderbury Neighbourhood Plan encourages local employment and small-scale local business and lists the Pig Place as a community asset to be supported and protected
- The Neighbourhood Plan sets out that proposals for tourism along the Oxford Canal will be supported
- Willing to make some concessions regarding the extent of the buffer between the camping area and neighbouring property and happy to discuss new planting along the boundary
- The application seeks to regularise the non-agricultural activities (camping and caravanning) taking place on the site
- Legislation with regard to Environmental Health and the mixed use of land for camping and caravanning is complied with
- The canal bank will remain unaltered

## **9. PLANNING BALANCE AND CONCLUSION**

9.1. The proposal encourages tourism within the district an obvious benefit to the district. Sustainable development remains the key consideration when determining planning applications. There are three dimensions to sustainable development, those being the economic role, social role and environmental role. Whilst the Council's local plan policies do encourage tourism related development in sustainable locations, camping and caravanning sites, by their very nature, can be appropriately located in both edge of urban and rural locations. This particular location, being close to the Oxford Canal is in itself a tourist attraction, and the villages of Adderbury and Aynho are within a short driving or cycling distance. This proposal also results in the diversification of an existing small holding which would struggle to continue operating without the additional income from alternative uses.

9.2. The site is not within any landscape designation but the canal conservation area abuts the site. Due to the temporary and transitory nature of the proposals and the semi-secluded location of the site it is not considered that it will result in any significant landscape and visual harm or harm to the setting of the canal conservation area.

9.3. Neighbouring properties may be conscious of the use taking place on site and would have sight of the tents and caravans in situ but it is unlikely that there would be demonstrable harmful effects arising from the use such that would justify refusal of the application. Given the use has already been operating for several years it is not considered reasonable to grant a temporary consent. Planning conditions can be imposed to limit the number of caravans and tents permitted on site at any one time, the approximate areas of the site in which they can be located and the months during which camping can take place. However, the hours during which the campsite is to be 'quiet' and the fact that the site is proposed to be 'child-free' are not matters which can easily be enforced. As such these controls would be imposed by the operators of the site or additional legislation in place to monitor and control noise and disturbance.

- 9.4. Based on the above considerations it is concluded that the proposal complies with the relevant local plan policies. The proposal has economic and social benefits for the District and there are no adverse environmental impacts. As such the proposal constitutes sustainable development and is recommended for approval subject to conditions set out below.

## **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, supporting statement dated February 2017, Plan 1 (site layout), Plan 3 (Location of portable toilets and washing up area), Plan 4 (site location plan), Item 1 (details of portable toilets), Item 2 (details of washing up area).

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 site shall accommodate not more than 10 caravans/motorhomes and 20 tents at any one time.

Reason: In order to safeguard the amenities and character of the area and in the interests of highway safety and to comply with saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No caravans, motor caravans or tents shall be stationed anywhere on the land for more than 28 consecutive nights and a register of occupiers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason - In order to limit the use of the site to that of touring and not long-stay residential caravans and tents to comply with Government guidance contained within the National Planning Policy Framework.

5. No caravan, motor caravan or tent shall occupy the site during the period before 1st March or after 31st October in any calendar year.

Reason - The occupation of the site on a permanent basis by caravans or tents would be contrary to saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Notwithstanding the details shown on Plan 1, there shall be 15 metre buffer along the western boundary within which no tent, caravan or motorhome is permitted to be pitched or parked.

Reason - In the interests of amenity and to comply with saved Policy ENV1 of



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

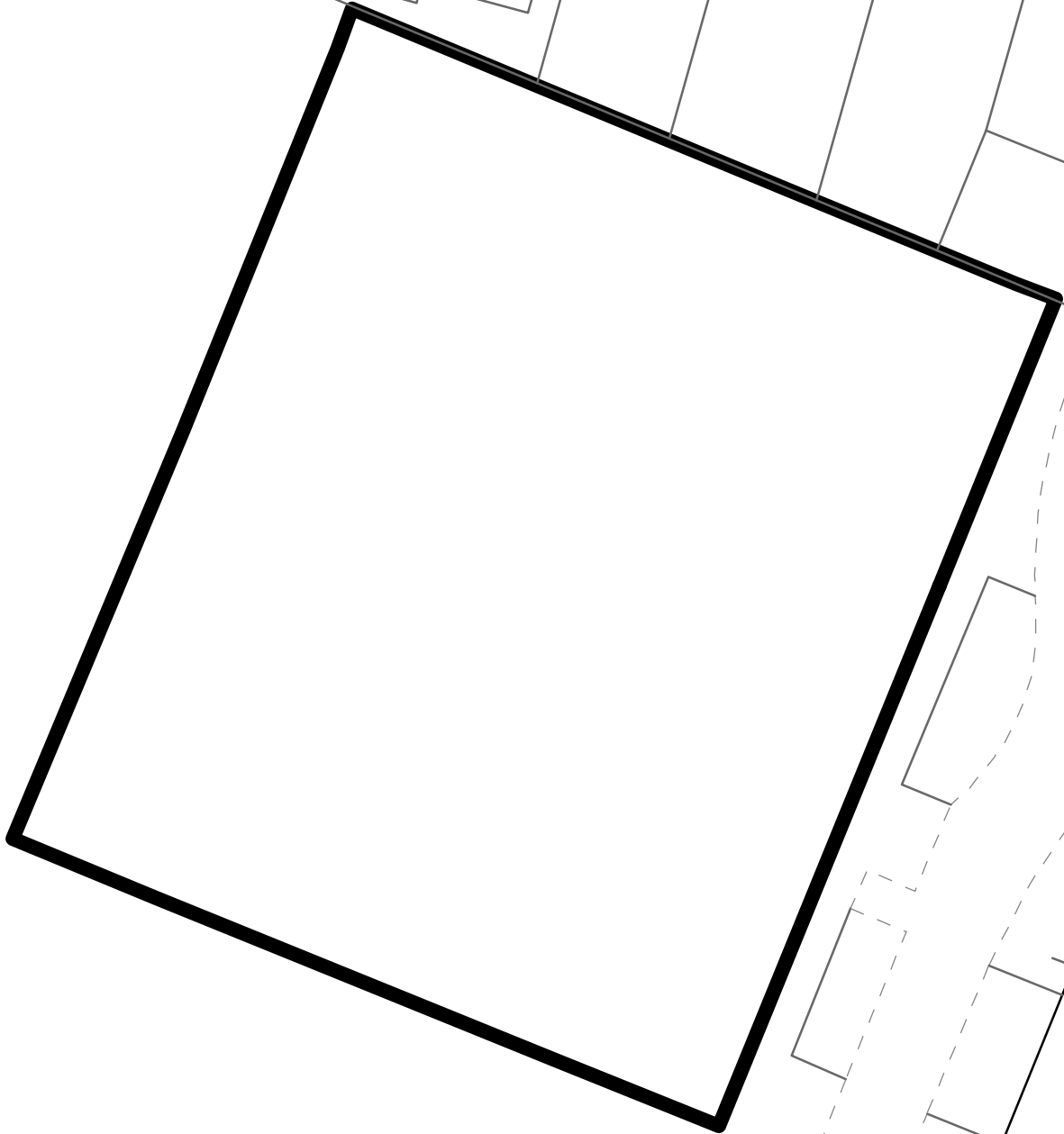
PLANNING NOTES

1. The permission does not grant planning permission for fuel tank which formed part of the original application.

CASE OFFICER: Caroline Roche/Nathanael TEL: 01295 221816/221886  
Stock

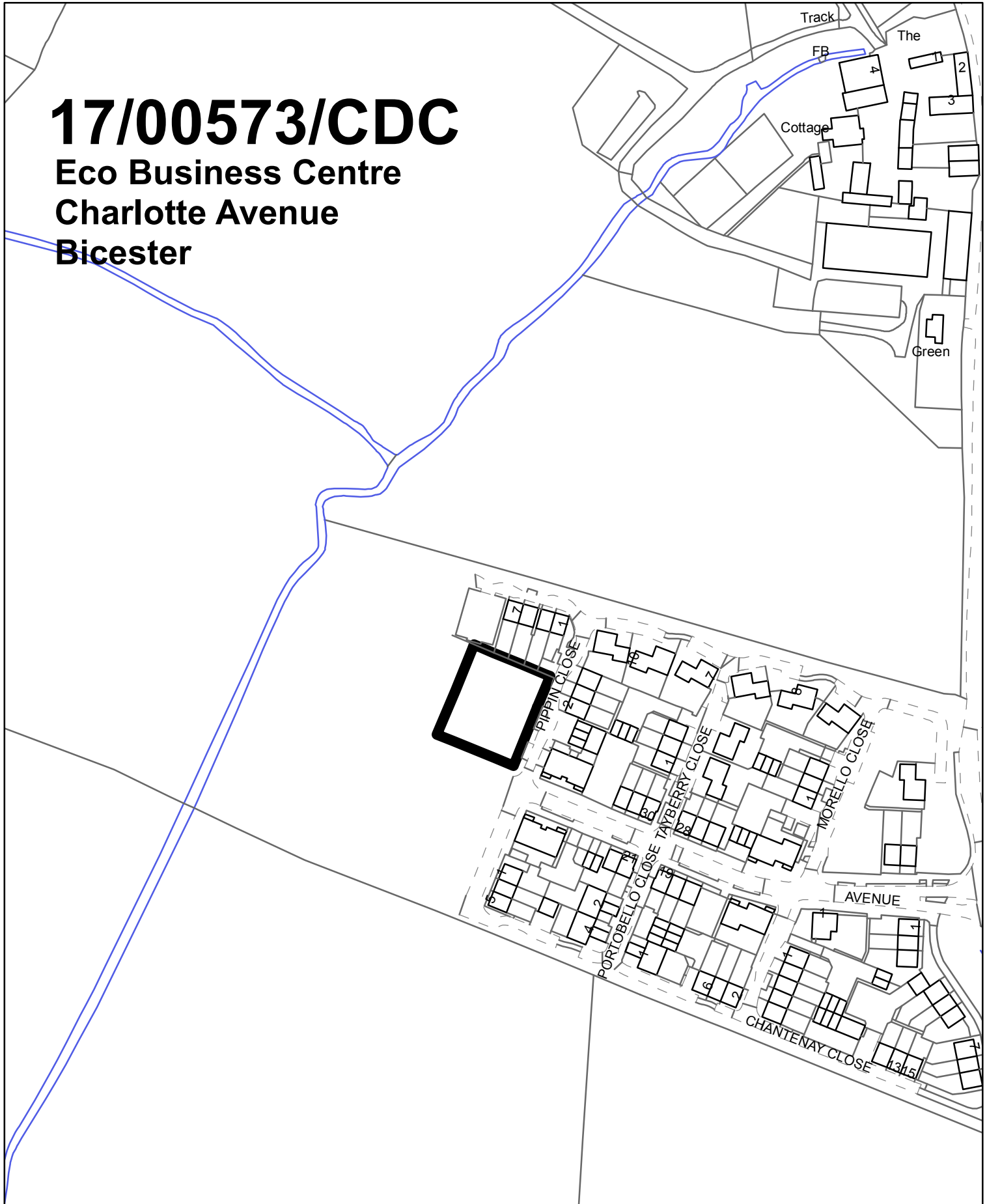
# 17/00573/CDC

Eco Business Centre  
Charlotte Avenue  
Bicester



# 17/00573/CDC

Eco Business Centre  
Charlotte Avenue  
Bicester



1:2,000

|                             |  |                                    |
|-----------------------------|--|------------------------------------|
| <b>Applicant:</b>           | Cherwell District Council  |                                    |
| <b>Proposal:</b>            | Development of Eco-Business Centre (Use Class B1) within new local centre (ref. 15/00760/F) with associated access, servicing, landscaping and parking, with a total GEA of 1385sqm. |                                    |
| <b>Ward:</b>                | Bicester North And Caversfield   |                                    |
| <b>Councillors:</b>         | Cllr Nicholas Mawer<br>Cllr Lynn Pratt<br>Cllr Jason Slaymaker   |                                    |
| <b>Reason for Referral:</b> | Major Application submitted by Cherwell District Council   |                                    |
| <b>Expiry Date:</b>         | 12 June 2017   | <b>Committee Date:</b> 18 May 2017 |
| <b>Recommendation:</b>      | Approval; subject to the requirements at the end of this report  |                                    |

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The site for the Eco Business Centre sits to the North West of Bicester, to the west of the B4100 Banbury Road and within the Exemplar site, now known as Elmsbrook. The site is 0.137ha in area and sits adjacent to the area of the site set aside for a local centre and is to be accessed from Charlotte Avenue, the main street through the site. The land is currently vacant, with residential dwellings to the north and east.
- 1.2. In terms of site constraints, the site has some potential for ecology; however there are no other recorded constraints. The site levels slope slightly down from east to west.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The application seeks planning permission for an Eco Business Centre for uses within Class B1. The building would have a gross external area of 1385sqm and would be 24.2m in length (29.8m length when the stairway/ balconies are taken into account), 18.5m deep and would provide office accommodation arranged over three floors. The building would include a flat roof and be 11.5m in height to the ridge, albeit the shading fins would extend higher, taking the overall height to 12.5m. Due to the land level changes, the building would be slightly higher at the western end. The building would be fully enclosed by timber shading fins, which rise on the south western corner creating a feature.
- 2.2. The proposal also seeks permission for access, servicing, landscaping and parking.

## **3. RELEVANT PLANNING HISTORY**

3.1. The following planning history is considered relevant to the current proposal given it relates to the rest of the Local Centre area, adjacent to the Eco Business Centre site:

| <u>Application Ref.</u> | <u>Proposal</u>  | <u>Decision</u> |
|-------------------------|--|-----------------|
| 10/01780/HYBRID         | Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 393 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined. | Approved        |
| 15/00760/F              | Development of a new Local Centre comprising a Convenience Store (use class A1), Retail Units (flexible use class A1/A3/A5), Pub (use class A4), Community Hall (use class D1), Nursery (use class D1), Commercial Units (flexible use class A2/B1/D1) with associated Access, Servicing, Landscaping and Parking with a total GEA of 3,617 sqm  | Approved        |

3.2 The S106 agreement for 10/01780/HYBRID includes a schedule which secured serviced land for an Eco Business Centre and provision for it to be transferred to the District Council for the purpose of an eco-business centre.

3.3 Application 15/00760/F established the detail for the rest of the local centre area, adjoining the Eco Business Centre site. This application indicatively showed the Eco Business Centre as part of the plans and how the building could be accommodated alongside that approved design.

**4. PRE-APPLICATION DISCUSSIONS**

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

|                         |                 |
|-------------------------|-----------------|
| <u>Application Ref.</u> | <u>Proposal</u> |
|-------------------------|-----------------|

|                 |   |
|-----------------|---|
| 16/00363/PREAPP | Development of an Eco Business Centre to provide business incubation and innovation space to support SMEs |
|-----------------|---|

4.2. The advice provided support to the principle for an Eco Business Centre on the land identified. It raised some comments upon the design concept and the relationship of this to the context of the building including the rest of the approved local centre as well as the proposed materials to be used. The advice also considered the requirements of Policy Bicester 1 and the SPD in terms of the high standards sought in order to achieve a zero carbon development.

## 5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 20.04.2017, although comments received after this date and before finalising this report have also been taken into account.

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

- Hope the Business centre will be designed and planned with consideration for the residents, particularly those who back onto the site.
- Consideration of natural light into the garden is needed as the gardens are south facing.
- Hope there are no windows at the back of the building to ensure resident's privacy is not invaded. If windows are proposed they should be obscurely glazed.
- Request there are no security lights that will shine into the house or windows as this could be disruptive.
- Bins and bin collections should be away from the back of the house to avoid problems with rodents as well as potential noise disruption from bin collections.
- Generators should be kept away from the back of the Business Centre to keep noise to a minimum.
- Operating hours are queried.

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

## 6. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. **Bicester Town Council:** No objections but concerns are expressed that the level of parking provision is adequate.

### CHERWELL DISTRICT COUNCIL CONSULTEES

- 6.3. Landscape Architect: Clarification is required in respect of NPS sizes for the shrubs and hedgerow material and pot sizes for the herbaceous material. Medium to large HTA nursery stock is required to ensure an initial enhanced landscape effect.
- 6.4. Business Support Unit: It is estimated that this development has the potential to secure Business Rates of approximately £31,353 per annum under current arrangements for the Council.
- 6.5. Ecology: The landscaping plans appear to be appropriate and the proposed native hedgerow planting is welcomed. Ideally, bat, bird and invertebrate boxes should be included on the plans to provide opportunities for these species but it is understood that these will be provided elsewhere within the Exemplar phase to provide biodiversity net gain as part of the wider development site and as such, the plans provided are acceptable.

#### OXFORDSHIRE COUNTY COUNCIL

- 6.6. Transport: No overall objections. The following key issues are raised:
- More detail is sought regarding the frontage of the building and its position fronting Charlotte Avenue as the layout is different to the indicative local centre layout (meaning that there would be less public space available between the bus stop, cycle parking and trees and the building frontage and as the parking layout would not allow for the same circulation route and changes the arrangement of spaces).
  - Disabled spaces should have a 1200mm buffer around their 3 applicable edges
  - Swept path analysis for an 11.6m refuse vehicle should be submitted.
  - Contributions to various highway mitigation measures have already been secured through application reference 10/01780/HYBRID.
  - Trip generation analysis was undertaken as part of planning application 10/01780/HYBRID, in which all the land uses of the Exemplar site were broken down.
  - The indicative plan for the local centre is approved; therefore more parking spaces would be difficult to insist upon. 21 spaces are provided (including two disabled spaces). This is slightly less than the approved local centre plan, however in light of the ethos behind the Exemplar site and the public transport links to the area, this is considered adequate.
  - Visibility splays within the site should match those in Manual for Streets for the design speed of the road and be included in areas of adoptable highway with no obstructions above 600mm.
  - Highway materials/ construction methods would be approved if submitted for adoption as a S38 agreement.
  - The proposed permeable paving and soakaway system together as described in the applicant's Drainage and SUDs Strategy report should be used at the site in order to meet the SuDS water quality objective. No private drainage is to discharge onto the existing highway, or any area of proposed adoptable highway.

#### OTHER EXTERNAL CONSULTEES

- 6.7. Thames Water: No objection with regard to sewerage or water infrastructure capacity.
- 6.8. Bioregional support CDC in the NW Bicester project as well as A2 Dominion in its role as a major housing provided on the site. Some detailed comments are provided in relation to the Daylight and Overheating reports and in relation to the need for

additional information to be sought in respect to how the residual carbon emissions would be offset.

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

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE2: Securing Dynamic Town Centres
- BSC12: Indoor sport, recreation and community facilities
- ESD1: Mitigating and adapting to climate change
- ESD2: Energy Hierarchy and Allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD15: The Character of the Built and Historic Environment
- Policy Bicester 1: North West Bicester Eco Town
- INF1: Infrastructure

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

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Eco Towns Supplement to PPS1
- NW Bicester Supplementary Planning Document

## **8. APPRAISAL**

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

- Principle of the development and Planning History
- Employment
- Zero Carbon
- Climate Change Adaptation



- Local Services and Healthy Lifestyles
- Design
- Landscape and Historic Environment
- Green Infrastructure
- Transport and Highway safety
- Biodiversity
- Water
- Flood Risk and drainage
- Waste
- Master Planning and transition
- Community and Governance
- Pre-application community consultation & engagement
- Conditions and Planning Obligations
- Other matters

#### Planning History/ Context

- 8.2. The site sits within a large site allocated for development by Policy Bicester 1 of the Cherwell Local Plan 2011-2031 for a new mixed use zero carbon development including 6000 homes, employment development and associated infrastructure. The site also sits within the red line site area for an area of the site granted permission for the Exemplar phase of development at NW Bicester (10/01780/HYBRID). Development has commenced on that site (now known as Elmsbrook) and occupations have occurred on the Phase 1 area. That permission granted outline planning permission for an Eco Business Centre (of up to 1,800 square metres) within the area of the site subject to this planning application. The role of the Eco Business Centre was identified as being to provide high quality space to attract inward investment, to support the marketing of Bicester as a location for green technology and sustainable construction, to support innovative businesses and provide business incubation space and support home working on the development.
- 8.3. Based on this and to secure the provision of the Eco Business Centre, the S106 required the developer to service a site for the Eco Business Centre and then make an offer to transfer the serviced site to the District Council prior to the occupation of 100 dwellings. The legal agreement relating to the transfer is required to include a restrictive covenant that the Eco Business Centre site shall not be used other than for the purposes of an Eco Business Centre (or such other purpose that benefits the Development). This has therefore established the principle of an Eco Business Centre.
- 8.4. Following the approval of 10/01780/HYBRID, a full planning application for a local centre at Elmsbrook was submitted and was approved in July 2016 (15/00760/F). This application sought permission for a range of uses including retail, community uses, a public house and office space. The approved scheme for the local centre includes 614sqm of B1 office space, which is lower than was allowed for under the HYBRID permission, however was accepted on the basis of making sure that the local centre was a viable proposition.

#### Principle of the development and Employment

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

- 8.6. The Cherwell Local Plan seeks to support sustainable economic growth across the Cherwell District. This is in line with the Framework, which encourages sustainable economic development to deliver the homes, business and thriving local places that the Country needs (para 17). Strategic employment sites are identified and Policy SLE1 requires that employment development on those allocated sites will be of the employment type specified in each site policy. As referred to above, Policy Bicester 1 allows for employment development as part of the overall allocation for NW Bicester. This is allowed for in the form of a Business Park (elsewhere on the Masterplan site), within local centre hubs and as part of mixed use development. The policy requires that applications for eco town proposals should demonstrate how access to work will be achieved in order to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling or public transport. This requirement reflects the ambitions of the Eco Towns PPS and is also reflected within the NW Bicester SPD.
- 8.7. The policy seeks development across the site within the range of B use classes (stating B1, with limited B2 and B8 uses). Within mixed use local centre hubs, employment is also allowed for, in the form B1a (amongst other A, C and D uses).
- 8.8. The Masterplan for the site indicates three predominant local centre areas including at the Exemplar (additionally, a further mixed use area adjacent to the Middleton Stoney Road is proposed on the site known as Himley Village, which has a resolution for approval). The Eco Business Centre would sit within the Elmsbrook Local Centre and provide B1 floor space contributing to the mix of uses there. The SPD refers to the estimates within the North West Bicester Masterplan Economic Strategy which identifies that 1000 jobs could be provided within the local centres, comprising a range of uses including office space. The SPD identifies that low carbon target sectors should be pursued.
- 8.9. As explained, the principle of an Eco Business Centre has been established by the grant of permission for the Exemplar phase of the Eco Town (which included outline permission for this use). However, it also complies with the requirements of Policy Bicester 1, given it would contribute to the provision of a mix of uses within a local centre, it would provide B1a office space and it would contribute to providing employment opportunities within easy reach of the dwellings on the site and thus in a sustainable location.
- 8.10. With regard to job numbers, the Economic Strategy for the Exemplar anticipated 320 jobs being created across the Exemplar site. This included 90 jobs within B1 uses and 110 jobs within the Eco Business Centre (which was allowed for up to 1800sqm floor space). The Economic Strategy supporting the Local Centre application anticipated 323 jobs, with 37 within B1 uses and 116 within the Eco Business Centre (including a visitor centre - albeit the Eco Business Centre site sat outside that planning application). The current application includes an Economic Strategy. This demonstrates that 125 desk spaces would be provided (within the proposed floor space of 1385sqm floor space) therefore meeting the number of jobs identified within the site wide economic strategy. The proposal would therefore contribute to the on site employment opportunities and reduce journeys away from the development.
- 8.11. The Economic Strategy supporting the application for the Eco Business Centre explains that the centre will be operated to provide accommodation for entrepreneurs, small businesses and home workers, with areas focussed on innovation and low carbon. In order to progress the scheme, the Council procured some work to look at an issues and options appraisal for the site. This identified that serviced office space for small enterprises was performing well within the area with high levels of occupancy and was particularly attractive to fledgling companies. The

aim is therefore to provide flexible and versatile workspace for small and start up businesses to complement the existing space provided locally. The accommodation would include flexible hot desking areas and small office accommodation grouped around a central atrium which will encourage networking. It also provides for 3 meeting rooms, which could be let out and business support for companies is also to be provided. In order to operate the desk space in the co working space, it is intended to operate a membership arrangement, allowing start ups, home workers and sole traders the opportunity to access the centre in a cost effective way without long term commitment.

- 8.12. The S106 for the Exemplar sought an Employment, Skills and Training Plan in order to improve local skills, improve access to job opportunities and to secure the provision of apprenticeships for the construction period. The application notes that the appointed Contractor will provide a separate statement addressing the employment and training opportunities that will arise during construction. A condition is recommended in relation to this matter.
- 8.13. Given the above, it is concluded that the principle of an Eco Business Centre, which is a B1a use class is acceptable on the site proposed. It would also contribute to the provision of jobs across the site and support sustainable economic growth as well as contributing towards reducing unsustainable commuter trips. The building itself would provide flexible space for new and small businesses and entrepreneurs with an emphasis on innovation and low carbon sectors contributing to the wider economic strategies for the NW Bicester site as a whole. This is in compliance with Policy Bicester 1 of the Cherwell Local Plan and the NW Bicester SPD in the view of Officers.

#### Zero Carbon

- 8.14. The Eco Towns PPS at standard ET7 states;

*The definition of zero carbon in eco-towns is that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below. The initial planning application and all subsequent planning applications for the development of the eco-town should demonstrate how this will be achieved.*

- 8.15. This standard is higher than other national definitions of zero carbon as it includes the carbon from the buildings (heating and lighting = regulated emissions) as with other definitions, but also the carbon from the use of appliances in the building (televisions, washing machines, computers etc = unregulated emissions). This higher standard is being included on the exemplar development which is being referred to as true zero carbon.
- 8.16. The NPPF identifies at para 7 that environmental sustainability includes prudent use of natural resources and the mitigation and adaptation to climate change including moving to a low carbon economy. Para 93 identifies that '*Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.*'
- 8.17. The Cherwell Local Plan policy Bicester 1 seeks development that complies with the Eco Town standard with the whole development being identified as a 'zero carbon mixed use development' and therefore infrastructure to achieve this supported. Policy ESD2 seeks carbon emission reductions through the use of an energy

hierarchy, Policy ESD3 seeks all new residential development to achieve zero carbon and for strategic sites to provide contributions to carbon emission reductions, Policy ESD4 encourages the use of decentralised energy systems and ESD5 encourages renewable energy development provided that there is no unacceptable adverse impact.

- 8.18. The NW Bicester SPD refers to the approach to energy and carbon dioxide reduction within the Masterplan Energy Strategy. This involves the use of large scale solar on all roofs, energy efficient buildings and a network of energy centres providing gas and biomass combined heat and power which will require a district heating network. The SPD emphasises that each application will need to be supported by an energy strategy and comply with the definition of true zero carbon. This should set out how the proposed development will achieve the zero carbon targets and set out the phasing. Additionally, applicants will be encouraged to maximise the fabric energy efficiency of buildings.
- 8.19. At Elmsbrook, a gas combined heat and power energy centre is on site, which connects to each home via a district heating network. This, alongside solar PV on the roofs and energy efficient buildings, works towards the achievement of the zero carbon target.
- 8.20. The current application is accompanied by an Energy Statement. This sets out that the design approach for the building is to reduce energy consumptions through efficient design of the building envelope and the incorporation of passive measures, the reduction of energy consumption through the specification of efficient building services and to use renewable energy systems. The design incorporates a number of measures to help minimise energy and water use; a fabric first approach is adopted to help reduce energy loss, with a highly insulated façade, the building will have an air tightness rating that will reduce the heat loss from the building during winter through air infiltration, mechanical ventilation will be used during the winter to provide a comfortable and draught free environment to the end user, natural ventilation during the summer via secure openable vents and good daylighting to be provided as well as monitoring enabled through the use of submeters. In particular, external shading is provided via the proposed brise soleil, which contributes to reducing solar gains and therefore maintaining comfortable internal temperatures. The building will also have exposed concrete floor constructions in order to maximise the thermal mass of the structure helping to limit peak temperatures in the summer.
- 8.21. The Energy Statement also considers the likely energy demand of the building and carbon emissions. As well as the passive design and efficient building services identified, it is then proposed to connect the site to the district heating network to provide space heating and hot water generation for the Business Centre. Roof mounted solar PV is also proposed, in order to reduce carbon emissions still further. It is predicted that 147 panels could be accommodated on the available roof slope and this would also contribute to carbon dioxide savings. There would however be a residual level of carbon dioxide emissions that could not be mitigated for on site, therefore not meeting the zero carbon standard on the building itself. Whilst this is unfortunate, it is difficult for one standalone building to meet the required zero carbon standard when seen alone. In order to mitigate for this and offset the residual carbon dioxide, it is proposed to provide an offsite solution, which it is understood would involve the provision of PV on other Council owned buildings within Bicester. In the circumstances, this is considered to be an appropriate and acceptable way forward and would meet the requirements of the policies outlined. It is however considered necessary for a condition to be used to secure details of the offset scheme including how this would be provided, where and how long after the construction of the building the offset scheme would be completed.

8.22. The application is also accompanied by a carbon management plan, as required by Policy Bicester 1. This provides some additional information upon embodied carbon within the materials to be used (in order to guide the choice of materials – e.g. concrete and timber), how waste will be managed on site, how methods of transportation will be managed (both in terms of personnel and deliveries) and how the site will be generally managed during the construction process to save energy. These are considered to be positive measures that will contribute in making the construction process more sustainable.

#### Climate Change Adaptation

8.23. The Eco Towns PPS at ET8 advises;

*Eco-towns should be sustainable communities that are resilient to and appropriate for the climate change now accepted as inevitable. They should be planned to minimise future vulnerability in a changing climate, and with both mitigation and adaptation in mind.*

8.24. The Cherwell Local Plan policy ESD1 seeks the incorporation of suitable adaptation measures in new development to make it more resilient to climate change. Policy Bicester 1 requires all new buildings to be designed incorporating best practice in tackling overheating. The NW Bicester SPD also provides details on how development should be designed to incorporate best practice on tackling overheating as well as taking into account orientation and passive design principles amongst a number of other criteria.

8.25. Work was undertaken by Oxford Brookes University and partners, with funding from the Technology Strategy Board (now innovate UK), in 2011/12 looking at future climate scenarios for Bicester to 2050. Climate Change impacts are generally recognised as;

- a) Higher summer temperatures
- b) Changing rainfall patterns
- c) Higher intensity storm events
- d) Impact on comfort levels and health risks

8.26. The Design for Future Climate project identified predicted impacts and highlighted the potential for water stress and overheating in buildings as being particular impacts in Bicester. Water issues are dealt with separately below. For the exemplar development consideration of overheating led to the recognition that design and orientation of dwellings needed to be carefully considered to avoid overheating and in the future the fitting of shutters could be necessary.

8.27. The application is accompanied by an overheating analysis. The report demonstrates that when tested, the building is not predicted to suffer from overheating. In mitigating the future high temperature risks, the current design incorporates inward opening secure vents to enable users to regulate temperatures during the day and to allow overnight purge ventilation, horizontal and vertical shading devices to reduce solar gains, exposed thermal mass to reduce the peak temperatures and internal blinds. The document also identifies some further future adaptations that could be utilised. It is clear that the design of the building has fully considered the issues of overheating and that the design of this directly responds to reducing the risk. Bioregional have however queried some points of the overheating assessment, including overheating implications in the future climate scenarios and particularly, how these meet the relevant BREEAM targets. These points have been raised with the applicant in order to seek a response. Design will be discussed in more detail later in this report.

- 8.28. A daylighting analysis has also been undertaken. This demonstrates that the daylight levels for most of the occupied spaces in the model are predicted to be above the targets, except for the middle offices and meeting rooms. The report does find that the atrium is predicted to be well day lit with the configuration of roof lights and there is good penetration to ground floor level, but the ground floor space is predicted to be below the standard. The report considers this as a circulation space rather than occupied, however the floor plans do indicate this as a hub space, equipped with tables and it may therefore attract some users to work in this area. Bioregional have queried some points of the daylighting assessment, including that some rooms will be relatively dark (the implication of which will be the more regular use of internal lights) and particularly, how these meet the relevant BREEAM targets. These points have been raised with the applicant in order to seek a response. Ultimately, there will need to be a balance between the design of the building in terms of maximising daylighting against the level of overheating that would be experienced and the other alternatives available (i.e. use of artificial lighting inside).
- 8.29. As part of the application, a BREEAM pre-assessment summary has been provided. BREEAM is a sustainability assessment rating, which assesses each scheme against performance benchmarks. This has concluded that the proposed Business Centre could meet rating Excellent (with the score predicted to be higher than the minimum Excellent rating). This is very positive, indicates the high sustainability credentials of the building and exceeds the Local Plan requirement for new non residential buildings to achieve BREEAM Very Good with the capability of achieving BREEAM Excellent. Whilst there are some outstanding queries as referred to above, it is clear from the preceding two sections that the building is proposed to be constructed and operated at a high environmental standard as required by Local Policy.

#### Local Services and Healthy Lifestyles

- 8.30. The Eco Town PPS and the NW Bicester SPD identify the importance of providing local services that contribute to the wellbeing, enjoyment and health of people. It also highlights the importance of the built and natural environment in improving health by enabling residents to make healthy choices.
- 8.31. The site for the proposed Eco Business Centre is situated within one of the local centres provided for the site. It would provide office accommodation and be amongst other local services within this area, it is therefore positioned such that it will be in an accessible location within walking distance of homes. Additionally, the building would be easily accessible via sustainable modes, including public transport, cycle and foot, with necessary infrastructure provided to encourage this (including cycle stands for example). This will also contribute towards helping residents make healthy lifestyle choices. Local services must also be provided as attractive places where people want to meet and spend time (this matter will be discussed under the design section of this report).

#### Design and impact upon the amenity of nearby residential dwellings

- 8.32. The NPPF makes it clear that good design is a key aspect of sustainable development. It states that Local Planning Authorities must aim to ensure that developments establish a strong sense of place, to function well and add to the overall quality of the area and to respond to local character and history. At the local level, saved policy C28 of the Adopted Cherwell Local Plan 1996 states that 'control will be exercised over all new development, including conversions and extensions to ensure that the standards of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of

that development'. Policy ESD15 of the Adopted Cherwell Local Plan 2011-2031 advises that design standards for new development whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. Policy Bicester 1 has a further 33 design and place shaping principles. These requirements include contributing to the areas character, respect traditional patterns and integrate, reflect or re-interpret local distinctiveness, promote permeability, take a holistic approach to design, consider sustainable design, integrate and enhance green infrastructure, include best practice in overheating, enable low carbon lifestyles, prioritise non car modes and support sustainable transport, providing a well-designed approach to the urban edge, respect the landscape setting, visual separation to outlying settlements, provision of public art.

- 8.33. As referred to, the rest of the Local Centre for Elmsbrook benefits from a planning permission. The design of this has therefore been assessed and considered acceptable. This took reference from the design principles set out within the design and access statement that accompanied the HYBRID application (including the continuous arcade arrangement with feature corner bookend buildings and set back slightly from the footways to give footways that are useable spaces). The distribution of materials has also been agreed and this included the use of a brick contrast detail on the bookends of the local centre. The plans indicated the Eco Business Centre and demonstrated how it could be accommodated in line with the design of the local centre.
- 8.34. The design of the proposed Eco Business Centre does not follow the design approach for the rest of the local centre, representing a bold, contemporary design albeit elements of the design principles have been re-interpreted in relation to this building as described in the design and access statement. The scale of the building is relatively large; given its form is a large square rather than the 'L' shape previously indicated (albeit this change creates a more sustainable and efficient form as well as improving the internal layout). The building would be striking in appearance given it is proposed to be enclosed by a timber brise soleil (which represents a functional feature as explained in terms of external shading contributing to reducing overheating) and taking into account the materials to be used. The brise soleil would extend from the first floor up and rise slightly higher than the ridge of the building. They would also rise on the south west corner of the building indicating the entrance, which sits to the western end. The brise soleil would also aid in shielding some elements of the building (such as the exposed concrete floors and the maintenance walkways), and would be attached to an outer frame to not breach the air tightness of the building.
- 8.35. The height of the building would be consistent and would be slightly lower than the indicated 'bookend' could be (on the plans approved by 15/00760/F for the local centre), and lower than the height of the approved bookends elsewhere on the approved local centre plans. However, it would still form a feature 'end' building within the extent of the local centre, which in the view of Officers would have a similar character. The building also includes an external balcony area to its western end and would be detached from the rest of the local centre (which would require an amendment to the approved design, which indicated a 'fly over' arrangement). The Council's Urban Designer expressed some concern that the result of this would break up the continuous arcade arrangement. Officers would agree that this would occur and this does move the concept of the local centre away from the original intentions, however on balance this is not considered to be unacceptable and additionally, whilst the balcony area would inevitably be more open than the rest of the building, it could continue to be enclosed by the brise soleil therefore reducing

the impact to an acceptable degree. The position of the balconies and the fact it would be enclosed by the brise soleil would be acceptable in terms of its impact upon residential amenity. The building also aims to reinterpret the covered walkway provided for the rest of the Local Centre by the brise soleil shading device and walkway.

- 8.36. The current proposal for the building in terms of materials is for the building to be clad in a sinusoidal aluminium vertical cladding, with a plinth (indicated in render). There are a number of louvres proposed to be constructed with a PPC finish and triple glazed passivhaus windows. Steel columns and the exposed concrete floors would also be provided. The brise soleil are indicated to be provided as a European Larch timber and would vary in depth and distance to the building as dictated by which orientation they face. The materials proposed would contribute to the striking appearance of the building and the extent of the aluminium vertical cladding would give the building a rather industrial feel. The use of the cladding has raised some concern with Officers in terms of its suitability in terms of enclosing the building as a whole and as such, a visualisation has been sought so that the impact of the materials can be assessed. It is hoped that this will be available in advance of committee. In any event, it is recommended that a planning condition be imposed to seek a final palette of materials and samples (Officers are aware of ongoing discussions as to the materials to be chosen), which could allow for further negotiations should this be considered necessary.
- 8.37. The relationship of the building to the rest of the local centre, taking into account the design approach proposed has raised some reservations with Officers, however, on balance taking into account the sustainable nature of the building, which has impacted upon design, alongside the creation of a contemporary, bold building, Officers consider that the building would be acceptable. A street scene has also been sought to demonstrate how the building would sit within its context with the approved local centre. Taking into account the above, and on balance, Officers conclude that the proposed design is acceptable, representing an exciting, contemporary addition to the Exemplar site, providing materials are agreed.
- 8.38. To the rear of the Eco Business Centre site are a row of dwellings situated and now occupied within the Phase 1 site area. The distance between the rear of the proposed building and the rear of the Eco Business Centre is 33m at its closest point, extending to 35m. The height of the building is 11.4m to the ridge, albeit the shading fins extend slightly higher taking the overall height to 12.5m. Taking into account the distance, it is unlikely that a significant adverse impact would be experienced by these neighbouring properties by way of loss of light or over dominance. The building is clearly larger in scale than a residential dwelling would often be, however this area is set aside for non-residential uses, including other local centre uses, which often have a greater scale. In any event, given the height and the distance, Officers consider the likely impact upon residential amenity to be acceptable. The building would include windows to the north elevation of the building, which would look northwards. It is noted that a neighbouring property has raised some concern that this could result in lack of privacy. Whilst at a distance of no less than 33m, the potential for loss of privacy is limited; in this case, the building is enclosed by the brise soleil therefore shielding the windows to a degree. In the view of Officers these would also be acceptable in terms of the impact upon residential amenity. Given the relationship of the development to the apartment block to the east, there is not considered to be a significant impact upon residential amenity there. Overall, Officers conclude that the amenity of existing and future development would be protected, in line with Policy ESD15 and the Framework.

Landscape and Historic Environment



- 8.39. The Eco Town PPS advises that planning applications should demonstrate that they have adequately considered the implications for the local landscape and historic environment to ensure that development compliments and enhances the existing landscape character. Measure should be included to conserve heritage assets and their settings. The NPPF recognises the intrinsic character and beauty of the countryside (para 17). The NPPF advises that where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. Adopted Cherwell Local Plan Policy Bicester 1 requires 'a well-designed approach to the urban edge which related development at the periphery to its rural setting' and development that respects the landscape setting and demonstrates enhancement of wildlife corridors. A soil management plan may be required and a staged programme of archaeological investigation. Policy ESD13 advises that development will be expected to respect and enhance the local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 8.40. The application does not include a landscape and visual assessment, however given the site sits within the extent of the Exemplar site and would be of a similar scale to other development on the site (including within the local centre area), it is unlikely that the local landscape character would be harmed by this proposal.
- 8.41. The layout of the site provides for car parking to the rear (in line with that accepted through the local centre application), and with the bin store provided to the rear. The application is also accompanied by a landscaping scheme, within the areas of the site that could accommodate landscaping. This includes areas to be provided as mixed shrubs, grasses and perennials and a mixed native hedgerow to the eastern side of the site. The Landscape Officer has not raised objection to the landscaping scheme, other than to seek some additional information around plant sizes and this information has been sought. The mixed native hedgerow also has benefits in terms of biodiversity which is positive. Given the above, it is considered that the landscape scheme is acceptable. A condition is recommended to seek the additional information around plant sizes, albeit if this is provided in advance, this condition could be removed.

#### Green Infrastructure

- 8.42. The PPS requires the provision of forty per cent of the eco-town's total area should be allocated to green space, of which at least half should be public and consist of a network of well-managed, high quality green/open spaces which are linked to the wider countryside. Adopted Cherwell Local Plan Policy BSC11 sets out the minimum standards that developments are expected to meet and it sets out standards for general green space, play space, formal sport and allotments. Furthermore, site specific, Policy Bicester 1 requires the provision of 40% of the total gross site area to comprise green space, of which at least half will be publicly accessible and consist of a network of well-managed, high quality green/ open spaces which are linked to the countryside. It specifies that this should include sports pitches, parks and recreation areas, play spaces, allotments, the required burial ground and SUDs.
- 8.43. The Exemplar as a whole provides over 40% green infrastructure in a range of forms including public open space, the stream corridor, allotment provision and hedgerow lanes. The proposal for the Eco Business Centre does not change the level of green infrastructure through the rest of the Exemplar. Whilst this is a standalone full application, it must be considered in the context of the wider site and thus the level of green infrastructure is not changed by this proposal. The proposal does however propose green landscaped areas around the building and as discussed, the scheme is considered to be acceptable. The proposal is therefore

considered to comply with the policy requirements around green infrastructure as far as it can, albeit it does not change the overall provision across the wider site.

#### Transport and Highway Safety

- 8.44. The Eco Towns PPS sets out that Eco Towns should 'support people's desire for mobility whilst achieving the goal of low carbon living'. The PPS identifies a range of standards around designing to support sustainable travel, travel planning and travel choice, modal shift targets; ensuring key connections do not become congested from the development and ultra-low emission vehicles. The PPS seeks homes within 10 mins walk of frequent public transport and local services. The PPS recognises the need for travel planning to achieve the ambitious target of showing how the town's design will enable at least 50 per cent of trips originating in the development to be made by non-car means, with the potential for this to increase over time to at least 60 per cent.
- 8.45. The NPPF advises that the transport system needs to be balanced in favour of sustainable transport giving people a real choice about how they travel (para 29). It is advised that encouragement should be given to solutions that support reductions in greenhouse gas emissions and reduce congestion (para 30). Transport assessments are required (para 32). The ability to balance uses and as part of large scale development have mixed use that limit the need to travel are identified (para 37 & 38). It also advises that account should be taken of improvements that can be undertaken within the transport network that cost effectively limit the significant impacts of the development and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe (para 32).
- 8.46. Policy Bicester 1 relates to the NW Bicester site and requires proposals to include appropriate crossings of the railway line, changes and improvements to Howes Lane and Lords Lane, integration and connectivity between new and existing communities, maximise walkable neighbourhoods, provide a legible hierarchy of routes, have a layout that encourages modal shift, infrastructure to support sustainable modes, accessibility to public transport, provide contributions to improvements to the surrounding road networks, provision of a transport assessment and measures to prevent vehicular traffic adversely affecting surrounding communities. The NW Bicester SPD reiterates the requirements of Policy Bicester 1 in terms of how the site is expected to meet the standards set.
- 8.47. The site for the Eco Business Centre is within the Exemplar site and the trip generation analysis was undertaken as part of 10/01780/HYBRID, which broke down all the land uses proposed. The current application is accompanied by a Transport Statement, which has compared the traffic generation from this proposal to that predicted under the HYBRID application. The existing consent included for a higher level of traffic generation than now forecast. The traffic impact has already been assessed and accommodated in the constructed road network and junctions and mitigation. The proposal would therefore be acceptable in highway terms.
- 8.48. The application proposes 21 car parking spaces, two of which would be disabled spaces. This number is slightly less than the number of spaces indicated that could be provided for the Eco Business Centre under the approved local centre application (23). Two spaces would also be provided with electric charging points. Whilst the number of car parking spaces is low, Officers would agree with the assessment of OCC that given the ethos of the Exemplar site and the public transport lines to the area, the number of spaces can be considered adequate.

- 8.49. Given the level of car parking is relatively limited, it is important that infrastructure to support sustainable travel is provided. In these terms, cycle parking is proposed with a total of 22 spaces provided, some of which being wall mounted and others as Sheffield Hoop stands in prominent locations. In addition, the approved plans for the local centre demonstrated cycle parking throughout the local centre area, including within the street (some of which in front of the Eco Business Centre site). In this respect, it is anticipated that public cycle stands are likely to be shared across the Local Centre development.
- 8.50. The OCC Transport team have raised a query over the position of the Eco Business Centre in comparison to the position indicated upon the approved Local centre plans. The query relates to the level of public space at the front of the site and building compared to that shown on the approved plans. Having compared the plans, it is clear that the building will sit further forward than that shown indicatively on the approved local centre layout (being generally in line with the book end feature at the west end of the local centre). However, having assessed the submitted plans, it would appear that there is still a distance of no less than 4m between the front of the building and the road edge. Within this area, a bus stop, cycle parking and two trees are to be provided (in line with the approved plan for the local centre) and it would appear that there is sufficient space to provide this as well as retaining the area as a useable space.
- 8.51. The OCC Transport team have also queried the parking layout and the circulation route through the car park. Tracking for a refuse vehicle is also sought. The plan does show a rearranged parking layout in comparison to that shown on the approved plan for the local centre and OCC have not objected to this in principle. Officers have sought additional information in terms of a tracking plan (given the position of the refuse store at the northern end of the site). The car park is proposed to be finished in tarmac and a condition is recommended to secure the final colour detail of this to be agreed.
- 8.52. The application is not currently accompanied by a Travel Plan and therefore this will be sought via a planning condition. The application is supported by a Construction Traffic Management Plan. This appears to cover the relevant matters and no condition is suggested in relation to this matter by the Highway Authority.
- 8.53. Overall, it is not considered that this proposal would not raise significant highway safety concerns and provides a level of parking that can be considered to be acceptable as well as promoting sustainable transport measures by way of the provision of infrastructure to support this. The proposal is therefore considered to comply with the above mentioned policies.

#### Biodiversity

- 8.54. The Eco Town PPS requires that net gain in local biodiversity and a strategy for conserving and enhancing local bio diversity is to accompany applications. The NPPF advises that the planning system should minimise impacts on bio diversity and provide net gains where possible, contribute to the Government's commitment to prevent the overall decline in bio diversity (para 109) and that opportunities to incorporate bio diversity in and around developments should be encouraged (para 118). The Cherwell Local Plan Policy Bicester 1 identifies the need for sports pitches, parks and recreation areas, play spaces, allotments, burial ground and SUDs and for the formation of wildlife corridors to achieve net bio diversity gain. Policy ESD10 seeks a net gain in bio diversity. The NW Bicester SPD also emphasises the need for a net biodiversity gain to be demonstrated and for proposals to demonstrate inclusion of biodiversity gains within the built environment.

- 8.55. The application is accompanied by an Ecology Baseline and Biodiversity Strategy report. The ecology baseline finds that as the site was cleared to commence construction of the energy centre and residential units (and this area of the site was used as the site compound), that the site had no ecological value. All features existing (i.e. hedgerows and the river corridor), had been protected by fencing and buffers as required. It is therefore concluded that no impacts would result from construction activities.
- 8.56. With regard to biodiversity enhancements, the strategy identifies the details that were agreed for the rest of the Exemplar site, including the commitment to provide bat, bird, owl and invertebrate boxes which are accommodated on the site. No boxes were agreed for the Eco Business Centre, and it is now concluded that the building is of a design and in a location not suitable to locate boxes. The application does however provide planting and landscaping plans and these conform with the aims of the biodiversity strategy for the Exemplar wherever possible. Whilst the scope to provide for wildlife in this area of the site is relatively limited, the proposed planting has been designed to provide a diverse foraging habitat for invertebrates and birds and nesting possibilities for breeding birds (particularly within the mixed native hedgerow along the Eastern boundary).
- 8.57. The Ecology Officer has welcomed the proposed landscaping, including the native hedgerow planting. Furthermore, on the basis that biodiversity boxes will be provided elsewhere across the Exemplar site, it is accepted that the Eco Business Centre itself will not provide these. Given the above, Officers consider that it is acceptable for the proposed landscaping to form the main biodiversity enhancements. These are appropriate and when viewed alongside other enhancements occurring on the Exemplar site, it can be concluded that overall, a net biodiversity gain would result in compliance with policy.

#### Water

- 8.58. The Eco Towns PPS states 'Eco Towns should be ambitious in terms of water efficiency across the whole development particularly in areas of water stress. Bicester is located in an area of water stress. The PPS requires a water cycle strategy and in areas of serious water stress should aspire to water neutrality and the water cycle strategy should;
- the development would be designed and delivered to limit the impact of the new development on water use, and any plans for additional measures, e.g. within the existing building stock of the wider designated area, that would contribute towards water neutrality
  - new homes will be equipped to meet the water consumption requirement of Level 5 of the Code for Sustainable Homes; and
  - new non-domestic buildings will be equipped to meet similar high standards of water efficiency with respect to their domestic water use.
- 8.59. The NPPF advises at para 99 that when new development is brought forward in areas that are vulnerable care should be taken to ensure risks can be managed through suitable adaption measures, including through the planning of green infrastructure. The ACLP Policy ESD8 advises 'Development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses.' Policy Bicester 1 requires a water cycle study and Policy ESD 3 requires new development to meet the water efficiency standard of 110 litres/person/day.
- 8.60. The Planning Statement advises that with regard to water, rainwater harvesting is proposed which will collect water runoff from the roof of the business centre to be

used to flush WCs. Water efficiency measures are also proposed, which will contribute to the water neutrality aspirations including integral flow regulators for taps, showers and WCs to reduce consumption and leak detection systems all with the aim of reducing the demand on potable water supply in line with the water cycle strategy that accompanied application 10/01780/HYBRID. Given the details provided, it is considered necessary to condition that the higher water efficiency standards are met, which in turn will require the measures identified to be used. This is considered to be acceptable in respect to this application site.

#### Flood risk and drainage

- 8.61. The Eco towns PPS advises that the construction of eco towns should reduce and avoid flood risk wherever practical and that there should be no development in Flood Zone 3. The NPPF advises that inappropriate development in areas of flood risk should be avoided (para 100) and that development should not increase flood risk elsewhere (para 103). The Cherwell Local Plan policy ESD6 identifies that a site specific flood risk assessment is required and that this needs to demonstrate that there will be no increase in surface water discharge during storm events up to 1 in 100 years with an allowance for climate change and that developments will not flood from surface water in a design storm event or surface water flooding beyond the 1 in 30 year storm event. Policy ESD 7 requires the use of SUDs. The NW Bicester SPD emphasises that the overall aim is to minimise the impact of new development on flood risk by providing a site wide sustainable urban drainage system. Each planning application should demonstrate that the proposed development will not increase flood risk on and off the site.
- 8.62. The application is accompanied by a drainage and SUDs strategy report. This identifies that an infiltration drainage system is the preferred method of surface water drainage for new development. The proposal involves the provision of a soakaway, sized to accommodate the 1 in 100 year plus 20% storm event (20% identified because the proposed development is a less vulnerable use and is located within an area not known for surface water flood issues) to be located in the car parking area to the north of the proposed office building. The document also includes a maintenance strategy. Foul water is proposed to drain to the public foul sewer.
- 8.63. The OCC Drainage Team have advised that the proposed permeable paving and soakaway system together as described in the applicant's Drainage and SUDs Strategy report should be used at the site in order to meet the SUDs water quality objective. It is emphasised that no private drainage is to discharge onto the existing highway or onto any area of proposed adoptable highway. A planning condition is recommended to see a surface water drainage scheme; however after querying this, it has been confirmed that the condition is not necessary. Given the above, it is considered that the proposal will provide for an acceptable way of dealing with surface water drainage based upon the requirements of the site in order to ensure that flood risk on and off site will not increase in line with the requirements of the above mentioned planning policy.

#### Waste

- 8.64. The Eco Towns PPS advises that applications should include a sustainable waste and resources plan which should set targets for residual waste, recycling and diversion from landfill, how the design achieves the targets, consider locally generated waste as a fuel source and ensure during construction ensure no waste is sent to landfill. The National Waste Policy identifies a waste hierarchy which goes from the prevention of waste at the top of the hierarchy to disposal at the bottom.

The National Planning Practice Guidance identifies the following responsibilities for Authorities which are not the waste authority;

- promoting sound management of waste from any proposed development, such as encouraging on-site management of waste where this is appropriate, or including a planning condition to encourage or require the developer to set out how waste arising from the development is to be dealt with
- including a planning condition promoting sustainable design of any proposed development through the use of recycled products, recovery of on-site material and the provision of facilities for the storage and regular collection of waste
- ensuring that their collections of household and similar waste are organised so as to help towards achieving the higher levels of the waste hierarchy

8.65. The Planning Statement accompanying the application identifies that a site waste management plan will be developed to include a sustainable waste and resources plan covering commercial waste and setting targets for residual waste, recycling and landfill diversion as well as how construction waste will be dealt with (with the target to achieve zero waste to landfill from construction, demolition and excavation). The proposal also includes details of a dedicated bin store which would be positioned to the north of the site adjacent to the site boundary. This is therefore tucked away but remains in an accessible location. The application does not set specific targets but does commit to the production of a site waste management plan. This can be sought via planning condition in the view of Officers.

#### Masterplanning and Transition

8.66. The PPS requires the submission of a masterplan to ensure comprehensive development. The masterplan has been submitted and is incorporated into the adopted NW Bicester SPD. The Eco Business Centre site aligns with the Masterplan requirements and it is in line with both the outline approval established through 10/01780/HYBRID and the separate permission for the Local Centre (15/00760/F). The proposal is acceptable in this regard. In relation to transition, this relates to the timing of the delivery of services and facilities, the support and information to be provided to residents and how carbon emissions through the construction process will be reduced. It is understood that the Eco Business Centre is proposed to be delivered by the Council over the course of the next year, this will therefore be one of the first non residential buildings to be constructed (after the school). In terms of carbon emissions, as discussed earlier, the appointed contractor has produced a carbon management plan to discuss how material choices would be made taking into account embodied carbon and how the site would be managed. These are positive in meeting the high standards sought.

#### Community and Governance

8.67. The Eco Towns PPS advises that planning applications should be accompanied by long term governance structures to ensure that standards are met, maintained and evolved to meet future needs, there is continued community involvement and engagement, sustainability metrics are agreed and monitored, future development meets eco town standards and community assets are maintained. Governance proposals should complement existing democratic arrangements and they should reflect the composition and needs of the local community. ACLP Policy Bicester 1 requires the submission of proposals to support the setting up of a financially viable local management organisation.

- 8.68. Given the scope of the current application as an employment focussed development, this does not directly meet the requirements of this Development Principle. However, this matter is dealt with on the wider exemplar site, through the delivery of community engagement as well as discussions around local management structures. These arrangements would continue and would not be effected by the approval of this planning application.

#### Conditions and Planning Obligations

- 8.69. The wider Exemplar site is subject to a S106 agreement relating to securing various mitigation and infrastructure necessary to make the development acceptable. The full application for the local centre (15/00760/F) was linked to that S106 on the basis that the agreement included obligations around the provision and marketing of the non-residential uses and the community centre, including its transfer to the District Council. The requirements relating to the Eco Business Centre, were around the setting aside of the land and its transfer to the District Council. Given that upon the implementation of this permission this obligation would be complied with and the Eco Business Centre would not be bound by any other obligations, it is not considered necessary to link this to the S106 for the site.
- 8.70. A number of required conditions have been identified throughout this report (some of which may be overcome by the provision of additional information in advance of committee). The conditions imposed in relation to both previous permissions mentioned through this report have also been reviewed and any necessary are also recommended.

#### Other matters

- 8.71. With regard to the compatibility of the use within this location, the proposal represents a B1a office use, which is considered suitable within a residential area. This use should not create levels of noise or disturbance that would be out of character in a residential area. A condition is recommended in relation to unsuspected land contamination. The application includes details of lighting, both for the building and the external spaces. The third party comments have raised some concern with lighting proposed and within the car park, 4 6m lighting columns are proposed. The plans indicate that these could be automatically switched off between 2300hrs and 0700hrs, which should reduce the opportunity for disturbance, however a condition is recommended that would require the 6m lighting columns to be switched off between 22:00hrs and 0700hrs as this would be more appropriate in terms of hours in the view of Officers.

#### Local Finance Considerations

- 8.72. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. This can include payments under Business Rates. The scheme has the potential to secure Business Rates of approximately £31,353 per annum under current arrangements for the Council. However, officers recommend that this is given no weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms and Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. The overall purpose of the Planning system is to seek to achieve sustainable development as set out within the Framework. The three dimensions of sustainable development must be considered, in order to balance the benefits against the harm in order to come to a decision on the acceptability of a scheme.
- 9.2. The principle of an Eco Business Centre on the land identified is considered to be acceptable. It would contribute to the provision of jobs on the site and provide a form of employment within an accessible location that complies with Policy Bicester 1. Additionally, outline permission has also been granted for this use on this site. The building is proposed to provide flexible office space that will be available for small businesses and entrepreneurs and have a focus on innovation and low carbon. This would contribute to the economic role of sustainability.
- 9.3. The building would be designed and built to very high environmental standards, including reaching BREEAM Excellent rating and designed to contribute towards being zero carbon (albeit with an offset provided offsite). The proposed building would therefore contribute to reaching the high standards required at NW Bicester as a new zero carbon community. The building also demonstrates how it has been designed taking into account future climate change (some queries remain outstanding). This directly contributes to the environmental role of sustainability.
- 9.4. The location of the building within the local centre identified would be in an accessible local centre and served by infrastructure meaning the need to travel by private car would be reduced. The design of the building would be a bold, contemporary approach and whilst this would be different to the rest of the local centre it would be positioned within, the overall design, led by its sustainability, alongside a materials palette (to be finalised), would contribute to the achievement of a high quality built environment. These issues would contribute to the social role of sustainability.
- 9.5. Other technical matters are also considered through this report and are either generally acceptable or can be made so via the imposition of planning conditions and matters being dealt with prior to a decision being made. This includes the level of parking, which despite being low, is considered to be acceptable taking into account the accessibility of the building.
- 9.6. Overall, the proposal is considered to represent sustainable development, in compliance with the above mentioned policies and is therefore recommended for approval.

## **10. RECOMMENDATION**

Approval; subject to:

- a) The provision of tracking information to overcome the comments of the Highway Authority,
- b) The following conditions, with delegation to the Development Services Manager to make any minor changes in response to the matters highlighted above:
  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 forms
- Planning Statement dated March 2017
- Design and Access Statement dated March 2017
- Economic Strategy dated March 2017
- Energy Statement dated 6<sup>th</sup> March 2017
- Drainage and SUDs Strategy Report dated 10/03/2017
- Transport Statement dated February 2017
- Eco Business Centre Ecology Baseline and Biodiversity Strategy Report dated March 2017
- Luminaires Schedule
- Site Plan External lighting layout – drawing number BC XX E 8010 Rev P5
- Below Ground Drainage Ground Floor Plan – drawing number 25408-600 version 3
- Site Location Plan – drawing number 08930 AT-XX-XX-DR-A PL010
- Site Block Plan – drawing number 08930 AT-XX-XX-DR-A PL011
- Proposed site plan – drawing number 08930 AT-XX-XX-DR-A PL050
- Ground Floor Plan – drawing number 08930 AT-XX-XX-DR-A PL100
- First Floor Plan – drawing number 08930 AT-XX-XX-DR-A PL101
- Second Floor Plan – drawing number 08930 AT-XX-XX-DR-A PL102
- Roof Plan – drawing number 08930 AT-XX-XX-DR-A PL103
- Refuse Store – drawing number 08930 AT-XX-XX-DR-A PL110
- North Elevations – drawing number 08930 AT-XX-XX-DR-A PL610 Rev B
- South Elevations – drawing number 08930 AT-XX-XX-DR-A PL620 Rev B
- East Elevations – drawing number 08930 AT-XX-XX-DR-A PL630 Rev B
- West Elevations – drawing number 08930 AT-XX-XX-DR-A PL640 Rev C
- Sections – drawing number 08930 AT-XX-XX-DR-A PL800 Rev B
- Construction Traffic Management Plan
- Site Establishment Plan (ECO/01 Rev 0) and Site Access Route (ECO/02 rev 0)
- Carbon Management Plan
- Landscape Plan – drawing number 456/100 Rev B
- Planting Plan – drawing number 456/500 Rev B

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

3. Prior to the commencement of the development hereby approved, a finalised schedule of materials and finishes for the external walls and roof(s) of the development hereby approved including samples shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

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

within the National Planning Policy Framework.

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

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

6. Prior to the occupation of the development, full details of the offsite measures that will be utilised to enable the scheme to achieve zero carbon, including the timescale, how the shortfall is to be met and where the shortfall shall be met shall be submitted to and approved in writing by the Local Planning Authority. The measures agreed shall be implemented in accordance with the approved details.

Reason – To deliver zero carbon development in accordance with Planning Policy Statement 1: Eco Towns.

7. Prior to the commencement of the development, a report outlining how carbon emissions from the construction process and embodied carbon (based upon the finalised materials schedule) have been minimised shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved plan.

Reason – To ensure that the development achieves a reduced carbon footprint in accordance with Planning Policy Statement 1: Eco Towns.

8. Prior to the occupation of the development, the Eco Business Centre shall be provided with solar PV to meet the required provision of solar PV as established through the Energy Strategy.

Reason – To deliver zero carbon development in accordance with Planning Policy Statement 1: Eco Towns.

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

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

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

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

12. Prior to the first occupation of any unit hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority for the Eco Business Centre. Thereafter, the approved Travel Plan shall 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 Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development, a Training and Employment Management Plan, including details of the number of construction apprenticeships to be provided shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason - In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with Government guidance.

14. Prior to the commencement of the development hereby approved, further details in relation to the landscaping scheme, in particular the size of the proposed shrubs and hedgerow material and pot sizes of the proposed herbaceous material shall be submitted to and approved in writing by 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 Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

16. Prior to the commencement of construction, a Site Waste Management Plan, which shall demonstrate how zero construction waste will be sent to landfill, and which sets targets for residual waste, recycling and diversion from landfill shall be submitted to and approved in writing by the Local Planning Authority.

Reason – To ensure no waste is sent to landfill to meet the requirements of the Planning Policy Statement 1: Eco Towns.

17. The premises shall be used only for purposes falling within Class B1a 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 order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policies C28 and C31 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. The 6m column car park luminaires shall be turned off between the hours of 22:00hrs and 07:00hrs unless otherwise agreed in writing by the Local Planning Authority.

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

19. The Eco Business Centre shall be constructed to BREEAM EXCELLENT.

Reason – To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Policy Bicester 1 of the Adopted Cherwell Local Plan.

20. Prior to the occupation of the Eco Business Centre, the building shall be provided with a 'real time information' system and Superfast Broadband.

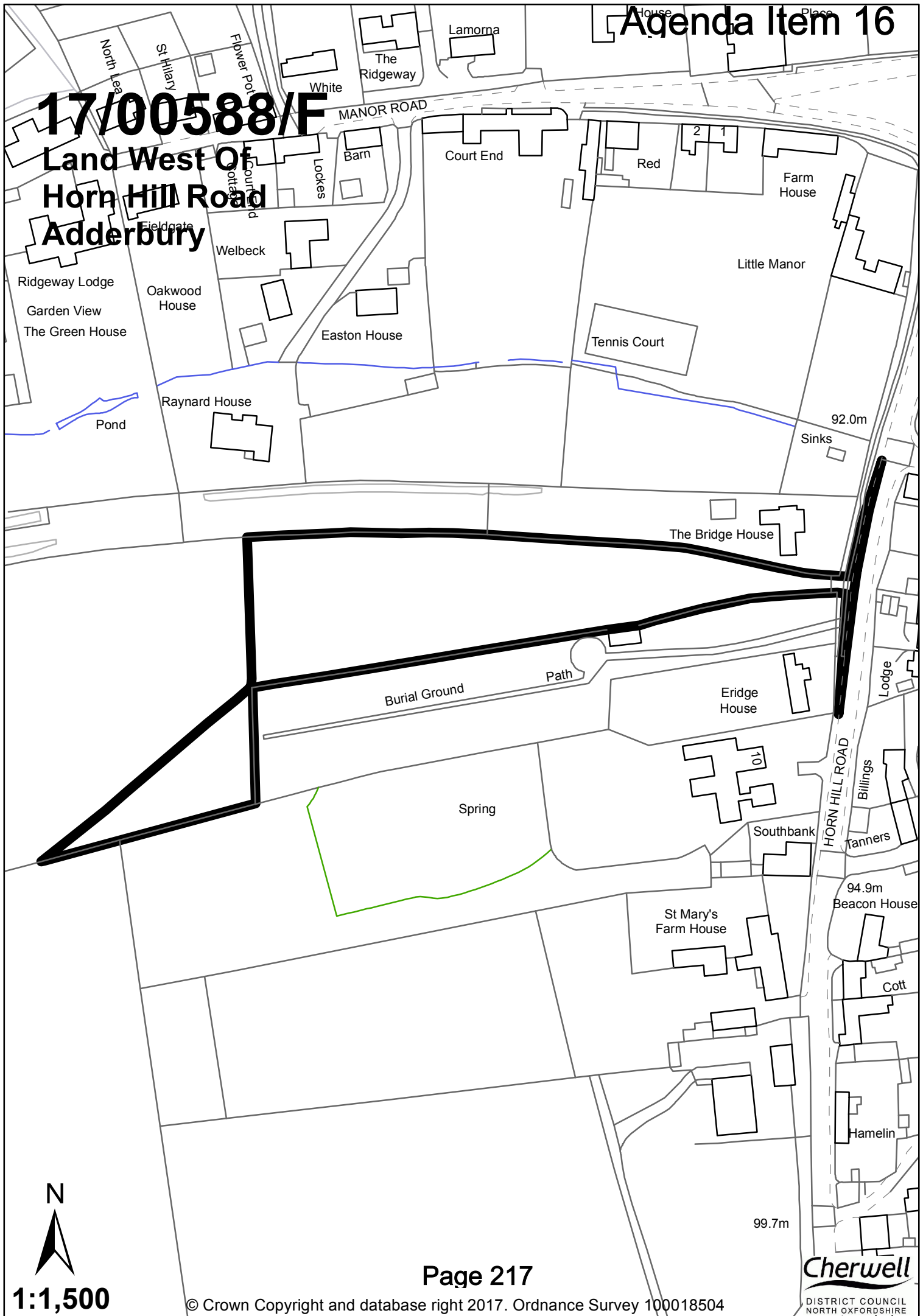
Reason – To facilitate information delivery and travel information in accordance with Planning Policy Statement 1: Eco Towns.

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

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

17/00588/F

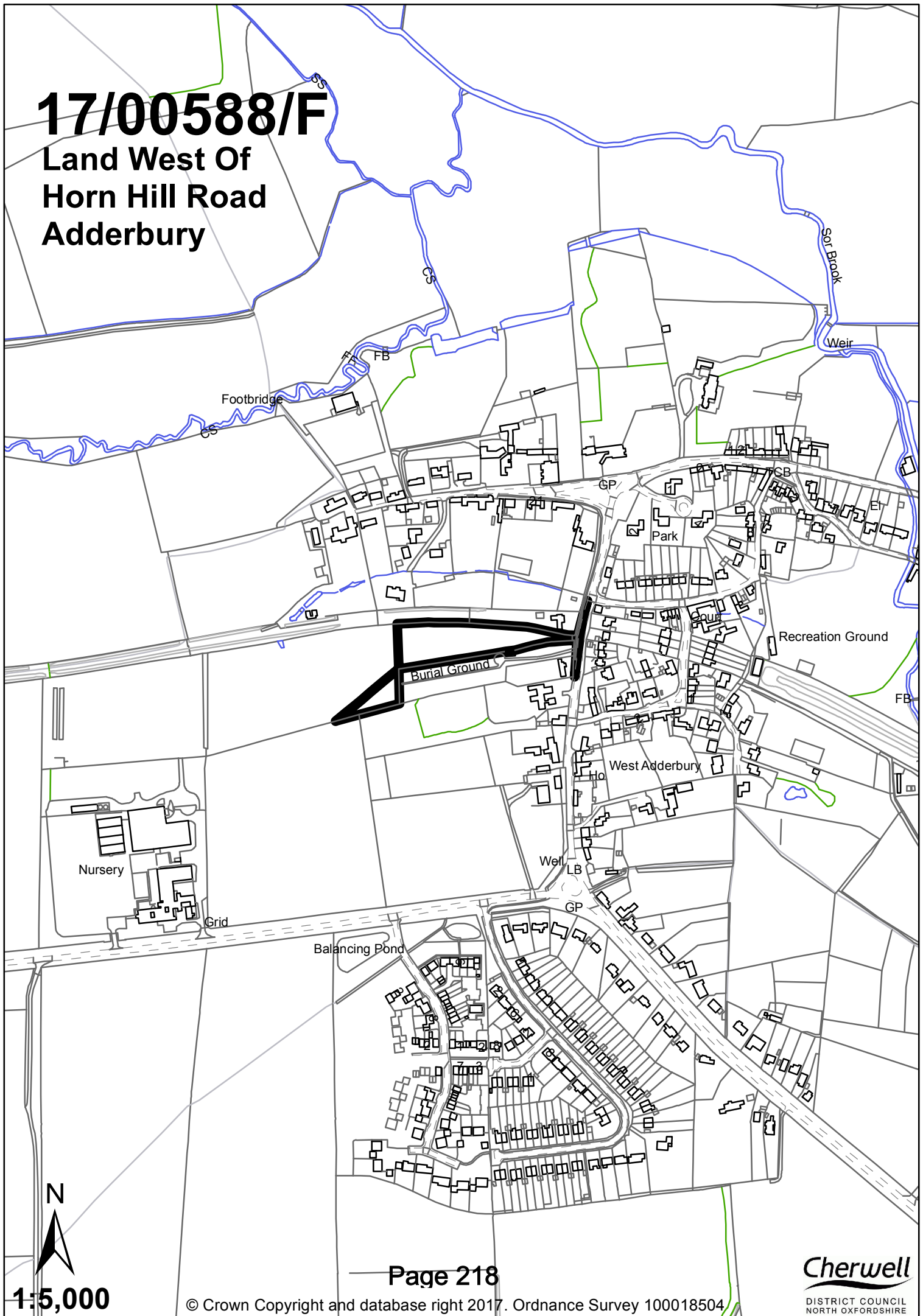
Land West Of  
Horn Hill Road  
Adderbury



1:1,500

# 17/00588/F

## Land West Of Horn Hill Road Adderbury



|                             |  |                           |             |
|-----------------------------|--|---------------------------|-------------|
| <b>Applicant:</b>           | Mr M Gough   |                           |             |
| <b>Proposal:</b>            | Residential development of a single dwelling with associated landscaping and additional community land associated with the Friends Meeting House |                           |             |
| <b>Ward:</b>                | Adderbury, Bloxham and Bodicote  |                           |             |
| <b>Councillors:</b>         | Cllr Mike Bishop<br>Cllr Chris Heath<br>Cllr Andrew McHugh   |                           |             |
| <b>Reason for Referral:</b> | In light of public interest  |                           |             |
| <b>Expiry Date:</b>         | 9 May 2017   | <b>Committee Date:</b>    | 18 May 2017 |
| <b>Recommendation:</b>      | Approval   | <b>Extension of time:</b> | 22 May 2017 |

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## 1. APPLICATION SITE AND LOCALITY

- 1.1. The site is an area land at the edge of the village of Adderbury with an existing gated access off Horn Hill Road. There are residential properties to the north of the site, accessed from within the village off Manor Road and further residential properties along Horn Hill Road east of the site. Immediately adjacent the site to the south is an existing burial ground and Grade II\* listed 'Friends Meeting House' and there is open countryside to the west. The land is classified as Grade 2 agricultural land; although at the time of application the land had the appearance of unused scrub land.
- 1.2. In terms of site constraints, the site is situated partially within the designated Adderbury Conservation Area; although the majority of the site and area for the proposed dwelling and burial site extension sit outside of the Conservation Area boundary. There are several listed Heritage Assets adjacent and in close proximity and along Horn Hill Road, north-east and south-east of the site and the site is within an area of medium archaeological interest. Land adjacent and north of the site is designated as a BAP Priority Habitat and there area records of Swifts being present within the vicinity of the area. The site is within a buffer zone surrounding an area of potentially contaminated land and also the geology in the area is known to contain naturally occurring elevated levels of arsenic, chromium and nickel, as is seen in many areas throughout the district. There are no other significant site constraints relevant to planning and this application.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks permission for the erection of a single two storey 4-bedroom dwelling house with associated access drive, parking and landscaping; and also for a change of use of land for community use to be used in association with the Friends Meeting House. The dwelling is proposed to be constructed of natural stone under a slate roof with a footprint of ~232m<sup>2</sup>, located ~135m west of Horn Hill Road

and ~130m south of Manor Road. The extension of the land associated with the Friends Meeting House would see an additional ~0.13Ha of land being incorporated into the overall site.

- 2.2. The application comes following the refusal of two earlier applications (15/01048/F & 16/00619/F) for similar development proposals refused on the grounds as set out in 'Section 3' below. The current application differs from the previous two schemes in that the proposed extension to the burial ground has been removed from the proposals, replaced by the proposed use of a smaller parcel of land (than previously considered for the extension of the burial site) for a community use associated with the Friends Meeting House; the detail and location of the proposed new dwelling remains as previously assessed within application 16/00619/F.

### 3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is directly relevant to the proposal:

| <u>App Ref</u> | <u>Description</u>  |
|----------------|---|
| 10/00509/F     | Change of use of land to form extension to burial ground. Permitted subject to conditions.  |
| 10/00510/OUT   | Erection of 3 no. dwellings and access to burial ground. Withdrawn following the case officer indicating that the application was to be recommended for refusal, as the site was not within the built up limits of the village and that insufficient information had been submitted to demonstrate that the proposals would not be detrimental to the setting of the Friends' Meeting House.  |
| 15/01048/F     | Residential development of a single dwelling with associated landscaping and land for an extension to the existing village burial ground. Refused on the following grounds: <ul style="list-style-type: none"><li>• The proposed development constituted sporadic development beyond the built up limits of the Adderbury, which would cause harm to the intrinsic value of the open countryside and rural character, by intrusion into such, which would fail to reflect or reinforce local distinctiveness or preserve the natural environment at this location;</li><li>• Insufficient information had been submitted in relation to the proposed burial site in terms of land levels and ground conditions to clearly establish whether the land was suitable for use as a burial site or whether its use as such would likely cause a risk of groundwater pollution.</li></ul> |
| 16/00619/F     | Residential development of a single dwelling with associated landscaping and land for an extension to the existing village burial ground - Resubmission of 15/01048/F. Refused on the same grounds as 15/01048/F detailed above. Appeal dismissed 17 February 2017.   |

- 3.2. An appeal by the applicant against the refusal of 16/00619/F was subsequently dismissed by an inspector in February 2017; dismissed on the grounds of the proposals failing to protect and enhance the natural environment; with the extension to the burial ground likely to have an unacceptable effect in terms of environmental



pollution. In reaching his decision on the appeal the inspector concluded that whilst the extension to the burial ground was not in accordance with the development plan, the development of the dwelling house in this location would likely be acceptable, stating that it: *'...would be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity'* and further, *'...it would not cause visual intrusion into the open countryside'*. The inspector's decision is therefore clearly a material consideration in the determination of this current application.

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

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

| <u>Application Ref.</u> | <u>Proposal</u>                                 |
|-------------------------|---|
| 13/00365/PREAPP         | Pre-application advice - housing development    |
| 14/00040/PREAPP         | Single dwelling with access from Horn Hill Road |

4.2. In responding to initial pre-application enquiries, detailed above, officers raised concerns in relation to the principle of development and the harm that would be caused, not only to the intrinsic value of the open countryside and rural character but also to identified Heritage Assets i.e. the setting of the Friends Meeting House and the Conservation Area.

4.3. No further pre-application advice has been requested or given, prior to the submission of this current application, following the refusal of application 16/00619/F and subsequent dismissed appeal (ref. APP/C3105/W/16/3158760).

#### **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 27.04.2017, although comments received after this date and before finalising this report have also been taken into account.

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

- The proposals represent development beyond the built-up limits of the village in open countryside, which is neither essential for agriculture nor affordable housing;
- Detrimental impact on adjacent heritage assets and their setting; Grade II \* Friends Meeting House, grade II listed boundary walls and Adderbury Conservation Area;
- Detrimental impact on the character and appearance of the locality;
- Detrimental impact on highway safety;
- Detrimental ecological impact; including the potential to impact on Great Crested Newts indicated as being present adjacent the site, and the wildlife and flora and fauna on the site;
- Potential for flood-risk;

- The proposed contribution to the up-keep of the Friends Meeting House is not proportionate to the actual costs indicated within a report by Wellan Ltd, and is considered as *'an attempt to buy planning permission'*;
  - The proposed gifting of land may result in an inappropriate pedestrian route through the cemetery to the new developments on Milton Road and proposed sports pitches;
  - Contrary to Adderbury Neighbourhood Plan;
  - It will set a precedent for further development.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 6. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. ADDERBURY PARISH COUNCIL: **Objects.** *'The proposed development is in open countryside, which is outside the residential settlement boundary and therefore contrary to policy AD1 of the emerging Adderbury Neighbourhood Plan'*.

### STATUTORY CONSULTEES

- 6.3. HIGHWAYS AUTHORITY: **No objections subject to conditions.**
- 6.4. HISTORIC ENGLAND: **No objections.**
- 6.5. MINERALS AND WASTE: **No objections.**

### NON-STATUTORY CONSULTEES

- 6.6. ARBORICULTURAL OFFICER: **No comments received.**
- 6.7. ARCHAEOLOGIST (OCC): **No objections subject to conditions.**
- 6.8. DESIGN AND CONSERVATION: **No formal comments received**, however has verbally confirmed the position of the Conservation Team has not changed from that expressed during previous application, in which an objection was raised.
- 6.9. ECOLOGIST: **No objections subject to conditions.**
- 6.10. ENVIRONMENTAL PROTECTION: **No objections subject to conditions.**
- 6.11. LANDSCAPE SERVICES: **No objections.**

## 7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- Villages 1: Village Categorisation
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the built and historic environment

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

- H18: New dwellings in the countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV12: Development on contaminated land

#### Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Adderbury Neighbourhood Plan (ANP)

The Neighbourhood Plan for Adderbury is still at an early stage. A pre-submission version of the plan has been accepted by the Parish Council and is due to be submitted to Cherwell District Council in due course. Given the early stages of the plan, in accordance with Paragraph 216 of the NPPF, no significant weight can be given to it as a material consideration at this time.

## **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; including the impact on heritage assets
- Residential amenity
- Highway safety
- Ecology and Biodiversity
- Archaeology
- Flood-risk and groundwater

#### Principle

8.2. The National Planning Policy Framework (the NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8.3. Paragraph 6 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well

as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.

- 8.4. Policy PSD1 contained within the CLP echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 8.5. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5.6 year housing land supply. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.
- 8.6. As with the previous submissions (15/01048/F & 16/00619/F), whilst the application stands to be considered as a whole it is considered that the proposals have two distinct elements that require consideration: 1) The extension to the community land associated with the Friends Meeting House; 2) The construction of a single dwelling house and associated parking, landscaping and access.
- 8.7. As noted during the determination of the previous application (16/00619/F), the principle of an extension of the burial ground has previously been considered acceptable with the granting of permission (subject to conditions) in 2010.
- 8.8. However the suitability of the use of the land subject of the most recent applications for burials was not clearly established within supporting information, and ultimately resulted in reasons contributing to refusal of these applications and the reason for the dismissal of the subsequent appeal against 16/00619/F. The use of land proposed under this current application is for community use associated with the Friends Meeting House, and the applicant's indicate that the site would not be used for burials; as such the same environmental concerns as expressed during previous applications are no so significant in consideration of the proposals.
- 8.9. Whilst the extension of the land associated with the Friends Meeting House site would encroach into the open countryside, the use is likely to be unobtrusive and it is considered that subject to appropriate landscaping, in principle it could be an acceptable use in this location and would deliver social benefits for the community.
- 8.10. Turning to the principle of the proposed dwelling, Policy Villages 1 of the CLP 2031 groups villages into three separate categories (A, B and C). Adderbury is recognised as a 'Category A' village, considered to be one of the most sustainable villages within the district given its services and facilities. Within 'Category A' villages new residential development will be considered for the conversion of non-residential buildings, infilling and minor development within the built up area of the settlement.
- 8.11. The siting of the proposed dwelling has not changed from that assessed during the determination of application 16/00619/F. In the previous application officers were of the opinion that the proposed dwelling was situated beyond the built up limits of the village and therefore could not be assessed under Policy Villages 1 of the CLP 2031. However, in determining the appeal against the refusal of 16/00619/F the inspector appears to draw a different conclusion and whilst noting that the site had a more 'rural feel', considered that the site was within the built up limits, stating at paragraph 16 of the appeal decision: '*Further, the proposal would also meet the criteria concerning the context within the existing built environment, being in keeping with the character and form of the village, its local landscape setting and the scale of development in CLP Policies Villages 1*'. Officers are obviously mindful of the Government's position (as expressed by the Inspector) with regards to the siting of the proposals in the current application.

8.12. Policy Villages 1 allows for the most sustainable villages to accommodate 'minor development' and all villages to accommodate infilling or conversions. When considering what constitutes the appropriate form of development, this will vary depending on the character of the village and development in the immediate locality. The Policy further states :

*In assessing whether proposals constitute acceptable 'minor development', regard will be given to the following criteria:*

- *the size of the village and the level of service provision*
- *the site's context within the existing built environment whether it is in keeping with the character and form of the village*
- *its local landscape setting*
- *careful consideration of the appropriate scale of development, particularly in Category B (satellite) villages.*

8.13. As noted above Adderbury is a 'Category A' village (most sustainable settlement), and the site is within walking distance of the centre of the village and all the services and facilities that it has to offer.

8.14. The settlement pattern in the vicinity of the site is characterised by a loose-knit pattern of residential development with larger properties set in more spacious, mature landscaped plots of different shapes and sizes. As also noted in the Inspector's appeal decision, these dwellings are of a variety of ages, styles and size and they are set back varying distances from the road and there is no regular alignment.

8.15. Whilst set further back from other properties sited along Horn Hill Road the proposed dwelling would retain a presence within the street-scene, albeit a narrow frontage with access through to the dwelling and there would be further residential properties to the north; and in this regard the proposals are considered to demonstrate a degree of consistency with the established pattern of development within the village.

8.16. Notwithstanding the refusal of previous applications, the scale and design of the proposed dwelling have been considered acceptable, and such matters have not been brought forward as a reason for refusal; a view upheld by the inspector in dismissing the appeal against the refusal of application 16/00619/F. The proposed development would be characteristic of a traditional farmhouse and would be constructed of materials which would integrate well with those of both the neighbouring properties and the wider village. The design and scale of the proposed dwelling has not changed from that assessed under application 16/00619/F and is again considered acceptable; this is expanded on below.

8.17. Given the above and the stance adopted by the Government's Inspector, it is considered that the proposals would constitute an appropriate form of sustainable minor development, within the built-up limits of the village; the principle of development is therefore considered acceptable subject to further considerations with regards to visual and landscape impact, impact on heritage assets, highway safety and ecology and biodiversity, discussed further below.

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

8.18. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP which looks to promote and support development of a high standard which

contributes positively to an area's character and identity by creating or reinforcing local distinctiveness.

- 8.19. Policy ESD13 of the Cherwell Local Plan 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. Further, Policy ESD15 of the CLP 2031 requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. New development should, amongst other things, respect the traditional pattern of routes, spaces, blocks, plots and enclosures as well as the form, scale and massing of buildings.
- 8.20. 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 urban or rural context of that development. Further, saved Policy C30 of Cherwell Local Plan 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.21. As noted above the site straddles the boundary of the Adderbury Conservation Area and there are Grade II\* and Grade II listed buildings within proximity to the site. The Conservation Area and listed buildings are defined as designated Heritage Assets in the NPPF.
- 8.22. The NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of Heritage Assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. Significance can be harmed or lost through alteration or destruction of a Heritage Asset and any harm or loss should require clear and convincing justification. It goes on to state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy ESD 15 of the CLP echoes this advice.
- 8.23. Furthermore Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken and Section 72 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.24. With regard to the impact on heritage assets, Historic England (H.E.) has assessed the proposals and makes no comments, advising that: *'the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice'*. However, it should also be noted that previously H.E. raised no objections to the proposals assessed within application 16/00619/F, and made the following comments in relation to the proposed new dwelling and its relationship to the grade II\* Friends Meeting House: *'We are therefore content that the new building would not be a strong presence within the setting of the listed building. If this roof was constructed out of traditional local materials, such as Stonesfield slate with stone gables, its presence would be benign and would not be considered to harm the significance of the Meeting House'*.
- 8.25. The general nature of the proposals and potential impact on heritage assets remains as previously assessed under application 16/00619/F. Whilst no formal comments have been received with regards to the current application, the Council's Conservation Officer has previously raises concerns with regards to the potential impacts of the proposals on the tranquillity and setting of the adjacent Grade II\*

listed Friends Meeting House, through the domestication of the site in her response to application 16/00619/F.

- 8.26. As can be seen from the historical map (Plan EDP 2: Extract from First Edition Ordnance Survey Map (1881-1882)) within the applicant's 'Heritage Setting Assessment', the Friends Meeting House was originally divorced from the village providing a tranquil and discreet setting for the Quaker Meeting House and burial ground; this tranquillity and remoteness is considered to contribute to the historical significance of the Heritage Asset. However over time the meeting house has become a more integral feature of the village, through surrounding incremental development, and the remoteness has become eroded.
- 8.27. The applicants have demonstrated that, subject to quality materials being used in the construction, the proposed new dwelling would not have a significant detrimental visual impact on the setting of the listed building and associated boundary walls. On balance, it is considered that whilst the domestication of the site adjacent the Friend's Meeting House would have an impact on the setting of this building, that it would not be so significant that it would be to the detriment of the historic or architectural significance of the Heritage Asset, a view previously upheld by H.E. and as such not a reason to refuse the application.
- 8.28. As with previous submissions, it is considered that the extension of the land associated with the Friends Meeting House is likely to be unobtrusive, and, subject to appropriate landscaping and boundary treatments, it is unlikely that it would have a significant detrimental impact on the character and appearance the landscape within which it sits.
- 8.29. The applicants have submitted a Landscape Visual Impact Assessment (LVIA) which concludes that: *'the proposals represent a small-scale development which is entirely in-keeping with the local landscape character and would not therefore result in any material landscape or visual effects or policy contravention'*. Views of the proposed new dwelling and its associated residential curtilage from the public domain would be fairly limited, with principal views coming from surrounding properties, the adjacent cemetery and glimpsed views through the access from Horn Hill Road. The proposed new dwelling would be characteristic of a traditional farmhouse and would be constructed of materials which would integrate well with those of both the neighbouring properties and the wider village.
- 8.30. Whilst the proposals would change the existing characteristics of the site, as noted above and in the Inspector's appeal decision report, given the limited visibility of the proposals from the public domain, any potential visual harm is likely to be localised and would not significantly impact on the wider landscape and the edge of village setting. Some distant views from the Milton Road to the south would likely be possible, but to some extents these could be mitigated and screened by an appropriate landscaping scheme. This would ensure that any visual intrusion into the open countryside would not be so significant that it would warrant a reason to refuse the application.
- 8.31. On balance the proposals would unlikely result in any significant detrimental impacts on the visual amenities of the site or on the setting of adjacent heritage assets. It is considered that specific appropriate detailing and choice of construction materials and an appropriate landscaping scheme could be secured through the approval of appropriate conditions attached to any such permission, to ensure the satisfactory appearance of the completed development. It is considered that the proposed development would sustain the character and appearance of the conservation area and the edge of village setting and is therefore acceptable in this regard.

#### Residential Amenity

- 8.32. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions

are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.

- 8.33. The plans submitted with the application clearly indicate a new dwelling with an internal layout and outdoor garden/amenity areas which are likely to provide a good standard of living for potential future occupants.
- 8.34. The proposed new driveway would run through land adjacent the existing garden of Bridge House, which has a relatively open boundary, with post and wire fencing. The proposed dwelling itself is sited as such that it would not directly impact on this garden area. Given the separation distances between the proposed and existing dwellings, the existing boundary hedgerow/trees, which would interrupt views to the north, it considered that the impact on neighbour amenity is not significant with limited potential for overlooking, loss of privacy or an overbearing impact, and the proposals are therefore acceptable in this regard. Likewise, noise generated from traffic using the new driveway is unlikely to be materially significant or harmful to the amenities of the occupiers of neighbouring properties.

#### Highway Safety

- 8.35. The details of the proposed scheme have not significantly changed in terms of highway safety implications from those assessed and considered acceptable (in highway safety terms) in the assessment of application 16/00619/F.
- 8.36. The Highways Authority has again assessed the proposals and raises no objections subject to conditions being applied to any permission requiring that: the access to the site is created in accordance with the geometry indicated on the submitted plans and in accordance with Oxfordshire County Council's specification and guidance, and further that prior to the commencement of any development that full specification details (including construction, layout, surfacing and drainage) of the access drive and parking and manoeuvring areas are submitted to and approved in writing by the Local Planning Authority; this is in line with previous recommendations on applications 15/01048/F & 16/00619/F and shows consistency in terms of opinion and approach, in light of sustained objections from local residents.
- 8.37. Officers see no reason not to agree with the opinion of the Highway Authority. The proposed site is served by an existing access off Horn Hill Road, which is set back from the edge of the carriageway, allowing appropriate vision splays at the access point. The scheme has a driveway and parking provision which is considered appropriate for the level of accommodation proposed, and would not lead to a demand for on-street parking.
- 8.38. Whilst Horn Hill Road is fairly constrained with instances of on-street parking, it is considered that the modest increase in traffic associated with the development of a further dwelling can be accommodated without significant detrimental impact on the safety and convenience of highway users.
- 8.39. Officers consider that, subject to the requirements of H.A. being satisfactorily addressed through the approval of appropriate conditions (ensuring that the site is adequately surfaced and drained), that the proposals would not significantly impact on the safety and convenience of highway users and is therefore acceptable in terms of highway safety.

#### Ecology and Biodiversity

- 8.40. 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).

- 8.41. 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*”. 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.
- 8.42. 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”.
- 8.43. In respect to the application site, an Ecological Appraisal was originally undertaken by The Environmental Dimension Partnership in 2015, further surveys were carried out in March 2017 and revised survey reports submitted with the current application. The Council’s Ecologist has again reviewed the appraisal report and its findings and recommendations. The report is again considered largely acceptable; although as was previously advised during application 16/00619/F it is considered that some further information would be required to outline protection of the current biodiversity interest on site (trees, hedges and wildlife) in a Construction Environmental Management Plan (CEMP) and further specific details in relation to the biodiversity enhancements suggested throughout the ecological appraisal.
- 8.44. The report makes several observations and recommendations; it is considered that it would appropriate to condition that, if the application should be approved, it is carried out in accordance with the details of this report and the further information considered necessary by the Ecologist is submitted and approved by the Council, to ensure that the development does not cause harm to any protected species or their habitats and provides a net gain in biodiversity.
- 8.45. 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 could be safeguarded, subject to appropriate conditions attached to any such permission, notwithstanding the proposed development. It is therefore considered that the proposal therefore is acceptable in this respect having regard to the Framework - Conserving and enhancing the natural environment and Policy ESD 10 of the CLP.

#### Archaeology

- 8.46. The County Council’s Archaeologist initially raised concerns with regard to the potential impact on the area which is considered to be of archaeological interest given its proximity to recent finds. Archaeological features have been discovered on a site 150m south of the application site and the development could therefore impact on any further features related to these sites despite the relatively small scale nature of the development. In light of the Archaeologist’s comments the applicant undertook a ground investigation and submitted an Archaeological Evaluation Interim Report (AEIR).

8.47. The County's Archaeologist is satisfied with the findings of the AEIR at this stage but recommends that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. It is considered that this requirement could be ensured through appropriate conditions attached to any such permission; in the interests of safeguarding the identification, recording, analysis and archiving of heritage assets before they are lost, and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence, in accordance with guidance set out in the NPPF.

#### Flood-risk and groundwater

8.48. There are a number of springs within the vicinity, and as acknowledged within the assessment of the area in the previous application (16/00619/F), it is suspected to have a high water table. Concerns have also been raised with regards to the potential for the development to be susceptible to flooding and exacerbate flood-risk to surrounding properties. However the site is not within an area identified by the Environment Agency (E.A.) at a higher risk of flooding (Flood Zone 2 or 3) or an area susceptible to flooding from surface water. The E.A. previously raised no concerns with regards flood-risk either on site or an increased risk to neighbouring properties and given the context officers see no reason to consider otherwise. The proposed dwelling would be required to have an acceptable drainage scheme, subject of separate Building Regulations approval, and areas of hardstanding would be required to be of permeable construction; which could be secured through appropriate conditions and in line with the Highway Authority's recommendations.

8.49. With regard to the extension of the land associated with the Friends Meeting House, as concluded within the assessment of the previous application 16/00619/F, it is considered that it cannot be clearly established whether the land is suitable for use as a burial site or whether its use as such would likely cause a risk of groundwater pollution. Whilst the applicant's indicate that the proposed extension of the land associated with the Friends Meeting House would not be used for burials it is considered appropriate to condition any such permission to this end to ensure that the proposed use of the land would not result in any potential groundwater pollution in accordance with the provisions and aims of Policy ENV1 of the CLP 1996 and guidance within the NPPF.

#### Other Matters

8.50. The applicant proposes within the application to convey the land necessary for the community use to the Parish Council and also a £100,000 contribution towards the works necessary for the upkeep of the Friends Meeting House, and a draft unilateral undertaking has been submitted, with the intention of securing these matters.

8.51. Comment has been made by various parties as to the actual costs involved in maintaining the Friends Meeting House and the appropriateness of any such financial contribution. The Friends Meeting House is currently maintained by the Parish Council whilst financial contribution to the upkeep of the building would ease the financial burden on the Parish.

8.52. Whilst the Unilateral Undertaking has been progressed with the applicant, it is considered that a financial contribution and gifting of land does not make the proposed dwelling any more acceptable in planning terms and is not necessary to ensure the development proposals are in accordance with the policies of the development plan. As such these planning obligations do not meet the tests of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and cannot constitute a reason for granting planning permission. The Unilateral Undertaking put forward by the applicant is therefore not a material consideration in the determination of the planning application.

- 8.53. Concerns have been raised with regard to the potential for a pedestrian access to be created linking Horn Hill Road with the Milton Road to the south and a proposed community/recreational use of land south of the site. Permission has previously been granted in 2010 for a change of use of land from agricultural use to recreational use on land north of Milton Road under ref. 10/00508/F; this permission appears to have lapsed without being implemented.
- 8.54. Whilst indicative plans have been included within the application's supporting information, the proposed change of use of land for recreational use and associated access are outside of the current site's boundary and do not form part of the proposals for consideration under this application. As such these elements are not considered a material consideration and have not been assessed as part of the application.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposed development is similar in its nature to that assessed and refused under application 16/00619/F, with an appeal subsequently being dismissed on the grounds of likely having an unacceptable effect in terms of environmental pollution. However, within the current submission the applicant has resolved to remove the proposed extension to the burial ground from the scheme, thus removing one of the previous reasons for refusal put forward by the Council and the only reason for the Inspector dismissing the appeal for the proposed development of a new dwelling on the site.
- 9.3. Adderbury is considered to be one of the most sustainable settlements within the district being categorised as a Category A village within Policy Villages 1 of the CLP. Whilst the proposals would result in some localised visual impacts, in light of the recent appeal decision these are not considered to be such that it would significantly detract from the visual amenities of the site and its edge of village setting and warrant a reason to refuse the application that could later be sustained. The proposals are not considered to represent development that would have any significant detrimental impacts on visual amenity, neighbour amenity, highway safety or the setting of the adjacent Heritage Assets and are considered to comply with other identified policies within the Development Plan. It is further considered that the proposals are largely in accordance with the policies of the NPPF, including Section 5: 'Delivering a wide choice of high quality homes', Section 7: 'Requiring good design', and Section 11: 'Conserving and enhancing the historic environment'.
- 9.4. The proposals would provide social and economic benefits through providing additional residential accommodation and construction employment and trade opportunities within the local area supporting the district's economy. The proposals are not considered to be of any significant detriment to the environment and sustain the character and appearance of the site's edge of village setting, the Adderbury Conservation Area and setting of other heritage assets within proximity of the site.
- 9.5. Given the above assessment in the light of current guiding national and local policy context and other material considerations, including the Government's appeal decision, officers consider that the proposals represent an appropriate form of sustainable development within the built up limits of the village. As such, the proposals are considered to comply with the Development Plan and above mentioned policies and are therefore recommended for approval as set out below.

## 10. RECOMMENDATION

That permission is granted, subject to the following conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Design and Access Statement (March 2017), Planning Statement (March 2017), Heritage Setting Assessment (March 2017), Ecological Appraisal (March 2017), Findings of Arboricultural Baseline Assessment (March 2017), Landscape and Visual Appraisal (March 2017) and drawings numbered: PL-01c\_Location Plan, HT-01B\_Plans, HT-02\_Elevations, HT-03a\_Sections, PL-03e\_Planning Layout, PS-01\_Perspective 1 and PS-01\_Perspective 2.

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

3. Prior to the commencement of the dwelling hereby approved, a sample of the slate to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

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

4. Prior to the commencement of the dwelling hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural stone, with lime mortar and no cement gauging, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

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

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

Reason - To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves

the special character of the adjacent Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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

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

7. Prior to the construction of the dwelling hereby approved, the proposed means of access between the land and the highway shall be constructed as per the geometry as shown on approved plan PL-03e\_Planning Layout, and shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's current specification and guidance.

Reason - In the interests of highway safety and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the dwelling hereby approved, full specification details of the access drive, parking and manoeuvring areas, including construction, surfacing, layout and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwelling, the access drive, parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

9. Notwithstanding the information submitted, prior to the commencement of the development hereby approved, a landscaping scheme for the entire site shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

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

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

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

- (d) details of all boundary treatments.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance

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

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

11. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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

12. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a detailed method statement and timings for enhancing biodiversity on site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details and timings.

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.

13. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, (to include those measures outlined in section 6.4 of the Ecological Appraisal submitted with the application which was prepared by EDP dated March 2017), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

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.

14. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation,

relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

16. The land proposed for community use (as shown on approved plan PL-03e\_Planning Layout) in association with the Friends Meeting House, hereby approved, shall not be used for the purpose of burials, without the express planning permission of the Local Planning Authority.

Reason - It has not been established whether the land is suitable for use as a burial site or whether its use as such would likely cause a risk of groundwater pollution; in accordance with provisions and aims of Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD 8 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. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease

until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

4. With regard to conditions 9 & 10 (landscaping scheme) all species used in the planting proposals associated with the development should be native species of UK provenance.

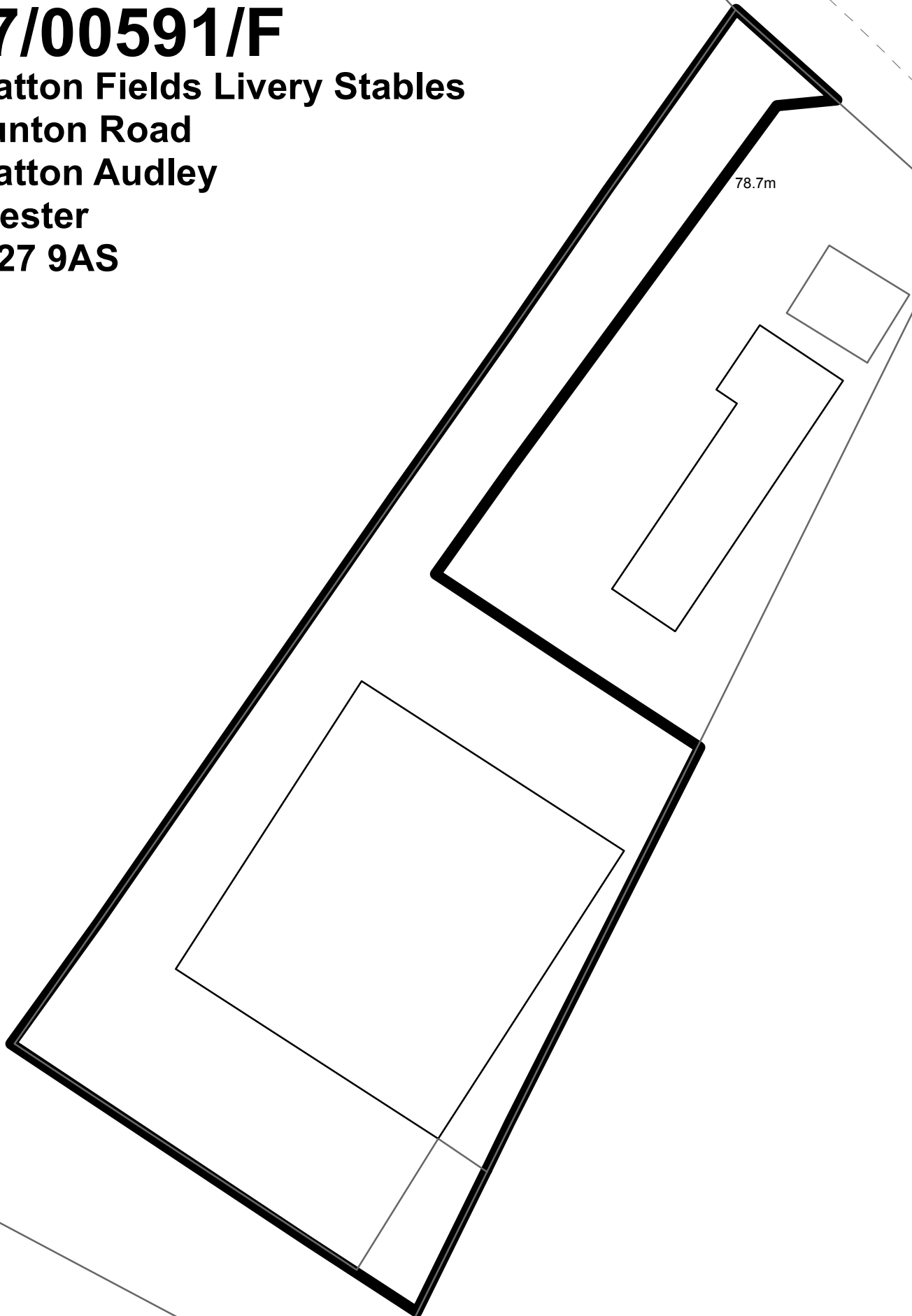
CASE OFFICER: Bob Neville

TEL: 01295 221875



# 17/00591/F

**Stratton Fields Livery Stables**  
**Launton Road**  
**Stratton Audley**  
**Bicester**  
**OX27 9AS**



**1:300**

# 17/00591/F

**Stratton Fields Livery Stables**  
**Launton Road**  
**Stratton Audley**  
**Bicester**  
**OX27 9AS**

75.8m

76.0m

Ward Boy

Def

Track

Pond

7m

Pond

N



**1:2,000**

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Stratton Fields Livery Stables**  
**Launton Road**  
**Stratton Audley**  
**Bicester**  
**OX27 9AS**

**17/00591/F**

**Applicant:** Mr M Chick

**Proposal:** Demolish livery stables including one bedroom flat; erection of three bedroom dwelling - Re-submission of 16/02389/F

**Ward:** Launton and Otmoor

**Councillors:** Cllr Tim Hallchurch  
Cllr Simon Holland  
Cllr David Hughes

**Reason for Referral:** Referred by Cllr Tim Hallchurch

**Expiry Date:** 9 May 2017                      **Committee Date:** 18<sup>th</sup> May 2017

**Recommendation:** Refusal

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located in an isolated position on the Launton Road approximately a kilometre south west of Stratton Audley.
- 1.2. The site currently accommodates a DIY livery which includes a stable block to the front of the site and a larger building to the rear accommodating further stabling. There is also a 1 bedroom flat located in the larger barn. This is situated in an elevated first floor position in the North West corner of the building above the stabling and is accessed via a staircase within the stable building.
- 1.3. The land immediately to the south and west of the buildings are used for the livery business and a manège exists to the south of the buildings.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The current application seeks permission to demolish the existing larger barn which accommodates some stabling and the 1 bedroom flat and replace it with a 3 bedroom dwelling. The proposed dwelling would be located on part of the footprint of the former barn and would have a broadly T shaped floor plan and be one and a half storey in scale.
- 2.2. The front elevation and part of the side returns of the dwelling would be constructed of local rubble stone to just above the ground floor windows with larch cladding above this to the eaves of the building. The remainder of the elevations would be clad with larch cladding and the roof would be constructed of slate.
- 2.3. A parking area serving the dwelling would be located to the front of the site and a garden would be located to the rear enclosed by an existing post and rail fence.

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

3.1. The following planning history is considered relevant to the current proposal:

| <u>Application Ref.</u> | <u>Proposal</u>  | <u>Decision</u>       |
|-------------------------|--|-----------------------|
| 05/00235/F              | Change of use from agricultural to paddocks and pole barn to stables, together with outdoor riding arena       | Application Permitted |
| 08/02278/F              | Change of use of existing barn and facilities for use as DIY part/assisted livery stables                      | Application Permitted |
| 09/00138/F              | Three wooden stables with tack room and hay store, plus demolition of old store shed.                          | Application Permitted |
| 16/00941/CLUE           | Certificate of Lawfulness of Existing Use for the Occupation of first floor of the Site as Self Contained Flat | Application Permitted |

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

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

### **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site. The final date for comments was 18.04.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. The applicant has submitted 10 letters of support for the proposal and a petition of support signed by 55 people. The comments can be summarised as follows:

- The proposal would replace an ugly utilitarian building and the proposal would be more in keeping with the rural setting and be more aesthetically pleasing.
- The house will provide security for the horses on site.
- The grass livery is something that is much required in the locality.
- It would create a home for the people who live at the site.
- The proposed house will be efficient and environmentally friendly.

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

### **6. RESPONSE TO CONSULTATION**

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

### WARD COUNCILLOR

- 6.2. COUNCILLOR TIM HALLCHURCH MBE: **Comments.** The reasons why I would like the case to go to committee are concerned with the planning history of the site and whether there is an essential need for the proposed dwelling to serve as a rural workers dwelling.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.3. LAUNTON PARISH COUNCIL: **No objections** however state that they are concerned about setting a precedent about deviating outside the limits of the village and hope that replacing an existing dwelling rather than building a new dwelling on the site of stables means that no undesirable precedent will be set.

### STATUTORY CONSULTEES

- 6.4. LOCAL HIGHWAY AUTHORITY: **No objections.** The proposed new dwelling will use an existing access on to Launton Road. The number of traffic movements associated with the proposal is likely to be less than for the previous use of the site as stables. Three parking spaces are to be included, which is adequate provision for the size of property, and a suitable turning area allowing vehicles to leave in a forward gear. The proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.
- 6.5. NATURAL ENGLAND: **No comments.**

### NON-STATUTORY CONSULTEES

- 6.6. CDC ECOLOGY: **No objection** subject to planning notes on bats and nesting birds. The proposal is unlikely to have any impact on bats as the existing building has very low potential. The building should be demolished outside bird nesting season. Given the existing hard standing and the nearest pond being approx. 180m from the site boundary the potential for great crested newts is considered unlikely. However it would be advisable for the applicant to follow the method statement to reduce the risk of impacting on great crested newts as outlined in the report as a precautionary measure.
- 6.7. CDC LANDSCAPE: **Comments.** In terms of landscape and visual impact this development is an improvement in that it is replacing a barn with a dwelling. There are no PRow's in the vicinity with views of the site and only glimpsed views from the road. Queries how the manège will be accessed and raises concerns where the contents of the existing barn will go and would not want to see another barn on the site.

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC2 – The Effective and Efficient Use of Land
- ESD1 – Mitigating and Adapting to Climate Change
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

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

- H18 – New Dwellings Outside Built up Limits
- H17 – Replacement Dwellings
- C28 – Layout, design and external appearance of new development
- C30 – Design Control
- ENV1 – Pollution Control

### 7.3. Other Material Planning Considerations

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

## **8. APPRAISAL**

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

- Planning History
- Principle of development
- Design, and impact on the character of the area
- Impact on livery business
- Highways
- Other Matters

#### Planning History

8.2. The relevant planning history of the site can be seen in full in section 3 of this report. The site has been the subject of a number of applications which have allowed for the site to be used as a DIY / part assisted livery stables and for the land to the south and west of the stables to be used for equestrian purposes.

8.3. In 2016 the applicant applied for a Certificate of Lawful Existing Use for the occupation of a small area of the first floor of the larger barn as a self contained 1 bedroom flat. In this type of application the onus is on the applicant to demonstrate that the use (i.e. as a self contained flat) had been happening for at least 4 years on a continuous basis in breach of planning control without being enforced against, to establish a lawful use on the site. An assessment of the development against planning policy is not made in these types of applications as there can be no consideration of the planning merits of the development. Rather the Council is required to make a judgement, based on the available evidence, whether the use applied for is now immune from enforcement action and so lawful in planning terms.

8.4. A series of documents including sworn statements were presented to the Council as evidence to support this earlier application and subsequently it was determined that

the use of a small part of the barn as a 1 bedroom dwelling had been occurring for in excess of 4 years and as such a certificate of lawful development was issued. This means the Council can no longer enforce against this use and a residential use is established on this small part of this site.

#### Principle

- 8.5. As outlined above the application site currently accommodates a small 1 bedroom flat. This is situated in the northwest corner of the larger barn on the site and is situated in an elevated first floor position above the stabling. It is accessed to the north of the barn and essentially forms part of the wider barn which is used for stabling of horses and storage.
- 8.6. As the current dwelling on the site was granted under a lawful development certificate there are no planning restrictions which tie its occupation to someone employed at the livery on site. However given the very close and intimate relationship between the existing livery and the dwelling (i.e. within the same building and immediately surrounding the dwelling); along with the limited size of the dwelling and restricted amenity of the dwelling, it is considered that it is very unlikely that it would be lived in by anyone but someone with a close association with the livery. Therefore whilst there is no planning condition restricting the occupation of the existing dwelling to the livery business, in practical terms it is considered reasonable to conclude that the dwelling would only be occupied by someone associated with the livery. Essentially therefore officers consider that the existing dwelling operates as a tied dwelling and it is considered that this is a material consideration which should be given weight in determining the application.
- 8.7. Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites, therefore the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 8.8. In terms of the distribution of new dwellings Policy ESD1 of the Cherwell Local Plan (2011-2031 Part 1) states that measures will be taken to mitigate the impact of development within the District on climate change including distributing housing growth to the most sustainable locations, and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.9. The application site falls outside the built up limits of any village in an isolated location away from other development or services. Saved Policy H18 seeks to restrict new dwellings in such locations except in a number of cases including where they are essential for agriculture or other existing undertakings. This policy is considered to be consistent with paragraph 55 of the NPPF which seeks to restrict isolated new dwellings in the open countryside.
- 8.10. As the existing dwelling was granted under a Certificate of Lawful Use, there was no assessment of the proposal against the Development Plan. However as outlined

above the existing dwelling is considered to operate essentially as a tied dwelling to the existing livery use given the very close physical and functional relationship between the uses and, subject to the necessary justification being provided in terms of the need for someone to live permanently on site in connection with the livery business, may have been supported in planning terms. It is unlikely it would have been supported otherwise, particularly given the isolated location and the likely amenity conflicts with the operation of the livery business.

- 8.11. The current application would result in the existing building being demolished and the erection of a new 3 bedroom dwelling which is substantially larger than the existing dwelling on site. This would have no associated tie with the livery and would not have the same intimate relationship and could be occupied by anyone not necessarily a rural worker. It is therefore considered to conflict with Saved Policy H18 which restricts the development of new dwellings in isolated locations. The increased size of the dwelling also raises concerns over whether such a dwelling would be affordable and accessible to a rural worker, and in any event no case for the essential need for a worker to live on site in connection with the livery business has been made.
- 8.12. In conclusion it is therefore considered that the proposal would result in the replacement of a small dwelling which is only likely to be occupied by a person operating the livery with a substantially larger 3 bedroom dwelling. The new dwelling would be far more independent of the livery and could be occupied by anyone not necessarily a rural worker, and no case has been made for the essential need for a worker to live on site. It is therefore considered that the proposal would lead to the creation of a new independent dwelling in an isolated location away from services and facilities contrary to Policy ESD1 of the Cherwell Local Plan Part 1, Saved Policy H18 of the Cherwell Local Plan and advice in the NPPF particularly paragraph 55.

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

- 8.13. Policy ESD15 of the Cherwell Local Plan (2011 – 2031 Part 1) states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be expected to meet high design standards. Development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. Policy ESD13 states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside or be inconsistent with local character.
- 8.14. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new development to ensure that the standards of layout, design and external appearance are sympathetic to the character of the rural context of that development.
- 8.15. Saved Policy C30 of the Cherwell Local Plan 1996 exercises control to ensure that new housing development is compatible with the appearance, layout and density of existing dwellings in the vicinity.
- 8.16. As the proposal is for a replacement dwelling, Saved Policy H17 relating to replacement dwellings is also relevant. This states that proposals for the one-for-one replacement of an existing dwelling will normally be permitted providing that the building is not a listed building and where the existing building lies outside the built up limits of settlements, such as in this case, the use of a dwelling has not been abandoned and its proposed replacement is similar in scale and within the same curtilage. The main objective of this policy is to protect the character of the countryside which is considered to be in accordance with paragraph 17 of the NPPF



which seeks to take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the open countryside. The supporting text to Saved Policy H17 goes on to state *'proposals for substantially larger and more conspicuous dwellings in the landscape will be resisted'* (para 2.75)

- 8.17. In the assessment of this application, the Council is not only considering the size and scale of the existing flat compared to the size and scale of the proposed dwelling, but also the additional curtilage proposed associated with the new dwelling. The applicant appears to be comparing the size of the proposed dwelling with the size of the existing livery barn which would be demolished however this is not the correct test and it should be compared to the size of the existing 1 bedroom flat which only occupies a small element of this building, and does not currently have an external presence. As such, to all intents and purposes, the appearance of the existing building is not domestic but typical of many farm and stable buildings found in the countryside. It is also noted that the certificate of lawful development did not include any residential curtilage whereas the current application does show areas of amenity space and garden to the front and rear of the proposed dwelling. Whilst it is accepted that the occupier of the flat would have used the access from the road there is no indication of a garden space serving the flat.
- 8.18. Whilst a mathematical comparison is not decisive as the visual impact is also a significant factor it does provide an indicator of the comparative sizes of the dwellings. The footprint of the existing dwelling granted under the certificate is approximately 45m<sup>2</sup> with an internal floor area of 41m<sup>2</sup>. The proposed dwelling would have a footprint of approximately 122m<sup>2</sup> with a floor area of 197m<sup>2</sup>. This demonstrates that the physical size of the dwelling will be significantly larger than the dwelling it replaces. The proposal would also extend the curtilage of the dwelling which has previously been drawn tightly around the building which would further impact on the character and appearance of the site. The proposal therefore conflicts with guidance on scale provided in Saved Policy H17.
- 8.19. In terms of the visual impact of the development the site would be visible from a number of viewpoints along Launton Road and there may also be some glimpses from the surrounding footpath network particularly when hedges are cut and in the winter months. The existing dwelling is well contained within the stables complex and functions as a subservient element of it. Therefore the existing dwelling has a very limited visual impact on the surrounding area. Some of the letters of support and the landscape officer have stated that the proposal would lead to a visual enhancement to the site through the loss of the existing large barn on the site. Whilst it is acknowledged that the existing barn is not of any architectural merit, has a functional appearance and is a prominent feature within the site, it has an agricultural appearance and does not appear out of keeping with the surrounding rural landscape. It is relatively inconspicuous in the wider landscape given that these types of functional building are found throughout the rural landscape in connection with agriculture and equestrian uses, and therefore it sits conformably in its context. Its removal is therefore not considered to be a significant benefit of the scheme and does not justify its replacement with a substantially larger and more conspicuous dwelling, contrary to Policy H17.
- 8.20. Whilst the proposed development would have a smaller foot print than the existing barn accommodating the existing dwelling it would be considerably larger in scale, footprint and floor areas than the existing 1 bedroom flat within the building as outlined above. It would also be taller than the existing building further increasing its visual impact. The proposed dwelling would also lead to a significant unjustified domestication of the site and surroundings, by virtue of the domestic appearance of the dwelling and the extended gardens around the building. This would lead to an

undue visual intrusion in the landscape and would be prominent and out of keeping with the open countryside setting of the site.

- 8.21. The design of the proposed dwelling is also not considered to be sympathetic to the locality or reinforce local distinctiveness. Whilst the front elevation of the building would partly be constructed of local stone, much of the design of the dwelling would be dominated by timber cladding which is not a traditional material used in the area. The design of the building appears to be an awkward mix of a chalet style bungalow and former outbuilding which does not create a locally distinctive form or appearance. The different elements appear convoluted, particularly the heavy use of timber cladding, the awkward roof arrangement, the proliferation of rooflights, and the large amount of glazing to the southern elevation.
- 8.22. Overall it is therefore considered that the proposal would result in a replacement dwelling which is significantly larger and more intrusive than the existing dwelling on the site. It would appear significantly more visually intrusive and prominent in the surrounding agricultural landscape and would damage the rural character and appearance of the site through a significant domestication of the site in an open countryside setting. The proposal would therefore conflict with Saved Policies H17, C28 and C30 of the Cherwell Local Plan (1996), Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031 Part 1) and advice in the NPPF.

#### Impact on livery business

- 8.23. Officers did raise concerns with the applicant that the loss of the existing livery building on the site would detrimentally impact on the livery business and result in the requirement for further building to accommodate the uses currently housed in the building. The applicant however has stated that 'the stables within the main barn are no longer required to support the business and following redevelopment the business model will move to a grass livery operation, retaining the timber stables to the north of the proposed dwelling to provide stabled DIY and assisted livery accommodation. This reflects a change in the livery market which has seen significant reduction in the use of the stable on site' (para 4.13 of applicants Planning Statement). They therefore state there is no intention or need to replace the building with alternative stable accommodation of storage space.

#### Highways

- 8.24. The proposed development would utilise the existing access from Launton Road which serves the livery business and existing flat. The proposed plans shows parking to the front of the dwelling and parking for the livery business would continue to be provided on site to the front of the stables. The Highway Authority has been consulted and has raised no objection to the application and the proposal is therefore considered to be acceptable in this regard.

#### Other matters

- 8.25. Policy ESD15 seeks to ensure that existing and proposed dwellings have adequate levels of amenity. In this case there are not considered to be any neighbouring properties which would be impacted upon by the proposal and the proposed dwelling is considered to provide a good standard of amenity to future residents in terms of internal and external space.
- 8.26. That said, the close relationship with the surrounding livery use is a concern, with potential for noise, disturbance, odours and smells to have an adverse impact on the future occupiers of the dwelling. This would be contrary to Saved Policy ENV1 of the Cherwell Local Plan 1996, and Government Guidance in the NPPF which seeks to

avoid introducing new development that would result in conflicts with existing business uses. As such, and notwithstanding that no essential need for a rural worker to live permanently at the site has been demonstrated, if the Council is minded to grant permission a condition would be necessary preventing the dwelling from being sold separately from the livery business.

- 8.27. As the existing building is used for equestrian and residential purposes it therefore constitutes previous developed land. Paragraph 111 of the NPPF states planning decisions should encourage the effective use of land by reusing land that has been previous developed. Policy BSC2 of the Cherwell Local Plan Part 1 seeks to build on this and states that the Council will encourage reuse of previously developed land in sustainable locations. Whilst the fact that the site is previously developed weighs in favour of this proposal, given the isolated unsustainable location of the development the weight that is attributed to this benefit is limited and it is not considered to be supported by Policy BSC2.
- 8.28. Policy BSC10 seek to protect the natural environment. The current application has been accompanied by a bat survey which concludes the existing building has low potential to accommodate bats. The Councils Ecologist has assessed the application and has no objection to the application.
- 8.29. A number of comments have been made regarding the new dwelling improving the security of the site by having a presence on the site and this being a benefit of the scheme to the existing business. However it should be noted that there is already a lawful dwelling on the site which was granted under the Certificate of Lawful Development which provides security to the site and therefore this issue is not considered to carry significant weight in the planning balance.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the environmental, social and economic benefits of sustainable development should be sought jointly. It also highlights the importance of the Development Plan and states that proposals which conflict with the development plan should be refused unless material considerations indicate otherwise.
- 9.2. In the current application the proposal would result in the creation of a new independent dwelling in an unsustainable location. Whilst there is an existing dwelling on the site this is very modest in size and given its relationship with the existing livery business on the site is only likely to be occupied by a person associated with the business. It therefore essentially constitutes a rural workers dwelling. The new dwelling would not be linked to the business and may be occupied independently of the business and is situated in an isolated unsustainable location resulting in environmental harm. No essential need for a rural worker to live on site has been demonstrated, and the proposal would also result in further environmental harm by virtue of the scale and design of the dwelling and its associated domestic curtilage, and the detrimental impact it would have on the rural character and appearance of the open countryside.
- 9.3. Whilst the proposal would lead to some modest social and economic benefits and the re-use of previously developed land, these matters are not considered to outweigh the environmental harm outlined above and the conflict with the Development Plan. It is therefore recommended that planning permission be refused.

## **10. RECOMMENDATION**

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

1. The proposed development would result in the creation of a new independent dwelling in an isolated location away from services and facilities. Whilst it would replace an existing dwelling on site, due to its small size and intimate physical and functional relationship with the stables building, this existing dwelling would only be likely to be occupied by a person associated with the existing livery business. However no essential need for a rural worker to live permanently at the site has been demonstrated and the proposal would therefore lead to the erection of a new dwelling in an unsustainable location and would be contrary to Policy ESD1 of the Cherwell Local Plan Part 1 (2015), Saved Policy H18 of the Cherwell Local Plan 1996 and advice in the NPPF.
2. The proposed dwelling, by virtue of its scale, locally incongruous design and convoluted form, and associated residential curtilage, would result in a noticeably more conspicuous and harmful form of development which would be detrimental to the rural character and appearance of the area and open countryside setting of the site. It would also fail to reinforce local distinctiveness. The proposal would therefore be contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policies H17 and C28 of the Cherwell Local Plan 1996 and advice in the NPPF.

CASE OFFICER: James Kirkham

TEL: 01295 221896

Akeman Street

**17/00632/F**

**Playing Field East Of Geminus Road  
Chesterton  
Bicester**

8

Playing Field

Sports Pavilion

Hall

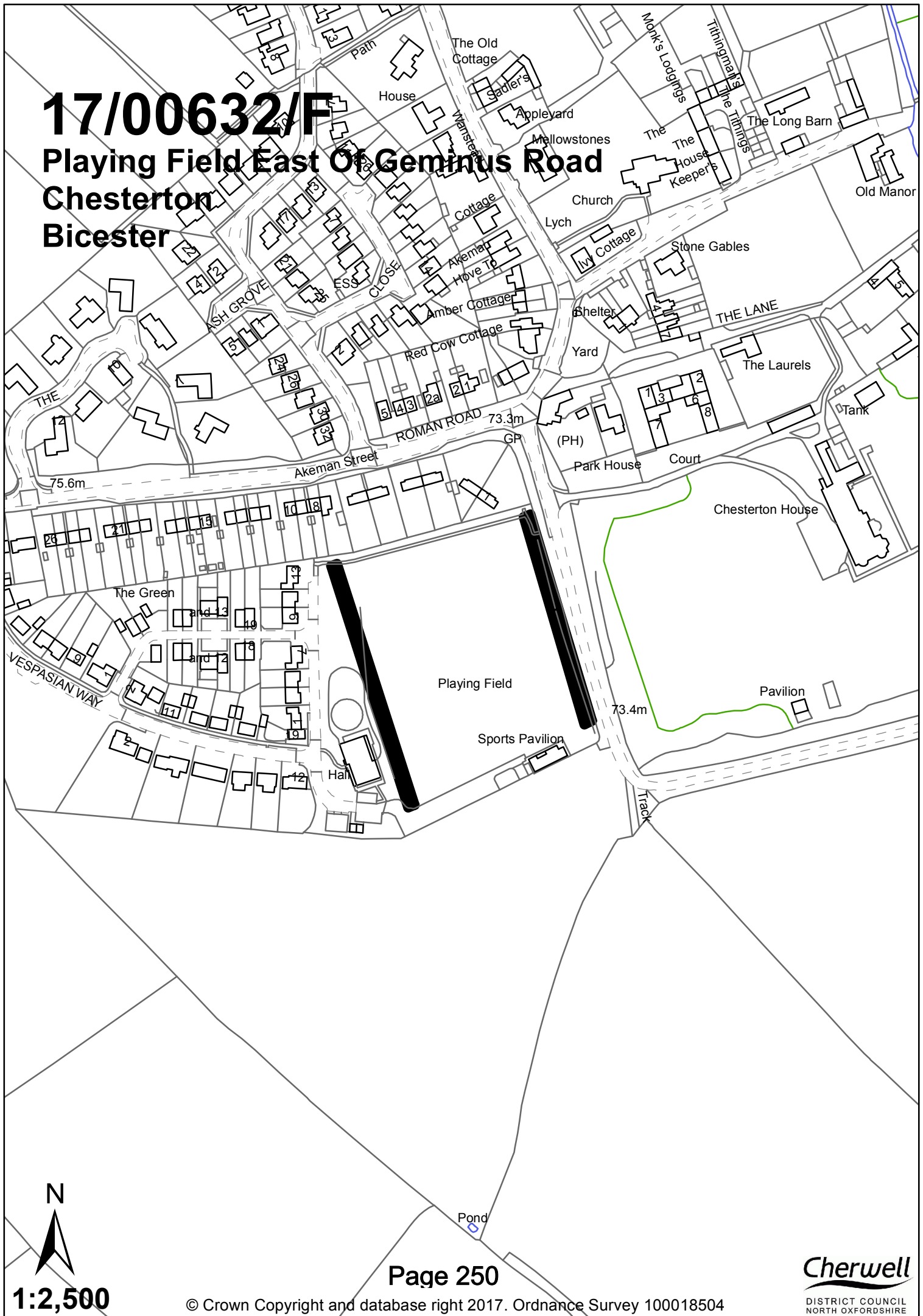
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# 17/00632/F

## Playing Field East Of Geminus Road

### Chesterton Bicester



N  
1:2,500

**Applicant:** Chesterton Parish Council

**Proposal:** Erection of perimeter security fence around playing fields (retrospective) and application for the erection of an additional 20 metres of fencing

**Ward:** Fringford And Heyfords

**Councillors:** Cllr Ian Corkin  
Cllr James Macnamara  
Cllr Barry Wood

**Reason for Referral:** Due to the level of local public interest.

**Expiry Date:** 29 May 2017                      **Committee Date:** 18 May 2017

**Recommendation:** Approve

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is the playing field located in the southern part of Chesterton. The properties to the north of the site back onto the playing field and a new housing development exists immediately to the west of the site where a number of residential properties face onto the western boundary of the playing field. A new community hall exists to the south west of the site and a sports pavilion and parking areas exists adjacent to the southern boundary of the site.
- 1.2. A children's play area exists immediately to the north of the community centre which was secured as part of the Section 106 agreement associated with new development to the west. However the area of play equipment further to the north of the site including adult gym equipment and zip wire are currently subject to an enforcement enquiry which the Councils Enforcement Team are actively investigating.
- 1.3. The site lies outside of the designated Chesterton Conservation Area, but the boundary to the Conservation Area exists immediately to the east of the site.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The current application seeks retrospective planning permission for the erection of 2 areas of fencing. The fence is 2.4 metre high green mesh fencing. The first part of the fencing runs adjacent to the eastern boundary of the playing field with the road. The second part of the fence is situated on the western boundary of the playing pitches and is located between the playing fields and the community centre/play equipment. Planning consent is also sought to extend this fence by another 20 metres to the north adjacent to the area currently occupying the adult gym equipment.

## **3. RELEVANT PLANNING HISTORY**

3.1. The following planning history is considered relevant to the current proposal:

| <u>Application Ref.</u> | <u>Proposal</u>  | <u>Decision</u>       |
|-------------------------|--|-----------------------|
| 10/00377/F              | Replacement pavilion   | Application Permitted |
| 12/00305/OUT            | Erection of 44 dwellings, village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping (outline)  | Application Permitted |
| 13/01525/REM            | Reserved Matters to Outline application 12/00305/OUT - Erection of 44 dwellings, village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping | Application Permitted |

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

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

#### **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 04.05.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. At the time of writing the report 37 letters had been received. This included 13 letters of objection and 24 letters of support. A further petition with 159 signatures in support of the application has also been support.

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

##### Objections

- Proposal is contrary to BSC11 which requires appropriate ancillary facilities and landscaping to support provision of a spacious outlook.
- Fencing disrupts outlook onto green space
- Fence is too big and unsightly and disrupts views of village green.
- Fencing appears odd and unfinished.
- Proposals are of poor design, are not in a material or style which is in keeping with its location (a rural village) and does not respect the adjoining conservation area. It is not sympathetic to the character of the neighbouring dwellings. The addition of this fence does not conserve or enhance the character of the area. The proposal is therefore contrary to Policy ESD15 of the Local Plan.



- The fences restrict the access and use of the outdoor space. This is contrary to the National Planning Policy Framework (NPPF) which indicates that public rights of way and access should be protected.
- Noise pollution through people kicking balls against the fence Policy BSC 11 recognises previous national planning guidance such as that contained within Planning Policy Guidance 17 (PPG 17) - noisy or other intrusive activities should be restricted to locations where they will have minimal or no impact on residents or other recreational users. NPPF also states that Planning policies and decisions should aim to avoid noise.
- The new play and gym equipment which the fence protects is not authorised.
- Fencing is not needed or justified. It is an 'over the top' solution.
- No protection is provided to the dwellings along Green Lane or the vehicles in the car park. Therefore why is it required for Geminus Road?
- Fence is not tall enough to protect the community centre roof and alternative window protection could be provided.
- The plans show two full size football pitches however in reality there is one child's pitch meaning there is sufficient distance to the adjacent play area to protect users.

### **Support**

- The fence is required to protect surrounding uses from activities on the playing field which includes football and cricket.
- Fence protects the Community Centre, play area, properties in Geminus Road and users of the adult gym equipment. It also protects cars using Church Road.
- Fence is a health and safety necessity.
- The fence is unobtrusive and a sensible height. It is almost invisible unless one wishes to stare hard at it.
- The fence blends into the surrounding area.
- Surprised that the fence requires planning permission.

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

## **6. RESPONSE TO CONSULTATION**

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

### STATUTORY CONSULTEES

6.2. SPORT ENGLAND: **No objections.** Having assessed the application, Sport England is satisfied that the proposed development meets the following Sport England Policy exception:

- 6.3. *E2 - The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.*
- 6.4. This being the case, Sport England does not wish to raise an objection to this application

#### NON-STATUTORY CONSULTTEES

- 6.5. CDC LANDSCAPE: **No comments.**

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

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

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

- BSC10 – Open space, outdoor sport and recreation provision
- ESD15 - The Character of the Built and Historic Environment

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

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

- 7.3. Other Material Planning Considerations

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

### **8. APPRAISAL**

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

- Principle of development
- Design, and impact on the character and appearance of the area
- Residential amenity
- Other matters

#### Principle of development

- 8.2. The application site forms part of an established existing playing field. The existing and proposed fencing is an ancillary element to the use of the playing field and does not impact on the provision of sports facilities on the playing field. Sport England has been consulted and has raised no objections. Therefore the principle of the development is considered to be acceptable subject to other material considerations discussed below.

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

- 8.3. Policy ESD15 of the Cherwell Local Plan Part 1 (2015) states that new development should complement the character of its context through sensitive siting, layout and high quality design. It goes on to state that development should be designed to deliver high quality safe, attractive, durable and healthy places to live and that development should be designed to improve the quality and appearance of an area and the way it functions.
- 8.4. The site also lies within the setting of the Chesterton Conservation Area and Policy ESD15 states that development should conserve, sustain and enhance designated heritage assets including their setting.
- 8.5. According to the submitted documents the fencing has been erected for health and safety reasons and also to improve the use of the playing field by users. The playing field is used for a variety of uses including football and cricket. It is stated that the fencing adjacent to the eastern boundary has been erected to help reduce instances of balls going onto the adjacent road. This fence is located adjacent to an existing hedgerow and the design and appearance of the fence does not appear unduly prominent in this location and is screened by the existing planting. The Conservation Area boundary is located immediately to the west of this fencing however given the presence of the hedge separating the fence from the road and the fact any glimpse view of the fence are seen in the context of the playing field the proposal is not considered to detrimentally impact on the setting of the Conservation Area.
- 8.6. It is stated that the proposed and existing fencing adjacent to the west of the playing area is to protect the community centre building; the children's play area and adult gym equipment to the north of the community centre and also to prevent balls from going onto Geminus Road to the west of the site. While a number of objectors have raised concerns that the adult gym equipment and some of the play equipment for older children is current under investigation by the Enforcement Team these structures are not for consideration in this application and this application solely relates to the fence. Several of the objectors dispute the applicant's stated justification for fencing in this location. However, there would clearly be some benefits associated with the fencing by preventing some balls from straying off the pitch onto the adjacent uses.
- 8.7. That said, the main issue to consider is whether any visual harm associated with development would justify refusal of the application. The fence is clearly visible from the adjacent new development, to the west. However, it is seen in the context of a modern playing field and is not considered to appear unduly prominent or stark in this context. Within the context of a playing field the fence is not considered to appear out of place. The design and colour choice (dark green) of the fence also helps to reduce the visual impact of the development. Furthermore the fence is set away from the boundary with the residential development to the west which further reduces visual impact on the neighbouring development.
- 8.8. A further matter to consider is that as the proposed fence on the western side of the playing field is not adjacent to a highway used by vehicular traffic a 2 metre high fence could be erected on the site without planning permission under Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. This would have a very similar visual impact to the fencing as currently proposed which is only 0.4 metre higher.
- 8.9. Overall, therefore, the visual impact of the fence is considered to be acceptable and would not appear out of keeping or unduly prominent given its setting.

### Residential amenity

- 8.10. Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook and natural light.
- 8.11. The fence is considered to be a sufficient distance from the neighbouring properties given its height and design to ensure it would not significantly impact on the outlook or light to the properties in Geminus Road or those properties to the north backing onto the site. Given the design of the fence a significant degree of visual permeability will be maintained. It is a long established planning principle that there is no right to a private view over land and therefore the concerns residents have raised regarding the loss of a view over an open field are not material to the consideration of the application.
- 8.12. Residents has also raised concerns that users of the playing field kick balls against the fence which creates noise which is detrimental to their residential amenity. There is little the Council can do to prevent users of the planning field kicking balls against the fence however most users of the playing field are unlikely to do this and those that do are only likely to do for small periods of time. The fence is in the context of a public planning field where there is likely to be a degree of noise and disturbance by people using the facilities or playing sports. Furthermore it must be borne in mind that a fence with a similar height could be erected without planning permission which would have a similar impact. There has been no objection from the Environmental Protection Officer and given the above facts it is considered that the noise associated with the fencing would not be a sustainable reason for refusal.

### Other matters

- 8.13. Some residents have stated that the erection of the fencing has restricted their use of the playing field and it now feels more like a private space. However the public use of the playing field is still available and the fencing does not significantly impact on access to the playing fields in officers views. Access is still available to the north and south of the site.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The development would result in new fencing being located to the eastern and western boundary of the playing pitches on the playing field. The main issue to consider is the visual impact of the proposal however given the chosen design of the fencing, that fact that it would be seen in the context of an established playing field and the relationship with the surrounding development, the proposal is not considered to detrimentally impact on the character and appearance of the area or the setting of the Conservation Area. The justification for the fencing is disputed by some local residents however there are clearly some practical benefits arising from the scheme to users of the playing field. The development is also considered to be acceptable with regards to its impact on the residential amenity of the neighbouring property. Finally a similar fence of 2 metres could be erected without the need for planning permission. It is therefore recommended that planning permission be granted.

## **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement, drawing number 1020 B, 1020 K and pictures of fencing.

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.

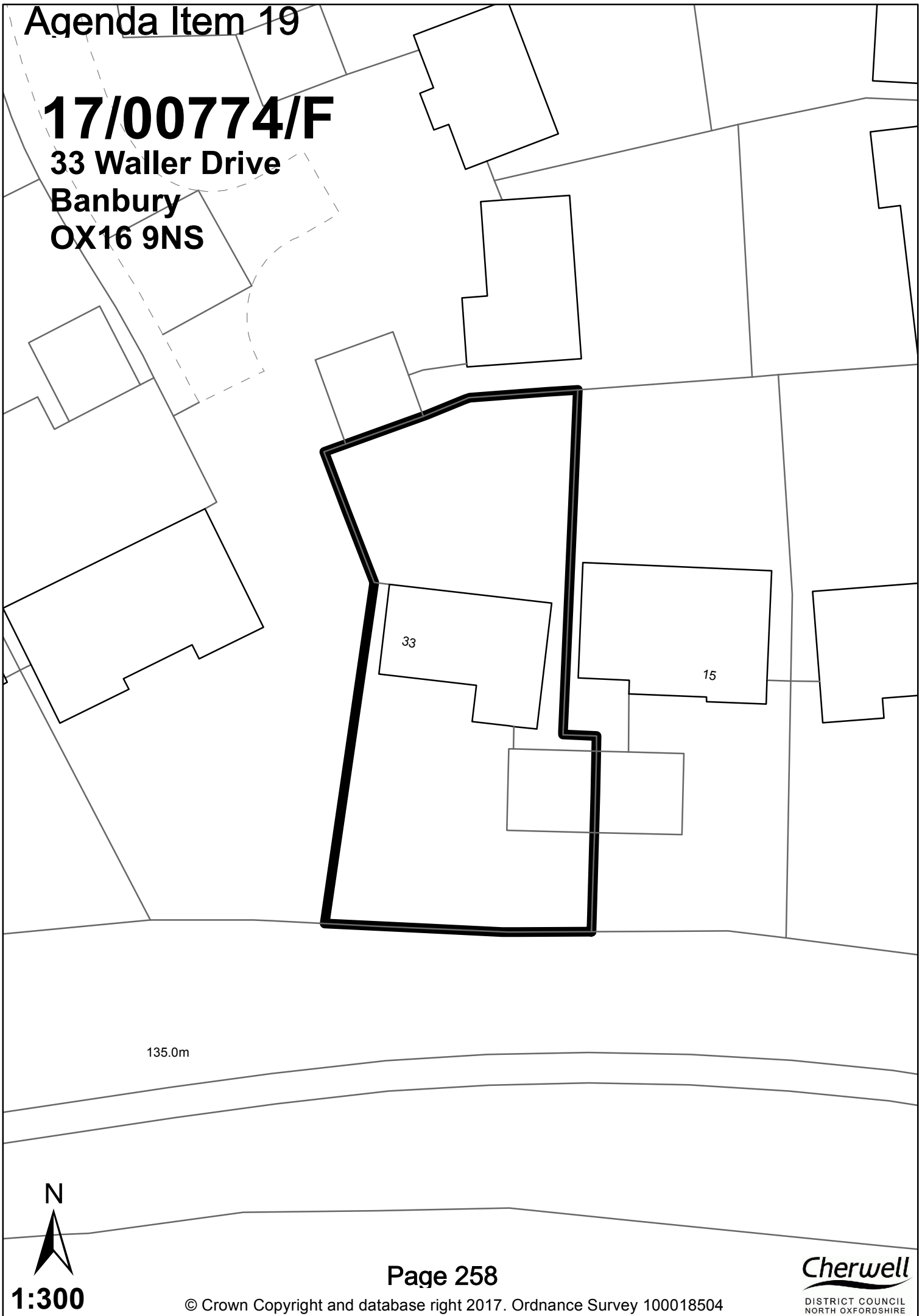
CASE OFFICER: James Kirkham

TEL: 01295 221896

# Agenda Item 19

## 17/00774/F

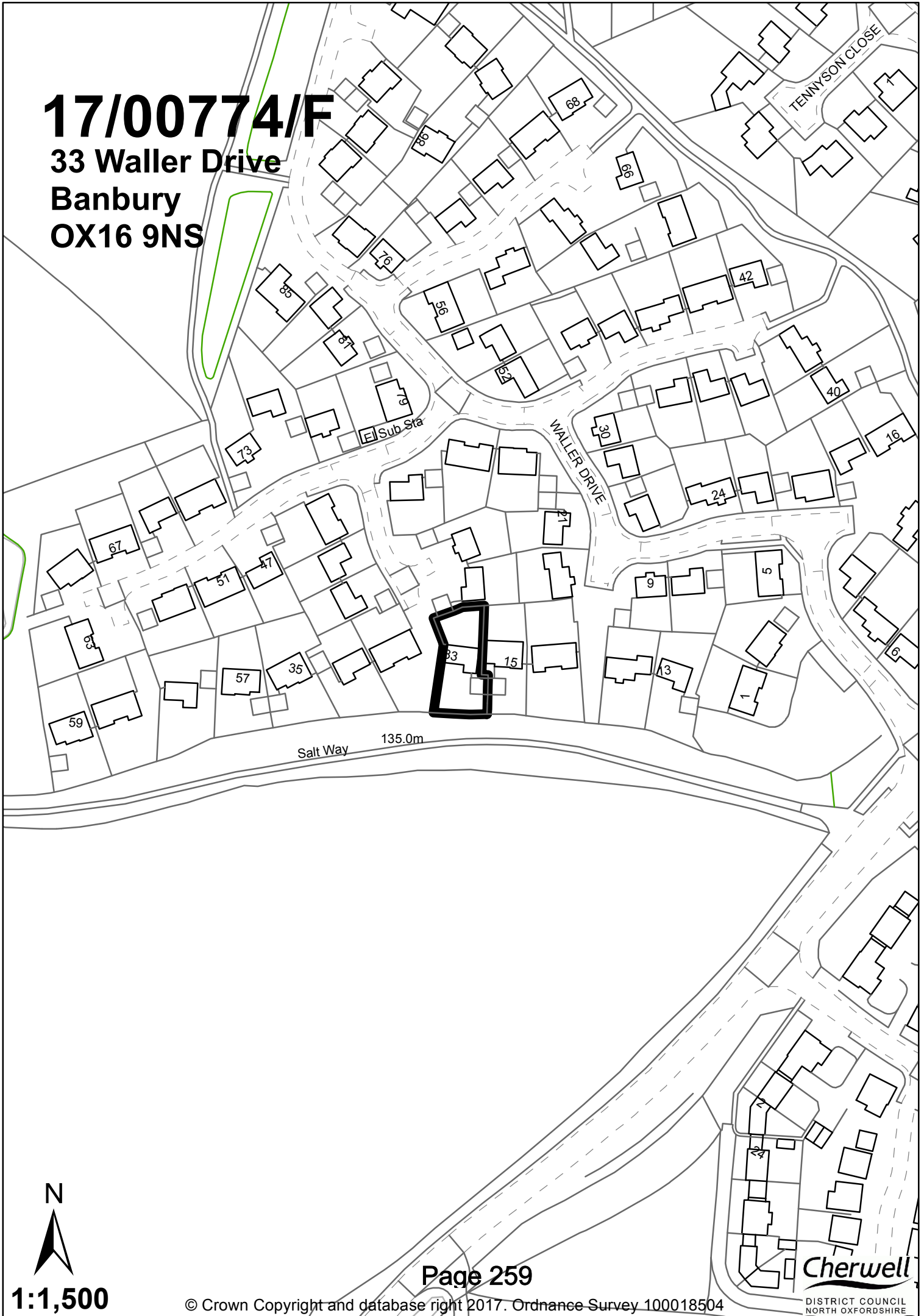
33 Waller Drive  
Banbury  
OX16 9NS



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**17/00774/F**

**33 Waller Drive  
Banbury  
OX16 9NS**



**1:1,500**

**Applicant:** Mr & Mrs B Dhesi

**Proposal:** Single storey front and side extensions and part single storey part two storey rear extension (revised scheme of 16/02499/F)

**Ward:** Banbury Calthorpe And Easington

**Councillors:** Cllr Colin Clarke  
Cllr Kieron Mallon  
Cllr Nigel Morris

**Reason for Referral:** One of the applicants is an elected member.

**Expiry Date:** 2 June 2017                      **Committee Date:** 18 May 2017

**Recommendation:** Approve

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## 1. APPLICATION SITE AND LOCALITY

1.1 The application relates to a two storey detached dwelling with a detached garage, constructed of brick with a tiled roof, facing south on to Waller Drive. There are no changes in the levels across the site that would significantly affect the application assessment. The site, which lies within the built form of Banbury, is bounded by residential properties to the north and east. The application building is not listed and the site is not located within a designated Conservation Area. The property's permitted development rights remain intact.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application, a revised scheme of that previously refused, is for single storey front and side extensions and a part single storey, part two storey rear extension. The proposed front extension would measure approximately 1.6m in depth, 2.5m width with an overall lean to roof height of 4.3m sloping down to an eaves height 2.5m. The proposed side extension would measure approximately 2.6m depth, 1.2m width with an overall roof height of 3.9m sloping down to an eaves height of 3m. The proposed single storey extension would measure approximately 1.1m depth, 11.4m width with an overall roof height 3.5m sloping down to an eaves height of 2.5m. The proposed two storey rear extension would measure approximately 2.5m depth, 10.6m width with an overall roof height of 7.3m sloping down to an eaves height of 5m.
- 2.2. The difference between the refused scheme and the current proposal is reduction of approximately 1m to the depth of the rear extension at first floor and roof level.

## 3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

| <u>Application Ref.</u> | <u>Proposal</u>   | <u>Decision</u>     |
|-------------------------|---|---------------------|
| 16/02499/F              | Single storey front and side extension and two storey rear extensions | Application Refused |



- 3.2. The application reference (16/02499/F) was recommended for approval subject to Conditions but that recommendation was overturned at by Planning Committee who refused the application on the following grounds:

The proposal would result in an overly large extension that by reason of its siting and design would represent an overdevelopment of this site which would be detrimental to the character and appearance of this residential area and harmful to the residential amenities of adjacent properties. As such the proposal would be contrary to Policy ESD 15 of the adopted Cherwell Local Plan 2011- 2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996.

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

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

#### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 10.05.2017, although comments received after this date and before finalising this report have also been taken into account.
- 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.

##### BANBURY TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Objection: Banbury Town Council believe that this proposal would result in an overly large extension leading to overdevelopment of the site. The council also believes that this proposal by means of its character and appearance would be harmful to the residential amenities.

##### OTHER CONSULTEES

- 6.3. No objections

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

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

7.3. 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.

**8. APPRAISAL**

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

- Design, and impact on the character of the area;
- Residential amenity;
- Highway Safety and Parking;

Design, and impact on the character of the area

8.2. The proposed single storey extensions would be set down in height in relation to the existing dwelling and although partly visible from the public realm would not be unduly prominent in relation to the existing dwelling and are considered subordinate in relation to the existing dwelling.

8.3. The proposed two storey rear extension introducing two end gables to the rear would have a greater impact on the street scene, visible from Waller Drive as the front elevation faces south away from the road, but would be set down in height in relation to the existing dwelling. Although the two storey rear extension is of a significant scale and visible from the highway, the proposal would be well massed and would be of a harmonious form and is considered sufficiently subservient in relation to the existing dwelling.

8.4. The materials proposed for the overall development are considered to be acceptable and would match those of the existing dwelling.

8.5. It is relevant to note that the proposed side extension (snug) would appear to be permitted development (PD), and that the proposed rear extension is very similar to what could be carried out under permitted development.

8.6. That is, PD would allow for a two-storey rear extension of 3.0m depth and up to approx. 9.3m width, i.e. set off the side boundaries by 2.0m to either side. The current proposal has a depth at first floor level of 2.5m, and a width of approx. 10.65m.

- 8.7. It is therefore the case that if the width of the extension was reduced by approx. 1.35m in width and the ground floor element reduced in depth by 0.5m, such an extension would constitute PD.
- 8.8. The additional depth at ground floor level as now proposed (i.e. total of 3.5m) could then be added under PD at a later date.
- 8.9. It is therefore considered that the current proposal is substantially similar to what could be constructed under the property's PD rights, would have a very similar impact to what could be constructed under those PD rights.
- 8.10. The proposal would therefore be in keeping with the existing dwelling and would not adversely affect the visual amenity of the locality. The proposal would thus accord with retained Policy C28 of the Cherwell Local Plan 1996 (Saved Policies) and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

#### Residential amenity

- 8.11. The proposed development would be set off the boundaries of the neighbouring properties and would comply with the 45 degree rule with regards to the adjacent neighbours.
- 8.12. The proposed development would have an impact on the neighbour to the North at 31 Waller Drive in terms of privacy, but given the relationship between 31 Waller Drive and the neighbours at 15 and 19 Waller Drive, and having regard to the fact that a deeper first floor element could be achieved under the property's permitted development rights and which would have a similar impact, the proposal's impact on residential amenity is considered not to be significant to the extent that warrants refusal of the current application.
- 8.13. Overall, having regard to its scale and siting, the proposal would not have a significant impact either through loss of light or outlook and would not result in the direct overlooking on to the neighbouring properties.
- 8.14. The proposal would thus accords with saved Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

#### Impact on highway safety

- 8.15. The Local Highway Authority has raised no objections to the proposed development. In light of this, and the similarities with a permitted development scheme, it is therefore considered that the proposal would not significantly impact on local highway safety.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The amended proposal would be an acceptable addition to the existing dwelling, would respect the character and visual amenity of the site's surroundings and respond appropriately to the site's characteristics. This proposal would not adversely affect residential amenity and there is satisfactory parking provision. The amended proposal would have a very similar impact to that which could be constructed under the property's permitted development rights. The proposal would thus comply with

Policies C28 and C30 Cherwell Local Plan 1996 (Saved Policies), Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 and the relevant paragraphs of the Framework.

## **10. RECOMMENDATION**

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

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

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

- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, drawings No "P/16/155/001" and "P/16/155/003"

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

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

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and to comply with Government guidance contained within the National Planning Policy Framework and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

CASE OFFICER: Michael Sackey

TEL: 01295 221820

## Cherwell District Council

### Planning Committee

18<sup>th</sup> May 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 **16/00132/EUNDEV - The Lion, Wendlebury, OX25 2PQ.** Appeal by Ms Robinson-Smith against the serving of an enforcement notice as a result of the erection of an outdoor stone built hearth with tall chimney and inside fire grate approximately 4.8m tall from ground to chimney pot attached to the rear of the property on the land without planning permission.

**16/01468/OUT - Land Adj to Manor Farm Barns, Spring Lane, Cropredy.** Appeal by Catesby Estates Ltd - Mr Ed Barrett against the refusal of outline planning permission for the demolition of existing building and outline planning application for residential development of up to 60 dwellings; provision of open space, landscaping and car parking for Cropredy Primary School (all matters reserved except access).

**16/01563/F - Muddle Barn Farm, Colony Road, Sibford Gower, OX15 5RY.** Appeal by Mr and Mrs Besterman against the refusal of planning permission or the demolition of an existing dwelling and a range or large scale equestrian buildings

and the erection of a replacement dwelling including associated works and landscaping (revised scheme of 15/01693/F).

**16/02181/F - The Olde Smithy, Kings Head Lane, Islip, OX5 2SA.** Appeal by Ms Ellis against the refusal of planning permission for a two storey side extension and first floor extension over existing single storey extension.

**16/02302/F - Mallows, Hopcraft Lane, Deddington, OX15 0TD.** Appeal by Mr and Mrs Toll against the refusal of planning permission for the erection of rear / side extension, demolition of chimney breast, alterations to loft to form habitable accommodation, addition of front and rear dormer windows.

**16/02465/F - Formerly The Star Public House, Bucknell Road, Bicester, OX26 2DG.** Appeal by Castlepride Management Limited against the refusal of planning permission for alterations to create 2 No. 2 bed flats in roofspace and 2 No. 2 bed flats and 1 No. 1 bed flat at first floor level (amendments to 14/02062/F).

**16/02150/F - Land Adj To B4035 CTIL 201348, Unnamed B4035 Single Carriageway 6811256, Sibford Gower.** Appeal by CTIL and Telefónica UK Ltd against the refusal of planning permission for the installation of 1.no. 21 metre high RT Swann Lattice tower on new concrete base with 6 no. antennas, 2 no. dishes, 4 no. cabinets and ancillary development thereto.

**16/02548/F - 4 Church Lane, Mollington, Banbury, OX17 1AZ.** Appeal by Mr and Mrs Fisher against the refusal of planning permission for a single storey rear extension with log burning flue. Dormer window to North elevation. Pitched roof on existing flat roof porch. Gravel finish to driveway.

**17/00423/F - Faraway, Brill Road, Horton-Cum-Studley, OX33 1BX.** Appeal by Mr and Mrs Worrall against the refusal of planning permission for a single storey rear extension.

2.2 Forthcoming Public Inquires and Hearings between 18<sup>th</sup> May 2017 and 15<sup>th</sup> June 2017.

**Planning Hearing commencing Tuesday 6<sup>th</sup> June 2017 at Banbury Cricket Club, White Post Road, Bodicote, OX15 4AA.** Appeal by Mrs MacPherson against the refusal of planning permission and serving of an enforcement notice in relation to the retrospective erection of one bedroom self-contained annex above existing store rooms. Withycombe Barn, Wigginton Heath, Banbury, OX15 5HH

## 2.3 Results

Inspectors appointed by the Secretary of State have:

1) **Allowed the 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. Former Lear Corporation, Bessemer Close, Bicester, OX26 6QE. 15/02074/OUT – (Committee).**

The development proposed was for the demolition of an industrial building on the corner of Launton Road and Bessemer Close, an industrial estate, and the erection of 70 residential units, including 21 affordable houses. The main issues were noise and vibration and the poor living environment created for the new residents having regard to the proximity and relationship with the adjacent Launton Road, railway line and industrial units, and scale form and design resulting in an overdevelopment of the site.

The Inspector considered in terms of noise and vibration, that mitigation measures would be necessary, including double glazing and acoustic fencing to ensure that noise levels would be within World Health Organisation limits for external and internal noise for residential developments, which could be secured by an appropriate condition. She also considered that successful enforcement action in respect of an adjacent unit meant that the commercial buildings are being effectively controlled and are subject to conditions restricting their use and therefore the relationship between the industrial units and the new residential would not be an issue. The Inspector also accepted that the appellant's noise and vibration assessment was not technically compliant with the methodology set out in BS4142:2014. However, she agreed with the appellant's assessment that with mitigation, residents would not be significantly adversely affected by the ambient background noise level in the locality.

In terms of the character and appearance of the development, she concluded that a continuous built frontage to Launton Road was not essential as the existing building was set back from the road and the retail buildings opposite were also set back from the road with surface parking dominating the street scene. She considered therefore that some dwellings fronting the street would make a positive contribution to the character of the area. In terms of the design of the apartment blocks, she accepted that the architectural relationship between some of the elements was somewhat awkward, but concluded that they would not be particularly prominent in public views and would therefore not be so harmful to make the development unacceptable and that the scale of the buildings would not be markedly out of scale with the adjacent warehouse buildings.

On the basis of this assessment the appeal was dismissed. Officers consider this to be an unfortunate decision given the location of the proposed development.

**2) Dismissed the appeal by Cre8ive Homes against the refusal of planning permission for a development of a single storey dwelling – re-submission of 15/01563/F. Land at Hempton Lodge, Snakehill Lane, Hempton, OX15 0QL. 16/00584/F – (Delegated).**

The appeal sought consent for a single storey dwelling on the edge of the village of Hempton. The appeal followed an earlier dismissed appeal on the site which was for a larger two storey dwelling.

The main issue was the impact of the development on the character and appearance of the area. The Inspector noted that the site formed part of a grouping of buildings adjacent to the open countryside where dwellings have a good amount of space around them which positively contributes to the loose-knit layout of edge of settlement location. The Inspector noted that whilst the dwelling was single storey it would introduce a significant amount of built form into the area resulting in a loss of spaciousness. It would also sit uncharacteristically close to the adjacent property. Whilst the Inspector noted the outbuildings at neighbouring properties, which the appellant had referenced in support of the appeal, the Inspector considered these clearly to be ancillary outbuildings whereas the proposal would be a far larger building with its own separate access and drive and as such would clearly read as a separate dwelling. Its single storey form and material would also be at odds with the surrounding properties.

The Inspector therefore concluded the proposal was of an inappropriate design and would lead to the loss of an important local gap and therefore runs contrary to Policies C28, C30 and C33 of the CLP1996 and Policy ESD15 of the CLP2031.

**3) Dismissed the appeal by Ms Barmby and Howard against the refusal of outline planning permission for the erection of 3 No. dwellings. 15 and 17 Milton Road, Bloxham, OX15 4HD. 16/00892/OUT – (Committee).**

The Inspector concluded that the main issues in this case were:

- The effect of the proposed development on the character and appearance of the area,
- The effect of the access to the proposed development upon the living conditions of the residents of No's 15 and 17 Milton Road, with respect to noise and disturbance, and
- The effect of the proposal on highway safety in Milton Road.

The Inspector stated that in the direct vicinity of the appeal site and towards the west, the character remains of a linear form of development characterised by large houses in substantial plots. The Inspector noted that the proposal, by placing 3 dwellings in the rear of the existing plots to 2 houses, would inevitably increase the density of the area at odds with the prevailing character to the west of the site. The Inspector went on to state that the proposal would appear incongruous and would not relate to the pattern of local development, which although has altered in recent years, 'backland' development in the form proposed remains rare. The Inspector therefore concluded that the proposed development would have an adverse effect on the character and appearance of the area, contrary to Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996, as well as Policies BL11 and BL12 of the Bloxham Neighbourhood Plan.

In relation to living conditions of No's 15 and 17 Milton Road, the Inspector stated that the access would be shielded from No 15 by the hedgeline, which would adequately mitigate any adverse effect of the proposal. The Inspector noted that the access would be closer to No 17, but that mitigation in the form of



landscaping and possible acoustic fencing, which could be dealt with under reserved matters, would be sufficient to alleviate this issue. The Inspector went on to note that the access would remain a reasonable distance from the habitable rooms of No.17. The Inspector therefore concluded that the access to the proposed development would not have a significant adverse upon the living conditions of the residents of No's 15 and 17 Milton Road, with respect to noise and disturbance.

Regarding highways safety, the Inspector made reference to evidence supplied by the appellant subsequent to the application decision, which demonstrated that the hedges to the front of the site could be replanted behind the vision splays, as well as reference to comments made by Oxfordshire County Council as Highways Authority that this arrangement would be acceptable and achievable. As such, the Inspector notes that a safe access could be achieved on the site within the ownership of the two properties and that such provisions could be conditioned and considered in detail at Reserved Matters stage. The Inspector therefore concluded that the proposal could be designed so as not to have an adverse effect on highway safety in Milton Road.

Thus, the Inspector concluded that whilst the proposal with suitable mitigation would not harm highway safety or the living conditions of existing occupants, the proposal would have an adverse effect on the character and appearance of the area and would be contrary to the development plan, and that the appeal should therefore be dismissed.

**4) Dismissed the appeal by Investfront Ltd against the refusal of planning permission for the redevelopment of site (function hall) to provide for 8 No. two bedroom dwellings. The Oxfordshire Inn, Heathfield, Kidlington, OX5 3DX. 16/01109/F – (Delegated).**

The appeal was for the demolition of the existing building accommodating the Oxfordshire Inn in Heathfield and the erection of 8 dwellings on the site.

The site lies with the Oxford Green Belt. The development was therefore considered in the context of the 6th bullet point of paragraph 89 of the NPPF - the 'complete redevelopment of previously developed sites....which would not have a greater impact on the openness of the Green Belt and the purpose of including the land within it than the existing development'. It was agreed between parties that the site involved the redevelopment of a brown field site in the Green Belt however the impact on openness was disputed. The Inspector agreed with the Council that the increase in ridge and eaves height of the proposal would result in a building of significant more bulk than the existing building despite a 25% reduction in volume and 48% reduction in footprint of the building. This in combination with the enclosed garden spaces would lead to harm to the openness of the Green Belt and the development therefore constituted 'inappropriate development' in the Green Belt.

In relation to the location of the site, the Inspector concluded that Heathfield did not constitute a village for the purposes of the development plan and that the dwellings would be isolated from services and not in a sustainable location. It was not considered that a potential reduction in traffic associated with the

existing use, as a public house, outweighed this. The unsustainable location of the site was therefore contrary to ESD1 of the CLP2031 and Saved Policy H18 of the CLP1996.

The appellant also disputed the fact that the proposal was a community facility and argued it operated as part of the hotel for which the Council had already granted permission for all the rooms to be converted to new dwellings. The Inspector agreed with the Council that the planning history supported the view that the proposal was an independent A4 use and therefore was protected by local and national planning policy. He also agreed that insufficient information had been provided to demonstrate that the loss of such a community facility would be justified despite a lack of public objections. The design of the proposal was also considered to be inappropriate and too suburban for the site and would not reflect the 'rural feel of the area'. A revised parking scheme for the site, which was submitted to overcome an inadequate parking reason for refusal, was also considered to be harmful to the rural character and appearance of the area.

The Inspector also concurred with the Council's view that the garden sizes of two of the plots would not be sufficient to provide adequate outdoor amenity space for future residents, particularly families. This was despite the appellant offering to provide a further area of shared amenity space to the rear of the site. The proposal was therefore not considered to result in an acceptable level of amenity for future occupants.

Based on this assessment and in the absence of a compelling very special circumstances case, the appeal was dismissed.

**5) Dismissed the appeal by R C Baker Ltd against the refusal of prior approval for the conversion of part of existing barn to 2 dwellings with associated development. Spring Hill Farm, Barford St. Michael, OX15 0PL. 16/01116/Q56 (Delegated).**

The appeal sought approval for the change of use of part of a steel framed agricultural building to a residential use. The appellant was seeking to achieve this under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The main issue identified was whether the proposal would accord with Q(b), i.e. that the building operations proposed were reasonably necessary to convert the building. This is assessed against Q.1 (i), which limits conversions under this class to the installation or replacement of windows, doors, roofs or exterior walls to the extent that they are reasonably necessary for the building to function as a dwelling.

The proposed works included replacement walls, the construction of a new wall along one elevation, new doors and windows, a new first floor, and works to the roof. The only parts of the building that would likely be retained are the existing steel frame and the concrete floor.

The Inspector concluded that these proposed works were extensive and would go beyond the limits of what could be considered reasonably necessary to achieve a conversion. The appeal was therefore dismissed.

- 6) Dismissed the appeal by Mr Howson against the refusal of planning permission for the demolition of development at Jack's Barn and the erection of ten dwellings. Jack Barn, West End, Launton, OX26 5DG. 16/01598/F – (Committee – Resolution only).**

The proposal was for the demolition of an existing agricultural building and the construction of ten dwellings at a site on the edge of Launton. The Inspector considered that the principal issue in this case was the potential visual harm to the character and appearance of the surrounding area. Whilst an earlier appeal allowed the redevelopment of the barn and immediately surrounding land for two dwellings, the Inspector concluded that the development of a larger site area, including a paddock would have a detrimental effect on the surrounding area. The Inspector was also critical of the design, with one of the detached properties being described as being 'overly dominant in the street scene'. Given the harm identified, the Inspector concluded that the principle of development was unacceptable and that the development did not accord with Policy Villages 2 of the CLP2031 as well as the Council's design and landscape policies.

The Inspector when dismissing the appeal on the grounds set out above, did not feel the need to adjudicate on the appellant's failure to commit to provide contributions to affordable housing and the maintenance of play areas.

- 7) Dismissed the appeal by Mr Payne against the refusal of planning permission for the erection of a two storey front and single storey side extension. 18 New Street, Bicester, OX26 6EY. 16/02001/F – (Delegated).**

The proposed scheme was for the erection of a two storey front and single storey side extension. The Inspector identified the main issue for consideration was 'the effect of the proposed extensions on the character and appearance of the host dwelling and the street scene of New Street'.

The Inspector noted the appellant's observation that the proposed roof design would not be out of place in a street where there are a variety of roof designs. However, the Inspector concluded the proposal was of an over complicated design, which would jar with the existing roof form, resulting in an incongruous and unsympathetic addition that would have an adverse impact on the street scene. The Inspector therefore dismissed the appeal concluding that it would not accord with Policy ESD 15 of the CLP2031 and Policy C30 of the CLP1996.

- 8) Dismissed the appeal by Mr and Mrs Finlay against the refusal of planning permission for the erection of replacement garage and garden store with home office over. March House, March Road, Mollington, OX17 1BP. 16/02058/F – (Delegated).**

The development proposed was the erection of a replacement garage and garden store with home office over. The main issue is the impact of the building on the character and appearance of the surrounding area.

The Inspector considered that the proposed building would be appreciably more noticeable than the existing building when viewed from the surrounding area and would create a hard, built edge to the village where currently the transition between countryside and village is predominantly soft. The Inspector concluded the additional height of the proposed building, coupled with the width, would give it a scale comparable to that of the dwelling, exacerbating the harmful effect on the character and appearance of the village fringe and the open countryside beyond. Further, although the design and materials would not be out of place in this rural area, their use would not overcome the harm resulting from the excessive scale of the building. The appeal was therefore dismissed.

An application for costs against the Council was submitted based on the lack of accuracy in the report, conflicting officer advice, an unwillingness to agree an extension of time and communicate with the appellant. The Inspector concluded that these accusations had no validity and the application for costs was dismissed.

**9) Allowed the appeal by Mr Robin Booth against the refusal of planning permission for a rear extension. 66 Bath Road, Banbury, OX16 0TR. 16/01728/F – (Delegated).**

The Inspector identified the main issue to be the effect of the proposed development on the living conditions of the occupiers of 64 Bath Road. The Inspector noted that the extension would come closer to the neighbour than the existing addition it would replace. The Inspector concluded that the impact would not be so different to that of the existing addition, that it would not be overbearing or result in an unacceptable reduction in daylight to the neighbour.

However, the Inspector refused the appellant's costs application, concurring with the Council that an extension of time to determine an application is a discretionary power.

The Inspector noted that it may well have been the case that the Council did not consider there were any changes which could be made to the scheme that would have made it acceptable. In a post-application meeting a number of potential solutions were offered to the applicant to reduce the impact on residential amenity. The Inspector mentioned that the attendance of the Planning Officer at the meeting also demonstrates a constructive approach being taken to engage with the appellant albeit after the original decision.

**10) Dismissed the appeal by Mr Greenslade against the refusal of planning permission for the erection of a four bay garage with home office and storage over. Green House, Brill Road, Horton cum Studley, OX33 1BZ. 16/01633/F – (Delegated).**

The proposed building was to be sited to the front of the main dwelling and accessed by means of an existing driveway from the south side of Brill Road. The Inspector identified the main issue to be whether the proposal was inappropriate development within the Green Belt, its effect on the openness of the Green Belt and whether the harm by reason of inappropriateness, and any

other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

The NPPF states that the erection of new buildings within the Green Belt should be regarded as inappropriate development and such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The Inspector concluded that the proposal did not fall within any of the exceptions set out at paragraph 89 of the NPPF, and also conflicted with Policy ESD 14 of the Local Plan which the Inspector found to accord with the NPPF. The Inspector also concluded that, given its bulk, height, permanent construction and location within the currently open area to the front of Greene House, would be harmful to the openness of the Green Belt.

The Inspector confirmed that substantial weight must be attached to that harm and planning permission should not be granted unless it is found that other considerations clearly outweigh the harm to the Green Belt. The Inspector noted that the Council had considered potential Permitted Development rights fall back positions and agreed that none existed. The Inspector concluded that the very special circumstances that are necessary to justify the development did not exist.

### **3.0 Consultation**

None

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

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

Option 1: To accept the position statement.

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

### **5.0 Implications**

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

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

Comments checked by:

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

## Legal Implications

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

Comments checked by:

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

## Risk Management

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

Comments checked by:

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

## 6.0 Decision Information

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

A district of opportunity

### Lead Councillor

None

### Document Information

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