

Public Document Pack



Committee: Planning Committee
Date: Thursday 31 August 2017
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

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

Substitutes

Councillor Ken Atack	Councillor Hannah Banfield
Councillor Maurice Billington	Councillor Hugo Brown
Councillor Nick Cotter	Councillor John Donaldson
Councillor Timothy Hallchurch MBE	Councillor Jolanta Lis
Councillor Nicholas Turner	Councillor Bryn Williams
Councillor Barry Wood	Councillor Sean Woodcock

AGENDA

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

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

3. **Requests to Address the Meeting**

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

4. Urgent Business

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

5. Minutes (Pages 1 - 15)

To confirm as a correct record the Minutes of the meeting of the Committee held on 3 August 2017.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **Land East Of Larsen Road, Upper Heyford (Pages 18 - 68)** **15/01357/F**
8. **Land To Rear Of Ladygrass, Church Lane, Weston On The Green (Pages 69 - 82)** **17/00920/F**
9. **Site Bb Adjoining And East Of F G Alden, Langford Locks, Kidlington (Pages 83 - 93)** **17/01094/F**
10. **Berryfield Farm, Hook Norton, Chipping Norton, OX7 5SD (Pages 94 - 102)** **17/01460/F**
11. **OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury (Pages 103 - 109)** **17/00284/DISC 17/00286/DISC**
12. **OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury (Pages 110 - 116)** **17/00284/DISC 17/00286 DISC**
13. **Eco Business Centre, Charlotte Avenue, Bicester, OX27 8BL (Pages 117 - 120)** **17/00380/DISC**

Review and Monitoring Reports

14. Appeals Progress Report (Pages 121 - 124)

Report of Head of Development Management

Summary

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to

democracy@cherwellandsouthnorthants.gov.uk or 01295 227956 prior to the start of the meeting.

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

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

Yvonne Rees
Chief Executive

Published on Tuesday 22 August 2017

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 3 August 2017 at 4.00 pm

Present: Councillor David Hughes (Chairman)

Councillor Andrew Beere
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor Chris Heath
Councillor Simon Holland
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 Nigel Simpson
Councillor Les Sibley

Substitute Members: Councillor Barry Wood (In place of Councillor James Macnamara)

Apologies for absence: Councillor James Macnamara
Councillor Alan MacKenzie-Wintle

Officers: Bob Duxbury, Team Leader (Majors)
Alex Keen, Team Leader (Minors)
James Kirkham, Senior Planning Officer
Nat Stock, Team Leader (Others)
Caroline Ford, Principal Planning Officer
John Gale, Planning Officer
Sophie Phillips, Solicitor
Amy Jones, Trainee Solicitor
Aaron Hetherington, Democratic and Elections Officer

58 **Declarations of Interest**

8. Original Plot Numbers 73 To 86 Hanwell Fields, Warwick Road, Banbury.

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

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

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

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

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

14. 2 Talisman Road, Bicester, OX26 6HR.

Councillor Barry Richards, Declaration, as a close associate with South Central Ambulance Service NHS Foundation Trust and would leave the chamber for the duration of the item.

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

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

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

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

59 **Requests to Address the Meeting**

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

60 **Urgent Business**

There were no items of urgent business.

61 **Minutes**

The Minutes of the meeting held on 6 July 2017 were agreed as a correct record and signed by the Chairman.

62 **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.

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

The Committee considered application 16/02611/OUT, an outline application 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 at OS Parcel 0005 South Of Hill Farm And North Of West Hawthorn Road, Ambrosden for Hallam Land Management Ltd.

Lawrence Dungworth, agent for the applicant, addressed the committee in support of the application.

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

Resolved

That application 16/02611/OUT be refused for the following reasons:

- 1 That cumulatively with other recently approved/delivered new housing developments, the proposed development would cause the level, scale and intensity of new housing growth in the village of Ambrosden to be inappropriate and significantly prejudicial to the objectives of the strategy inherent within the Cherwell Local Plan 2011-2031 Part 1 and Policy Villages 2 to distribute limited housing growth across the rural areas over the plan period to enable all settlements to participate in sustainable growth.
- 2 Having regard to the District's strong housing supply and delivery position both generally within the urban and rural areas, the proposals would result in the unnecessary development of greenfield land forming part of the open countryside and are therefore detrimental to the intrinsic natural beauty of the countryside causing undue visual intrusion into the open countryside. The proposals therefore conflict with the requirements of Policy Villages 2 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C8 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.
- 3 In the absence of a satisfactory completed legal agreement, the development fails to adequately provide for on and off-site

infrastructure necessary to mitigate its impact including in terms of provision/maintenance of the following: affordable housing, play and public amenity facilities, indoor/outdoor sports facilities, community facilities, access and transport mitigation, on-site drainage features, primary and secondary education and library book stock. As a consequence the proposed development would lead to unacceptable on-site conditions as well as significant adverse impact on wider public infrastructure to the detriment of the local community contrary to the requirements of Policies BSC9 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance in the National Planning Policy Framework.

64 **Original Plot Numbers 73 To 86 Hanwell Fields, Warwick Road, Banbury**

The Committee considered application 17/00708/F for the erection of 20 No. dwellings, associated highways access and parking set in the wider context of 12/01789/OUT and 15/00462/REM at Original Plot Numbers 73 To 86 Hanwell Fields, Warwick Road, Banbury for Persimmon Homes Ltd.

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

Resolved

That, in respect of application 17/00708/F, authority be delegated to officers to secure satisfactory amendments to the layout to overcome the identified highway issues and approve planning permission subject to the imposition of planning obligations and conditions and that delegated authority also be given to negotiate and draft the required planning obligations and conditions.

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

The Committee considered application 17/00778/OUT, an outline application for the demolition of an existing building and outline planning application for residential development of up to 37 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated works, with all other matters (relating to appearance, landscaping, scale and layout) reserved (Resubmission of 16/01468/OUT) at Land adjacent To Manor Farm Barns, Spring Lane, Cropredy for Catesby Estates Ltd.

Jesse Crosse, a local resident, addressed the committee in objection to the application.

Edward Barrett, the applicant, addressed the committee in support of the application.

Councillor Reynolds proposed that application 17/00778/OUT be refused as the proposal is contrary to Policies Villages 2 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework. Councillor Heath seconded the proposal.

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

Resolved

That application 17/00778/OUT be refused for the following reasons:

1. The proposed development, by reason of its scale, siting and relationship with the adjacent development would result in an unacceptable extension of the village that would harm the character, rural setting and quality of the village and its heritage assets to the detriment of the built, natural and historic environment. The proposal is therefore contrary to Policies Villages 2 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
2. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, BSC2, BSC9, BSC11 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and the advice within the National Planning Policy Framework.

66

Land To Rear Of Gracewell Care Home, Gardner Way, Adderbury

The Committee considered application 17/00802/F for the construction of a 36 no. bedroom specialist nursing facility (associated with dementia care and neurological rehabilitation) (Use Class C2) with associated access, parking, landscaping and tree planting at land to the rear of Gracewell Care Home, Gardner Way, Adderbury for Hamberley Development Ltd.

In reaching their decision the committee considered the officer's report and written update.

Resolved

That application 17/00802/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Planning Statement (April 2017), Design and Access

Statement (March 2017), 'Carterwood Report' - Comprehensive planning need assessment (February 2017), Framework Travel Plan (21 March 2017), Transport Statement (21 March 2017), Arboricultural Report ref. 230304-PD-31b (July 2017), 230304-PD-30 - Tree schedule, 230304-PD-32a - Planning Tree Works Schedule and drawings numbered: 90-001/P2, 2209-HIA-01-XX-DR-A-01-002/P7, 2209-HIA-01-01-DR-A-27-001/P1, 2209-HIA-01-01-DR-A-04-001/P2, 2209-HIA-01-01-DR-A-04-002/P2, 2209-HIA-01-01-DR-A-27-001/P2, 2209-HIA-01-00-DR-A-02-002/P2, 2209-HIA-01-01-DR-A-02-003/P3, 2722 104 Rev A, 2722 201 Rev H, 2722 401 Rev F, 230304-P-31/a, 230304-P-32/a, Specialist Care - Tracking 002a and Specialist Care - Tracking 002b.

3. The development hereby approved shall be used only for the purpose of a specialist residential nursing facility and for no other purpose whatsoever, including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
4. Prior to the commencement of the development hereby approved a fully detailed surface water and waste sewage drainage strategy for the development, including details of any off-site drainage infrastructure works required and a programme for implementation, 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 drainage strategy.
5. Prior to the commencement of the development hereby approved a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented for the duration of the construction phase of development and shall be operated in accordance with the approved details.
6. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the submitted details, a schedule of the materials and finishes for the external walls and roof(s) of the development, 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 of materials.
7. Prior to the commencement of the development hereby approved above slab level, full specification details of the vehicular accesses, driveways, parking and turning areas to serve the development, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the residential rooms, the accesses, driveways, parking and turning areas shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

8. Notwithstanding the details submitted, prior to the first occupation of the development hereby approved, covered cycle parking facilities shall be provided on the site in accordance with full siting and design details which have first been 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.
9. Prior to the first use or occupation of the development hereby approved, and notwithstanding the details submitted, an amended Framework Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Framework Travel Plan shall thereafter be implemented and operated in accordance with the approved details.
10. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 6 of the submitted Extended Phase 1 Habitat Survey (report reference CE-AD-1224-RP01a – FINAL) carried out by Crestwood Environmental Ltd on 31 July 2017.
11. Prior to the commencement of the development hereby approved above slab level, details for the provision of six incorporated swift nest boxes shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the type of nest boxes to be used and the proposed locations on the building. The approved swift nest boxes shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing by the Local Planning Authority.
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.
13.
 - a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
 - b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

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

14. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications set out in the Tree Protection Plan (Drwg. No. 230304-P32/a) prepared by Tim Moya Associates on March 2017.
15. Prior to the first use or occupation of the development, full details of the height, design and finished appearance of the refuse storage area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the refuse storage area shall be installed in accordance with the approved details.
16. 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.

67

West Of Homestead, Church Lane, Epwell

The committee considered application 17/00913/F for the proposed Connemara Equestrian Stud with provision for a mobile home sited internally within the existing building at West of Homestead, Church Lane, Epwell for Mrs Emma Rugman.

Councillor Webb addressed the committee as local Ward member.

Mrs Emma Rugman, the applicant, addressed the committee in support of the application.

Councillor Reynolds proposed that application 17/00913/F be approved, against officer recommendation, subject to appropriate conditions with the exact wording delegated to officers. Councillor Corkin seconded the proposal.

In reaching their decision the committee considered the officer’s report and presentation.

Resolved

That application 17/00913/F be approved subject to the following conditions:

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement; Transport Statement dated 09/05/2016 and Transport Statement Update dated 10/03/2017 prepared by David Tucker Associates; Supporting Report dated October 2016 prepared by Rhodes Rural Planning and Land Management; Landscape and Visual Impact Assessment dated December 2016, Landscape Response dated March 2017 prepared by Aspect Landscape Planning; Landscape and Visual Issues Technical Note dated April 2017 prepared by Liz Lake Associates; Ecological Appraisal dated June 2017 prepared by Aspect Ecology; Business Explanation Statement; Photomontages prepared by Aspect Landscape Planning received on 01/08/2017; and Site Location Plan and drawing Nos.18097-01, 16-037-10 rev K, 16-037-11 rev C 16-037-11 rev E and 16-037-09.
3. Prior to the commencement of the buildings hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
4. Prior to the commencement of the development hereby approved, a colour scheme for the colouring of the fibre cement sheeting for the roof of the barn and the 'hit and miss' timber boarding for the walls of the barn shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the roof and walls shall be finished and thereafter maintained in accordance with the approved colour scheme.
5. The roofs of the stables hereby approved shall be covered with natural stone slates which shall be laid in courses diminishing in width from the eaves to the ridge of the roof.
6. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels for the proposed development in relation to existing and proposed ground levels on the site and immediately adjoining land 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.
7. Prior to the commencement of the development full details of the arrangements for the disposal of the excavated materials produced in the construction of the development, including any on-site land contouring, 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.
8. 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.

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

- 9. 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.
- 10. Prior to the commencement of the development and notwithstanding the submitted details, an Arboricultural Method Statement (AMS) informed and accompanied by an arboricultural survey, undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
- 11. The existing hedgerows along the south eastern and south western boundaries of the site shall be retained and properly maintained at a height of not less than 2.5 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced with a plant of a similar species and shall thereafter be properly maintained in accordance with this condition.
- 12. The residential accommodation hereby approved shall be occupied solely in conjunction with and ancillary to the stud hereby approved and shall not be sold, leased or occupied as a separate unit of accommodation.
- 13. Prior to the commencement of the development hereby approved, and notwithstanding the application details, 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, and prior to the first occupation of the development, the means of access and vision splays shall be constructed and retained 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 0.6 m above carriageway level.

14. Prior to the commencement of the development hereby approved, full details of 1No. passing place on Church Lane between Tysoe Road and the site, as indicated on drawing No. 18097-01 and referred to in the updated Transport Statement submitted with the application including, position, layout, construction, surfacing and drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the commencement of the development, the passing place shall be provided in accordance with the approved details.
15. Prior to the commencement of the development hereby approved a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved CTMP shall be implemented for the duration of the construction phase of development and shall be operated in accordance with the approved details.
16. The development hereby approved shall be carried out in accordance with the recommendations set out in section 6.1 of the Ecological Appraisal carried out by Aspect Ecology on 30 June 2017.
17. 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.
18. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat, bird and owl boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building the bat, bird, and owl boxes shall be installed on the site in accordance with the approved details.
19. Prior to the occupation of the development full details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority and thereafter the lighting shall be installed in accordance with the approved details. No additional lighting shall be provided within the site without the prior written consent of the Local Planning Authority.
20. Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, 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.
21. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition 20, 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.

22. Manure and soiled bedding shall not be allowed to accumulate and shall not be burned on the site but shall be removed at frequent intervals for disposal elsewhere.
23. The barn and stables hereby approved shall be used only for the purpose of an equestrian stud as detailed in the documents submitted with the application and for no other purpose whatsoever other than for agriculture as defined in Section 336 (l) of the Town and Country Planning Act, 1990.
24. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the land edged blue on the site location plan without the prior express planning consent of the Local Planning Authority.

68 **Land To Rear Of Ladygrass, Church Lane, Weston On The Green**

The Committee considered application 17/00920/F Replace redundant stables and hay barn with single storey 1 bed cottage - Re-submission of 16/00954/F at Land To Rear Of Ladygrass, Church Lane, Weston On The Green for Mr and Mrs Frank Butt.

Frank Butt, the applicant, addressed the committee in support of the application.

Councillor Richards proposed application 17/00920/F be refused for the reasons as set out in the officers report. Councillor Milne Home seconded the proposal. The committee voted on the motion, but subsequently fell.

Councillor Holland proposed that consideration of application 17/00913/F be deferred to allow further negotiations with the applicant on design. Councillor Sibley seconded the proposal.

In reaching their decision the committee considered the officer's report, presentation and public speaker.

Resolved

That application 17/00920/F be deferred to allow further negotiations with the applicant on design.

69 **OS Parcel 4846 South East Of Launton Road And North East Of Sewage Works, Blackthorn Road, Launton**

The committee considered application 17/01173/OUT for an outline application for development of up to 72 dwellings with associated large area of public open space. All matters reserved except for access at OS Parcel

4846 South East Of Launton Road And North East Of Sewage Works,
Blackthorn Road, Launton for Manor Oak Homes.

Rob Armstrong, a local resident, address the committee in objection to the application.

Jon Waite, agent for the applicant addressed the committee in support to the application.

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

Resolved

That application 17/01173/OUT be refused for the following reasons:

1. Having regards to the District's strong housing land supply and delivery position the proposals by reason of its scale and siting would result in an unnecessary development of greenfield land forming part of the open countryside which would result in an unacceptable and unsustainable extension of the village to the detriment of the built, natural and historic environment. The proposal is therefore contrary to Policy Villages 2 and ESD15 of the adopted Cherwell Local Plan 2011-2031, Policy C28 of the adopted Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
2. The Design and Access Statement and indicative site layout submitted as part of this application fails to provide sufficient acceptable detail in respect of the design principles set as a basis for the future detailed consideration of the development proposed. This includes siting, form, appearance, materials and detailing of the proposed new dwellings. The Local Planning Authority is therefore unable to determine whether the development proposed would respect its context, properly respond to local distinctiveness and be properly integrated as part of Launton village in terms of footpath/cycle connections to the remainder of the village. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031, Policies C28 and C30 of the adopted Cherwell Local Plan and Government advice within the National Planning Policy Framework.
3. The proposal fails to meet the requirements of the second part of the flood risk Exception Test due to inadequate consideration of future flood risk and as the site is partially within Flood Zones 2 and 3, the proposals relating to surface water drainage are inadequate. The proposal is therefore contrary to Policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2011-2301 and Government guidance within the National Planning Policy Framework.
4. The application and accompanying indicative layout fail to adequately take account of the policy requirements relating to recreation, outdoor sports provision and children's play space. As such, the proposal is contrary to Policies BSC10, BSC11 and ESD15 of the adopted

Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

5. In the absence of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway concerns, delivering mixed and balanced communities by the provision of affordable housing and securing future site maintenance arrangements will be provided. This would be contrary to Policy INF1, BSC2, BSC9, BSC11 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.

70 **2 Talisman Road, Bicester, OX26 6HR**

The Committee considered application 17/01299/F for the flexible change of use from B1(c) (Light Industrial)/B8 (Warehousing) to allow a Training Centre (Class D1) or B1(c) (Light Industrial)/B8 Warehousing) use at 2 Talisman Road, Bicester, OX26 6HR for South Central Ambulance Service NHS Foundation Trust.

In introducing the report, the Development Control Team Leader referred Members to the written update and that the officer recommendation had changed from refusal to approval in light of additional information regarding the proposed change of use and also the site selection process carried out provided by the applicant.

In reaching their decision the committee considered the officer's report and presentation and written update.

Resolved

That application 17/01299/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the application form, the Transport Statement (RPS, 14 June 2017), the Planning Statement (RPS CgMs, June 2017) and drawings numbered "JNY9269-01", "000000.Prop.01" and "000000.Area.01".
3. The site shall be used for a mixed use of Class D1 (training centre), Class B1c and Class B8 and not less than 50% of the building shall be used for B1c/B8 purposes for the length of the applicant's tenancy.
4. This permission shall enure for the benefit of the Applicant only and for no other persons whatsoever and shall not enure for the benefit of the land. Upon the Applicant ceasing to occupy the premises, the site shall

revert to its former use namely for purposes falling within a mixed use of Classes B1c/B8.

5. Prior to the first occupation of the development 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. Thereafter, the development shall be implemented and operated in accordance with the approved Travel Plan.

71 **Appeals Progress Report**

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

Resolved

- (1) That the position statement be accepted.

The meeting ended at 8.04 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

31 August 2017

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

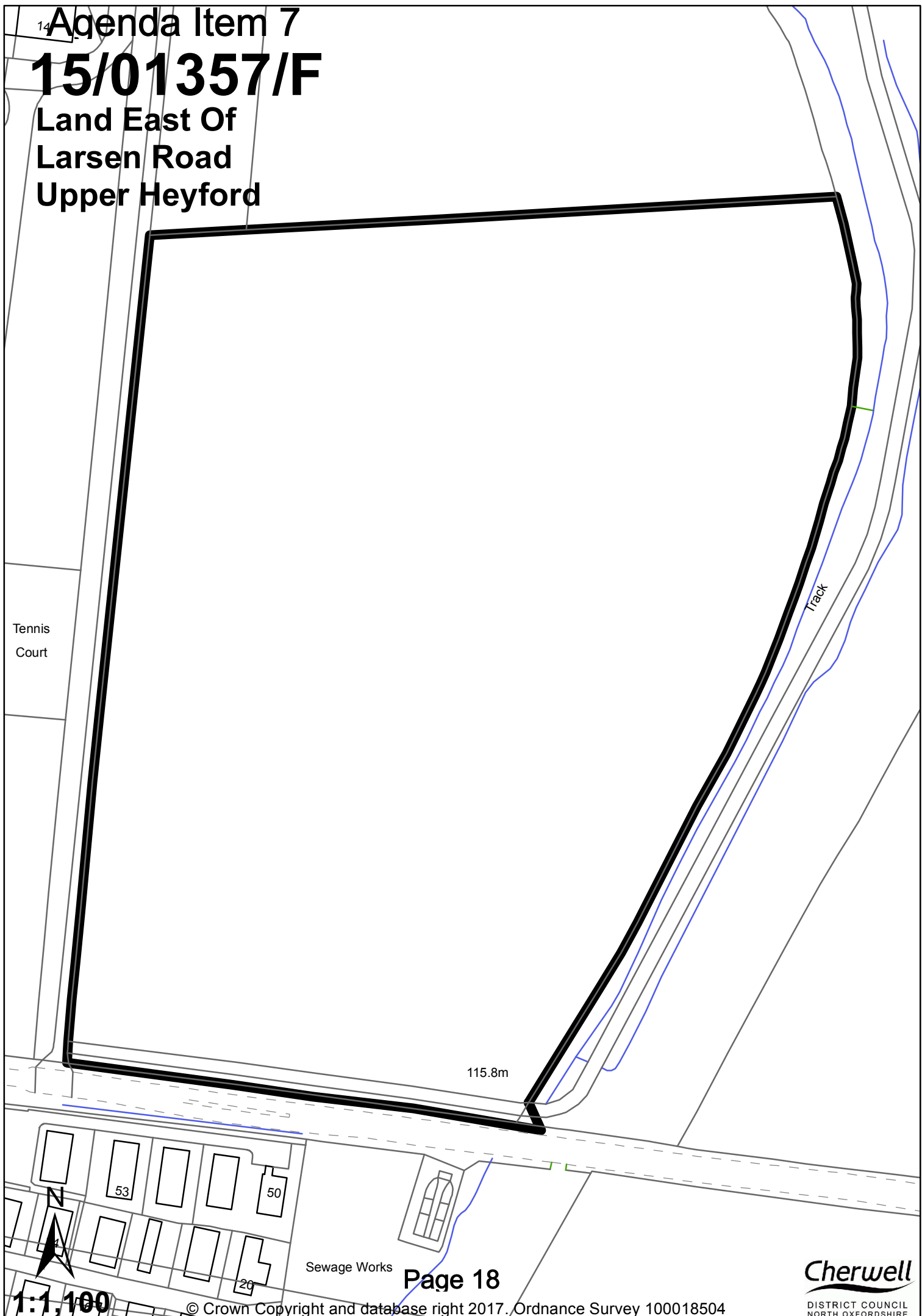
Background Papers

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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Land East Of Larsen Road, Upper Heyford	15/01357/F	Fringford And Heyfords	Approval	Andrew Lewis
8	Land To Rear Of Ladygrass Church Lane Weston On The Green	17/00920/F	Launton And Otmoor	Refusal	Shona King
9	Site Bb Adjoining And East Of F G Alden Langford Locks Kidlington	17/01094/F	Kidlington West	Approval	Shona King
10	Berryfield Farm Hook Norton Chipping Norton OX7 5SD	17/01460/F	Deddington	Refusal	Matthew Chadwick
11	OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow Warwick Road Banbury	17/00284/DISC 17/00286/DISC	Banbury Hardwick	Approval	Bernadette Owens / Nathanael Stock
12	OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow Warwick Road Banbury	17/00284/DISC 17/00286/DISC	Banbury Hardwick	Approval	Bernadette Owens / Nathanael Stock
13	Eco Business Centre Charlotte Avenue Bicester OX27 8BL	17/00380/DISC	Bicester North and Caversfield	Delegate Authority to Officers to Approve	Lewis Bankes-Hughes

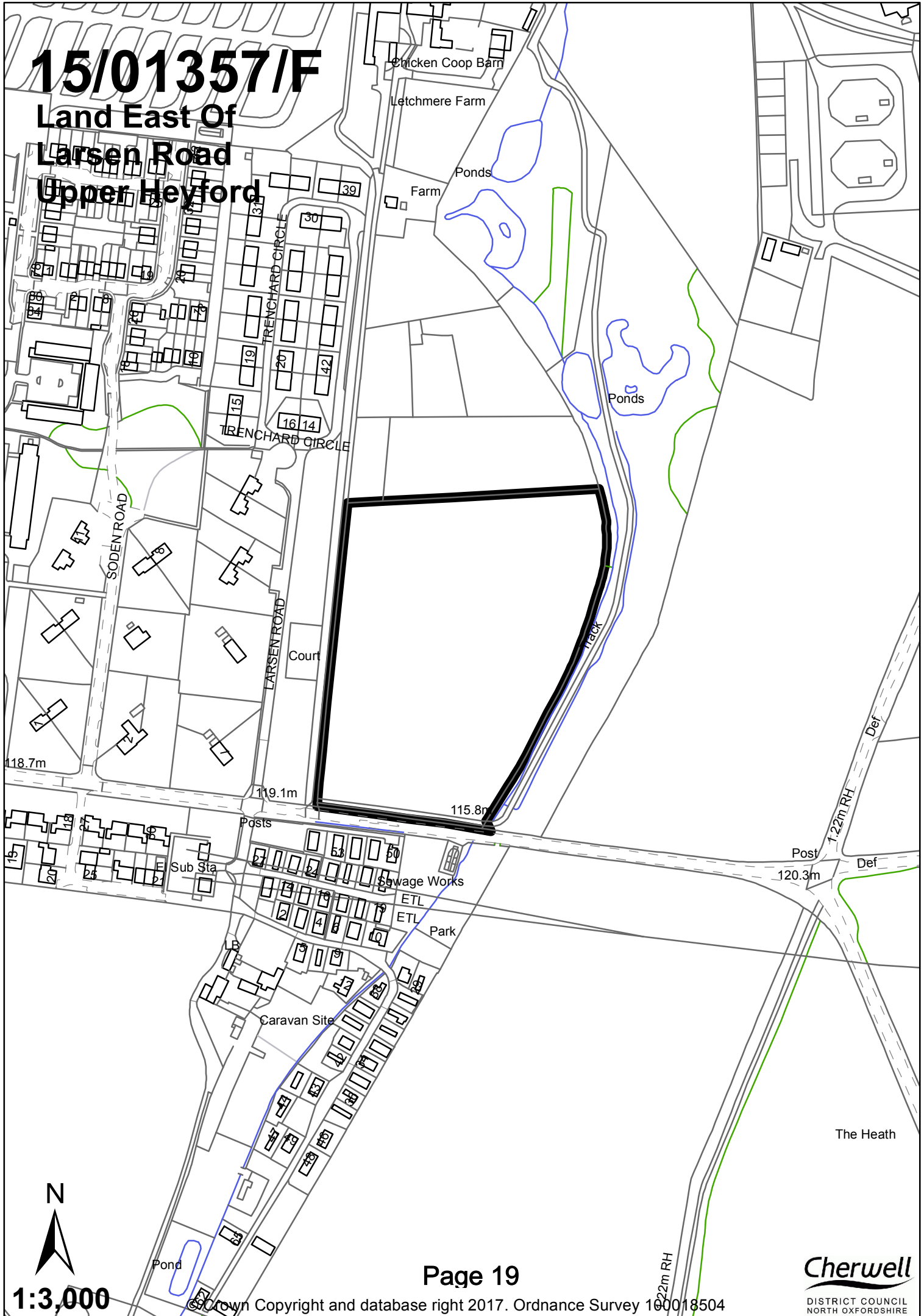
15/01357/F

Land East Of
Larsen Road
Upper Heyford



15/01357/F

Land East Of Larsen Road Upper Heyford



1:3,000

Applicant:	Pye Homes Ltd		
Proposal:	Erection of 79 dwellings, creation of new access from Camp Road, creation of new open space, hard and soft landscaping and ancillary works		
Ward:	Fringford And Heyfords		
Councillors:	Cllr Ian Corkin Cllr James Macnamara Cllr Barry Wood		
Reason for Referral:	Major development		
Expiry Date:	13 November 2015	Committee Date:	31st August 2017
Recommendation:	Approve subject to legal agreement		

1. APPLICATION SITE AND LOCALITY

- 1.1. The land subject of this application is approximately 3.2 hectares in size and an open green field site located to the east of the former RAF/USAF Upper Heyford base on the north side of Camp Road. Its actual western boundary is a track that leads to a group of residential buildings to the north of the site that are collectively known as Letchmere Farm. On the other side of the track is a strong green boundary of trees and hedging. This forms the eastern edge of the former Heyford base. This area consists of a mix of former officer's housing built of red brick in an arts and crafts style with large gardens accessed off Larsen Road that leads on to Trenchard Circle and a group of more American style bungalows.
- 1.2. The land slopes down to its eastern boundary to Sor Brook and hedging. Beyond that are a small group of ponds and beyond that another open field. There is a hedge to the front of the site with a track behind that also leads to the Letchmere Farm buildings. On the south side of Camp Road is the Duvall Mobile Home Park.
- 1.3. In terms of the uses on the adjacent former military site, that use ceased in 1994. Since 1998 the site has accommodated a number of uses in existing buildings, first under temporary planning permissions and latterly under a permanent permission granted on appeal and by subsequent applications.
- 1.4. The adjacent land to the west of the application site and to the north of Letchmere Farm was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the military site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. The base was divided into three main functional character areas: Flying Field, Technical and Settlement. The land on the far side of the track is classified as RAF officer's married residential area with Trenchard Circle being Airmen's housing and bungalows.

- 1.5. No buildings in the vicinity of the application site are either scheduled ancient monuments or statutorily listed buildings although the Officer's housing to the west are listed as being of local importance.
- 1.6. Over the last 20 years numerous applications have been made seeking permission to either develop the whole base or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010 that allowed "A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08)." This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under the appeal permission.
- 1.7. The development of the settlement and technical areas was delayed as the site was acquired by new owners who decided to refine the approved scheme. As a result, a new masterplan was drawn up which, whilst similar to the one considered at appeal, was modified. The main reason for a fresh application arose from the desire of the new owner at that time to retain more buildings on site. The retention of these buildings at their existing low density meant the masterplan expanded the development area west on to the former sports field.
- 1.8. The revised masterplan was submitted as part of the outline application for "Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure" and was granted permission on 22nd December 2011 (ref 10/01642/OUT). The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the demolition of some buildings on the site. A number of reserved matters have been submitted, approved and implemented for permission 10/01642/OUT. As a result, Heyford Park is starting to take shape to the west of the application site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application now seeks approval for 79 dwellings a schedule for which is set out below:

Type	Initial	Beds	No. of	%
Kensington	K	2	23	29.9
Winnersh	W	4	4	5.2
Dashwood	D	4	6	7.8
Beechwood	B	3	21	27.3
Richmond	R	3	8	10.4
Tetbury	T	3	1	1.3
H* New House	H	4	2	2.6
Kennington	Ke	1	10	13.0
S* New Bungalow	S	3	2	2.6
Total			77	100

It will be noted the wide range in size and variety of accommodation. The dwellings

are predominantly 2-storey houses although in the North West corner are 3 bungalows.

2.2. Of the 77 dwellings 28 will be affordable with the following mix:

Upper Heyford:						
	1BED	2BED	3BED	4BED	Total	Total %
Market	2	11	22	14	49	63.6
Affordable	8	10	9	1	28	36.4
Total	10	21	31	15	77	100

2.3. The main access is direct to Camp Road with a long, straight, tree lined avenue although there are 2 secondary accesses for the houses fronting Camp Road. A series of short roads serving the majority of the houses come off the spine road providing a fairly rigid layout. These all show the potential to connect either to the existing settlement to the west or to future development plots to the north and east. At the heart of the new development will be an area of open space on which will be a play area. This will be fronted by a more informal grouping of larger houses. The eastern boundary also has a less formal layout with a strong landscaped buffer proposed to the rural edge.

2.4. The scheme was subject of substantial informal pre-application discussions which took place with regard to this proposal even before the site was allocated for development in the Local Plan. In fact when the application was submitted it was almost simultaneously with the Local Plan's adoption in July 2015. In the intervening period the application has been held in abeyance pending discussions on a new masterplan for Heyford seeking a development that would accord with the site specific Local Plan policy for the former RAF Upper Heyford, Policy Villages 5. Furthermore, during processing of the application the scheme has been modified in a number of ways as part of a positive engagement between applicant and Local Planning Authority including changes to the design of the houses to improve their appearance and to aid natural surveillance, improvements to boundary treatment, layouts have been modified, more parking created and to add further trees. Further information has been provided to support, justify and reinforce the applicant's case as to why this development should be permitted.

2.5. The designs of the buildings are reflective of the style of military housing on the base with a much pared down aesthetic. The main facing material is a red facing brick as used elsewhere although it is contrasted by elements of render, for example with the bungalows, which is reflective of the refurbished style in Trenchard Circle. All building's roofs are slated. Bay windows and simple porches are used as a design feature and to give the street a greater feeling of surveillance.

2.6. The application has been supported by a considerable amount of documentation including:

- Flood Risk Assessment
- Foul Drainage Assessment
- Landscape and Visual Impact Assessment (and addendum)
- Transport Assessment
- Heritage Statement
- Ecological report
- Design and Access Statement (and addendum)
- Geophysical Survey

- Planning Statement (and addendum)
- Statement of Community Engagement

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history on the site but the following applications on the adjacent military base are considered relevant to the current proposal:

08/00716/OUT	OUTLINE application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).	Permitted	at appeal
10/01642/OUT	Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure	PER	

4. PRE-APPLICATION DISCUSSIONS

- 4.1. Pre application discussions took place before adoption of the Local Plan when the Authority had a 5 year land supply; the site was seen as greenfield and outside the settlement envelope and therefore unsuitable for development. Its subsequent allocation as part of Policy Village 5 resulted in a more positive approach to its proposed 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 (on the revised plans) was 20.06.2017, 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:

- 5.3. Dorchester Group (on original submission):

In summary an objection is made to the proposed development as it represents an opportunistic development that has insufficient regard to Policy Villages 5 which clearly sets out in policy terms that the growth to be provided within the Former RAF Upper Heyford defined development area will be delivered through a "comprehensive integrated" approach. Furthermore, the proposals are inconsistent

with the clear emphasis in the Local Plan Policy BSC 2 which establishes as a policy objective the need to secure the redevelopment of major brownfield sites within the District, including the Former RAF Upper Herford site. In addition, the proposals fail to give proper regard to the commitment of the District Council, established in the signed Statement of Common Ground (paragraph 7) which states that there should be a sequential approach to development in order to ensure the effective use of brownfield land within the existing site. Such an approach is entirely consistent with paragraph 17 of the National Planning Policy Framework.

A key component of this process is the preparation of a comprehensive masterplan for the site as required in both the local plan and the Statement of Common Ground. This masterplan-led approach is required to ensure that a lasting solution can be achieved, one that delivers a sustainable pattern of development, supported by appropriate infrastructure improvements, in order to meet the quantitative provisions of the recently adopted Cherwell Local Plan, specifically Policy Villages 5, and the wider objectives of facilitating improved public access to, and greater understanding of, the heritage interest on the site.

The pre-emption of allowing a comprehensive masterplan-led approach to proceed will result in piecemeal development and risks undermining the creation of an integrated and properly delivered sustainable community.

The masterplanning approach is appropriate as it will:

- Create a comprehensively planned and integrated development.
- Identify and guide the vision for the future development of the site and deliver the type of community and settlement identified through the overarching vision.
- Provide for the proper integration of consented (under construction) development with the additional housing to be delivered in accordance with Policy Villages 5.
- Identify transport issues associated with the scale of growth set out in Policy Villages 5, and then address mitigation and improvements to be delivered and funded by all new development within the defined development area to both public transport improvements and off-site highway works.
- Provide an opportunity to refine and update the conservation issues/objectives and strategies associated with the site.
- Determine how development should be phased across the site and deliver the objectives of the NPPF and the Statement of Common Ground commitment to adopt a brownfield first approach.
- Ensure overarching infrastructure is delivered including education, community buildings and facilities, public realm, sports pitches etc, with land allocated across the masterplan area.
- Put in place an agreed planning framework within which development of Former RAF Upper Heyford will take place throughout the plan period.

To allow the release of greenfield sites in advance of this Wider, comprehensive process will undermine and jeopardise the ability to deliver the sound planning objectives set out above, objectives which can only realistically be achieved through a comprehensive masterplanning approach.

The delivery of infrastructure improvements is inextricably linked to the successful delivery of the Former RAF Upper Heyford site. If development proposals on greenfield parcels are considered in isolation, and in advance of the comprehensive masterplanning approach, it will result in recent infrastructure improvements and those committed to be funded by existing consented development, being exploited by such opportunistic development proposals with no regard to the wider infrastructure strategy necessary to support development set out in Policy Villages 5. Paragraph C.292 of the adopted Local Plan clearly requires that "infrastructure contributions will be expected for the wider scheme" from all new development. This relates to community infrastructure required to support a vibrant and sustainable new community as well as physical infrastructure including off-site highway works and upgrades to the existing sewage works.

The submission of this planning application demonstrates the risks to the masterplanning process as a result the identification of greenfield sites as part of the expanded Policy Villages 5 allocation. The District Council clearly recognises the imperative for a masterplanning process in order to deliver the comprehensive integrated approach to future additional development at this site. This is an adopted Development Plan policy.

The District Council signed up to a Statement of Common Ground with the Dorchester Group (December 2014) as part of the Examination process in to the Local Plan. Paragraph 5.24 of the submitted Planning Statement concludes that the Statement of Common Ground is "not implementable without the support of the Development Plan, which makes no reference to upfront brownfield development or the need for an overriding masterplan for the allocation." This statement is manifestly incorrect and underlines that the proposals subject to this planning application are opportunistic and deliberately timed so as to attempt to circumvent a comprehensive approach. In this regard it should be noted that in addition to the specific reference within adopted Policy Villages 5 that a "comprehensive integrated" approach will be expected, the Local Plan (C.292) also states that:

"A comprehensive approach will be required and it will be necessary to demonstrate how the additional land identified can be satisfactorily integrated with the approved development. The additional land will not be permitted to be developed independently of the main development and infrastructure contributions will be expected for the wider scheme. "

The assertions put forward on behalf of Pye Homes within the Planning Statement are therefore factually incorrect and are incorrectly dismissive of the District Council's specific commitment (see paragraph 6 of the SoCG) to undertake a comprehensive review of the site, a review that considers the important heritage landscape setting of the site and how additional development can be successfully integrated with existing consented development. Policy Villages 5 also requires that the release of greenfield land within the defined development area will not be allowed to compromise the necessary environmental improvements and conservation of heritage interests of the wider site. This can only be achieved and appropriately demonstrated through the comprehensive masterplanning process. The early release of greenfield sites is clearly contrary to this process and undermines the ability to achieve the overriding objectives of Policy Villages 5.

Further, Policy Villages 5 should not be read in isolation of other policies contained within the recently adopted Cherwell Local Plan. In this context Policy BSC2 (The Effective and Efficient Use of Land) identifies the strategic priority within the Local Plan that future development is accommodated in locations that maximises development opportunities provided by brownfield land. The Local Plan (B.101) specifically refers to a number of major previously developed sites where the Plan

seeks to secure their redevelopment. This includes the Former RAF Upper Heyford site. In this context the Local Plan (B.101) states: "... although the Plan allocates large areas of greenfield land to meet the District's development needs, the Council will strive to ensure that these important brownfield schemes are delivered". Such an approach is entirely consistent with the NPPF which, as a Core Planning Principle, confirms that planning should "encourage the effective use of land by reusing land that has been previously development (brownfield land), provided that it is not of high environmental value".

In the context of this Core Planning Principle, it is precisely the role and purpose of the masterplanning process to ensure that there is a proper understanding of the scope and capacity of appropriate brownfield land within the defined Policy Villages 5 development area, with such land identified and brought forward for development, and that this must be in advance of the release of greenfield sites. The application's failure to properly consider how the greenfield land parcel can be fully integrated into the new settlement and contribute towards the wide range of physical, social and environmental infrastructure that will be required to deliver a genuinely sustainable development and new community at Heyford Park, means that it cannot be regarded as a "sustainable development" in the context of the NPPF, specifically paragraph 14. The consented development has an established strategy for the delivery of, and access to community infrastructure, ensuring that new and existing residents are able to access such improvements, thereby delivering sustainable and vibrant communities. The wider comprehensive planning of additional development is necessary to ensure this approach is maintained to allow all residents to share the community infrastructure improvements necessary to support a sustainable pattern of development. Piecemeal development that is outside of the comprehensive and integrated approach will undermine this objective. Unless and until a comprehensive approach is devised, addressing the need for all development to contribute towards infrastructure delivery at the Heyford Park site (a process which the Council's joint Masterplan approach is designed to address), this opportunistic planning application is not only premature, but will fail to deliver a sustainable form of development in contravention of the NPPF and the Development Plan. In summary, we object to the proposals subject to this planning application. The proposals are considered to be inconsistent with the objectives of Policy Villages 5 which, if approved, will result in piecemeal development which attempts to circumvent the holistic planning approach to additional development at this site, through the release of greenfield land in advance of brownfield land to be identified and delivered through a comprehensive and integrated approach.

And, following receipt of amended plans, a further letter from Dorchester group:

Further to Pye's revised submission (ref 15/01357/F), we are very concerned to ensure that that this planning application comprehensively addresses and contributes towards the overall mitigation of impacts associated with the delivery of the 1600 additional houses and 1500 additional jobs allocated under Cherwell Local Plan Part 1 Policy Villages 5. This development plan policy, which carries full statutory weight, expressly identifies 6 critical 'infrastructure needs' all of which are required to be addressed:-

Education

Dorchester are in detailed discussions with OCC as Local Education Authority to agree a strategy to increase provision of school places at Heyford Free School, and also providing additional primary school place provision. Given the 77 new dwellings proposed by Pye will increase the pressure for school places, the overall strategy for increased provision needs to be properly considered prior to the application being determined in order to ensure that education needs can be

properly met. Unless and until that education strategy is determined, to ensure that it can be accommodated in the correct spatial location on the site, and that the funding is in place to facilitate the increase in capacity, it is premature for these houses to be determined. To seek approval in advance of this approach being agreed could result in development which is prejudicial to accommodating future educational needs (for example school built facilities or school outdoor facilities such as playing fields) were this land be identified as the most appropriate location to site additional educational facilities, and/or the pupil needs are unable to be met, which would result in development being consented which is not sustainable.

Health

Dorchester are in detailed discussions with the Oxfordshire Clinical Commissioning Group with regard to additional health care provision on the masterplan site. Again, until the extent of health care provision required for the allocation as a whole is agreed, it is premature to consider a release of this site for housing, until the masterplan land uses are agreed as to a suitable location for the additional healthcare facilities and the financial mechanisms to support the required increase in health care provision are costed and agreed.

Open Space

Dorchester are in detailed discussion with Cherwell DC with regard to both the quantum and location of sports pitches, sports pavilion, play areas, and also with Sport England with regard to indoor sport provision. Again, unless and until the location and quantum of these facilities is agreed on a comprehensive basis for the full allocation, to ensure that these facilities are being planned to be sited in the most appropriate location, and that their delivery is costed, phased and funded on a reasonable and proportionate basis by all parties, determining this application is premature pending the outcome of those discussions.

Community Facilities

Dorchester are also in detailed discussion with Cherwell DC with regard to both the quantum and location of a nursery, community hall, local centre/hotel and a neighbourhood police facility. Again, unless and until the location and size of these facilities is agreed on a comprehensive basis for the full allocation, to ensure that these facilities are being planned to be sited in the most appropriate location, and that their delivery is costed, phased and funded on a reasonable and proportionate basis by all parties, determining this application is premature pending the outcome of those discussions.

Access & Movement

Dorchester as the principal landowner and developer have been engaging in detail with both OCC (as the local highways authority) and Highways England (with regard to the strategic highway network) in order to model the transport impacts associated with the full Policy Villages 5 allocation so as to be able to assess the mitigation in terms of highway junctions and public transport improvements that will be necessary in order for a comprehensive and integrated approach to be delivered. Only by first understanding this overall package of mitigation measures necessary for the full allocation to be developed, will it then be possible to phase the improvements to development milestones when these improvements are triggered, and to understand the overall cost of the full mitigation package which all landowners/developers will need to contribute towards on a shared, proportionate and equitable basis. Without this comprehensive approach being investigated and a delivery plan adopted (as

Policy Village 5 explicitly requires), the development of 77 houses will fail to be able to adequately mitigate its transport impacts.

Utilities

Policy Villages 5 also refers to the need to ensure that contamination remediation, improvements to the water supply and sewerage network, as well as other utilities may be required. Again, Dorchester are advanced in designing a comprehensive site wide surface water drainage strategy and are also reviewing the operation and upgrades necessary for the privately owned sewerage treatment works located nearby.

In addition, there are other obligations embedded within Policy Villages 5 which require a comprehensive approach beyond infrastructure per se, for instance such as the various policy requirements for:

- the demonstration that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site identified as Policy Villages 5;
- the conservation and enhancement of the ecological interest on the flying field;
- visitor access, controlled where necessary, to (and providing for interpretation of) the historic and ecological assets of the site; and
- demonstrating an overall management approach for the whole site.

In summary, a determination of this planning application is therefore premature at the current time. As explained above, Dorchester are well advanced in preparing a comprehensive overall masterplan and have in fact already met with Pye Homes to discuss progressing an overall integrated approach towards securing the delivery of infrastructure and other policy-related obligations.

We note that Pye Homes 'are willing to pay contributions for this application, but subject to method to be agreed with the Council' (agent email 12th June 2017). Whilst Dorchester welcome the principle of this constructive approach to work towards agreeing a method to derive the nature, amount and timing of payment of contributions, unless and until an overall masterplan and mitigation package is further progressed, this planning application taken on its own without full and proper regard to overall mitigation and infrastructure work which is still ongoing, will fail to meet the Policy Villages 5 requirement and therefore conflicts with an up-to-date and relevant development plan policy. Further, without proper and full regard to how the required mitigation across all these key infrastructure matters is actually to be delivered, the proposals cannot be held to represent sustainable development. The proposals therefore, at the present time, do not accord with the requirements of the development plan or the NPPF, and therefore planning permission should be withheld until such time as a comprehensive infrastructure delivery package is at a more advanced stage.

- 5.4 Before this report was completed, a further letter was received on behalf of the Dorchester Group objecting to the proposal and its consideration by Committee before, not only the production of a comprehensive masterplan, but also in advance of associated transport modelling work. This follows meetings with Highways England and the Local Transport Authority at which significant concerns were raised about mitigation of traffic and transport, in particular at Middleton Stoney. The County Council stated "It is clear that there will be a trigger point at which no further development can take place at Upper Heyford until a major scheme is in place to overcome the impact at the junction (at Middleton Stoney). (Further work is required)

...to determine what level of development can take place before a major infrastructure solution is required to mitigate the severe impact at Middleton Stony.”

Dorchester state “This is a significant development for 2 reasons. First, it explicitly requires further modelling to be undertaken to establish what level of development may be possible before a major infrastructure solution is required to mitigate Middleton Stony and that there is a need to jointly identify the best long term solution. Secondly, it states it is ‘clear’ that there will be a trigger point beyond which no further development could take place at Upper Heyford.

Therefore it is premature to be considering further development within Policy Villages 5 unless and until:

1. A transport modelling exercise is undertaken to establish how much development may be permissible before a major infrastructure solution is required at Middleton Stony;
2. There then needs to be a phasing exercise undertaken on a comprehensive basis across Policy Villages 5 with regard to:
 - a. which parcels of land and which development land uses (to not only include housing but also employment and social infrastructure uses) it is appropriate to release before any Middleton Stony trigger point is reached;
 - b. taking into full account the requirements of the adopted Development Plan policy with full force of Section 38(6) weight behind it that there needs to be a ‘comprehensive integrated approach’ to this allocation;
 - c. the need for the Council to take into account the joint commitment given in the signed Statement of Common Ground at the Local Plan Examination of 8th December 2014 that ‘there should be a sequential approach to development which should not otherwise be delayed in order to ensure the effective use of brownfield land within the existing airbase. The identified greenfield land outside of the airbase should not be brought forward until a comprehensive scheme and delivery plan for the entire Local plan allocation has been secured’; and
 - d. the emerging Mid Cherwell Neighbourhood Plan (Pre-Submission version, August 2017) which has as one of its Development Policies objectives ‘to strongly encourage the use of brownfield sites before any development is considered on greenfield sites, unless specifically allocated within the Neighbourhood Plan’.
 - e. The above material considerations point to a need for a comprehensive approach, and one which prioritises brownfield land release over greenfield land such as the Pye allocation.
3. A longer term solution is identified for the Middleton Stony junction.

5.5 (Same letter) from two residents at Letchmere Farm:

Before commenting on the specific application we wish to state a general objection to the premature and potentially unnecessary incursion onto greenfield agricultural land when there is more than enough designated brownfield land available to be developed on the old Upper Heyford airbase without the need to lose this greenfield land, the Heyford Park development should be completed before any further greenfield land is considered for development.

Completing the Heyford Park development first enables the Cherwell District Council to assess:

- its impact on the local area and in particular its traffic, ecological and environmental impacts.
- the need and requirement for further development within the area, which currently cannot be accurately predicted until Heyford Park is completed. For example, Bovis are already struggling to sell properties in Heyford Park and this questions the need for additional housing.

It may well be that use of any surrounding greenfield land is not be required to satisfy the requirements of the wider Cherwell Local Plan. If this application is approved at this early stage of the plan for Upper Heyford the potential to save this greenfield land is lost.

The Mid Cherwell Neighbourhood Plan advocates the use of brownfield land first to meet the Local Plan targets and we expect this commitment to be upheld.

In addition to the above we have the following specific objections:

1. Dangerous Proposed Entrance: the proposed main entrance is in a dip on Camp Road, which will be very dangerous given its proximity to the other junctions in the immediate vicinity. This coupled with the addition of another major exit onto Camp Road will have a big impact on traffic flows to the eastern side of Heyford Park, as well as this traffic integrating with the already considerable traffic from Heyford Park. The potential for accidents on the eastern side of Heyford Park (along Camp Road from Larsen Road to Chilgrove Drive) is significant. The application does not satisfactorily address these concerns.
2. Increased traffic: The density of the housing proposed will lead to a massive increase in traffic in the area. As stated above, merging this traffic with the already heavy traffic flows along Camp Road will cause significant congestion issues and increase the potential for accidents. Again, the application does not satisfactorily address these concerns.
3. Density of housing: 77 houses on such a small area of land is completely out of keeping with the housing stock in the immediate surroundings. For example in the Larsen Road and Soden Road approximately only 20 houses are found in a similar area to the proposed application site. In particular the very high density of housing along the western boundary of the site is completely out of balance and disproportionate to the surrounding properties
4. Lack of integration with Heyford Park Development: One of the key outcomes of the Heyford Park development is to reduce the reliance on cars by promoting walking, cycling and use of buses. This proposed application contradicts this outcome. It is clear that such outcome would be better served by developing more of the brownfield site near the new village centre of Heyford Park rather than greenfield land around its periphery. The application does not satisfactorily address these concerns and furthermore, any street connection or other pedestrian access across the western boundary

into Larsen Road will have a significant adverse impact and damage to the dwellings at Letchmere Farm. Any impact or change to our right of access requires our consent.

5. No Visual assessment for northern boundary: No visual assessment has been submitted in relation to the dwellings at Letchmere Farm to the north of the site. This application will have a detrimental effect on these residential dwellings and as stated above, any pedestrian or other access across the driveway running along the western boundary will have a significant adverse impact to the dwellings at Letchmere Farm. As stated above, any change to our right of access requires our consent.

6. No archaeology survey: It is noted that no such survey has been completed notwithstanding the close proximity of this site to sites of archaeological interest.

7. Insufficient boundaries to site: the proposed application focuses on the requirements to create a soft edge to the eastern boundary only. Nothing is mentioned or considered in relation to the western and northern boundaries. An amenity/wildlife corridor should exist around the whole development to soften each edge given that this land is currently greenfield agricultural land. This should be achieved by mandating that mature hedgerows and woodlands must be created and protected on each boundary of the site. Cherwell District Council should consider looking at a birds eye view of the number of trees, wooded areas and size of gardens of the houses in Larsen Road and Soden Road as an example of type and size of the boundaries and vegetation that is lacking from this proposal.

Without prejudice to our objection to the development we wish to raise some matters, which need to be addressed should approval be contemplated:

(A) Revising the density of housing: Approval should only be considered with a greatly reduced density of housing (and, we suggest a maximum of 30) as the current proposed density is out of keeping with the surrounding area as stated above.

(B) Revised entrance and access: An alternative access to the site is required for the objections stated above.

(C) Revising the type and style of housing: Any development should be of a similar type of property to the site's immediate surroundings' such as the properties along Larsen Road, the dwellings at Letchmere Farm or the properties built by Dorchester Living to the eastern end of Camp Road.

(D) Improved visual amenity along Camp Road: As stated above any houses on this development should be similar in style to those already built at the eastern end of Camp Road. If approved, these houses will be highly visible from Camp Road and will form the first impression of the new village. Therefore the visual amenity that has already been created along Camp Road by Dorchester Living needs to be continued into any development on this site. If this doesn't happen this development will feel isolated from the rest of Heyford Park and not in keeping with its surrounding area. If this happens this will harm the visual amenity of Heyford Park and defeat the whole design purpose of Heyford Park. We appreciate each planning application is considered on its own merits, but if this development is granted the whole character of Heyford Park will be harmed and we would invite the planning officers to visit Camp

Road to appreciate the character and visual amenity created by Dorchester Living.

(D) Improved and protected hedgerows and woodland boundaries: Any approval should contain specific requirements to include a sufficient area of land along each boundary (not just the eastern boundary) to enable mature hedgerows, trees and woodland areas to be planted. In particular such an amenity/wildlife corridor should be included between the access road to Letchmere Farm and the proposed development, especially given the density of the housing proposed along the western boundary of the site.

This will ensure the wonderful variety of wildlife in the area continues to be supported and maintained. Such hedgerows, trees and wooded areas should be maintained in perpetuity. The deeds of sale for each property should expressly state that such hedgerows, mature trees and woodlands should be maintained in perpetuity to ensure that the development continues to be screened from the surrounding area. This will enable the development to blend with the woods to the east and the mature hedgerows and mature trees of the surrounding area.

5.6. Letters from two residents of Duvall Park Home

- The existing construction of housing in Upper Heyford by Dorchester and Bovis homes is sufficient for the area. Any further construction would have a detrimental effect on Upper Heyford.
- Disruption the building works will cause to us living right opposite the proposed site with excess noise, mess, dust and continual construction traffic.
- The traffic along Camp Road has already increased and with the proposed 77 homes with an average of two cars per home this would have a dramatic effect on the access road proposed.
- We appreciate that new houses are needed, but with the 3.500 plus homes already proposed in Upper Heyford we feel this enough and realistic in reclaiming a disused air base.
- The proposed site is a field which is a haven of wild life.

5.7 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. Upper Heyford Parish Council: Maintain their original objection

- The Council strongly feels that designated brownfield land should be developed before greenfield agricultural sites are developed. The pattern of the growth in housing stock within Cherwell cannot be accurately predicted at this time and it may well be that use of greenfield in this area may not be required to satisfy the requirements of the Cherwell Local Plan. However, if this application is approved at this early stage of the plan, the potential to save the greenfield land is lost.

- The emerging Mid Cherwell Neighbourhood Plan will also advocate the use of brownfield land first to meet the Local Plan targets.
- We are unconvinced by the Pye consultant's analysis of the traffic implications of the development. The addition of another major exit onto Camp Road will have a big impact on traffic flows to the East from Heyford Park, as well as merging with industrial traffic from Heyford Park. The potential for traffic jams in the area around the junction of Chilgrove Drive and Camp Road is significant. It is also unrealistic in our view that bus services can sufficiently mitigate the problems.
- In the context of no need to develop this land at this point, the environmental, archaeological and ecological constraints at this site should be given considerable weight. The Pye application dismisses the archaeological indications, and offers schemes to minimise both the threat of flooding and ecological issues, the effectiveness of which are unproven.
- In summary the Upper Heyford Parish Council advocates refusal of this application as being an unnecessary incursion onto greenfield agricultural land and being unsound in its consideration of traffic, archaeological, environmental and ecological issues.

6.3. Middleton Stoney Parish Council object:

- It is our understanding that a 'masterplan' for the former RAF Upper Heyford site will not now be produced. In its stead there is to be a full planning application. Until such a planning application is produced and available for consultation then it is not possible to assess how the requirements of Policy Villages 5 within the adopted Cherwell Local Plan are to be met and thus this application is premature and opportunistic.
- It is assumed that the number of homes stated within this application form a part of the number prescribed under Policy Villages 5. However, it remains our firm view that the level of housing proposed under the policy should be contained within the current boundary of the airfield thus obviating the need to use greenfield land when, in our view, there is more than sufficient brownfield land available within the airfield boundary. The argument that developing such areas of brownfield land would damage valuable cold war heritage sites is very questionable. This case has already been made by Dorchester Group and is supported by the emerging Mid Cherwell Neighbourhood Plan. This parish council also supports the Dorchester Group view.
- We are also aware that the Partial Review of the Local Plan relating to Oxford's unmet housing need is also still in embryo stage and will not even be submitted until July and is not likely to be adopted until April 2018 at the earliest. If therefore Pye Homes wishes its application to be considered as a part of this process then again it is opportunistic and premature.

6.4. Ardley with Fewcott Parish Council: Object

- The proposed development is on a green field site, it would be preferable in the view of Ardley with Fewcott Parish Council and the MCNP that developments use Brown field sites before Green field sites. Also, being at the edge of the existing it will decrease the green buffer between settlements in the MCNP area.
- The additional traffic impact to the local area does not appear to be realistic and there is no plan for dealing with the additional traffic. In addition the entrance onto Camp Road has some potential safety issues.
- It is not clear how this application forms part of the development at Heyford Park? It appears to be a separate development with its own sewage treatment facilities not connected to the mains. There doesn't appear to be

any connectivity to the rest of the development and it appears to be an ill thought out development.

6.5. Somerton Parish Council:

- Object to this application on the grounds that it is on a green field site. In the event of this application getting approval Somerton Parish Council seek to gain funding through S106 for traffic mitigation and Bus services.

6.6. Mid-Cherwell Neighbourhood Plan Forum:

- The Forum is keenly looking forward to the submission by Dorchester and its consultants of an overarching outline planning application covering the remaining development that is planned at Heyford Park. We acknowledge that this application is on additional land identified within the strategic development site, but we object on the basis that an overall scheme dealing with the infrastructure required for the whole strategic site of Heyford Park should be agreed before applications for additional development are determined, with clarity as to how its various components interact, particularly with regard to traffic volumes and movement.
- We have previously expressed our opposition to a piecemeal approach to planning applications at Heyford Park, and we believe that the application is contrary to Policy Villages 5 which requires a comprehensive integrated approach.
- We remain very concerned about this unsatisfactory approach to planning applications for major elements of Heyford Park. This is not good planning for a site of strategic importance, and for that reason we ask that CDC defer consideration of this application until we and others have had an opportunity to inspect and comment on the forthcoming outline scheme for the completed Heyford Park strategic site.

STATUTORY CONSULTEES

6.7. Historic England

- Development on this site would have a minimal impact on the significance or setting of the Flying Field, which forms the core of the heritage interest at Upper Heyford and is of outstanding importance. The current Cherwell Local Plan includes an ambitious target in terms of numbers of units for housing on the site as a whole. If this target cannot be met on the sites allocated our view is that development of this site would be far less harmful to the significance of the Conservation Area than development on any part of the Flying Field itself.

6.8. Environment Agency: We have no objection to the proposed amendments.

- The application continues to propose the use of an on-site sewage treatment plant. New development should be connected to the public mains (with the prior written approval of the statutory undertaker) where possible. Proliferation of individual treatment plants can cause deterioration in local water quality (ground and surface water). This would be contrary to the principles of the EU Water Framework Directive¹.

6.9. Thames Water Utilities:

- The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore

recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

- Thames Water has reviewed the drainage strategy provided for foul and surface water run-off from the development and advise that we have no comments as there is no interaction between drainage (Foul and Surface Water) from this site and Thames Water assets. Foul water is to be managed by Private Package Treatment plant and surface water run-off to be managed by onsite infiltration.

CHERWELL DISTRICT COUNCIL CONSULTEES

CDC-Conservation Officer (on the revised plans):

- The proposal is for the development of a plot of land outside the boundary of the former RAF Upper Heyford base but adjacent to the RAF officer housing located within the SE corner of the conservation area and to the west of this site.
- The proposed housing – with the exception of the H house type – is reminiscent of the married crew housing. An opportunity for slightly higher house density should be taken.
- The American bungalows are a self-contained group of dwellings constructed at a different time to the RAF housing. It is my view that this special differentiation between types and eras of housing should be retained – as this helps understand the history of the site and therefore I would recommend that the bungalows (House types S and T) are deleted from this scheme and replaced with other house types.
- Connectivity to adjacent areas of the site is non-existent.
- Houses fronting open areas require greater regimentation to better reflect the military history of the site.
- On individual detail:
- The design of the H type house lacks cohesion. The asymmetry of the first floor windows over the garage leads to an unwelcome dominance of the front elevation by the garage.
- The front porch of the W house type is also too obtrusive.

CDC- Head of Strategic Planning and the Economy:

No objection subject to the following detailed considerations being satisfactorily resolved:

- The proposed development falls within the land allocated for development under Policy Villages 5 of the adopted Cherwell Local Plan 2011-2031
- From the policies map for Policy Villages 5 it can be seen that the application site falls within an area of land identified as having potential for additional development
- The application site comprises greenfield land
- Policy Villages 5 provides for the development of settlement of approximately 1,600 dwellings (in addition to 761 dwellings (net) already permitted and associated, specified development

- The policy requires development to enable environmental improvements and the heritage interest of the site to be conserved, compatible with achieving a satisfactory living environment.
- The policy states that a comprehensive, integrated approach will be expected. Paragraph C.292 of the Plan states, “...it will be necessary to demonstrate how the additional land identified can be satisfactorily integrated with the approved development. The additional land will not be permitted to be developed independently of the main development and infrastructure contributions will be expected for the wider scheme”
- The policy describes the infrastructure needs and the key site specific design and place shaping principles for the development of the new settlement. The latter include:
 - the release of greenfield land within the allocated site will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site
 - the settlement should be designed to encourage walking, cycling and use of public transport rather than travel by private car, with the provision of footpaths and cycleways that link to existing networks
 - layouts should enable a high degree of integration with development areas within the allocation and with connectivity between new and existing communities
 - development on greenfield land should provide for a well-designed, ‘soft’ approach to the urban edge with appropriate boundary treatments
- The policy requires at least 30% of the housing to be affordable housing
- The policy requires the provision of extra care housing and the opportunity for self-build affordable housing
- The delivery of the housing provided for by Policy Villages 5 presently contributes to meeting the district’s five year land supply requirements (presently 5.6 years)
- The application site adjoins the RAF Upper Heyford Conservation Area
- The principle of the construction of 77 homes on the application site is supported by Policy Villages 5
- It is understood that 35% of the housing would be affordable at a rented/intermediate ratio of 70/30. There is no conflict here with Policy Villages 5 if that housing is provided on site
- It is understood that no extra care housing is proposed. It is accepted that at 3.19 hectares the site has limited scope for accommodating an extra care development of at least 45 homes (ref. Policy BSC4) unless this was proposed as the main type of housing. If land is available elsewhere within the allocated site to provide the extra care housing, then there is no need for the application site to be developed for that particular purpose. The opportunity for self-build affordable housing should be raised with the applicant to determine whether or not this could reasonably be provided
- The main policy issues are therefore:
 - a) whether or not a comprehensive integrated approach can be achieved
 - b) whether the proposed development would contribute in enabling environmental improvements and the heritage interest of the site to be conserved, compatible with achieving a satisfactory living environment
 - c) whether the development would contribute in securing a settlement that encourages walking, cycling and use of public transport rather than travel by private car
 - d) whether there would be a high degree of integration with the rest of the allocated site

e) whether the proposed development would provide for a well-designed, 'soft' approach to the urban edge

On a&d)

Although a comprehensive approach is sought, Policy Villages 5 does not require a formal masterplan or development brief. The Plan requires integration with the wider development and avoidance of an 'independent' approach for the additional land for the Former RAF Upper Heyford development arising from the Plan.

The application is made in full which provides a clearer opportunity to assess this. The Design and Access Statement refers to:

- The aspiration of this scheme in terms of connectivity is to connect through to Larsen Road with pedestrian links
- The new neighbourhood will be legible as an individual character area and integrate and link with the RAF base.
- A wider road and strong avenue of trees along the main spine road creates a visual feature and a characterful and identifiable main access route through the site. This provides a view into the development from Camp Road, strongly linking it to this main route through the airbase.
- The scheme has been designed to integrate with the neighbouring 'Officers Housing' and 'Airmens Bungalows' character areas.
- A 3-4 metre planted swale has been designed as part of the landscape strategy and spinal road layout. This integrates with the formal layout by following the main road and integrating with the trees on this route.
- A central organising spine road replicates the patterns of existing secondary roads in the settlement perpendicular to Camp Road. This connects the site to the RAF base through the existing pedestrian route from the airbase currently ending at Larsen Road, the access to the 'Officers Housing' character area. This will be extended as part of the scheme design and layout to connect the new development to the existing settlement.
- On Camp Road there is currently a traffic calming measure on entrance to the RAF base. As part of the development this will be moved to co-ordinate with the new access and integrate the development with the rest of the air base.
- The east west road alignment allows for the introduction of footpaths into the neighbouring officers housing area. This integrates the site with the overall settlement.
- These are matters of design which require detailed consideration. However, they suggest the potential for an integrated approach to be achieved. However, to avoid an independent approach, necessary infrastructure requirements would need to be proportionally secured having regard to the needs of the wider site.

On b&e)

A Heritage Statement has been submitted with the application. The design and access statement also assesses the historic influences affecting the approach to the proposed development. The views of the Design and Conservation Team should be considered in assessing the conservation benefits of the proposal. The Supporting Statement refers to a Phase 1 Habitat Survey having been undertaken which suggests that development would enhance the biodiversity of the site. The contribution of the development to the wider environmental improvement of the base should be considered. Detailed consideration of the proposed soft landscaping scheme should also include particular examination of the western boundary and public approaches into the settlement.

On c)

The application is supported by a Transport Assessment which includes reference to:

- foot/cycle access to the proposed development along the proposed vehicular access off Camp Road
- a footway along both sides of the access road
- the extension of the existing footway from the existing built-up area to the site access
- a strategy to be implemented to promote and encourage occupants to walk and cycle to and from the site including: the facilitation of foot and cycle movements along desire lines through the development; a mix of cycle parking facilities to be provided; and a 2m wide footway will be provided onto Camp Road. The Design and Access Statement states, "The aspiration of this scheme in terms of connectivity is to connect through to Larsen Road with pedestrian links, this is subject to further discussions regarding land ownership".

The Supporting statement refers to the development making financial contributions towards an improved bus service and providing bus stops close to the entrance to the site. The Design and Access Statement refers to a new pair of bus stops at the site entrance to encourage people to use public transport, integrated with the pedestrian routes through the site and linking to Camp Road. The views of the County Council as Highway Authority should of course be considered.

Subject to detailed consideration, the application does suggest that there is potential to meet the policy requirements. Provision should be included for wheelchair users and the connection through to Larsen Road with pedestrian links should be secured.

CDC-Urban Design Consultant:

Connectivity:

The proposed development is in effect a large cul-de-sac with a single street access from Camp Road. This is not desirable from an urban design perspective.

As requested the proposals now allow for potential street access to possible future development to the north and east.

The layout plan shows no street, footpath or cycleway connections to the west into Larsen Road although the Planning Statement Addendum (April 2017) refers to:

The Plan (ref: P05) now clearly highlights pedestrian and cycle link opportunities at the western boundary, at the Councils request, and facilitates permeability to the west of the site. The footpath and cycle links above seek to provide opportunity for links to be established if they are required in the future, subject to agreement with other land owners.

To avoid this being an isolated cul-de-sac development cell separated from Heyford Park additional street, footpath and cycleway connections must be put in place from the outset.

Eastern Boundary

The open space on this boundary appears to be too narrow in places to accommodate adequate buffer planting and a footpath in particular adjacent to

plots 77, 66, 55 and 44, the edge of the parking area fronting plot 66 and the turning head adjacent to plot 55.

A series of dimensioned sections through this edge showing the site boundary, existing and proposed vegetation, footpath and the adjacent dwellings and plot boundaries would assist assessment.

Pumping Station/ Treatment Plant

It is not clear from the information submitted whether all of this plant is below ground – clarification is required. If below ground is the installation grassed over and usable as open space or does it have to be secured within a compound?

If it is open then it must also have good natural surveillance from plot 72.

Natural Surveillance

Street Scene C shows plot 73 with a blank gable end facing the primary street. This dwelling must provide natural surveillance of the street from ground floor active rooms.

The Dashwood (D) house type has blank gable ends. Plots overlooking streets or public space must have ground floor windows to active rooms.

Camp Road Frontage

Street Scene B shows hedging fronting plot 75 but layout plan PO1 shows this as an open frontage. The continuity of a hedgerow frontage to Camp Road broken only for access points should be maintained.

Northern Boundary

The corner of the garage to plot 32 appears to be too close to the northern boundary to allow for a hedge to be properly established and maintained.

What is the nature of the area north of plot 44 and coloured green on Layout Plan PO1 D? Is it intended to be enclosed as garden or is it public open space? All public space must have good natural surveillance.

Western Boundary

The multiple ownerships abutting this boundary and the proximity of plot 32 are not likely to result in the establishment and maintenance of a consistent boundary hedge.

Parking

The run of 8 parking bays on the south side of plot 48 should be broken up with a tree.

Garden Boundaries

The street scenes appear to show close-boarded fences to side rear gardens abutting public areas. Rear garden boundaries with the public realm should be 1.8m high brick walls with match-boarded gates.

An updated boundary treatments plan should be submitted.

CDC-Community Services-Leisure Projects:

A Leisure and Community Facilities contribution will be sought for this development as per the SPD: Developer Contributions guidance. (Inflation applied to 2010 base contribution values)

Commuted sum: £6.16 per dwelling per year x 77 dwellings x 15 years = £7,114.8

Strategic leisure contribution: £371.27 x 77 dwellings = £28,587.79

Public Art: A public art installation / contribution will be expected from this development. Discussions should take place directly with the Council.

CDC Landscape Architect:

- The LEAP area should be increased to comply with the 400 m² minimum playable area in the SPD. The LAP area to be touching the LEAP with intervening play area fencing and gate. This is to allow parents with toddlers in the LAP and older children in the LEAP to play within the parent's line of sight.
- The rather restricted access between the hedgerow and unit 17 has been improved.
- Connectivity between north/south route has now been established.
- The treatment plant will be adequately screened with structural vegetation.
- The western boundary landscape buffer is acceptable.
- I look forward to detailed hard and soft landscape proposals to consider.

CDC Ecology Consultant:

This would probably be a borderline site for biodiversity loss or gain calculated using the BIA. However the site is an arable field and there are proposed habitat enhancements and creation proposed on site including planting along the eastern boundary, and native shrub planting and wildflower grassland creation within the site, it would seem possible that a biodiversity gain could be achieved on site given the landscaping plans proposed. Management of the site should be secured in the long term (30 years) and details included in a landscaping and ecological management plan, which I would recommend is conditioned.

CDC-Environmental Protection Officer:

- Noise: Construction Environmental Management Plan (CEMP) for Residential Properties: 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.
- Contaminated Land: I recommend that the full contaminated land conditions J12 to J16 be applied to the site if approved.
- Air Quality: No comments
- Odour: No comments
- Light: No comments

CDC-Regeneration and Housing-Investment and Growth Team:

- We are satisfied with the offer of 28 affordable homes which exceeds our policy requirement of 35% affordable units. However the suggested mix for these in the application is still out of line with previous comments. For clarity our preferred mix would now be as follows:

Affordable rent

- 6X 1 bed maisonettes
- 9 x 2 bed houses
- x 3 bed houses
- 1x 2 bed fully wheelchair adapted bungalow

Shared Ownership

- 6X 2 bed houses
- x 3 bed houses

- Parking availability for the affordable units is still short of what we would usually seek in some of the clusters. We usually require 2 parking spaces per property although will accept one space on the one bedroom units.
- We would reiterate our current standards requirements which are that 50% of the affordable rented units will meet the Building Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. Additionally, 100% of the affordable housing units are to be built the government's Nationally Described Space Standard (Technical Housing Standards). The wheelchair unit should conform to M4 (2) Category 3 of building regs accessibility requirement.
- The selection of the RP who will take on the affordable units should be agreed with the Council.

CDC-Business Support Unit:

It is estimated that this development has the potential to attract New Homes Bonus of £397,913 over 4 years under current arrangements for the Council. This estimate includes a sum payable per affordable home.

OXFORDSHIRE COUNTY COUNCIL (On original submission and as updated)

Strategic Comments

The application site is outside of the existing outline planning permission but within the areas identified for additional development under Policy Villages 5 (Former RAF Upper Heyford) in the Cherwell Local Plan. The County Council objects to this application on the basis that a site wide masterplan identifying the infrastructure required to mitigate the full Upper Heyford site allocation should be agreed before applications for additional development are determined. The application is contrary to Policy Villages 5 which requires a comprehensive integrated approach.

Transport Development Control have objected for the following reasons:

- The planning application is premature since there is not yet a masterplan or transport masterplan in place for the additional development at Upper Heyford that is in the adopted Local Plan amendments, it is not therefore possible to evaluate the transport aspects of the application and the contributions that will be required from the developer.
- The Transport Assessment is unacceptable because it does not include the additional adopted development in the base traffic scenario.
- There are other aspects of the TA which are considered undesirable or inadequate.
- Considerable contributions would be required towards the improvement of bus services and infrastructure.
- A Residential Travel Plan and Travel Information Pack would be required.

- Certain aspects of the highway layout should be improved.
- There is insufficient drainage information included in the planning application.

Further, the Local Member is concerned about insufficient infrastructure provision to mitigate the development; additional traffic on areas already overcapacity such as the Middleton Stoney junction; and increased traffic through Ardley.

Transport: Object

Key issues:

- The planning application is premature since there is not yet a masterplan or transport masterplan in place for the additional development at Upper Heyford that is in the adopted Local Plan amendments, and it is not therefore possible to evaluate the transport aspects of the application and the contributions that will be required from the developer.
- The Transport Assessment is unacceptable because it does not include the additional adopted development in the base traffic scenario.
- There are other aspects of the TA which are considered undesirable or inadequate.
- Considerable contributions would be required towards the improvement of bus services and infrastructure.
- A Residential Travel Plan and Travel Information Pack would be required.
- Certain aspects of the highway layout should be improved.
- There is insufficient drainage information included in the planning application.

Detailed comments

Transport Strategy

(Previous Transport Strategy comments, as set out in the County's response to 15/01357/F of 14 September 2015, still apply except where modified here.)

Oxfordshire County Council Transport Strategy Team considers this application to be submitted prematurely in the planning process for the allocation in the newly adopted Cherwell Local Plan of 1600 dwellings plus employment at Former RAF Upper Heyford, and so it cannot be supported. There are a number of principles to be agreed and challenges to be understood and overcome prior to an application of this nature being considered.

It has been agreed that a masterplan is required for the allocation that this site is part of and this is supported by the newly adopted Cherwell Local Plan. Through this process questions will be answered such as the most appropriate locations for different land uses within the allocation and the scale of development. Indeed, taking into account detailed assessment from all stakeholders (including Transport, Heritage, Archaeology and Ecology), the capacity of the allocation for development may be less than initial assessments suggest and discussions as to where employment on the allocation should be located are in the early stages. The outcome of both of these challenges will have an impact on the local highway network and the appropriate level of mitigation that will be required.

The allocation received no objection from the Oxfordshire County Council Transport Strategy team at the Local Plan Examination in Public in December 2014, subject to an appropriate level of strategic transport mitigation being delivered at the earliest opportunity, as there are existing traffic pressures on junctions and villages in the area, such as Middleton Stoney. This mitigation would be likely to include a Traffic Signals traffic movement strategy with junction and bus priority improvements, in conjunction with further Public Transport service improvements. All sites within the allocation will be expected to contribute towards this strategic mitigation. It is therefore imperative that a

strategic mitigation package is developed, subsequent to agreement on solutions to the challenges mentioned above, and the cost of this is then split appropriately between sites, including this site, agreed for further development under the RAF Upper Heyford allocation.

This application for development is therefore considered premature as the nature of development on this site has not been decided through the masterplanning process and, as a result, a strategic transport mitigation package has not been developed that considers this in the context of all other sites for development to be agreed in the allocation, and an appropriate level of contribution towards such a package from this site has not been calculated. The application only considers the local mitigation required and not the strategic mitigation that would be necessary for the wider cumulative impact of the allocation, which this site would be required to contribute to.

The Cherwell Local Plan contains 'Policy Villages 5' which directly refers to 'Former RAF Upper Heyford' in the title. 'Former RAF Upper Heyford' is highlighted in the proposals map associated with the plan as covering the majority of, if not all of, Upper Heyford Air Base. The site in question is specifically identified under the policy in the proposals map as 'an area with potential for additional development'.

Paragraph C.259 relating to Policy Villages 5: Former RAF Upper Heyford states the following regarding to the land allocation:

"C.259 A comprehensive approach will be required and it will be necessary to demonstrate how the additional land identified can be satisfactorily integrated with the approved development. The additional land will not be permitted to be developed independently of the main development and infrastructure contributions will be expected for the wider scheme."

An additional 1600 homes are proposed through the Policy Villages 5 and it is therefore considered necessary for the site in this context is taken account of, as well as the existing permission on the site of 761 homes net and employment (10/01642/OUT), in any Transport Assessment undertaken for proposals at the site in question.

C.259 makes clear that the proposals for the Former RAF Upper Heyford allocation must be considered as a whole, including mitigation, prior to proposals for parcels within the allocation being considered for permission.

The site proposals for the 77 dwellings are expected to be included and viewed within the context of a wider masterplanning exercise that would tie the development in with existing development at Upper Heyford, committed development and that remaining dwellings proposed through Villages Policy 5. This exercise will use detailed transport modelling and public transport viability work to identify the transport mitigation that would be required and a proportionate and reasonable transport contribution that each development would be expected to pay to mitigate their impact on the transport network. This exercise has not been undertaken and so the application cannot be assessed from a transport strategy perspective.

OCC Transport Strategy does not accept the traffic generation figures submitted with 15/00474/OUT that has been referred to and relied on directly in the Transport Assessment for this application. Sections 5.2.5 and 5.2.6 in the Transport Assessment for 15/00474/OUT state the use of TEMPro to determine future year growth factors. However, the methodology employed in determining these growth factors is not stated. For the avoidance of doubt, recent correspondence with TEMPro confirms that the latest version of TEMPro is version 6.2 which provides access to National Trip End Model (NTEM) datasets published in April 2010 and there have been no further updates since that time. The Local Plan amendments that provide for an additional 1,600 dwellings at Upper Heyford together with employment that were approved earlier this year are therefore not

included in TEMPro. Meaningful transport assessment of this site would need to include both the consented scheme and the Local Plan amendments.

An agreed strategic mitigation package, which is a requirement of OCC's acceptance of the Former Upper Heyford Airbase allocation, has not been tested in the future year scenario. Therefore in addition to the future year scenario not having the correct development assumptions, the strategic mitigation requirement in a 'development with mitigation scenario' has not been tested to demonstrate how the strategic impact of the allocation as a whole can be reduced.

Paragraph 4.2.5 of the submitted Planning Statement Addendum (April 2017) notes:

"A key comment received from the Council highlighted a concern that the application was pre-mature, as a masterplan had not been agreed for the wider allocation. This was particularly relevant to transport and contributions required by new development. Despite this the development of the site cannot be pre-mature by virtue of its allocation within the Local Plan Part 1, which sets out no detailed policy indicating the requirement for a masterplan or specific timescales for delivering new development. As set out in the previous paragraph, the mitigation required in respect of transport can be achieved through a Section 106 agreement. The application is therefore compliant with Policy Village 5 that sets out that significant contributions (toward Public Transport etc.) would be required toward the wider allocation."

The County does not agree with this claim, as the site falls under the "areas with potential for additional development identified under Policy Villages 5". As a result, it must comply with Policy Villages 5 and the "comprehensive approach" required therein, which has yet to be completed.

In addition it is noted that the revised plans propose a "pedestrian footpath and cycle link at the sites frontage that connects to the existing pedestrian routes on Camp Road that provides footpaths into the allocation centre". It is not clear what this is connecting with at each end. It seems to terminate with a hedge on the east side when it may be that this section is required to connect through to Chilgrove Drive and up to the southern bomb stores.

Transport Development Control

(Previous Transport Development Control comments, as set out in the County's response to 15/01357/F of 14 September 2015, still apply.)

The planning application is accompanied by a Transport Assessment (TA) which suffers from a number of shortcomings. These are set out below.

The principal shortcoming is that the assessment of the Camp Road / Chilgrove Drive roundabout does not include in its base case traffic from either the recently adopted Local Plan amendments for a further 1,600 dwellings. As such, the assessment is not accepted. The TA refers to the Southern Bomb Stores application (15/00474/OUT) and uses its traffic flow data as a base case. Paragraph 6.4.4 states that:

"The '15 transport assessment states that Heyford Park '10 application is contained within Tempro and therefore growths the surveyed traffic flows using Tempro to formulate a future year scenario. This then includes the proposed development traffic."

The current TEMPRO version is 6.2 and provides access to National Trip End Model (NTEM) datasets published in April 2010. There have been no further updates undertaken since that date. It is therefore likely that the 2010 permission is included in Tempro if it was included in an adopted planning document prior to April 2010. However, the recently adopted Local Plan amendments for a further 1,600 dwellings together with employment are clearly not included in Tempro and have therefore not been accounted for in the assessment of the Camp Road / Chilgrove Drive roundabout.

Other aspects of the TA which are considered undesirable or inadequate are as follows.

- Section 2 makes reference to the Department for Transport's Guidance on Transport Assessment. However this guidance was withdrawn and replaced in 2014.
- Paragraph 3.5.3 states that "*A mix of cycle parking facilities will be provided...*" but does not state what these will be. Specific provision should be identified.
- Paragraph 4.3.1 refers to "*...a secondary dropped kerb private access serving a limited number of dwelling is to be provided from Camp Road.*" OCC has a preference to keep the number of access points on Camp Road to a minimum and would prefer these dwellings to be served using the main site access.
- Paragraph 4.4.1 relates to servicing, and reference to drawing number P01 Rev C reveals that a Mercedes Econic has been used for swept path analysis. However no dimensions for this vehicle are stated nor is the vehicle type, and it is not therefore possible to verify the swept path analysis.
- Paragraph 4.5.1 refers to OCC's parking standards. However, it is likely that the parking standards contained in the Heyford Park Design Code would apply to this site.
- The parking arrangements for plots 72 to 77 are not ideal since some spaces are provided to the rear of the dwelling and are likely to be less desirable to residents. The arrangements are likely to lead to on-street parking to the front of these dwellings.

It is noted that parking is in accordance with the minimum standards set out in the Heyford Park Design Code. However, this is a minimal provision, and is likely that this level provision will generate on street parking at the development. Cycle parking provision is noted, although the precise nature of this provision is not stated.

It is noted that the revised plans include an additional secondary access on Camp Road, giving access to units 73 – 77. This therefore means that there are now two additional secondary accesses off Camp Road. The County would reiterate its strong preference to keep the number of access points on Camp Road to a minimum and would prefer these dwellings to be served using the main site access.

Public Transport

(Previous Public Transport comments, as set out in the County's response to 15/01357/F of 14 September 2015, still apply.)

This application has been made outside the context of a comprehensive approach or agreed masterplan for the wider Upper Heyford development site, which is required to implement the 1600 additional dwellings included in the Adopted Cherwell Local Plan.

A considerable contribution will be required towards procuring the additional public transport services that will be required to link Upper Heyford with Bicester, Oxford and Banbury. The estimated contribution would be £2700 per additional dwelling. Please see Detailed Comments below.

Without a masterplan for the wider Upper Heyford site, it is not possible to calculate the 'round-trip' journey times from Upper Heyford to Bicester, Oxford and Banbury and an estimate is given, making an allowance for a longer route around the Upper Heyford site, to provide access to all parts of the wider site. Once a masterplan emerges, bus routing can be planned and journey times estimated with more precision. The Council's Bus Strategy designates the Upper Heyford-Bicester route as a 'Premium Transit' level of service, with a target four buses per hour, and the Upper Heyford-Oxford and Upper Heyford-Banbury services as 'Connector Transit' services, with a target frequency of two buses per hour.

This level of future public transport provision was discussed with the Inspector at the recent Cherwell Local Plan examination, where there was considerable concern at the

sustainability of Upper Heyford as a Local Plan residential allocation. The Councils discussed a considerable enhancement of the public transport links from Upper Heyford and these service frequencies were used in the modelling of flows to/from Bicester, Banbury and Oxford. Such a level of bus service is absolutely necessary to provide a credible level of service for residents and employees who would otherwise use the car, thus causing unacceptable impacts on the County's strategic highway network.

Additional Public Transport Services

The following represents an indicative calculation of the additional public transport services that would be required to support the Upper Heyford allocation in the adopted Cherwell Local Plan. It is intended only as a guide for the developer, and specific provisions can only be identified as part of a transport masterplanning exercise.

Current (2015) bus service resource provides an hourly service from Upper Heyford to Bicester and to Oxford: 2 buses

Immediate future (2016) the bus service resource required to provide agreed level of service at Upper Heyford: 3 buses

Distant future (2031) bus service resource required to provide four buses per hour to Bicester and two buses per hour to Oxford and Banbury, which will also circulate around the wider Upper Heyford site. 9 buses

Route A: Bicester- Upper Heyford 40 minutes round trip, 3 buses

Route B: Oxford – Upper Heyford 80 minutes round trip 3 buses

Route C: Banbury – Upper Heyford 85 minutes round trip 3 buses

Procurement of six additional buses on a pump-priming basis to provide this level of bus service is £4,320,000.

Each additional bus is estimated to cost £720,000 to procure on a pump-priming basis of 8 years towards commercial viability in year 9, based on a year one full cost of £160,000, then declining by an incremental £20,000 per annum, to reflect income from fares.

Travel Plans

(Previous Travel Plans comments, as set out in the County's response to 15/01357/F of 14 September 2015, still apply.)

No up to date acceptable Framework Travel Plan exists for the former RAF Upper Heyford site and until this is in place each development that takes place on the site will have to be treated as an individual development. The developer would therefore need to submit a residential travel plan for this development. The developer would also need to submit a Travel Information Pack for this development.

Road Agreements

If the estate roads are to be adopted then they must be constructed to the standards set out in the Heyford Park Design Code and other standards set out by the County. The detailed design can be under taken as part of the Section 278 process.

Drainage

The scheme generally appears acceptable. However, the following should be noted.

The FRA accompanying this application does not appear to include calculations showing the amount of storage required for the SuDS proposals to cater to the proposed 1 in 100 year storm + Climate Change allowance standard.

Appropriate microdrainage calculations for the SuDS – Soakaways, Pond and Permeable Paving should be provided before the County can recommend that a condition can be applied to any subsequent approval.

The Application does not include a SuDS Maintenance and Management Plan. This can be secured by way of a condition to any subsequent full application approval.

Legal agreement required to secure:

- Section 106 agreement to contribute an agreed amount per additional dwelling towards the cost of procuring an agreed level of bus service from Upper Heyford to Bicester, to Oxford and to Banbury.
- Section 106 agreement to contribute £20,000 towards procuring, installing and maintaining a pair of bus stops on Camp Road, to include provision of shelters and pole/flag/information cases.
- Section 106 agreement to secure Travel Plan monitoring fees of £1,240.
- Section 278 arrangement to provide basic infrastructure for bus stops, inclusive of hard-standing areas, suitable for the erection of bus shelters, and connecting footpaths.

Conditions

Should the local planning authority be minded to grant planning permission then the following conditions should apply.

D5 Vision Splay details. With specific reference to the secondary access.

D9 New Estate Roads

D10 Estate Accesses, Driveways and Turning Areas

D15 Parking and Manoeuvring Areas Retained

D19 Cycle Parking Provision

D20 Travel Plan

Prior to the commencement of the development a Construction Traffic Management Plan must be prepared in accordance with Oxfordshire County Council guidelines and submitted to and approved in writing by the District Planning Authority. The construction works must be carried out in accordance with the details approved in the construction traffic management plan.

Developer to liaise with Parish Council regarding style of shelter and to obtain written agreement regarding future maintenance arrangements.

The developer will need to submit a residential travel plan for this development and this will need to be approved by the Travel Plan Team at Oxfordshire County Council before first occupation of the site.

Archaeology

Recommendation: No objection

We have previously advised that the results of an archaeological evaluation would need to be submitted along with this planning application, latter dated 7th September 2015. This evaluation has been undertaken in October 2015 and has shown that archaeological deposits do not survive on the site.

No further archaeological investigations will be required on this site but the results of this evaluation will need to be submitted along with the planning application as set out in our earlier response.

Minerals & Waste

The application site is to the immediate north of a Strategic Resource Area for crushed rock and therefore the application needs to be considered against Oxfordshire Minerals and Waste Local Plan policy SD10 and policy M8 of the emerging new Oxfordshire Minerals and Waste Local Plan: Part 1 – Core Strategy on safeguarding of mineral resources.

Whilst the application site is adjacent to deposits of crushed rock, the deposits are heavily constrained by adjoining residential development. Therefore, it is unlikely that the application would further constrain practically workable crushed rock deposits. Therefore no objection should be raised to this application on minerals safeguarding policy grounds. This application does not raise any significant waste planning issues.

Education

No objection subject to conditions

Nursery, Primary and Secondary Education:

This application is within the Local Plan Policy Villages 5 allocation of 1600 homes. The Heyford Park Free School has recently opened to provide a provision for the permitted 1075+ Houses and provides all-through educational provision for the Heyford Park development site area.

This application proposes 77 dwellings, which will contribute towards the overall number of homes expected at Heyford Park by Cherwell District Council's Local Plan Policy Villages 5. As such, it is expected to comply with Policy Villages 5, which requires a comprehensive integrated approach to the provision of the additional 1,600 dwellings covered by this policy, including the necessary primary and secondary education provision.

Contrary to the site policy requirements, this application does not consider education provision comprehensively for whole of the Local Plan Policy Villages 5 allocation of 1600 homes. Without the strategic view of the education need there is a risk that the individual development sites coming forward will not provide the appropriate or proportionate funding or land towards the education provision.

The expected need for school capacity to serve the whole of the Former RAF Upper Heyford has been modelled by the county council, based on housing mix and trajectory data provided by the applicant. This indicates an overall generation of 720 primary pupils and 569 secondary pupils (including sixth formers). The current Heyford Park Free School has capacity for 420 primary pupils and 420 secondary pupils. There will therefore need to be expansion of primary and secondary school capacity in due course. The current expectation is that this will be achieved through a new primary school site, which will also provide nursery places, and expansion of secondary provision on the existing site. It is therefore appropriate that expansion of primary and nursery school capacity should be based on the cost of building a new primary school, and expansion of secondary school capacity should be based on the cost of expanding secondary schools.

Based on the unit mix stated in the application, this specific proposed development has been estimated to generate 5.72 nursery pupils, 22.51 primary pupils, 15.66 secondary pupils (including 2.03 sixth formers) and 0.43 pupils requiring education at a SEN school.

In the absence of a master plan, this development will need to provide a Primary contribution towards a 1 Form of Entry (FE) school. This development is also required to contribute towards the cost of securing the additional land required for the new school.

A secondary contribution will be required towards the expansion of Heyford Park Free School on the Heyford Park site.

Once the master plan has been developed an equalisation of contributions can be discussed so that each development pays appropriate and proportionate costs towards the education provision. Piecemeal applications for housing growth in Heyford are a barrier to appropriate strategic planning and funding of the necessary infrastructure.

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. Across Oxfordshire 1.11% of pupils are taught in special schools. OCC is not seeking Education contributions to mitigate the impact of this development on SEN 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 future.

Early Years:

Under the Childcare Act 2006 Oxfordshire County Council has a statutory responsibility to ensure that there is sufficient childcare to enable families to access the free entitlement to early education and also to take up or remain in work, or undertake training which could reasonably lead to work.

Free early education is a statutory entitlement to 570 hours per year for eligible two-year old children, where such eligibility is targeted at circa 40% of this age group, and for all three year old children. The Childcare Act 2016 extends the Council's responsibility to ensure that there is sufficient provision, as the entitlement to free early education will double to 1,140 hours for children, aged 3 and 4, of eligible working parents from September 2017.

The existing Park Keepers preschool is closing. It is essential that the Heyford Park development does include suitable and sufficient early years facilities, to enable the council to meet its statutory duty for sufficient childcare provision.

Provision for those children entitled to free early education will be through the nursery class that is expected to open at Heyford Park Free School in September 2017, and is included in the required financial contribution towards the primary school. However this alone will not meet the full needs of families with children in the 0 - 4 year age group and additional early years provision within the development will be required. This will particularly support parents being able to access the employment opportunities that will be created at Heyford Park.

Education contributions required to mitigate the impact of the development on infrastructure but for which Regulation 123 of the Community Infrastructure Regulations 2010 (as amended) prevents OCC seeking a s106 obligation

Based on the information currently available, this proposed development has been estimated to generate 5.72 nursery pupils, 22.51 primary pupils, 15.66 secondary pupils (including 2.03 sixth formers) and 0.43 pupils requiring education at a SEN school.

Primary and nursery education

- £826,320 Section 106 required towards the necessary construction of a new permanent primary school serving the area, providing nursery and primary education.
- Contribution towards the additional land required to enable the construction of the new primary school.

Secondary education

- £302,631 Section 106 required for the necessary expansion of permanent secondary school capacity serving the area, at Heyford Park Free School.

Special Educational Needs (SEN) education

- OCC is not seeking Education contributions to mitigate the impact of this development on SEN school infrastructure.

Property

Recommendation: No objection subject to conditions

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure. It is calculated that this development would generate a net increase of 195.03 additional residents including:

14.85 resident/s aged 65+

136.45 residents aged 20+

16.38 resident/s ages 13-19

20.42 resident/s ages 0-4

Legal Agreement required to secure:

Library infrastructure and book stock £16,577.55 plus monitoring fee of £5,000

Waste Management £12,481.92

Museum Resource Centre £975.15

Adult Day Care £16,335.00

The contributions outlined towards sustainable community infrastructure and its capital development have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

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. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission.

Informatives:

Fire & Rescue Service recommends that all new building including all new dwellings are constructed with fire suppression systems.

LOCAL MEMBER VIEWS: I am concerned about the fact that it is outside the area for development. With the introduction of more new houses, we must be sure that we do have the necessary funding for infrastructure. There is also the problem of additional traffic on areas locally that at overcapacity. The junction at Middleton Stoney particularly which has been identified as a problem, also increased traffic through Ardley.

NON-STATUTORY CONSULTEES

6.10. Heyford Park Residents and Community Development Association; Object

On behalf of the residents association our response is that we object to the revised planning application from Pye. Pye have in no way tried to engage with the community, no approach has been made to get the community on board. Dorchester are actively engaging with the community through strong consultation sessions - a model approach for a developer. It would also be useful to understand what section 106 funding Pye have for the community

Our issues are:

- Green before Brown is against the wishes of the community as demonstrated through the MCNP consultation sessions. As per the NPPF - Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- As you are well aware the community cherishes the significant areas of heritage and wants to open up its use, support up-keep and its tours. However it is very clear that there areas of low significance at the eastern end which should be used before the green fields.
- It would be premature to allow this development to proceed at a time when both the Part 2 of the Local Plan and Outline master plan are in course of preparation.
- We are still very concerned that the chosen access point from Camp Road is unsafe as it is in a dip and not readily visible to traffic approaching from the west.

Without prejudice to our objection to the development we wish to outline matters which need to be addressed should approval be given.

1. The entrance road needs serious consideration, nothing has changed.
2. We still hold firm that the cycleway and pedestrian connections be made to the rest of the settlement, we still observe weak connections with Larson and this development will be isolated. Cycle routes on to Camp Road carriageway are a real concern. This is a matter for the master planning of the settlement and cannot really be dealt with as a standalone issue.
3. No real provision is made for road or pedestrian connection to future development areas to the north, the only road looks like a high risk spot cutting through parking and housing. Whilst we would strongly oppose such development, it is in the interests of proper planning of the area to design layouts with future integration in mind.

6.11. The Upper Heyford Village Group

- This application should not be considered until the commercial traffic route to the former airfield via Chilgrove Drive is adopted, as it is clearly inappropriate for heavy goods vehicles to use Camp Road as an access road (especially as Camp Road is already overused by construction traffic). The large vehicles are sharing the road space with domestic traffic and children from the Free School and other school children returning on buses during the day.
- The existing traffic calming on Camp Road adjacent to the site is unsuitable and will need to be removed to make way for the new entrance to 'Letchmere Green' and this could only be achieved if an alternative route is in place for commercial traffic.
- The decision not to produce a 'master plan' for Heyford Park is most unsatisfactory. The Local Plan has been accepted in good faith by the public, however, the lack of a comprehensive plan makes it impossible for people to monitor housing numbers and make a judgement on how the requirements of the Local Plan are being met.
- Who will be responsible for the affordable homes on this site?

6.12. Oxford Trust for Contemporary History (on this and other applications):

The determination of all these applications depends, in the first instance, as to whether the proposals accord with the development plan. In this case the principal policy for the purposes of applying s38(6) is policy V5 in the adopted Cherwell Local Plan. The Council has previously adopted two comprehensive development briefs and aborted an attempt to adopt a development framework. The Head of Development Management says (email 20 January 2017), “In terms of the Lasting Arrangement, Policy Villages 5 of the adopted Local Plan is now the starting point for the considering of future development proposals. Policy Village 5 identifies that the redevelopment of the site forms a comprehensive integrated approach to development. The Council will need to be satisfied that future development proposals comply with Policy Villages 5. Clearly, this is a matter you may also wish to raise as part of your future representations.”. Clearly a master plan, development brief or development framework is required to secure a comprehensive integrated approach.

Deciding applications in accordance with this requirement of policy V5 is being made impossible while the Council remains intent on taking a piecemeal approach to the development of the site. Although the legislation allows for ‘other material considerations’ to override development plan policy, there is a clear intention within both law and policy to operate a ‘plan led system’. The concern of the Secretary of State about the lack of adopted development plans across the country would not sit very comfortably with the officers’ assessment that adopted policies can be so easily overridden and without proper or any explanation. In the case of Upper Heyford the Council has consistently sought to control development through comprehensive planning briefs and latterly, the development framework, the withdrawal of which occurred with no explanation. Indeed a master plan was referred to in recent correspondence (and by an agent for a current application 15/01357/F). No explanation has ever been provided either to us or to the Council committee(s) as to why policy V5 and the requirement that, “a comprehensive integrated approach will be expected.” should not continue to apply.

The reference (Mr Lewis email of 1 March 2017) to the Council taking the comments of Historic England and Design and Conservation’ into account rings hollow despite policy V5 stating that the views of “...Historic England will be required in formulating specific development proposals for the site.” Having seen minutes of meetings including Historic England and the Council’s conservation officers it is clear that their views are being ignored. The Council approved the heritage centre on the officers’ recommendation without the taking of expert advice as recommended by Historic England who have also confirmed that a holistic approach should be taken in the light of the international significance of the site. Whatever the officers might think about the appropriateness of World Heritage Site status, there are 3 international conventions and a Culture White Paper which should be applied to the development proposals being made on this site.

Unpacking policy V5 it can be seen that there are any number of references and requirements which individually and/or together clearly explain the reasons why a ‘comprehensive integrated approach’ is necessary, and why proposals considered in the absence of a comprehensive plan could not reasonably comply with this development plan policy.

- Proposals need to demonstrate how they would, ...“enable environmental improvements and the heritage interest of the site as a military base with Cold War associations to be conserved,”
- if, 1,500 jobs are to be created, many of these could be associated with the tourism and heritage aspects of the site once these have been properly investigated,

- if a hotel, is thought appropriate then, again, the Heritage Impact Assessment (see below) must be carried out,
- heritage and tourism have particular characteristics in terms of “Access and Movement” that would need to be explored as part of the ‘comprehensive integrated approach’,
- “Proposals must demonstrate that the conservation of heritage resources, landscape, restoration, enhancement of biodiversity and other environmental improvements will be achieved across the whole of the site ... In order to avoid development on the most historically significant and sensitive parts of the site,” .This can only be demonstrated through a comprehensive plan.
- “The areas proposed for development adjacent to the flying field will need special consideration to respect the historic significance and character of the taxiway and entrance to the flying field, with development being kept back from the northern edge of the indicative development areas. The release of greenfield land within the allocated site Policy Villages 5 will not be allowed to compromise the necessary environmental improvements and conservation of heritage interest of the wider site.” Again a comprehensive plan would be necessary to establish that these principles being respected.
- “The reinstatement of the historic Portway route across the western end of the extended former main runway as a public right of way on its original alignment”. This incursion into the flying field will need to be treated with great sensitivity in accordance with a plan showing land uses and public access.
- “A Travel Plan should accompany any development proposals”. Heritage and tourism could make up a substantial part of the overall traffic and must be taken into account through the preparation of such a Plan.
- A comprehensive plan is necessary to demonstrate, “The preservation of the stark functional character and appearance of the flying field beyond the settlement area, including the retention of buildings of national interest which contribute to the area’s character.” (actually of international interest).
- “The achievement of environmental improvements within the site and of views to it including the removal of buildings and structures that do not
- make a positive contribution to the special character or which are justified on the grounds of adverse visual impact, including in proximity to the proposed settlement, together with limited appropriate landscape mitigation, and reopening of historic routes.” The conservation officers are concerned that the site should be considered as a whole and that most if not all features would have served some historic purpose which might justify their retention.
- The integration of, “ The conservation and enhancement of the ecological interest of the flying field through appropriate management and submission of an Ecological Mitigation and Management Plan...”, will require integration with the heritage management plan.
- The requirement that, “Visitor access, [is] controlled where necessary, to (and providing for interpretation of) the historic and ecological assets of the site, “ is a matter that can only be properly provided for with a ‘comprehensive integrated approach’.
- A heritage impact assessment (see below) is necessary to understand how tourism could contribute to the, “Provision of a range of high quality employment opportunities...”,
- A comprehensive approach is necessary to understand how, “ New and retained employment buildings should make a positive contribution to the character and appearance of the area and should be located and laid out to integrate into the structure of the settlement.”
- A master plan must be required if, “A full arboricultural survey should be undertaken to inform the masterplan (emphasis added).
- Although the policy states that, “New development should reflect high quality design that responds to the established character of the distinct character areas

where this would preserve or enhance the appearance of the Former RAF Upper Heyford Conservation Area.”, the conservation officers and Historic England are now both seeking to adopt a more holistic approach supporting the need for a comprehensive plan.

- The planning officers have been working on the premise that, “There is no specific obligation in Policy Villages 5 to require any heritage feasibility work,”(Mr Lewis email 1 March 2017). That could not be further from the truth as policy V5 states that, “Management of the flying field should preserve the Cold War character of this part of the site, and allow for public access. New built development on the flying field will be resisted to preserve the character of the area Landscape/Visual and Heritage Impact Assessments should be undertaken as part of development proposals and inform the design principles for the site. Proposals should demonstrate an overall management approach for the whole site. (emphasis added)” None of these requirements can be met without a comprehensive plan of uses, management principles, financial contributions and public access.
- Unfortunately, “Proposals ... for a heritage centre given the historic interest and Cold War associations of the site,” have been approved without any heritage assessment, contrary to the advice of Historic England and this development plan policy. There should be no surprise if this turns out to be the wrong building in the wrong place even before it is finished.

In summary, a comprehensive integrated approach is absolutely necessary in light of the need to coordinate the following matters:-

- Coordinating development of land in different ownerships,
- reviewing housing densities and locations in the light of the increased allocations,
- complying with international conventions regarding heritage and culture,
- enabling a holistic approach to the preservation or enhancement of the character or appearance of the conservation area,
- managing the implications for tourism on the site and in the area,
- assessing employment potential, to which heritage and tourism could make a significant contribution,
- assessing the location of commercial uses, including warehousing and car storage,
- addressing the interface of the heritage site with adjoining uses/development in terms of both buildings and movement,
- assessing transport and travel to and around the whole site,
- managing public access across the site (ie including QRA and Northern Bomb Stores), fencing and the restoration of public rights of way,
- protection of biodiversity across the site,
- securing financial contributions to enable the conservation of the Cold War heritage.

In short, most of the requirements set out in the development plan policy V5 rely on the preparation of a master plan and the need for a comprehensive integrated approach. It is hard to imagine any circumstances in which this specific requirement of the principal development plan policy should or could be overridden. The current owners have had nearly 7 years to have produced and/or the Council to have insisted and consulted on this necessary information/evidence.

Now that Dorchester Group is belatedly in the process of assessing the heritage and tourism potential the Council should be explaining that this is only part of what is required by policy V5. Without taking a ‘comprehensive integrated approach’ no applications can accord with the development plan and must be refused without overriding reasons for its absence.

The piecemeal approach so far taken by the Council to the development of this site of international historic/heritage significance is contrary to both law and policy and is likely to

fail to prevent further inappropriate developments. The current applications refer to the 'dilution of the historical interest'. The 10,000 signature petition relating the demolition of the water tower described the 'destruction of history', and the Council should be using their powers to prevent further cultural cleansing of the best preserved Cold War remains in the country.

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
- VIL5 - Former RAF Upper Heyford
- PSD1 - Presumption in Favour of Sustainable Development
- INF1 - Infrastructure
- SLE4 - Improved Transport and Connections
- BSC1 - District Wide Housing distribution
- BSC2 - The Effective and Efficient Use of Land
- BSC3 - Affordable Housing
- BSC4 - Housing Mix
- BSC7 - Meeting Education Needs
- BSC8 - Securing Health and Well Being
- BSC9 - Public Services and Utilities
- BSC10 - Open Space, Outdoor Sport & 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
- ESD3 - Sustainable Construction
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- 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 Environment
- ESD17 - Green Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C23: Presumption in favour of retaining features making a positive contribution to the character or appearance of a conservation area

- C30 - Design Control
- C31: Compatibility of proposals in residential areas
- C32: Provision of facilities for disabled people
- TR1-Transportation Funding
- ENV1: Pollution
- ENV12: Contaminated Land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.
- Planning Practice Guidance (PPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.
- RAF Upper Heyford Conservation Appraisal 2006 (UHCA)
- Mid Cherwell Neighbourhood Plan 2017-2031- A pre submission consultation exercise is currently being undertaken
- A statement of Common Ground exists between Dorchester Group, lead developer at Heyford, and the Council signed in December 2014.

8. APPRAISAL

Relevant Background

- 8.1 An outline application that proposed: “A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).” was granted planning permission in 2010 following a major public inquiry (ref 08/00716/OUT).
- 8.2 The permission with regard to the flying field was implemented but a subsequent second application was submitted for the settlement area. That permission for a new settlement was granted in December 2011 (ref 10/01642/OUT). The permission was in outline so details of layout, scale, appearance, landscaping and access (the reserved matters) have to be submitted within a period of six years.
- 8.3 The appeal and subsequent planning decisions have already been taken into account by the Council as part of its Local Plan and the development of former RAF Upper Heyford is seen as the major single location for growth in the District away from Banbury and Bicester. Furthermore, in the CLP 2031 Part 1, additional sites were allocated for development in and around Heyford including that subject of this application which is the first to come forward for determination since adoption of the Local Plan
- 8.4 Many of the residential buildings across the wider Heyford site were built in the early 20th century and have a character that can be best described as a simple / pared back Arts and Crafts character and that has been the main theme for the housing south of Camp Road.

8.5 Turning to the detail of the application, Officers' consider the following matters to be relevant to the determination of this application:

- Planning Policy and Principle of Development;
- Design Layout and Appearance
- Affordable Housing
- Density and Housing Mix
- Five Year Land Supply
- Impact on Heritage Assets
- Landscape Impact;
- Ecology
- Flood Risk and Drainage;
- Accessibility, Highway Safety and Parking;
- Statement of Common Ground and Masterplan

Planning Policy and Principle of the Development

8.6 Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.

8.7 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.

8.8 Policy Villages 5 of the CLP identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that policy as part of a potential development area. The policy seeks to achieve a settlement of approximately 1600 dwellings in addition to those already approved. The policy also goes on to lay down specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance

of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character.

8.9 The plans and supporting documentation demonstrate its conformity with the development plan. The significant elements are:

- Provision of further housing in order to meet the housing target and trajectory
- Provision of over 30% affordable housing
- A satisfactory mix of dwellings including smaller units
- The environmental improvement of the locality
- A commitment to quality design and finishes reflective of the style seen at RAF Heyford
- Scale and massing of new buildings to reflect their context
- Integration and connectivity to the surrounding development.
- Retention of the main hedging and trees

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

8.10 It should also be brought to Committee's attention that the Mid Cherwell Neighbourhood Plan is currently being consulted on a pre-submission version. When adopted it will have policies relevant to the development at Heyford but for the moment it has little weight.

Design, Layout and Appearance

8.11 Extensive work and discussions have been had with the developer to establish a layout and architectural vocabulary for the site which will reinforce and reflect its heritage value albeit that it is outside the conservation area. In terms of design, the Council's Design Consultant has secured substantial revisions in the architectural styles proposed here both prior to and during the processing of the application.

8.12 There are three access points to Camp Road, 2 serving the groups of housing facing Camp Road and acting as mini service roads in a similar fashion to the first phase of Development by Dorchester on the south side of Camp Road. These will be set back behind a hedge and foot/cycle path.

8.13 The main access point will become a main spine road, 5.5m wide, lined with trees and verges reflecting the layout of Soden and Larsen Roads. A swale runs along the eastern boundary. This leads through to a main area of open space, again, like Soden Road. Small spur roads with a reduced width give it a rigid almost grid like layout although this is softened to the eastern boundary adjacent Sor Brook where the layout is more informal reflecting its edge of rural setting. The houses here are also slightly larger and have larger plots. That is also the case around the open space although the houses here have a more formal layout. This layout is considered to reflect that of the adjacent base yet create a neighbourhood with its own sense of place and character. They have a clear block structure with private and public spaces clearly defined set within a green landscaped setting.

- 8.14 The layout has been amended to provide opportunities to access adjacent sites in particular to create routes through to Larsen Road for pedestrians and cyclists.
- 8.15 In terms of design, the housing is two storey and very much of a scale and design reflective of the housing on the base. The architect was encouraged to study the arts and crafts style of buildings on Larsen and Soden Road. This has resulted in housing, after some modest revisions that have a simple building form, steep pitched roofs, low eaves, prominent chimneys constructed predominantly of brick and with limited features such as porch and projecting windows. There is a mix of detached, semi-detached and terraced housing. In contrast, 3 bungalows are proposed to be constructed in the North West corner of render that reflect the Airmen's bungalows in Trenchard Circle. They are all orientated to have active frontages and to turn the street where they are on corners making sure streets have surveillance. The Officers conclude that what is proposed conforms to CLP 2031 Part 1 policies Villages 5 and ESD 15, and CLP96 policies C28 and C30.

Affordable Housing

- 8.16 Policy BSC 3 sets out the requirement for Affordable Housing. However, Heyford has its own requirement under Policy Villages 5, 30%, which is to be secured on a site wide basis. The Council have secured through an earlier s106 agreement a strategy for the provision of Affordable Housing. Furthermore, a further agreement is being negotiated under terms being drawn up for the provision of the 1600 dwellings required under Policy Villages 5.
- 8.17 On this site 28 dwellings are to be affordable. They are suitably integrated into the site layout and designed to reflect the market housing. The mix is set out in para 2.2 above.

Density and Housing Mix

- 8.18 Policy BSC2 encourages re-use of previously developed land and expects development to be at a density of 30 dwellings per hectare unless there are justifiable reasons for a lower density. In this case although it is greenfield it is part of the site allocated for potential development in the CLP. There is no specific requirement in Policy Villages 5 to develop brown previously developed land before greenfield.
- 8.19 It is noted we have objections to the development on grounds of density but what is proposed complies with the CLP where the Council sets out its approach to housing to reflect local circumstances (para 47, NPPF). Taking the site area as a whole the density is about 30 dwellings per hectare. To reduce the density would be tantamount to being an under-development. It could have been higher but the site includes a disproportionate amount of highway within the red line application site and it retains strong green corridors to the east and along the main access road, and a large area of open space at the heart of the site. Furthermore, special attention has to be paid to "the desirability of new development making a positive contribution to local character and distinctiveness" in historic environments (NPPF-para 131) In this case the proposed development is reflecting the character in this location, at a reasonable density and avoiding harm. It is therefore, in this case, compliant with the NPPF and the design and conservation policies of the Council and with policy BSC2.

- 8.20 Policy BSC4 sets out the suggested mix of homes based on requirements of the Strategic Market Housing Assessment for Oxfordshire (SHMA 2014). The mix for this proposal is set out in para 2.1 and can be seen to be very close to the ideal with 40% 3-bedroomed, as required, for which Cherwell currently has the greater need.

Five year land supply

- 8.21 The latest housing figures for Cherwell District Council have shown it has exceeded its five year land supply and can robustly defend against speculative development. The annual monitoring report for 2014/2015 undertook a comprehensive review of housing land supply as at December 2015. The figures showed that over three consecutive years Cherwell has continued to exceed its five year land supply due to an increase in housing construction and can now demonstrate a 5.1 year supply for 2014-2019; a 5.3 year supply for 2015-2020 and a 5.6 year supply for 2016-2021.
- 8.22 The Cherwell Local Plan outlines the preferred sites for 22,840 homes and 200 hectares of employment land between 2011-2031. Figures from the annual monitoring report showed 2,052 homes had been completed between 2011 and 2015, of which 946 were built during the 2014/2015. Of those completed over the past financial year, 44 per cent were built on previously developed land and 191 were marketed as affordable, including 22 self-build homes. It is expected that between 2015 and 2020, 9,034 new homes will be built and by 31 March 2021, 12,824 homes will have been built across the district over a ten year period. This equates to an approximate average of 1,282 homes per annum which exceeds the annual requirement of the adopted Local Plan 2011-2031 of 1,142 per annum.
- 8.23 Heyford is seen as a strategic development site by the Local Plan and was envisioned as a point of growth when the policy was drawn up. 1600 dwellings and 1500 jobs are proposed there under Policy Villages 5. This site is part of the land allocated for development in the relevant policy. In the last year around 200 dwellings were constructed at Heyford making it one of the three main delivery sites for Cherwell. The Council have signed a statement of common ground with the developer and applicant committing to the expeditious implementation of the policy.

Impact on Heritage Assets

- 8.24 This application seeks approval for the first new phase of development under Policy Villages 5. Its location is an undeveloped green field site outside of the former military base. It therefore has no heritage assets upon it and its impact will be very limited on the conservation area or other assets of historic importance. Nevertheless, all schemes at Heyford must contribute towards the conservation of heritage resources and restoration across the wider site and a financial contribution will be required from the developer.
- 8.25 Turning to the guidance to Planning authority's contained in the Framework and the NPPG on the historic environment, the applicants have assessed the site's heritage assets and their significance. The applicants have submitted supporting documentation to assess the heritage assets affected by this application. They

list those identified above and point out they are not on the site and further separated by distance, verges, trees, etc. This physical separation is also extended by a landscape character and functional separation as set out in the 2006 Character Assessment. They conclude that the setting changes but their individual or collective heritage, historic or functional value remains.

8.26 The main elements of significance are the new road layout and its reinforcement by strong avenues of trees. These are maintained and reinforced by this scheme therefore preserving and enhancing the character and appearance of the Conservation Area. It is concluded the proposal broadly complies with the policies of the development plan relating to the historic environment.

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

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

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

8.29 These views have already been tested once at appeal albeit under a slightly different scenario. And by the Council when it drew up development guidelines for the former base. In both cases it was considered that it is not only the built form that contributes to the special character of the conservation area, but the significant spaces and the relationships of buildings that frame them. These often functional relationships also assist with an understanding of how the air base worked. The retention of such spaces not only retains a link with the past, it will assist with creating a legible place and one with a sense of distinctiveness. These key spaces have been retained and incorporated into the master plan for the new settlement.

8.30 Furthermore, under para 133 of the Framework, the Authority also has to consider if there is substantial harm or loss of an asset whether "substantial public benefits are achieved, the nature of the heritage asset prevents all

reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.” It is considered the development of housing at Heyford provides substantial public benefit both in terms of securing optimum viable use, of the site, meeting the five year housing land supply and the provision of affordable accommodation.

- 8.31 The Framework goes on to say a balanced judgement will be required by the Planning Authority having regard to the scale of any harm or loss and the significance of heritage assets and in this case Officers have concluded that what is proposed provides an opportunity for an appropriate level of for new development that overall makes a positive contribution to preserve and enhance the character of and within the Conservation Area and does not cause harm to any individual asset listed on site.

Landscape Impact

- 8.32 The landscape setting is an important part of the character of Heyford. The existing roads are lined with verges and mature trees which are generally being retained within and supplemented by additional planting. This character is extended onto the streets within the new site by tree planting in strategic positions and by blocks of development being slotted into landscaped areas. An open space is created with play area to enhance the visual environment and in addition for use as amenity area. A wildlife corridor is being created along Sor Brook on the eastern boundary. A new hedge will be created along the frontage to Camp Road to replace the existing and to reflect the planting scheme further west along the road. It is concluded that what is provided is therefore an environmental enhancement in compliance with Policy Villages 5, certainly the submitted landscape assessment considers the impact to be minor, localised and will diminish over time as the planting becomes established.

Ecology

- 8.33 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, 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 overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 8.34 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: ‘local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within

the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.

8.35 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:

1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
2. there is a satisfactory alternative
3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species

8.36 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

8.37 In this case there has been some opposition to the loss of the field because of some presumed ecological value it possesses. In fact this is very much not the case although there are some strong green boundaries which are to be retained and reinforced to create wildlife corridors. In principle the Council’s ecologist has no in principle objection but recommends a mitigation package that would also see provision of bird and bat boxes through the site.

Flooding and Drainage

The site lies within Flood Zone 1 (low risk). A Flood risk assessment has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site can be discharged to a new drainage system that can be suds compliant. OCC, the local flood risk authority, will need to see the results of any site soil infiltration investigations and the method of surface water drainage being utilised as a result of further investigations which would need to be conditioned. A separate foul drainage system is proposed. Neither the Environment Agency nor TWU have any in principle objections. The Environmental Officer suggests a condition is imposed on contamination.

Traffic, Access and Parking

8.38 This is one issue that is particularly contentious particularly with regard to off-site measures. But dealing first with the site itself, the Highway Authority would prefer a single engineered access in to the site. The agreed solution however provides for an additional 2 access points on to Camp Road to be shared by the houses that front it. The additional accesses increase the permeability and the Planning Officer believe will add to the calming effect on traffic. The main footpath will be

widened to allow for it be shared with cyclists as happens along the south side of Camp Road. There are also designated routes shown through to the base for cyclists and pedestrians. At present this needs the agreement of the main developer at Heyford, Dorchester, and at present that is not forthcoming.

- 8.39 The internal layout is now generally acceptable as is the level of car parking following revisions. Parking is reflective of the standard previously agreed in the Design Code for the previous settlement.
- 8.40 A fairly full response by the County Council has been set out in the report so members are aware that the Highway Authority has significant concerns regarding the broader issues of traffic and transport. The applicants have submitted a transport assessment but it is not considered to be at the level of detail required to fully assess whether this gives the comprehensive integrated approach required by the Local Plan. At the time the CLP went through its public examination a certain level of work had been undertaken to demonstrate the overall site could accommodate an additional 1600 dwellings and increase employment by an additional 1500 jobs but only by increasing the provision of sustainable transport measures and by mitigating the impact of traffic on the local highway network. So we are currently in a position whereby the principle of the development is seen to be acceptable but the actual details remain to be worked out and for the whole development, not just one part of it.
- 8.41 At present the modelling work on traffic and transport is being undertaken by consultants retained by the lead developer at Heyford, the Dorchester Group, as part of a larger masterplan exercise. (This is dealt with below). It was thought that the majority of outstanding matters were close to resolution and a mitigation package about to be agreed. Obviously the costs remain to be calculated but the applicant on this scheme, Pye Homes, has agreed in principle to make the necessary contributions towards those costs. However the County Council has asked Dorchester for further work to be done on phasing and the necessary triggers of development that would necessitate the implementation of the mitigation. This has put back the completion of the modelling exercise and agreement on the mitigation package.

Statement of Common Ground and Masterplan

- 8.42 In the preparation of the Local Plan a statement of common ground (SOCG) was reached between the Council's Head of Strategic Planning and the Economy and the Dorchester Group on the future development of the Former RAF Upper Heyford. An appropriate level of development was to be secured to meet the District's housing needs and deliver employment whilst the heritage constraints were recognised and the need for environmental improvements recognised. It went on to say there should be a sequential approach but brownfield development should not be delayed and greenfield land outside the airbase should be brought forward as part of a comprehensive package. It went on to say that a wide-ranging review of development opportunities would be undertaken to accommodate the growth and this would be worked up through a future masterplan to be achieved by joint working between Dorchester, the Council, other statutory bodies and other land owners.

- 8.43 Consultants were engaged jointly by Dorchester and the Council but after receiving legal advice it was decided that a much higher level of engagement would be required before it could be formally adopted and the time scale for such an exercise was not likely to be achievable in the short term. As a result, Dorchester are undertaking a similar exercise to the one undertaken 10 years ago to produce a new masterplan for Heyford but through the development management process. A hybrid application is due, possibly by the end of September, which will set out the implementation of Policy Villages 5 through the form of a fresh masterplan.
- 8.44 Whilst work was progressing on the creation of a new masterplan, the current applicant Pye Homes, agreed for their application to go into abeyance. Although it is understood they have had discussions with Dorchester they have not actively participated in the masterplan exercise and see the SOCG as being between the Council and Dorchester. They do not accept that some of the details set out in the document have formal weight and apply to them. They have now requested their application, following a number of revisions is formally determined.

Planning Obligations

- 8.45 Whilst they do not recognise the SOCG they do accept their application should be determined in accord with the Development Plan, unless material considerations indicate otherwise, and acknowledge the requirements of Policy Villages 5 to require delivery of infrastructure provision.
- 8.46 There are 6 main headings for infrastructure in the Local Plan:
- Education
 - Health
 - Open space,
 - Community
 - Access and Movement
 - Utilities
- 8.47 These would be supplemented by others from the s106 SPD for example Employment Skills and Training Plan but more significantly towards the conservation of heritage interests
- 8.48 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.
- 8.49 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.

8.50 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);
- Financial Contribution towards the conservation of heritage interests
- 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 towards off-site improvements to indoor and outdoor sports facilities;
- Financial contribution towards provision in Heyford of Health Centre/Health Care provision/Nursery/Police Facility/Place of worship
- Financial contribution in lieu of on-site provision of allotments (0.12ha);
- Financial contribution towards additional cemetery provision at Heyford
- Financial contribution towards expansion of Community Hall and other local facilities;
- Provision, maintenance and transfer to the Council of on-site public realm features including open space, trees, hedgerows, SuDS features etc;
- Employment Skills and Training Plan
- Financial Contribution towards biodiversity enhancement

Oxfordshire County Council:

- Financial contribution towards mitigating the impact of traffic on the surrounding highway network
- Financial contribution of £x per dwelling towards improving local bus services;
- £20,000 towards procuring, installing and maintaining a pair of bus stop on Camp Road, to include provision of shelters and pole/flag/information cases.
- Travel Plan monitoring fees of £1,240.
- Section 278 arrangement to provide basic infrastructure for bus stops, inclusive of hard-standing areas, suitable for the erection of bus shelters, and connecting footpaths.
- £260,711 required for the necessary expansion of permanent primary school capacity serving the area, at Heyford Park Free School

- Secondary education £275,611 required for the necessary expansion of permanent secondary school capacity serving the area, at Heyford Park Free School.

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. 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 Villages 5. As such, the starting point is to approve the application.
- 9.2 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 CLPP 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.
- 9.3 It is considered this scheme will form an area of a distinct character appropriate to its setting and surroundings and that reflects the policies of the Development Plan. The buildings are of a scale and have a variety of designs reflecting a contemporary style reflecting the arts and crafts and military style seen elsewhere that is reflective of the character of Heyford. Taken together they form an appropriate form of development. They provide a decent standard of amenity inside and outside the properties. As a result, officers have concluded that Committee should be minded to approve the application and planning permission be granted subject to conditions and the completion of a legal agreement. In coming to this conclusion officers are conscious that significant negotiation needs to take place on the agreement before the permission can be issued and in particular completion of the transport modelling.

8. RECOMMENDATION

That permission is granted, subject to

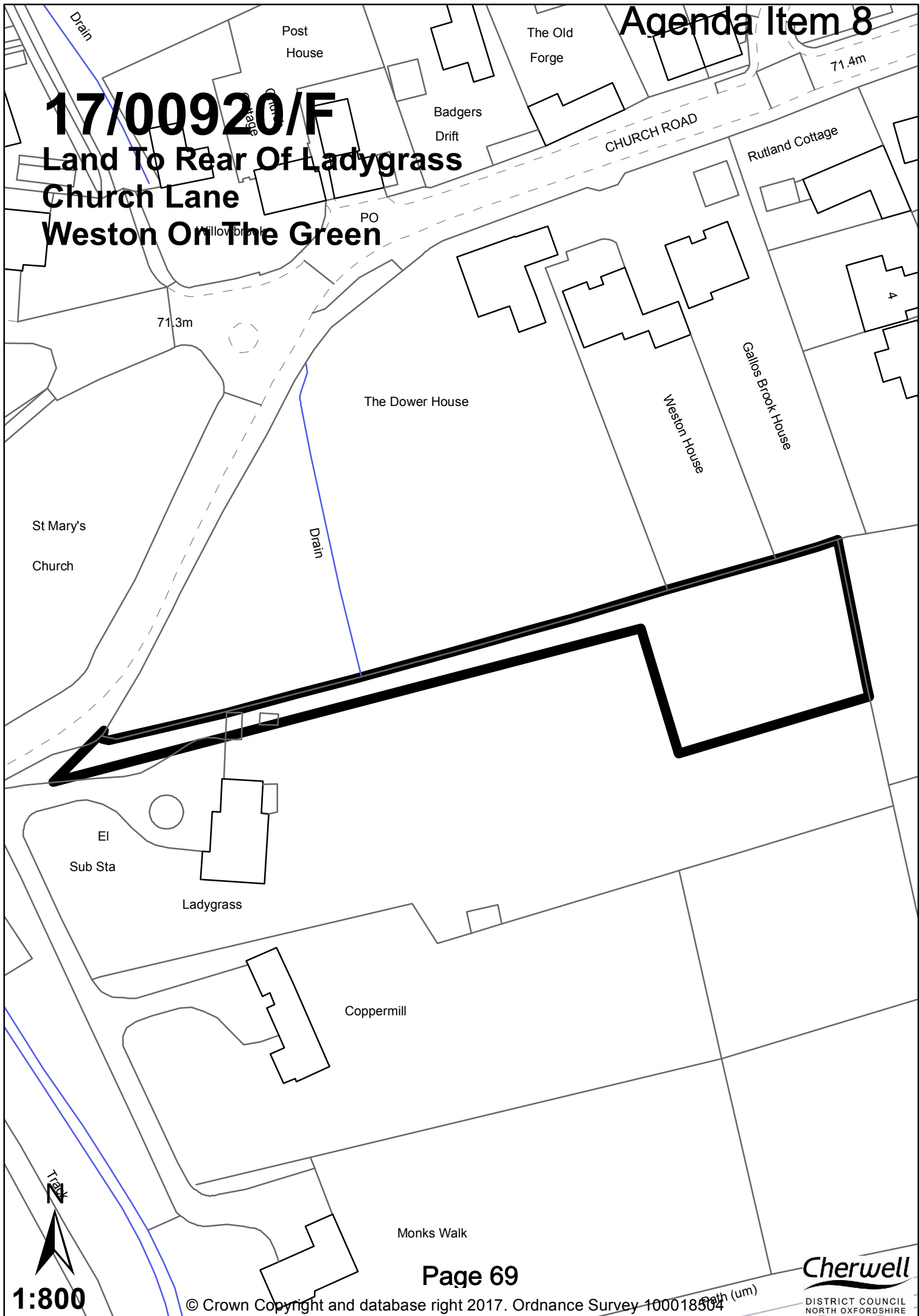
1. Delegation of the negotiation of the S106 agreement to Officers in accordance with the summary of the Heads of Terms set in para 8.50 and subsequent completion of S106 agreement;
2. Resolution of the Highway Authority objection
3. The following conditions with delegation provided to the Development Services Manager to negotiate final amendments to the wording of conditions:

Conditions to follow

CASE OFFICER: Andrew Lewis

TEL: 01295 221813

17/00920/F
Land To Rear Of Ladygrass
Church Lane
Weston On The Green



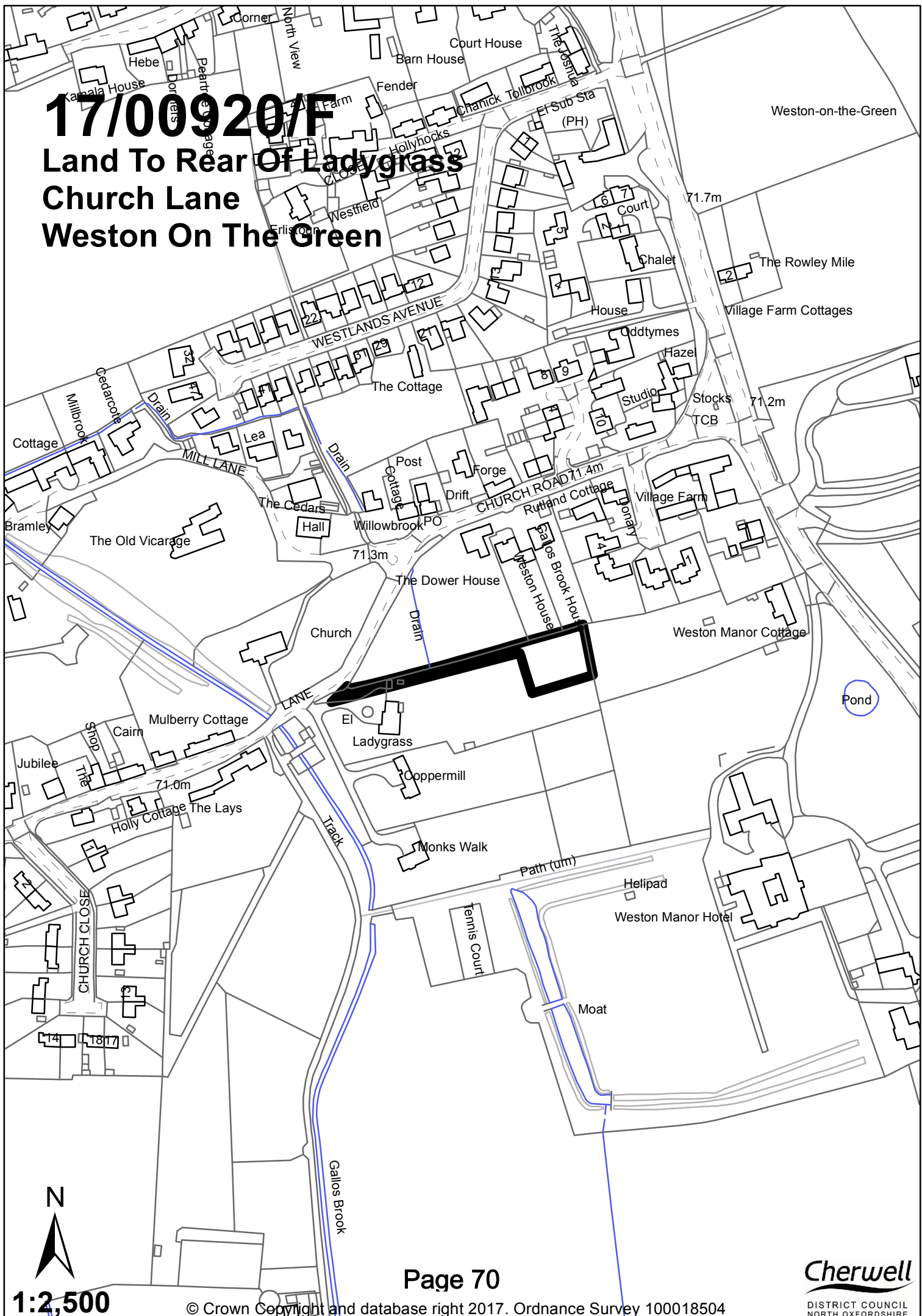
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17/00920/F

Land To Rear Of Ladygrass

Church Lane

Weston On The Green



Applicant: Mr And Mrs Frank Butt

Proposal: Replace redundant stables and hay barn with single storey 1 bed cottage - Re-submission of 16/00954/F

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Cllr David Hughes has requested that it is dealt with by the Planning Committee

Expiry Date: 21 June 2017 **Committee Date:** 31 August 2017

Recommendation: Refuse

1. APPLICATION SITE AND DESCRIPTION OF PROPOSED DEVELOPMENT

- 1.1. The site is located to the rear of dwellings in Church Lane and those served by a private drive. It comprises an area of paddock and is occupied by a timber stable block. To the west and north are private gardens and to the east and south are the grounds of Weston Manor Hotel. Also to the south, separated from the application site by two paddocks is a footpath known as Monks Walk.
- 1.2. The site is located within the Conservation Area and is within the Oxford Green Belt. There are also several listed buildings in the vicinity, including the Grade II* listed Weston Manor Hotel and St Mary's Church, however they are some distance from the application site. A number of protected and notable species, including bats, swift and hedgehog, have been recorded in the area.
- 1.3. The proposal is to erect a 1 bed dwelling on the site in lieu of the existing stables and the application was reported to Members at the Planning Committee on 3 August 2017 following a formal site visit. At the Planning Committee meeting Councillors deferred the application to seek an improved design for the proposed dwelling. The previous committee report is appended to the end of this report for information.

2. RESPONSE TO PUBLICITY

- 2.1 No comments have been raised by third parties since the committee meeting on 3 August 2017.

3. RESPONSE TO CONSULTATION

- 3.1 No additional comments have been received from consultees since the committee meeting on 3 August 2017.

4 APPRAISAL

- 4.1 As stated above, Members deferred the application from the Planning Committee meeting on 3 August 2017 to seek an improved design for the proposed dwelling. The dwelling as originally proposed was designed with a very simple form, comparable in height and overall volume to the existing stable building. It was to have a low pitched roof and in an 'L' shape form similar to the existing timber stables on the site. However it was considered that the low pitched roof was not in keeping with surrounding development and the building's somewhat plain and utilitarian appearance, along with the use of irregular and non-traditional windows, resulted in a building that did not respond well to the local character of the area.
- 4.2 The revised design is still simple in form but the roof pitch has been increased and the window design altered to a more traditional and regular appearance. A chimney has also been added to try to give interest to the building. It is now considered to be more in keeping with surrounding development and that the design reason for refusal has been overcome.
- 4.3 However, Officers remain of the opinion that the development is contrary to the Development Plan and government guidance set out in the NPPF for the reasons given in the in the previous report (appended). The development is considered to be contrary to Policy Villages 1 of Cherwell Local Plan 2011-2031 as it does not constitute infilling or conversion and fails to relate well to the pattern of existing development in the area. It is also considered that the development does not comply with Policy ESD 14 of the Cherwell Local Plan 2011-2031 Part 1 as the development is considered to be inappropriate development in the Oxford Green Belt and harmful to the visual amenities, openness and purposes of including land within the Oxford Green Belt.

5 PLANNING BALANCE AND CONCLUSION

- 5.1 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.
- 5.2 Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. Whilst there will be an economic benefit provided by the construction of the proposed dwelling, this benefit will be limited given the proposal is for a single dwelling.
- 5.3 Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. The development will provide a small unit of accommodation but this benefit is not considered to outweigh the harm to the Green Belt resulting from inappropriate development. Furthermore, in view of the Council's current ability to demonstrate a 5 year housing land supply, there is not an overriding need to allow the development contrary to the housing strategy in the Local Plan.
- 5.4 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built and historic environment. These issues have been covered in the sections above. The development is considered to

be inappropriate development in the Green Belt resulting in harm to the openness and visual amenities of the Green Belt.

- 5.5 To conclude the proposal does not constitute infilling or conversion and is therefore contrary to Policy Villages 1 of Cherwell Local Plan 2011-2031, and fails to relate well to the pattern of existing development in the area. It is also considered that the development does not comply with Policy ESD 14 of the Cherwell Local Plan 2011-2031 Part 1 as the development is considered to be inappropriate development in the Oxford Green Belt and harmful to the visual amenities, openness and purposes of including land within the Oxford Green Belt.

6 RECOMMENDATION

6.1 That permission is refused, for the following reasons:

1. The proposed development does not constitute infilling or conversion as defined in the Cherwell Local Plan 2011-2031 Part 1 and by virtue of the siting would fail to relate well to the surrounding pattern and form of development to the detriment of the character of the area. The proposal is therefore contrary to Policies Villages 1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
2. The proposed development is considered inappropriate development in the Oxford Green Belt and harmful to the visual amenities, openness and purposes of including land within the Oxford Green Belt, contrary to Policy ESD14 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Shona King

TEL: 01295 221643

APPENDIX 1

**Land To Rear Of Ladygrass
Church Lane
Weston On The Green**

17/00920/F

Applicant: Mr and Mrs Frank Butt

Proposal: Replace redundant stables and hay barn with single storey 1 bed cottage - Re-submission of 16/00954/F

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Cllr David Hughes has requested that it is dealt with by the Planning Committee

Expiry Date: 11 July 2017 **Committee Date:** 3 August 2017

Extension of Time: 7 August 2017 **Recommendation:** Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1 The site is located to the rear of dwellings in Church Lane and those served by a private drive. It comprises an area of paddock and is occupied by a timber stable block. To the west and north are private gardens and to the east and south are the grounds of Weston Manor Hotel. Also to the south, separated from the application site by two paddocks is a footpath known as Monks Walk.
- 1.2 The site is located within the Conservation Area and is within the Oxford Green Belt. There are also several listed buildings in the vicinity, including the Grade II* listed Weston Manor Hotel and St Mary's Church, however they are some distance from the application site. A number of protected and notable species, including bats, swift and hedgehog, have been recorded in the area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Consent is sought for the demolition of the stable block and the erection of a single storey 'L' shaped two bedroom dwelling. The dwelling is to be constructed from natural stone with a shallow-pitched tiled roof, with large glazed openings in the western elevation.
- 2.2. It would be positioned more centrally in the site than the existing stables, with planting proposed to the north and eastern boundaries. The access would remain as existing, to the side of Ladygrass.

- 2.3. The application was deferred from the Planning Committee Meeting on 6 July 2017 to allow for a formal site visit which is to be carried out immediately before this Committee Meeting.

3. RELEVANT PLANNING HISTORY

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

CHS.64/82 - erection of a stable with fodder storage and tack room APPROVED 10 February 1982

16/00954/F - Demolition of stable block (CHS.64/82) and erection of dwelling with revised access REFUSED 15 August 2016

4. PRE-APPLICATION DISCUSSIONS

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

- PRE-APP REFERENCE NO: 15/00204/PREAPP. Advice was sought for the erection of a dwelling in the same location as now proposed. No details of the design of the building were submitted for consideration. The advice given was that the erection of a new dwelling would introduce a domestic form and character of development that is likely to harm the openness of the Green Belt and therefore would be inappropriate development. The siting of the dwelling would not relate well to the appearance and character of the area due to the backland location. The report was issued on 7 October 2015.

5. RESPONSE TO PUBLICITY

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

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

In favour -

- Not intrusive
- Workable layout
- Village needs smaller properties for downsizing to free up large family houses
- Improvement in outlook – existing stables are unsightly

Against -

- In Green Belt land and a conservation area and does not meet the special circumstances to warrant development.
- The reasons for recommendation for refusal last time have not changed.
- The location is not where development is suggested in the Neighbourhood Plan.
- Low roof profile but sceptical it would be built like this.
- The dwelling is larger than the building it replaces
- Impacts a historic path.

- 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

- 6.1 WESTON ON THE GREEN PARISH COUNCIL: **No objections**. Supports the application as the building is small and unobtrusive and does not affect the character of the village but the design and materials should be better in keeping with Ladygrass. Permitted development rights should be restricted so the property remains single storey with no right to dormers, rooflights etc.

STATUTORY CONSULTEES

- 6.2. OXFORDSHIRE COUNTY COUNCIL HIGHWAY LIAISON OFFICER: **No objections** subject to conditions relating to improving visibility and retention of parking and manoeuvring.
- 6.3. HISTORIC ENGLAND: Raise **no comments** and recommends that advice is sought from CDC Conservation Officer
- 6.4. THAMES WATER: **No comment to date**

NON-STATUTORY CONSULTEES

- 6.5. CDC ECOLOGIST: **No comment** to date

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)

- ESD14 – Oxford Green Belt
- ESD15 - The Character of the Built and Historic Environment
- VIL 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout design and external appearance of new development
- C30 – Design Control

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Weston on the Green Neighbourhood Plan 2017-2031 (Draft): This document remains at an early stage of preparation and has not yet been through formal examination. Therefore, in accordance with Paragraph 216 of the NPPF, only limited weight can be attributed to it in determining this application.

8 APPRAISAL

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

- Planning history
- Principle of development (including Green Belt)
- Visual amenity, design and impact on the character of the area
- Historic Environment
- Residential amenity
- Highway safety
- Impact on trees

Planning History

8.2. Permission has recently been refused for a new dwelling to replace the existing stables on the site (ref: 16/00954/F). Permission was refused because the proposal was considered to be inappropriate development in the Green Belt that caused harm to the visual amenities, openness and purposes of including land in the Green Belt, and because the proposal was considered to be out of keeping with the surrounding pattern of development in conflict with Policy Villages 1 which limits new residential development in this part of Weston on the Green to infilling or conversions. The key consideration in this case is therefore whether the revisions to the design and scale of the proposal overcome these previous reasons for refusal.

Principle (including Green Belt)

8.3. The site lies within the Oxford Green Belt. Paragraph 87 of the NPPF states that “inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 88 states that “when considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt, by reason of its inappropriateness and any other harm, is clearly outweighed by other considerations.”

8.4. Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate unless it falls within one of the exceptions listed. This includes “limited infilling in villages” and “limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”. The site was last used as stables for horses owned by the applicant and this falls under the definition of previously developed land as set out in the NPPF. Therefore the erection of a dwelling in the location proposed could be considered not inappropriate under Paragraph 89. However a new dwelling would in your officer’s opinion introduce a domestic form and character of development that is likely to harm the openness of the Green Belt and therefore would represent inappropriate

development. It would also conflict with one of the purposes of including land in Green Belt, which is to safeguard the countryside from encroachment, as it would introduce residential development on land to the rear of existing residential properties which currently has a distinctly rural, non-residential character and appearance.

- 8.5. A supporting statement has been submitted with the application. It argues that the proposal will not result in any greater coverage on the site than the stable block and has no greater impact on openness than the existing use of the site. It is also argued that the existing use for equestrian purposes includes parking facilities for a horse lorry, fencing, jumps and mobile field shelters for which planning permission would not be required. They consider that this would not be much different to the extent of domestic paraphernalia associated with a dwelling. It also states that the use of the land for equestrian purposes has been accepted through the issuing of the planning permission in 1982.
- 8.6. In response to this argument, your officers would highlight that planning permission was granted for the stables, fodder store and tack room and not for the change of use of the surrounding land for equestrian purposes. It is therefore not the case that the land outlined in blue to the south of the redline area has an established use for equestrian use and, in the absence of a Certificate of Lawfulness to demonstrate this, little weight can be afforded to this argument. Furthermore, equestrian activity is not uncommon in the countryside or the Green Belt and is supported in principle by both local and national policy.
- 8.7. It is acknowledged that the scale of the proposed dwelling is much reduced in comparison to the previously refused scheme, and is more simple and low key in appearance. Nevertheless it is considered that the character of the site would change with the introduction of a residential use and additional fencing, ornamental planting and hedges could be erected/planted along with other domestic paraphernalia placed on the land such as washing lines, play equipment and garden structures that would not require planning permission, adversely affecting the openness of the Green Belt. This is likely to be in excess of the equipment/paraphernalia associated with a stable block of the modest size currently on the site.
- 8.8. Notwithstanding the above argument, Policy ESD14 of the Cherwell Local Plan 2011-2031 states that “development proposals within the Green Belt will only be permitted if it maintains the Green Belt’s openness and does not conflict with the purposes of the Green Belt or harm its visual amenities”. It further states that “proposals for residential development will also be assessed against Policies Villages 1 and 3”.
- 8.9. The visual amenities of the Green Belt will be considered in the following section of this report. Regarding Policy Villages 1, this provides a categorisation of the district’s villages based on their relative sustainability, and the amount and type of development that could be appropriate in sustainability terms within the built up limits of a village depends on its categorisation. Weston on the Green is a Category A village where normally minor development, infilling and conversions of suitable buildings is acceptable. However Policy Villages 1 only allows infilling and conversions where the site is within the Green Belt. Given the location of the site on land to the rear of existing residential properties, and without a frontage onto the road, and given the existing stables are not being converted, the proposal is contrary to Policies Villages 1 and ESD14 of the Cherwell Local Plan 2011-2031 as it does not accord with the definition of infilling or represent a conversion.

- 8.10. It is argued in the Planning Statement at paragraph 27 that Policy Villages 1 is inconsistent with the NPPF and national guidance as it goes beyond the parameters set out within the NPPF. Whilst it does appear that Policy Villages 1 is stricter in that it does not allow for the redevelopment of previously developed sites in those parts of villages that lie within the Green Belt, this does not mean that it is inconsistent with or in conflict with the NPPF. Rather Policy Villages 1, when read together with ESD14, provides a local application of Green Belt policy in Cherwell District to be read alongside the NPPF. The Local Plan has been through thorough Examination and these Policies were found to be consistent with national guidance. Therefore full weight should be attributed to the requirements of Villages 1 in assessing this application.

Visual amenity, design and impact on the character of the area

- 8.11. 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. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form scale and massing of buildings.
- 8.12. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek to ensure that the layout, scale and design of a development are of a high standard. Saved Policy C30 in particular exercises control to ensure that new housing development is compatible with the appearance, layout and density of existing dwellings in the vicinity.
- 8.13. The NPPF states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. Paragraph 58 requires that development responds to local character and history reflecting the identity of local surroundings and materials while not preventing or discouraging appropriate innovation.
- 8.14. The site is well screened in public views by dwellings from the Right of Way to the west leading from Church Lane southwards and from the north and east by mature trees/hedges and dwellings. Monks Walk to the south of the site is not a public right of way but lies within the curtilage of Weston Manor Hotel, a Grade II* listed building. The site and proposed dwelling will be visible from this path therefore the design of any new building is considered to have some impact on the character and appearance of the area, and this increases the importance of good quality design. In any event, Paragraph 61 of the NPPF states that good design “goes beyond aesthetic considerations (and) should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 8.15. The previously refused scheme (ref: 16/00954/F) was for a 1½ storey dwelling of solid stone construction with a strong residential character and appearance. The proposed dwelling is much reduced in scale and is simpler in form, being of a comparable height and overall volume to the existing stable building. It has a low pitched roof and is an ‘L’ shape design similar to the existing timber stables. However it is considered that the low pitched roof is not in keeping with surrounding development and the building’s somewhat plain and utilitarian appearance, along with the use of irregular and non-traditional windows, results in a building that does not respond well to the local character of the area. The form and design of the stable was acceptable as it was suitable for the purpose with a utilitarian, temporary, appearance whereas the building now proposed with solid stone walls and a residential use gives the appearance of a much more permanent structure and as such should better reflect the local vernacular.

- 8.16. Furthermore, it remains the case that the site is poorly related to existing residential development, being to the rear of existing properties with no frontage onto the street. As such it would appear as backland development unrelated to the historic settlement pattern. This is not a typical or traditional arrangement and no amendments or revisions to the design will overcome this fundamental concern.

Historic Environment

- 8.17. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should conserve, sustain and enhance designated and non-designated heritage assets.
- 8.18. The proposed development is located in the Weston-on-the-Green Conservation Area. It is considered that the proposed development would not have a negative impact on the conservation area, as it would not be visible from the public domain due to its location to the rear of Ladygrass and the screening provided by trees surrounding the property.
- 8.19. The dwelling due to its location and scale will not result in any significant detriment to the setting of the nearby listed buildings including the two Grade II* listed buildings (St Mary's Church and Weston Manor Hotel).

Residential amenity

- 8.20. 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, natural light and indoor and outdoor space.
- 8.21. The proposed dwelling will not in my opinion result in any significant loss of amenity currently enjoyed by the surrounding dwellings due to the distances to the dwellings and their relationship. I am also satisfied that an acceptable living environment could be achieved for future occupiers of the proposed dwelling.

Highway safety

- 8.22. The Highway Authority has not raised any objections to the proposal and it is therefore considered that the creation of an additional dwelling will not result in any significant adverse impact on highway safety subject to conditions relating to improving visibility to the highway from the access and the retention of parking and manoeuvring within the site.

Impact on trees

- 8.23. A partial tree survey has been provided and the root protection zones have not been plotted for the trees. Notwithstanding this lack of information the trees surrounding the application site, adjacent to the proposed dwelling, are mature but not prominent in public views and as such they are not candidates for preservation orders as the level of public amenity afforded by them is not significant. Measures to protect trees during construction could be secured by condition, were permission to be granted.

9.0 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 Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. Whilst there will be an economic benefit provided by the construction of the proposed dwelling, this benefit will be limited given the proposal is for a single dwelling.
- 9.3 Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. The development will provide a small unit of accommodation but this benefit is not considered to outweigh the harm to the Green Belt resulting from inappropriate development. Furthermore, in view of the Council's current ability to demonstrate a 5 year housing land supply, there is not an overriding need to allow the development contrary to the housing strategy in the Local Plan.
- 9.4 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built and historic environment. These issues have been covered in the sections above. The development is considered to be inappropriate development in the Green Belt resulting in harm to the openness and visual amenities of the Green Belt.
- 9.5 To conclude the proposal does not constitute infilling or conversion and is therefore contrary to Policy Villages 1 of Cherwell Local Plan 2011-2031, and fails to relate well to the pattern of existing development in the area. It is also considered that the development does not comply with Policy ESD 14 of the Cherwell Local Plan 2011-2031 Part 1 as the development is considered to be inappropriate development in the Oxford Green Belt and harmful to the visual amenities, openness and purposes of including land within the Oxford Green Belt.

10. RECOMMENDATION

10.1 That permission is refused, for the following reasons:

1. The proposed development does not constitute infilling or conversion as defined in the Cherwell Local Plan 2011-2031 Part 1 and by virtue of the siting would fail to relate well to the surrounding pattern and form of development to the detriment of the character of the area. The proposal is therefore contrary to Policies Villages 1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
2. The proposed development is considered inappropriate development in the Oxford Green Belt and harmful to the visual amenities, openness and purposes of including land within the Oxford Green Belt, contrary to Policy ESD14 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. The proposed development, by virtue of its utilitarian design and form with a low pitched roof and irregular fenestration would not positively respond to or reinforce the local character of the area and would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning

17/01094/F

Site Bb Adjoining And East Of F G Alden
Langford Locks
Kidlington

15

Station

Field Industrial

Estate

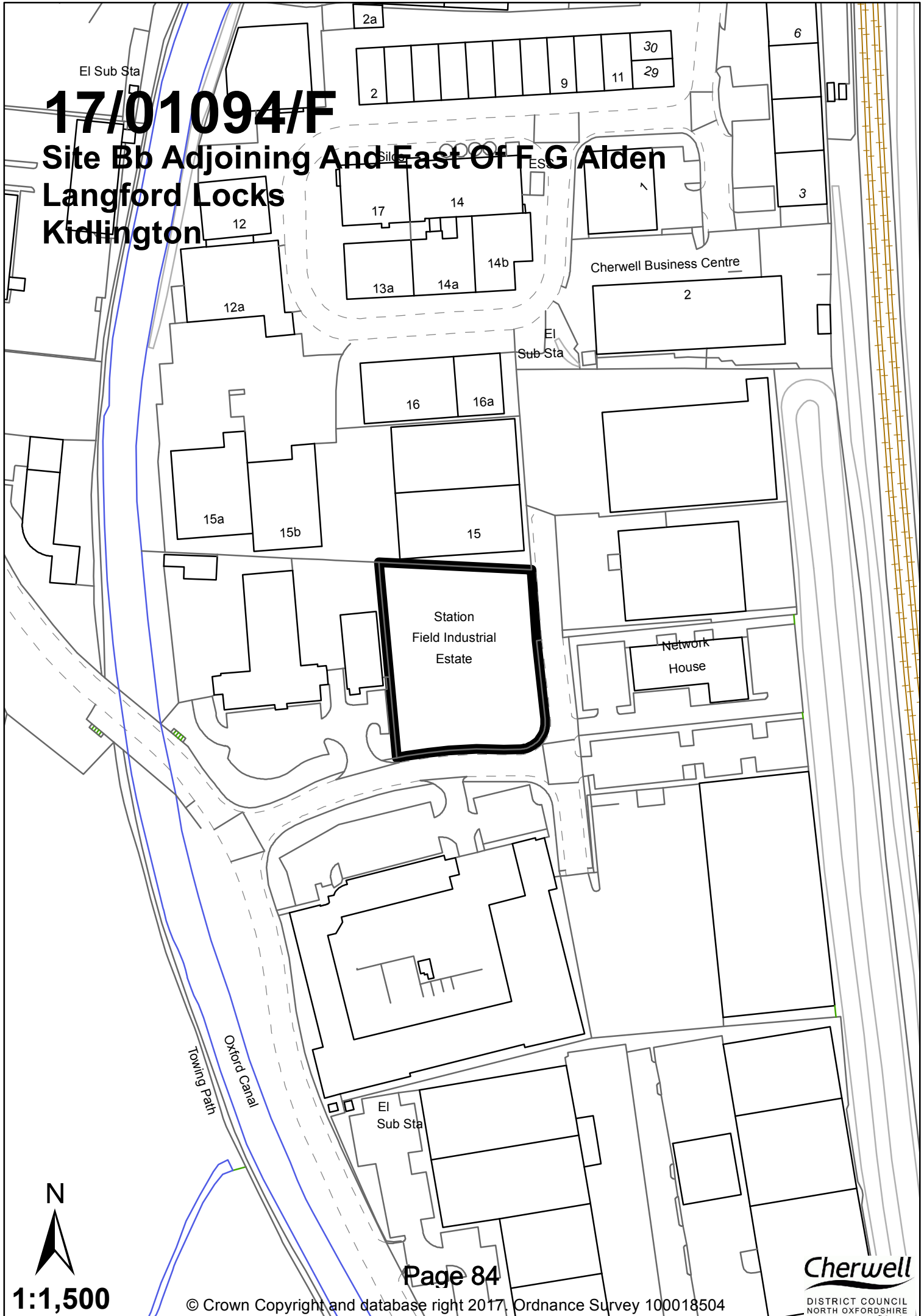
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17/01094/F

Site Bb Adjoining And East Of F G Alden
Langford Locks
Kidlington



1:1,500

Applicant: Glenmore Commercial Estates Ltd

Proposal: Erection of a single building containing 14 No. B1(c)/ B8 units, together with parking and associated works

Ward: Kidlington West

Councillors: Cllr Alan Mackenzie-Wintle
Cllr Sandra Rhodes
Cllr Nigel Simpson

Expiry Date: 17 August 2017 **Committee Date:** 31 August 2017

Recommendation: Approve

Referral Reason Major application

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located on the Langford Locks Business Park and to the immediate south of the Station Field Industrial Estate. This is the last plot to be developed in the vicinity and is a square shaped plot of approximately 0.3 Ha. Temporary consent was granted under application 14/01199/F for the Change of Use of the land for the storage of containers and cabins.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. Consent is sought for the erection of a two storey building containing 14 light industrial units (B1(c)/B8) along with parking and associated works. Access into the development is via a one-way system. The entrance is to be to the east and the exit to the south.

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>
06/00447/F	Temporary use of land for storage of containers/cabins (retrospective) and construction of vehicular access	Application Permitted
07/02597/F	Erection of two storey building containing 12 units for B1 use together with parking and external works (as amended by plans received 18/02/08 with agents letter dated 15/02/08)	Application Permitted

11/00751/F	Extension of time limit to 07/02597/F - Application Erection of two storey building containing 12 units for B1 use together with parking and external works	Permitted
11/01044/F	Temporary use of land for storage of containers/cabins	Application Permitted
14/00718/F	Erection of two storey building containing 12 No. B1 units, together with parking and external works	Application Permitted
14/01199/F	Change of Use of the land for the temporary storage of containers and cabins	Application Permitted
17/00043/SO	Screening Opinion to 17/01094/F - Erection of a single building containing 14 No. B1(c)/B8 units, together with parking and associated works.	Screening Opinion not requesting EIA

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 29.06.2017, 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. KIDLINGTON PARISH COUNCIL: No objections

STATUTORY CONSULTEES

6.3. HIGHWAY AUTHORITY (original scheme): **Object** – on the lack of parking for the proposed development and inadequate vehicle tracking of a refuse vehicle and other service vehicles using the site. A s278 Agreement will be required to carry out works in the highway.

6.4. HIGHWAY AUTHORITY (revised scheme): **No objections** subject to conditions relating to:

- Access
- Visibility splay protection
- Turning and car parking
- Service vehicle turning
- Drainage
- Cycle parking
- Travel Plan
- Construction Management Plan
- Delivery and Service Plan

6.5. THAMES WATER: **No objection**

6.6. CANAL AND RIVERS TRUST: **No objection**

6.7. NATURAL ENGLAND: **No objection**

NON-STATUTORY CONSULTEES

6.8. PLANNING POLICY: **No comment to date**

6.9. BUILDING CONTROL: **No objection**

6.10. ENVIRONMENTAL PROTECTION: **No objection**

6.11. ECOLOGY: **No comment to date**

6.12. BBOWT: **No comment to date**

6.13. THAMES VALLEY POLICE: **No comment to date**

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
- SLE1 – Employment development

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Kidlington Master Plan

8. APPRAISAL

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

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

Principle of development

8.2. The NPPF introduces a presumption in favour of sustainable development. It advises that proposals that accord with the development plan should be approved without delay and proposed development that conflicts should be refused unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out of date, applications should be approved unless any adverse impacts of doing so would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

8.3. The proposal would comply with Policy SLE1 of the Cherwell Local Plan 2011- 2031 which seeks to support employment proposals at Kidlington. It is also in compliance with the criteria of Policy SLE1 as it lies in a sustainable location within an existing Business Park, is outside the Green Belt, is of an appropriate scale and design and will not adversely affect the surrounding land uses. This weighs in favour of the proposal insofar as it meets the economic aims of sustainable development.

8.4. In addition when the application was submitted in May of this year the approval under 14/00718/F could still be implemented (it expired on 11.07.2017) and this is a material consideration in the determination of the application.

Design, and impact on the character of the area

8.5 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”.

8.6 Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

8.7 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.” In addition Policy ESD15 states that development should contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness. Furthermore, development should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.

8.8 It is considered that given the location of the proposal it will be not be harmful to the visual amenities of the area. The building will be sited closer to the southern

boundary of the plot than the building immediately to the west which is regrettable however the access and parking arrangements have dictated this siting. Officers have requested amendments to the design of the building to provide a better street frontage and this includes first floor windows and a variation in the brick colour to match the building to the west on the southern and return elevations (east and west) of units 7 and 8.

- 8.9 Given the proximity to the edge of the plot it is not possible to incorporate much in the way of landscaping to mitigate the siting close to the highway/footway edge. However a landscaping plan has been submitted which indicates a variety of small flowering and non-flowering shrubs with some trees to be planted along the boundaries. These will soften the highway boundary slightly but will not add any screening for the building.
- 8.10 The Oxford Canal, close to but not adjacent to this site, was given Conservation Area status in 2012, officers are satisfied that the application site is too far away to have any impact on its setting. Furthermore, an existing building and variations in land levels between the site and conservation will largely obscure the proposal from people travelling along the canal and tow path.

Highway safety

- 8.11 The proposal includes a one way system around the building with an anti-clockwise routing and it is to be served by two accesses one on the eastern boundary (entry only) and one on the southern boundary (exit only). The Highway Authority has raised objections to the scheme that the parking is insufficient and the vehicle tracking is inadequate. However the agent has attempted to overcome these issues and has submitted additional information. Comments from the Highway Authority are still to be received and Members will be updated at the meeting.
- 8.12 Notwithstanding these objections the Highway Authority has stated that the one way system proposed is favoured and it is envisaged that with the additional information provided by the agent that the Highway Authority's concerns can be overcome. Conditions are recommended below.

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. Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. This is an existing employment site and the creation of business units on the currently vacant site will provide an economic benefit.
- 9.3. Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment with accessible local services that reflect the community's need and support its health, social and cultural well-being. The development will provide additional employment floorspace within Kidlington which will be accessible to the residents in the village supporting local services.
- 9.4 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built and historic environment. These

issues have been covered in the sections above. The development is considered to be appropriate development in the built-up limits of Kidlington and will not result in harm to the visual amenities of the area.

- 9.5 To conclude the proposal is considered to comply with Policies SLE1 and ESD15 of Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and the guidance contained within the NPPF.

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: Planning Statement, Design and Access Statement, Transport Statement. Drawing Nos. A_001_P1, A_100_P2, A_105_P3, A_110_P3, A_111_P1, A_112_P3 and 1126/01.

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, samples of the brick, cladding and roofing material to be used in the construction of the walls and roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy 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, 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

5. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

6. 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, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, and notwithstanding the application details, full details of a refuse vehicle 11.6m in length turning within the site, as well as details for the largest service vehicle using the loading bays, 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 - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

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

8. 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 before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (including details of who will be responsible for maintaining the SUDS & landowner details)
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS
- Network drainage calculations
- Phasing
- Exceedance flood routeing

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of

development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. Prior to occupation of the development hereby approved, a travel plan statement, which takes into account the mixed uses which make up this planned development, will be submitted to and approved in writing by the Local Planning Authority. Thereafter, it shall be implemented and monitored in accordance with the approved details.

Reason - To provide safe and adequate access to the site in the interests of road safety.

11. Prior to the commencement of the development hereby approved, a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

12. Prior to the commencement of the development hereby approved, a delivery and service plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development site shall be managed in accordance with the approved details. Information regarding the following should be included, but is not exhaustive:

- Times of the day when delivery is allowed onto site
- How deliveries onto site are managed between the units
- Identification of where safe and legal loading/unloading can take place
- Details relating to refuse collection times and nature of vehicles used

Reason: In the interests of highway safety and to mitigate the impact of delivery and service vehicles on the surrounding highway network, road infrastructure and users of the site, particularly at morning and afternoon peak traffic times.

13. 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.

PLANNING NOTES

1. If works are required to be carried out within the public highway, the applicant is advised not to commence such work before formal approval has been granted by Oxfordshire County Council by way of either:

- a. a Section 184 Notice under the Highways Act 1980 or
- b. a legal agreement Section 278 between the applicant and Oxfordshire County Council

2. It is the responsibility of the developer to ensure proper provision is made for the surface water drainage of the site to ground, watercourse or surface water sewer. To avoid foul sewer flooding, surface water must not be drained to a foul sewer.
3. If the applicant proposes to place gates across the access, they should be aware that they should be set back at least 6m and not open onto the highway.
4. It appears that the site adjoins a strip of land to the north which is within the ownership of the Canal & River Trust. It is important to ensure that the proposals do not impact on this land and the applicant / developer is therefore advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust
5. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921.

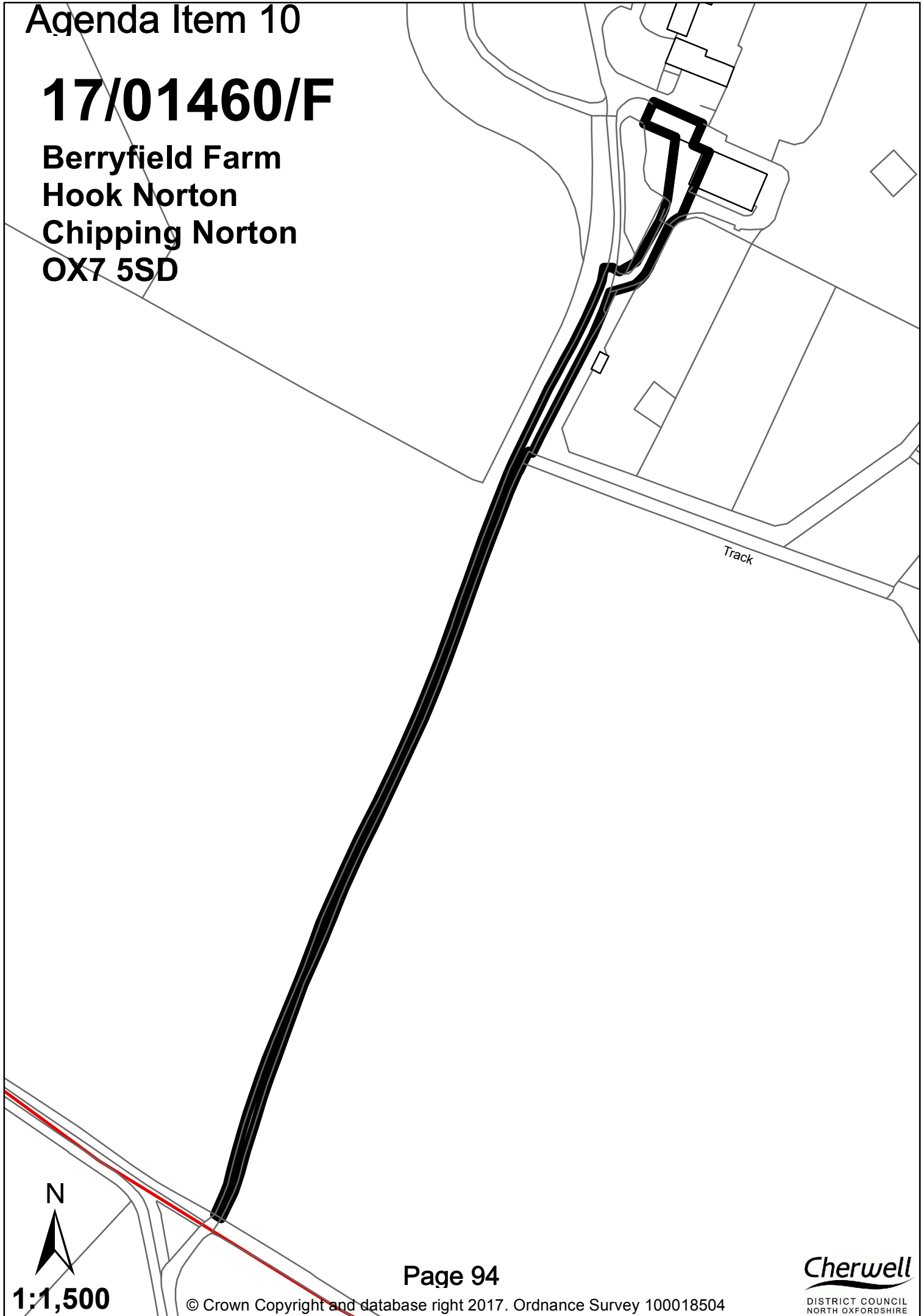
CASE OFFICER: Shona King

TEL: 01295 221643

Agenda Item 10

17/01460/F

**Berryfield Farm
Hook Norton
Chipping Norton
OX7 5SD**



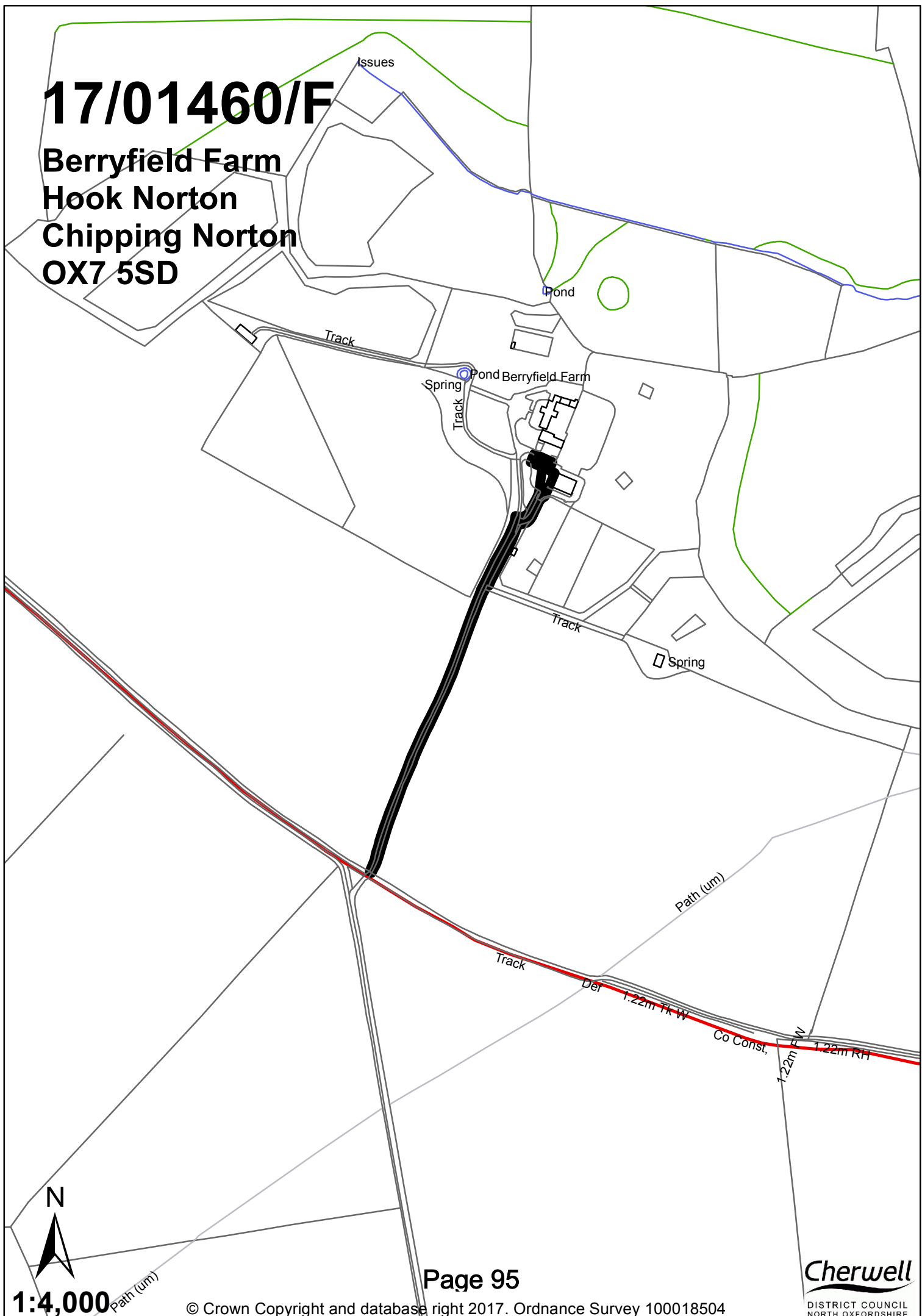
Track

N

1:1,500

17/01460/F

**Berryfield Farm
Hook Norton
Chipping Norton
OX7 5SD**



1:4,000 path (um)

Applicant: Lord and Lady Hay **Recommendation:** Refuse

Proposal: Erection of a replacement building to provide garaging and staff accommodation at first floor.

Ward: Deddington

Councillors: Cllr Bryn Williams
Cllr Hugo Brown
Cllr Mike Kerford-Byrnes

Reason for Referral: Member call-in – Cllr Kerford-Byrnes

Expiry Date: 7 September 2017 **Committee Date:** 31 August 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located to the southwest of Hook Norton, at a distance of approximately 1.4km and is accessed from the road that links Great Rollright to the west and Swerford to the east. The site is located in close proximity to the district boundary with West Oxfordshire. The main dwelling at Berryfield Farm is a large farmhouse, whilst this building would be constructed in close proximity to the Pole Barn and stables to the south of the site.
- 1.2. Corn Buntings and Bluebells have been located in close proximity to the site, which are Protected and Notable Species.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought for the erection of a one and a half storey building, which would provide staff accommodation at first floor level and garaging and a machinery store below. The building would replace an existing building in the same location. The proposed building would be constructed from timber weatherboarding, with reconstituted stone slates on the roof and painted hardwood windows and doors. The building would have dormer windows on the front and rear roofslope and a hayloft door.

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>
16/00203/F	Erection of building to form guest and staff accommodation, garages and store	Application Withdrawn

- 3.2. Application 16/00804/F was refused as the proposed dwelling was considered to constitute residential development in the open countryside, beyond the built up limits of the nearest settlement, for which it had not been demonstrated that there was an essential need.

4. PRE-APPLICATION DISCUSSIONS

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

Application Ref.

Proposal

16/00390/PREAPP

Staff accommodation and replacement garaging

- 4.2. This report was issued on 9th February 2017, after the withdrawal and refusal of the two applications relating to the staff accommodation building. The report concluded that as no essential need for a new dwelling had been demonstrated and that this would need to be clearly demonstrated in any future application.

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 will be 25.08.2017, after this report was written. Any further comments received will be reported to Committee in the written update.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

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

PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. HOOK NORTON PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to a condition that the use is as specified.
- 6.4. THAMES WATER: No comments received.

NON-STATUTORY CONSULTEES

- 6.5. AGRICULTURAL CONSULTANT:
- 6.6. ARCHAEOLOGY: **No objections.**
- 6.7. ECOLOGY: No comments received.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD1 – Mitigating and Adapting to Climate Change
- 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)

- H18 – New dwellings in the countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design 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:

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

Principle of development

- 8.2. Paragraph 12 of the Framework notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 8.3. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the Framework, will need to be applied in this context.
- 8.4. Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 seeks to ensure growth is distributed to the most sustainable locations in the District as defined in the Plan. Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1 states that Hook Norton is a Category A village and that minor development, infilling or conversions

within the built-up limits of the village may be acceptable. However, this site is not considered to be within the built-up limits for the reasons that are expanded on below.

- 8.5. Saved Policy H18 of the Cherwell Local Plan 1996 states that planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlement (other than those identified in the policies relating to housing allocation sites) when it is essential for agriculture or other existing undertakings.
- 8.6. Paragraph 55 of the Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as:
- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - The exceptional quality or innovative nature of the design of the dwelling.
- 8.7. The application site at Berryfield Farm sits approximately 1.4km to the southwest of Hook Norton in open countryside and therefore must be considered to sit outside the built-up limits of the settlement. As the proposal is outside the built-up limits of the settlement, it fails to comply with Policy Villages 1 and the proposals must be assessed against Saved Policy H18 of the Cherwell Local Plan 1996.
- 8.8. Saved Policy H18 of the Cherwell Local Plan 1996 states that planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under Saved Policy H1 when:
- (i) it is essential for agriculture or other existing undertakings, or
 - (ii) the proposal meets the criteria set out in Saved Policy H6; and
 - (iii) the proposal would not conflict with other policies in this plan.
- 8.9. The building is considered to be tantamount to a new dwelling. The building has two bedrooms, a bathroom and a kitchen and is therefore to be considered against Cherwell District Council's housing policies. The previous applications were withdrawn and refused after concerns were raised regarding the principle of development and the lack of justification for a new dwelling outside of the built-limits of the nearest settlement.
- 8.10. The applicants' agent has supplied a covering letter with the application providing justification for the proposed development. The agent states that Saved Policy H18 of the Cherwell Local Plan 1996 is not entirely consistent with Paragraph 55 of the Framework. Saved Policy H18 states that planning permission will only be granted '*where it is essential for agriculture or other existing undertakings*', whilst Paragraph 55 refers to a rural worker living permanently at or near their place of work in the countryside. The wording in Paragraph 55 still states that there must be an

'essential need' for the local planning authority to approve a new isolated home in the countryside.

- 8.11. The agent has put forward an argument that there is an essential need for a permanent worker to be present on the site. The applicants are often away from Berryfield Farm on business functions and permanent accommodation is required for a full time member of staff to manage the polo ponies and other livestock grazed on the site. The agent has stated that a 24 hour presence is required on the site and has suggested a condition that would tie the new dwelling to the agricultural activities on the site.
- 8.12. The agent has stated that the level of salary which would be provided for a worker that would manage the livestock on the site would be too low to rent or buy a property in a nearby village, though in any case this would not serve the essential need for having a permanent presence on the site.
- 8.13. The Council has consulted an Agricultural Consultant on the application to assess whether there is an essential need for the new dwelling. The Agricultural Consultant has undertaken a site visit and has made his recommendation based on the information gathered at this visit, where he met with the applicant and the applicants' agent and from the information submitted with the application.
- 8.14. The Agricultural Consultant has stated that the farmhouse is generally occupied by at least one family member at any time and that the applicants employ a groom who attends the farm six days a week to deal with routine husbandry and feeding regimes and in the event of a problem occurring out of these hours then the applicants' veterinary surgeon could be called.
- 8.15. The Agricultural Consultant has found that the level of stock held at the farm is low. Polo ponies are generally hardy and while they may be held indoors during the competition season they are normally held at grass for the majority of the year. Any issues that may arise out of groom's working hours could be met from the house or its annexe. Furthermore, the Agricultural Consultant has found that the agricultural stock is at a very low level and that the welfare requirements of eight non-breeding sheep do not give rise to an essential need to be present 24 hours a day, 365 days a year.
- 8.16. The Agricultural Consultant has recognised that – in terms of security – the access drive to the site is not served by an alarm system nor is the tack room alarmed. However, if security is seen to be an issue then works to install alarms could be undertaken. This is not seen to be an issue that would mean that there is an essential need for a new dwelling on the site. Similarly, whilst it is recognised that the cost of buying or renting a dwelling in the locality may be difficult on the wage of a rural worker, it is the essential need for a dwelling which is the key issue, not the economic argument for an on-site dwelling.
- 8.17. The Agricultural Consultant concludes that there is no essential need for a dwelling on the site. The agricultural business is not at a sufficient level to justify a permanent presence on the site. Therefore, given that the proposed development would fail to comply with Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the Framework, the principle of development is not considered to be acceptable.

Design and impact on the character of the area

- 8.18. Government guidance contained within the Framework requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.19. 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 as well as compatible with the existing dwelling. Proposals to extend an existing dwelling should be compatible with the scale of the existing dwelling, its curtilage and the character of the street scene.
- 8.20. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.
- 8.21. Policy ESD13 of the Cherwell Local Plan Part 1 states that development will be expected to respect and enhance local landscape character. 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.
- 8.22. The proposed development would replace the existing open sided building on the site. The replacement building would retain part of this open sided appearance, which would provide a car parking area. The building would have garaging and storage at the ground floor level, with the staff accommodation above. The building would be constructed from timber boarding, as the existing building is. The replacement building would be of a larger scale than the existing building but in design terms the building is considered to be acceptable, given its appearance as an outbuilding to the larger house on the site. The use of dormer windows is considered to be unfortunate, giving the building an overly domestic appearance for what is effectively an outbuilding to the main house. However, on balance, given the acceptability of the design of the building in all other regards, the dormer windows are considered to be acceptable and would not cause harm to the visual amenities of the area.

Residential amenity

- 8.23. The application site is not located in close proximity to any residential properties and therefore there would be no significant harm from the proposals on the residential amenity of neighbours.

Highway safety

- 8.24. The Highways Liaison Officer has offered no objections to the application, provided that the building remains ancillary to Berryfield Farm. It is therefore considered that the proposed development would not cause harm to the safety of the local highway network.

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 proposal would not cause undue harm to the character and appearance of the area, and would not impact on residential amenity or highway safety. However the application site is located outside of the built-up limits of the settlement of Hook Norton and the proposal is therefore considered to be contrary to Policy Villages 1. Furthermore, it is considered that no essential need has been demonstrated for a new dwelling on the site, so the proposal would fail to comply with Saved Policy H18. Therefore the proposal is considered to be unjustified and unsustainable residential development in an isolated rural location, remote from services and facilities.

10. RECOMMENDATION

That permission is refused, for the following reason:

1. The proposed dwelling constitutes residential development in the open countryside, beyond the built up limits of the nearest settlement, for which it has not been demonstrated that there is an essential need. In its proposed location the dwelling would therefore be an unjustified and unsustainable form of development. As such the proposal is considered to be contrary to Policy ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996, and government guidance contained within the National Planning Policy Framework.

PLANNING NOTE

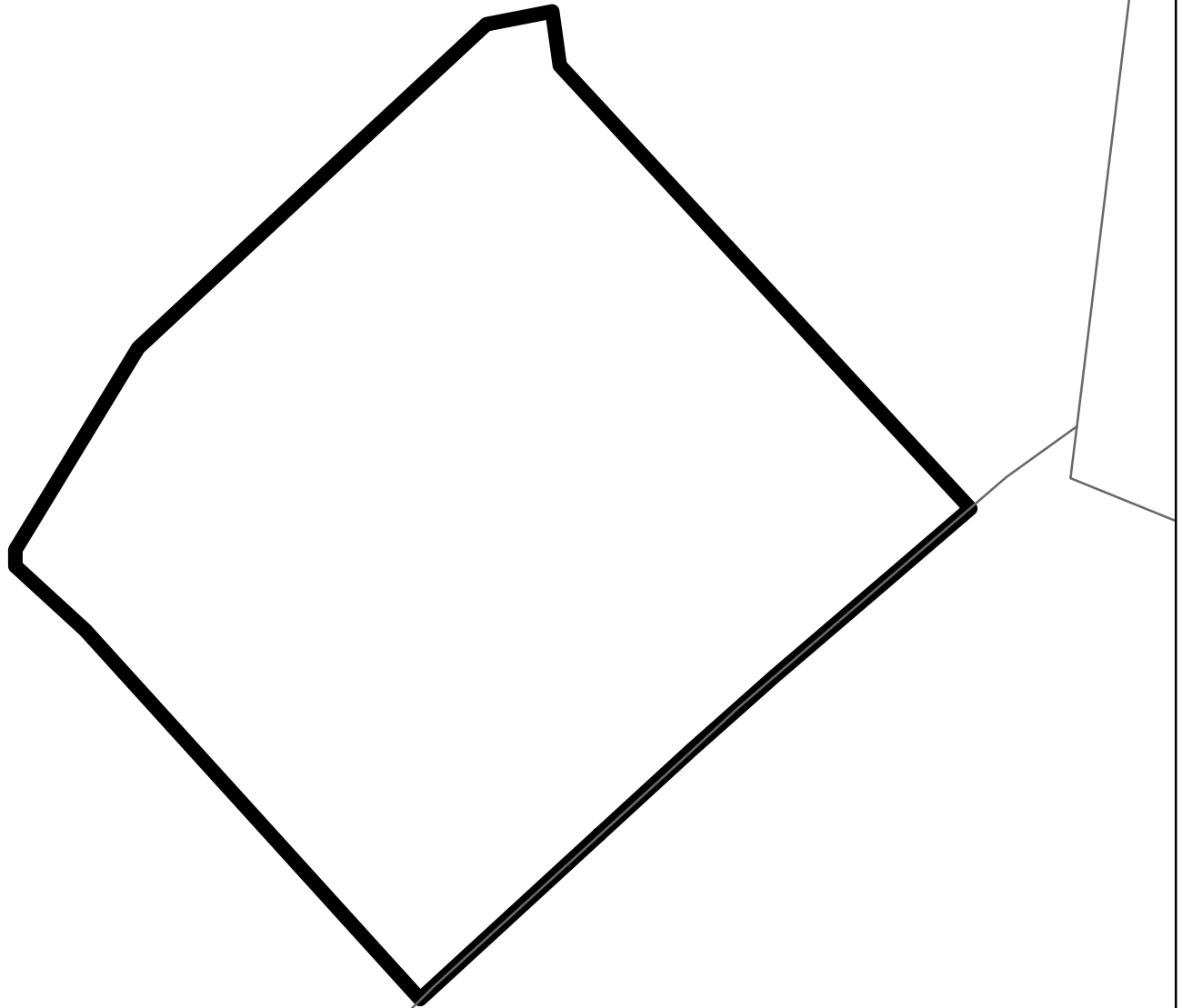
For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: 01B and 10C.

Case Officer: Matthew Chadwick

DATE: 15/08/17

17/00284/DISC

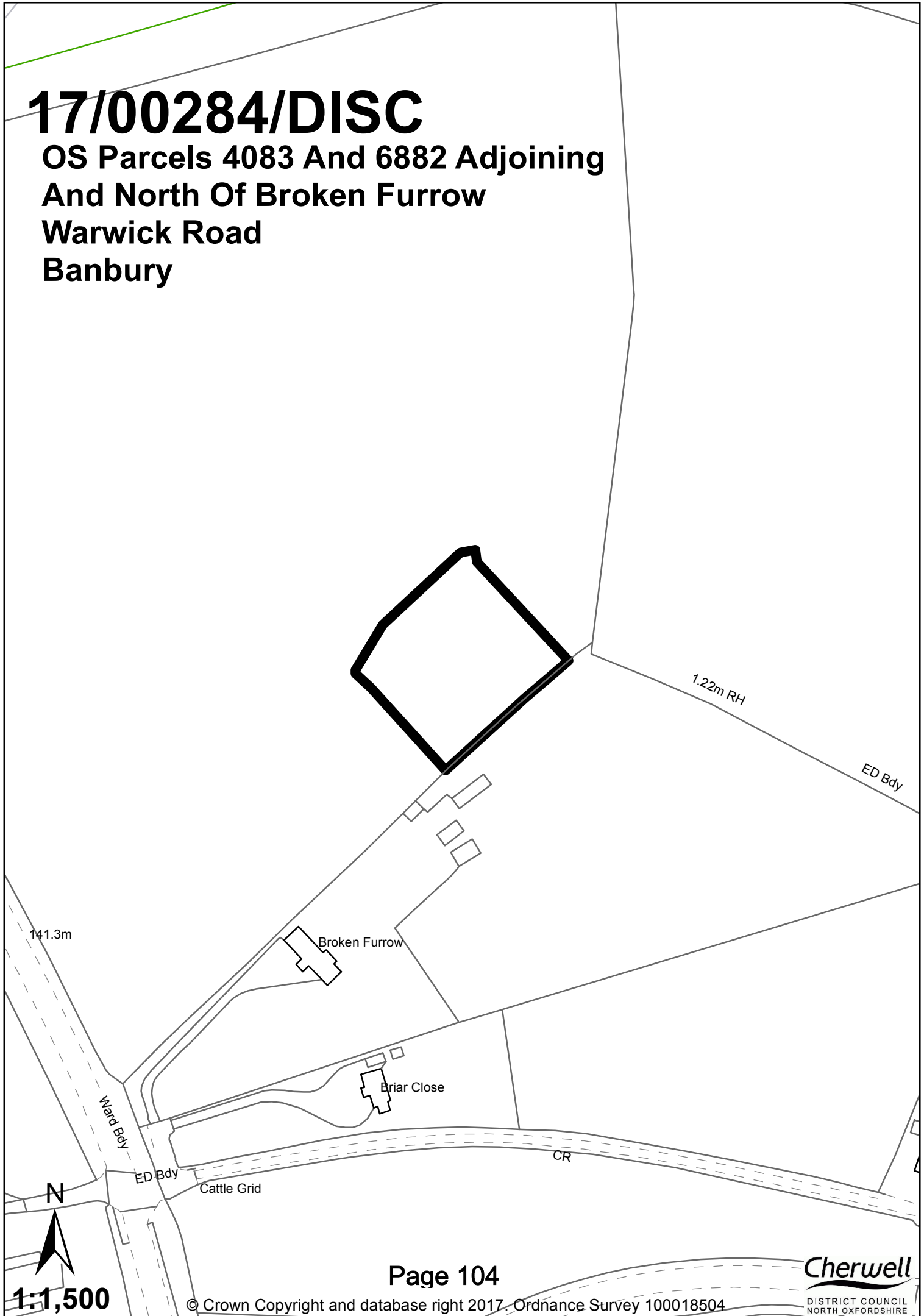
OS Parcels 4083 And 6882 Adjoining
And North Of Broken Furrow
Warwick Road
Banbury



1:500

17/00284/DISC

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



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

17/00284/DISC

17/00286/DISC

Applicant: Cherwell District Council

Proposal: Discharge of Conditions 13 (update to the mitigation strategy for badgers), 15 (biodiversity enhancements) and 16 (external light scheme) of 16/01485/CDC (17/00284/DISC) and Discharge of Conditions 13 (update to the mitigation strategy for badgers), 15 (biodiversity enhancements) and 16 (external light scheme) of 16/01484/CDC (17/00286/DISC)

Ward: Banbury Hardwick

Councillors: Cllr Anthony Ilott
Cllr J A Donaldson
Cllr Nicholas Turner

Reason for Referral: Council is applicant

Expiry Date: 31 July 2017

Committee Date: 31 August 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

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

which falls within the site allocation), agricultural fields to the north which separate the site from Hanwell and agricultural fields to the west, west of Warwick Road.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

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

3. RELEVANT PLANNING HISTORY

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

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

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

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

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

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

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

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

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16/00498/DISC – Discharge of Condition 3 (energy strategy), 4 (brick sample) and 5 (roof tile sample) of 16/01485/CDC – granted

16/00499/DISC – Discharge of Conditions 3 (energy strategy), 4 (brick sample) and 5 (roof tile) of 16/01484/CDC – granted

16/00511/DISC – Discharge of Conditions 8 (specification of parking and manoeuvring), 12 (details of ground and finished floor levels) and 18 (cycle store /parking facilities) and Partial Discharge of Condition 9 (landscaping scheme) of 16/01484/CDC – pending decision

16/00512/DISC – Discharge of Conditions 8 (specification of parking and manoeuvring), 12 (details of ground and finished floor levels) and 18 (cycle facilities) and partial discharge of condition 9 (landscaping scheme) of 16/01485/CDC – pending decision

17/00071/DISC – Discharge of condition 6 (Amended elevation design details) of 16/01484/CDC – granted

17/00076/DISC – Discharge of Condition 6 (Amended Elevation Design Details) of 16/01485/CDC – granted

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. N/A

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 comments

CONSULTEES

6.3. CDC's ecology adviser (26.06.2017) –

Thanks for sending through the plans. The badger fencing plan is fine and I am happy to recommend discharge of condition 13 provided works are undertaken in accordance with this plan and the previously submitted Updated Ecological Appraisal completed by ELMAW Consulting dated 27th February 2017 (paragraphs 5.15 and 5.16 includes the mitigation measures to safeguard badgers during construction).

In terms of the bat boxes and swift bricks, I welcome these measures however could the applicant confirm please the approximate heights of the boxes? I'm a bit concerned that the buildings may be too low for swift bricks (these should be placed at a height of at least 5m).

6.4. The applicant's contractor then confirmed: "Indeed Louise is correct, the birdboxes will be too low on the buildings (as we have no Gable ends). The bird boxes will be

located in the existing trees as per the attached Architect drawings which will comply with Louse min height of 5m.”

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6.6. The applicant's contractor subsequently submitted a drawing showing the type and location of the bat and bird boxes for the Hanwell Fields site, further adding:

“The nine Schwegler 2F bat boxes should be installed in clusters of three on three of the largest trees, at a height of between 3 to 6 metres from ground level. The three boxes on each tree should ideally each face different aspects to offer choice to bats at different times of the year.

6.7. “The four Schwegler 2GR hole-fronted bird nest boxes should be installed at a height of around 3 metres from ground level, on four different trees to void territorial clashes. Boxes should be placed facing between north and east. “

6.8. CDC's ecology adviser (21.07.2017) –

6.9. I'm happy to recommend discharge of the condition 15 relating to the bird and bat box scheme in line with the updated plan.

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
- BSC3 - Affordable Housing
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- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure

- INF1 - Infrastructure
- BAN5 - Land North of Hanwell Fields

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (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. Condition 13 of both consents requires the submission of an update to the mitigation strategy for badgers, to include details of a recent survey (no older than six months on the date of the submission to the Local Planning Authority), whether a development licence is required and the location and timing of the provision of any protective fencing around setts/commuting routes. Drawings “16022-GNA-XX-ST-DR-A-0201 rev C3” (Proposed Overall Site Plan) and “Ecological Enhancement Scheme” (ELMAW Consulting, July 2017) refer, along with an email from Mr Shane Quinn of Willmott Dixon to the Local Planning Authority dated 13/07/2017 at 10:07hrs. Having regard to the comments of the Council’s ecology adviser, the submitted details latterly submitted are acceptable.

8.2. Condition 15 of both consents requires the submission of a method statement for biodiversity enhancements on site together with the long term maintenance. The submitted document entitled “Ecological Enhancement Scheme” (ELMAW Consulting, May 2017) refers. Having regard to the comments of the Council’s ecology adviser, the submitted details are acceptable.

8.3. Condition 16 of both consents requires the submission of details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site. The submitted drawing “16532/E/900 Rev P1” (External lighting intent) refers. The submitted details are considered acceptable.

9. CONCLUSION

9.1. The submitted details are acceptable.

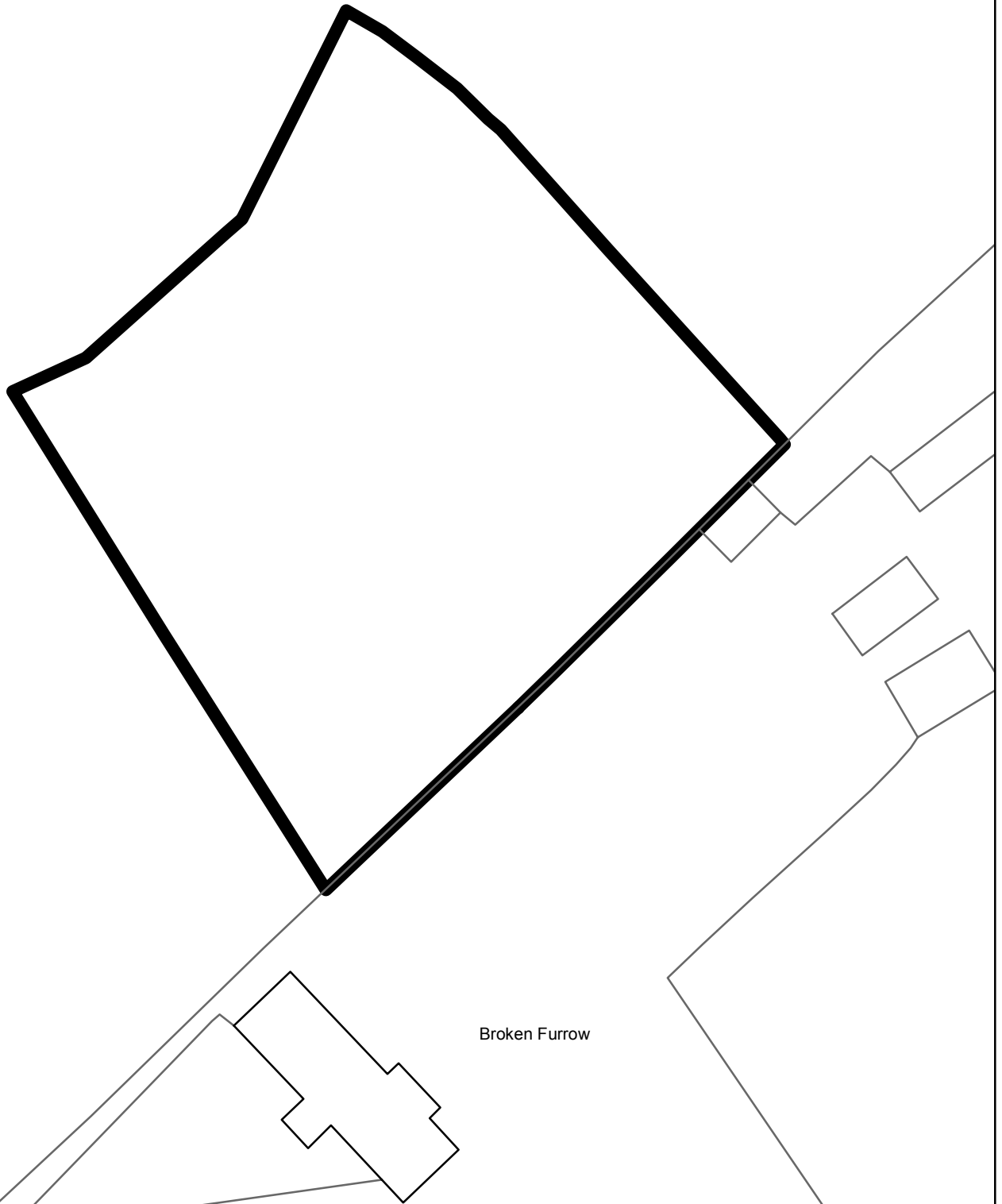
10. RECOMMENDATION

That the said conditions are discharged in accordance with the details latterly submitted.

CASE OFFICER: Bernadette Owens / Nathanael TEL: 01295 221830 / 221886
Stock

17/00286/DISC

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

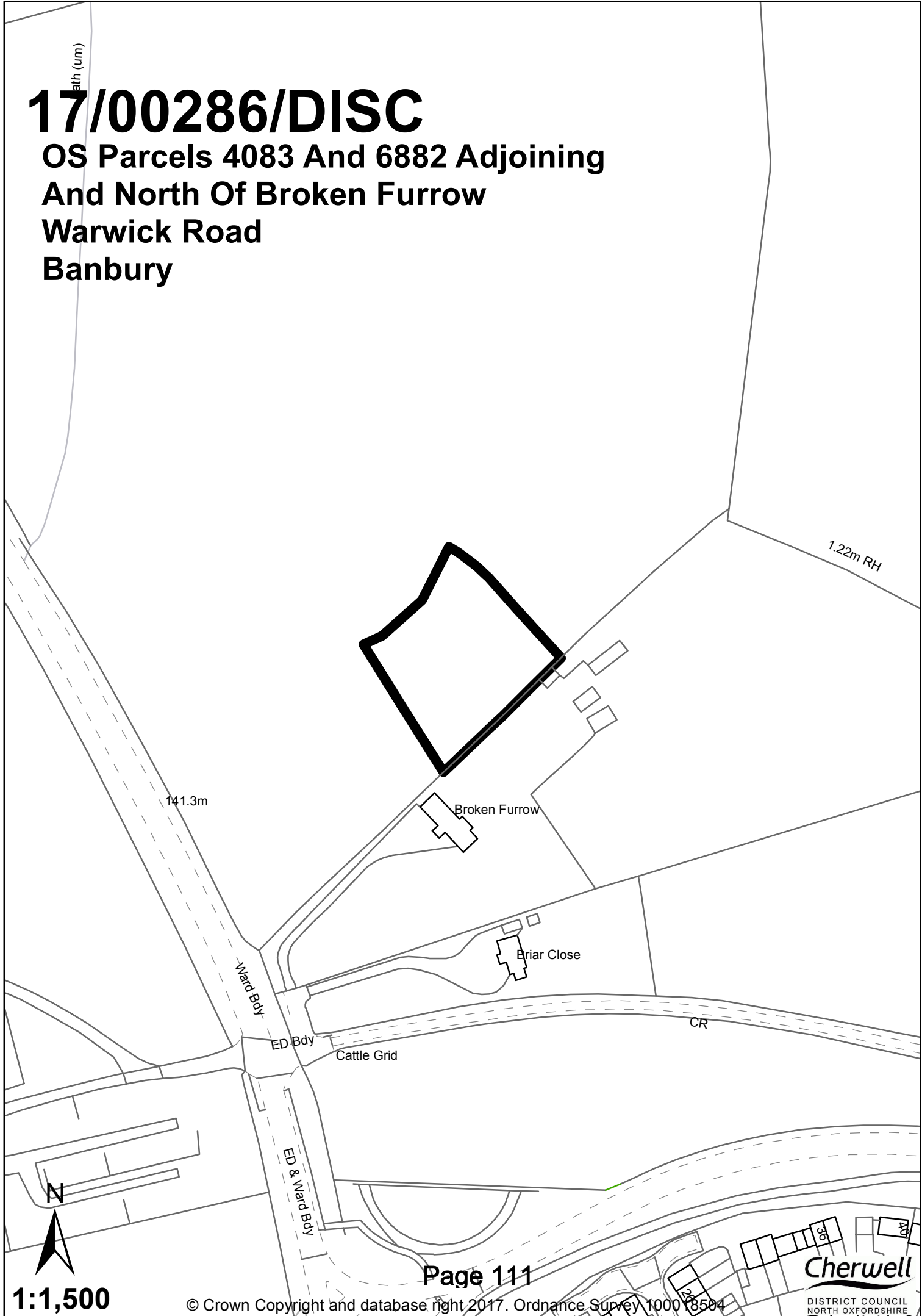


Broken Furrow



17/00286/DISC

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



1:1,500

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

17/00284/DISC

17/00286/DISC

Applicant: Cherwell District Council

Proposal: Discharge of Conditions 13 (update to the mitigation strategy for badgers), 15 (biodiversity enhancements) and 16 (external light scheme) of 16/01485/CDC (17/00284/DISC) and Discharge of Conditions 13 (update to the mitigation strategy for badgers), 15 (biodiversity enhancements) and 16 (external light scheme) of 16/01484/CDC (17/00286/DISC)

Ward: Banbury Hardwick

Councillors: Cllr Anthony Ilott
Cllr J A Donaldson
Cllr Nicholas Turner

Reason for Referral: Council is applicant

Expiry Date: 31 July 2017

Committee Date: 31 August 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1 The application relates to a small area within the western part of a larger site (approx. 26ha) allocated for development, to which Policy Banbury 5 of the Cherwell Local Plan 2011-2031 applies.
- 1.2 The larger site gently undulates across the two agricultural fields from the Warwick Road to lower points in the south west and north east corners and to higher points to the north between the two fields and to the south east. A significant tree boundary runs along the whole of the north of the application area and to the south of the eastern most field. Trees and hedges also run along the remainder of the field boundaries.
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which falls within the site allocation), agricultural fields to the north which separate the site from Hanwell and agricultural fields to the west, west of Warwick Road.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

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

3. RELEVANT PLANNING HISTORY

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4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. N/A

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.

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CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
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7.3. Other Material Planning Considerations

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9. CONCLUSION

9.1. The submitted details are acceptable.

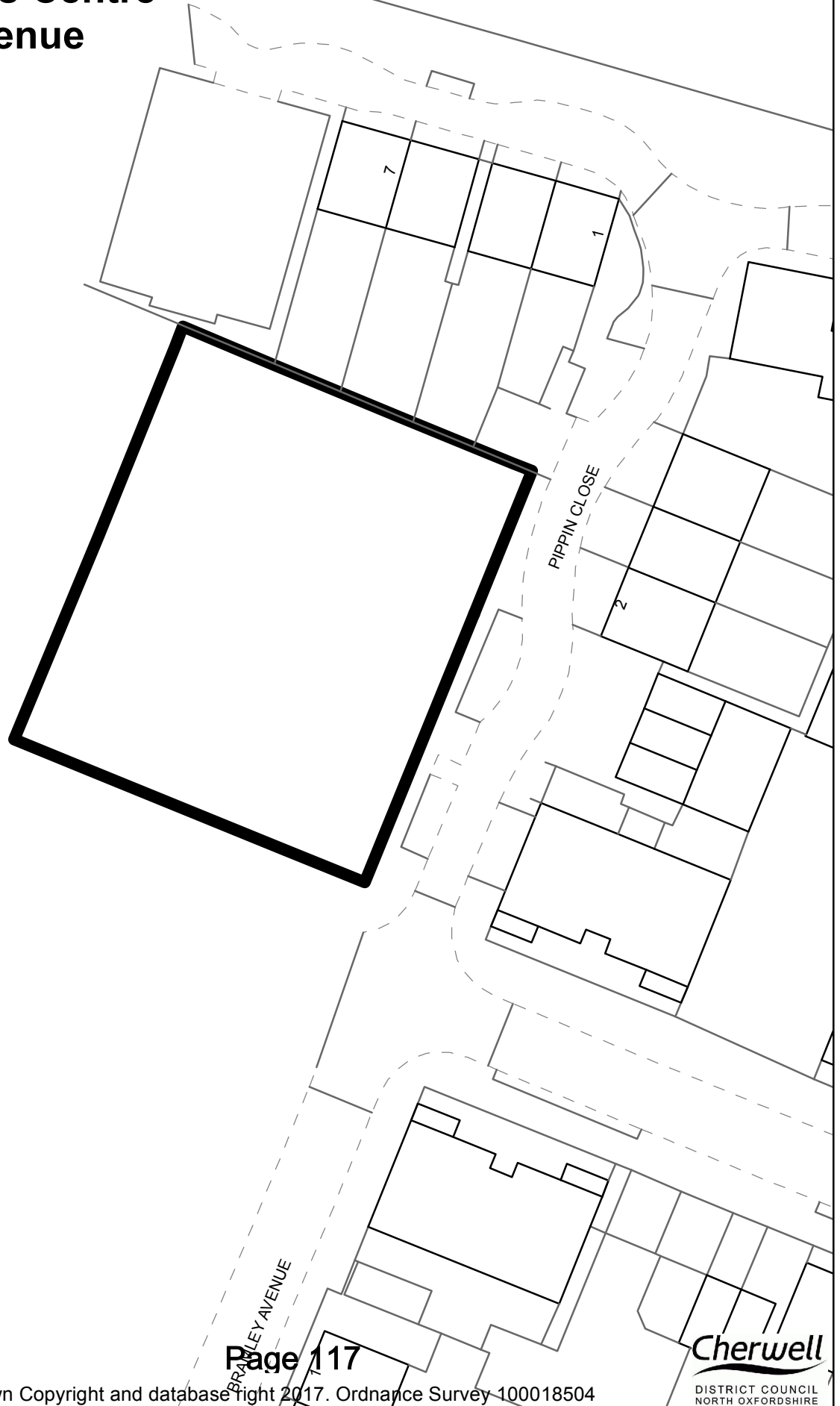
10. RECOMMENDATION

That the said conditions are discharged in accordance with the details latterly submitted.

CASE OFFICER: Bernadette Owens / Nathanael TEL: 01295 221830 / 221886
Stock

17/00380/DISC

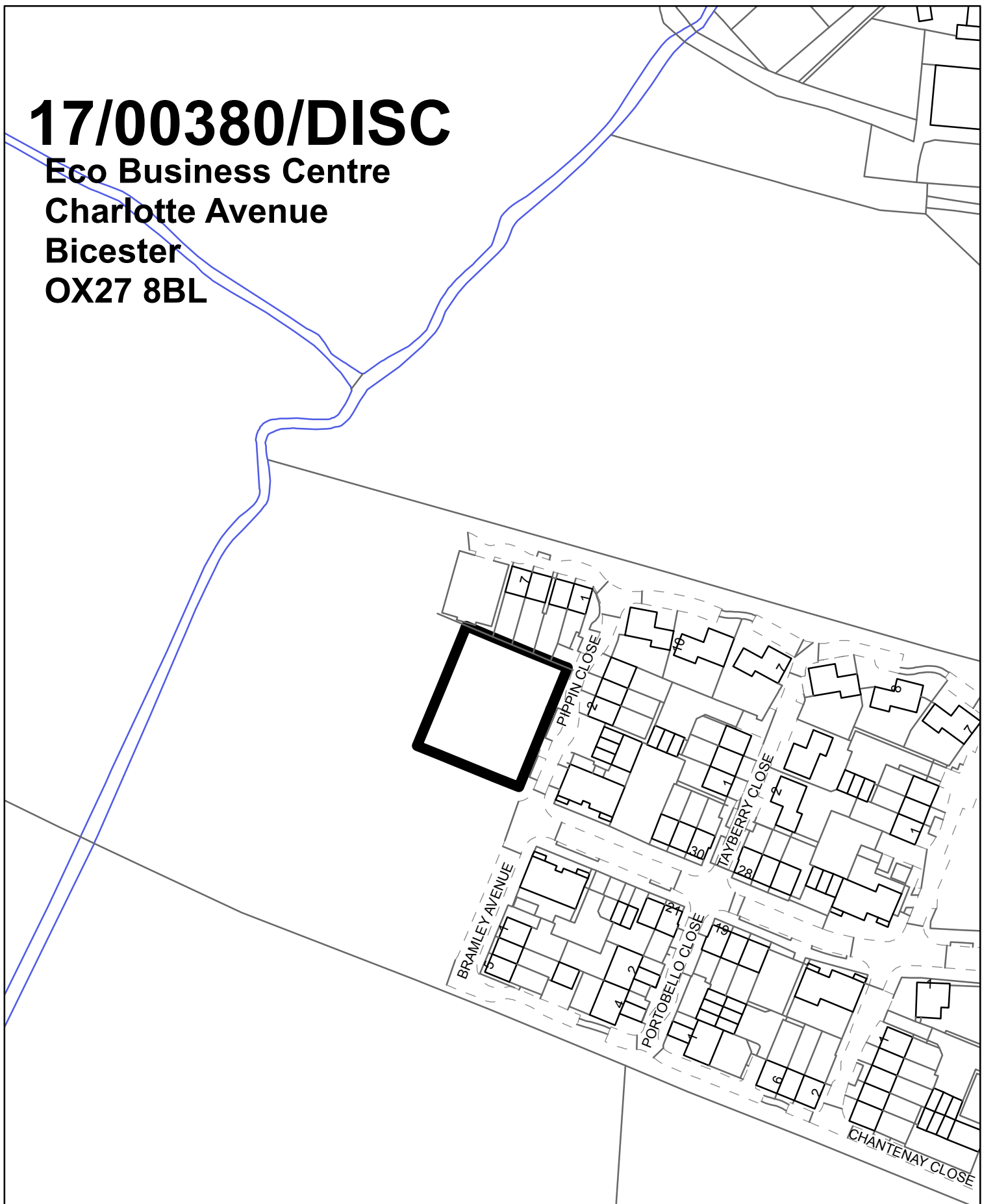
Eco Business Centre
Charlotte Avenue
Bicester
OX27 8BL



1:500

17/00380/DISC

Eco Business Centre
Charlotte Avenue
Bicester
OX27 8BL



1:1,500

Applicant: Cherwell District Council

Proposal: Discharge Conditions 3 (Details of Materials), 7 (Carbon Emissions), 9 (Means of Access), 10 (Parking and Manoeuvring Areas), 11 (Training and Employment Management Plan) and 13 (Site Waste Management Plan) of 17/00573/CDC

Ward: Bicester North and Caversfield

Councillors: Cllr Nicholas Mawer
Cllr Lynn Pratt
Cllr Jason Slaymaker

Reason for Referral: The Applicant is Cherwell District Council

Expiry Date: 21 September 2017 **Committee Date:** 31 August 2017

Recommendation: Delegate Authority to Officers to Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The site of the Eco Business Centre is located within the exemplar site at North West Bicester, known as Elmsbrook and is accessed via Charlotte Avenue, the main street through the development.
- 1.2. The Eco Business Centre was granted planning consent subject to conditions in June 2017 and this application seeks to discharge some of the conditions associated with this consent.

2. CONSULTATION

- 2.1. 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.

NON-STATUTORY CONSULTTEES

- 2.2. Oxfordshire County Council Single Response: No comments received.
- 2.3. Waste and Recycling (CDC): No comments received.
- 2.4. Economic Development (CDC): No objections.

3. DESCRIPTION OF PROPOSAL AND ASSESSMENT

- 3.1. Consent is being sought to discharge Conditions 3 (Details of Materials), 7 (Carbon Emissions), 9 (Means of Access), 10 (Parking and Manoeuvring Areas), 11 (Training and Employment Management Plan) and 13 (Site Waste Management Plan).

- 3.2. Condition 3 relates to the external materials used to construct the Eco Business Centre. The materials proposed include larch shading fins, mid-grey grey (RAL 7004) door and window frames, silver sinusoidal aluminium cladding, ash grey concrete paving blocks, dark grey roof membrane and charcoal grey paving blocks. The details submitted are considered acceptable.
- 3.3. Condition 7 requires a report to be submitted outlining how carbon emissions from the construction process and embodied carbon (based upon the finalised materials schedule) have been minimised. The Applicant has submitted an Embodied Carbon Assessment, Carbon Management Plan, Green Travel Plan and details of an Appointed Environmental Co-ordinator in relation to this condition. The details submitted are considered acceptable.
- 3.4. Condition 9 requires details of the means of access to the Eco Business Centre. A plan has been submitted showing the means of access and confirmation that the means of access will be constructed in accordance with the S38 details agreed by the Local Highways Authority. The details submitted are considered acceptable subject to the receipt of comments from the Local Highways Authority.
- 3.5. Condition 10 requires details of the parking and manoeuvring areas. Plans and drawings have been submitted containing details of surface finishes, surface construction, kerbs, edging and landscaping. The details submitted are considered acceptable subject to the receipt of comments from the Local Highways Authority.
- 3.6. Condition 11 requires the submission of an employment and skills plan. Details of the number of apprentices involved with the construction of the Eco Business Centre have been provided. Based on a project value of £4 million, at least 3 apprentices will be involved with the construction. The draft Planning Obligations SPD provides a indicative number of 3 apprenticeships to be provided per 1,000 sqm of floorspace. The floorspace of the development proposed is 1,147 sqm which means that the number of apprenticeships provided is considered acceptable.
- 3.7. Condition 13 requires the submission of a waste management plan. Estimates of the levels of waste expected from the construction phase of the development have been provided along with details of how this waste will be reduced and recycled. 100% of the waste will be reduced, reused, recycled or recovered. The submitted are considered acceptable subject to the receipt of comments from CDC Waste and Recycling.

4. CONCLUSION

- 4.1. The details submitted in relation to the conditions 3, 7, 9, 10, 11 and 13 of application reference 17/00573/CDC are considered acceptable and are recommended for discharge.

5. RECOMMENDATION

Delegate Authority to Officers to approve the discharge of planning conditions 3, 7, 9, 10, 11 and 13 of application reference 17/00573/CDC

CASE OFFICER: Lewis Bankes-Hughes

TEL: 01295 221884

Cherwell District Council

Planning Committee

31 August 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 **15/01872/F – Co-Op, 26 High Street, Kidlington, OX5 2DH.** Appeal by Cantay Estates Ltd and Midcounties Cooperative Society against the refusal of planning permission for the erection of new buildings off Sterling Road Approach to contain 46 x 2 bedroom flats, conversion of offices above existing retail store to form 8 x 2 bedroom flats, and alterations to existing retail store. Construction of new accesses, car parking, service and turning areas and landscaping.

16/00332/ECOU – Vans For Bands, 42 Woodstock Road East, Begbroke, Kidlington, OX5 1RG. Appeal by Mr Davis and Mr Anderson against the serving of an enforcement notice on land to the rear of No 42 Woodstock Road East for the change of use of the land for outside storage/parking of vehicles for hire, the change of use of the land for use as offices for a vehicular hire business and the erection of a workshop for vehicle repairs/maintenance in connection with a vehicular hire business.

17/00449/F – 1 The Cottage, Blackthron Hill, Blackthorn, OX25 1TJ. Appeal by Mrs Chennells against the refusal of planning permission for a retrospective erection of a replacement conservatory.

17/00532/Q56 – Field Barn, Epwell Grounds Farm, Shutford Road, Epwell. Appeal by Mr Mura against the refusal of prior approval for the conversion of agricultural building into a dwellinghouse.

17/01008/F – The Poolhouse, 57 West End, Launton, OX26 5DG. Appeal by Mr Richard and Mr David Walker against the refusal of planning permission for the change of use of poolhouse to a self-contained dwelling and erection of a new double garage.

17/01095/OUT – Evelyns Farm, Brill Road, Horton Cum Studley, Oxford, OX33 1BZ. Appeal by Paul Harris Homes Ltd against the refusal of outline planning permission for the demolition of outbuildings; erection of single dwelling house with associated access, landscaping and hardstanding

2.2 Forthcoming Public Inquires and Hearings between 31st August 2017 and 28th September 2017.

Public Inquiry commencing Tuesday 12th September 2016 at 10 am Cherwell District Council, White Post Road, Bodicote, OX15 4AA. Appeal by Albion Land Ltd against the refusal of outline planning permission 14/01675/OUT for erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Allowed the appeal by JE and AJ Wilcox against the refusal of planning permission for the erection of 6 No. agricultural buildings for poultry production, together with associated infrastructure of broiler building, ancillary buildings, feed bins, hardstandings, access and drainage attenuation pond. Land North of OS 0006 and South East of College Farm, Pinchgate Lane, Bletchingdon. 16/01706/F (Committee).

This application was refused by Planning Committee contrary to officer recommendation. The application was resisted as it was not considered that sufficient information had been provided in regard to odour and the impact this would have on the amenity of nearby residential properties and users of the Weston on the Green service station. The Inspector noted a detailed odour impact assessment had been submitted which demonstrated that predicted

odour levels would fall below the benchmark set by the Environment Agency (EA) which is set at a level that is unlikely to cause nuisance to residential receptors. It was noted there was no objection raised from the Environment Agency or the Councils Environmental Protection Service.

Furthermore no alternative technical evidence of harm had been provided. Whilst impacts on the service station were predicted to fall marginally outside the EA's benchmark, given that odour events were predicted to be very isolated and visits to the service station would be for short periods, the probability of experiencing an odour episode was considered to be considerably reduced and not justify dismissing the appeal. Furthermore, the Inspector noted the emissions would be tightly controlled by an Environmental Permit issued by the EA and pointed to advice at paragraph 122 of the NPPF which states that the planning system should not seek to control processes or emissions where these are subject to approval under pollution control regimes.

The Inspector therefore concluded the appeal should be allowed. The appellant also applied for an award of costs against the Council's decision. This decision is yet to be issued.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

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

Option 1: To accept the position statement.

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

5.0 Implications

Financial and Resource Implications

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

Comments checked by:

Denise Taylor, Group Accountant, 01295 221982,

Denise.Taylor@cherwellandsouthnorthants.gov.uk

Legal Implications

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

Comments checked by:

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

Risk Management

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

Comments checked by:

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

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

None

Document Information

Appendix No	Title
None	
Background Papers	
None	
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