

**Committee:** Planning Committee

**Date:** Thursday 28 September 2017

**Time:** 4.00 pm

**Venue** Bodicote House, Bodicote, Banbury, OX15 4AA

### **Membership**

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

### **Substitutes**

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

## **AGENDA**

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

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

### **3. Requests to Address the Meeting**

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

### **4. Urgent Business**

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

### **5. Minutes (Pages 1 - 11)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 31 August 2017.

### **6. Chairman's Announcements**

To receive communications from the Chairman.

## **Planning Applications**

7. **Land East Of Larsen Road, Upper Heyford (Pages 14 - 72) 15/01357/F**
8. **Studley Wood Golf Club, The Straight Mile, Horton Cum Studley, Oxford, OX33 1BF (Pages 73 - 92) 16/02218/F**
9. **Church Leys Field, Blackthorn Road, Ambrosden (Pages 93 - 130) 16/02370/F**
10. **OS Parcel 3498 East Of Heatherstone Lodge, Fulwell Road, Finmere (Pages 131 - 162) 17/01328/OUT**
11. **Heyford Park Parcel B2A, Camp Road, Upper Heyford (Pages 163 - 172) 17/01466/F**
12. **The Old Forge, Mixbury, Brackley, NN13 5RR (Pages 173 - 181) 17/01482/F**
13. **Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ (Pages 182 - 188) 17/01487/ADV**
14. **Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ (Pages 189 - 195) 17/01488/F**
15. **St Edburgs Church Of England Voluntary Aided School, Cemetery Road, Bicester, OX26 6BB (Pages 196 - 215) 17/01578/OUT**
16. **Antelope Garage, Swan Close Road, Banbury, OX16 5AQ (Pages 216 - 225) 17/01636/F**

## **Review and Monitoring Reports**

### **17. Appeals Progress Report (Pages 226 - 230)**

Report of Head of Development Management

#### **Summary**

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

#### **Recommendations**

The meeting is recommended:

- 1.1 To accept the position statement.

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

## **Information about this Agenda**

### **Apologies for Absence**

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

### **Declarations of Interest**

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

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

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

### **Evacuation Procedure**

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

### **Access to Meetings**

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

### **Mobile Phones**

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

### **Queries Regarding this Agenda**

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

**Yvonne Rees**  
**Chief Executive**

Published on Wednesday 20 September 2017



## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,  
Bodicote, Banbury, OX15 4AA, on 31 August 2017 at 4.00 pm

- Present: 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 Mike Kerford-Byrnes  
Councillor Alan MacKenzie-Wintle  
Councillor D M Pickford  
Councillor Lynn Pratt  
Councillor G A Reynolds  
Councillor Barry Richards  
Councillor Les Sibley
- Substitute Members: Councillor Maurice Billington (In place of Councillor Nigel Simpson)  
Councillor Barry Wood (In place of Councillor Richard Mould)
- Apologies for absence: Councillor Simon Holland  
Councillor Alastair Milne-Home  
Councillor Richard Mould  
Councillor Nigel Simpson
- Officers: Bob Duxbury, Team Leader (Majors)  
Alex Keen, Team Leader (Minors)  
Ben Arrowsmith, Solicitor  
Aaron Hetherington, Democratic and Elections Officer

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### Declarations of Interest

#### 4. Urgent Business.

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

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

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

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

Councillor Lynn Pratt, Declaration, as a member of Bicester Town Council and a separate declaration as a member of the Executive and would leave the room for the duration of the item.

Councillor Mike Kerford-Byrnes, Declaration, as a member of the Executive and would leave the room for the duration of the item.

**7. Land East Of Larsen Road, Upper Heyford.**

Councillor James Macnamara, Declaration, as a member of Lower Heyford Parish Council and the Mid-Cherwell Neighbourhood Plan

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

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

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

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the room for the duration of the item.

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

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

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

Councillor Mike Kerford-Byrnes, Declaration, as a member of the Executive and would leave the room for the duration of the item.

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

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

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

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

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the room for the duration of the item.

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

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

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

Councillor Mike Kerford-Byrnes, Declaration, as a member of the Executive and would leave the room for the duration of the item.

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

**13. Eco Business Centre, Charlotte Avenue, Bicester, OX27 8BL.**

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

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

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

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

Councillor Lynn Pratt, Declaration, as a member of Bicester Town Council and a separate declaration as a member of the Executive and would leave the room for the duration of the item.

Councillor Mike Kerford-Byrnes, Declaration, as a member of the Executive and would leave the room for the duration of the item.

**Requests to Address the Meeting**

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

74 **Minutes**

The Minutes of the meeting held on 3 August 2017 were agreed as a correct record and signed by the Chairman.

75 **Chairman's Announcements**

The Chairman made the following announcements:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
2. Arrangements were being made to provide members with a briefing from the Dorchester group concerning a masterplan outline planning application that they would be submitting for Heyford Park. It was likely this would be held at 3pm, 28 September 2017 before the next committee.
3. At the Chairman's request, a confidential briefing paper had been produced concerning the Albion Land appeal in North West Bicester, this will be circulated to Members after the meeting.
4. The Chairman advised a change of order to the agenda, items 4, 11, 12 and 13 would be taken as the first four items of business with all other items in the order on the published agenda.

76 **Land East Of Larsen Road, Upper Heyford**

The Committee considered application 15/01357/F for the erection of 79 dwellings, creation of new access from Camp Road, creation of new open space, hard and soft landscaping and ancillary works at Land East Of Larsen Road Upper Heyford for Pye Homes Ltd.

In introducing the report, the Development Control Team Leader referred Members to the written update and that the officer recommendation had changed from Approval to Deferral to allow further consideration to the County Council's highways and drainage objections and to reassess the heads of terms on the proposed contributions required by the development to mitigate the adverse impact of the development and to comply with the requirements of Policy Villages 5

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

**Resolved**

That consideration of application 15/01357/F be deferred to allow further consideration to the County Council's highways and drainage objections and to reassess the heads of terms on the proposed contributions required by the

development to mitigate the adverse impact of the development and to comply with the requirements of Policy Villages 5.

77 **Urgent Business**

The Chairman advised the Committee that he had agreed to add one item of urgent business to the agenda, relating to planning application 17/00361/DISC. The matter had arisen after agenda publication and a decision was required before the next scheduled meeting of the Committee.

The committee considered application 17/00361/DISC for discharge of condition 9 (covered cycle parking facilities) of 15/01615/F at Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ for Cherwell District Council.

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

**Resolved**

That application 17/00361/DISC be approved for the discharge of condition 9 relating to the cycle parking provision as shown on drawing number SK18 Rev P received 2 August 2017.

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

The Committee considered application 17/00284/DISC for the 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) at OS Parcels 4083 and 6882 adjoining and north Of Broken Furrow, Warwick Road, Banbury for Cherwell District Council.

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

**Resolved**

That 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 Conditions 13 (update to the mitigation strategy for badgers), 15 (biodiversity enhancements) and 16 (external light scheme) of 16/01484/CDC (17/00286/DISC) be discharged in accordance with the details latterly submitted.

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

The Committee considered application 17/00286 DISC for the 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) at OS Parcels 4083 and 6882 adjoining and north of Broken Furrow, Warwick Road, Banbury for Cherwell District Council.

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

**Resolved**

That 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 Conditions 13 (update to the mitigation strategy for badgers), 15 (biodiversity enhancements) and 16 (external light scheme) of 16/01484/CDC (17/00286/DISC) be discharged in accordance with the details latterly submitted.

80      **Eco Business Centre, Charlotte Avenue, Bicester, OX27 8BL**

The Committee considered application 17/00380/DISC for the 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 at Eco Business Centre, Charlotte Avenue, Bicester, OX27 8BL for Cherwell District Council.

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

**Resolved**

That application 17/00380/DISC be approved and authority be delegated to officers to approve the discharge of planning conditions 3, 7, 9, 10, 11 and 13 of application reference 17/00573/CDC.

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

The Committee considered application 17/00920/F to replace redundant stables and hay barn with a single storey 1 bed cottage (a re-submission of application 16/00954/F) at land to the rear of Ladygrass, Church Lane, Weston on the Green for Mr and Mrs Frank Butt.

Mr Frank Butt, the applicant, addressed the Committee in support of the application.

Councillor Richards proposed that application 17/00920/F be refused as per the officer's recommendation. Councillor Clarke seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Kerford-Byrnes proposed that application 17/00920/F be approved. Councillor Corkin seconded the proposal.

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

### **Resolved**

That application 17/00920/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: Drawing No 6207-01, Alternative Access Arrangements Plan and Tree Survey Plan.
3. Prior to the commencement of the building hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural limestone, 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, samples of the slate/tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
5. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
6. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

The Committee considered application 17/01094/F for the erection of a single building containing 14 No. B1(c)/ B8 units, together with parking and associated works for Glenmore Commercial Estates Ltd at Site Bb adjoining and east of F G Alden, Langford Locks, Kidlington for Glenmore Commercial Estates Ltd.

Max Plotnek, the agent, addressed the Committee in support of the application.

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

**Resolved**

That application 17/01094/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: 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.
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.
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.
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.
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.

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.
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
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.
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.
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.

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
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.

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

The Committee considered application 17/01460/F for the erection of a replacement building to provide garaging and staff accommodation at first floor at Berryfield Farm, Hook Norton, Chipping Norton, OX7 5SD for Lord and Lady Hay.

Peter Frampton, the agent, addressed the Committee in support to the application.

Councillor Kerford-Byrnes proposed that application 17/01460/F be approved, subject to appropriate conditions with the exact wording delegated to officers. Councillor Macnamara seconded the proposal.

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

### **Resolved**

That application 17/01460/F be approved, subject to the following conditions:

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

2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: 15-099 01B; 15-099 02A; and 15-099 10C.
3. The living accommodation hereby approved shall be occupied only by a person solely or mainly employed in the equestrian and agricultural activities undertaken on the land at Berryfield Farm or in the locality.
4. The garage hereby approved shall be kept free of obstructions at all times and used only for the specified purpose and shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

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### **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 5.36 pm

Chairman:

Date:

# Agenda Annex

## CHERWELL DISTRICT COUNCIL

### PLANNING COMMITTEE

28 September 2017

#### PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

#### **Human Rights Implications**

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

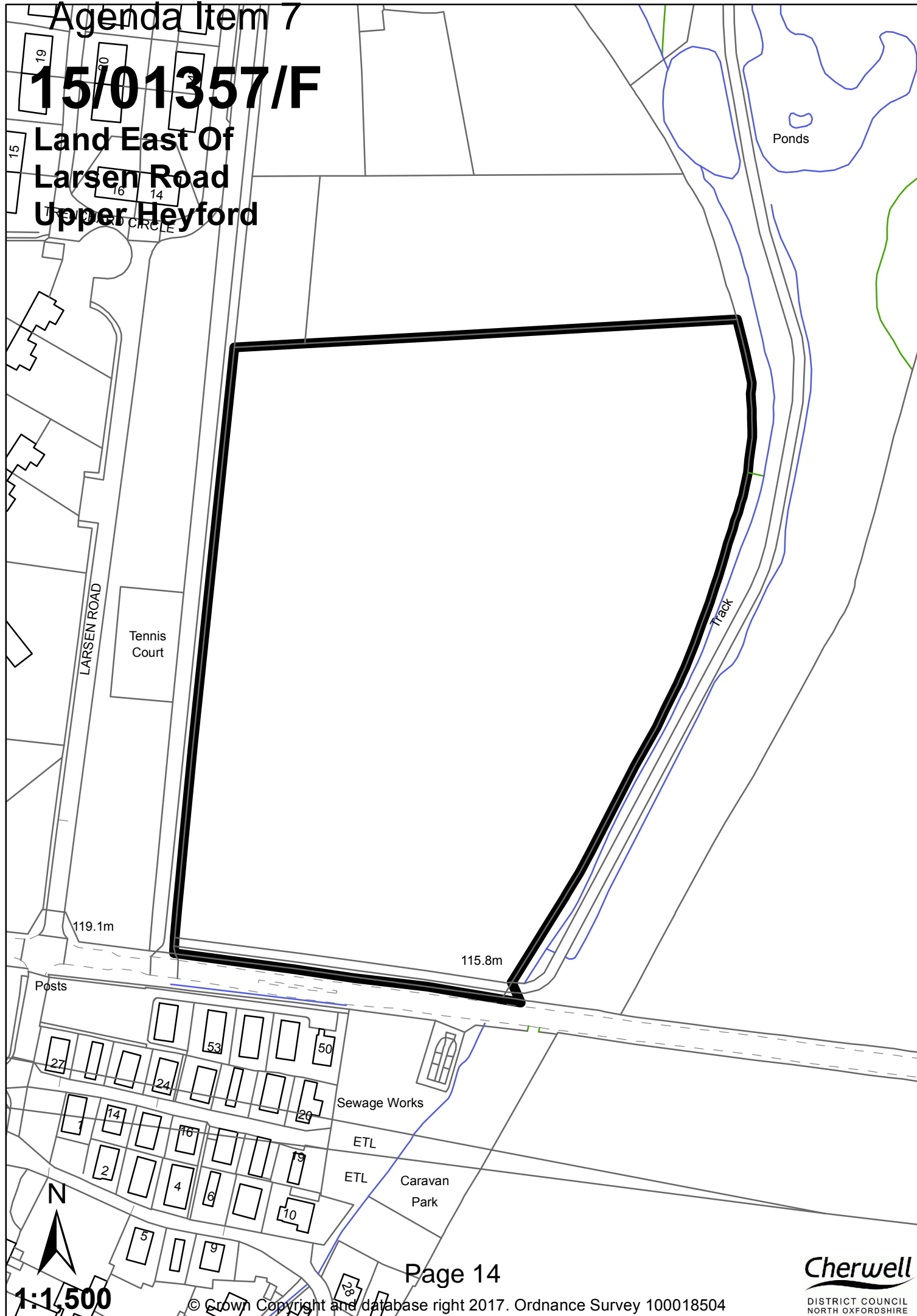
#### **Background Papers**

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

	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
7	Land East Of Larsen Road Upper Heyford	15/01357/F	Fringford And Heyfords	Approval	Andrew Lewis
8	Studley Wood Golf Club The Straight Mile Horton Cum Studley Oxford OX33 1BF	16/02218/F	Launton And Otmoor	Refusal	Caroline Ford
9	Church Leys Field Blackthorn Road Ambrosden	16/02370/F	Launton And Otmoor	Approval	Matthew Parry
10	OS Parcel 3498 East Of Heatherstone Lodge Fulwell Road Finmere	17/01328/OUT	Fringford And Heyfords	Refusal	James Kirkham
11	Heyford Park Parcel B2A Camp Road Upper Heyford	17/01466/F	Fringford and Heyfords	Approval	Lewis Bankes- Hughes
12	The Old Forge Mixbury Brackley NN13 5RR	17/01482/F	Fringford and Heyfords	Refusal	Michael Sackey
13	Whitelands Farm Sports Ground Whitelands Way Bicester OX26 1AJ	17/01487/ADV	Bicester South And Ambrosden	Approval	Richard Sakyi
14	Whitelands Farm Sports Ground Whitelands Way Bicester OX26 1AJ	17/01488/F	Bicester South And Ambrosden	Approval	Linda Griffiths
15	St Edburys Church Of England Voluntary Aided School Cemetery Road Bicester OX26 6BB	17/01578/OUT	Bicester South And Ambrosden	Refusal	Linda Griffiths
16	Antelope Garage Swan Close Road Banbury, OX16 5AQ	17/01636/F	Banbury Grimsbury And Hightown	Approval	Matthew Coyne

15/01357/F

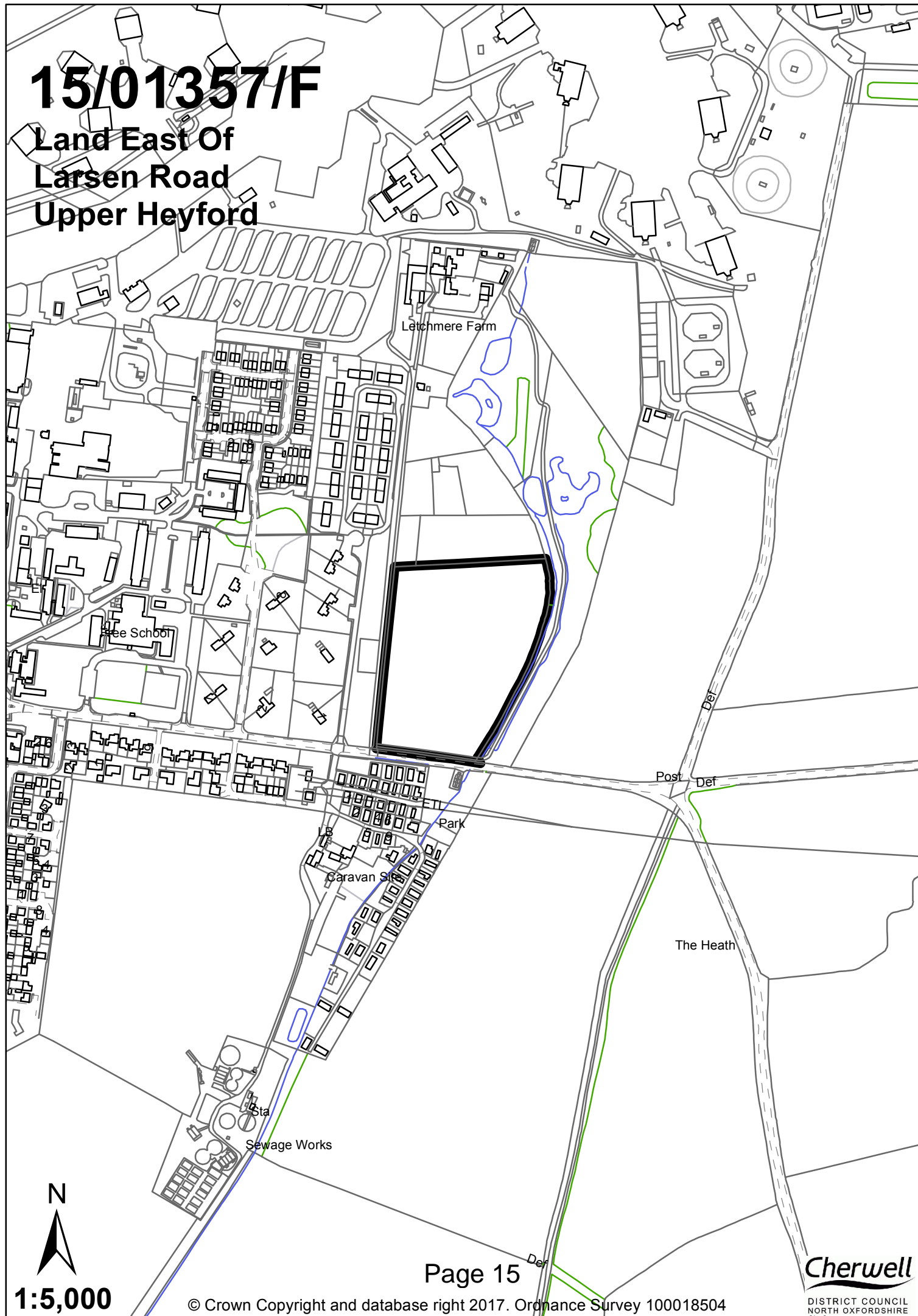
Land East Of  
Larsen Road  
Upper Heyford



1:1,500

15/01357/F

Land East Of  
Larsen Road  
Upper Heyford



**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:** 28<sup>th</sup> September 2017

**Recommendation:** Approve subject to legal agreement

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## **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	29.1
Winnersh	W	4	5	6.3
Dashwood	D	4	6	7.6
Beechwood	B	3	23	29.1
Richmond	R	3	9	11.4
Tetbury	T	3	1	1.3
Kennington	Ke	1	10	12.7
S* Type Bungalow	S	3	2	2.5
<b>Total</b>			<b>79</b>	<b>100</b>

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:

Letchmere Green, Upper Heyford						
	1BED	2BED	3BED	4BED	Total	Total %
Market	2	13	26	10	51	64.6
Affordable	8	10	9	1	28	35.4
<b>Total</b>	<b>10</b>	<b>23</b>	<b>35</b>	<b>11</b>	<b>79</b>	<b>100</b>

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

2.7. West Waddy ADP on behalf of the applicant wrote before last Committee to all members summarising the case for permission being granted. A copy has been posted on the application web page.

2.8. They subsequently also requested the application be deferred by Planning Committee on 31<sup>st</sup> August 2017 following further analysis of the County Council's comments on highways and drainage matters in order they can do further work to overcome their objections and to reassess the heads of terms on the proposed contributions required by the development to mitigate the adverse impact of the development and to comply with the requirements of Policy Villages 5 before the application is considered by Committee. It was on that basis that the application was deferred

2.9. Deferred to allow further consideration to the County Council's highways and drainage objections

### **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 Heyford 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 Stony. 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 Stony). (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:

- o its impact on the local area and in particular its traffic, ecological and environmental impacts.
- o 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 build 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.

A further objection from a resident of Heyford Leys was received before last Committee on highways and traffic grounds and asking for consideration to a ring road around the airfield and to a crash barrier on Camp Road

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 Directive<sup>1</sup>.

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 to 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 routeing 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 undertaken 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.

The HPRA wrote again before Committee in August to reiterate their objection to a scheme being approved in advance of an anticipated masterplan application from Dorchester Group, to greenfield land being developed in advance of brownfield and more houses before the village centre is developed

#### 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 20<sup>th</sup> 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. The 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



dwelling 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 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:

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

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

2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents: Application forms , Planning Statement and Addendum, Heritage Statement, Landscape and Visual Impact Assessment and Addendum, geophysical Survey, Transport assessment, Design and Access Statement and Addendum, Ecology Report and Flooding Risk and Foul Drainage Assessment, and drawings numbered:

Proposed Site Plan A1 1:500 P01-F

Winnersh House Type - Plans, Roof Plan and Section A3 1:100 P100

Winnersh House Type - Elevations A3 1:100 P101

Dashwood House Type - Plans, Roof Plan and Section A3 1:100 P102

Dashwood House Type - Elevations A3 1:100 P103

H House Type - Plans A3 1:100 P104

H House Type - Elevations A3 1:100 P105

H House Type - Roof Plan and Section A3 1:100 P106

S Bungalow - Plans, Roof Plan and Section A3 1:100 P107

S Bungalow - Elevations A3 1:100 P108

Tetbury House Type - Plans, Roof Plan and Section A3 1:100 P109

Tetbury House Type - Elevations A3 1:100 P110

BKKB House Type - Plans A3 1:100 P119 A

BKKB House Type - Elevations A3 1:100 P120 A



BKKB House Type - Roof Plan & Section A3 1:100 P121 A  
 KeKeKKB House Type - Floor Plans A3 1:100 P122 A  
 KeKeKKB House Type - Elevations A3 1:100 P123 A  
 KeKeKKB House Type - Roof Plan & Section A3 1:100 P124 A  
 KeKeKKR House Type - Floor Plans A3 1:100 P125 A  
 KeKeKKR House Type - Elevations A3 1:100 P126 A  
 KeKeKKR House Type - Roof Plan & Section A3 1:100 P127A  
 BB House Type - Plans, Roof Plan and Section A3 1:100 P131  
 BB House Type - Elevations A3 1:100 P132  
 BR House Type - Floor Plans A3 1:100 P133 A  
 BR House Type - Elevations A3 1:100 P134 A  
 BR House Type - Roof Plan & Section A3 1:100 P135 A  
 BKK House Type - Floor Plans A3 1:100 P136  
 BKK House Type - Elevations A3 1:100 P137  
 BKK House Type - Roof Plan & Section A3 1:100 P138  
 KR House Type - Floor Plans A3 1:100 P139  
 KR House Type - Elevations A3 1:100 P140  
 KR House Type - Roof Plan & Section A3 1:100 P141  
 KB House Type - Floor Plans A3 1:100 P142  
 KB House Type - Elevations A3 1:100 P143  
 KB House Type - Roof Plan & Section A3 1:100 P144  
 KeKeKK House Type - Floor Plans A3 1:100 P145  
 KeKeKK House Type - Elevations A3 1:100 P146  
 KeKeKK House Type - Roof Plan & Section A3 1:100 P147  
 KKK House Type - Floor Plans A3 1:100 P148 -  
 KKK House Type - Elevations A3 1:100 P149 -  
 KKK House Type - Roof Plan & Section A3 1:100 P150 -  
 Plot 38 1:100 P151  
 Plot 38 Elevations 1:100 P152  
 BBR House type Plans 1:100 P153  
 BBR House type elevations 1:100 P154

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

- 3 The development permitted shall not be begun until details of the following additional matters have been submitted to, and approved in writing by, the Local Planning Authority:

- o The siting, layout and design of the proposed treatment plant
- o A proposed scheme of access for pedestrians and cyclists to Larsen Road

Reason - For the avoidance of doubt, to enable the Local Planning Authority to give further consideration to these matters, to ensure that the development is carried out only as approved by the Local Planning Authority and to achieve a comprehensive integrated form of development in compliance with Policy Villages 5 of the adopted Cherwell Local Plan and to comply with Government guidance contained within the National Planning Policy Framework.

- 4 Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved together with samples of all bricks, render, paviors and slates shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed development

and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

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

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

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

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

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

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

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

- 8 Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details

and retained at all times as open space/play space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9 That full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the dwelling.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan.

- 10 Prior to the commencement of 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.

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

- 11 Prior to the commencement of the development hereby approved, full specification details of the roads, footpaths and cyclepaths including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the first house the development shall be constructed in accordance with the approved details.

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

- 12 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, 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 dwellings, the access, driveways and turning areas shall be constructed in accordance with the approved details.

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

- 13 Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

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

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

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

- 15 Prior to the commencement of the development hereby approved, full details of the main access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the main access the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 1m above carriageway level.

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

- 16 Prior to first occupation of any dwelling, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. The first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

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

- 17 Prior to commencement of the development the Applicant shall submit to the Local Planning Authority a SUDS Maintenance and Management Plan for the development. This will include:

- o A maintenance schedule, A site plan showing location of SUDS features and details, Maintenance areas, and Outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan and a health and safety plan where risks are involved in the maintenance activity will be required.

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.

- 18 Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

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

Framework.

- 19 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.

To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

- 21 If a potential risk from contamination is identified as a result of the work carried out under condition 20, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

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

- 22 If contamination is found by undertaking the work carried out under condition 21, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local

Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

- 23 If remedial works have been identified in condition 22, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 22. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 25 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.

#### **PLANNING NOTES**

- 1 In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and

proactive way as set out in the application report. Since submission the details have been revised several times as part of a positive engagement between applicant and Local Planning Authority. Layouts have been modified to reflect character, comply with the design code and to create space for more trees and to create an opportunity for more street planting on the main tertiary road. The layout and design closely follows the Design Codes and advice has been given on the plans and house types following formal written pre application advice. On the back of these comments the design has evolved and a number of changes have been made.

- 2 Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
- 3 The Advance Payments Code (APC), Sections 219 -225 of the Highways Act, is in force in the county to ensure financial security from the developer to off-set the frontage owners' liability for private street works, typically in the form of a cash deposit or bond. Should a developer wish for a street or estate to remain private then to secure exemption from the APC procedure a 'Private Road Agreement' must be entered into with the County Council to protect the interests of prospective frontage owners. Alternatively the developer may wish to consider adoption of the estate road under Section 38 of the Highways Act.  
  
Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for any highway works under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk
- 4 Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems
- 5 Thames Water recommend the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.
- 7 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
- 8 The applicant's and/or the developer's attention is drawn to the requirements of

the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.

- 9 The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Department of Leisure and Arts, Oxfordshire County Council, Central Library, Westgate, Oxford, OX1 1DJ (Telephone 01865 815749).

CASE OFFICER: Andrew Lewis

TEL: 01295 221813



**16/02218/F**

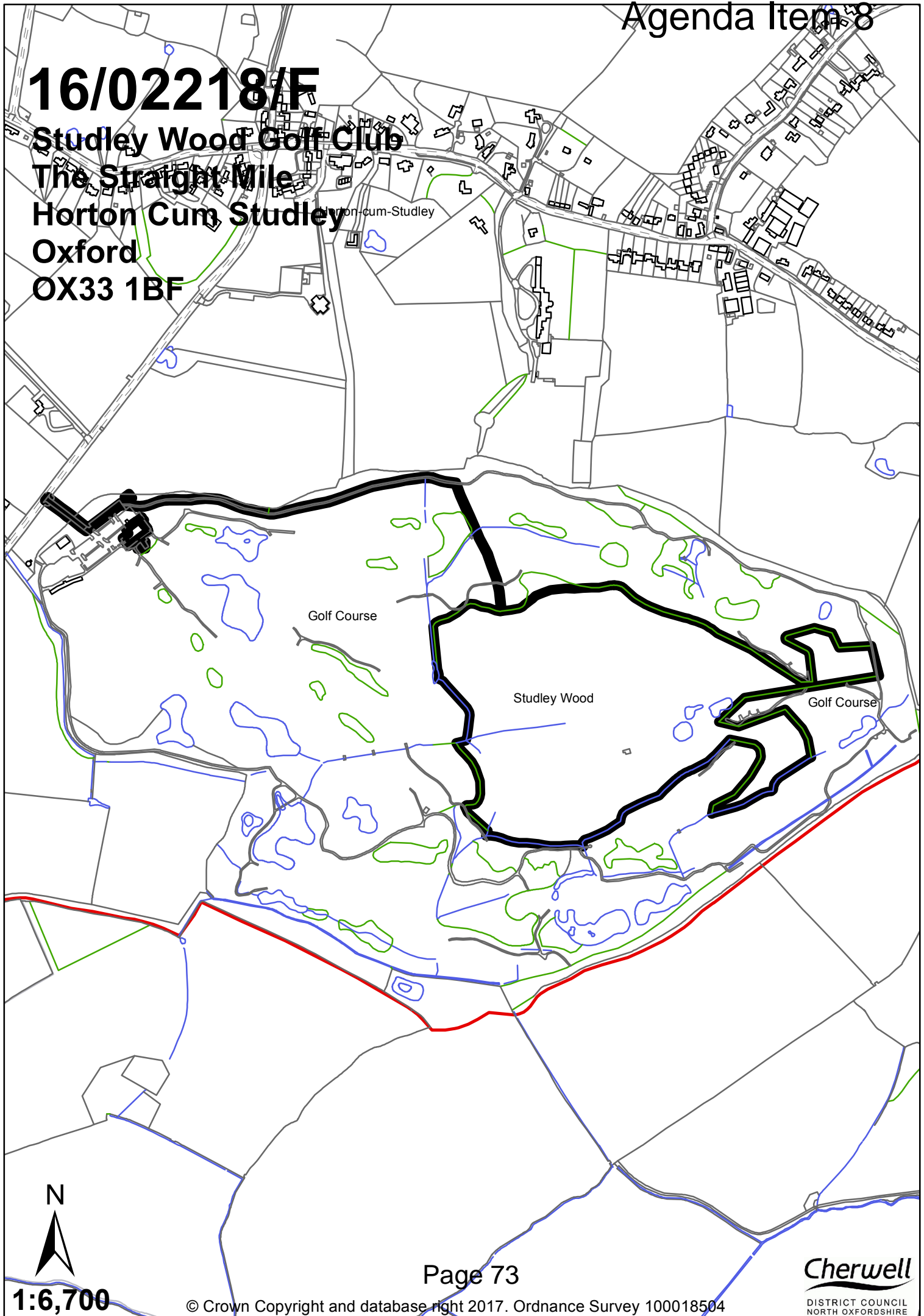
**Studley Wood Golf Club**

**The Straight Mile**

**Horton Cum Studley**

**Oxford**

**OX33 1BF**



Golf Course

Studley Wood

Golf Course

**16/02218/F**

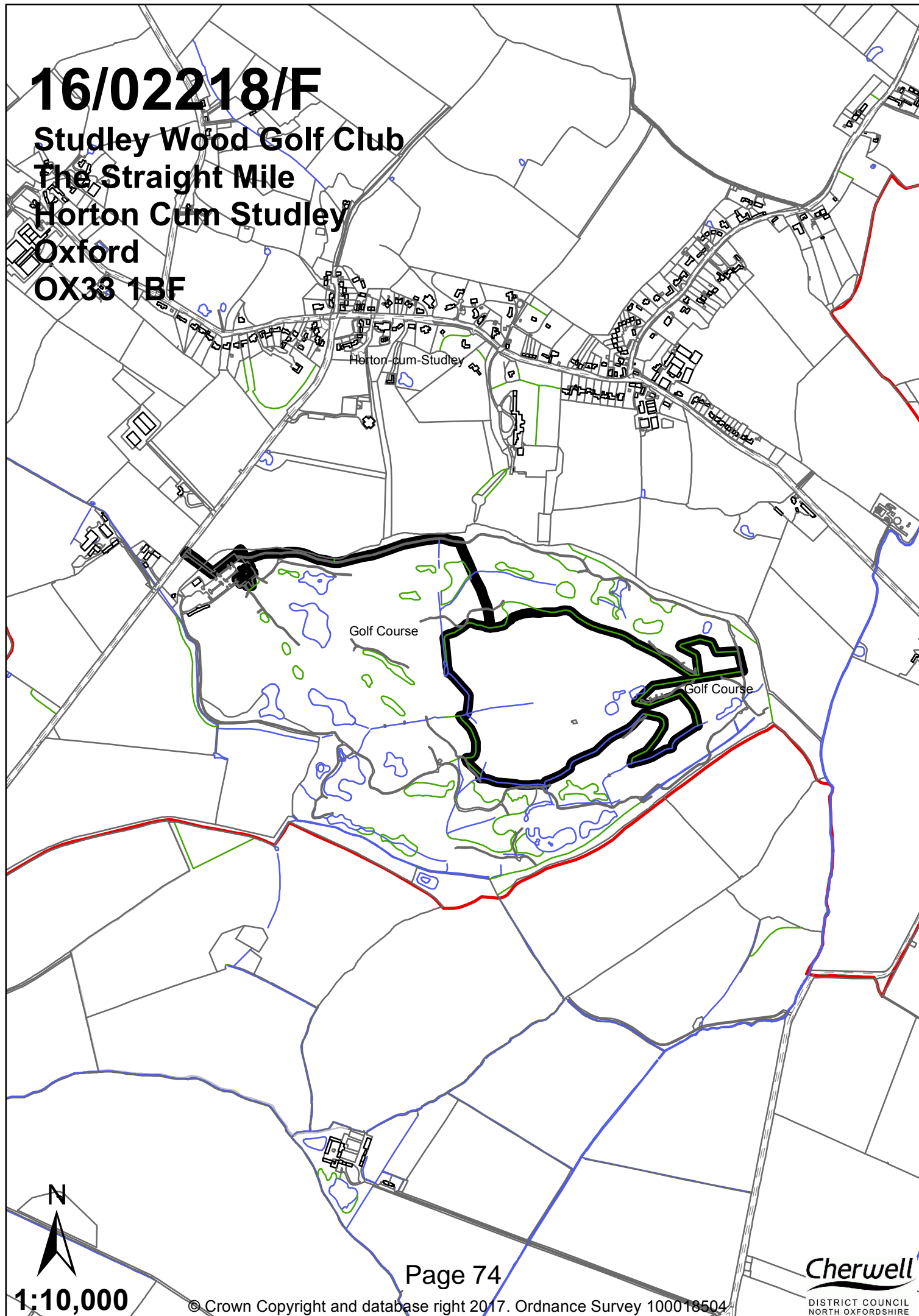
**Studley Wood Golf Club**

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Horton-cum-Studley

Golf Course

Golf Course

**Case Officer:** Caroline Ford                      **Ward(s):** Launton And Otmoor

**Applicant:** Studley Wood Golf Club

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

**Proposal:** Change of use of part of golf course (woodland) to natural burial ground and associated buildings including ceremonial building and administration building and proposed pro shop and office and conversion of existing function room to staff flat at golf club - Re-submission of 15/01539/F

**Committee Date:** 28.09.2017                      **Recommendation:** Refusal

**Committee Referral:** Major Planning Application (site area is over 1ha)

## 1. Application Site and Locality

- 1.1 Studley Wood Golf Club is situated to the south of Horton Cum Studley with access taken from The Straight Mile. The golf course extends to the east of The Straight Mile and is mostly formally laid out for that purpose albeit wrapping around a large area of woodland positioned in the middle of the course. The woodland itself extends to approximately 14ha. The clubhouse and associated car parking are positioned to the west of the golf course site, close to The Straight Mile. The development site relates predominately to the area of woodland, with an access leading to it and to three small areas, including and close to the clubhouse.
- 1.2 The site has a number of recorded site constraints. The land is situated wholly within the Oxford Green Belt and the land is ecologically sensitive; the woodland is classified as Ancient Woodland (ancient and semi natural woodland according to the Natural England MAGIC website), which is a UK Biodiversity Action Plan habitat (as part of Lowland Mixed Deciduous Woodland), it is a District Wildlife Site and it is within the larger Bernwood Conservation Target Area. A number of notable and protected species have been recorded on or close to the site, there are a number of other areas classified as Ancient Woodland within the vicinity and there are a number of SSSI sites all within 2km of the site. The site is also recorded as having archaeological potential.

## 2. Description of Proposed Development

- 2.1 This application seeks planning permission to change the use of the woodland part of the golf club to a natural burial ground. The proposal also seeks permission for two buildings directly

associated with the natural burial ground proposal – a ceremonial building to be positioned within the woodland (measuring 27.2m in length, 9.4m in width at its widest point and 5.35m in height) and an administration building to be positioned just to the north of the clubhouse (measuring 10.2m in length (including the veranda), 6.5m in width and 3.8m in height). The proposal also seeks permission for a further building, to be positioned just to the south of the clubhouse to be used as a reception/ office and pro shop for the golf course uses (this building is a cross shape and would measure 19m in length, 15.5m in width and 4.3m in height). The three buildings would be similar in design, each being single storey, but with the pitched roof extending almost to the ground and constructed from a timber frame and cladding, glazed oak framework and a natural slate roof. The proposal also seeks to make alterations to the clubhouse itself, to alter the ground floor to create a function room and convert the existing function room at first floor to a staff flat.

- 2.2 Upon assessment of the application and taking into account consultation responses, Officers wrote to the applicant identifying concerns with the proposal including its compliance with Planning Policy. Following a meeting with consultees, Officers agreed to accept additional information to support the planning application. The re-submission was received at the end of June 2017 and a re-consultation process undertaken. The assessment takes into account all submitted information. In addition and during the application process, the Case Officer and Landscape Officer have visited a woodland burial site run by the proposed operator of this burial ground (Green Acres) – their Chiltern Burial site close to Beaconsfield in Buckinghamshire. Green Acres runs a number of natural woodland burial sites and the submitted Management Plan sets out their philosophy and how their sites are run.

### **3. Relevant Planning History**

- 3.1 There is recorded planning history relating to the golf club uses on the site and the application follows a similar application made in 2015, which was subsequently withdrawn (15/01539/F).

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

- 4.1 The application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper.
- 4.2 The only third party response received was from The Woodland Trust and their comments are summarised as follows:
- Strong objection on account of the damage and loss to Studley Wood, an area of ancient semi natural woodland.
  - The history of Studley Wood is set out in the submitted report 'Landscape Ecology of Studley Wood' (2012), which details the remarkable continuity of the use of the site as woodland and confirms the remaining wooded section as a valuable part of the historic landscape. The site also still has significant ecological value.
  - The usage of the wood is currently extremely light and non-invasive. The proposed change of use will greatly increase the levels of human activity and interference within the woodland area which will be harmful to the natural habitat.

- If the proposal is to secure the long term future of the golf club financially, then this would indicate high levels of use. The level of impact will depend upon the success of the business but the business case suggests that usage will be substantial.
- The use of the ceremonial building and the wood itself for funerals and others will lead to further levels of human impact and the size of the building indicates the number of people in the area would be substantial compared to the present.
- The increased intensity of activity within the ancient woodland will affect the rare, delicate ecosystems and vulnerable ecology it houses.
- At Studley Wood, the individual trees are, arguably of lesser importance than the woodland as a whole. What is irreplaceable is the existence of an area which has supported continuous woodland cover for such an extended time period, and the resulting ecology that comes from this continuity. One of the key values of ancient woodland is their unique soils.
- The proposals will inevitably lead to direct local damage both to tree roots and the soil structure which, given the predicted number of burials could lead to significant levels. Whilst no actual trees are planned to be lost, the excavations in close proximity to many of the trees within the wood would be highly detrimental in the long term.
- The proposed building would also cause substantial disturbance to the area of woodland and would have a detrimental impact on the surroundings. Its presence would cause direct loss of ground and soil compaction within the wood and generate far higher levels of disturbance (e.g. light and noise). The network of surfaced access routes would also result in loss of area and change of habitat.
- Ancient woodland is not an acceptable location for intrusive and damaging development. There are opportunities for sensitive management to protect and enhance its value, but these should be sought through other opportunities.

## 5. Response to Consultation

### Horton Cum Studley Parish Council:

#### 5.1 Objections/ observations and make the following points:

- All development within the Green Belt is harmful to it and the village is a category C village.
- The operational interaction between golfers and funeral parties is unclear and there is concern as to the effect on golfers and villagers.
- The extension to the golf club is disproportionate to the existing building. The extension is partly for residential purposes that has no connection with the sport of golf.
- Distance of the new building from the woodland for which the change of use has been proposed.
- Increased traffic to the woodland and incompatibility with the sport of golf. Increased traffic on the Straight Mile.
- Ancient woodlands should be preserved and are irreplaceable. The effect of burial digging is not yet fully known.

#### 5.2 Second response from Horton Cum Studley Parish Council:

- The proposed development by virtue of its positioning, size and scale is inappropriate development within the Oxford Green Belt.
- The proposed development by reason of its siting and scale would cause unacceptable harm to the rural character of the area.

5.3 Aylesbury Vale District Council  
No objection or comments

Cherwell District Council:

5.4 **Ecology:**

- The site is designated ancient woodland. This is a habitat of high ecological value as it cannot be recreated and is irreplaceable. Whilst it may not be the best example of ancient woodland, it is on the ancient woodland inventory and should receive protection.
- The site falls within a complex of four ancient woodlands within a few KMs of each other including the SSSI Shabbington Woods, which increases its value as opposed to an area of isolated wood. It is within the Bernwood Conservation Target Area as being an area of high opportunity for biodiversity enhancement.
- The proposal is considered to conflict with policy ESD10, where development will not be permitted on these sites unless the benefit outweighs the harm and there is no proof that it does here. It does not appear that alternative sites have been considered and the full impact of the proposals is not clearly understood.
- The layout does not show where the proposed tracks through the site will be. It is stated that the informal paths will be allowed to revert after burial but surely the paths will need to be retained in some form to accommodate visitors to graves? The level of proposed footfall is unclear.
- The plans state that 5 graves will be placed around trees before being left for five years to allow restoration in deficiency of the trees root system. This suggests impact on those individual trees that would be buried around.
- The proposed woodland management plan does contain aspects that would be beneficial to the woodland in the long term, which is currently unmanaged to its detriment. However, it is stated that the management objectives may change as the site develops commercially and that damaged habitats will be offset with compensatory replacement like for like. This may not be possible however as ancient woodland and veteran trees cannot be recreated.
- There are also plans to close some areas, but these are not indicated. It is stated that excess subsoil will be placed in mounds, which will change the soil composition in those areas.
- The Great Crested Newt Survey makes recommendations for avoiding harm and these are considered acceptable.
- The nature of the proposal will change the ecological integrity of the site. There may be some positives as a result of management, these would be difficult to monitor and the proposals would entail significant and increasing disruption to the woodland into the future.
- Unsupportive of the plans as there are too many unknowns as to the impacts and the future of the site. The submitted survey stresses that owing to the sites status, intrusive works are not recommended.

Second response (received following a site visit)

- The site is Ancient Semi-Natural Woodland and from our site visit, the woodland is within moderately good condition. However a high population of deer are present in the woodland which are a considerable problem due to browsing pressures, which has appeared to limit the regeneration of trees and shrub understorey within the woodland which is lacking. The ground flora contains abundant bramble, which although does help with protection of saplings from deer browsing, it also limits the light reaching the woodland floor and would require management to improve the diversity of the ground flora of the woodland. Although we only made a walkover of the woodland and did not

see all areas, the species assemblage of the woodland as described in the management plan does appear to be accurate.

- The management proposed within the management objectives of the management plan includes measures to increase biodiversity of the woodland, including selective thinning out of trees, creation of glades and rides, coppicing, retention of deadwood trees and deer management including culling and fencing which are welcomed.
- However the overall impact on ancient woodland by the increase in disturbance from increased footfall and digging within the root protection zones of mature trees is expected to outweigh the benefits of the management proposed. Concerns are raised regarding future continued impact and management of the site and the numbers and frequency of visitors expected within the site is not clear.
- Ancient woodland is a habitat which is impossible to re-create due to the prolonged evolution of the site's ecosystem. Local Plan Policy ESD10 states that "Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity". We do not consider that the benefits set out within the proposals will outweigh the harm to an ancient woodland through the proposed impacts resulting from the burial use.
- Additionally, bat surveys of trees to be impacted, including those proposed to be felled along the access route, will be required.
- As such in line with the NPPF and local plan policy ESD10, due to the adverse impact on the woodland we would not be able to support the proposals.

#### Third response

- We stand by our previous recommendation for refusal of the application due to the adverse impact on the ancient woodland. The details of the impacts on the existing trees is a technical matter which the tree officer is best to provide advice on. However we do not see how all plots will be located outside of the RPA's of the trees and how this would be feasible in practice as we would expect very little ground to be available for burials. We consider that the digging and stockpiling of soils, building and pathways and the increase in disturbance through footfall within the ancient woodland will have an adverse impact on the regeneration of the understorey of the woodland and ground flora.
- Paragraph 118 of the NPPF is clear in this respect of the mitigation hierarchy and states:

"if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss"
- As such in line with the NPPF we would not be able to support the proposals in the location of ancient woodland and would suggest impact can be avoided by citing the burials in an alternative location to avoid the woodland.

#### **5.5 Arboricultural Officer:**

- A tree survey, Arboricultural Method Statement and Tree Protection Plan for the proposed burial sites are required as the proposal involves excavation. This needs to

identify which carefully selected trees are involved and must consider the proposed structures as well as burials.

- Serious concerns regarding the viability of the scheme on the following grounds:
- The site is classified as ancient woodland; this is a protected habitat, which should be considered sacrosanct, unless there are great requirements for the development. Other locations upon the site might be more suitable.
- The methodology document in the patent document is insufficient to satisfy the overall scheme due to the lack of specific detail regarding trees and the excavation locations. This may be satisfied by an encompassing tree survey, which would also need to address matters of the proposed building of structures in the woodland, the improvement of the access road and the other sundry matters that will impact upon the trees and woodland.
- In its present form the application does not provide sufficient information to satisfy the proposed development within a sensitive habitat. An innovative and very detailed approach may prove adequate to satisfy this particular element of the proposal.

Second response:

- The survey documents and proposed methodology for the road construction appears to be adequate.
- Concerns of potential damage to the trees during the burial process is negated as every burial requires a separate TPO application, tree detail and accompanying mini tree survey with RPA etc. compliant to BS 5837.
- No concerns regarding the building placement itself, however a separate detail on the construction technique of the foundations is required as the habitat is extremely sensitive.

**5.6 Landscape Officer:**

- Endorse the comments from the Council's Ecologist.
- There is no proof that the small benefit of some management will outweigh the harm of digging 1.8m deep holes in the root zones of old trees, the provision of paths, disturbance from people and the introduction of a new building.
- Intrusive works should be avoided.
- Alternative sites have not been considered.

Second response (received after a site visit):

- The woodland is an attractive piece of damp Oak woodland. It consists mainly of Oak which is of a fairly uniform age. There are a few young Birch trees and a good amount of Bramble. There is a limited variety of ground flora, mainly tussocks of grass. There is plenty evidence of deer grazing which is preventing the establishment of a shrub layer and growth of young trees in the few areas of less dense canopy and at the periphery. Keeping the deer out would be the greatest contribution to management which could be made. This is unlikely to happen due to the cost.
- The canopy of this woodland is dense, there are very few glades and those that exist are very small. In addition Oak trees have spreading root systems which will interlock with each other. There will not be areas where root systems don't extend. This will make it impossible to dig without damaging and severing tree roots. The Greenacres patent will not be implementable in a woodland such as this.
- This is a small woodland compared to the Chiltern burial site. It is also entirely broadleaved where the Chiltern site was coniferous. One patented system does not fit all. The Chiltern site looks like a graveyard within a woodland. There are a variety of plaques, vases of flowers, no understorey, uneven ground due to digging and settlement.



- Understand that the road would only extend up to the Ceremonial Building yet how will pall bearers carry coffins further (i.e. to the far extremities of the woodland given the distance). There will be pressure to create more tracks within the woodland
- The proposed site of the ceremonial building wedges it into a small clearing. It will be very close to existing trees and their root zones and canopies.
- There is not really any more detail in this application over the previous one. No figures have been provided to indicate the anticipated number of burials a year. The woodland is small and will need very dense burials to make it viable. This is unacceptable.
- The management plan talks about selective thinning of max 10% in 5 years. It isn't clear how this ties up with the selection of sites for burial. The two may not be compatible. Natural regeneration will be difficult with so many deer around.
- The granting of permission would provide no benefits for this woodland at all. These are intrusive works which will damage the integrity of the woodland without providing any gains.
- I urge refusal of this application.

#### Third response

- These paths that circumnavigate the area have not been shown on a plan and there is no strategy to provide access as there hasn't been a network shown.
- Surrounding trees in the immediate area are very close to the proposed building.
- If burials will be outside the RPA's of the trees there will be very few burials as the trees are so close together and the roots so intertwined that there won't be any room. Digging graves into this mesh of roots will have an adverse effect on the trees. If this was a driveway going so close to trees like this we would be asking for 'No Dig' solutions. Why then should we consider digging 1.8m deep holes so close?
- Based on observations at Chiltern I don't believe that there will be habitat creation and restoration, rather what will be seen is bare ground mounded up and littered with plaques and inappropriate flowers.

#### **5.7 Environmental Protection:**

- No objections or comments

#### **5.8 Planning Policy:**

- No comments

#### Oxfordshire County Council:

#### **5.9 Transport:**

- No objection subject to conditions. A condition is recommended to secure details of arrangements of parking and turning around of the cortege and associated vehicles within the burial grounds/ woodlands.
- As the access arrangements and site layout appear to be the same as the previous application, the Transport response remains unchanged.
- The site is located on the rural road network with limited public transport, cycling and pedestrian access and as such, the development will be heavily reliant on the private car. The proposed burial ground already benefits from an existing vehicular access off Straight Mile Road, which links the village to Bayswater Road and eventually the A40.
- The site will utilise the 80 space car parking facility. Access beyond the car park will be controlled by staff managed barriers and limited to use as to only allow the cortege at burial times.
- Adjustments are likely to be required to the kissing gate between the car park and the administration building so as not to impede access to disabled members of the public.
- The proposal also seeks to pave and widen the existing paths into the woodland rides. There is also no mention of any hard standing for parking and turning for the cortege

close to the burial grounds. If the cortege would use the woodland rides for parking and turning, specification details will be needed. There will be a requirement to provide some form of hard standing for the limited vehicles in/ around the woodlands to prevent vehicle wheels from bedding/ sinking into soft ground.

- There would be no significant change in traffic and highway safety resulting from the development. Traffic increase would be negligible in volume and duration and the impact on the surrounding network would therefore be small.

#### Second response

- There are no more significant changes to the application than assessed previously so the response as above remains the same.
- Comment made in relation to access to the ceremonial building for less mobile individuals or disabled people that are not part of the cortege. Where visitors park, is a long walk over what could be deemed as unsteady terrain in places, to reach the ceremonial building. As this is on private land, however, no objection is made but this should be considered.

#### **5.10 Archaeology:**

- No objection subject to conditions. The site is located in an area of archaeological interest and a staged programme of archaeological investigation will be required ahead of the development. This can be secured via condition.

#### **5.11 Ecology:**

- Advice should be sought from the CDC Ecologist and there is guidance available in the document titled 'Biodiversity and Planning in Oxfordshire'.

#### Other External Consultees:

#### **5.12 Natural England:**

- Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- The Natural England Standing Advice on protected species should be referred to.
- The LPA should be satisfied that it has sufficient information to fully understand the impact of the proposal on any local site (e.g. a Local Wildlife Site) before it determines the application.
- The site includes an area of priority habitat as listed on Section 41 of the NERC Act 2006. The NPPF provides guidance on the conservation and enhancement of biodiversity.
- The proposals have the potential to adversely affect woodland classified on the ancient woodland inventory. Natural England has Standing Advice on ancient woodland.
- The application may provide opportunities to incorporate features into the design which are beneficial to wildlife. Measures to enhance biodiversity should be considered in accordance with para 118 of the NPPF.

#### **5.13 Forestry Commission:**

- The Forestry Commission is a Non Ministerial Government Department that works with others to protect, improve and extend our nation's forests and woodland, increasing their value to society and the environment. Attention is drawn to details of Government policy relating to ancient woodland and information on the importance and designation of ancient woodland.
- It is Government policy to discourage development that will result in the loss of Ancient woodland, unless 'the need for, and benefits of, the development in that location clearly outweighs the loss' (NPPF para 118).

- No opinion is provided supporting or objecting to an application. Information on the potential impact that the proposed development would have on the ancient woodland is provided.

#### 5.14 Environment Agency:

- The application has been assessed as having a low environmental risk and therefore the EA has no comments to make.
- The applicant may be required to apply for other consents directly from the EA that they have a regulatory role in issuing and monitoring (i.e. consents/ permissions or licences for different activities – such as water abstraction or discharging to a stream).

#### Second response

- Repeated the response as above.

## 6 Relevant National and Local Planning Policy and Guidance

### 6.1 Development Plan Policies:

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

#### Cherwell Local Plan 2011 - 2031 Part 1

ESD1 – Mitigating and Adapting to Climate Change  
 ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment  
 ESD14 – Oxford Green Belt  
 ESD15 – The Character of the Built and Historic Environment  
 Policy Villages 1 – Village Categorisation

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

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

### 6.2 Other Material Planning Considerations:

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

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

## 7 Appraisal

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

- Principle of the Development and Green Belt;
- Ecology/ Ancient Woodland/ Arboriculture
- Transport
- Design/ visual amenity
- Archaeology
- Groundwater

### Principle of the development and Green Belt

6.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.

7.2 The site sits within the Oxford Green Belt therefore Green Belt policy must be considered in respect to the principle of development. Policy ESD14 of the Cherwell Local Plan 2011-2031 is relevant. This policy confirms that the Green Belt boundaries within Cherwell District will be maintained for a number of reasons and it states that development proposals within the Green Belt will be assessed in accordance with Government Guidance contained within the NPPF and NPPG. Proposals for residential development will also be assessed against Policies Villages 1 and 3.

7.3 The Framework confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The five purposes of the Green Belt are also set out. The Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Authorities are advised to attach substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.4 Paragraph 89 confirms that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt; however there are a number of exceptions to this, which are listed. Paragraph 90 sets out that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are also listed.

7.5 The proposal includes a number of different elements and these will be considered in turn.

7.6 The proposed change of use of land to a burial ground is not defined as being an appropriate form of development within the Green Belt by paragraphs 89 or 90 of the Framework. It can therefore be concluded that the proposal to change the use of the land to a burial ground is inappropriate development in the Green Belt when considered against the Framework. It would therefore, by definition, be harmful to the Green Belt and its openness and thus should not be approved except in very special circumstances.

- 7.7 In reaching this conclusion, regard has been paid to a High Court Judgement from early 2014 (later upheld by the Court of Appeal) – *Timmins v Gedling Borough Council*. This judgement (and the appeal judgement) concluded that any development in the Green Belt must be treated as inappropriate and can only be justified by reference to very special circumstances or by way of an exception to this general rule, as set out at paragraphs 89 and 90; finding that the ‘exceptions’ identified at those paragraphs are ‘closed lists’. As set out above, a change in the use of land is not quoted as an exception to the general rule in either paragraph 89 or 90 and this element of the proposal must be considered to be inappropriate development.
- 7.8 The proposal seeks permission for two buildings to be associated with the proposed burial ground. One forms a reception/ office building and would be located within close proximity to the existing clubhouse and parking. The other forms a ceremonial building to be positioned within the woodland itself. As above, the NPPF, at paragraph 89, sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt, with a number of exceptions to this. One such exception is the *‘provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it’*. The provision of ‘appropriate facilities for... cemeteries’ cannot be considered to be appropriate development in the current circumstances where the burial ground does not exist and is itself inappropriate development (unless very special circumstances are proven). In any event, the wording ‘appropriate facilities for...’ suggests that this might address ancillary development which serves that land use. It is questionable whether a ceremonial building would constitute an ‘appropriate facility for’, however in any event, the buildings associated with the burial ground use must be assessed as part of the overall proposal for the change of use of the land to a burial ground and therefore would be inappropriate, by definition harmful and should not be approved except in very special circumstances.
- 7.9 Given the above conclusions in respect to the development representing inappropriate development, it should not be approved except in very special circumstances. In this case, the applicant’s very special circumstances case appears to centre on the following arguments:
- There is a significant demand for burial space and this demand will only increase in the future.
  - That the proposed natural burial ground would have no visual impact on the appearance of the Green Belt due to it being located within the existing woodland. This would therefore preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. This is not a typical cemetery use as there would be no distinguishable features such as gravestones.
  - The burial ground would go some way to maintain the viability of the golf course.
  - The long term sustainability of the woodland management would be ensured through active management to restore key habitat.
- 7.10 The points set out above should be considered in turn. Corresponding to the points above, Officers view is as follows:
- The likely demand for burial space in the future is not necessarily disputed, however the need for this to be within the Green Belt (and an ecologically

sensitive Ancient Woodland – covered below), is questionable. The submission states that a detailed site selection process has been undertaken as to whether there are any other suitable sites outside the Green Belt, but that none could be found. No evidence is provided to support this statement.

- The issue of visual impact is a separate consideration to openness. Any development, by its nature would have an impact upon openness. This is a primary characteristic of Green Belts. All development is restricted by Green Belt policy due to its harmfulness unless there are very special circumstances or there is an exception granted by paragraphs 89 and 90. Therefore it is clear that in concluding the proposal is inappropriate, the lack of visibility does not represent a very special circumstance, given that it will impact openness.
- Officers visited another of the Green Acres natural burial grounds and the character of the woodland had clearly changed, with areas cleared, pathways throughout and markers for graves visible. This site is different, however there is likely to be a need for pathways/ rides and burial markers would be provided (these are described as being small wooden memorials up to 400mm height and 150mm wide therefore are not as large as gravestones but still have a visual impact).
- No evidence is provided to support the submission that the long term financial future of the golf club would be secured. Whilst supporting economic growth in rural areas where appropriate is necessary, the site is within the Green Belt which attracts significant protection.
- The section below titled 'Ecology/ Ancient Woodland/ Arboriculture' addresses the last point in detail. However, it is relevant to note that as part of the S106 legal agreement attached to the original planning permission for the golf course, there were obligations around management of the woodland. Therefore as discussed below, there are benefits attached to the management of the woodland but this should not be given significant weight in considering whether the use is appropriate in the Green Belt given that this is a matter that is not directly interlinked to the proposed change of use of the land to a burial ground.

7.11 Given the above, it is not considered that there are very special circumstances in this case that would outweigh the harm to the Green Belt by reason of the inappropriate development proposed.

7.12 The proposal also seeks permission for internal alterations to the club house. Apart from some minor cosmetic alterations to the building, the development proposed would be contained within the extent of the building itself. The moving of the function room downstairs itself would be appropriate within the Green Belt and is justified on the basis of making this a more accessible space. It is also proposed to use this space for the holding of wakes following funerals.

7.13 The proposal also includes permission for the provision of a building to house a new golf pro shop and office. These uses are currently accommodated within the existing club house and therefore the new building is proposed as a consequence of the internal alterations proposed. The provision of this new building would likely be considered 'an appropriate facility for... the

outdoor recreation' use (as allowed for by paragraph 89 of the NPPF) and could be considered to preserve the openness of the Green Belt without conflicting with the purposes of including land within the Green Belt. Notwithstanding this view, this element of the proposal does have some link with the proposal for the burial ground use given the intention to use the clubhouse to support the burial ground use.

- 7.14 The creation of a staff flat, given its ancillary scale and the fact that it would be contained within the building itself, could be considered appropriate in the Green Belt if it is demonstrated to be essential. As such, the creation of a staff flat does require consideration against policies relating to where residential is accommodated.
- 7.15 Policy H18 of the Cherwell Local Plan 1996 is a saved policy and relates to proposals for the construction of new dwellings beyond the built up limits of settlements. It identifies that the only circumstances where such development could be supported is where it is essential for agriculture or other existing undertakings, the proposal meets the criteria of policy H6 (which has now been replaced by Policy Villages 3 and relates to rural exception sites) or where there would be no conflict with other policies in the plan.
- 7.16 Studley Wood Golf Club is located beyond the built up limits of a settlement therefore a proposal for a residential use must be demonstrated as essential for the existing undertaking. The clubhouse already includes a one bed small unit of accommodation (including a kitchen/ dining/ lounge space) at first floor level. The applicant's intend that this space be used by the secretary manager who, because the club is open long hours, not only for the golf, but also associated evening events, has to be available during the day and evenings. The application documents describe that the club's insurers consider the location to be at risk as it is located outside the village limits, because police reaction time would be slow and a single member of staff would be isolated (a letter for which has been provided). It is intended that the flat would be tied to the golf club and should not be considered a separate residential unit.
- 7.17 Whilst the applicant's view and intentions are noted, the arguments made could apply equally to many isolated undertakings and does not, in the view of Officers constitute an 'essential' need; particularly in this case where the site already benefits from a small unit of accommodation. It is therefore not clear why this is inadequate for use by a member of staff or other individual employed for the purposes of security for the site. In this regard, it is considered that this element of the proposal conflicts with the Council's overall housing strategy by proposing a residential dwelling in an unsustainable rural location. Officers consider this matter, in addition to the principle of the development unacceptable.

#### Ecology/ Ancient Woodland/ Arboriculture

- 7.18 There is a statutory duty set out in the Natural Environment and Rural Communities Act 2006 at Section 40 to the purpose of conserving biodiversity. Additionally the European Habitats Directive sets out requirements when considering a planning application where European Protected Species are affected.
- 7.19 Ancient Woodland benefits from significant protection – the Framework advises that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland unless the need for, and benefits of, the development in that location clearly outweighs the loss. Furthermore, Policy ESD10 confirms the need for there to

be protection and enhancement of biodiversity and the natural environment. This is to be achieved by protecting, managing, enhancing and extending existing resources. The policy advises that development that would result in damage to or loss of a site of biodiversity or geological value of regional or local importance (which includes ancient woodland) including habitats of species of principal importance for biodiversity, will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/ geodiversity.

- 7.20 As set out in paragraph 1.2, the site is ecologically sensitive, of high ecological value, with historic and cultural value and which cannot be recreated therefore is irreplaceable. In addition to the site being Ancient Woodland, a Tree Preservation Order covers the woodland. The site also falls within a complex of four ancient woodlands within a few KMs of each other including the SSSI Shabbington Woods. Its value is therefore considered to be increased as opposed to an isolated wood. It is also within the Bernwood Conservation Target Area as being an area of high opportunity for biodiversity enhancement and is a District Wildlife site.
- 7.21 As set out in the consultation responses, there have been a number of objections to this proposal, on the basis of conflict with Policy ESD10 and the Framework given that development on ecologically sensitive sites such as this will not be permitted unless the benefit outweighs the harm. In this case, there are not considered to be benefits that would outweigh the harm to this ecologically important ancient woodland.
- 7.22 The application is supported by a suite of information and during the course of the application, as consultation responses have been received; additional information has been submitted to attempt to overcome the concerns raised. Objections continue to be raised as set out above. These concerns primarily result from the impacts caused to the ancient woodland (also a BAP S41 Priority habitat) in respect to the adverse impact on the regeneration of the understorey of the woodland and ground flora and increasing public access and the impacts that this would have.
- 7.23 The submission documents recognise the woodland has significant historical and ecological value, is a BAP habitat; and it is states that 'intrusive works that could compromise the integrity of the woodland are not recommended'. The documents do however note the benefits of management and advise that this should be implemented in full as well as ongoing ecological assessments to monitor the impacts of development.
- 7.24 The proposal raises a number of concerns. In respect to the burials themselves, the intention is for burials to be undertaken in circles around selected trees far enough away not to encroach upon the root protection area (RPA) with five burials allowed around one tree before it is closed to allow restoration for five years before further burials could take place. Plots for ashes are located within the RPA for the tree but positioned to avoid major roots. The process of the burial will be undertaken in line with an approved UK Patent, which is used at the other Green Acres Burial sites. In recognising the importance of the soil structure, topsoil is removed prior to the digging of a grave and is put to one side before being replaced once the backfilling to a grave has been undertaken. Consultation responses have queried how in practice it will be possible to provide graves outside the RPA of trees given this is woodland with trees closely related to each other. In addition, a tree survey has been undertaken as requested which refers to the patent and how the requirements of the British Standard BS5837:2012 (Trees in relation to design demolition and construction) can be met. The



Arboricultural Officer has advised that the concerns relating to damage to trees is negated as every burial will require a separate TPO application, tree detail and accompanying mini tree survey. This is because the Patent does not provide the level of detail required and because the whole woodland is covered by a TPO and the trees for burial are not yet chosen (as this would be a decision taken later by bereaved relatives). Whilst this view is expressed, it is not considered that this is a realistic process given that a TPO application can take up to 8 weeks for determination by the Council. This further demonstrates the difficulty likely to be faced with this process. The applicant's proposal seeks to avoid this need by demonstrating how burials are undertaken in line with the Patent. Without these separate TPO applications, the Arboricultural Officer would not be content with the proposal (as per the original comments) and has advised that the Patent does not cover all the information required to assess the proposal upon trees on the site.

- 7.25 The proposal involves the provision of a building (and access and turning space for the hearse) within the woodland (albeit in a location, which is questionable based upon the information plans provided), the provision of routes, increased public access as well as an upgraded access to the woodland itself (with associated work to trees). Upon a request for additional information, a tree survey has been undertaken and the Arboricultural Officer has confirmed that he is content with the conclusions in respect to the proposed methodology for the road construction, however considers that further information as to the construction technique relating to the foundations of the ceremonial building are required as the habitat is extremely sensitive. The Tree report itself recognises that in the absence of a detailed site masterplan showing the footprint of all proposed buildings, structures and services and a topographical survey showing accurate location of trees and other site features, it has not been possible to fully survey these and recommends further surveys once the exact location and nature of the other structural elements of the development have been determined. This is of concern given this is a full application for planning permission and the exact location must be determined for assessment.
- 7.26 The implications of the proposal would be an increase in disturbance from increased footfall and digging within proximity of and within the root protection areas of trees as well as the stockpiling of soils, buildings and pathways and it is concluded that this would have an adverse impact on the regeneration of the understorey of the woodland and ground flora. As set out above, ancient woodland has a number of important characteristics, including its soil composition.
- 7.27 In addition the proposals would have a visual impact upon the woodland. The presence of burial markers, flowers and walkways (described as a series of surfaced paths utilising existing trackways, using locally sourced inert materials, with small pathways dispersing to provide low intrusive access to burial sites) through the woodland would change its character. This was clear when Officers visited a natural burial ground run by Green Acres. Whilst it is understood that control would be placed upon how the site is managed and run, there would be an adverse change to the character of the woodland compared to a natural, albeit managed, woodland.
- 7.28 The proposal includes information as to management of the woodland for its long term benefit. The application submission includes a woodland management plan setting out various details as to how it is proposed the woodland would be managed including seeking to improve biodiversity. The intentions with regard to management, which include increasing biodiversity,

the selective thinning of trees, creation of glades, coppicing, retention of deadwood trees and deer management are generally supported and it is recognised that these would bring improvements to the woodland. However, it is unclear why (other than financially), these are reliant upon the woodland accommodating burials and in fact this is likely to bring increased disturbance. Indeed there is an obligation upon the owner in any event to manage the woodland (as referred to above in respect to the S106 attached to the original planning permission for the golf course). The significantly intrusive work relating to the burials and the impact that this would have upon the woodland would not outweigh the benefits of management (that in any event are not interlinked to the burial proposal).

7.29 Given the above, it is clear that there are significant technical concerns as to the impact of the proposed burial ground development upon the woodland and its ecological significance. In these terms, the proposal cannot be considered acceptable. The benefits of management would not outweigh the harm caused and therefore would conflict with Policy ESD10 of the Cherwell Local Plan and the NPPF.

7.30 In respect to other ecological considerations, such as the potential presence of bats, great crested newts and others, it is expected that appropriate mitigation could be used to avoid harm to protected species.

#### Transport

7.31 As recorded above, the Highway Authority raise no objections to the application based upon the relatively low transport impact upon the highway network and the proposed use of the golf club car park albeit recognising the unsustainable nature of the site in that all visitors would be reliant upon the private car. Comments are made with regard to the requirements around routes to and through the woodland and the requirements to provide the ability for parking/turning for the hearse. The hearse would access the woodland but would go no further than the ceremonial building, with the coffin transported into the woodland either manually or a buggy converted into a hearse. The issue of accessibility is also raised given the distance from the car park to the woodland and ceremonial building there; the application documents describe how those attending funerals would park in the main car park and that there would be buggies available to help those access the woodland.

#### Design/ Visual amenity

7.32 The design of new development is an important consideration. The Framework confirms that good design is a key aspect of sustainable development. Policy ESD15 of the Cherwell Local Plan seeks to ensure that new development complements and enhances the character of its context through sensitive siting, layout and high quality design.

7.33 The proposed buildings are unusual in their design and not reflective of the local vernacular. However, given their position, both within the extent of the golf club (in proximity to the existing clubhouse) and proposed location within the woodland, as well as their relative scale, and lack of visibility from outside the golf club, Officers conclude that the harm in respect to visual amenity would be limited. In addition, the visual impact considerations in terms of the proposed use and its impact upon the character of the woodland and green belt are considered earlier in this report.

#### Archaeology

- 7.34 The Oxfordshire County Council response advises that the site is located in an area of archaeological interest (with the potential to encounter archaeological deposits related to the Roman period) and that a stage programme of archaeological investigation would therefore be required before any development commences. This is proposed to be secured through appropriately worded planning conditions. Officers do not disagree with this conclusion and would recommend planning conditions if the proposal were recommended for approval.

#### Groundwater

- 7.35 A tier 1 Groundwater risk assessment accompanies the planning application submission. This concludes that the site is of low sensitivity due to the onsite surface water features not connecting to local watercourses, the ground conditions, the site being outside of a groundwater source protection zone and the absence of water abstractions within the vicinity of the site. The proposal would therefore have very low groundwater vulnerability. The Environment Agency has assessed the application as having a low environmental risk therefore have no comments.

### **8. Conclusion and Planning Balance**

- 8.1 The above assessment has considered the various aspects of this proposal and a number of concerns are raised. The importance of Ancient Woodland, including its ecological, historical and cultural value, which benefits from planning policy to protect it is highlighted. Based upon the information submitted, it has not been demonstrated that this irreplaceable habitat will not be lost or deteriorate. Whilst positive management intentions are proposed and this is supported, it has not been demonstrated that the need for and benefits of the proposal would outweigh this loss, particularly as managing the woodland is not dependent on it being a burial ground.
- 8.2 In addition, the development represents inappropriate development in the Green Belt, for which it is not considered that very special circumstances have been demonstrated. For this reason, the proposal is also considered unacceptable. In addition, the proposal seeks to provide for an additional staff flat in an isolated, unsustainable location outside the built up limits of a settlement.
- 8.3 Whilst the proposal would not cause harm to highway safety and could be accommodated without causing harm to groundwater and archaeology (subject to the imposition of appropriate planning conditions), the principle of the development, as set out above is not considered to be acceptable for the reasons set out throughout this report. For this reason the application is recommended for refusal as set out below.

### **9. Recommendation**

#### **Refusal; for the following reasons:**

1. The proposed development constitutes inappropriate development in the Green Belt,

which would be harmful to its openness. The Local Planning Authority do not consider there to be any very special circumstances, which would outweigh the harm caused to the Green Belt and the proposals are therefore contrary to Policy ESD14 of the Cherwell Local Plan 2011-2031 and Government Guidance contained within the National Planning Policy Framework.

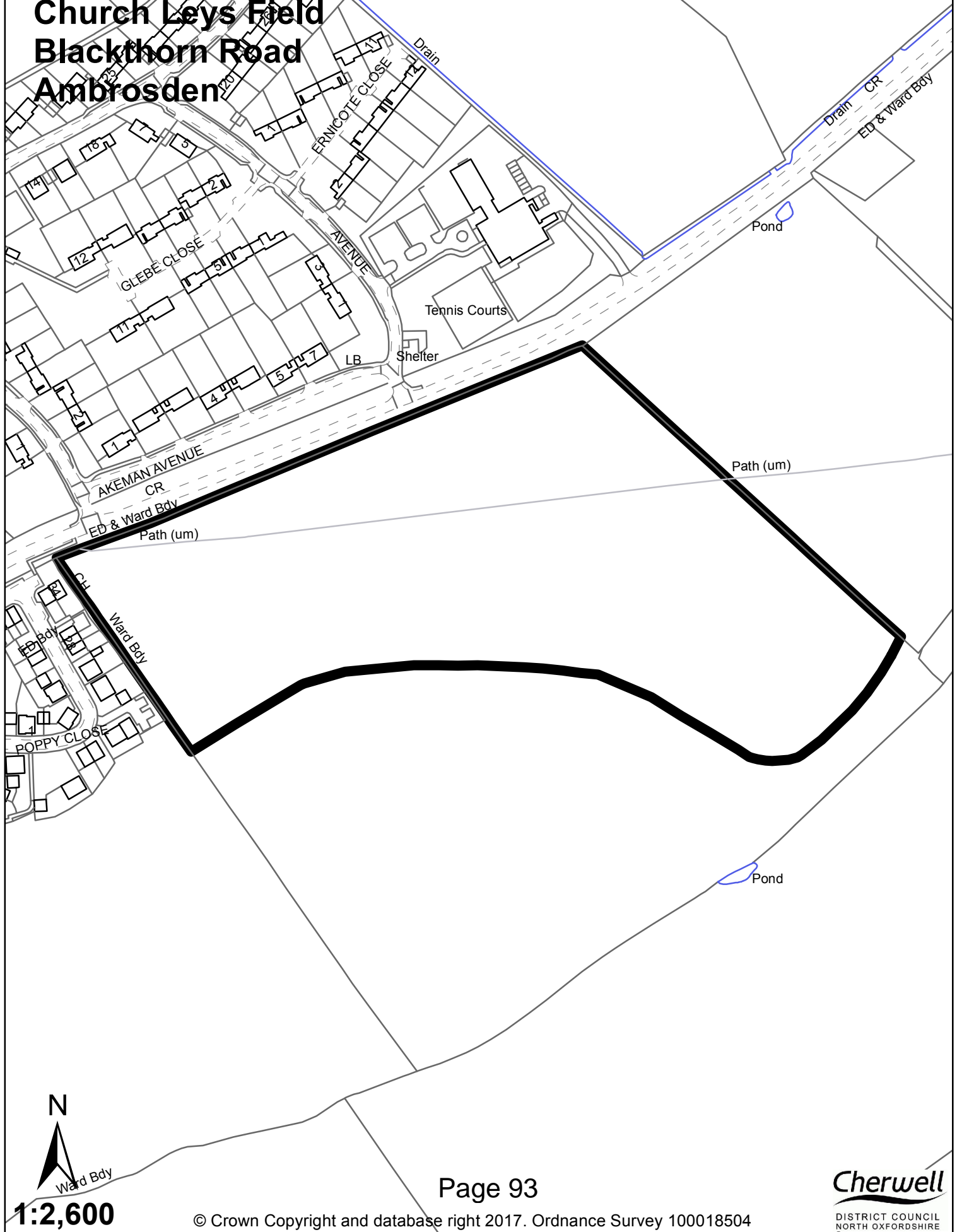
2. The proposal would represent intrusive development within an area of Ancient Woodland covered by a Tree Preservation Order, which has significant ecological, cultural and historic value, and which is a BAP Priority Habitat - Lowland Mixed Deciduous Woodland. On the basis of the submitted information, the Local Planning Authority is not convinced that the proposal would not result in the loss and/ or deterioration of the irreplaceable habitats. It has not been demonstrated that the need for and benefits of the development in this particular location would clearly outweigh the loss. The proposal is therefore contrary to Policy ESD 10 of the Cherwell Local Plan 2011-2031 and Government Guidance contained within the National Planning Policy Framework.
3. The proposal involves the creation of a residential unit of accommodation 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 development would therefore be an unjustified and unsustainable form of development. The proposal is therefore contrary to Policies ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031, Saved Policy H18 of the Cherwell Local Plan 1996 and Government Guidance contained within the National Planning Policy Framework.

**CONTACT OFFICER:** Caroline Ford

**TELEPHONE NO:** 01295 221823

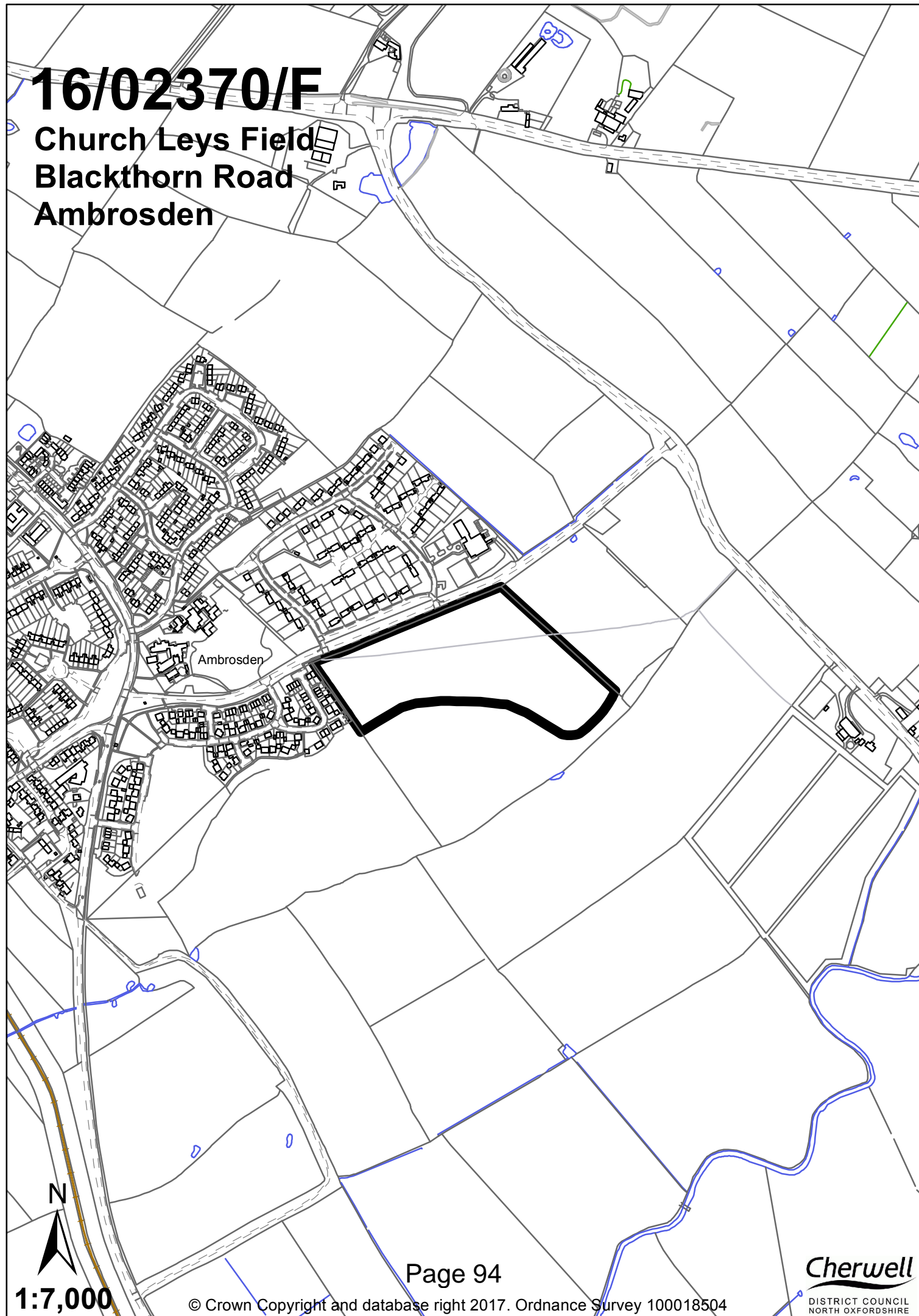
**16/02370/F**

**Church Leys Field  
Blackthorn Road  
Ambrosden**



**16/02370/F**

**Church Leys Field  
Blackthorn Road  
Ambrosden**



**1:7,000**

<b>Applicant:</b>	Bellway Homes Limited And Archstone Ambrosden Limited		
<b>Proposal:</b>	Erection of 85 dwellings with public open space, associated parking, landscaping, new vehicular accesses and servicing		
<b>Ward:</b>	Launton And Otmoor		
<b>Councillors:</b>	Cllr Tim Hallchurch Cllr Simon Holland Cllr David Hughes		
<b>Reason for Referral:</b>	Major Development		
<b>Expiry Date:</b>	10 March 2017	<b>Committee Date:</b>	28 September 2017
<b>Recommendation:</b>	Approval subject to conditions and legal agreement		

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

- 1.1. The application site relates to 5.61ha of relatively flat arable land to the south of Blackthorn Road at the southeast of Ambrosden. Whilst adjacent to the established built up limits of Ambrosden the site actually lies within Blackthorn Parish despite this village being further to the southeast and separated by further farmland.
- 1.2. The site comprises arable farmland and features varying densities of hedgerows and hedgerow trees along its northern, western and eastern boundaries. The southern boundary is not defined by a hedgerow and blends into another wider field parcel. The site features two farm vehicle accesses from Blackthorn Road – one is formed via a culverted ditch and a gap in the hedgerow whilst the other features a metal field gate. There is a small naturally formed pond and cluster of surrounding vegetation in the site's north-eastern corner.
- 1.3. A public footpath passes through the site from its north-western boundary with Blackthorn Road across to the eastern boundary which then continues through further arable fields to Blackthorn village.
- 1.4. The site is not located in or in close proximity to any locally or statutorily designated heritage or landscape assets. The entirety of the site does however lie within an area designated for ecological protection and enhancement as the River Ray Conservation Target Area. Part of the site lies within areas found to be in Flood Zones 2 and 3 and so at higher risk of flooding.

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

- 2.1. The application proposes 85 new dwellings on the site comprising a mixture of 2, 3, 4 and 5 bedroom house as well as 1 and 2 bedroom flats with all of the buildings being either 2 or 2 ½ storeys in height. The sole vehicular access is proposed mid-way along the site's northern boundary with Blackthorn Road before splitting into

estate roads serving the new dwellings. New built development is contained to the northern half of the site with the remainder proposed for public amenity space comprising a formal play area, balancing ponds, new tree planting and general open green space. The existing public footpath is proposed to be realigned so that it runs along the site's northern and eastern edges.

- 2.2. The application was originally reported to the 13<sup>th</sup> April 2017 Planning Committee with a recommendation for refusal. Members resolved to defer the application against officers' advice in order to engage with the applicant/agent to look for solutions that may overcome the concerns identified by officers. In response to this, further meetings took place and a suite of amended proposals were submitted in early July and then subject to public re-consultation. Further amendments were then submitted in mid-August but these were not consulted upon as the changes proposed were minor. It is on the basis of these latest submissions that the application has now been considered by officers and on which this report is based.
- 2.3. The application is made in full rather than in outline. As a result, the proposals must be considered exactly on the basis of the plans, drawings and documents submitted.

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

- 3.1. There is no planning history relating to the site that is relevant to the proposal.

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

- 4.1. Pre-application discussions have taken place with regard to this proposal under the below reference number. Officers raised concerns about the scale of housing and the rate of housing development within Ambrosden as well as connectivity of the proposed development to the adjacent housing as well as some detailed design and layout concerns. Concerns were also raised about the effect on the public footpath that passes through the site.

<u>Application Ref.</u>	<u>Proposal</u>
15/00228/PREAPP	Pre-application advice - development for 95 dwellings with associated landscaping, public open space and servicing

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

- 5.1. This application was originally 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. Further amended proposals were received in July and were subject to further publicity and consultation with the final date for comments being 27.07.2017. Both the representations made in response to the original submission as well as the amended proposals have been taken into account.
- 5.2. The comments raised by third parties in response to the original proposals are as follows:
  - Proposed plots 69 and 70 are too close to the adjacent house and garden of 24 Poppy Close in the new Springfield Farm development;
  - This would cause a significant reduction in privacy for its occupants resulting from overlooking;
  - The rear garden of 24 Poppy Close is well used by the whole family which includes a hot tub and raised decked area which would be susceptible to harmful overlooking;



- Five Acres Primary School is already operating close to capacity – the school requires expansion to match the expected intake resulting from this proposed development;
  - It is essential that footways are provided linking the proposed development with Ambrosden Village to ensure pedestrians do not walk along the verge of Blackthorn Road and so that there is safe access to the primary school;
  - The junction between Blackthorn Road and the B41011 has poor visibility and junction improvements should be considered.
- 5.3. One third party representation was received in response to publicity of the amended proposals, the following matter was raised:
- It is noted from the plans that it is intended to divert public footpath Blackthorn FP7. The plan does not state that a diversion is required. Please ensure that a route for the footpath is available during construction.
- 5.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **6. RESPONSE TO CONSULTATION**

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Where comments have been received in response to re-consultation on the amended proposals, these have been included instead of the original comments. Where no further consultation response was received, the representations on the original proposals have been set out. Responses are available to view in full on the Council's website, via the online Planning Register.

### **Ambrosden Parish Council**

The Parish Council is significantly more favourable towards the revised proposals than the previous proposals to which an objection was made, and we note that Archstone/ Bloor have now honoured their issues in relation to provision of allotments at the Springfields site which was a major bone of contention within the village.

- House designs are better, the mix of materials is more appropriate, and the layout improved.
- We particularly like the use of wooden play equipment which we consider is more suitable for this location compared to garish painted cheap metal play equipment and we really support this sensitive approach to the LEAP and LAP.
- We do have concerns however about the idea of putting Sheffield bike stands around the site. They are a good idea by the LAP and LEAP, but due to the high amount of bike crime within the locale, the other ones dotted around the site, will not be used, will be the source of continual complaints and will end up being climbing frames for youths in the village.
- We would also like to see tree planting along the frontage and provision of a landscaping plan would be appropriate in this instance.
- The proposals for the s106 payments for community buildings and sporting facilities to be combined will allow us to build a modest changing room facility for the sports common at Springfields Farm which is due to be conveyed to the Parish Council by Bloor Homes.

### **Blackthorn Parish Council**

When considering the application the Parish Council would ask that the planning officers do not look at this scheme in isolation, but consider all the additional building

works which drain into the River Ray. As dredging of the River Ray has stopped and it is controlled, along with the River Cherwell to protect Oxford from flooding, the risk of severe flooding in Blackthorn will rise with each additional building scheme. Officers should also take into consideration the affect that the routing of the new Oxford-Cambridge 'motorway' will have on any planning decisions In order that the two 'villages' do not merge together that; no further building should be permitted beyond this new building line towards Blackthorn. Provision should also be made for a new bus stop and the routing of the S5 through Blackthorn should be considered as part of any consent which would provide Blackthorn with a bus service that would link the two halves of the village.

### **Cherwell District Council**

#### **Landscape/Arboricultural Officers**

##### **Play Area**

In consideration of the Proposed Drainage Strategy Drainage Option 2. I am very concerned that the only location and the design layout of the linear LAP and LEAP is strongly influenced by the wayleave and the 100 year flood extent. The location of the LAP/LEAP appears to be an afterthought. This is a concern. As a result access and connect-ability is problematic. There should be footpaths to connect the play facility with the wider area. The LAP only has one access gate which is inappropriate because children need another means of 'escape' if they feel threatened.

The housing area has pushed the LAP/LEAP toward the flood area. I can imagine the high water table will provide drainage issues for the play facility which will restrict children's playing experience. The timber play equipment footing will rot more readily due to the wet soil condition. Replacement play equipment within 15 years will be the unfortunate outcome. Please note that a raised terrace is not a valid solution because of the associated spoil shrinkage and surface cracking in the future.

The housing layout must be revised to ensure the play facility is located well away from the flood area and within a central space borders by housing. The separation of the LAP from the LEAP should to be considered to provide a workable layout (in which case the commuted individual sums are: LAP £27,501.52 and LEAP £108,761.690).

##### **Play area requirements:**

1. A clearly defined asphalt path system to each play area to allows safe and level access for children, parents, disabled relatives and child carers.
2. Steel equipment with the urban envelope i.e. the LAP
3. The edge of the urban realm with a semi-natural influence to have timber equipment, but only if galvanised steel shoes are fixed to concrete foundations.
4. All seating to have armrests for the purpose of providing support and stability for less able members of the public.
5. 2 points of access with self-closing gates in accordance with BS EN 1722.
6. All self-closing gates are to open away from the play activity area to prevent the gate from opening onto a running child. A transitional space for buggies and wheelchairs between the main path and the play area must be large enough to accommodate the opening gate.
7. A double leaf maintenance gate to be included with one leaf down-bolted and padlocked closed to prevent the down-bolt from scoring the ground.
8. A divided play area fence with gate between the LAP and LEAP.
9. A slide to be orientated in a northerly aspect to reduce the potential increase in temperature of the slide's surface to prevent the burning of children's sensitive skin.

10. Litter bins to be located near to the entrance of each play area.
11. The ground under low level play equipment and features should not be grass because of the problem of mowing, strimming and damaging the support structures. Eco-mulch surfacing is preferred.
12. The LEAP should include a swing suitable for 4 to 8 year old children for their enjoyment.

The landscape consultant should be conversant with the Draft Planning Obligations Supplementary Planning Document in regard to design and quality standards for informal open space and play provision – refer to Local planning and design guidance on the CDC planning website.

The separation between the hedgerow and the play areas fence seem to be the result of mitigation the thorny problem of hedge outgrowths catching children's face, etc. The space between the hedge and the play fence will encourage children to enter it with possible entrapment issues. It is paramount to ensure that there is adequate surveillance of the play areas from the public realm and this is impossible the hedgerow.

All play area planting must be non-toxic (refer to Elizabeth A. Dauncey's Poisonous Plants: A guide for parents and childcare providers).

Planting to be perceptually very interesting in respect of movement, scent, texture and colour.

#### Tree Strategy

The tree planting list:

The species *Betula utilis* is preferred over the *B.u. jacquemontii*. It is a variable species with peeling, usually copper-brown or pinkish bark and dark green leaves up to 12cm long. In early spring it produces long, yellow-brown male catkins. Delete the problematic/bacterial canker prone *Prunus padus*. Swop out the *Salix alba x chermesina* for the native *S. alba*. Add *Sorbus tomentalis* which must be planted in the shade of other trees. Include *Nyssa sylvatica* in 4 of 5 locations along the roadside corridor within the informal open space.

1. Street Trees:  
The lack of tree cover to the adopted street causes me concern. The amelioration of the heat effect and enhancement of amenity for residents and visitors are but some of the positive benefits these tree can bring.
2. Resident's Gardens:  
Small ornamental trees for front gardens:  
Consider the NHBC's requirements for planting trees near buildings (soil type, foundation depth, etc.) Tree should be planted at least 2 m from the edge of pavements to minimise structural damage. Plant a tree in the garden of plot 36, and a tree in the front garden of plot 1, and plot 7's rear garden. The rear gardens of plots 32 and 34 also. The proposed tree locations on the frontages of plots 25 to 26, 32 to 35, 42 to 44, 65 and 66, and 71,72 and 74 are appropriate.
3. Landscape Buffer to Blackthorn Road –plant *Acer campestres*
4. Parking courts:  
Plant an additional 4 *Acer campestre* trees in the car parking adjacent to plots 12 to 14 and 16 to provide enhanced amenity and visual mitigation Also plant 2 more *Acer campestre* trees in the parking bays to the front of plots 60 to 65, and 1 tree to the parking to the north of plots 82 to 83. An additional A.c for each of the following parking areas: front of plot 80 and front of plot 71. All these trees are required to be

planted in tree pits constructed with structural crate systems to provide surface water attenuation, increase soil volumes and provide surface stability.

5. Tree Pit Details:

Tree pit details will be necessary to indicated 15 m<sup>3</sup> of tree soil, in conjunction with containerised tree stock in urban areas (containerised establish more effectively in urban areas than rootballed trees ).

Surveillance and Maintenance Access

The attenuation pond should be clear of the hedge to allow for clear unimpeded surveillance for the purpose of safety.

The contractor's maintenance access to the attenuation pond must be clearly indicated.

A robust Ascot rail fence, with a secure maintenance entrance (padlocked removable rail).

Unauthorised Vehicular Access

Unauthorised Vehicular Access is to be prevented by a continuous Ascot rail fence along the edge of the informal open space with a contractor maintenance access (padlocked removable rail).

Root Protection Areas

The dwellings on plots 14 and 20 are too close to retained trees in respect of damage to tree root systems and over-shadowing/light reduction to windows and garden. To resolve this issue relocate the dwelling ways from these trees.

Planting Design

1. Residential hedge mix is to unify disparate elements and create distinction throughout areas of the site.
2. The species should be changed to more compact species for ease of maintenance by the residents, e.g. Escallonia 'Apple Blossom', Osmanthus x burkwoodii.
3. Access for window cleaning on the front of houses via a paved surface with planting adjacent to it.
4. Aspect and cultural requirements for a range of plant species front gardens
5. The wetter areas, especially where the hedgerow is proposed, are to have the appropriate native shrub species, such as a higher percentage of blackthorn than proposed, say around 15%, also for the brown and black hairstreak butterflies. Delete the non-native Cornus stolonifera 'Flaviramea in favour of Corylus avellana and Rosa canina. Not forgetting Salix caprea.
6. The native wildflower meadow seed mix should be appropriate for the moist soil.

Landscape industry standard compliance to ensure a successful scheme:

- All plants are to be supplied in accordance with Horticultural Trade Association's National Plant Specification and from a HTA certified nursery.
- All plants and to be planted in accordance with BS3936. Trees are to be supplied, planted and maintained in accordance with BS8545.
- Delivery and backfilling of all plant material to be in accordance with BS4428/JCLI/CPSE Code of Practice for 'Handling and Establishing Landscape Plants, Parts I, II and III.
- All excavated areas to be backfilled with either topsoil from site or imported to be BS3882 – General purpose grade. All topsoiled areas to be clear of rocks and rubble larger than 50mm diameter and any other debris that may interfere with the establishment of plants.

- Tree pit detailed information for hard and soft areas is important to ensure the planting procedure is appropriate for the successful establishment of trees.

#### Ecologist

In general I welcome the proposals included to increase the biodiversity value of the site and I have the following comments:

I agree with the landscape architect's comments that the proposed native hedgerows should have a higher percentage of blackthorn than proposed, say around 15% for black and brown hairstreak butterflies for which there are records of in the local area. The native wildflower mix proposed should be an appropriate mix for moist soil. The marginal aquatic planting should also comprise of an appropriate mix and specify the mix or details of plug-planting and a full species list. The proposed SUDs basins should be designed to be permanent or semi-permanent wet features, holding water for all year round ideally as these will provide wildlife habitats as well as for flooding and drainage purposes.

I'm pleased to see the proposed hedgehog friendly gravel boards in the residential close boarded fencing design details.

In general, my previous comments therefore remain the same (please see comments dated 6th February 2017). Previous comments set out below:

*The survey has been undertaken in accordance with appropriate methodology and I generally agree with the assessment of the potential impact of the proposals on existing sites and species. As the site is part of the Ray Conservation Target Area (CTA), I would recommend that every effort is made to provide biodiversity gain as a result of the proposed works to support the habitats and species associated with the CTA in line with policy ESD11. As the proposals involve the loss of arable habitat, which is of low ecological value, and the habitats of high value in particular the boundary hedgerows, all trees and the pond in the north west corner are proposed to be retained, I agree with the conclusion of the report that the proposals are not considered to impact significantly on biodiversity. However there is potential for protected species to be impacted during construction, in particular nesting birds (including ground nesting species) and reptiles. Appropriate measures have been outlined in section 6.5 to safeguard protected species and we would recommend that full details (including a pre-commencement survey for badger) are provided via submission of a Construction Environmental Management Plan (CEMP) prior to commencement of any site clearance (please see condition below). The CEMP should include further checks of the trees, should any be affected by the works, including the trees with existing bat boxes in the north west of the site, should these be affected by works.*

*The habitat restoration and enhancement measures detailed in section 6.2 to 6.7 of the report are welcomed, including sensitive management of existing hedgerows and the proposed hedgerows, and sensitive management of the grassland and restoration of the existing pond. I don't necessarily agree with including a non-native dogwood species *Cornus stolonifera* *Flaviramea* in the species mix of the native hedgerow on the southern boundary of the site, and would recommend this is replaced by a native species local to the local landscape area. We would also recommend including a higher percentage of blackthorn in the hedgerow planting as the larval foodplant for the UK BAP Priority species brown and black hairstreak for which there are local records.*

*Just to note that the pond isn't shown on the Landscape Masterplan, however it is understood it will be retained within the development. If possible it would also be more beneficial if the SuDs basins were designed to be permanent water features*

*(either to hold water all year round or most of the year round) for wildlife such as amphibians, reptiles, invertebrates etc. This would also contribute towards the Oxfordshire Biodiversity Action Plan Targets to create ponds within this CTA. Increased areas of wildflower grassland cut twice a year would also be recommended rather than proposed amenity grassland areas where possible. I note that Charlotte Watkins suggested contacting Christopher Williams at BBOWT who is the lead person for this CTA in case he has any valuable suggestions / comments on the landscaping and proposals. I would recommend that a combined ecological and landscaping scheme is secured by condition of any approval granted. The LEMP should identify who is responsible for the long-term management of the site to secure future appropriate management and monitoring. The LEMP should also include details of locations/types of bat and bird boxes as an enhancement for these species in line with the NPPF and local plan policy with the aim of achieving a net gain in biodiversity.*

*Any lighting strategy should be sensitively designed to avoid the existing field boundary hedgerows and proposed hedgerow on the southern boundary to retain dark corridors for commuting/foraging bats. I would be happy to provide further comments on any lighting scheme submitted in future.*

Recreation and Leisure – The following infrastructure is necessary to be secured to mitigate the impact of the development:

Sports Facilities Provision: Off-site contribution towards providing additional outdoor sports facilities capacity within the locality of Ambrosden. Based on 85 residential dwellings x 2.39 persons x £466.03 per person = £94,673.99.

Off-site contribution towards creating additional indoor sports facilities within the locality of Ambrosden. Based on 85 dwellings x 2.39 persons x £314.26 = £63,841.92.

Community Halls Provision: A contribution towards helping the local community hall accommodate an increase in capacity will be based on a sum per dwelling. These are:

Unit	Contribution
1 bed	£104.73
2 bed	£151.21
3 bed	£235.39
4+ bed	£323.70

Community Development: A contribution of £23,287.64 will be sought to support the establishment / strengthening of community infrastructure in Ambrosden.

Community Development Worker: Contribution to a community development worker to be considered based on the need to help new residents settle into their new community. A contribution of £36,402.32 based on 2016/17 figures (plus any additional inflation as appropriate) is based on a community development worker for 15 hours per week for 30 months.

Strategic Housing – The tenure mix, size and distribution of the proposed affordable units is appropriate. This needs to be secured in perpetuity through a legal agreement before issuing of planning permission.

## **Oxfordshire County Council**

Transport – No objection subject to recommended conditions and planning obligations.

Traffic data from the county council's updated SATURN model for Bicester has now been used as the input future background traffic flows to test the performance of the local road junction of most concern to the county council - Ploughley Road/A41. This testing has been carried out satisfactorily using the microsimulation modelling tool VISSIM. This shows that in the future year (2024), the addition of the development traffic worsens the performance of the junction causing some additional delay and queueing. However, Clarkebond has designed a mitigation scheme for the junction which is shown on drawing number SK14E Rev \*. When that is used in the VISSIM model for the future testing year, it is concluded that it satisfactorily mitigates the impact of the development traffic such that there is a nil detriment outcome – because of the scheme, traffic conditions are predicted to be no worse than they would have been without the development.

However, the county council has concluded that it does not actually want the nil detriment scheme to be delivered. This is because there are more fundamental congestion issues in this location not just in 2024 but further ahead at the end of the Local Plan period (2031). As such a more comprehensive scheme is needed to address these issues. Such a scheme is being developed and the county council believes that there is a realistic prospect it could be delivered by 2024. It is not desirable for the Clarkebond nil detriment scheme to be built in the short term and then to be dug up soon after. It has been agreed in principle with the applicant that a S106 financial contribution to the value of the build cost of the Clarkebond nil detriment scheme (including a commuted maintenance sum) would be paid to the county council to go towards the larger scheme for the Ploughley Road/A41 junction. The amount has not yet been finally agreed. We will update Cherwell District Council when the final figure is known.

### **Public Right of Way Diversion**

The email discussion attached to the Clarkebond technical note demonstrates that despite initial reservations, the county council's Countryside Service team would not object to the diversion of footpath 131/7 from its current alignment across the development site. However, the applicant's landscape architect was advised to contact the district council to ascertain whether it would agree to proceed with an application to divert the footpath through the Town & Country Planning Act. I am not aware of the outcome of any approach that has been made to the district council on this matter. The applicant is strongly advised again to contact the district council to be clear on the way forward for this aspect of the development. Without the successful diversion of the footpath, the currently proposed housing layout could not be delivered.

### **Site access – land ownership issues**

The county council no longer objects to the development for this reason. However, the information presented still doesn't demonstrate that the applicant owns the land behind the front edge of the ditch, even if in all probability it does. Therefore, in order for the site access to be delivered by means of a S278 agreement, a determined boundary application will need to have been made successfully to the Land Registry proving beyond any doubt the land ownership before the S278 can be signed. The applicant is advised to start that process as soon as possible so that the S278 process is not held up at a later stage were planning permission to be granted.

### **Footway/cycleway**

Plans have now been supplied showing cross sections of the footway/cycletrack at various key points along its length from the site access to the Ploughley Road. Previously there was a concern that the 2.5m width would mean that the back edge of track would be close enough to the roadside edge of the ditch to require some reinforcement. This would in turn need third party land. However, the cross sections show that this is unlikely to be the case. In the case of cross sections CS5 and CS6 where the path gets very close to the roadside edge of the ditch the land behind this is in all probability owned by the applicant although this is yet to be proved (see comments in previous paragraph).

#### Refuse wagon tracking

The drawings submitted and attached to the technical note shows that a 12m long refuse wagon can satisfactorily manoeuvre where it needs to in the development.

Comments on all other matters not covered above remained unchanged from the original county council transport response. This includes the details of the conditions and content of the legal agreements set out in the original response with the exception of the addition of a financial contribution towards the improvement to the Ploughley Road/A41 junction as set out above. The scale of this contribution will be confirmed in due course. In the case of any doubt about these additional comments, please get in touch.

#### Drainage Engineers

Whilst the county council does not wish to object to this application on drainage grounds, we do have some reservations surrounding the SUDS design proposals and therefore recommend a condition should be applied to ensure that the SUDS proposals are satisfactory prior to construction on site.

#### Education

##### Primary education

£415,632 Section 106 required for the necessary expansion of permanent primary school capacity serving the area, at Five Acres Primary School in Ambrosden.

##### Secondary education

£623,800 Section 106 required for the necessary expansion of permanent secondary school capacity serving the area, contributing to the cost of new secondary capacity planned for construction in Bicester.

##### Special Educational Needs (SEN) education

OCC is not seeking Education contributions to mitigate the impact of this development on SEN school 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 from larger developments than this in the area in future.

##### Early Years education

OCC is not seeking Education contributions to mitigate the impact of this development on early years education. Existing nursery education provision is forecast to be sufficient, taking into account this proposed development and other development already approved.

#### Property

The proposed development would, if permitted, place additional strain on existing community infrastructure. The development should contribute £5,312.60 towards additional bookstock at Bicester Library to mitigate its impact. Other impacts cannot be mitigated due to the impact of pooling restrictions pursuant to the CIL Regulations 2010 (as amended).



## **External Consultees**

Thames Water – No objection

Environment Agency – No objection subject to the imposition of a condition requiring the development to proceed in accordance with the Flood Risk Assessment.

## **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)**

- BSC1 - District Wide Housing distribution
- BSC2 - The Effective and Efficient Use of Land
- BSC3 - Affordable Housing
- BSC4 - Housing Mix
- BSC10 - Open Space, Outdoor Sport & Recreation Provision
- BSC11 - Local Standards of Provision - Outdoor Recreation
- BSC12 - Indoor Sport, Recreation and Community Facilities
- BSC9 - Public Services and Utilities
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 - Conservation Target Areas
- ESD15 - The Character of the Built Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD17 - Green Infrastructure
- VIL1 - Village Categorisation
- VIL2 - Distributing Growth Across the Rural Areas
- INF1 - Infrastructure

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

- C8 - Sporadic development in the open countryside
- C28 - Layout, design and external appearance of new development

- C30 - Residential Amenity
- C31 - Compatibility of proposals in residential areas

### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- DEFRA Circular 01/09

## 8. APPRAISAL

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

- Principle of Proposed Development;
- Access and Transport Impacts;
- Design, Layout and Appearance;
- Affordable Housing and Mix of Dwellings;
- Flood Risk and Drainage;
- Ecology;
- Trees/Landscaping;
- Impact on Neighbouring Properties;
- Quality of New Dwellings;
- Energy Efficiency/Sustainability;
- On/Off Site Infrastructure.

#### Principle of Proposed Development

8.2. Through its planning policies the Cherwell Local Plan 2011-2031 Part 1 (CLPP1) recognises that new homes outside the largest settlements in the District will be further from the, services, leisure facilities, employment and transportation links necessary to achieve genuinely sustainable development. As a result, the CLPP1 seeks to limit new housing in the rural areas whilst concentrating new housing growth to Bicester, Banbury and to a lesser extent Heyford. Through its planning policies the CLPP1 seeks to ensure sustainable delivery of a sufficient number of new homes to meet the objectively assessed needs of the District through to 2031 and as a result is consistent with national planning policy contained within the NPPF. Furthermore, as the supply of new homes within the District has recently been strong and is projected to be similarly strong over the next five year period, the Council can demonstrate in excess of a five year supply of housing with the consequence that the housing supply policies in the CLPP1 are up-to-date and attract full weight.

8.3 Policy Villages 1 of the CLPP1 categorises the villages of the District based on their respective sustainability merits to accommodate some housing growth over the plan period. There are three categories – A, B and C – which classify villages based on their capacity to sustainably accommodate new housing by assessing matters such as their size and access to services, facilities, employment and public transport. Whilst the application site is technically in Blackthorn Parish, this is irrelevant for the purposes of considering its planning merits and officers consider that the proposed development would be part of the village of Ambrosden rather than Blackthorn. Policy Villages 1 classifies Ambrosden as a Category A settlement given that it is one of the larger villages in the District with a shop, post office, primary school and public house as well as being close to Bicester. It is also served by a commercially viable bus service that runs between Oxford and Bicester.

8.4 Policy Villages 1 however only provides policy support for conversions, infilling and minor residential development in the Category A settlements. As the application site

cannot reasonably be described as minor and is clearly outside the Ambrosden settlement boundaries, Policy Villages 1 does not provide support for the proposed development.

- 8.5 Policy Villages 2 however provides a general housing allocation of 750 dwellings (on top of those dwellings approved under Policy Villages 1) at Category A settlements from 2014-2031. It further adds that the sites comprising the 750 dwellings will be identified through the preparation of development plan documents or, where applicable, the determination of applications for planning permission. As of 31<sup>st</sup> March 2016 a total of 538 dwellings had been completed under the provisions of Policy Villages 2 with extant but unimplemented planning permissions for a further 50 dwellings. A total of 588 dwellings have therefore been committed/delivered under the Policy Villages 2 allocation leaving only a residual figure of 162 to be delivered over the remainder of the plan period.
- 8.6 Whilst Policy Villages 2 does not include specific requirements relating to phasing or distribution of the housing across the 23 Category A settlements, it has been established through recent appeal decisions that early delivery of most or all of the rural housing allocation in the plan period together with overconcentration of housing in a small number of settlements would be prejudicial to the overall sustainable housing strategy for the District inherent to Policy Villages 2 and the CLPP1 generally. With 23 rural settlements available to share in the benefits of new housing where needed, early delivery and overconcentration of new housing could remove the ability to be able to respond appropriately to housing needs in the future without creating a situation where there this would be in direct conflict with the Development Plan.
- 8.7 The provisions of Policy Villages 2 apply from the 1<sup>st</sup> April 2014. Since this date, 45 dwellings have been approved in Ambrosden at Ambrosden Court with those currently being constructed and nearing completion. Whilst approved shortly prior to the 1<sup>st</sup> April 2014, the adjacent Springfield Farm development (which totals a further 90 dwellings) has recently been completed and therefore in a broadly contemporaneous time period such that it is considered to be partially relevant to considering the appropriateness of further housing growth at Ambrosden. The approval and delivery of the proposed development would see a total of 130 dwellings provided in Ambrosden under the provisions of Policy Villages 2 which – given that it is 1 of 23 Category A settlements – is a significant proportion of the total. If approved, the proposed development would leave a residual figure of only 77 dwellings left to be provided across the 23 Category A settlements of the District over the remainder of the plan period.
- 8.8 For this reason officers have concluded that the scale, timing and location of the proposed development is potentially of concern as it could prejudice the robustness of the provisions of Policy Villages 2 in the future and in turn the housing strategy within the CLPP1. Nevertheless, as the proposed development would not cause exceedance of the rural housing allocation it is not specifically contrary to the provisions of Policy Villages 2 in this respect. In considering the appropriateness of the proposals under the provisions of Policy Villages 2 it is also necessary to consider them against a range of criteria set out in the policy to determine their wider suitability. Whilst officers have some concerns about the proportion of the District's rural housing allocation that would be cumulatively provided at Ambrosden as a result of this application and the prospect of further rural housing growth at this early stage in the plan period, officers are open-minded to the prospect that development proposals that score strongly against the criteria set out in Policy Villages 2 (without exceeding its total allocation) in addition to other Development Plan policies may outweigh any wider concerns in this respect.

- 8.9 Having regard to the above, this report will assess the merits of the proposed development against the criteria set out in Policy Villages 2 which is considered to be the policy in the Development Plan of principal relevance to this case. This will help to reach a conclusion on the acceptability of the principle of the development by balancing the specific merits of the proposals against any implications for the overall strategy of the CLPP1 in order to reach a reasoned conclusion. Ambrosden is one of the larger villages of the 23 listed as being in Category A as defined through Policies Villages 1 and 2 and provides a number of services and facilities for its residents including a primary school, public house, day-care nursery, shop, post office, village hall and a regular commercially viable bus service to Bicester. The village is also close to Bicester and so even where trips by car are necessary they would often be shorter in order to reach the higher order services available in the town. A regular bus service to Oxford is also available from relatively nearby. For this reason, officers are comfortable that Ambrosden is a comparatively more suitable and sustainable village to accommodate a reasonable proportion of the housing allocation provided through Policy Villages 2 than some of the alternatives. The site is also relatively well located with respect to the core of the village and so future residents should in many cases be able to walk to the services/facilities available as well as to the existing bus stops. In this regard Ambrosden is considered to be a settlement that could sustainably accommodate a larger than equitable proportion of the District's rural housing allocation and the proposed development is considered to score relatively favourably against the criteria set out in Policy Villages 2 which requires an assessment as to *"whether the site is well located to services and facilities"*.
- 8.10 The proposed development involves direct loss of farmland that forms a pleasant part of the open countryside and therefore has intrinsic beauty. Whilst the site is not in itself of any particular landscape merit and nor is it part of a wider area of designated landscape value, the proposals cause harm to the countryside and by extension the rural context of the village which is of intrinsic beauty and such land would be lost forever. Policy C8 of the CLP 1996 resists the sprawl of built development into the countryside and Policy Villages 2 recognises that brownfield redevelopment is preferable as part of assessing the acceptability of new housing proposals as part of the rural housing allocation. Harm should not occur, even to parts of the countryside that are not of high landscape value, without support from the Development Plan or benefits that clearly outweigh the environmental harm associated with its development. The proposals would evidently result in encroachment into the open countryside and as such they are in conflict with the requirements of Policy C8 of the CLP 1996 but this policy is essentially superseded by the up-to-date provisions of Policy Villages 2 in respect of considering housing proposals at Category A settlements.
- 8.11 Broadly speaking, without being of intrinsically high landscape value, the application site is considered to complement local landscape character given that it comprises a large open arable field, hedgerows, trees, ponds and ditches which in turn supports the rural character and setting of Ambrosden as a village. As a result, its development in the manner proposed would undoubtedly be harmful to local landscape character and the natural beauty of the countryside without necessarily causing significant harm in this respect due to the comparatively ordinary landscape value of the land and its surroundings. Policy ESD13 of the CLPP1 is material in this respect and resists undue visual intrusion into the countryside as well as development that is inconsistent with local character which the proposals generally conflict with. That being said, despite the obvious incursion into characteristic open countryside, the site and therefore the proposed development is relatively well related to the existing form and pattern of the village and does not materially project beyond either the furthest southern and eastern existing built-up limits of the village. This ensures that the development would be relatively well contained within the

existing settlement pattern and reduces the likely visual experience of the development from many wider viewpoints. As a result, development of the site would not be especially incongruous with the form of the village and this helps prevent it being experienced as a substantial projection of built development into the surrounding countryside

- 8.12 The application site is however neither considered to constitute previously developed land nor land of lesser environmental value and the proposals would, as a consequence, give rise to harm to the natural landscape such that the proposals do not score especially favourably against the first criterion set out in Policy Villages 2. Notwithstanding that, it is not clear whether there are many previously developed larger sites within or on the edge of Category A villages of the District that are likely to become available within the plan period and there are certainly many greenfield sites on the edge of such villages that are of greater environmental value than the application site. Such factors do count in favour of the proposed development as it is considered rather too presumptuous to assume that waiting until later in the plan period would see more suitable sites being brought forward.
- 8.13 In further considering matters of principle and the environmental value of the site, Policy Villages 2 requires consideration to be given as to whether the proposals would result in the loss of best and most versatile agricultural land as defined in the NPPF. Such land is more agriculturally productive and the NPPF places importance on its retention. An agricultural land quality survey has been submitted as part of the planning application and has concluded that the site is not comprised of land that meets the NPPF definition of best and most versatile land. As such, there is no objection to the principle of developing the site in this respect and the proposals score favourably against this criterion of Policy Villages 2.
- 8.14 In summary on matters of principle, officers have concluded that if the proposed development was to take place the amount and distribution of housing within Ambrosden together with its early stage in the plan period could, to an extent, adversely affect the ability to respond appropriately to rural housing needs elsewhere in the District later in the plan period in a manner consistent with the Development Plan. However, the amount and location of the proposed new housing would not specifically conflict with the provisions of Policy Villages 2 as they constitute residential development on the edge of a Category A settlement with the overall rural housing allocation not being exceeded. Where the proposals ultimately score highly favourably against the criteria set out in Policy Villages 2 there may be scope for concluding that the benefits associated with the delivery of the proposed housing outweigh concerns regarding early delivery and overconcentration of the rural housing allocation. The site is not considered to be previously developed nor of lesser environmental value and the proposals would cause harm to the landscape though not result in the loss of good quality agricultural land. These matters will be need to be weighed in the wider balance associated with considering the proposals against the provisions of Policy Villages 2 as well as the Development Plan more generally. The remainder of the report will go on to consider this further and then reach a conclusion on the acceptability of the principle of the development.

#### Access and Transport Impacts

- 8.15 Policy SLE4 of the CLPP1 reflects Government guidance set out in the NPPF by requiring new development to facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It also seeks to resist development where it would have a severe cumulative traffic impact. The NPPF also adds that planning decisions should take account of whether safe and suitable access to development can be achieved for all people. Policy Villages 2 also includes a further criterion against which this application needs to be assessed

relating to whether proposals would be served by satisfactory vehicular and pedestrian access.

- 8.16 Vehicular access to the development is proposed to be directly onto Blackthorn Road approximately 150m to the east of the junction with Akeman Avenue. The site access road is shown to be 5.5m wide and the applicant has demonstrated that the appropriate visibility splays can be provided within the highway verge without the need for removal of vegetation to ensure safety for road users. After further investigation, it appears that all of the land necessary to construct the vehicular access is within either the control of the applicant or local highway authority such that there are no doubts regarding its deliverability. The proposed vehicular access and associated estate roads have also been tracked to show that they can accommodate all typical vehicles including a refuse collection lorry and OCC as local highway authority has confirmed their satisfaction with the layout in this regard.
- 8.17 The applicant is proposing alterations to the speed limits along Blackthorn Road in the vicinity of the site access with the 30mph limit being extended to the northeast and then a change to 50mph (rather than the existing 60mph). These would need to be the subject of a Traffic Regulation Order (TRO) made by the local highway authority and is a separate legal procedure with its own public consultation and decision process so its outcome cannot be guaranteed. Nevertheless, the proposed access is shown to be safe even at current speed limits and so is considered to be acceptable in this regard even if the proposed speed limit changes were to fail. In the event of Members resolving to grant planning permission, financial contributions should be sought through a planning obligation to fund OCC's costs associated with the TRO procedure as the speed limit changes would assist in integrating the development into the village.
- 8.18 In order to achieve connectivity with the village, a new combined 2.5m wide footway/cycleway is proposed along the southern side of Blackthorn Road as far as its junction with Ploughley Road. There appears to be sufficient space in the verge to deliver this. The application also proposes a short stretch of new footway/cycleway with dropped kerb that enables suitable linkage with the MoD housing development on the opposite side of Blackthorn Road. Subject to this pedestrian/cycle provision being secured by condition, officers are satisfied that the proposed development would enable suitable pedestrian/cycle connectivity with surrounding development.
- 8.19 The proposed footway/cycleway described above would enable residents of the proposed development to reach the existing bus stops on Ploughley Road which would be about a 500m walk for most new residents which is considered to be suitable within a village environment. The village is already served by a commercially viable bus service (the S5 between Bicester and Oxford) and, in the event that the application was to be approved, officers recommend that a financial contribution of £1000/dwelling (index linked) is secured via a planning obligation towards improving the frequency of the service through Ambrosden. This will ensure that the opportunities for residents to use sustainable modes of transport are maximised in accordance with the requirements of Policy SLE4 of the CLPP1.
- 8.20 A public footpath runs from the northwest corner of the site in a diagonal alignment to the eastern boundary and then onwards towards Blackthorn village. The proposed development has been designed in such a way that a significant diversion of the public footpath is required so that it follows the field boundaries rather than its current direct alignment. This is a less convenient route for members of the public and also results in a significant change in its nature. Since the previous Planning Committee meeting, officers have explored whether it is reasonably possible to incorporate the public footpath on its existing or similar whilst achieving a suitable

quality design and layout of the development but concluded that the public footpath would significantly compromise the scheme and also lead to the public footpath being far less legible to its users. The diverted public footpath would have a relatively pleasant and generous green buffer to preserve its amenity value and would also be more durably surfaced to make it more usable. The proposed diverted route is also not substantially more inconvenient in its alignment and would at least be clearly marked and legible to pedestrians. It is also worthy of note that OCC's rights of way officer has not raised significant concern about the proposed realignment.

- 8.21 Policy ESD15 of the CLPP1 requires, inter alia, the promotion of permeable and accessible places that promote pedestrian movement. Guidance contained in Circular 01/09 supports the retention and improvement of public rights of way and resists their diversion onto estate roads or where they would be ambiguous. The need to divert the existing public footpath as part of the proposed development is disappointing but officers have concluded that there is no other reasonable alternative for the applicant and that the proposed new alignment would be of a satisfactory quality without being significantly less convenient for its users. Consequently the proposals would not be unacceptable in this regard but the need and effect of the diversion does weigh slightly against the proposals. Conditions are recommended that require the diverted public footpath to be available for use prior to obstructing or stopping up the existing footpath. A separate legal process is required to formally authorise the diversion of a public footpath and the Council cannot guarantee this outcome this even if planning permission is granted. There remains the possibility that the development would not be able to proceed if this process was not successful. In the event that planning permission is to be granted, officers recommend that a financial contribution of £15,000 is sought towards upgrades to the public footpath either side of the development to ensure that it is suitable and able to withstand likely additional use.
- 8.22 The application has been accompanied by a travel plan. Officers welcome this and it generally sets out appropriate objectives but further refinement is necessary to include commitments such as distribution of travel information packs and a programme of review and actions. Nevertheless, a condition is recommended that requires the submission, approval and implementation of an updated travel plan.
- 8.23 On the basis of the above, officers are satisfied that safe and suitable access can be provided to serve the proposed development and that it would sufficiently facilitate use of sustainable modes of travel. Officers did however have concerns about the wider cumulative transport impact of the development when report to the April Planning Committee. The Transport Assessment (TA) originally submitted alongside the application was not considered to be robust for reasons previously set out, principally due to the fact that it did not utilise up-to-date and therefore robust traffic modelling which should include expected background growth in traffic including that arising from committed developments. Further modelling has taken place which has identified that severe congestion is likely to occur at the Ploughley Road/A41 junction at the completion of the development and which would be exacerbated by traffic generated from the proposed development. Increases in queueing at the junction not only further adversely affects existing commuting times for drivers but also increases the prospect of drivers becoming impatient and taking unnecessary risks to exit the junction thereby prejudicing highway safety.
- 8.24 The applicant has worked with highway officers at OCC to determine whether any mitigatory highway improvements at this junction could overcome the harm associated with the additional congestion. Following discussions with highway officers at OCC, a scheme for improvement works to the Ploughley Road/A41 junction has been proposed and OCC considers that with these works the proposed

development would not cause detriment to the functioning of the junction beyond that likely to occur through predicted background increases in traffic. However, OCC is not keen for these works to take place as a far more substantial redesign of the junction is necessary to mitigate greater traffic impacts both from committed development and background increases in traffic. As a result, OCC is content that a financial contribution equivalent to the cost of carrying out the improvement scheme should be secured through a planning obligation if the application was to be approved so that this could be pooled with other funds to deliver a far more comprehensive improvement to the junction. Subject to this being the case, OCC as the local highway authority is satisfied that the cumulative transport impacts of the proposed development would be acceptable.

- 8.25 In conclusion and having regard to the above, officers are content that the proposed development would be served by a safe and suitable means of access and that the scheme adequately promotes sustainable modes of travel and, subject to securing mitigation, would not have an unacceptable cumulative impact on the wider local highway network. The proposals are therefore considered to accord with the requirements of Policy SLE4 of the CLPP1 in this regard and scores favourably against the relevant criterion set out in Policy Villages 2.

#### Design, Layout and Appearance

- 8.26 Policy ESD15 of the CLPP1 requires new development to complement and enhance the character of its context through sensitive siting, layout and high quality design. Furthermore, Policy ESD15 replicates national policy in the NPPF by requiring all new development proposals to be designed to improve the quality and appearance of an area and the way it functions. Policy ESD15 also requires new development to contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting the natural landscape setting. Policy ESD15 has further requirements including that new developments reflect local distinctiveness through their materials and design detailing whilst also promoting permeable and accessible places. Policy Villages 2 includes a criterion that requires an assessment as to "*whether development would contribute in enhancing the built environment*".
- 8.27 Following the reporting of the application to the April Planning Committee, the applicant has submitted significant amendments to the application including changes to the detailed design and layout of the proposed development. With respect to its northern edge, the proposed new housing would be set back from Blackthorn Road to ensure the existing hedgerow is preserved whilst enabling vehicular access to houses along the frontage via driveways that run parallel to the road. Broadly speaking this relationship is consistent with the existing approach at Springfield Farm development to the west. Following amendments, the building line along this northern edge is now more uniform and legible in common with surrounding development rather than undefined as previously shown. Architecturally the houses along the northern edge have now been refined so that the form, style and detailing of the houses is now more reflective of traditional vernacular architecture which officers welcome. Furthermore, the external materials now proposed have a greater sense of cohesiveness rather than the seemingly random distribution shown previously. That being said, the houses proposed along Blackthorn Road are all very similar in form, scale and materials and could perhaps be perceived as a little bland. However, overall and following the amendments made, officers are now satisfied that the proposed development would form an appropriate interface with the Blackthorn Road interface.
- 8.28 Similarly the southern built development line has now been refined as part of the amendments so that it is more consistent rather than awkwardly jutting backwards and forwards as before. This ensures a more organic building line that better reflects the layout at the adjacent Springfield Farm development. The houses along the



southern development edge are invariably large detached buildings though they are limited to two storeys whilst should avoid them appearing unduly prominent within wider landscape views. Being detached in their form should also provide gaps between buildings and thus reduce the apparent density and visual mass of the development at its countryside edge. Officers therefore consider this approach to be appropriate.

- 8.29 To the western boundary the houses proposed are more varied in form given their mixed affordable/private tenure. The scheme proposes predominantly rear gardens along the western boundary which would abut the existing boundary fence of the Springfield Farm development. A handful of mature trees are dotted along the boundary. Following amendments the new houses and associated parking areas are proposed to be more sensitively sited in relation to existing trees of significance so that they can be preserved in the interests of ecology as well as the quality of the development. The eastern boundary of the proposed development has been subject to amendments with the previously shown short terraces of two storey homes now featuring a more mixed house typology that is better broken up with reduced parking areas and greater soft landscaping. As a result, the interface to the wider countryside is now softer and more sympathetic to reduce wider landscape impact.
- 8.30 Within the development, the layout itself still has the feel of a suburban estate character which is not necessarily reflective of the traditional village form and pattern. It is therefore difficult to argue that the proposals would enhance the character and morphology of the village. Nevertheless, the amendments submitted remove a number of the awkwardly positioned private drives to improve permeability through the development which is welcome and should lead to it feeling more integrated and inclusive for future residents. There is however no direct integration with the adjacent Springfield Farm development and there is little opportunity to do so given that this existing development was not designed with further adjacent development in mind. As a result, pedestrian connectivity is not as strong as it ideally should be and the development does represent another piecemeal addition to the village that is again designed as its last.
- 8.31 The development itself still features a high proportion of large detached houses though a more balanced housing mix has now been proposed as part of amendments. These amendments have enabled the introduction of more variation throughout the development, particularly within the more central parts of the site, so that there are smaller character areas and changes in building typology that help to better define key parts of the site. Furthermore, the amendments have also reduced the amount of frontage parking which previously gave the effect of an unduly urban appearance and which did not sit comfortably within the remainder of the low density detached suburban character of the development. Given that this was mainly associated with the affordable dwellings, this now helps them to better integrate within the development.
- 8.32 The application proposes a number of house types for both private and affordable dwellings. A combination of external materials are proposed to include a red brick as well as predominantly reconstituted stone houses. Both Policy ESD15 of the CLPP1 as well as national policy in the NPPF promote the importance of local character and distinctiveness as part of good design. The amendments remove the previously proposed render which officers welcome given that it is not traditionally found within the immediate local area. The amended proposals significantly improve the form and detailing of the various house types proposed so that the fenestration, doors, porches, bay windows, verges/eaves and dormer windows all now better reflect traditional local architecture rather than the more generic house types previously proposed. Officers are now satisfied that the buildings proposed have been appropriately designed so that they are broadly in keeping with the local context.

- 8.33 That being said, officers still have some reservations about the use of overly uniform detached houses along both the northern and southern edges of the development which could appear a little bland. The external materials proposed would exacerbate this as it is shown to be predominantly reconstituted Cotswold stone and some more considered use of clusters of brick houses could assist in adding interest.
- 8.34 Consequently, whilst officers continue to have some reservations about the design and layout of the proposed development, the amended proposals are considered to result in a development that is now of adequate quality that takes the opportunities available to respond to both its built and natural context and as such accords with the requirements of Policy ESD15 of the CLPP1, C28 of the CLP 1996 as well as Government guidance set out in the NPPF. With respect to considering the proposals against the provisions of Policy Villages 2, the proposals are not considered to go so far as to contribute towards enhancing the built environment (as set out in the relevant criterion) but neither are they considered to adversely affect it. The proposals are therefore considered to score neutrally in this respect.

#### Affordable Housing and Mix of Dwellings

- 8.35 Policy BSC3 of the CLPP1 requires 35% of new dwellings on housing developments of this size to be secured as affordable housing to contribute towards meeting local priority housing needs and delivering mixed and balanced communities. Policy BSC3 requires this to be a mix of affordable rent and intermediate tenure. The applicant is proposing 35% of the dwellings to be affordable units and this is welcomed by officers. Following amendments, the proposed tenure and size mix of the affordable dwellings is considered to be appropriate as confirmed by the Council's Strategic Housing team. As previously described in this report, the amended proposals also improve the design and treatment of the proposed affordable dwellings as well as their distribution throughout the development. The amendments to the overall housing mix also help reduce the distinguishability of the smaller affordable dwellings from the larger detached market homes. As a result officers are now satisfied that, subject to securing the affordable housing through a planning obligation, the proposals now respond appropriately to affordable housing needs and that such housing would be adequately integrated within the development in order to meet both Development Plan requirements as well as Government guidance.
- 8.36 Policy BSC4 of the CLPP1 reflects national policy set out in paragraph 50 of the NPPF by providing for a mix of housing (both market and affordable) to meet current and projected future need. The affordable housing proposed serves a different purpose than the market housing and, as set out above, would be met by the proposals. The conclusions derived from the Oxfordshire SHMA indicate that the need in Cherwell District over the next 15-20 years is particularly for 3 bedroom dwellings with moderate need for 2 and 4 bedroom homes too as set out in the supporting text to Policy BSC4. The original proposals included 75% of the market homes as 4+ bedroom dwellings which is far removed from the identified need for the District. The number of 4+ bedroom market dwellings has now been reduced as part of the amended proposals and the number of 3 bedroom market dwellings increased. This takes the proportion of 3 bedroom market dwellings to 38% and the 4+ bedroom homes to 58%. Whilst this is closer to the policy requirement, it still shows a material overprovision of larger homes at the expense of smaller dwellings. This would typically be considered to be unacceptable in the absence of material considerations to indicate otherwise. In this case however, officers are persuaded that this revised mix is on balance acceptable given the particular characteristics of the housing stock and population profile of Ambrosden. It is of course recognised that these homes are not to serve the housing needs of Ambrosden and only a small proportion of the future residents are likely to be existing residents of the village with

many coming from elsewhere within Cherwell District, the wider Oxfordshire housing market area or even beyond. However, Ambrosden is a village that has a high proportion of smaller housing stock given that it includes a large number of former MoD housing and, even with recent developments at Springfield Farm and Ambrosden Court, the proportion of larger housing within the village falls below the average within Cherwell District. Census data also indicates that the village includes a higher than average proportion of younger people which reflects its ties with the MoD. A higher proportion of larger houses would give opportunity for those with families living within smaller homes in the village to remain in the village as well as introduce a greater proportion of families from elsewhere to improve the overall demographic balance of the village. Having regard to this information and the move within the amended proposals towards a market housing mix that is closer to the normal BSC4 policy requirement, officers consider the housing mix proposed within the development to be, on balance, acceptable.

- 8.37 Consequently officers have found that the mix of market and affordable homes proposed are acceptable having regard to the requirements of Policies BSC3 and BSC4 of the CLPP1 as well as Government guidance set out in the NPPF and that, as a consequence, the proposals would adequately respond to identified local housing need.

#### Flood Risk and Drainage

- 8.38 Policy ESD6 of the CLPP1 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 8.39 A site-specific Flood Risk Assessment (FRA) has been submitted alongside the application. The Environment Agency's flood maps indicate that none of the proposed new homes are within a higher risk flood zone. However, such mapping is not based on detailed hydraulic flood modelling and neither does it take into account flooding from other sources than rivers and canals. Site specific hydraulic modelling determined that the original proposals included a handful of new dwellings within Flood Zone 2 (1 in 1000 year flood event) and Flood Zone 3 (1 in 100 year flood event). The layout of the proposed development has now been revised as part of the amended proposals to remove all new dwellings from the higher risk flood zones. As a result, the dwellings proposed are not considered to be at risk of fluvial flooding and as such comply with the requirements of Policy ESD6 of the CLPP1 in this respect. It is however important that building materials and spoil are not stored within Flood Zone 3 as part of construction works as this could affect flood water storage and flows. A condition is recommended in this respect as well as a condition that requires the development to be carried out in accordance with the submitted FRA.
- 8.40 The proposals are shown to incorporate a sustainable drainage scheme that accommodates flooding in storm events so that there is no increased risk of surface water flooding above pre-development levels and that homes are not at risk up to the 1 in 100 year storm event standard. OCC's drainage engineers have confirmed that, in principle, the drainage scheme proposed despite some concerns about the detail but this could be resolved through submission of further details by condition. A condition is therefore recommended in the event that the application is approved.
- 8.41 Consequently, subject to conditions, the proposals are considered to be acceptable in flood risk and drainage terms in accordance with the requirements of Policies ESD6 and ESD7 of the CLPP1. Policy Villages 2 also includes a criterion relating to *"whether the proposals would have an adverse impact on flood risk"*. As the

proposed dwellings would not adversely affect flood risk either locally or elsewhere the proposals score favourably in this respect

#### Ecology

- 8.42 Policy ESD10 of the CLPP1 seeks the protection and enhancement of biodiversity and the natural environment including trees, valuable ecological habitat and priority/protected species. This is reflective of national policy set out in the NPPF which, inter alia, seeks net gains for nature through the planning system. Policy Villages 2 is also material in this respect as one of its criteria for assessment of rural housing developments is whether the proposals would avoid significant adverse impact on wildlife assets. The Council also has statutory duties to both have regard to the purpose of conserving biodiversity as well as considering whether adequate provision is made for the preservation or planting of trees.
- 8.43 The entirety of the site also lies within the designated River Ray Conservation Target Area (CTA) and Policy ESD11 resists development that would be at odds with the purposes of the designation whilst also requiring biodiversity enhancement to help achieve the objectives of the CTA.
- 8.44 An ecology report was submitted as part of the application and has been undertaken in accordance with appropriate methodology. As the proposals involve the loss of arable habitat which is of low ecological value and the retention of habitats of higher value (in particular the boundary hedgerows, all trees and the pond in the north east corner) the proposals should not have a significant adverse impact on biodiversity. The provision of new grassed and wildflower amenity areas, new tree/hedge/shrub planting as well as residential gardens should more than outweigh the loss of arable farming with respect to biodiversity value. However there is the potential for protected and national priority species to be impacted during construction, in particular nesting birds (including ground nesting species) and reptiles. Appropriate measures have been outlined in section 6.5 of the submitted ecology report to safeguard protected species though full details would be needed by condition (a Construction Ecological Management Plan) if planning permission was to be granted. Following the submission of the amended proposals and an updated arboricultural assessment, all trees of value on the site should be able to be safeguarded as part of the development and conditions are recommended in this respect.
- 8.45 As the site is part of the River Ray CTA, the proposals should make every effort to provide biodiversity gain to support the habitats and species associated with the CTA in line with the requirements of Policy ESD11. The habitat restoration and enhancement measures detailed in section 6.2 to 6.7 of the ecology report are welcomed, including sensitive management of existing hedgerows and proposed hedgerows, and sensitive management of the grassland and restoration of the existing pond. If planning permission was to be granted, conditions are recommended requiring approval of a soft landscape scheme to ensure the proposed new planting is appropriate to sustain/enhance the species found in the CTA.
- 8.46 In line with planning policy objectives to enhance biodiversity within the CTA, the balancing ponds/basins should be designed to be permanent water features (either to hold water all year round or at least most of the year round) for wildlife such as amphibians, reptiles, invertebrates etc. This would also contribute towards the Oxfordshire Biodiversity Action Plan Targets to create ponds within this CTA. Further details of the ponds would be required as part of the condition requiring approval of a surface water drainage scheme to serve the development. With respect to the public amenity space proposed to the southern half of the development, increased areas of wildflower grassland cut twice a year are also

recommended in place of some of the amenity grassland areas where possible within the soft landscape scheme. In order to achieve suitable long term management of retained and new habitats on the site, a combined ecological and landscaping scheme (LEMP) is recommended to be secured by condition if planning permission is to be granted. The LEMP should identify responsibility for the long-term management of the site to secure future appropriate management and monitoring. The LEMP should also include details of locations/types of bat and bird boxes as an enhancement for these species in line with the requirements of Policy ESD10 of the CLPP1 with the aim of achieving a net gain in biodiversity.

- 8.47 Artificial lighting is inevitable as part of a development of this size and nature. In order to ensure the effect on nocturnal wildlife is minimised, a lighting strategy also needs to be secured by condition to ensure that it is sensitively designed to retain dark corridors for commuting/foraging bats.
- 8.48 In conclusion on the subject of ecological impacts, officers are satisfied that subject to the recommended conditions, existing habitat of value can be conserved and enhanced as part of the development as well as new habitat created to achieve a net gain for the CTA, biodiversity generally and protected/priority species in accordance with the requirements of Policies ESD10 and ESD11 of the CLPP1 as well as national policy contained in the NPPF. The proposals therefore score favourably in this respect against the relevant criterion set out in Policy Villages 2.

#### Trees/Landscaping

- 8.49 Policy ESD15 of the CLPP1 requires new development to respect local topography and landscape features including significant trees, hedgerows and views. Policy ESD10 has similar requirements including the objective of protecting existing trees as well as increasing the number of trees overall within the District.
- 8.50 As already detailed previously, the vast majority of important soft landscape features are proposed to be retained as part of the development both in the interests of the character and appearance of the area as well as nature conservation. To achieve vehicular access to the development the existing central gap in the hedgerow along Blackthorn Road will need to be widened hence some loss of this landscape feature. However, a similarly sized gap further to the northeast is proposed to be closed up with new native hedgerow planting which should mitigate the impact and this would need to be secured through a condition relating to soft landscaping.
- 8.51 As the southern extent of the application site is not delineated by a hedgerow (as the site is part of a larger field) there is the opportunity to include further native hedgerow planting whilst also softening the visual impact of the development in views from the countryside to the south. Such new planting would need to be secured via a condition requiring the submission, approval and implementation of a scheme of soft landscaping.
- 8.52 Following the submission of the amended proposals, the mature Oak and Ash trees located along the western boundary are now shown to be sited sufficiently far away from proposed building works that their health would not be affected. Furthermore, the gardens proposed to serve dwellings along the western boundary are sufficiently large and oriented in such a way as to prevent the existing trees from dominating or overshadowing them which could have put them under future pressure for lopping or felling. All areas of hardsurfacing have now been removed from the root protection areas of trees proposed for retention and so no harm should occur in this respect. For these reasons officers are satisfied that subject to a suitable landscape scheme being submitted and approved via condition, that the proposals respect existing landscape features on the site and include appropriate new landscape features to ensure a suitable quality of development and minimise visual impact on the

surrounding countryside in accordance with the requirements of Policies ESD10 and ESD15 of the CLPP1.

#### Impact on Neighbouring Properties

- 8.53 Policy ESD15 of the CLPP1 requires consideration to be given to the amenity of both existing and future occupants of buildings as part of development proposals. Policy C30 of the CLP 1996 has similar requirements. These reflect one of the core planning principles set out in the NPPF – namely that the planning system should seek to secure a good standard of amenity for all occupants of land and buildings.
- 8.54 It is only at the site's western boundary that the proposed development would be adjacent to existing residential development. These existing homes are part of the Springfield Farm development and constructed in the last 2-3 years. In the main, the new dwellings along the western boundary are proposed to be separated from existing houses by a generous distance which should ensure no materially harmful loss of privacy, light or outlook for occupants of the existing dwellings. There would also be retained mature trees separating some of the new and existing dwellings which should provide some additional screening. Whilst Plot 14 is closer to the boundary, it is orientated in line with and parallel to the adjacent existing houses and so there is no potential for direct overlooking or overbearance.
- 8.55 Consequently officers have concluded that the proposed development properly safeguards established residential amenity in accordance with the requirements of Policy ESD15 of the CLPP1, Policy C30 of the CLP 1996 and national policy set out in the NPPF.

#### Quality of New Dwellings

- 8.56 Policy ESD15 of the CLPP1 together with Policy C30 of the CLP 1996 require acceptable standards of amenity as part of new development. A review of the plans and drawings indicates that all new proposed homes would provide sufficient quality and quantity of internal floorspace to provide reasonable living conditions for future occupants. Furthermore, all homes are shown to be served by private gardens and whilst a handful of the gardens shown to serve some of the affordable dwellings are a little small, they are still considered to be proportionate and appropriate to the houses they serve particularly given the proximity to a large new area of public amenity space as part of the development. Plots 8-16 constitute 1 bedroom flats and together share small private gardens. However, given the size of the dwellings, likely nature of occupants as well as the close proximity to the large new public amenity area, this level of private outdoor space is considered to be acceptable. All private gardens are shown to be enclosed by combinations of stone/brick walls or close boarded fencing to ensure privacy with all publicly visible boundaries being screened by walls rather than fences to ensure that they are more visually appropriate. All new homes are also shown to be served by dedicated parking spaces (either on-plot or parking court) at a level proportionate to the size of the dwellings together with visitor car parking opportunities throughout the development. All new homes also have sufficient space for the provision of bin and cycle storage facilities in rear gardens to avoid unsightly clutter along streets as well as bin collection points where necessary.
- 8.57 Consequently, subject to appropriate conditions regarding means of enclosure and provision of car parking, officers have concluded that the standard of living for future occupants of the proposed dwellings is appropriate and in accordance with the requirements of Development Plan policies.

#### Energy Efficiency/Sustainability

- 8.58 Policy ESD3 of the CLPP1 is no longer up-to-date with national planning policy given the cancelling of zero carbon national policy as well as Code for Sustainable

Homes (CfSH). However, building regulations are in the process of incorporating the energy performance standards inherent to Level 4 of the CfSH though this is not yet the case. In the meantime, and in accordance with the relevant Written Ministerial Statement, officers are recommending that development should achieve energy performance equivalent to the former Code Level 4. If planning permission was to be granted, a condition is recommended to this effect.

- 8.59 Policy ESD3 is however still up-to-date with respect to water efficiency. This requires new homes to be designed to achieve a limit of 110 litres/person/day. A condition is recommended to this effect in the event that planning permission is to be granted.

#### On/Off Site Infrastructure

- 8.60 Policy INF1 of the CLPP1 requires development proposals to demonstrate that infrastructure requirements can be met to mitigate the impacts of the development including the provision of transport, education, health, social and community facilities. Policy Villages 2 also requires an assessment as to whether the necessary can be provided.

- 8.61 With respect to on-site infrastructure, Policy BSC11 of CLPP1 requires the provision of general public amenity space as well as a Local Area of Play (LAP) and Local Equipped Area of Play (LEAP) for a residential development of this size. The applicant has proposed a large area of general public amenity space which satisfies the requirements of Policy BSC11 in this regard. A combined LAP/LEAP is also shown to be provided as part of the amended proposals. Officers are content that such a facility can be provided on the site in an appropriate way but there are some concerns about the layout and detailing of the currently proposed play area. As a result, a condition is recommended requiring the submission and approval of further details prior to the first occupation of any dwelling. Such provision and ongoing maintenance would also need to be secured through a legal agreement. It is also worthy of note that on some of the plans it is suggested that access across the proposed public amenity space is occasionally expected for farm vehicles to enable entry to an adjoining field. This could adversely affect the public amenity area particularly when the ground is wet and could occasionally disrupt its use. Officers will need to be satisfied that this is appropriately accommodated as this is not usually considered to be an acceptable use of a public green space and legal agreements will typically include clauses that prohibit such occurrences.

- 8.62 Policies BSC10 and BSC12 of the CLPP1 also require new residential developments to mitigate their impact on off-site indoor and outdoor sports provision in the local area where they would have an adverse impact on existing capacity. Officers have identified that the proposed development would increase demand on existing provision which will need improvement in order to mitigate the increased use and projects within the locality of Ambrosden have been identified for which financial contributions are sought through a planning obligation.

- 8.63 There is a vacant site for a community hall on the adjacent Springfield Farm development. A sum of approximately £22k was secured from that development together with the land. However, this leaves a substantial shortfall to the actual capital cost of such a facility together with maintenance costs. Only infrastructure that is directly necessary and proportionate can be secured to mitigate the impact of new development and as such a further financial contribution (approximately £20k index linked) towards the cost of providing the community hall on the vacant land is recommended to be secured through a planning obligation. However, when pooled with the existing sum this will still be far short of the likely cost of any project. However, the land for the community hall was not required as part of making the Springfield Farm development acceptable and was not taken into account in the

decision making. Whilst such land now exists, it would not be lawful to require a full contribution towards funding the capital and maintenance costs of a new community hall which was only provided as an 'additional benefit' as part of the Springfield Farm development.

- 8.64 OCC has concluded that the proposed development would give rise to a need for increased capacity at the nearby Five Acres Primary School as well as additional demand for secondary school places. For this reason, in the event that planning permission is to be granted, OCC is seeking financial contributions towards capital projects in this respect to ensure increased capacity is delivered. OCC is also seeking a financial contribution towards increasing book stock at Bicester Library to serve the increased population.
- 8.65 A combination of on and off site infrastructure needs to be secured through a legal agreement to mitigate the impact of the proposed development. Without the above infrastructure being secured through a legal agreement the proposed development would not deliver an appropriate quality of new residential development for its occupants and would have an unacceptable impact on existing public/community infrastructure and should be resisted. However, the applicant has agreed in principle to meeting these infrastructure requirements and so there is no suggestion that the proposed development would not be supported by the necessary infrastructure. As such, subject to satisfactory completion of a legal agreement, the proposals would provide sufficient on and off site infrastructure to accord with the requirements of relevant Development Plan policies and score favourably against the relevant criterion set out in Policy Villages 2.

#### Planning Obligation(s)

- 8.66 Where on and off site infrastructure/measures need 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). These tests are that 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.
- 8.67 Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. To do so would potentially render any decision unlawful. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. The statutory tests also ensure that planning permissions cannot lawfully be 'bought' by developers offering unrelated, disproportionate but nonetheless attractive contributions to try to achieve a planning permission that would otherwise not be granted. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 8.68 Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

#### Cherwell District Council

- Provision of public amenity space and future maintenance arrangements;
- Provision of a combined LAP/LEAP together with future maintenance arrangements;
- Maintenance arrangements for on-site trees, hedgerows, ponds, ditches and



drainage features;

- Provision of 35% affordable housing together with 70:30 tenure split between affordable/social rented and intermediate housing;
- Financial contributions towards improvements to off-site indoor and outdoor sports facilities;
- Financial contribution towards the cost of providing a community hall on the adjacent Springfield Farm development.

#### Oxfordshire County Council

- Financial contributions towards increasing primary and secondary education capacity in the local area;
- Financial contribution to increase Bicester Library book stock;
- Financial contribution equivalent to the cost of the highway improvement scheme mitigating the impact of the development at the Ploughley Road/A41 junction;
- Secure £1000/dwelling (index linked) towards improving the frequency of the local bus service;
- Financial contributions to cover the legal costs associated with making TROs;
- Financial contribution towards the costs of monitoring the required Travel Plan;
- £15,000 (index linked) towards off-site improvement of public footpath 131/7;
- To secure entry into a s278 agreement (Highways Act 1980) to deliver new vehicular access, combined footway/cycleway and speed limit changes together with associated village entry treatments.

8.69 In addition to the above, the applicant has offered to provide further financial contributions towards replacement railings elsewhere in the village and a scheme to alleviate on-street parking problems on Merton Road. These have apparently been discussed directly with Ambrosden Parish Council. Officers consider these financial contributions to be neither necessary to make the development acceptable in planning terms nor directly related to the impact of the proposed development. As such, they would not meet the statutory tests of a planning obligation and to attach weight to these offers would therefore be unlawful. The applicant should discuss these directly with the Parish Council and perhaps honour these commitments outside of the planning application process.

8.70 In its representation Blackthorn Parish Council asked the Council to have regard to the potential ability to seek funds towards diversion of the S5 bus service as part of considering this application so that it routes through Blackthorn. However, not only would OCC be likely to object to diverting this 'express' service through a small village (and therefore slowing its journey time) it is not clear how such a diversion would be directly related to mitigating the impact of this proposed development. Consequently officers do not recommend that this is taken any further.

#### Other Matters

8.71 The proposed development has the potential to attract New Homes Bonus of £480,643 over 4 years under current arrangements for the Council. Local finance considerations such as this can be material in the determination of planning applications. However, Government guidance set out in the PPG is clear that whether a local finance consideration is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. Government guidance goes on to state that *'it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.'*

8.72 In the case of the proposed development, it is not clear how the New Homes Bonus payment would either directly or indirectly make the development acceptable in planning terms. As a result it should not be afforded material weight in the

determination of this application. In any event, officers do not think it appropriate that harmful impacts of a development should be balanced against direct financial gain for the Council and to do so would jeopardise public confidence in the planning system.

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

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 9.2 The CLPP1 is an up-to-date Local Plan and as such it is considered to attract full weight including its housing supply policies. The proposals would result in the delivery of a significant proportion of the total rural housing allocation for Category A villages provided for through Policy Villages 2 at Ambrosden as well as contribute towards the delivery of an even greater proportion of the total rural housing allocation early in the plan period. Such concerns are not directly related to criteria set out in Policy Villages 2 but are with respect to the overall housing strategy of the CLPP1 which has been supported by appeal decisions. However, Ambrosden is one of the larger Category A settlements in the District and offers more services and facilities than many others. As such, the delivery of a greater than equitable proportion of the total rural housing allocation at Ambrosden is not considered in itself, within reasonable limits, to be unsustainable or objectionable. The 85 dwellings now proposed together with the 45 approved and under construction at Ambrosden Court under the provisions of Policy Villages 2 would lead to a total of 130 of the 750 (17%) allocated rural homes being delivered at Ambrosden and, on balance, officers do not consider this to quite amount to an unacceptable overconcentration given the relative sustainability merits of Ambrosden. Officers do however retain concerns about the proposed development's impact on the ability to properly apply Policy Villages 2 throughout the plan period due to further delivery of homes against the total rural housing allocation which could compromise the long term rural housing strategy of the Local Plan. However, it should be noted that approval of this application would not cause an exceedance of the 750 dwelling rural allocation and would still leave some, albeit limited, capacity for a handful of smaller residential developments to take place across other Category A villages throughout the remainder of the plan period without materially conflicting with Policy Villages 2.
- 9.3 Whilst the site is not of lesser environmental value due it being part of the open countryside, with respect to other criteria relating to Policy Villages 2 the proposals are overall considered to score favourably given the limited environmental site constraints, its proximity to services/facilities, relationship to the existing settlement pattern as well as ability to mitigate its own adverse infrastructure impacts. The proposed development is also likely to be able to be delivered within the next five years given that a housebuilder is already on board and the application made in full rather than outline which also counts in the scheme's favour.
- 9.4 Officers have concluded, very much on balance, that the relative strengths of the proposed development as outlined in this report make it a suitable candidate for delivery of housing under the provisions of Policy Villages 2. The merits of the application site to accommodate some of the District's rural housing allocation and the removal of previous concerns about the detail of the proposed development are considered to result in a scheme that is acceptable when assessed against the relevant policies of the Development Plan and with housing delivery benefits that outweigh concerns about the medium-long term concerns regarding the potential

implications for the housing strategy of the CLPP1 caused by early delivery of a substantial proportion of the rural housing allocation. On balance therefore, officers have concluded that the proposed development is consistent with the provisions of the Development Plan with any material considerations indicating otherwise not being sufficient to justify departing from the Development Plan. Members are therefore recommended to resolve to approve the application subject to the conditions listed below and the satisfactory completion of a legal agreement.

#### **10. RECOMMENDATION**

That permission is granted subject to the following conditions but that the issuing of the decision notice is delegated to the Head of Development Management following the satisfactory completion of a legal agreement to secure the items listed in paragraph 8.68:

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

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

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

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

- 3 Prior to the commencement of the development hereby approved, samples of the external walls and roofing materials to be used in the construction of the buildings within 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 Notwithstanding any details that might be shown to the contrary in the approved plans, all windows to be installed on buildings within the development shall be flush fitting balanced casements that are recessed a minimum of 75mm within the window surrounds unless otherwise agreed in writing by the local planning authority.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development hereby approved, a plan showing full details of the existing and proposed site levels as well as finished floor levels within the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell

	Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
6	<p>Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, those means of enclosure shall be completed in accordance with the approved details prior to the first occupation of any part of the development that would be served by those means of enclosures.</p> <p>Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.</p>
7	<p>Prior to the first occupation of any dwelling, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any dwelling the refuse bin storage facilities for that dwelling shall be provided in accordance with the approved details and retained as such thereafter.</p> <p>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.</p>
8	<p>The dwelling(s) hereby approved shall not be occupied until 3 bins for the purposes of recycling, residual and garden waste have been provided for each of the approved dwellings, in accordance with the following specification:</p> <ul style="list-style-type: none"> <li>- One 240 litre blue wheeled bin for the collection of dry recyclable material;</li> <li>- One 240 litre green wheeled bin for the collection of residual waste;</li> <li>- One 240 litre brown bin for the collection of garden waste material</li> </ul> <p>Reason - To provide appropriate and essential infrastructure for domestic waste management in accordance with the provisions of Policies INF1 and BSC 9 of the Cherwell Local Plan 2011 - 2031 Part 1.</p>
9	<p>No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.</p> <p>Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.</p>
10	<p>Prior to the first occupation of any dwelling hereby approved, full details of the fire hydrants to be provided on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.</p> <p>Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.</p>
11	Notwithstanding any provisions contained within the Town and Country Planning

(General Permitted Development Order) 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy and communication infrastructure on the site to serve the development shall be provided underground and retained as such thereafter unless with the prior written approval of the local planning authority.

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

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

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

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

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

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

- 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. All hardsurfacing shall be carried out prior to substantial completion of the development. 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.

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

Reason - In the interests of the visual amenities of the area and the move to a net gain in biodiversity and to ensure the creation of a pleasant environment for the development and to comply with Policies ESD10 and 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.

- 15 The development hereby approved shall be constructed strictly in accordance with the recommendations and specifications set out in the submitted Arboricultural Assessment (ref: T\_EDP2488\_04b) and the Arboricultural Addendum Statement

(ref: T\_EDP2488\_06a\_210617) .

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 16 Except to allow for the construction of the means of access and associated visibility splays the existing hedgerow along the northern boundary with Blackthorn Road shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development, it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and 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.

- 17 Prior to the first occupation of any dwelling within the development, full details of the equipment, layout, drainage, surfacing, landscaping and specification of the combined Local Area of Play and Local Equipped Area of Play (LAP/LEAP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the combined LAP/LEAP shall be provided as approved and retained at all times thereafter as a publicly available play area.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy BSC11 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 18 Notwithstanding anything shown in the approved plans and documents, the 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 fully implemented in accordance with the approved details prior to substantial completion of the development. The scheme shall include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS - (in a treatment train approach to improve water quality)
- Network drainage calculations
- Phasing

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of the land and property and to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained within the National Planning Policy Framework.

19	<p>Prior to the commencement of the development hereby approved, a detailed scheme of foul drainage for the development shall be submitted to, and approved in writing by, the Local Planning Authority (in consultation with Thames Water). Thereafter, and prior to the first occupation of any dwelling, the foul drainage scheme approved shall be completed so far as is necessary to serve that dwelling. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".</p>
	<p>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.</p>
20	<p>The development hereby approved shall proceed in accordance with the Flood Risk Assessment Technical Note prepared by Clarkebond (dated 21-04-2017 and ref: WB03 884 - TN06 Rev. V2) accompanying the application unless otherwise previously approved in writing by the Local Planning Authority. There shall be no built development within the area of land shown as Flood Zones 2 and 3 within the submitted Flood Risk Assessment and neither shall any spoil or materials be deposited or stored on that part of the site lying within the area shown as Flood Zone 3 (1 in 100 year flood event) within the Flood Risk Assessment.</p>
	<p>Reason - To prevent increased risk of flooding and impedance of flood flows as well as the reduction of flood storage capacity in order to comply with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained within the National Planning Policy Framework.</p>
21	<p>Prior to the commencement of the development, a Construction Management Plan (CMP) shall be submitted to and approved in writing by the local planning authority which shall include details of:</p> <ul style="list-style-type: none"> <li>- Construction traffic management and contractor parking;</li> <li>- Compound and storage details;</li> <li>- Spoil management;</li> <li>- Measures to be taken to control hours of working, noise, dust and vibration resulting from construction;</li> <li>- Details of the consultation and communication to be carried out with local residents;</li> <li>- Site Manager details and that of relevant personnel.</li> </ul>
	<p>Thereafter the development shall be carried out in accordance with the approved CMP at all times unless otherwise agreed in writing beforehand by the local planning authority.</p>
22	<p>Prior to the first occupation of the development hereby approved, full details of the external lighting within the site shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out prior to first occupation of the development and retained thereafter in accordance with the approved details.</p>
	<p>Reason - In the interests of safeguarding habitat for nocturnal species and 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.</p>

23	<p>Prior to the commencement of the development hereby approved, full details of the means of vehicular access between the site and Blackthorn Road including position, road markings, layout, and vision splays shall have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied on the site until the means of vehicular access has been constructed and available for continued use in accordance with the approved details.</p> <p>Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework</p>
24	<p>Other than the approved vehicular access, no other means of vehicular access whatsoever shall be formed or used between the site and the highway.</p> <p>Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.</p>
25	<p>Prior to the first occupation of any of the dwellings hereby approved, all of the new roads and footpaths within the site (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments. Within 3 months' of the first occupation of the final dwelling along any particular new street/road, the roads, streets and paths providing access to those dwellings from Blackthorn Road shall be fully completed (including final surfacing).</p> <p>Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.</p>
26	<p>Prior to the first occupation of any dwelling, the motor vehicle parking, turning and manoeuvring areas serving that dwelling as shown on the approved plans shall have been fully laid out and available for use and shall be retained unobstructed except for vehicle parking thereafter.</p> <p>Reason - To ensure suitable car parking for residents and visitors in the interests of residential amenity and to prevent parking congestion in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.</p>
27	<p>Prior to the commencement of the development hereby approved, full specification details of the proposed new footway/cycleway along the south side of Blackthorn Road connecting the development and Ploughley Road which shall include construction, layout, surfacing, lighting 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 dwellings, the footway/cycleway shall be constructed in accordance with the approved details.</p> <p>Reason - In the interests of highway safety and to ensure safe and suitable access to the development for all people to comply with Policies Villages 2 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained within the National Planning Policy Framework.</p>
28	<p>No dwelling shall be occupied until cycle parking provision to serve that dwelling has been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter.</p> <p>Reason -To ensure appropriate levels of cycle parking are available at all times to</p>



	serve the development in the interests of sustainable travel objectives to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained within the National Planning Policy Framework.
29	<p>Public footpath 131/7 shall not be diverted, stopped up or obstructed in any way until the proposed diversion to the footpath as shown in the approved site layout plans has been laid out, completed and made available for public use in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Such details shall include the means of construction, surfacing, lighting and drainage.</p> <p>Reason - In the interests of the amenity of the public in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the Planning Practice Guidance and DEFRA Circular 01/09.</p>
30	<p>Until such time as public footpath 131/7 has been successfully diverted in accordance with the requirements of condition 29, no development shall take place within 10m of the public footpath until it has been protected and fenced to accommodate a width of a minimum of 5m in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the existing public footpath shall remain fenced and available for use up until the diversion required by condition 29 has been successfully completed and made available for continued public use.</p> <p>Reason - In the interests of the amenity of the public in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the Planning Practice Guidance and DEFRA Circular 01/09.</p>
31	<p>All new roads, streets and paths within the development shall be available for use by the public as pedestrians in the same manner as those adopted by the local highway authority.</p> <p>Reason - To ensure suitable pedestrian permeability along logical desire lines as well as the creation of inclusive communities in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1</p>
32	<p>No more than 45 dwellings shall be occupied as part of the development until the visitor parking spaces shown in the approved site layout plan have been completed and made available for continued public use.</p> <p>Reason - To prevent indiscriminately parked cars adversely affecting the quality of the development in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.</p>
33	<p>Prior to first use of the combined LAP/LEAP facility, the cycle parking areas adjacent to it as shown on the approved site layout plan shall be fully laid out and made available for public use.</p> <p>Reason - To ensure the play area is suitably access to all in accordance with the requirements of Policies SLE4, BSC11 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.</p>
34	<p>Prior to the first occupation of any dwelling, a revised Residential Travel Plan meeting the requirements set out in the Oxfordshire County Council guidance document, "Transport for New Developments; Transport Assessments and Travel</p>

Plans" shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved revised Residential Travel Plan.

Reason - To encourage occupiers to use sustainable modes of transport as much as possible in line with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1.

- 35 All porch canopies shall feature external materials for roof coverings that match those used in the construction of the main roof of the dwelling that they relate to unless otherwise approved in writing beforehand by the local planning authority.

Reason - In the interests of the satisfactory appearance of the development in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 36 All roof eaves and verges on buildings within the approved development shall be finish flush with the external walls to which they connect and no barge boards or fascia boards shall be used.

Reason - In the interests of the satisfactory appearance of the development in accordance with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

- 37 Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to that contained within the former Code for Sustainable Homes Level 4 shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling occupied until it has been constructed in accordance with the approved energy performance measures.

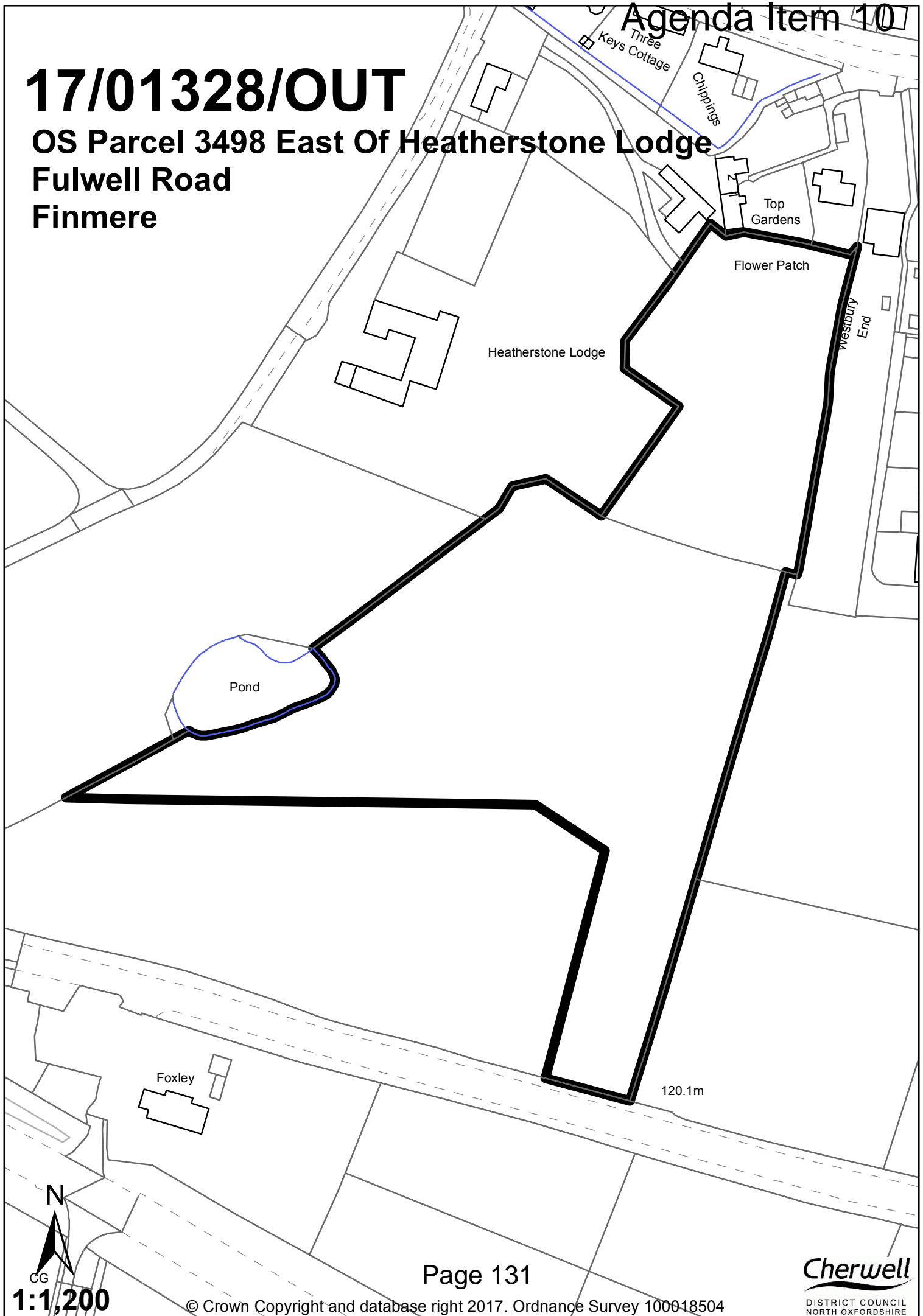
Reason – In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

CASE OFFICER: Matthew Parry

TEL: 01295 221837

**17/01328/OUT**

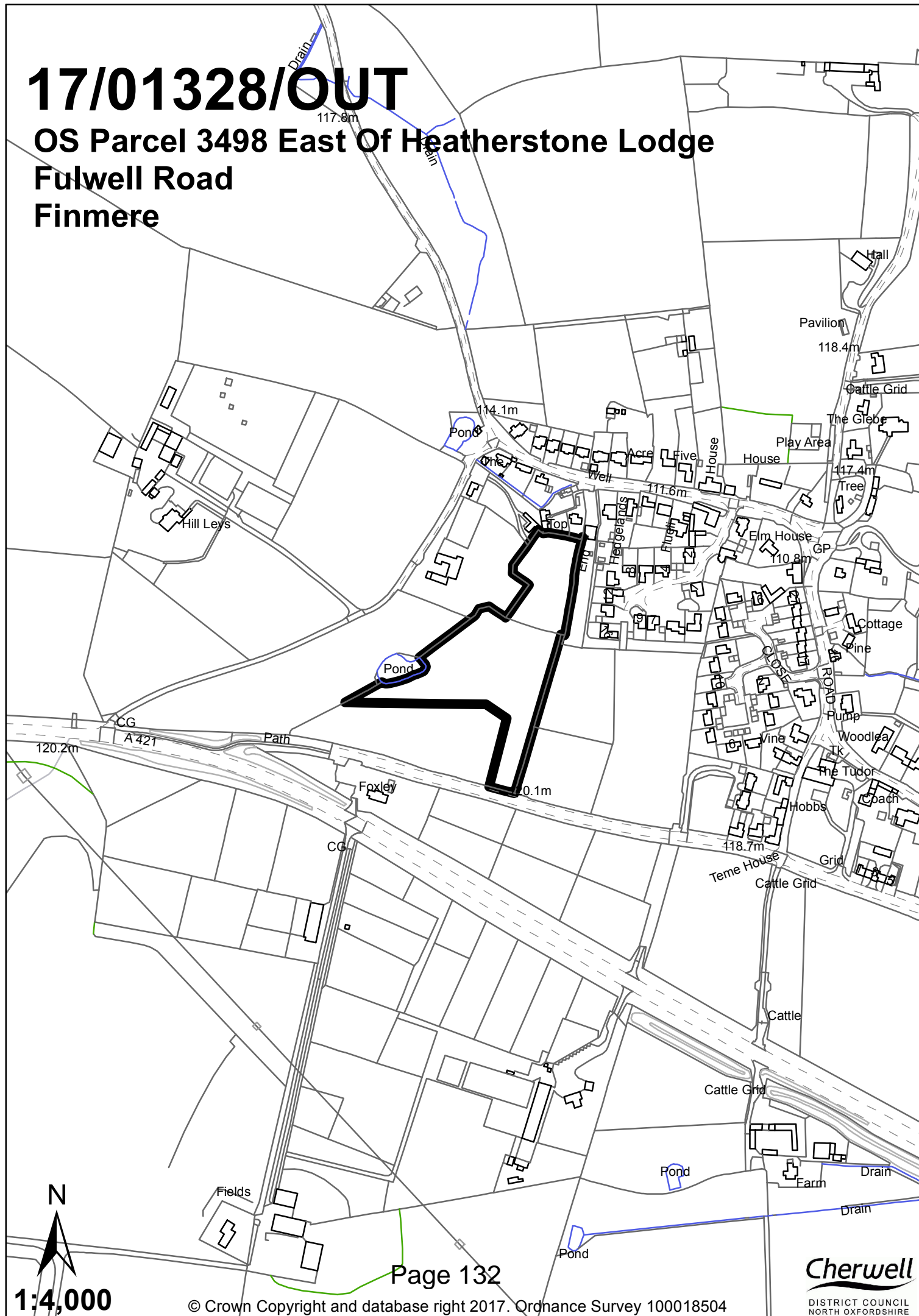
**OS Parcel 3498 East Of Heatherstone Lodge  
Fulwell Road  
Finnmere**



# OS Parcel 3498 East Of Heatherstone Lodge

## Fulwell Road

### Finmere



**Applicant:** Siteplan UK LLP

**Proposal:** Outline application for residential development

**Ward:** Fringford And Heyfords

**Councillors:** Cllr Ian Corkin  
Cllr James Macnamara  
Cllr Barry Wood

**Reason for Referral:** Major planning application

**Expiry Date:** 29 September 2017      **Committee Date:** 28 September 2017

**Recommendation:** Refuse

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

- 1.1. The application site lies at the western extent of the village of Finnmere. An old section of the Banbury Road, which has limited vehicle access, runs to the south of the site. Further to the south of the site is the A421 and then open countryside. The north edge of the site lies adjacent to existing residential properties including 1 Top Gardens and Flower Patch, whilst the north west of the site lies adjacent to Heatherstone Lodge. The garden of Westbury End runs along the northern part of the eastern boundary of the site. To the south east and south west of the site is open countryside.
- 1.2. The site slopes from approximately 121m AOD adjacent to the southern boundary to approximately 116m AOD to the north. Therefore the land rises slightly from the main part of the village to the north. The site also falls away to the west and north west. It is approximately 1.4 hectares, comprises agricultural grass land, which currently appears to be used for grazing. There are no buildings or structures on the site. There is a pond on the western boundary of the site. There are a number of public footpaths which cross the site including 213/10/10, 213/10/20, 213/1/30 and 213/1/40.
- 1.3. Finnmere village does not have a Conservation Area and there are no listed buildings within close proximity to the site. The site is in an area of medium archaeological interest. The site is also within a Minerals Consultation Area. The site has some ecological potential as the protected species of the Wall butterfly has been recorded within the vicinity of the site. The site is within 250 metres of a landfill site.

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

- 2.1. The current application is made in outline with all matters reserved. The supporting statements note it is proposed to accommodate up to 25 dwellings on the site. The

application follows a recent dismissed appeal on the site for up to 47 dwellings which is discussed further in sections 3 and 8 of this report.

- 2.2. The current site has been reduced in size, compared to the appealed scheme, by removing the southern part of the site adjacent to the Old Banbury Road. Access however is still proposed from the south of the site using the Old Banbury Road which would need to be reopened for all traffic up to the point of access as it currently has restricted vehicle access. The indicative site layout shows a planting belt to the eastern and south western corner of the site and the retention of the planting on the western boundary. It also shows an area of open space and a pond to the northern boundary.

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

- 3.1. 11/00503/F – Erection of 3 no. 4 and 5 bedroom detached houses with associated garages and new access – REFUSED on 7<sup>th</sup> June 2011. The dwellings were not proposed in the current site area and were proposed to the north west of the site, but the access track to the proposed dwellings ran through the site. The proposal was determined by the Local Planning Authority before the adoption of the Cherwell Local Plan Part 1. It was considered that the proposal would not represent minor development in the built-up limits of the village, but rather sporadic development extending beyond the built up limits of the village. The proposed development, including the access arrangement, was considered to represent an incremental erosion of the open countryside to the significant detriment of the rural character and visual amenities of the area. The decision by the Local Planning Authority was appealed, but this was DISMISSED by the Planning Inspectorate on 1<sup>st</sup> November 2011. The Planning Inspector noted that the site does not lie within the built up area of Finmere and that the proposal would therefore be an encroachment into the countryside. The Planning Inspector went on to note that the proposed access track across the agricultural field would represent a further encroachment of development into the open countryside. The Planning Inspector concluded that by extending the built up area of the village into the countryside the proposal would detract from its character and appearance.
- 3.2. 15/00552/OUT - Residential development together with access and associated infrastructure and public open space – WITHDRAWN. All matters apart from access were reserved. The application site was on a parcel of agricultural land immediately adjacent to the western boundary of the site under this current application and the proposal was for up to 50 dwellings. Officers were minded to recommend the application for refusal therefore the application was later withdrawn. The reasons why the application was to be recommended for refusal included:
  - The addition of 50 dwellings would amount to an undesirable over-concentration of new housing development in Finmere that would prejudice a more even planned and sustainable distribution of housing development across the District's Category A villages;
  - The proposed development of the site would encroach into the open countryside and significantly harm the open rural character of the area as well as the rural setting of the village;
  - The proposed development form would be detached from the main village structure and would poorly integrate with the existing built development.
- 3.3. 16/01209/OUT - Residential development and associated infrastructure – REFUSED AND APPEAL DISMISSED. This included the current application site but also included the land up to the Old Banbury Lane. It was refused as the

amount of development would result in an undesirable over-concentration of new housing development in Finmere that would prejudice a more even planned and sustainable distribution of housing development across the District's Category A villages. It was also considered that given the limited service provision and lack of public transport in Finmere the level of development would also be unsustainable. The development was also refused due to the excessive scale and poorly integrated relationship with existing built development which would cause significant and unacceptable harm to the historic linear form of the village, rural landscape character and quality of the area and the traditional setting of the village as experienced by local residents, visitors and users of old Banbury Road and the existing Public Rights of Way. It was also considered that the archaeological evaluation and Flood Risk Assessment were inadequate and in the absence of a planning obligation affordable housing and other financial contributions necessary to mitigate the impacts of the development would not be secured.

- 3.4. In considering the appeal the inspector agreed with the Council that the scale of the development would not be appropriate to the settlement of Finmere and its limited facilities, and residents would have high dependence on the private car. He also concluded the proposal would prejudice a more even planned and sustainable distribution of housing development across the District's Category A villages. He also considered that the proposal would result in a harmful visual intrusion into the open countryside and would be poorly related and integrated into the existing settlement. It was also considered that the proposal would result in significant harm to the rural character and appearance of the area and the setting of the village. In relation to the matters of archaeology and flood risk the inspector considered these could be dealt with through planning conditions.

#### **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 23.08.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. 40 letters of objection have been received against the application. A petition signed by approximately 150 people has also been received. These comments have raised the following issues summarised below:
- Development is too large and is not sustainable as Finmere does not have the services or infrastructure to support it;
  - The issues raised in the dismissed appeal have not been addressed;
  - The proposal does not comply with the Council's housing strategy and would form a precedent for other development;
  - Similar concerns to a planning application which was withdrawn in 2015 (15/00552/OUT);

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



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

- Would cause harm to the foundations of existing buildings;
- The plans do not accurately reflect the existing development in the locality;
- Only for profit.

5.3. 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. FINMERE PARISH COUNCIL: **Object.** As this application represents a major development, Finmere Parish Council held a public meeting on 11/7/17 which was attended by 39 villagers including the Chair, Barry Wood, District Councillor, and three Parish Councillors. The Chair of Finmere Parish Council had earlier declared an interest in this application and remained absent.

6.3. A vote was taken at the meeting to determine whether village residents felt that the application represented appropriate development for Finmere. The outcome of the vote was: 30 against; 4 for; 1 abstention. The Chair of the meeting and Members of Finmere Parish Council did not vote. Based on this vote and discussions held at the meeting, Finmere Parish Council wishes to object to the proposal. The grounds for objection are largely in line with those submitted in October, 2016 in response to the previous application for 47 houses (16/01209/OUT) on the same site. It is felt that the new application fails to address the concerns raised previously, and that most remain relevant.

6.4. Size, Scale and Massing- The over-arching concern regarding the proposal is its size and scale. The village currently comprises some 170 homes and this proposal seeks to increase that by a further 25 homes (a 15% increase). The Cherwell Local Plan 2012-2031 states that the "character and appearance" of villages should be protected yet the scale of the proposed development is not compatible with the number and density of existing dwellings, nor the form and layout of the village, and will significantly and detrimentally change the rural character of Finmere. This point was endorsed by the Planning Inspector at Appeal. Development is required to "make places better for people" in terms of design, social cohesion and integration. The number of dwellings proposed is too great to enable new residents to be integrated easily into a village that, over recent decades, has largely grown "organically" in line with its status as a Category A village, through infill, windfall sites and small-scale developments (at Chinalls Close and Stable Close).

6.5. Site Location - The location of the proposed development is beyond the current built-up limits of the village (as determined in a planning appeal in 2011 (Ref: APP/C3105/A/11/2158351/NWF). The appeal concluded that development of land at Heatherstone Lodge was in conflict with the settlement pattern indicated in the Local Development Plan and that it would result in encroachment of development into the countryside.

6.6. Sewage - Anglian Water stated in 1999 that the sewage system in Finmere was at capacity in terms of the dimensions of the sewage pipes and the capacity of the

pumping station. Since 1999, many of the further 24 residential units that have been built in the village have been required to install septic tanks.

- 6.7. Surface Water Drainage and Flooding - Finmere experiences regular and sometimes serious flood events, affecting predominantly the properties in Pine Close and Valley Road as a result of inadequate capacity of the culvert through which Finmere Brook runs (adjacent to and beneath Fulwell Road) following serious rainfall events. Anglian Water has confirmed that there is no capacity by way of Finmere Brook for further surface water drainage yet the proposed development, by the nature of its location, would necessarily drain into Finmere Brook.
- 6.8. 5-Year Housing Land Supply - Cherwell District Council (CDC) is currently meeting its requirement to secure a 5-year housing land supply so there is no undue pressure on CDC to accept this proposal in order to deliver the housing strategy.
- 6.9. Local Housing Needs - There has been a lot of residential development in Bicester (approx. 7 miles away), and further large-scale development is planned. There is a sizeable development in Tingewick (approx 1.5 miles away), with other applications in the pipeline. It is felt that local housing needs are being met and there is no supportable argument for substantial further development in Finmere.
- 6.10. Sustainability - Though deemed a Category A village, Finmere has few services, little or no public transport and very limited employment opportunities; even the future of the village school is uncertain. At Appeal, the Planning Inspector's comments implied that Finmere's Category A status was questionable. Existing residents rely heavily on the use of cars and it is unrealistic to suppose that occupants of the proposed new development would not do likewise, bringing into question the sustainability of the proposed housing.
- 6.11. Environmental Contraventions - It is felt that the proposed site is not appropriate for residential development due to its close proximity to the busy A421, the proposed route of HS2 high speed rail line (800 m to the south-west) and to the Finmere Quarry and Landfill Site (250 m to the south). Following a major fire in the Materials Recycling Facility (MRF) at Finmere Quarry and Landfill Site in February, 2016, the site has been taken over by new operators (AT Contracting & Plant Hire) who are in the process of seeking to obtain an Open Licence to continue operations on site until 2035. Thus far, it has been assumed that operations at the Landfill site would eventually cease, and that its impact on local residents should be viewed as a short term inconvenience. The permissions currently being sought imply however that it is the operator's intention to keep the site active with attendant long term visual and aural impacts on future residents of the proposed development at Heatherstone Lodge.
- 6.12. Recreational Receptors and Loss of Amenity - Due to the immediate proximity of the built form, the proposed development will have a detrimental effect on the amenity currently enjoyed by the many walkers, cyclists and horse riders who use the two footpaths that pass close to the site, and the circular path that follows the route of the former B4031 (gated) and the Hill Leys access road.
- 6.13. The application was supported by 4 village residents who felt that families may be attracted by new homes in the village, and that children from these families may attend Finmere School, the viability of which is in question, partially due to low pupil numbers. Others at the meeting pointed out that there are very few village children who attend the school and, in the past, development has not brought additional children to the school. It is far from certain that additional housing would help to secure the future of the school.

## STATUTORY CONSULTEES

- 6.14. OCC HIGHWAYS: **Object.** There are very limited public transport services in the village and as such the development would not comply with the NPPF which requires developments to be located where there is access to high quality public transport. The majority of journeys will only be possible by car. Therefore safe and suitable access for all has not been demonstrated. The county council objects to this development because of the lack of suitable public transport. Indeed, the inspector at the recent appeal into the refusal of planning permission for the previous application for housing in this location said:

“In my view, public transport would not provide an appealing or practicable mode for many necessary journeys and not at all in the evenings or on Sundays. Accordingly, I do not find the limited public transport would reduce dependency on the private car at the appeal proposal.” (Appeal decision reference APP/C3105/W/17/3169168)

- 6.15. The following comments are made in order to consider all aspects of the development proposals despite the fact that the recommendation is to not grant planning permission.

- 6.16. *Site location and traffic impact:* The site is on the western edge of the village and even though pretty much all journeys within the settlement are within a 1km radius (heart of the village is 0.5km away), the only meaningful day to day destination is the primary school. In terms of traffic impact, the Transport Statement accompanying the application predicts that the development would generate 18 and 19 two way vehicle flows in the am and pm peaks respectively. Whilst this would represent a reasonably high percentage increase in the existing traffic flows on the roads in the village, that is clearly from a small base and it is still a very small absolute increase. Therefore, in my view this new traffic would not cause anything other than a minor negative impact on the local transport network. The main problems with this development are the lack of public transport and no safe and suitable access for pedestrians along the B4031. There is no proposal for a footway alongside the B4031 connecting the development to the rest of the village. None of the B4031 on the ‘wrong’ side of the existing ‘no vehicles’ barrier connecting to the site access would have any development frontage and as such a footway is needed to ensure safe and suitable access for all particularly in the absence of street lighting. As such, the proposals do not comply with local plan policy or the NPPF. Safe and suitable access has not been demonstrated.

- 6.1. If access is to be taken from the B4031, an amendment to the traffic regulation order (TRO) banning motor vehicles will need to be made as would a reduction in the speed limit from 60mph to 30mph. These changes would be progressed by means of the S278 for the site access (see below) subject to public consultation and a decision by a county council committee – as such the outcome is not guaranteed. Without a change to the vehicle restriction or the speed limit, safe and suitable access for all could not be made and the development would not be acceptable (or possible).

- 6.2. *Site access:* The applicant is not seeking detailed permission for the site access although it is proposed that it would be along the southern site boundary along the B4031. This location is currently approximately 150m the ‘wrong’ side of the existing restriction on motorised vehicles. Clearly, the restriction would need to be altered if vehicular access to this development is to be possible. I have no objection to this although the restriction cannot simply be removed; rather it must be relocated immediately to the west of the proposed site access. The stretch of the B4031 from the current vehicle restriction point to where it would be relocated is currently a 60mph speed limit. It is clearly necessary for the speed limit to be reduced to 30mph

in line with the rest of the village roads. This will ensure that walking and cycling to/from the site is as attractive as possible and help to integrate the development within the village. This TRO change would be progressed by means of a S278 agreement secured using a S106.

- 6.3. In order to provide safe and suitable access to the site for all in accordance with the NPPF, the section of the B4031 that would be re-opened to vehicular traffic would need to be brought back up to the standard required for regular use as a public highway – it has clearly deteriorated since the restriction has been in place. It would need to be widened to at least 5.5m and resurfaced. An assessment of the existing road construction and condition of the edges in particular would need to be carried out by the applicant. If there is sufficient width of solid construction then that might be sufficient to build on. On top of that there would need to be a binder/regulating course of at least 50mm and then surface course of 40mm along the length of re-opened road. If the current construction is unsuitable then it may need an entire reconstruction or at least edge strengthening in places prior to the overlay. Drainage would need to be repaired to current standards if necessary.
- 6.4. Because the stretch of road in question would for the most part have no properties fronting it, (which ordinarily helps to moderate vehicle speeds and ensure acceptable conditions for pedestrians) and in order to encourage as much walking as possible to and from the site for local journeys, the improvements should include a minimum 1.8m wide footway along the northern side. This footway should extend as far as the first existing property fronting the B4031 i.e. approximately 50m east of the existing vehicle restriction. This is where there is house frontage helping to positively influence vehicle speeds and making walking in the road more acceptable.
- 6.5. Assuming the vehicle restriction point is relocated immediately to the west of the site access and that the speed limit along the B4031 is 30mph, the site visibility splay at the site access to the east would be 2.4m by 43m according to Manual for Streets standards. Improvements to the B4031 would be delivered by means of a S278 agreement secured using a S106. Because these improvements have not been proposed by the applicant, the county council objects to the development because safe and suitable access for all has not been demonstrated.
- 6.6. The road connecting the site to the B4031 must be a minimum of 4.8m wide with a 1.8m wide footway on at least one side.
- 6.7. *Public rights of way:* There are two public rights of way footpaths (213/10 and 213/1) that cross the site and lead to the built up area to the east, having continued across an open field. Together with a footway alongside the B4031, these paths will be useful for residents of the proposed development, especially for journeys to school and for other leisure purposes. However, the layout of the development will need to protect the routes on the site – every effort should be made to design the footpaths into the development. For further details please contact the county council's Countryside Services team – they will be able to supply the applicant with a large scale plan showing the accurate locations of the footpaths before any detailed plans are prepared. The location of existing stiles and the routes currently walked should not be assumed as being correct. We would expect structures on the footpaths to be removed or improved (e.g. stiles replaced with gates). We also require a financial contribution of £5,000 towards the improvement of the footpaths 213/10 and 213/1 as they continue off the site towards the village. These paths are very likely to see increased usage as a result of the development and in any case should be improved to encourage people living on the development to travel as sustainably as possible.
- 6.8. *Car and cycle parking-* Car parking will need to be provided in accordance with the county council's recommendations for car parking standards as set out in the county

council's design guide. Additionally, the applicant will need to make provision for resident and visitor cycle parking, presumably on a Reserved Matters application should the Outline application be approved.

- 6.9. *Drainage* - This residential development is categorized 'more vulnerable' in terms of flood risk and is suitably located in the flood risk category Zone 1 status into which the land is categorized. A small area of land at high risk of surface water flooding is located at the extreme northern boundary of the site. It is proposed this high risk flood area will be contained within part of a wider area of Public Open Space, without impinging on any development.
- 6.10. The preferential strategy for this site is for surface water to discharge directly to ground, in accordance with the SuDS hierarchy of disposal of surface water. However, soakage testing to BRE 365 standard has yet to be carried out at the site to prove this strategy, and the applicant's outline proposals are based on disposal of surface water off-site at the existing green field runoff rates, which would require an attenuation pond to be provided as part of the strategy. Therefore, a planning condition requiring soakage testing to BRE 365 standard is required if the outline proposals are approved. The proposed allowable discharge rate of 2.5 l/s (QBAR) is reflective of the greenfield response for the site. In terms of SuDS proposals the Applicant proposes the use of pervious paving for private hard-standing areas, but not for the adoptable main carriageway, which is proposed to be traditional construction. The applicant also highlights the potential for some soft SuDS within the Public Open Space area in the proposed northern part of the site, and the use of soakaways if feasible.
- 6.11. Depending on the results of soakage tests, there may be further scope to incorporate permeable paving within the development and deal with runoff at source. The ecological report accompanying the application makes reference to 'green roofs' and walls to promote biodiversity, and these measures would also assist in meeting the SuDS objectives of biodiversity and runoff control.
- 6.12. The calculation sheets supplied with this application use 'Masterdrain' software to calculate the required attenuation storage volumes. The 'peak flow' method used to calculate the required attenuation storage volumes can produce lower storage volumes than the hydrograph method or the latest EA 'best practice' calculation method contained within the publication 'Rainfall runoff management for developments' (Report – SC030219). Therefore, further consideration of this issue and revised modelling will be required at the reserved matters application stage. Further drainage details are required to be provided prior to commencement of development. This should be secured using a relevant planning condition (see earlier). These details must include a full detailed drainage design including detailed design drawings, calculations, and soakage testing results. Further consideration and design of exceedance flowpaths must include information to demonstrate exceedance flows are safely managed on the site. A SuDS Management and Maintenance plan is also required for the development to ensure SuDS operate satisfactorily into the future as designed.
- 6.13. OCC ARCHAEOLOGY: **Object.** The site is located in an area of archaeological interest to the north of an area of Iron Age settlement recorded during the construction of the B4031 diversion. This excavation recorded a series of linear features, pits, a circular gully thought to relate to an Iron Age roundhouse and a hearth. The features extend beyond the northern limit of the road diversion and may continue into the application area. The site is also located 500m north west of the projected route of the Roman road from Alchester to Towcester.

- 6.14. It is therefore possible that archaeological features related to the Iron Age and Roman settlement of the area could survive within this proposed site. Little formal archaeological investigation has been undertaken in the area and so our knowledge of the extent of further archaeological features in the vicinity of the proposed development is limited.
- 6.15. There is currently therefore insufficient information regarding the potential impact of this development on any surviving archaeological deposits for an informed decision to be made. We previously provided advice on this site as part of a pre application response in May 2016 and on a previous planning application for the site in November 2016 (16/01209/OUT) where we highlighted the requirement for a predetermination evaluation.
- 6.16. The applicant has submitted a geophysical survey of the site. This geophysical survey was not undertaken in accordance with a written scheme of investigation as set out in the Chartered Institute for Archaeology standards and guidance for geophysical survey and a copy of the report has not been submitted to the HER, also highlighted in the standards and guidance.
- 6.17. The survey did not record any clear archaeological deposits but did record evidence of ridge and furrow on the site which may have masked any earlier archaeological deposits. The results of this survey are therefore not sufficient to assess the potential of the site to contain archaeological deposits and further information will be required ahead of the determination of any planning application for the site.
- 6.18. In accordance with the National Planning Policy Framework (NPPF, para 128), we would therefore recommend that, prior to the determination of this application the applicant should be responsible for the implementation of an archaeological field evaluation. This must be carried out by a professionally qualified archaeological organisation and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. The report from this evaluation should be submitted along with any planning application for the site.
- 6.19. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.
- 6.20. OCC EDUCATION: **No objections.** The existing primary school infrastructure is anticipated to be sufficient to meet the additional demand generated by this development. Not seeking contributions for secondary or SEN education dues to regulation 123 of the CIL regulations (restricting pooling contributions) and the need to reserve ability to seek contributions from larger developments.
- 6.21. NATURAL ENGLAND: **No comments**
- 6.22. HIGHWAYS ENGLAND: **No comments**
- 6.23. ANGLIAN WATER: **Request conditions.** In relation to wastewater treatment the existing infrastructure has capacity for these flows. In relation to the foul sewerage network the proposal would lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures and these may require a pumped regime. The surface water strategy is also unacceptable and no evidence has been provided to show the surface water hierarchy has been followed. If the proposed methods of dealing with surface water are deemed unfeasible when following the surface water

hierarchy, then a full surface water strategy is required. A condition requiring a drainage strategy to be submitted and agreed is recommended.

6.24. AYLESBURY VALE DISTRICT COUNCIL: **No objections and no comments.**

NON-STATUTORY CONSULTEES

- 6.25. CDC POLICY: **Comments** Finmere is a category A village, one of the more sustainable villages in the District (Policy Villages 1). Its last recorded services and facilities included a primary school, public house, village hall, recreation facilities and vehicle garage. The village has a very limited bus service. Policy Villages 2 provides for a total of 750 homes to be delivered at the Category A villages on new sites of 10 or more dwellings (in addition to the rural allowance for small site 'windfalls' and planning permissions as at 31 March 2014). The proposal would assist in meeting overall Policy Villages 2 housing requirements and could contribute to the provision of affordable housing. The 2016 AMR (March 2017) shows that there are 179 dwellings, out of the 750 allocated for the rural areas, remaining to be identified. The AMR also demonstrates that the District presently has a 5.4 year housing land supply for the period 2016-2021 and a 5.6 year housing supply for the period 2017-2022 (commencing 1 April 2017).
- 6.26. For the period 2011 to 2016 there have been five recorded housing completions in the village. There have been no sites of 10 or more dwellings granted permission in the village since 31 March 2014.
- 6.27. The application site primarily comprises two adjacent sites identified in the Council's Strategic Housing Land Availability Assessment 2014 (SHLAA) – sites FI001 and FI006. The SHLAA concludes that site FI001 (Heatherstone Lodge and adjoining land) is '...not considered suitable for residential development as it is constrained by access issues, and would impact on the character, appearance and pattern of Finmere'. In respect of site FI006 (land south of Heatherstone Lodge) it concludes, 'The site is not suitable for residential development due to access difficulties, scale and nature of the site'.
- 6.28. The proposal would result in the development of greenfield land within an area of open countryside.
- 6.29. Of specific relevance is the appeal decision dated 14 June 2017 in relation to a 2.3 hectare site at Heatherstone Lodge (Appeal Ref: APP/C3105/W/17/3169168) which incorporated this application site. The Inspector, in dismissing the appeal states 'that the potential scale of the proposed development at a settlement with few facilities and poor public transport connectivity renders the appeal proposal unacceptable. It would conflict with CLPP1 Policies ESD 1 and Villages 2.....'(para 14). He goes on to conclude in paragraph 22 'that the appeal proposal would result in significant harm to both the settlement pattern of Finmere and the character and appearance of the surrounding area.. '
- 6.30. It is noted that this application is on a smaller site than that the subject of the dismissed appeal. However, the conclusions reached by the Inspector are still applicable.
- 6.31. There is no objection to the principle of some residential development in Finmere as it is a Category A village and development would help contribute towards the Policy Villages 2. However, the scale of proposed development in relation to the existing village is significant and its impact therefore requires careful consideration. The site is largely detached from the village and its development would have an urbanising effect in this locality which is rural in nature. There are also likely to be difficulties



with the integration and creation of connections with the existing village which requires consideration.

- 6.32. CDC LANDSCAPE: **Object.** The residential development imposes itself on an attractive, intimate landscape of rolling field and level paddock, defined by established, mature hedgerows and trees; a landscape that is appreciated by the local residents and walkers. I judge the amenity of this area for residents and walkers (recreational receptors) to be **very high**, the landscape sensitivity for a development as also **high** and its capacity to accept this development is very **low**. The proposed site access will mean an increase of traffic using the country lane (A421) resulting in harm to its amenity and landscape character. The additional housing, combined with the existing residential development on the western edge of the village will extend the village's semi-urban edge into this attractive landscape. The accumulated visual harm will result and be experienced by visual and recreational receptors of the public right of way, route code 213/9/10, as they walk southwards between the Stable Close residential development to the east.
- 6.33. The landscape officer has also challenged a number of the judgements made in the LVIA and considers this to underestimate the significance of the visual effects of the development. The imposition of the access road off the defunct A421 and though the field is also considered to cause visual harm and denigrate the attractive 'sense of place' of this attractive landscape.
- 6.34. CDC STRATEGIC HOUSING: **No objections subject to a legal agreement** securing affordable housing. This application for up to 25 homes will result in a requirement for 35% of the homes to be delivered as affordable housing. 70% of the affordable homes should be for affordable rent and 30% for shared ownership.
- 6.35. In terms of standards all the rented housing should meet the nationally described space standards and 50% of the rented units need to meet Building Regulations Requirement M4 (2) Category 2: accessible and adaptable dwellings. Shared ownership can be of a design in line with the market housing. The affordable units should be in clusters of no more than 10 units. All of the 2 bed and 3 bed dwellings should have a minimum of 2 parking spaces per unit.
- 6.36. CDC ECOLOGY: **Comments.** The preliminary ecological survey report found that the site comprises of sheep grazed poor semi-improved grassland, with areas of tall ruderal vegetation along field boundary hedgerows and a pond adjacent to the western boundary.
- 6.37. The proposed plans are not detailed at this stage however include creation of a pond and open space in the northern part of the site and creation of open space and tree/shrub planting along the eastern and southern site boundaries in particular. My comments remain largely the same as the Ecology Officer on 16/01209/OUT dated 22 Sept 2016. A number of further surveys will be required to determine an appropriate layout or undertake any site clearance. This includes a reptile survey and accompanying mitigation measures. A bat survey of any of the trees which have been identified with bat roosting potential will also be required, should any of these trees require felling or lopping or would otherwise be affected by the development i.e. through the lighting scheme. Although it appears the majority of the trees will be retained and protected, tree T10 (an infield ash) appears likely to be felled according the tree report. Great crested newt surveys of the surrounding five ponds within 500m will also be required (during the appropriate time of year March to June). Suitable mitigation measures for nesting birds and badger will also be required and should be secured via a Construction Ecological Management Plan (CEMP).

- 6.38. In addition I would also recommend that a Biodiversity Impact Assessment (BIA) is required prior to determination, which is a relatively new tool used to assess the impact of development on biodiversity to determine whether a gain or loss of habitats is expected. Although this was not required previously, this is a useful tool to provide an estimate of the overall loss or gain at this stage. Should the proposals result in an overall loss to biodiversity, I would recommend that a biodiversity offsetting scheme will be required to compensate for any residual biodiversity impact. This could be secured at the outline stage, ideally via a Section 106 agreement, whereby the developer can fund an appropriate habitat enhancement scheme elsewhere in the district, preferably close to the site. This is to ensure that the proposed development leads to a net gain in biodiversity, in line with the NPPF and Local Plan Policy ESD 10.
- 6.39. In line with the previous Ecologists comments, a full biodiversity enhancement scheme which makes it clear that an overall gain for biodiversity can be achieved from the proposals is also needed. These should include areas of species rich grassland, bat and bird boxes both within green spaces and integrated into the design of buildings, green walls and roofs, access for hedgehogs and other wildlife through fences, SUDS, native hedgerows, green spaces which encourage engagement with nature – these are in addition to any mitigation required for species found or likely to be present on site. There should also be measures in place to ensure the protection of the existing pond during construction works and to mitigate for any adverse impacts in the long-term i.e. from disturbance by increase in people, dogs etc.
- 6.40. CDC ENVIRONMENTAL PROTECTION: **No objection** but recommends a Construction Environmental Management Plan be conditioned.

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change

- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Villages 1 – Village Categorisation
- Villages 2 – Distribution Growth Across the Rural Areas
- INF1 – Infrastructure

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

- H18 – New dwellings in the countryside
- TR1 – Transportation funding
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

#### 7.1 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Annual Monitoring Report (AMR) 2016
- Strategic Housing Land Availability Assessment (SHLAA) Update 2014
- Oxfordshire Wildlife & Landscape Study 2004

### **8. APPRAISAL**

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

- Principle of the Development;
- Landscape and Visual Impact and Local Character;
- Design;
- Impact upon Historic Environment;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Ecology and Trees;
- Contaminated Land;
- Flooding Risk and Drainage;
- Sustainability and Energy Efficiency;
- Effect on Infrastructure/Public Open Space/Affordable Housing;
- Other Matters.

#### Principle of the Development

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

and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

- 8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 8.4. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.
- 8.5. Policy ESD1 of the Cherwell Local Plan Part 1 states that to reduce the impact of development on climate change, growth should be distributed to the most sustainable locations as defined in the local plan and that new development should seek to reduce the need to travel and reduce the reliance on private cars.
- 8.6. The rural housing strategy is guided by Policy Villages 1 and 2 of the Cherwell Local Plan Part 1 alongside Saved Policy H18 of the 1996 Local Plan. Policy Villages 1 allows for some limited development within the built up limits of villages however as the current application site is clearly not within the built up limits of the village Policy Villages 1 is not relevant in this respect. Saved Policy H18 restricts development outside the built limits of settlement except in a number of circumstances none of which are applicable to the current proposals. The proposals therefore conflict with Saved Policy H18.
- 8.7. However Policy Villages 1 does also include a rural settlement hierarchy which includes Finmere as a Category A settlement. These are amongst the most sustainable rural settlements in the district and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth.
- 8.8. Policy Villages 2 states that: *“A total of 750 homes will be delivered at Category A villages”* in addition to the rural allowance for small sites and planning permissions for 10 or more dwellings which existed at 31 March 2014. It goes on to state “sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission. In identifying and considering sites, particular regard will be given to the following criteria:
  - Whether the land has been previously developed land or is of less environmental value;
  - Whether significant adverse impact on heritage and wildlife assets could be avoided;
  - Whether development would contribute in enhancing the built environment;
  - Whether best and most versatile agricultural land could be avoided;
  - Whether significant adverse landscape impacts could be avoided;
  - Whether satisfactory vehicular and pedestrian access/egress could be provided;
  - Whether the site is well located to services and facilities;

- Whether necessary infrastructure could be provided;
  - Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;
  - Whether land the subject of an application for planning permission could be delivered within the next five years; and
  - Whether development would have an adverse impact on flood risk.”
- 8.9. The acceptability of the proposal when tested against these criteria, and other material planning considerations, is discussed later in this report. However it is first important to consider the matter of scale and quantity of development, and in particular whether the proposal is in accordance with the overarching housing strategy in the development plan.
- 8.10. Of the 750 dwellings identified to be delivered at Category A Villages across the plan period until 2031 under Policy Villages 2, only 179 dwelling remain to be identified. Recent appeal decisions received by the Council, including at the current site, confirm that an overprovision of the rural housing allocation at an early stage in the plan period, or the overconcentration of new development at one settlement, would prejudice the sustainable growth strategy set out in the Development Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainability strategy contained in the Local Plan. Furthermore whilst 750 dwellings is not to be regarded as an upper limit, significant deviation from this may result in unconstrained growth in less sustainable locations.
- 8.11. Finmere is one of 23 Category A villages and has the smallest population of all Category A villages (a population of approximately 466), and a pro rata share of the Policy Villages 2 allocation based on parish population size would be less than 10 dwellings. This does not represent a limit on the amount of housing that could be accommodated at Finmere, but the size of the village in relation to others is a factor to take into account in the distribution of development under Policy Villages 2, and in particular determining the amount of development that is appropriate and sustainable in any one village location. It is also noted that since the local plan was adopted the public transport services to the village have been reduced.
- 8.12. Finmere has limited local services including a school, public house, village hall and play area. It does not have any shop or post office or medical facilities and there is little in the way of employment opportunities. The Inspector on the scheme for 47 dwellings concluded that given the limited day to day facilities in the village, the distance and nature of connections (e.g. busy roads with no footpaths or across fields) to the neighbouring settlements such as Tingewick, and the limited public transport links to the nearest towns of Brackley and Buckingham, *‘the scale of the appeal proposal would be at odds with the need to assign most growth to the most sustainable locations where dependency on the car can be reduced.’ (para 11)*. The inspector concluded that *‘the potential scale of the proposed development at a settlement with few facilities and poor public transport connectivity renders the appeal proposal unacceptable. It would conflict with CLPP1 Policies ESD 1 and Villages 2. It would also fail to accord with the objectives of the NPPF to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to mitigate and adapt to climate change.’ (para 14)*
- 8.13. Whilst the current proposal is a reduction in the number of proposed dwellings from 47 to 25, it still would result in a significant development in the context of the remaining allocation under Policy Villages 1 and the size of Finmere. Taking all

matters into account including the Council's 5 year land supply, the significant progress on the 750 dwellings on Policy Villages 2, the limited facilities in Finmere and the limited opportunities for travel other than by private car, the proposed development is considered to result in an inappropriate scale of growth for Finmere which would conflict with the Council's rural housing strategy contained within Policy ESD1 and Policy Villages 1 and 2 of the Cherwell Local Plan Part 1 and Saved Policy H18 of the 1996 Local Plan.

#### Landscape and Visual Impact and Local Character

- 8.14. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.15. Paragraph 61 of the NPPF states that: "Although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."
- 8.16. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *"New development proposals should:*
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
  - Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages."*
- 8.17. Policy ESD13 of the Cherwell Local Plan Part 1 states that: *"Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*
- Cause undue visual intrusion into the open countryside;*
  - Cause undue harm to important natural landscape features and topography;*
  - Be inconsistent with local character;*
  - Harm the setting of settlements, buildings, structures or other landmark features;*
  - Harm the historic value of the landscape."*
- 8.18. 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.
- 8.19. Finmere is a traditionally linear settlement with development following the historic main roads through the village (Fullwell Road, Valley Road and Mere Road) with

relatively modern development behind this on the small lanes branching off this main route, such as Chinalls Close and Stable Close. There is also a relatively small development at the rear of Valley Road served by the Old Banbury Road.

- 8.20. The landscape around the site and village is located within the Wooded Estate Land character type within the Oxfordshire Landscape Study 2004, and this notes the area is characterised by rolling topography, arable farming and small villages with a vernacular style. The application site is typical of this landscape character and positively contributes to the rural landscape setting of this village. Large parts of the village are concealed within the fold of the valley such that there is little pronounced sense of settlement in the wider rural landscape.
- 8.21. Whilst the application site has been reduced in size, it still extends significantly beyond the built limits of the village and would be on slightly rising land. In considering the landscape and visual impact of the appealed scheme the Inspector noted that in contrast to the existing linear settlement pattern and landscape setting of the village *'the appeal proposal would constitute a dislocated limb of development projecting southwards on rising land into countryside at stark variance to the established linear form. It would also extend by some margin beyond the line created by Stable Close and due to intervening paddocks it would have a limited relationship to the pattern of development at Chinalls Close and at the eastern end of the old Banbury Road. The appeal proposal would largely appear as an incongruously isolated projection of development into the surrounding countryside.'*
- 8.22. He went on to state the development: *would involve the loss of undulating countryside whose green, open character positively contributes to the wider landscape containing Finmere. Whilst development is visible in some perspectives of the appeal site, the site itself remains to be read, principally, as part of a wider patchwork of fields across gently rolling hills. I accept the appeal site is only one part of a wider non-valued landscape but the effect at a local level on the loss of an appreciable area of verdant openness would be significantly adverse (para 18).*
- 8.23. It is not considered that the reduction in size of the site has overcome this concern. The proposed development would still occupy a large part of the site and appear poorly related to the traditional settlement pattern and rural setting of the village in conflict with Policies ESD13 and ESD15. Whilst the residential development has been moved away from the southern boundary the access would remain in this location and result in the visual envelope of the site being similar.
- 8.24. The proposal would be accessed from the Old Banbury Road to the south of the site which has limited vehicular access and only serves isolated dwellings. This access does not feel part of the built limits of the settlement and rather appears as a route into the open countryside. The servicing of the proposed development from this access exacerbates the poor levels of integration with the existing settlement pattern and form given the dislocated relationship of this access with the main part of the village. The Inspector highlighted this as a significant shortcoming of the development and noted that the development would appear and function as a separate development, harmfully at odds with the established pattern of the village. The current application does nothing to address this significant issue.
- 8.25. The applicant has produced a Landscape and Visual Impact Assessment. The Council's landscape officer has reviewed this and disagrees with a number of the findings. Overall the landscape officer has concluded that the residential development would be inappropriate in this location.
- 8.26. The proposed development would be highly visible from the Old Banbury Road to the south of the site which is a restricted byway and is a largely undisturbed route

into the countryside. The proposed development would be clearly visible from this well used route, particularly in winter, which would have a significant urbanising impact on the visual amenity of this route and the views of the setting of the village. This would be exacerbated by the fact that the development would be situated on rising land from the village. Furthermore the proposal would result in this access being opened to all traffic and it would need to be upgraded to current standards leading to a more engineered appearance including a new footpath to the southern side. All these matters would significantly urbanise this route. Whilst some landscaping is proposed to the eastern and south western corner of the site, which would help soften some views of the development, it would still be visible and poorly integrated into the existing built and natural environment and the proposed landscape would seek to hide the development rather than truly integrate the development into its setting.

- 8.27. The proposal would also impact on the public rights of way which exist to the west of the site particularly from the footpath to Hill Leys given the topography of the land. These routes are currently attractive routes with views over the undulating countryside. The proposal would be visible over and through the vegetation at this point and have a detrimental impact on the rural character of the appeal site and the surrounding area.
- 8.28. Footpaths 213/10/10 and 213/1/30 also run immediately through the site. These routes currently provide pleasant routes from the village edge into gently undulating countryside. The application proposes to maintain these in situ however the proposed development would clearly have a significant adverse impact on views from these routes.
- 8.29. In conclusion, the proposed development of the site is considered to be inappropriate. As noted above, Finmere is linear in form with a number of small lanes extending off the main route through the village. As the proposed scheme would be accessed from the Old Banbury Road to the south of the village, and would not directly connect or have a relationship with this main route through, and given the location of the site to the south east of the village, the proposed development would be disconnected from the main village structure and would fail to integrate. The proposed scheme would turn its back on the existing development within the village and would form a significant extension to the village of Finmere that would be out of character with the urban morphology of this settlement and detrimentally impact on the character and appearance of the area, the setting of the village and the amenity of a number of public footpaths and routes.
- 8.30. These conclusions were agreed by the previous inspector who stated: *the appeal proposal would result in significant harm to both the settlement pattern of Finmere and the character and appearance of the surrounding area. As such the appeal proposal would be contrary to CLPP1 Policies ESD 13, ESD 15 and Villages 2 and Policies C8 and C28 of the Cherwell Local Plan 1996.*

#### Design

- 8.31. Policy ESD15 of the Cherwell Local Plan Part 1 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The National Planning Policy Framework is clear that good design is a key aspect of sustainable development.



- 8.32. The application is in outline with all matters reserved for later consideration. The application is however accompanied by an indicative layout, which seeks to demonstrate that the development proposed can be accommodated on the site, and a Design and Access Statement, which should set acceptable design principles so that future acceptable detailed proposals for the site can be achieved.
- 8.33. A masterplan has been submitted with the application indicating open space and an attenuation feature to the north of the site, a central road through the middle of the site with cul-de-sacs located from it serving residential areas, and the public rights of way retained through the site. The supporting statement indicates that up to 25 dwellings would be provided on the site. The indicative plans do not clearly indicate how these would be provided and it is considered that given the proposed level of landscaping proposed to the boundaries of the site, the siting of the site on the edge of a loose knit rural setting and the awkward shape of the site, that this level of development would be rather optimistic. However it is noted that this is only an indicative number of dwellings and at reserved matters, depending on the size and type of dwellings forthcoming the subsequent visual impact what need to be considered and potentially a fewer number of dwellings may need to be provided.
- 8.34. Officers consider that the indicative layout further emphasises that the proposed development would fail to integrate sympathetically with the existing built development in the area as it would be detached from the village, due to the fact that it would not be accessed from the village itself and because it would turn its back on the existing development within the village. Due to ownership constraints and the layout of existing development, it is unlikely that any other layout could be achieved that would better integrate with the village or provide meaningful connections through to the main routes in the village.
- 8.35. Whilst at outline stage, officers are of the opinion the indicative layout lacks cohesiveness and fails to reinforce local character or create a strong sense of place. It is understood that the indicative layout is, to some extent, influenced by the public rights of way which run through the site and through the detached location of the access. Given the constraints of the site and the lack of opportunities to better integrate the development with the village, officers consider an acceptable layout could not be achieved at reserved matters stage and this further weighs against the proposal. Further the Design and Access Statement includes reference to the house design styles however these do not seek to reinforce or reinterpret local distinctiveness and would not be an appropriate design response on this visible edge of village site.

#### Impact upon Historic Environment

- 8.36. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that the Local Planning Authority gives special regard to the desirability of preserving a listed building or its setting.
- 8.37. Section 12 of the NPPF (Conserving and Enhancing the Historic Environment) states that in determining planning applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Proposals that preserve those elements should be treated favourably.
- 8.38. Paragraph 132 of the NPPF states that: "Significance can be harmed through alteration or destruction of the heritage asset or development within its setting. As

heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”

- 8.39. Policy ESD15 of the Cherwell Local Plan Part 1 states that development should: “Conserve, sustain and enhance designated and non-designated ‘heritage assets’ including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and PPG.”
- 8.40. Finmere does not have a designated conservation area, and the nearest listed building to the site, this being Stone House, is approximately 200 metres away to the east of the site. Given the separation distance between the site and the Grade II listed buildings within Finmere, and the intervening landscaping and development between the site and these designated heritage assets, it is considered that the proposal could be developed so as not to cause harm to the significance of any Grade II listed buildings or their setting.
- 8.41. As in the earlier application the County Council Archaeologist has however raised an objection to the proposal. The Archaeologist has noted that the site is located in an area of archaeological interest to the north of an area of Iron Age settlement recorded during the construction of the B4031 diversion. The excavation recorded a series of linear features, pits, and a circular gully thought to relate to an Iron Age roundhouse and a hearth. The Archaeologist notes that these features extend beyond the northern limit of the road diversion and may continue into the application site. The Archaeologist has also noted that the site is located 500 metres north west of the projected route of the Roman Road from Alchester to Towcester. This leads the Archaeologist to conclude that it is possible that archaeological features related to the Iron Age and Roman settlement of the area could survive within this proposed site. The Archaeologist notes that little formal archaeological investigation has been undertaken in the area and so, knowledge of the extent of further archaeological features in the vicinity of the proposed development is limited.
- 8.42. As part of the earlier appeal and the current application the applicant has submitted a Geophysical Survey of the site. The findings only identify a small strip of potential interest to the south of the site. However the County Council’s Archaeologist has raised concerns the given the presence of ridge and furrow on the site this may have masked any archaeological deposits. However the previous inspector considered the geophysical survey and concluded that this matter could be adequately addressed by a planning condition requiring further investigation secured by planning condition. Whilst the shortcomings of the submitted information are acknowledged, based on the findings of the inspector, the limited findings of the geophysical survey and the fact that this is an outline planning consent will all matters reserved, it is considered that this could be dealt with through a planning condition which requires further work and mitigation if necessary prior to the submission of a reserved matters application.

#### Accessibility, Highway Safety and Parking

- 8.43. Policy ESD15 of the Cherwell Local Plan Part 1 states that: “New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.” Policy SLE4 states that: “All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”

- 8.44. The highway authority has objected to the application on the basis that Finmere lacks sufficient facilities or an adequate bus service or other sustainable options of travel to reduce reliance on the private motor car. These matters are discussed in the “principle” section of this report above and officers agree with this assessment.
- 8.45. In relation to the technical matters the highway authority has not raised any objections to the increase in traffic on the local highway network as a result of the proposal and the development is considered acceptable in this regard. Whilst details of the access serving the development are not sought through the current application it is clear this would be required from the Old Banbury Road to the southern boundary. The access point is currently beyond an existing restriction on motorised vehicles so this would need to be altered which would subject to a Section 278 application with the County Council which would need to be secured using a S106 agreement. The Old Banbury Road will need to be upgraded in order to serve the development including potentially widening it, reconstructing it and resurfacing it. The highway authority have also noted that due to the lack of surveillance on the road and to encourage walking a footpath should be provided along the Old Banbury Road and the 30mph speed limited extended along the re-opened section of the road. Amended details have been received from the applicants that show a footpath along this part of the road and further comments are awaited from the highway authority.
- 8.46. Details of the internal layout of the site and parking arrangement would need to be considered through a future reserved matters application.
- 8.47. In regard to the public footpaths crossing the site, these would need to be protected and designed into the development at reserved matters stage. OCC Highways have requested a contribution of £5,000 towards the improvement of the footpaths 213/10 and 213/1 to improve the quality of the footpaths towards the villages as they are likely to experience increased use.
- 8.48. Overall, subject to receipt of additional comments from OCC Highways, from a highway safety perspective the proposed development is considered to be acceptable subject to conditions and a legal agreement to secure the improvements discussed above. However officers agree with the conclusions of the highway authority with regard to the broader sustainability of the settlement and reliance on private motor vehicles, and this weighs heavily against the proposals.

#### Effect on Neighbouring Amenity

- 8.49. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph 17 of the NPPF notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy C30 of the Cherwell Local Plan 1996 states that design control will be exercised so that new housing development or any proposal for the extension or conversion of any existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority.
- 8.50. Properties adjacent to the northern boundary of the site and to the east of the site are the ones which are most likely to be affected by the proposed development and these require consideration. There are two properties which are directly adjacent to the north part of the site, these being 1 Top Gardens and Flower Patch. The side gable elevation of 1 Top Gardens faces the site, but this side elevation has windows on it including a habitable room at first floor level and this elevation is very close to

the site boundary. The rear elevation of Flower Patch faces towards the site and the rear garden serving this property separates the dwelling from the site.

- 8.51. The indicative layout of the site includes an area of public open space to the north of the site which would separate the new dwellings from the existing properties. Whilst it is accepted that the view from these properties over an open field would change, it is a long established planning principle that there is no right to a private view. It is considered that a scheme which did not significantly impact the amenity of neighbouring properties could come forward so as to prevent undue harm to the amenities of neighbouring properties as well as the amenities of the proposed properties. If this outline application were to be approved, the matter of residential amenity requires careful consideration at the reserved matters stage so as not to unduly affect the amenities of neighbouring residents, in particular those properties immediately adjacent to the site.
- 8.52. Concerns have been raised from third parties in relation to nuisance as a result of the proposed development, but the Council's Environmental Protection Officer has raised no objections to the proposal. Whilst it is likely that there is going to be an increase in noise from the site, for example from vehicular traffic, it is considered that a layout could be agreed so that noise as a result of the proposal would not unduly affect any neighbouring properties. In addition, concerns have been raised by Finmere Parish Council in relation to nuisance for the future occupiers of the proposed housing due to the location of the site near the HS2 rail line and a landfill site as well as the A421. However, no objections have been raised by the Council's Environmental Protection Officer and in the absence of clear evidence to suggest otherwise, it is considered that these local factors are unlikely to result in detrimental levels of nuisance in terms of noise and odour for the future occupiers of the proposed dwellings.

#### Ecology and Trees

- 8.53. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision".
- 8.54. Paragraph 109 of the NPPF states that: "The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible."
- 8.55. Policy ESD10 of the Cherwell Local Plan Part 1 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out at the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that "every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity."
- 8.56. The application is accompanied by a Phase 1 Ecological Survey which includes a walk over of the site. The assessment establishes that the proposed development would not impact upon any protected species and that no harm would result from the proposal. The survey found that there are no field signs indicating the presence

of protected species, but the site has been assessed as having suitability to support bats and bat roosts, great crested newts and reptiles. Recommendations are therefore made within the report for further survey work for bats, great crested newts and reptiles. The report also recommends best practice guidance for avoiding harm to wildlife during the construction phase. Furthermore, the survey makes recommendations in order to enhance biodiversity on the site, including the addition of bird and bat boxes, the use of native wildflower seed mixes and flowering lawns in green spaces and green walls and roofs.

- 8.57. The Council's Ecology Officer has not objected to the proposal and is of the opinion that the submitted ecological appraisal is acceptable and notes that the recommendations set out in this should be adhered to. A number of surveys are required before the determination of the appropriate layout or site clearance, including a survey for reptiles and accompanying mitigation, and a survey of the trees on site for bats to ensure they are accounted for during any tree works and within the scheme. A mitigation scheme for great crested newts for the construction phase has also been advised by the Ecology Officer. The Ecology Officer has also noted that a full biodiversity enhancement scheme will be required. These matters could all be conditioned if the application were to be approved. The Ecology Officer has also requested that a Biodiversity Impact Assessment be undertaken to determine whether a gain or loss of habitats is expected. However this was not requested on the earlier application and there has been no policy change to justify requesting this. A full biodiversity enhancement scheme which makes it clear that an overall gain for biodiversity can be achieved from the proposals would address this and could be secured through a planning condition.
- 8.58. On the matter of trees, Policy ESD10 of the Cherwell Local Plan Part 1 requires the protection of trees amongst other ecological requirements. Policy ESD13 of the Cherwell Local Plan Part 1 also encourages the protection of trees and retention of landscape features.
- 8.59. There are a number of established trees on the site, which are mainly focussed around the perimeter of the site. These are considered in the submitted Arboricultural Survey and Report, and this recommends a layout where a number of these trees can be adequately protected to ensure their long term contribution. The Council's Arboricultural Officer previously considered these details acceptable, and officers are of the opinion that a layout could be agreed which does not unduly impact upon the important trees within the site. Further information, particularly in relation to tree protection, could be sought via a planning condition. Notwithstanding this, a section of the hedge line to the south of the site, adjacent to the old Banbury Road, would require removal in order to facilitate the access and associated vision splays. This would be harmful and would contribute in urbanising this area as discuss above.

#### Potentially Contaminated Land

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

#### Flooding Risk and Drainage

- 8.61. A Flood Risk Assessment (FRA) is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework, given the site

extends to over 1ha in area and is predominantly in Flood Zone 1. Land within Flood Zone 1 is land which has a less than 1 in 1,000 annual probability of river flooding.

- 8.62. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.
- 8.63. The FRA concludes that the proposed development would not be affected by current or future flooding and that the development would not increase flood risk elsewhere. Whilst there is an area to the north of the site that has been identified as being at low risk of surface water flooding, this area is now proposed as public open space. OCC as the Lead Local Flood Authority (LLFA) consider that the proposal can be made acceptable with the use of appropriate conditions and this reflects the conclusion of the previous inspector at the site who considered this matter could be appropriately dealt with through planning conditions.
- 8.64. Anglian Water, the Water Authority for the site, have been consulted on this application. They have indicated that the foul drainage has capacity for the development. However they state that no information has been provided regarding the foul manhole connection point and a pumped regime may be required. They also state further information is required regarding the surface water disposal. Both of these matters can be controlled with a suitably worded planning condition and it is noted that the planning inspector on the earlier appeal considered the matter of flood risk could be adequately addressed through planning conditions.

#### Sustainability and Energy Efficiency

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

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

- 8.67. Policy INF1 of the Local Plan states that: *development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*
- 8.68. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC3 requires development within locations such as Finmere to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/social rent and shared ownership.
- 8.69. Policy BSC11 of the Cherwell Local Plan Part 1 states that: "Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature

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

8.70. Notwithstanding Officer's recommendation of refusal, should Members resolve to approve the application, a S106 Legal agreement would be required to be entered into to secure mitigation resulting from the infrastructure impact of the development both on and off site, and to secure provision of affordable housing and public open space to meet the needs of the future residents of the development. This would ensure that the requirements of Policies BSC3, BSC11 and INF1 of the Cherwell Local Plan can be met. The Authority is also required to ensure that any contributions sought meet the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development.

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

8.72. Oxfordshire County Council have stated that there is adequate capacity in the existing primary school to accommodate the development and no contribution is required for secondary or special needs education due to the pooling restrictions of CIL. Therefore, insofar as they meet the tests set out at Regulation 122, the following would be sought if this application were to be approved:

- Affordable housing – 35% overall, with a split of 70% affordable/ social rent and 30% intermediate together with arrangements for its provision;
- Play provision in the form of a LAP, along with a commuted sum for the Council to maintain this provision;
- The maintenance of retained hedgerows, ditch, trees, pond and proposed informal open space;
- A requirement for a S278 agreement to be entered into with the County Council to include the means of access onto the B4031, upgrading working (including footpath, widening and resurfacing of B403)1, relocation of vehicle restriction point and introduction of 30mph speed limit.
- Financial contribution towards the improvement of public rights of way

8.73. Given the recommendation for refusal these matters have not been progressed with the applicant and therefore in the absence of a signed legal agreement to secure these matters the application is also unacceptable in this regard.

### Local Finance Considerations

- 8.74. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a Local Planning Authority must have regard to a local finance consideration as far as it is material. This can include payments under the New Homes Bonus. However, officers recommend that such funding is given only limited weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms and Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

### Other Matters

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

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

- 9.1. The overall purpose of the planning system is to seek to achieve sustainable development as set out within the Framework. The three dimensions of sustainable development must be considered, in order to balance the benefits against the harm in order to come to a decision on the acceptability of a scheme.
- 9.1 The proposed development would result in a comparatively large residential development on the edge of one of the smallest Category A settlements which has limited facilities and a lack of any significant public transport links. The principle of the proposal therefore falls to be considered against Policy Villages 2 of the Cherwell Local Plan and a full range of other policies relating to detailed matters. Policy Villages 2 sits alongside the wider strategy of the Local Plan which seeks to direct residential development to the most sustainable settlements in the District and it includes a number of criteria in order to assess this.
- 9.2 It is considered that allowing 25 homes to be developed would amount to an undesirable overconcentration of new housing development in Finmere that would prejudice a more even planned and sustainable distribution of housing development across the District's Category A villages particularly given the early stage of the plan period and significant progress which has already been made on providing the 750



dwellings under Policy Villages 2. In addition Finmere is the smallest Category A village in terms of population, which offers limited facilities and services and is not as sustainable as other Category A villages in terms of transport accessibility due to the lack of a regular bus service and therefore future residents would be highly reliant on the private car to make day to day journeys.

- 9.3 The proposed development on this site would also cause significant environmental harm to the rural landscape character and quality of the area, as well as the rural setting of the village. The proposed development would also fail to integrate with the existing built environment or relate well to the traditional pattern of development.
- 9.4 The proposal would bring some social benefits including a contribution to the District's ongoing five year supply as well as the provision of affordable housing (subject to a legal agreement). New development also brings economic benefits including providing some construction opportunities.
- 9.5 However, it is considered that the economic and social benefits would be significantly and demonstrably outweighed by the adverse environmental and social impacts identified above and the clear conflict with the housing strategy of the Local Plan. Thus, and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, the proposal is considered to be undesirable, unnecessary and unsustainable additional development in this rural location.
- 9.6 It is therefore concluded that the proposal does not constitute sustainable development and the application is therefore recommended for refusal.

## **10. RECOMMENDATION**

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

- 1 The development proposed, by reason of its excessive scale in relation to the size and relative sustainability of Finmere, and taking into account Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable development that would prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan (2011-2031) Part 1 and would undermine the housing strategy in the Cherwell Local Plan which seeks to distribute new housing to the most sustainable locations having regard to such matters as public services and facilities, transport and employment. Consequently the proposal is unacceptable in principle and contrary to Policies ESD1 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
- 2 The development proposed, by reason of its detached siting, excessive scale and poorly integrated relationship with existing built development, would cause significant and unacceptable harm to the historic linear form of the village, rural landscape character and quality of the area and the traditional setting of the village as experienced by local residents, visitors and users of old Banbury Road and the existing Public Rights of Way which run through and within close proximity to the site. The development would detract from the area's established character and would fail to reinforce local distinctiveness. The proposal is therefore contrary to Policies ESD13, ESD15 and Policy Villages 2 of the Cherwell local Plan (2011-2031) Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government advice within the National Planning Policy Framework.
- 3 In the absence of the completion of a satisfactory Planning Obligation, the Local

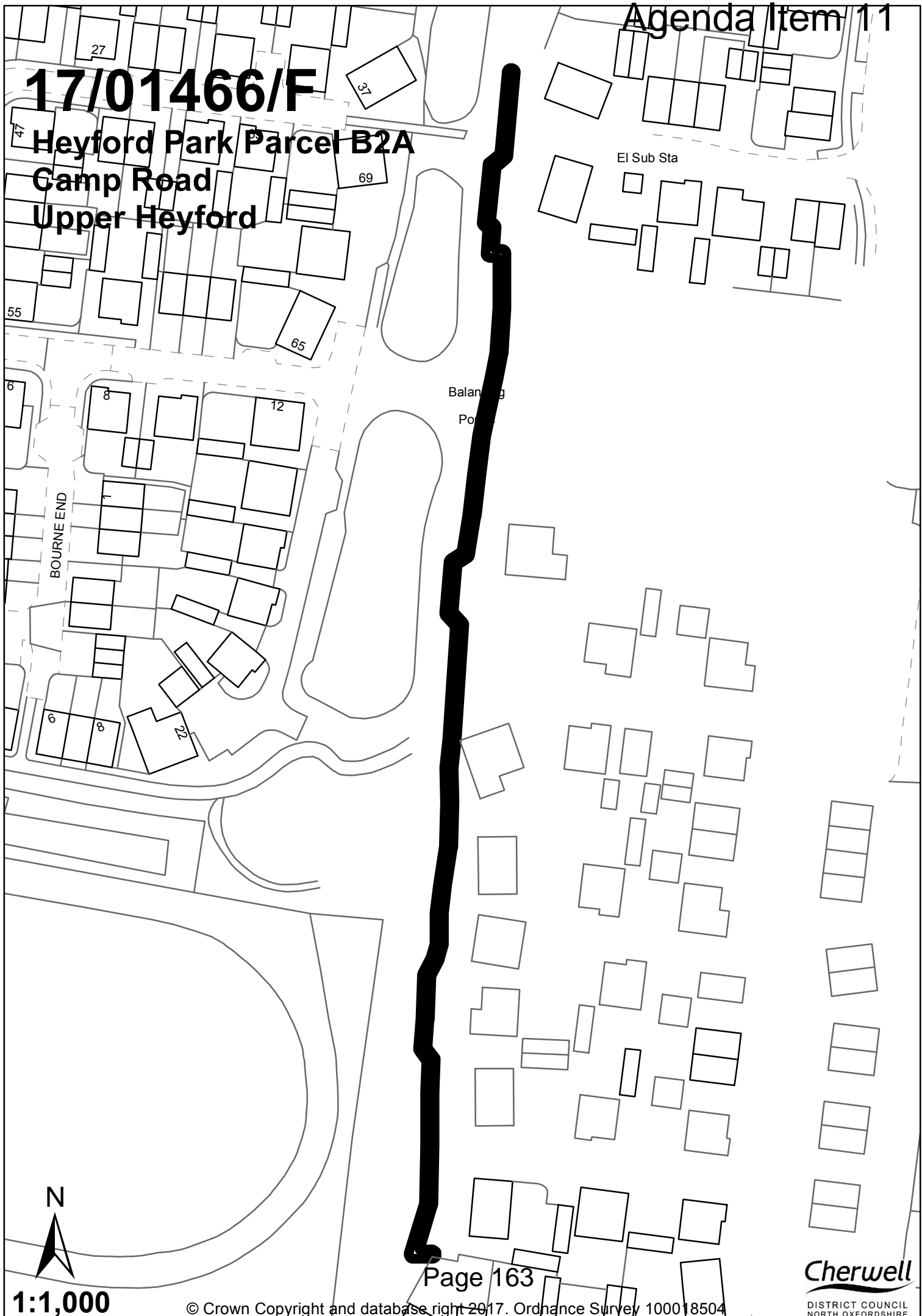
Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements, will be provided. This would be contrary to Policy INF1, BSC3 and BSC11 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: James Kirkham

TEL: 01295 221896

**17/01466/F**

**Heyford Park Parcel B2A  
Camp Road  
Upper Heyford**



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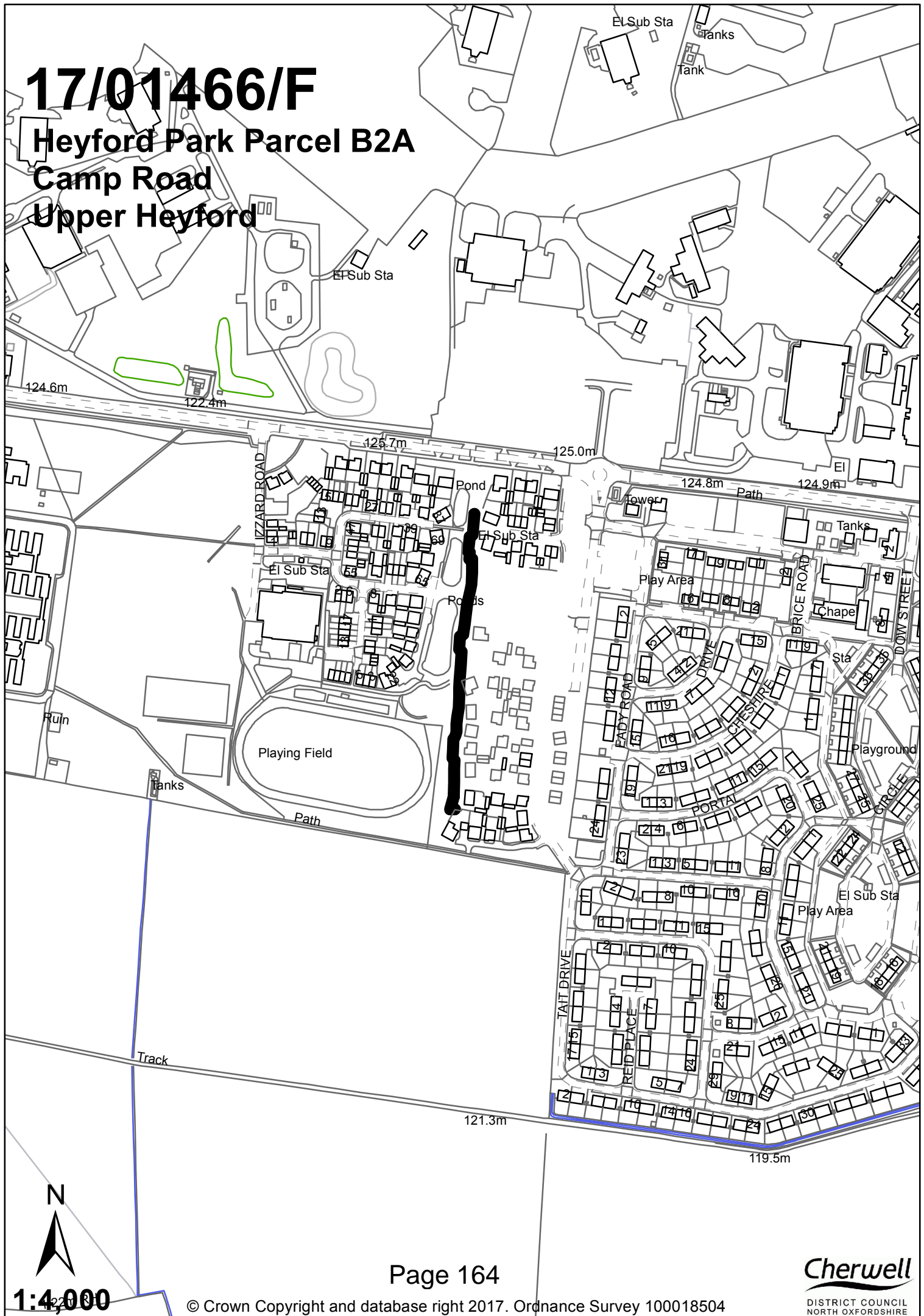
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# 17/01466/F

## Heyford Park Parcel B2A

### Camp Road

### Upper Heyford



**Applicant:** Bovis Homes

**Proposal:** Addition of approximately 310m of metal 'field' style railings painted black (Retrospective)

**Ward:** Fringford and Heyfords

**Councillors:** Cllr B Wood  
Cllr J Macnamara  
Cllr I Corkin

**Reason for Referral:** Member call in due to public interest (Cllr I Corkin)

**Expiry Date:** 20 September 2017      **Committee Date:** 28 September 2017

**Recommendation:** Refuse

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

- 1.1. The application site is within the former RAF/USAF Upper Heyford base and is part of a residential scheme approved under application references 10/01642/OUT and 13/01584/REM, which is currently under development.
- 1.2. The application site is located adjacent to a swale which was proposed as part of the surface water drainage infrastructure serving the site whilst also providing significant ecology benefits by linking Camp Road with the open countryside beyond to provide a green corridor. This also has the benefit of providing a linear park and valuable recreation space for residents.
- 1.3. The application site is located within the designated RAF Upper Heyford Conservation Area.

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

- 2.1. Retrospective planning permission is being sought for the erection of a line of railings (a means of enclosure) along the eastern edge of the swale (also referred to as linear park or SUDs corridor) located to the south of Camp Road and to the west of Miller Close and Corbett Close.
- 2.2. The enclosure is approximately 310m in length and proposed to be 900mm in height although in reality is actually 1m for most of its length. It takes the form of estate or field style metal railings and is painted black.
- 2.3. Two pedestrian gates and three access points of at least 1.2m in width have been incorporated along the fence. These have been positioned so as to align with existing footpaths within the swale and public realm.

- 2.4. The railings have been proposed by the applicant to create a physical demarcation between the public and private realm due to the close proximity between each, with a public footpath intended for play area access and general permeability, placed directly adjacent to the private drives of large detached homes. Concerns have also been raised by the applicant's health and safety advisor in relation to the sloped grass banks of the swale, which could, be slippery and treacherous with storm water sitting at the base of the swale. The inclusion of the railings is considered to go towards addressing these concerns.

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

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 10/01642/OUT - 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 - Permitted
- 3.3. 13/01584/REM - Erection of 69 dwellings with associated car parking, infrastructure and landscaping, provision of public open space, play areas and flood attenuation - Permitted
- 3.4. 13/00153/DISC - Discharge of Condition 8 of 10/01642/OUT (Design Codes) - Permitted
- 3.5. 14/01740/REM - Reserved Matters to Outline application (10/01642/OUT) - Erection of 90 dwellings with associated car parking, infrastructure, landscaping and other works - Permitted

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

- 4.1. The railings were erected prior to any pre-application discussions taking place with regard to this proposal. In fact its erection was brought to the Council's attention by a resident's complaint. The applicants were advised if they wished to retain it planning permission was required and that Officers would probably not support it as it "prevents the permeability and accessibility we are trying to achieve on Heyford Park."

### **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 06.09.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. The comments raised by third parties are summarised as follows:
- The railings, gates and openings as shown on the plan will provide good separation between the private driveways and public footpath and will be in keeping with the railings already in place near the play area.
  - Fences have been avoided where possible throughout the development of Heyford Park.

- The Design Code states properties should have open frontages.
- The character of the area is inspired by existing dwellings where there are no fences dividing public areas.
- The planning application states that the fence is to address safety concerns. This statement is overly vague and misleading.
- The swale areas have been deemed as wild meadows and are safe.
- The fence restricts the usable width of the footpath.
- The fence separates the path from open areas creating isolated pockets of green where there should be large open areas such as at the northern end of the fence where it meets Camp Road.
- It appears to have been installed for boundary reasons only which contravenes the Design Code of the Conservation Area.
- The design code makes it clear there should be open frontages and this area must "provide natural surveillance out over the open space".
- The character of the area (Core Housing West) is inspired by Carswell Circle where there are no fences dividing public areas.
- The Design Code clearly states this area is a linear park and is an informal open space as opposed to the formal village centre. It goes on to state it should be a wild flower meadow with wet grasses and roughly mown grass and street furniture would be of a simple informal style, with the material typically being timber. This fence is divisive which goes against the open space and makes the area very formal. It is in the style of the fencing at Blenheim Palace.
- The fence will segregate the Bovis homes from the rest of the community.

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

## **6. RESPONSE TO CONSULTATION**

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

### **PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS**

6.2. Upper Heyford Parish Council:

- This area is described as the SUDs corridor, Swales, Linear Park and Wild Meadows.
- Bovis Homes have stated to Cherwell District Council that the fence is required to provide "a degree of safety guarding to protect their children from the swale areas" and they "would hope that the LPA would prioritise safety for the children over permeability aspirations". CDC made it clear there must be permeability which renders the fence redundant. This also contradicts

Bovis Homes claim the linear park will be constructed according to plans and will be safe.

- The children's play area constructed by Bovis Homes is right next to a swale and simply separates the children from the swale with a small timber trip fence. This is deemed as safe despite the trip hazard, so a much larger fence is not needed elsewhere.
- This style of fence does not stop children easily running through it, however makes it harder for adults caring for them.
- The character of the area is inspired by Carswell Circle where there are no fences dividing public areas.
- This fence divides open green areas, such as the area to the right of the fence near Camp Road, and completely land locks at least one green area between the fence and private gardens. It has not been thought through but hastily constructed; hence the retrospective full planning application going against the agreed and approved design code
- The Design Code makes clear that direction to users of the informal wild meadow area will be made by shrub and herbaceous planting and not formal fences. It states any required street furniture should be timber, not formal metal style fences.
- Fences have been avoided in all areas of the development where possible.
- The Design Code states that all dwellings in front of the Wild Meadows will provide natural surveillance out over the open space. This formal metal fence is clearly not natural, unlike what is in the approved plans.
- Paths running alongside public (adoptable) roads do not have metal fences separating them. Given the roads are shared surface pedestrians may need to use the path to escape vehicles that have not seen them.
- Emergency vehicles would have no way to access the open green space, kickabout area or play area without accessing private drives which would be confusing in an emergency situation.
- The Design Code states "The linear park will be presented as an informal open space". This was supported by existing residents before the new development but this fence segregates communities. Even though Bovis Homes have been forced to include small gaps the intended segregation is still clear and is some find this intimidating, given the style of the fence the gaps are not very visible.
- Without prejudice, if this fence is required, then it needs to be between the meadows and the path, not the path and the road. Otherwise the vast majority of users of the area will not be safe guarded.

#### STATUTORY CONSULTEES

- 6.3. Local Highways Authority: No objection.

#### NON-STATUTORY CONSULTEES



- 6.4. Landscape Officer: No objection providing 2 demountable bollards are installed, with padlocks, to the cycle path near plot 115, in order to prevent vehicle access. This should allow contractor and emergency vehicle access when required.
- 6.5. Heyford Park Residents and Community Development Association: No comments received.
- 6.6. Oxford Trust for Contemporary History: 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)

- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 5 - Former RAF Upper Heyford

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

- C28 – Layout, design and external appearance of new development

#### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF) (specifically Paragraph 69)
- Planning Practice Guidance (PPG)

#### 7.4. Other Planning Considerations

- Mid-Cherwell Neighbourhood Plan
- RAF Upper Heyford Conservation Appraisal 2006 (UHCA)
- In addition a design code was approved in October 2013 in order to comply with Condition 8 of planning permission 10/010642/F. This was required to “to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as set out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009.”

## **8. APPRAISAL**

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

- Principle of development and impact on the character of the area

- Highway safety

#### Principle of development and impact on the character of the area

- 8.2. Schedule 2, Part 2, Class A of the General Permitted Development Order 2015 permits the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure, providing the height does not exceed more than 1m above ground level adjacent to the highway used by vehicular traffic.
- 8.3. Although the plans submitted with the application indicate the height of the proposed fence being 900mm, when measured on-site, the height of the fence is generally 1m in height but marginally exceeds 1m (by approximately 10cm) in a number of locations so does not, at the current time, comply with the requirements of the General Permitted Development Order. However, even if the fence were to comply with the General Permitted Development Order, the fence would not comply with conditions 1 or 4 of the reserved matters application (13/01584/REM) which require the development and boundary treatments to be carried out in accordance with the approved plans, including drawing number B0285-53-B2A, which provides details of approved boundary treatments. Therefore, in order to retain a fence in this location, the submission of a planning application is required.
- 8.4. The approved Design Code (version 5.2) (see condition 8 of 10/01642/OUT – 13/00153/DISC) refers to the application site as CA7 Core Housing West and promotes direct, barrier free routes (3.30 Page 47) and soft landscaping, with large open frontages (Page 97). The swale is classified as a special condition area (Page 108) and requires a special response to opportunities and constrains and a distinct design, over and above that set out within the character area (CA7) definition. The landscape strategy for the swale (Page 121) states that *the linear park will be presented as an informal open space, where the use of SUDS will create a clear and individual character. The park will provide a linear north/south link through the west of the development, with informal footpath routes allowing pedestrians to stroll through this interesting environment. Soft landscaping will be kept simple, with large areas of wildflower meadows, wetland grasses and rough mown grass located to suit the environment and provide a visually interesting landscape. Shrub and herbaceous planting will be generally native, it will be used where necessary to screen built form, to provide direction to users and to enhance biodiversity, particularly with the use of wetland planting around the SUDS. Street furniture would be of a simple informal style, with the material typically being timber.*
- 8.5. The proposed enclosure is not considered to comply with the approved Design Code as it would result in the formalisation of the informal open space and would directly conflict with the requirement to provide large, open frontages and direct, barrier free routes. Although gates and gaps have been provided within the fence, the fence is still considered to represent a barrier to movement – regardless of whether this is perceived or realised.
- 8.6. The railing itself is considered to be relatively unobtrusive but the location, position, layout and style of enclosure is not consistent with that of a former military base and is considered to be ornamental in comparison. The introduction of this style of railing is therefore considered not to preserve or enhance the heritage value associated with the designated Conservation Area. It is also considered to be in conflict with the site specific design and place shaping principles of Policy Villages 5 in particular: “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 cycle ways that link to existing networks.”

- 8.7. The applicant's justification for the enclosure is two-fold. Firstly, the railings would create a physical demarcation between the public and private realm and secondly, the fence would address safety concerns in relation to the sloped grass banks of the swale which could become slippery in adverse weather conditions.
- 8.8. Of these reasons, only the first is considered to provide reasonable justification for the fence in the present location, however the need for physical demarcation is considered unnecessary due to the clearly identifiable footpaths and landscaping which will be introduced once the development has been completed.
- 8.9. In respect of the second reason, the position of the fence, to the east of the footpath, would not sufficiently address the cited safety concerns, given that it would not be positioned between the footpath and the swale and that if safety were a concern, enclosures would be erected to both sides of the swale.
- 8.10. There is also no evidence that the swale is unsafe and it should be noted that the swale is intended first and foremost to be a drainage and landscape feature rather than a play or recreation area, therefore common-sense should prevail during adverse weather conditions if members of the public wish to use the swale for this purpose. It should however be noted that where there is clear evidence that a fence is required for safety reasons, such as where paths are narrow or where there is a risk of falling from height for example, these reasons will be given weight when considering an application.

#### Highway safety

- 8.11. The fence is not considered to cause harm in terms of highway safety as it does not physically obstruct a public highway or footpath but is considered to partially restrict emergency or maintenance access to the public open space, although openings have been provided with the fence to facilitate access. Furthermore, the Local Highways Authority has raised no objection to the proposal.

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

- 9.1. The proposed railings are considered to cause harm to the character and openness of the public open space and result in harm to permeability, contrary to Government guidance contained within the National Planning Policy Framework requiring the creation of safe and accessible environments and Policy ESD15 of the Cherwell Local Plan 2011-2013 (Part 1), which promotes permeable and accessible spaces, well designed landscape and development which contributes positively to an area's character and identity. The justification provided by the applicant is not considered to outweigh this harm and as such, the application is recommended for refusal.

## **10. RECOMMENDATION**

That permission is refused, for the following reason:

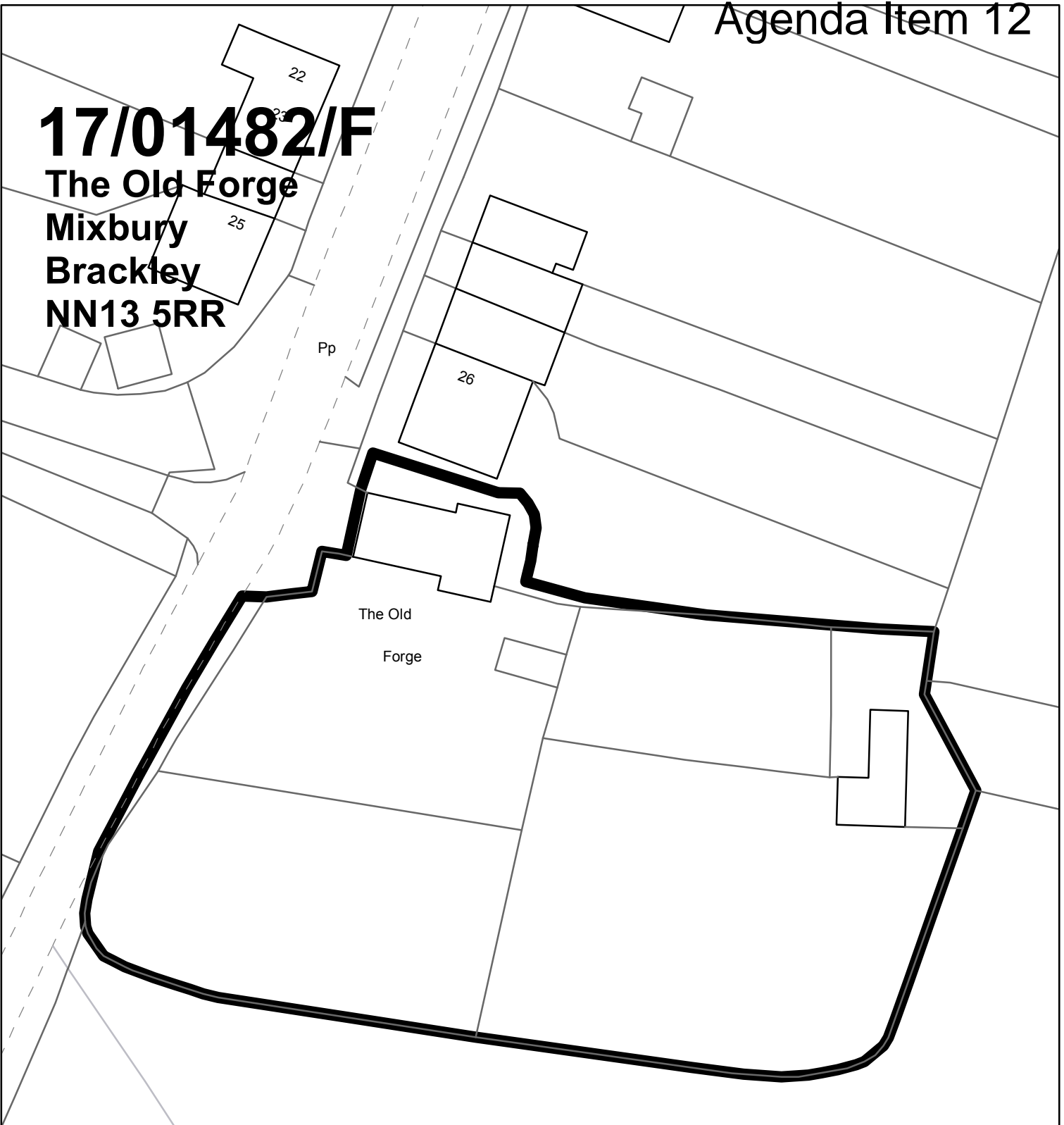
1. The fence would cause harm to the character, openness, accessibility and permeability of the public open space, which is not considered to be outweighed by the public benefit or intended function of the railings in terms of public safety or the demarcation of public and private property. Furthermore, the railings would result in the formalisation of informal public open space and would set a precedent for the enclosure of open space and the removal of open frontages. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework requiring the creation of safe and accessible environments and Policies Villages 5: Former RAF Upper Heyford and ESD15 of the Cherwell Local Plan 2011-2013 (Part 1).

CASE OFFICER: Lewis Bankes-Hughes

TEL: 01295 221884

**17/01482/F**

**The Old Forge  
Mixbury  
Brackley  
NN13 5RR**



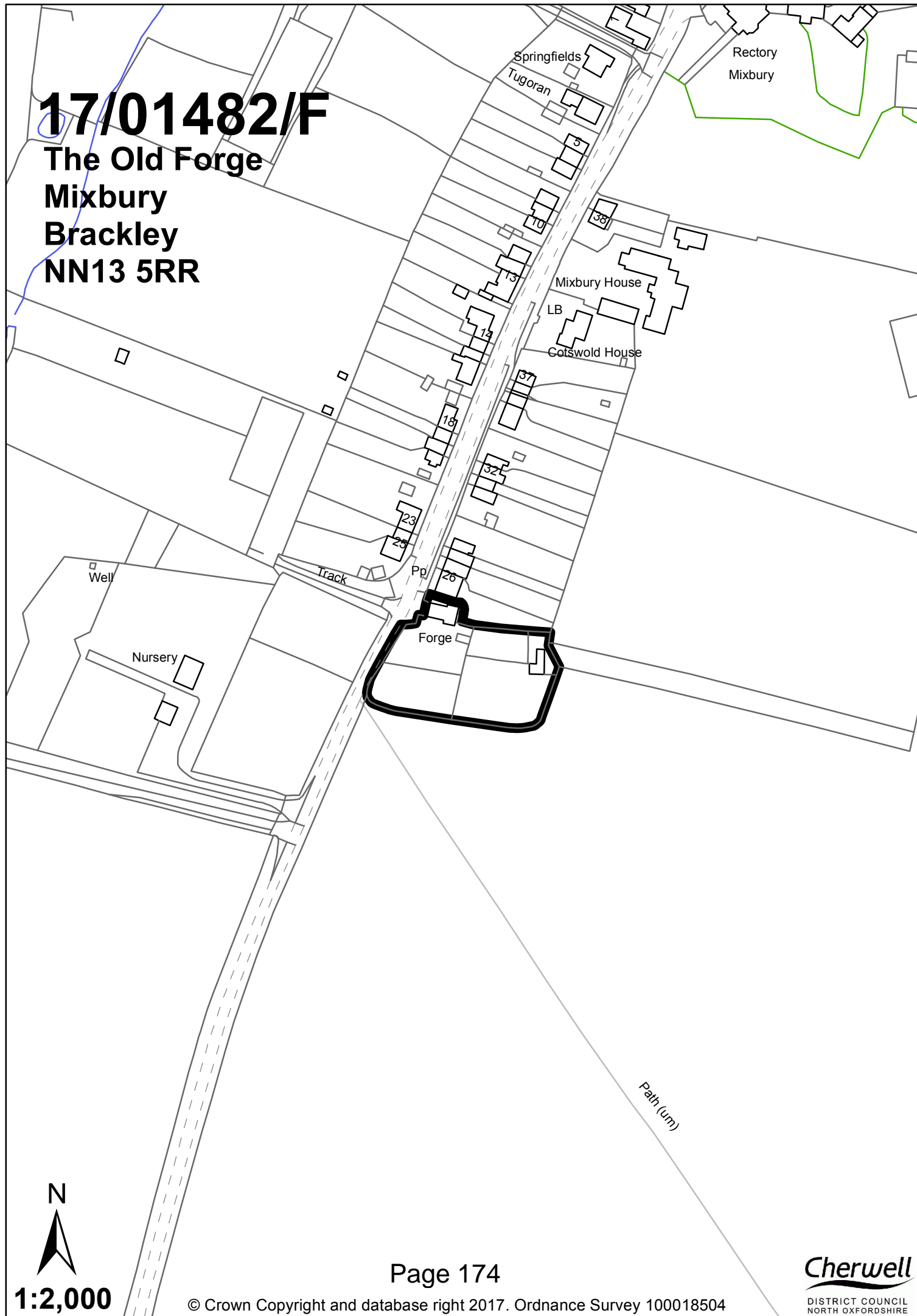
The Old  
Forge



**1:500**

**17/01482/F**

**The Old Forge  
Mixbury  
Brackley  
NN13 5RR**



<b>Case Officer:</b>	Michael Sackey	<b>Recommendation:</b>	Refusal
<b>Applicant:</b>	Mr Mark Bairstow		
<b>Proposal:</b>	Two storey extension to side elevation adjoining south facing gable end to improve living accommodation (particularly upstairs); dormer windows to front and rear elevations as per existing building; additional windows and doors to ground and first floor - re-submission of 17/00966/F		
<b>Ward:</b>	Fringford and Heyfords		
<b>Councillors:</b>	Cllr Ian Corkin Cllr James Macnamara Cllr Barry Wood		
<b>Reason for referral:</b>	This application has been referred by a Ward Councillor - Councillor Wood		
<b>Expiry Date:</b>	5 September 2017	<b>Extension of Time:</b>	28 September 2017

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

- 1.1. The application relates to a former metal worker's building which was converted to a dwelling and later extended. The building, which faces west on to Main Street is constructed of stone with brick detailing, and has a tiled roof. There are no changes in the levels across the site that would significantly affect the application assessment. The site is bounded by residential properties to the north. The site is within the designated Mixbury Conservation Area.

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

- 2.1. The applicant seeks planning permission for a two storey side extension to the dwelling, conversion of the detached garage to habitable accommodation, and the insertion of additional windows and doors at ground and first floor level.
- 2.2. The proposed side extension would measure approximately 4.9m depth, 4.8m width with an overall roof height of 6.1m, sloping down to an eaves height of 3.5m.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. Consent was originally granted in 1978 (ref. 78/00076/S) for conversion of the old barn to a bungalow (plus detached garage). Further consent for a revised scheme was granted in 1986 (86/00091/S). Under both consents the property's permitted development rights were removed with regard to extensions.
- 3.2. In addition, the following planning history is directly relevant to the proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>	<u>Date</u>
98/00841/F	Addition of 1 dormer window to the south face of the roof and 3 roof lights to the north face of the roof	Application Permitted	23.07.1998
05/01524/F	Porch and two storey side extension.	Application Permitted	22.03.2006
17/00966/F	Two storey side extension, dormer windows to front and rear and additional windows and doors to ground and first floor.	Application Withdrawn	06.07.2017

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

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Closed</u>
16/00044/PREAPP	Pre-application enquiry - New five bedroom dwelling	04.04.2016
17/00047/PREAPP	Pre-Application Enquiry - Two storey extension to side elevation of house	22.05.2017

- 4.2. With regard to the latter, the Council's advice was:

- 4.3. Notwithstanding the lack of harm likely in respect of neighbours or footpaths, for the reasons set out above we would not be able to support a future application for the proposal on the grounds of its impact on visual amenity and the character and appearance of the Conservation Area. I would encourage you to consider alternatives and would be happy to discuss the same with you further.

#### **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 24.08.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. Two letters received supporting the application.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.



## **6. RESPONSE TO CONSULTATION**

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

### **PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS**

- 6.2. No comments received. Consulted on 24.07.2017.

### **OTHER CONSULTEES**

- 6.3. Conservation - The scheme was discussed at a pre-application meeting prior to the submission of the earlier application and I summarise the points I made at this time.

- The Old Forge is a former industrial building which has been converted to domestic use. A condition was put on the original planning consent restricting permitted development rights on extensions on the building – presumably in attempt to retain the character of the building.
- The Old Forge is part of the Model Village of Mixbury and retains the same materials / aesthetic. It is however different to the other buildings in the settlement in that it originally had an industrial / agricultural appearance. It needs to retain this distinction.
- The Old Forge is located in a key area at the gateway into the conservation area of Mixbury and therefore any development is particularly sensitive.
- The proposed extension is very large, very domestic in appearance and in a key location to the frontage of the property. The extension in its current proposed form is considered to cause harm to the character and appearance of the Mixbury Conservation Area.
- It is possible that there may be alternative means of extending the building (as discussed on site), but this would depend on detailing.
- The garage building offers a potential for extension – as it is itself a modern structure – but any new development would need to respect the outbuilding form and the sensitive location.

My principle concern is with the two storey element of the building which is overly domestic. The suggestions I made on site involved the provision of a single storey link to the existing garage building, although this itself could be remodelled to provide a larger footprint / higher ridge providing it retained the simplicity of form and the relationship with the existing property.

I would recommend that the current application be refused but that further pre-application discussions are entered into with an architect present.

- 6.4. Local Highways Officer - No objections. There is particular concern with regards to the footpath diversion. You are referred to the response made with regards to this aspect of the proposal.
- 6.5. Rights of Way - Mixbury Public Footpath 9 (303/9) runs to the South of the property between the existing house and garage. The proposed extension would obstruct the footpath and a Town and Country Planning Act diversion of the footpath would therefore be required to enable the development to take place. Your legal team would have to take the diversion forward but there is no information to indicate whether the applicant has been liaising with them. I have therefore copied them into this email. I would not object to a diversion provided that a suitable diversion route can be agreed.

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

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

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

- ESD15 - The Character of the Built and Historic Environment

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

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

### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- Mixbury Conservation Area Appraisal

## **8. APPRAISAL**

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

- Design, and impact on the character of the Conservation Area
- Residential amenity
- Highway safety/parking provision

### Design and Impact on the Character of the Conservation Area (Undesignated Heritage asset)

- 8.2. Paragraph 56 of the NPPF makes clear that: *the Government attaches great importance to the design of the built environment*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings*.
- 8.3. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the street scene*.
- 8.4. Any proposed development or extensions must respect the scale, design, proportions and materials of the surrounding architecture to strengthen the cohesion of the street scene. It is crucial that the scale and diversity of the surrounding

architecture is respected and that an imaginative and high quality design is employed.

- 8.5. The proposed development would be of significant scale in relation to the existing dwelling but particularly in relation to the original building.
- 8.6. Given its position and that of the site, the proposal would be readily visible from the highway and public realm, and would have a significant visual impact.
- 8.7. The proposed development is also located at the southern gateway into Mixbury and therefore lies in a particularly prominent and sensitive area. This area is one of the key views into the village and indeed is described in the Mixbury Conservation Area appraisal. The original building is considered a positive contributor to the character and appearance of the Conservation Area.
- 8.8. It is considered that the provision of a large two storey extension in this area would fundamentally alter the character of the dwelling and in doing so would have a substantial impact on the visual amenity of the locality and on the character of Mixbury as one approaches and enters the village.
- 8.9. It is notable that the property's permitted development rights have been restricted with regards to extensions. The condition was imposed on the original planning consent restricting permitted development rights on extensions in an attempt to retain the character of the original building.
- 8.10. The existing two-storey extension projects very slightly from the front elevation of the original building but given its form and siting its impact on the significance of the original forge building is not greatly diminished. The scale and position of the current proposal, extending the extension, draws attention to the cumulative extension in a way which does not happen at present. Individually and cumulatively the extension would detract markedly from the character and setting of the original building.
- 8.11. In summary, by virtue of its scale, form and massing, the proposal results in a bulky and visually obtrusive form of development that demonstrably harms the character of the existing dwelling and the character and appearance of the Conservation Area.
- 8.12. The application is therefore contrary to Government guidance contained in the Framework, and retained Policies C28 and C30 in the Cherwell Local Plan 1996 and Policy ESD15 in the Cherwell Local Plan 2011-2031 Part 1.
- 8.13. For the reasons set out above, it is considered critical for any extension of the building here to be set down in height to single storey level and to respect and be harmonious with the scale, form and proportions of the original building.
- 8.14. It is understood that planning permission was previously granted for a smaller extension in this location (05/01524/F). However, this permission has lapsed and is not extant. In addition it was permitted under a different planning / heritage policy background. Since this date the National Planning Policy Framework and Cherwell Local Plan 2011-2031 have both been adopted, and there have been high court decisions reminding decision makers of the need to give great weight to the preservation of the character and significance of heritage assets.
- 8.15. The building's design includes elements which in isolation are acceptable, e.g. the use of natural stone and brick to the walls and slate tiles to the roof. However, by reason of its scale and form, the proposed development is considered neither to

complement nor enhance the character of the building or its setting through sensitive high quality design.

#### Residential Amenity

- 8.16. Paragraph 17 of the NPPF includes, as a core planning principle, a requirement that planning should: *always seek to secure...a good standard of amenity for all existing and future occupants of land and buildings*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*.
- 8.17. The Council's Home Extensions and Alterations Design Guide (2007) provides informal guidance on how the Council will assess proposed extensions to houses, including guidance on assessing the impact on neighbours. This includes assessing whether a proposed extension would extend beyond a line drawn at a 45° angle, as measured horizontally from the mid-point of the nearest habitable room window.
- 8.18. The proposed development would be well set off the boundaries of the adjacent neighbours and would comply with the 45 degree rule with regards to its neighbours. Having regard to its scale and positioning the proposal is considered not to have a significant impact on the neighbours either through loss of light or loss outlook or overlooking. The proposal would thus accord with retained Policy C28 of the Cherwell Local Plan and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

#### Highway and pedestrian safety

- 8.19. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 35 of the NPPF which states that: *developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians*.
- 8.20. The local Highways Authority has raised no objections to the current application subject to Conditions to provide full specification details including construction, layout, surfacing and drainage of the turning area and four parking spaces within the curtilage of the site, prior to the commencement of the development.
- 8.21. The proposal would require the diversion of a footpath, but there are considered to be no objections in principle to this taking place.

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

- 9.1. The proposal is acceptable in terms of residential amenity and highway safety. However, for the reasons set out in this report, the proposal would cause significant and demonstrable harm to the visual amenity of the local area and to the character and appearance of the building and that of the Mixbury Conservation Area. There are no other material considerations that outweigh the conflict and the harm caused, and therefore permission should be refused.

## **10. RECOMMENDATION**

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

1. The proposed development, by virtue of its scale, form and massing, would relate poorly to the existing dwelling, resulting in a visually incongruous form of development that would demonstrably detract from its character and appearance, resulting in significant and demonstrable harm to the visual amenity of the locality and failing to preserve the character or appearance of the Conservation Area. The proposal would thus be contrary to Government guidance contained within the National Planning Policy Framework, retained Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and the Cherwell District Council Home Extensions and Alterations design guide (March 2007).

Case Officer: Michael Sackey

DATE: 05.09.2017

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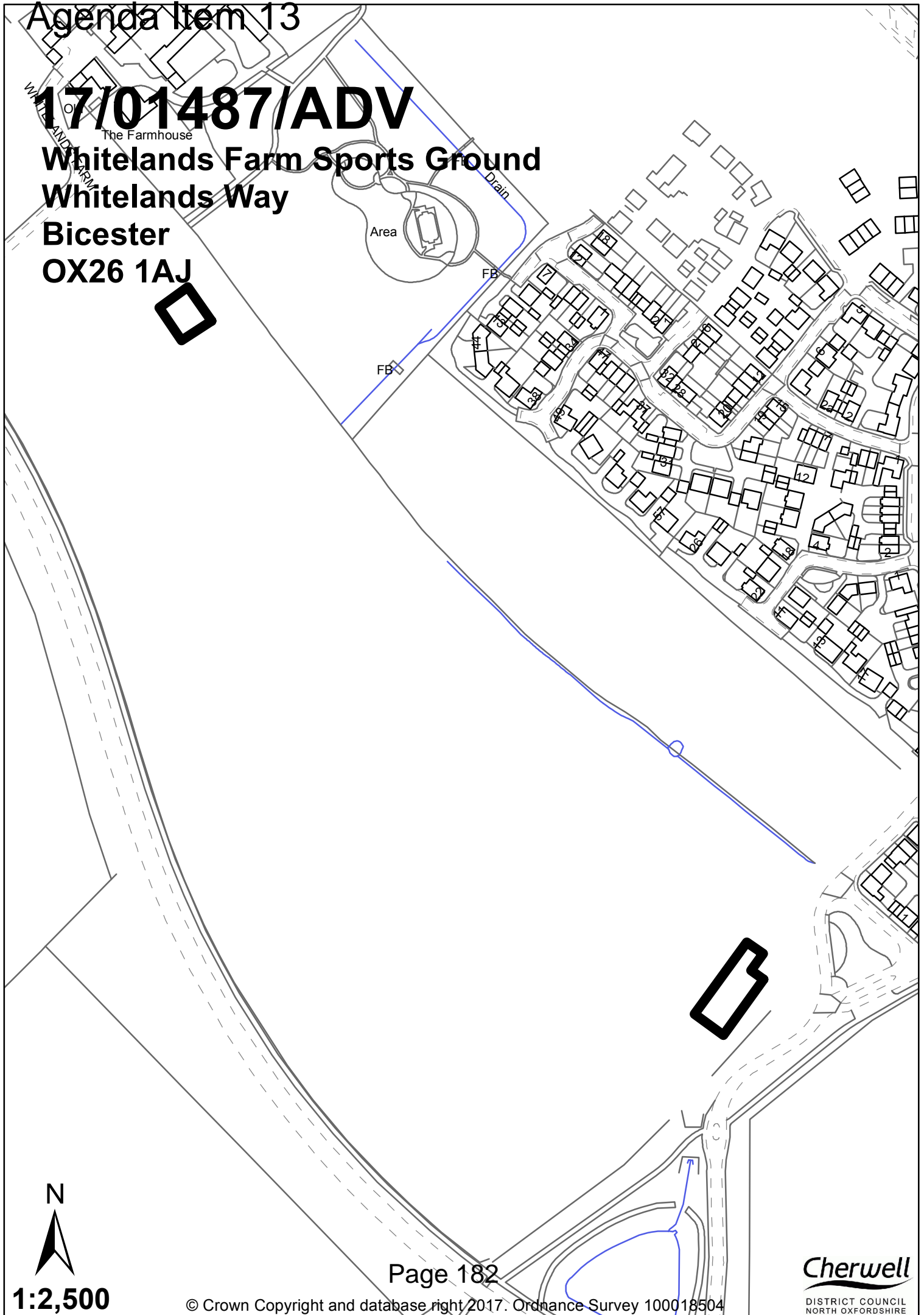
**17/01487/ADV**

**Whitelands Farm Sports Ground**

**Whitelands Way**

**Bicester**

**OX26 1AJ**



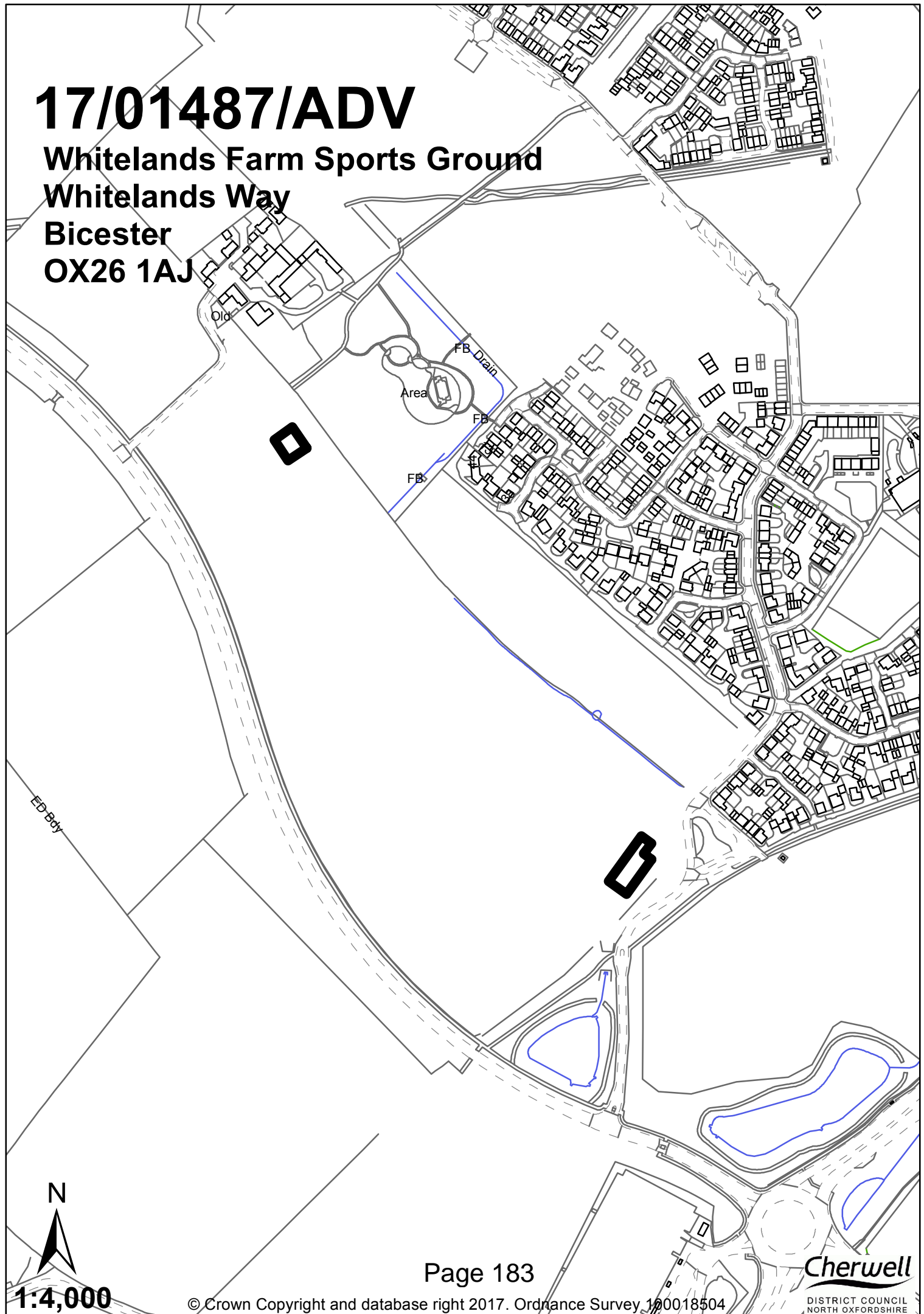
# 17/01487/ADV

## Whitelands Farm Sports Ground

### Whitelands Way

### Bicester

### OX26 1AJ



**Whitelands Farm Sports Ground**  
**Whitelands Way**  
**Bicester**  
**OX26 1AJ**

**17/01487/ADV**

**Applicant:** Mr Tom Darlington

**Proposal:** 1 No non-illuminated fascia sign

**Ward:** Bicester South And Ambrosden

**Councillors:** Cllr David Anderson  
Cllr Nick Cotter  
Cllr Dan Sames

**Reason for Referral:** The application is brought to the Planning Committee because it is the Council's own application

**Expiry Date:** 21 September 2017      **Committee Date:** 28 September 2017

**Recommendation:** Approve

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

- 1.1. Whitelands Farm Sports Ground is located to the east of the Sports Village site, southwest of Bicester. The site comprises a sports pavilion building currently under construction immediately adjacent to Whitelands Way. The site is adjacent to car park and the recycling centre and the residential properties to the east.
- 1.2. The application site forms part of the Phase 2 development of the area which involved the construction of a sports and functions pavilion including vehicular access and parking originally granted outline consent in June 2008 and a subsequent reserved matters approval in November 2015 reference 15/01615/F.

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

- 2.1. Advertisement consent is sought for the display 1 non-illuminated fascia sign on the west gable of the sports pavilion building. The proposed fascia sign would bear the inscription 'Whitelands Farm Sports Ground' in black colour. The sign would be 'Flat Cut' 3mm aluminium letters on chrome plated brass locators positioned at a distance of 3 metres above the finished ground level.

## **3. RELEVANT PLANNING HISTORY**

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
06/00967/OUT	Outline - Up to 1585 no. dwellings; health village to include health and employment uses and elderly persons nursing home; B1 and B2 employment uses; local centre comprising of shops, a pub/restaurant,	Application Permitted



children's day nursery, offices and a community centre; 2 no. primary schools and 1 no. secondary school; a hotel; a sports pavilion; formal and informal open space; a link road between A41 and Middleton Stoney Road/Howes Lane junction; associated new roads, junctions, parking, infrastructure, earthworks and new accesses to agricultural land (as amended by plans and documents received 24.10.06).

06/02225/OUT	Outline - Up to 1585 no. dwellings; health village to include health and employment uses and elderly persons nursing home; B1 and B2 employment uses; local centre comprising of shops, a pub/restaurant, children's day nursery, offices and a community centre; 2 no. primary schools and 1 no. secondary school; a hotel; a sports pavilion; formal and informal open space; a link road between A41 and Middleton Stoney Road/Howes Lane junction; associated new roads, junctions, parking, infrastructure, earthworks and new accesses to agricultural land.	Undetermined
15/01615/F	Development of the South West Bicester Sports Village in two phases comprising phase 2: construction of a two-storey sports and functions pavilion including vehicular access and parking; phase 3A: construction of a 3G synthetic grass rugby pitch, tennis courts and associated fencing and floodlights and the erection of a cricket hut	Application Permitted

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

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

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

- 5.1. This application has been publicised by way of a site notice displayed near the site. The final date for comments was 22.08.2017, although comments received after this date and before finalising this report have also been taken into account.

#### **6. RESPONSE TO CONSULTATION**

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

#### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. **Bicester Town Council** – No comment to make on this application

#### STATUTORY CONSULTEES

- 6.3. **Oxfordshire County Highway Officer** – No objections

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

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

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

- ESD15 - The Character of the Built and Historic Environment

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

- C28 – Layout, design and external appearance of new development

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF) - Paragraph 67
- Planning Practice Guidance (PPG)

### **8. APPRAISAL**

- 8.1. The application has been brought before the Planning Committee because it is Cherwell District Council's own application.
- 8.2. The key issues for consideration in this case are:
- Visual amenity and
  - Public safety

#### Visual Amenity

- 8.3. The Framework states: Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

- 8.3. The proposed fascia sign would be visible from the public domain and from the eastern approach to the site on Whitelands Way. The sign would be non-illuminated. Having regard to its scale, siting, design and materials of the sign, it is considered that the proposed sign would not detract from the visual amenity of the local area or appear out of context with the existing building and the immediate surroundings. The proposed signage is also in keeping and consistent with the scale and design of the building.

#### Public Safety

- 8.4. The proposed non-illuminated fascia sign is not considered to present a risk to public safety or highway safety due to scale and position in relation to the access road to the site and the nearby residential properties. Furthermore, the Highway Authority has raised no objections to the proposal. The proposed fascia sign is therefore considered to comply with the provisions of Paragraph 67 of the Framework relating to public safety.

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

- 9.1. The proposed advertisement sign is considered to be acceptable in terms of its impact upon amenity and public safety and thus it is considered to comply with the above mentioned policies. Therefore the application is recommended for approval subject to appropriate conditions.

### **10. RECOMMENDATION**

That advertisement consent be granted, subject to the following conditions:

1. At the end of a period of five years from the date of this decision, this consent for the display of advertisement will lapse.

Reason - By virtue of Regulation 14 (7) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. Except where otherwise stipulated by condition, the consent shall be carried out strictly in accordance with the Application Form, Site Location Plan and the drawings numbered: SK21 Rev A, SK22 and the Elevation Plan submitted with the application.

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

3. (a) No advertisement shall be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(b) No advertisement shall be sited or displayed so as to:-

- i. endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- ii. obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
- iii. hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

(c) Any advertisement displayed, and any site used for the display of

advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

(d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason - By virtue of Regulation 14 (1) (a) and Schedule 2, of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

CASE OFFICER: Richard Sakyi

TEL: 01295 221816

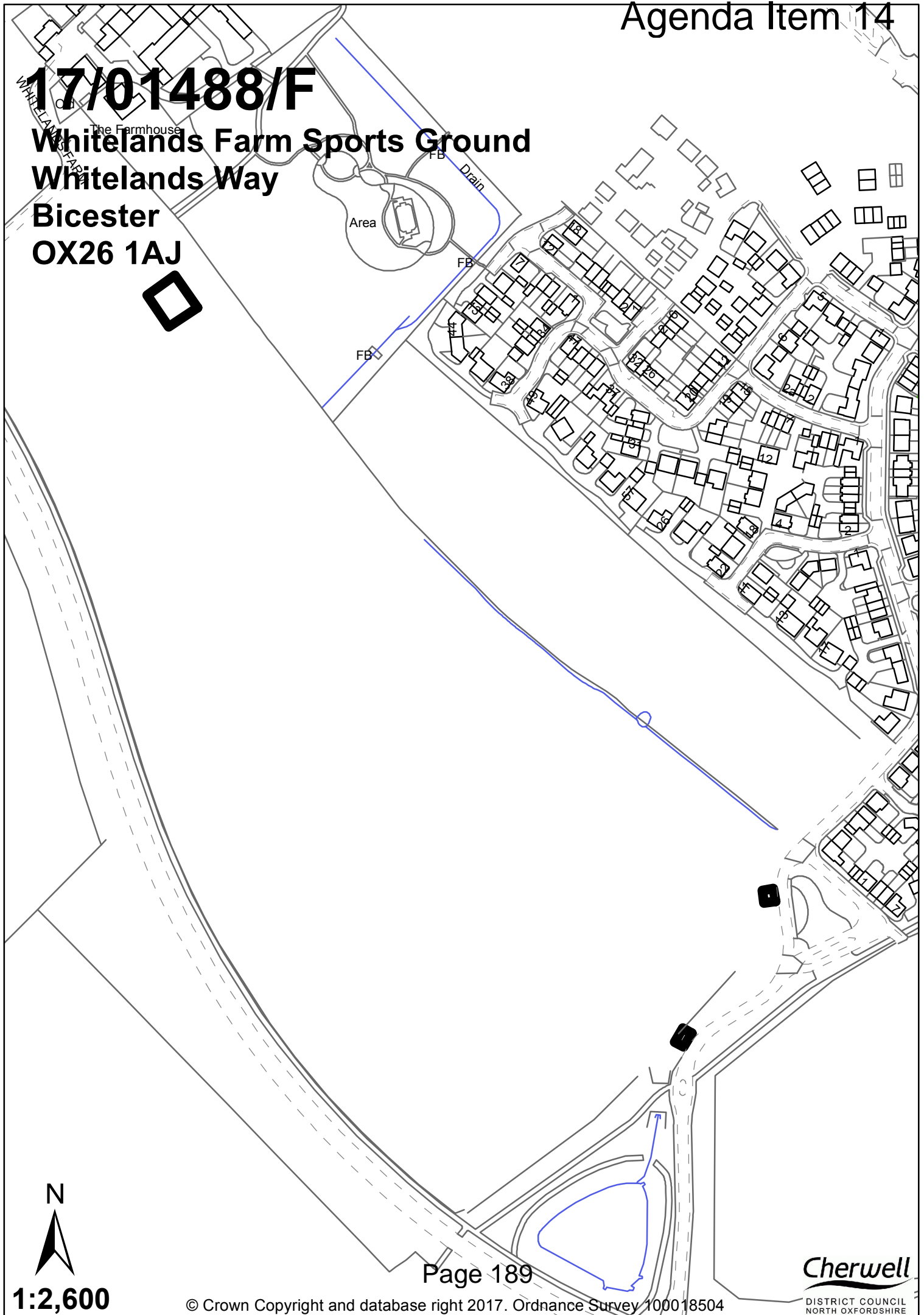
**17/01488/F**

**Whitelands Farm Sports Ground**

**Whitelands Way**

**Bicester**

**OX26 1AJ**



**1:2,600**

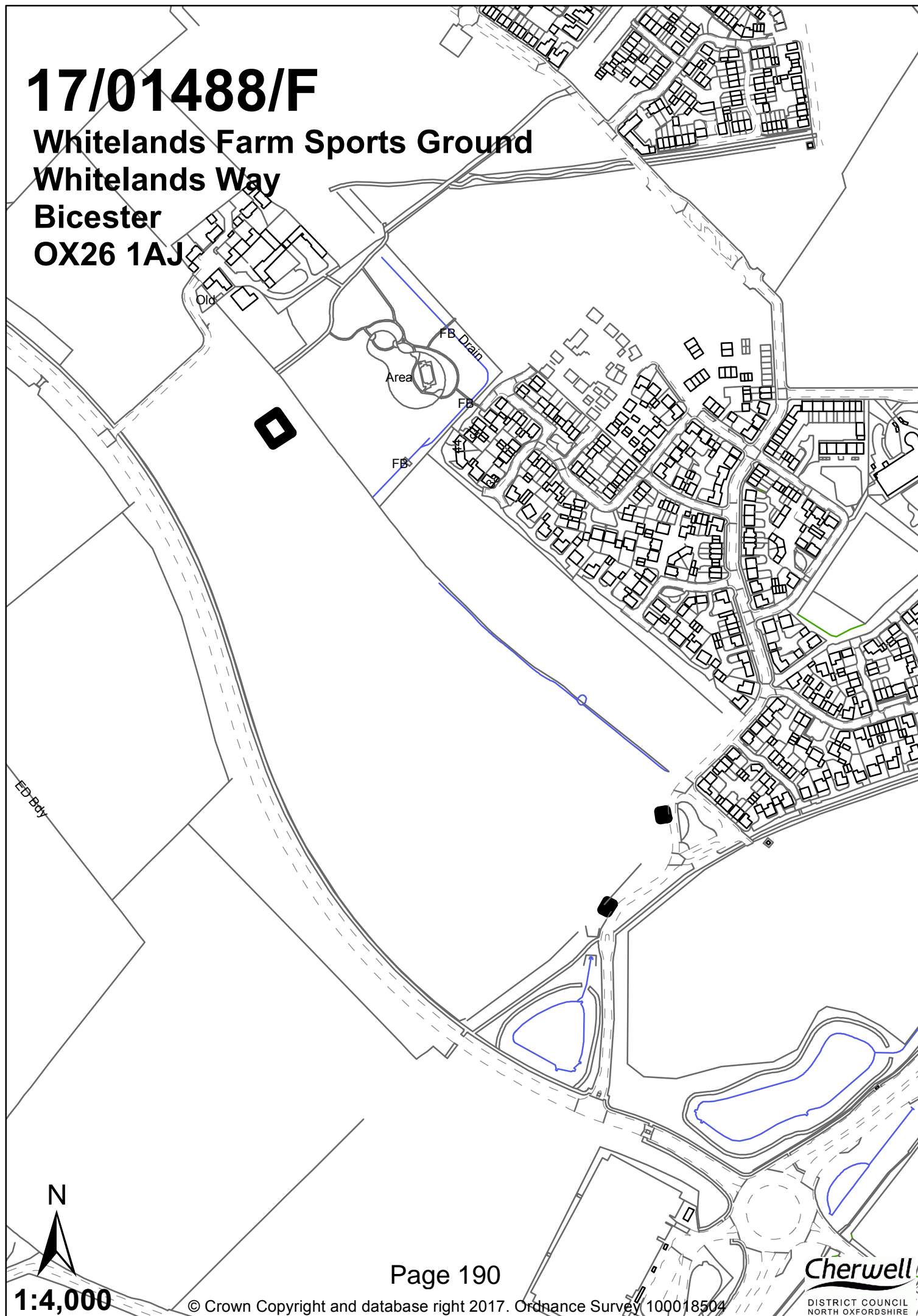
**17/01488/F**

**Whitelands Farm Sports Ground**

**Whitelands Way**

**Bicester**

**OX26 1AJ**



**Whitelands Farm Sports Ground**  
**Whitelands Way**  
**Bicester**  
**OX26 1AJ**

**17/01488/F**

**Applicant:** Mr Tom Darlington

**Proposal:** Installation of two height restricting (2.1m) barrier gates at the entrance to the main car park and service yard of Whitelands Farm Sports Pavilion. These replace the previously approved gates under application 15/01615/F

**Ward:** Bicester South And Ambrosden

**Councillors:** Cllr David Anderson  
Cllr Nick Cotter  
Cllr Dan Sames

**Reason for Referral:** CDC Application

**Expiry Date:** 4 October 2017      **Committee Date:** 28 September 2017

**Recommendation:** Approve

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

- 1.1. This application relates to the sports pavilion which is currently under construction and being delivered as part of the Sports Village at Kingsmere. The Sports Village site comprises 17 hectares, within the wider 116 ha South West Bicester mixed use development. It is located at the southern edge of the site and is bounded by the perimeter road to the south which was constructed as part of the SW Bicester development and Whitelands Farm public open space to the north.
- 1.2. The Sports Village development has been divided into three phases, the provision of the grass sports pitches being the first. Consent relating to the provision of these sports pitches was granted in August 2011 (11/00565/CDC refers). These have now been laid out. Phases 2 and 3 relate to the provision of the sports pavilion and all-weather pitches. The sports pavilion, together with the construction of a 3G synthetic grass rugby pitch, tennis courts and associated floodlights and fencing was granted permission in 2015 (15/01615/F refers).

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

- 2.1. This application seeks consent for the erection of two height restricting (2.1m) barriers at both entrances into the Sports Village either side of the sports pavilion, replacing the previously approved gates.

## **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>
-------------------------	-----------------	-----------------

06/00967/OUT	Outline - Up to 1585 no. dwellings; health village to include health and employment uses and elderly persons nursing home; B1 and B2 employment uses; local centre comprising of shops, a pub/restaurant, children's day nursery, offices and a community centre; 2 no. primary schools and 1 no. secondary school; a hotel; a sports pavilion; formal and informal open space; a link road between A41 and Middleton Stoney Road/Howes Lane junction; associated new roads, junctions, parking, infrastructure, earthworks and new accesses to agricultural land (as amended by plans and documents received 24.10.06).	Application Permitted
15/00011/SO	SCREENING OPINION - Phase 2 - Erection of a two storey sports and function pavilion together with the provision of two vehicle accesses, car and cycle parking, landscaping and a recycling centre; Phase 3A - Construction of a 3G synthetic grass all-weather rugby pitch and the formation of tennis courts together with associated fencing and floodlights and the erection of a cricket hut	Screening Opinion not requesting EIA
15/01615/F	Development of the South West Bicester Sports Village in two phases comprising phase 2: construction of a two-storey sports and functions pavilion including vehicular access and parking: phase 3A: construction of a 3G synthetic grass rugby pitch, tennis courts and associated fencing and floodlights and the erection of a cricket hut	Application Permitted
16/00435/DISC	Discharge of Conditions 3a,3b,3c (Landscaping), 5 (Arboricultural) 6 (Tree pits), 7 (Access), 8 (Parking details), 10 (Event management plan) and 14 (Bat and bird boxes) of 15/01615/F	Application Permitted
17/01488/F	Installation of two height restricting (2.1m) barrier gates at the entrance to the main car park and service yard of Whitelands Farm Sports Pavilion. These replace the previously approved gates under application 15/01615/F	Pending Consideration



#### **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 08.09.2017, 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. Bicester Town Council have yet to comment

##### STATUTORY CONSULTEES

- 6.3. None

##### NON-STATUTORY CONSULTEES

- 6.4. OCC – Highways – No objection

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

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

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

- ESD15 - The Character of the Built and Historic Environment

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

- C28 – Layout, design and external appearance of new development

### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Kingsmere Design Code 2008

## 8. APPRAISAL

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

- Principle of development
- Design and appearance
- Highway Safety

### 8.2. Principle of Development

8.3. This site forms part of the original development proposed for South West Bicester. The land in question was transferred to CDC as part of the Section 106 requirements. Consent for the construction of the sports pitches was granted in August 2011 (application number 11/00565/CDC refers). The sports pitches, known as Phase 1 have now been laid out and constructed. The sports pavilion (phase 2) was granted consent in 2015 and is nearing completion with an opening date set for the end of September 2017 (15/01615/F refers). This application relates to that permission, seeking to amend the approved entrances into the development by inserting height restriction barriers.

8.4. 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 (Part 1). Section 72(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan, so far as is material to the application, and to any other 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 must be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF). The Cherwell Local Plan 2011-2031 is consistent with the NPPF.

### 8.5. Design and Appearance

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

8.7. Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the built development. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that ‘control will be exercised over all new development, including conversions and extensions, to ensure the standards of layout, design and external appearance, including choice of materials, are sympathetic to the character of the urban or rural context of the development’.

8.8. This application seeks to install two height restricting barriers 2.1m in height at both the entrance to the main car park and the service yard. The pavilion and sports ground is served by two separate accesses either side of the pavilion building. This proposal is an amendment to the gates approved as part of the original submission. These barriers are not dissimilar to those seen at the entrance to most car parks and are considered acceptable.

#### 8.9. Highway Safety

8.10. The application has been assessed by OCC as highway authority who raise no objection but comment that 'presumably the barrier is intended to swing open to allow oversize vehicles through when necessary. However, the detail shown in the calculations for the lower end of the strut will not allow the barrier to rotate, and it is noted '2 bolts lower to avoid rotation'. If a hinge detail is introduced at the base of the strut, then some means of locking barrier in position will be necessary'. The applicant has been asked to respond to this and will be reported verbally at the meeting.

### 9. PLANNING BALANCE AND CONCLUSION

9.1. Having regard to the above, it is considered that the proposed height restriction barriers are acceptable and will not impact upon the visual amenities of the locality or street scene and will not impact upon the functioning of the Sports Village and the efficiency of the car parking arrangements. The proposal is therefore in accordance with the Development Plan and Government advice as set out in the National Planning Policy Framework.

### 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: Drawing numbers SK23 Rev B Location Plan; SK24 Rev A Proposed Site Plan; al(9)95 Cross Section through the Site and Height Restriction Barrier and Structural Calculations by Barry Eames and accompanying sketch plans.

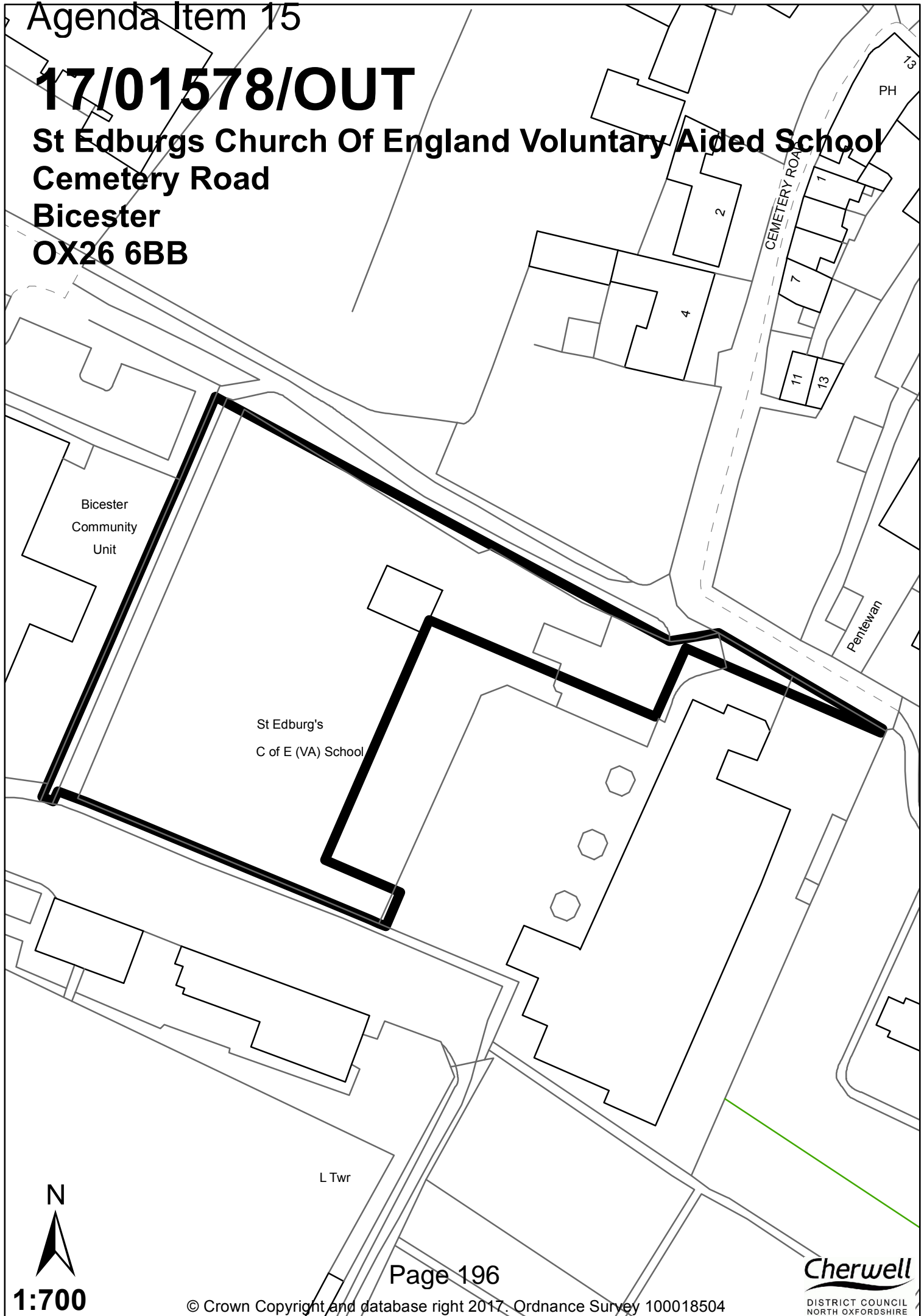
Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Linda Griffiths

TEL: 01295 227998

**17/01578/OUT**

**St Edburgs Church Of England Voluntary Aided School**  
**Cemetery Road**  
**Bicester**  
**OX26 6BB**



**17/01578/OUT**

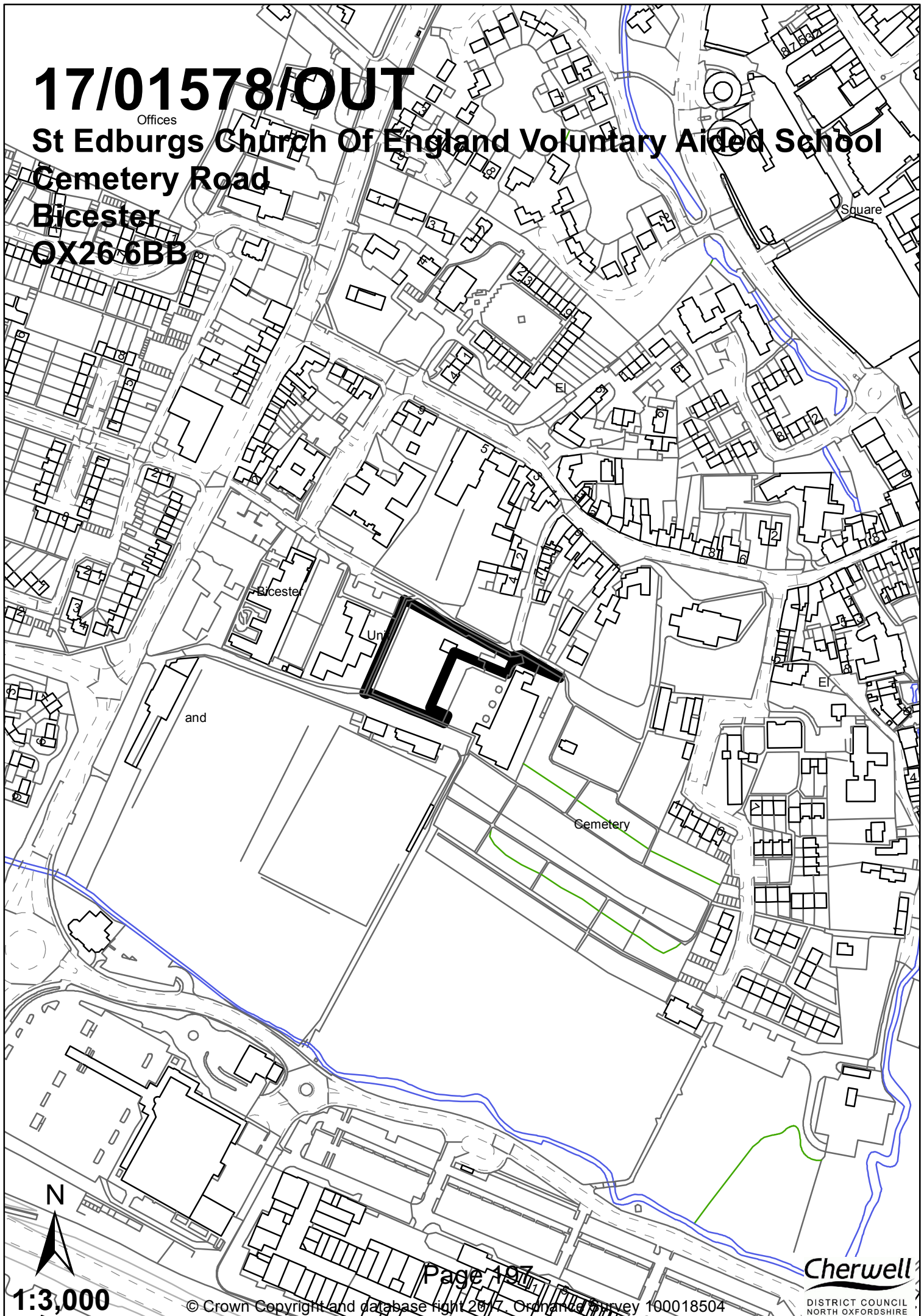
Offices

**St Edburgs Church Of England Voluntary Aided School**

**Cemetery Road**

**Bicester**

**OX26 6BB**



**St Edburgs Church Of England Voluntary Aided  
School  
Cemetery Road  
Bicester  
OX26 6BB**

**17/01578/OUT**

**Applicant:** U And I Group PLC

**Proposal:** The erection of 10 residential dwellings (Use Class C3), associated access, car parking and landscaping works.

**Ward:** Bicester South And Ambrosden

**Councillors:** Cllr David Anderson  
Cllr Nick Cotter  
Cllr Dan Sames

**Reason for Referral:** *Major Application*

**Expiry Date:** 24 October 2017      **Committee Date:** 28 September 2017

**Recommendation:** Refuse

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

- 1.1. This application relates to the former St Edburg's school site which is located at the junction of Cemetery Road and Piggy Lane. The whole site extends to 0.72ha and comprises the former school building located at the eastern part of the site. The school building is locally listed. The western part of the site, the application site, extends to 0.33ha and comprises the former school playing fields. The eastern part of the whole site is within the Bicester Conservation Area whilst the western part comprising the playing fields lies just outside the Conservation Area. Whilst the St Edburg's School building is in the ownership of the applicant, it has been excluded from the application.
- 1.2. Vehicular access is from Cemetery Road to the north. Pedestrian access to the site can be gained from the recreation ground to the south, Piggy Lane to the west, Cemetery Road from the north and daytime weekday access from the churchyard to the east into Cemetery Road.
- 1.3. The application site has a hedgerow including a number of semi-mature trees along the north and west boundaries, the vegetation along Piggy Lane being particularly strong. These trees and hedgerows make a positive contribution to the character and appearance of the conservation area, and represent a change in character from the late 19<sup>th</sup> Century terraces along Church Street to the north of the site.
- 1.4. There are residential properties along Cemetery Road to the north comprising of a mix of older terraced properties and more modern detached units. The Bicester Community Unit immediately to the west has a number of rear gardens facing towards the site. The BSA Sports Ground is located immediately to the south and to the west is St Edburg's Church graveyard. Bicester cemetery lies just to the east of the site.

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

- 2.1. The application seeks outline consent for the erection of 10 residential dwellings, associated access, car parking and landscaping on the western part of the St Edburg's School site, the school playing field. Appearance, landscaping, layout and scale are all matters reserved for future consideration but approval for the access is being sought as part of this application.
- 2.2. The submitted planning statement states that the dwellings will comprise a terrace of 2 and 3 bedroom properties with access from Cemetery Road and Piggy Lane. An internal road within the site will provide access to the front of the properties. 10 car parking spaces and 5 visitor parking spaces are indicated as part of the scheme. The St Edburg's school building and playground are excluded from the application.

## **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>
09/00082/OUT	Demolition of late C20 extension, alterations to original school and construction of new residential units and associated external works.	Application Withdrawn
17/00696/OUT	Part demolition of existing structures and change of use of former school building (Use Class D1) to restaurant (Use Class A3) and the construction of 10 residential dwellings (Use Class C3), associated access, car parking and landscaping works.	Application Withdrawn
17/00024/SO	Part demolition of existing structures and change of use of former school building (Use Class D1) to restaurant (Use Class A3) and the construction of 10 residential dwellings (Use Class C3), associated access, car parking and landscaping works.	EIA not Required

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

- 4.1. No pre-application discussions have taken place with regard to this particular proposal, although pre-application advice has been given previously in respect of the whole site.

<u>Application Ref.</u>	<u>Proposal</u>
15/00201/PREAPP	Change of use from school to residential, part demolition and erection of new dwellings and conversion of existing Victorian school building to 6no. dwellings. Total development 27 units.
15/00202/PREAPP	Change of use and part demolition of existing buildings conversion of existing Victorian school building to 6no. dwellings plus 4no new dwellings and 60 to 70 bed

residential/nursing care home.

- 4.2. The advice given in respect of the above proposals was that they would result in the loss of an existing playing field, access and visibility at the junction of Cemetery Road and Church Street and increased use of Cemetery Road leading to fundamental problems over access for emergency vehicles and users of the public footpath.

## 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 31.08.2017, 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

- Cemetery Road is single carriageway and not suitable for heavy machinery
- 10 houses would generate 20 additional vehicles using Cemetery Road, posing danger to existing residents, a significant increase over the 8 properties existing. Insufficient parking will result in parking elsewhere
- Previously the school did not use Cemetery Road, gaining access from BSA
- Dangerous access from Cemetery Road onto Church Street with restricted visibility and often blocked with parked cars
- Narrow pavement only along one side of Cemetery Road
- Piecemeal
- The playing field is listed by Cherwell as an 'outdoor sports facility' and should not be lost to the town
- Impact on Conservation Area, Grade 1 listed St Edburg's Church and town cemetery as well as the ancient right of way along Piggy Lane
- CDC has a 5 year housing land supply, these houses are unnecessary infilling
- St Edburg's Walk by same developers will result in severe cumulative effect of loss of the green space of both the school playing field and Oxford Road Sports ground owned by BSA which are needed to provide a green lung for the town, contrary to concept of 'Garden Town'
- Detract from setting of Piggy Lane which is an ancient way with stone walls and green verges which led from the old Bicester Priory to land owned in Kings End
- The Planning inspector for Cherwell's Local Plan 1 said the debate about the extension of Bicester's town centre boundary should be discussed as part of Local Plan Part 2. There should be no plans passed to develop either the old school or the sports field until this boundary is decided by local plan part 2.



- The traffic survey submitted is not fit for purpose and by their own estimates traffic will increase by 84 movements per day, a significant increase on existing levels
  - Community consultation documentation do not apply to the current proposal and contains errors
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.
- 5.4. A letter of objection has been received from Bicester Traffic Action Group and is summarised as follows
- Cemetery Road is narrow varying in width from just under 3 metres to around 4 metres; there is minimal street lighting and no formal turning area. The junction with Church street is substandard in terms of visibility
  - Although increase in traffic may be relatively small the road is too narrow and may result in cars mounting the pavement to pass. Medium size commercial vehicles will have difficulty accessing the site
  - Proposed parking provision is inadequate
  - Transport Statement is flawed as it does not appear to reflect the peculiarities of the site. The dimensions of the carriageway are incorrect
  - Accept that the site has use, a development of this nature is not the best way forward and urge that the application be refused and a comprehensive planning brief prepared for the redevelopment of the whole site

## **6. RESPONSE TO CONSULTATION**

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

### **PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS**

- 6.2. Bicester Town Council objects and is summarised as follows
- Cause severe traffic problems as Cemetery Road is narrow with blind junction onto Kings End/Church street. Noise and disturbance from construction traffic
  - Traffic survey based on a 'typical' primary school is misleading and does not take into account the peculiarities of this site
  - Proposal only shows 10 car parking and 5 visitor parking spaces resulting in parking elsewhere adding to already chronic parking situation in this area
  - Detract from setting of Piggy Lane, an ancient way with stone walls and green verges. It is a public footpath and unsuitable to make into an access road due to proximity to doctors and hospital
  - School playing field along with BSA sports ground and Pingle field are all needed to provide a green lung and buffer to the conservation area

- Housing unnecessary when CDC has a 5 year housing land supply
- Planning Inspector for Local Plan Part 1 said the debate about the extension of Bicester's town centre boundary should be discussed at local plan part 2. There should be no plans passed to develop either the old school or the sports field until this boundary is decided
- Goes against the Bicester Masterplan which stated that this area was looked at as a green linear park 'village green'.
- Piecemeal development of the site in conflict with the Design Brief for the site developed following the school closure

#### STATUTORY CONSULTEES

6.3. Thames Water – No objections

#### NON-STATUTORY CONSULTEES

6.4. Arboricultural Officer – a tree survey, AMS and AIA are required to support the scheme as trees on the site are within influencing distance

6.5. Waste and Recycling Officer – developer will need to satisfy the local authority that they have adequate provision for waste and recycling storage

6.6. Ecology Officer – no objection subject to conditions

6.7. Planning Policy – objection due to the loss of open space and sports pitches in Bicester, where the adopted Local Plan identifies current and future deficiencies in provision, without the provision of suitable alternative of at least equivalent community benefit in terms of quantity and quality.

- Principle of residential development within the built up limits of Bicester is supported by local plan policies, however this will result in the loss of existing open space and sports fields
- In accordance with the NPPF and Policy BSC10 development proposals that will result in the loss of outdoor sport and recreation provision will not be permitted unless the proposal will not result in the loss of an open space of importance to the character or amenity of the surrounding area, an assessment has been undertaken which demonstrates that the site is surplus to requirements including consideration of all functions that open space can perform, or the council is satisfied that a suitable alternative of at least community benefit in terms of quantity and quality is to be provided within an agreed time period.
- The adopted local Plan identifies a number of existing deficiencies and future shortfalls of open space, sport and recreation provision in Bicester
- In 2008 the Council published Informal Development Principles for the redevelopment of the wider St Edburghs school site. It recommended that the original school and master's house should be converted to residential use. This document also acknowledges that there may be some scope for new residential development on the site. However, it goes on to state that given the existing shortfalls in sports provision in Bicester the existing grass pitch will need to be retained and offered for adoption to Bicester Town Council.

- The issue of the loss of outdoor recreation and sports pitches are required by Policy BSC10 and the NPPF has not been addressed by the application
- The 2016 AMR (March 2017) demonstrates that the District presently has a 5.6 year housing land supply for the period 2017-2022 (commencing 1 April 2017). The St Edburges school site is included within the Housing Delivery Monitor as being deliverable for 14 dwellings
- The site together with the adjacent school building, were assessed in the 2014 SHLAA (Site reference B1216). It stated that there is some limited scope for new development within the grounds, predominantly to the north-west and south east. Care should be taken to not adversely affect the views towards the Church from the south west or to impinge upon the integrity of the retained school building.....at least part of the playground should be retained as open grounds, garden and parking to retain the visual integrity of the building. There should be no development to the east of the school building and the view down Cemetery Road to the school should not be interrupted. The playing field needs to be retained to help meet the town's needs. It concluded that the site is developable for about 14 residential properties. Any proposals should take in to account the approved development principles relating to retaining the historic character and the building and the surrounding area
- From Table 15 of the AMR it can be determined that were this site not to be deliverable for 14 homes as indicated; the Council would still have a five year supply
- Other issues to consider include, inter alia, the impact on the Bicester Conservation Area and the locally listed school building and highway safety

6.8 OCC – Transport – No objection subject to conditions

6.9 OCC – Drainage – No objection subject to conditions

6.10 OCC – Archaeology – No objection subject to conditions

## **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
- PSD1 – Presumption in favour of sustainable development
- SLE2 – Securing dynamic town centres
- BSC1 – District wide housing distribution
- BSC4- housing mix

- BSC10- Open space, outdoor sport and recreation provision
- BSC11 – Local standards of provision – outdoor recreation
- BSC12 – indoor sport, recreation and community facilities
- ESD1 – mitigating and adapting to climate change
- ESD3 – Sustainable construction
- ESD7 – Sustainable drainage systems
- EDS10 – Protection and enhancement of biodiversity and the natural environment
- ESD17 – Green infrastructure
- Bicester 5 – Strengthening Bicester town centre
- Bicester 7- meeting the need for open space, sport and recreation

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

- C28 – Layout, design and external appearance of new development
- C30 – design control
- C23 – retention of features contributing to the character or appearance of a conservation area
- TR1 – Transportation funding
- TR7- development attracting traffic on minor roads

#### NON-STATUTORY Cherwell Local Plan

- Policy H11: Windfall sites within the built up area of Bicester
- Policy TR5: Road safety measures for proposed development
- Policy TR8: Development prejudicing pedestrian and cycle route provision
- Policy TR11: Development and provision of car parking
- Policy R4: Protection and enhancement of existing PROW
- Policy PR7A: Development on playing fields
- Policy D5: Design of the public realm

#### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Redevelopment of St Edburgh School, Informal development principles

### **8. APPRAISAL**

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

- Principle of development
- Five year housing land supply
- Access and parking
- Open space and sports provision
- Design, and impact on the character of the area
- Heritage assets
- Residential amenity
- Ecology
- Trees and landscaping
- Planning obligation

#### 8.2. Principle of Development

#### 8.3. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell local Plan 1996 and the adopted Cherwell Local Plan part 1 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 regard to the application and any other material consideration.

- 8.4. Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption in favour of sustainable development should be seen as a golden thread running through decision making.
- 8.5. There are three dimensions to sustainable development, as defined in the NPPF which are economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.6. The application site is part of a greenfield site within the built up limits of Bicester. Bicester is one of the two most sustainable settlements within the District with good accessibility to services and facilities and employment opportunities. The site is included within the SHLAA update 2014 (August 2014) under site reference B1216. The approved principles for the site state that the original school building and out-building should be retained and the later post war additions demolished. The former school building and playground are excluded from this application although they are in the ownership of the applicant. The SHLAA states that there is some limited scope for new development within the grounds, predominantly to the north-west and south-east but care should be taken not to adversely affect views towards the church from the south-west or to impinge on the integrity of the retained school building. It also advises that to the south-east of the site, the lower ground of the cemetery means that new build over two storeys would be unacceptably dominant in views from the south and the school playing field should be retained to help meet the town's needs. The site assessment concluded that *'the site is developable for about 14 residential properties. Any proposals should take into account the approved development principles relating to retaining the historic character and the building and the surrounding historic area'*. The area of the site envisaged for new residential development is not the application site.
- 8.7. The application proposal pays no regard to the remainder of the St Edburg's School site which is excluded from the application although it is in the same ownership as the applicant, and its future use. In respect of the previously withdrawn application , the intention was to convert this school building to a restaurant use, but this application was withdrawn following a recommendation of refusal on a number of grounds including access and highways, relationship with the adjacent graveyard and cemetery, conservation area and relationship between the proposed residential and restaurant use as shown. The resubmission has not addressed these concerns if the restaurant use is to be proposed subsequently. It is considered therefore that the piecemeal redevelopment of the site as proposed is unfortunate and will result in a poor standard of development across the whole site and living environment for the proposed residential properties and impact on the Bicester Conservation Area.
- 8.8. Five Year Housing Land Supply
- 8.9. The 2016 AMR (March 2017) demonstrates that the District presently has a 5.6 year housing land supply for the period 2017-2022 commencing 1 April 2017. The five year supply position has been confirmed by the Planning Inspectorate in recent appeal decisions.
- 8.10. The five year housing land supply also includes an allowance for previously developed windfall sites based on the Council's update 2014 SHLAA. This site, including the school buildings, was assessed in the 2014 SHLAA (Site reference: B1216). It concluded that the site is developable for about 14 residential properties and that any proposals should take in to account the approved development

principles relating to retaining historic character, the building and the surrounding historic area. Table 15 of the AMR demonstrates that were this site not to be deliverable for 14 homes as indicated, the council would still have a 5.6 year supply.

#### 8.11. Access and Parking

- 8.12. Strategic Objective 13 of the adopted Cherwell Local Plan 2011-2031 aims to reduce the dependency on the private car as a mode of travel and increase opportunities for travelling by other modes. Policy ESD1 sets out an aim to mitigate the impact of the development on climate change by delivering development that seeks to reduce the need to travel which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars. Policy SLE4 also has similar objectives. The transport impacts of the development must be considered against these policies and the requirements of Section 4 of the NPPF.
- 8.13. The application is accompanied by a Transport Statement produced by WYG. The site is located at the southern end of Cemetery Road and adjacent to Piggy Lane, an ancient right of way. Vehicular access to the site is via Cemetery Road, a narrow single carriageway road which leads from the junction of Church Street and Kings End. The existing access into the site is at the northern end close to Cemetery Road. There are a number of existing public rights of way/cycle paths within the vicinity of the site. Cemetery Road has a narrow footway on the eastern side of the carriageway. The closest bus stops to the site are located in Kings End. 10 car parking spaces are proposed for the 10 residential units with 5 additional visitor parking spaces.
- 8.14. The Transport Assessment has been assessed by OCC as highway authority who comment that they agree with the conclusion that the number of vehicle movements generated by the new dwellings will have no more impact on the local highway network than the existing primary school use. OCC however, advises that the use of TRICS does not appear to have been a robust way of reaching that conclusion given the school's unique location along a narrow dead end road with limited opportunities for vehicles to wait/drop off/pick up and turn around. Whilst this may be correct, it should be noted that this application proposal excludes the school buildings which therefore could still be re-opened as a school or any other D1 use without the need for any further planning consent.
- 8.15. In terms of the site access, there are no detailed access proposals submitted with this application, albeit that means of access is for consideration as part of this outline application. Whilst it is accepted that it is more than likely that a safe and convenient access can be provided into the northern boundary of the site from Cemetery Road, it cannot be accepted as part of this application without the submission of details. The existing stone wall to the north-eastern boundary of the school is considered to be an important feature of the conservation area and it is not clear from the submission whether its retention would be prejudiced by the visibility requirements of the development. The highway authority further advise that consideration will need to be given to the design of the access given that Piggy Lane is a public right of way for pedestrians. The applicant's agent has been advised of the above, a response is awaited.
- 8.16. The application has been submitted with drawings showing the tracking of a 10.5m long refuse wagon. For new developments, the county council's Road Agreements Team now ordinarily requires tracking for an 11.6m long refuse wagon (including lifting gear). Drawings for an 11.4m wagon were submitted for the previous application on this site (which included a restaurant). These showed that an 11.4m wagon could enter and leave the residential part of the site itself in a forward gear

but that the turn at the Cemetery Road/Church Street is very tight. The tightest manoeuvre is the left turn into Cemetery Road which is unlikely to need to happen because Causeway is one way. As such and because OCC are not aware that there are significant issues with residential properties along Cemetery Road having their refuse collected at the moment, they do not consider that these tracking issues are of any major concern, although the plans will need to be updated to accord with this requirement.

8.17. In terms of parking provision OCC consider that given the town centre location, the provision of 1 car parking space per dwelling plus 0.5 spaces per dwelling for visitors is acceptable. The requirement for covered cycle parking and visitor cycle stands can be conditioned.

8.18. The site is well located to encourage cycling and walking. Connections to the west to King's End/Oxford Road exist which not only give opportunities for people visiting the site to walk and from other residential areas to the south/west but also to/from the bus stops with high frequency bus services. There are also a series of footpaths into the town to the north and east through the graveyard and cemetery and along Cemetery Road. The public footpath 129/11 crosses the entrance to the site along the route of Piggy lane, OCC have advised that they would expect the applicant to demonstrate how the safety and convenience of users of this footpath will be maintained if planning permission is granted, given that how vehicles enter and leave the site would change. Improvements would be delivered by means of a S278 agreement.

8.19. Having regard to the above, it is considered that in terms of traffic generation the proposed residential use is acceptable and will not cause a detriment to highway safety despite the narrow Cemetery Road and poor visibility at its junction with Church Street, but as submitted the access details cannot be approved as part of this submission because of insufficient detail and information.

#### 8.20. Open Space and Sports Provision

8.21. The proposal seeks to develop the former school playing field which is contrary to the Council's approved informal development principles which states that the playing field will need to be retained to help meet the town's needs. The District's PPG17 Open Space sport and Recreational facilities Needs Assessment, Audit and Strategy 2006 and the subsequent Green Spaces and Playing Pitch strategies 2008 highlight the need to protect all sites identified in the audit to ensure an adequate supply of open space provision. St Edburgs School is identified in this report and in the Cherwell Local Plan 2011-2031 as existing open space. The Local Plan goes on to advise that *'development proposals that would result in the loss of sites will be assessed in accordance with guidance within the NPPF and NPPG, and will not be permitted unless the proposal would not result in the loss of an open space of importance to the character or amenity of the surrounding area, an assessment has been undertaken which demonstrates that the site is surplus to requirements including consideration of all functions that open space can perform, or the council is satisfied that a suitable alternative site of at least equivalent community benefit in terms of quantity and quality is to be provided within an agreed timescale'*.

8.22. Policy BSC10 of the adopted Cherwell Local Plan 2011-2031 also seeks to protect existing provision. The applicant argues that the existing playing field has been replaced by the new provision at S W Bicester, but in the absence of a more detailed assessment, the proposal is considered to be contrary to Policy BSC10 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the NPPF in this respect and is therefore unacceptable.

#### 8.23. Design and Impact on the Character of the Area

- 8.24. The application proposes the erection of 10 residential dwellings on St Edburges school playing field. The school building as previously advised, whilst in the same ownership is excluded from the application. A previous application relating to the erection of 10 dwellings as proposed and the conversion of the school to A3 was withdrawn prior to determination (17/00696/OUT refers). The submitted planning statement does not refer to the school building in terms of its use and relationship with the residential proposal. It is therefore not clear from the submission what the intention is for the future of the school building. The planning statement submitted states that the parameters for the application for the proposed residential element set a maximum height of 10m, a maximum length of 50m and a maximum depth of 10m. These parameters remain unchanged from the withdrawn application.
- 8.25. Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people’. Paragraph 57 advises ‘It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and the wider area development schemes’.
- 8.26. The NPPF also advises that developments should seek to achieve a strong sense of place, and whilst particular tastes and styles should not be discouraged, it is proper to promote or reinforce local distinctiveness. Paragraph 61 states *‘although visual appearance and the architecture of individual buildings are important factors, securing high quality design goes beyond aesthetic considerations, addressing the connections between people and places and the integration of new development into the natural, built and historic environment’*. It is considered that the layout submitted fails to create a strong sense of place, or successfully integrates the new residential development into the existing environment and this is discussed further below.
- 8.27. Policy ESD15 of the adopted Cherwell Local Plan 2100-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits. The adopted Cherwell Local Plan 1996 contains saved policies C28 and C30. Policy C28 states that ‘control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development’. Policy C30 requires new housing development to be compatible with the appearance, character, layout, scale and density of existing dwellings in the locality and to ensure appropriate standards of amenity. Policy ESD15 advises that the design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement.
- 8.28. Traditional local vernacular tends to have narrow gable spans and relatively steep pitched roofs. The planning statement states the parameters for the residential units to have a maximum gable span of 10m, this is considered to be excessively wide within this historic core adjacent to the Bicester Conservation Area. Furthermore the maximum length of the building at 50m as shown will also result in the building being considerably closer to the existing trees and hedgerows both within and along the boundaries of the site, which are not yet mature, further compromising their future



retention and growth. It is also considered that a three storey development in this location would be out of keeping with the existing development within the vicinity of the site which is essentially only two storey.

- 8.29. The appearance of new development and its relationship with its surroundings and the built and natural environment is an important factor for consideration. Whilst this is an outline submission, with only access for consideration at this point in time, an indicative layout has been submitted which seeks to demonstrate that the proposed quantum of development can be successfully accommodated. The successful integration of new housing within its surrounding context is a key design objective and therefore there is a need to understand the context within which new housing will sit as well as the nature of the site itself and its immediate surroundings.
- 8.30. It is considered that the building materials and colour palette of the new dwellings should strongly reflect the existing school building and those dwellings within the immediate vicinity, using natural limestone for the walls of the dwellings and proposed boundary enclosures and natural slate for the roofs. The submitted Design and Access Statement does not give any information regarding the types of materials to be used for the proposed development. Whilst a contextual analysis has been undertaken, it is not clear how this has informed the layout or house types which appear to have been based on the new development on the site of the former Bicester Hospital rather than those immediately adjacent to the site. The successful integration of new housing within its surrounding context is a key design objective and therefore there is a need to understand the context within which new housing will sit as well as the nature of the site itself and its immediate surroundings.
- 8.31. The proposed residential terrace is shown at the western end of the site on the existing school playing field with an access road to their frontage culminating in a turning head. There is little attempt to show how this development will relate/interact with the existing St Edburys School building and what sort of place will be created. The harm caused by a particular development can stem from the overall design concept which has failed to respond positively to the site and its locality. In respect of this proposal, the design and layout of the scheme has failed to provide any sense of place and public realm and therefore provide an appropriate living environment for its future occupants. The proposed dwellings do not have any positive relationship with the adjacent public rights of way which are shown within the site and are wholly inward looking.
- 8.32. Having regard to the above, the proposed residential development is considered to be contrary to good design principles and will result in a piecemeal development to the detriment of the visual amenities of the locality and the Bicester Conservation Area, and, the living environment of the occupiers thereof. The development proposed is therefore unacceptable and contrary to Government guidance within the NPPF and PPG and Development Plan policies as specified above.
- 8.33. Heritage Assets
- 8.34. The application is accompanied by a Heritage Statement and Impact Assessment produced by Asset Heritage Consulting Ltd. The application site falls partly within the boundaries of the Bicester Conservation Area. St Edburys School is a locally listed building and St Edburys Church is Grade 1 Listed. St Edburys School is located within the oldest inhabited area of Bicester, prehistoric, Roman and Medieval activity have all been identified within 400m radius of the school building. It was the oldest surviving school in Bicester, dating from 1858, and originated as a National School for boys and girls. In 1902 it became classified as a Church school. The school was vacated in 2016 when the school moved to the new development at South West Bicester.

- 8.35. Section 12 of the NPPF sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance. Paragraphs 132 and 135 advise further in respect of designated and non-designated heritage assets.
- 8.36. The site is located in an area of archaeological potential on the western edge of the precinct of St Edburg's Priory. The priory buildings themselves are located 230 metres to the east of the site of the Priory (PRN 1593) but it is possible that archaeological deposits relating to the priory could survive below ground around the current school building. The school is also located near to a Roman settlement site 400m to the west (PRN 16541) which was excavated in 2002 and recorded cobbled surfaces and a trackway. Further evidence of prehistoric activity in the area has been recorded immediately west of this within the new south west Bicester development. Evidence of the size of the settlement is indicated by the recording of a possible Roman ditch 150m west of the school during a watching brief (PRN 16701). The current school buildings would have truncated parts of the site, especially to the south of the original Victorian school but the developments on the west could encounter archaeological deposits related to the medieval development of the town or the adjacent Roman settlement.
- 8.37. The Grade 1 Church of St Edburg is located to the north east of the site. There are clear views of the church from within the site, with the school building in the foreground. A mature tree to the south west corner of the site obscures views of the church from the immediate vicinity of the site during the summer months.
- 8.38. As previously stated, the application site lies partially within the Bicester Conservation Area, within an area described within the Conservation area appraisal as the 'Piggy Lane' character area. The conservation area appraisal identifies the significance of the area *'The character of Piggy Lane as an ancient route from the west along the rear of the burgage plots to the former Priory is discernible at its eastern end where it is bounded by 3m high limestone walls on the north enclosing the historic properties'*. The school site forms the outer extent of the historic core of the town of Bicester as shown on historic OS maps of the area. The appraisal identifies the importance of the former St Edburgs School within this area, *'the Gothic revival St Edburgs primary school creates a landmark at the south east end of the character area. The truncated spire is balanced by the tower of the Church of St Edburgs which lies to the north east'*.
- 8.39. The public rights of way around the site are of fundamental significance to the character of the area. The footpaths tend to be narrow and enclosed and often surrounded by stone walls or other boundary features. Historic OS maps show footpaths crossing the land associated with the school; these have later been re-routed, but still cross and line the former school playground. The stone wall to the east end of the site (which is potentially curtilage listed to the Grade 1 listed building) make a significant contribution to the conservation area.
- 8.40. The area of the application site which lies outside the conservation area, the school playing field, was historically outside the built up area of the town, but had good pedestrian links across it linking development along the road to the west with the core town centre. It is unclear why this area of land was excluded from the conservation area boundary as the 'boundary justification' in the appraisal does not go into detail. The land however clearly formed an important part of the setting and use of the school building and is now a tranquil green space lined by mature trees and hedges at the edge of the town centre.

- 8.41. The setting of a listed building, locally listed building or conservation area can often form an essential part of its character and regard must be had to the desirability of preserving the setting of such buildings and areas. The Planning (Listed Buildings and Conservation Areas) Act 1990 also requires that special regard must be had to preserving the setting of a listed building and preserving and enhancing the character and appearance of a conservation area.
- 8.42. The informal development principles produced by CDC (2008) advises in respect of new development that care should be taken not to adversely affect the views towards the church from the south west, or to impinge upon the integrity of the retained school building. It also advises that to the south east of the site the lower ground of the cemetery means that new build over two storeys would be unacceptably dominant in views from the south. The submitted planning statement states that the dwellings could be up to 3 storey in height. It further advises that permeability through the site from the south towards the town centre should be increased with a more active façade along Piggy Lane to enhance the area.
- 8.43. The submitted application does not accord with the above guidance. The Design and Access Statement does not include sufficient details in respect of the proposed design of the dwellings or the proposed materials of construction. The development is inward facing and fails to positively address the adjacent footpath network and existing development within the locality, including the locally listed school building and Grade 1 Listed Church of St Edburg.
- 8.44. It is considered that having regard to the above, a terrace of 3 storey dwellings as indicated would be out of keeping with the existing development within the vicinity of the site and would be detrimental to the character and appearance of the Bicester Conservation Area and the detrimental to the setting and views of St Edburg's Church, a Grade 1 listed building and the locally listed school building, contrary to Policy ESD15 of the adopted Cherwell Local Plan part 1 2011-2031 and the NPPF.
- 8.45. Residential Amenity
- 8.46. In terms of neighbour impact, a number of objections have been received from residents within the vicinity of the site who have expressed concerns about the traffic that will be generated along Cemetery Road, a narrow, single carriageway road. Consideration of the proposal must also be given to the relationship of the proposed residential properties as indicated with the adjacent community building which has rear gardens towards the site. It is considered that 3 storey dwellings as indicated, in such close proximity are likely to impact on their privacy and rear garden areas as a consequence of overlooking, particularly if the existing vegetation along this boundary is lost as appears to be indicated.
- 8.47. Saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996 seek to ensure that developments are compatible with their locality and that residential amenities are protected. It is considered that having regard to the above, the proposal as indicated is contrary to these policies.
- 8.48. Ecology
- 8.49. The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures'.

- 8.50. In respect of this application, a Preliminary Ecological Appraisal has been undertaken in line with the standard methodology which has been assessed by the council's ecologist. The application site is largely currently of low ecological value, comprising mainly of amenity grassland. A hedge comprising hawthorn and elder and mature and semi-mature trees are present along the western boundary and there is native and non-native planting within the site, which provide value for local wildlife such as nesting and foraging birds and invertebrates. Records of protected and notable species within the local area include bat, swift and hedgehog, and RSB Red-listed species house sparrow was recorded during the survey.
- 8.51. The trees were assessed as having no potential for roosting bats, however, the site offers suitable foraging and commuting habitat for bats, in particular along the western boundary vegetation. As a result the council's ecologist recommends that all trees are retained and protected where possible within the plans, but if it is necessary to remove the trees as part of the development, replacement native species tree planting should be undertaken in accordance with the recommendations of the report. As discussed above, the parameter plans and quantum of development proposed and as indicated on the submitted layout plan would be likely to result in the loss of a number of trees/hedgerows within the development site and along the site boundaries, and as shown there is little space for any additional/replacement planting as recommended.
- 8.52. There are good opportunities for biodiversity gain within the proposed development as outlined in the ecological appraisal, including native landscaping. These should include a scheme for bat boxes/tubes and bird boxes to be built into the proposed dwellings. It is also considered that swift boxes should be incorporated into the buildings due to the high number of swift nest sites in the local area and to increase opportunities for swifts which are Amber-listed species of conservation concern which should be installed in the gable ends of the development. Low level lighting will also be required, particularly around any bat roosting features. At the detailed design stage, access for hedgehogs must also be incorporated.
- 8.53. Having regard to the above, it is considered that provided adequate measures are put in place to ensure that the existing vegetation is properly protected and retained, the necessary surveys and biodiversity enhancements are carried out in conjunction with the development and as recommended by the submitted appraisal, that the welfare of any protected species on the site will continue and will continue to be safeguarded notwithstanding the proposed development and the proposal could therefore be in accordance with Policy ESD10 of the adopted Cherwell Local Plan and the NPPF in this respect.
- 8.54. Trees, Landscaping and Open Space
- 8.55. The site has a hedgerow including a number of semi mature trees along the north and west boundaries, particularly along Piggy Lane. It is considered that these hedgerows make a positive contribution to the character and appearance of the conservation area and represent the change in character from the dense late 19<sup>th</sup> century terraces along Church Street to the north of the site.
- 8.56. The application submission is not accompanied by an arboricultural survey identifying the existing tree/hedgerow planting and root protection areas and future canopy growth and height although these have been requested. Neither is the existing vegetation addressed in the submission documentation, including the Design and Access Statement and Planning Statement. It is important that in being able to understand the quantum of development that might be accommodated on the site that the location, canopy spread (including future canopy spread as they mature), height, girth, species, condition and root protection zones are indicated. It

is considered that any existing trees/hedgerow in fair and above condition should be retained unless their removal is fully justified and suitable replacements can be made elsewhere, and therefore development should be kept clear of those trees and hedgerows. Furthermore, the quantum of development proposed and as indicated by the parameters set out in the planning statement, it would appear that the proposal would impact on their future retention/growth. This is not considered acceptable as submitted as it is considered that their loss, having regard to the development proposed would have a detrimental impact upon the visual amenities of the locality and the rural and quiet ambiance of this part of the town.

8.57. Policies BSC10 and BSC11 of the adopted Cherwell Local Plan 2011-2031 require the provision of public open space and children's play space within new developments. A development of 10 dwellings generates the need for the provision of a LAP on site. The layout proposed does not provide sufficient space to accommodate this within it and is therefore contrary to the development plan in this respect.

8.58. Planning Obligation

8.59. Due to the scale and residential nature of the proposed development, it is considered that the proposal is likely to place additional demand on existing facilities and services and local infrastructure, including schools, community halls, public transport, sports provision, play provision and public open space. Requests for contributions in this respect have been made as part of the consideration of this application and would need to be secured via a section 106 agreement, to mitigate the impacts of the development in this respect.

8.60. Policy INF1 of the adopted Cherwell Local Plan 2011-2031 states that development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities. Contributions can be secured via a Section 106 agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.

8.61. In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet a number of tests, these being; necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in kind and scale to the development.

8.62. In respect of this application proposal, the following contributions have been requested:

- Outdoor sports facilities off site within Bicester - £11,394.33
- Indoor sports facilities off-site within Bicester - £7,683.61
- Community halls, £154.69 per 2 bed property and £240.80 per 3 bed
- Public art within the fabric of the development
- Equipped LAP on site and £27,501.52 maintenance
- Mature tree maintenance - £334.82 per tree
- Landscape areas maintenance - £9.32/m2

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

- 9.1. Section 70(2) of the Town and Country Planning Act 1990 and 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. For the reasons already explained above, the proposal will result in the loss of existing playing field, will create a poor living environment for the occupiers of the dwellings proposed and would be detrimental to the character and appearance of the Bicester Conservation Area and views of St Edburghs Church. As submitted therefore, the proposal is considered to be in conflict with the overall development plan and a number of its specific policies. In accordance with relevant legislation, planning permission should therefore be refused unless material considerations indicate otherwise.
- 9.2. As current central Government planning policy, the NPPF is a material planning consideration of significant weight. The NPPF reinforces the plan-led system and reaffirms that planning permission should be refused if it is contrary to the development plan. The adopted Cherwell Local Plan Part1 was produced, examined and adopted post publication of the NPPF and both its strategy and planning policies are therefore up to date.
- 9.3. As specified above therefore, it is considered that the application should be refused for the reasons specified below.

## **10. RECOMMENDATION**

That permission is refused, for the following reasons:

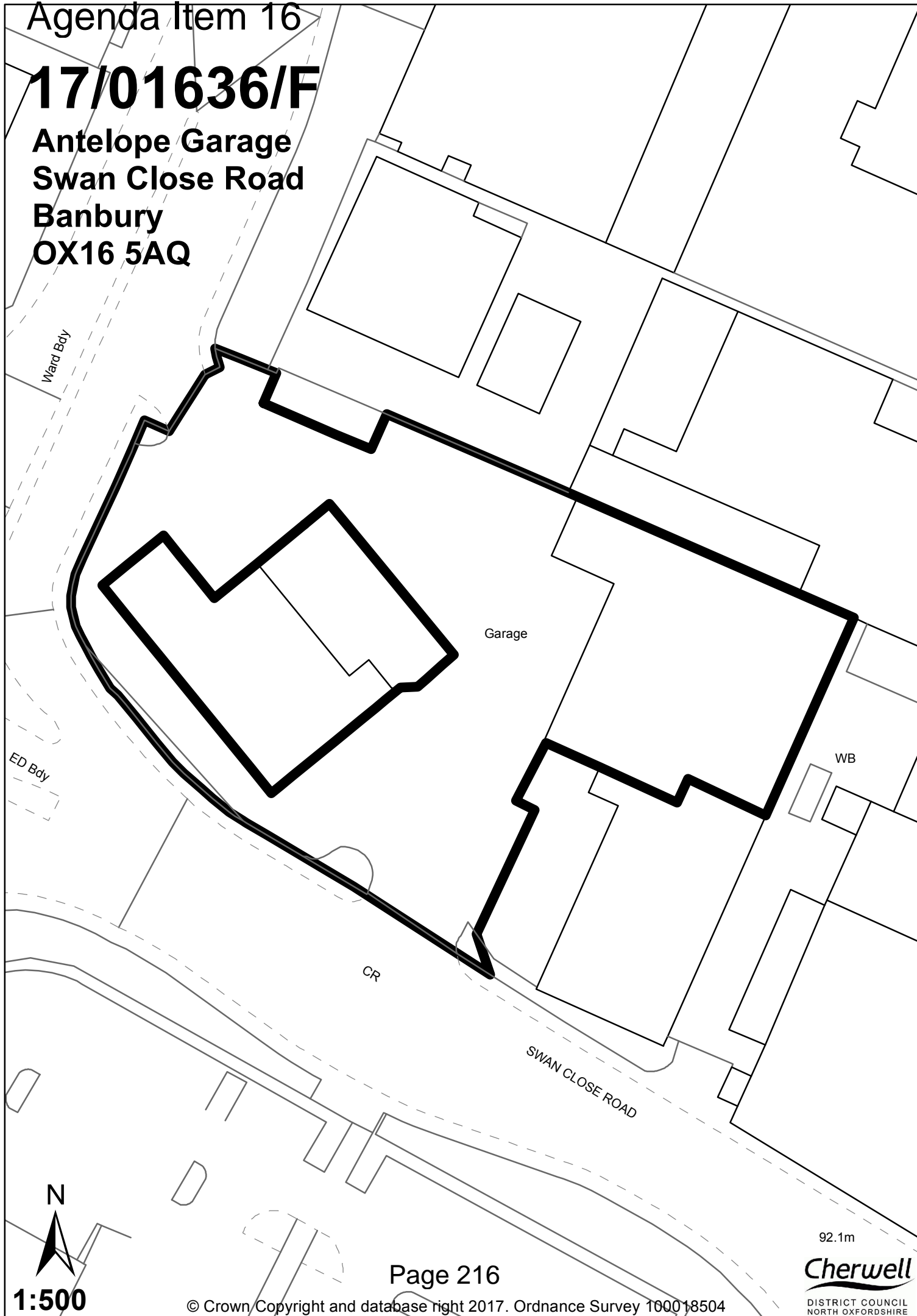
1. The loss of the school sports pitch has not been fully justified as part of this submission and the proposal is therefore contrary to Policy BSC10 of the adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.
2. The development proposed, by reason of its scale, form and layout, taking into account Cherwell's ability to demonstrate an up to date five year housing land supply is considered to result in unacceptable piecemeal development which would be detrimental to the visual amenities of the locality and create a poor living environment for the occupiers thereof contrary to saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996, Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.
3. The development proposed by reason of its scale form and layout fails to positively address the adjacent public rights of way and the surrounding development and therefore fails to preserve and enhance the character and appearance of the adjacent conservation area, or pay proper regard to the existing school building and nearby listed buildings contrary to Policy ESD15 of the adopted Cherwell Local Plan and Government guidance within the NPPF.
4. The development proposed does not provide sufficient detailed information in respect of the proposed access and therefore cannot be considered as part of this outline submission.
5. In the absence of a satisfactory legal agreement, the proposal would not commit to the necessary provision of on-site and off-site infrastructure to mitigate the impact of the development. As a consequence, the proposals will not deliver sustainable residential development to the detriment of the wider public infrastructure. The proposals are therefore contrary to INF1 of the adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.

CASE OFFICER: Linda Griffiths

TEL: 01295 227998

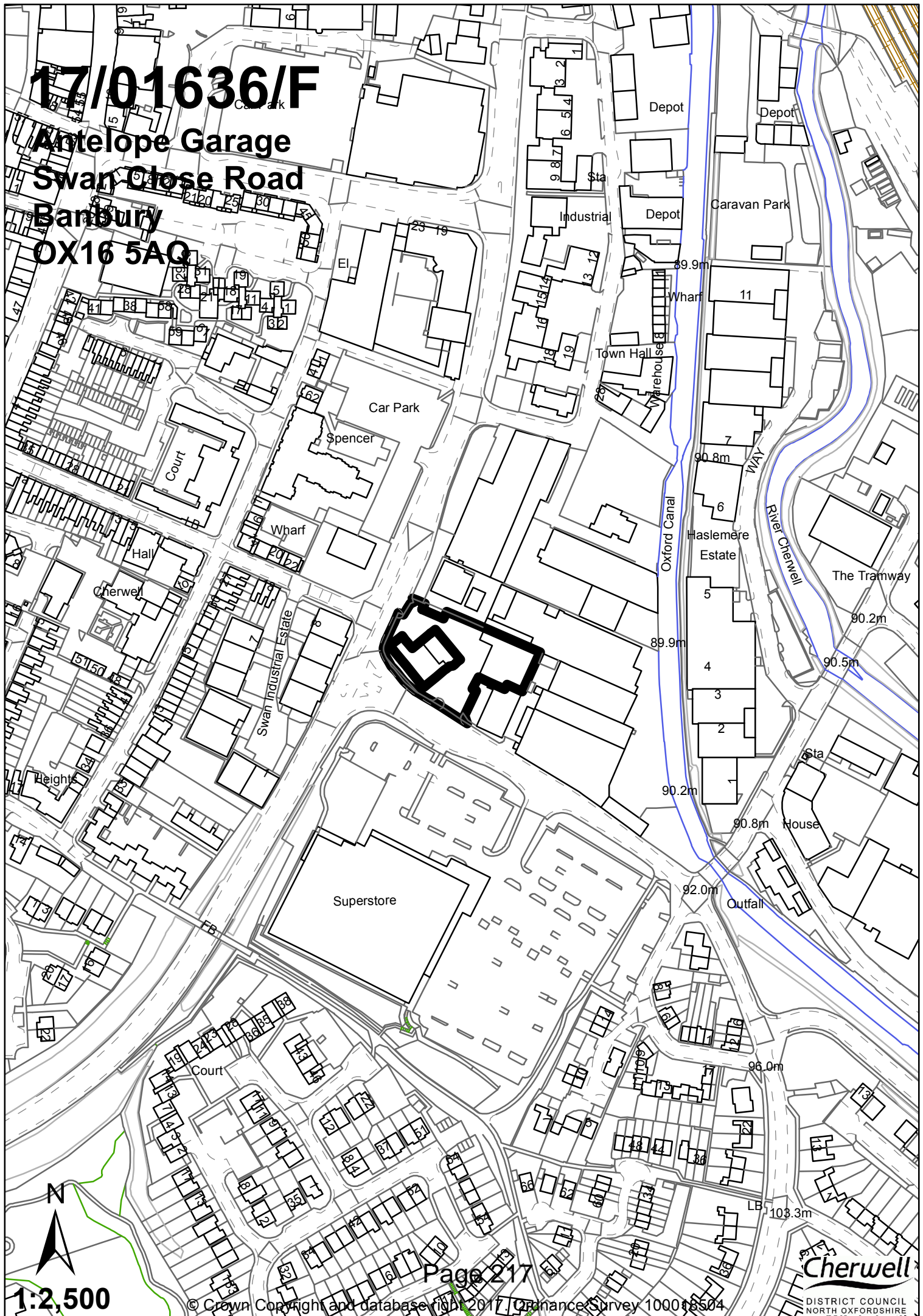
**17/01636/F**

**Antelope Garage  
Swan Close Road  
Banbury  
OX16 5AQ**





**17/01636/F**  
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**Applicant:** Dar Lighting

**Proposal:** Change of use of former petrol filling station, workshop and showroom premises (in part of the former Nissan Car Dealership) to form warehouse (Class B8) with trade counter

**Ward:** Banbury Grimsbury and Hightown

**Councillors:** Cllr Andrew Beere  
Cllr Claire Bell  
Cllr Shaida Hussain

**Reason for Referral:** CDC owned land

**Expiry Date:** 29 September 2017      **Committee Date:** 28 September 2017

**Recommendation:** Approve

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

- 1.1. The application site relates to a former car show room and workshop/testing centre (previously known as the Antelope Garage) situated to the south east of Banbury town centre. The site encompasses a corner plot, situated in a prominent location at the junction of Swan Close Road and Upper Windsor Street. The unit itself sits within a wider industrial area and is accessed alongside the existing petrol filling station (which is currently in the process of changing occupier).
- 1.2. The existing building is comprised of a part single storey, part two storey, industrial type building which is constructed of brick and grey profiled metal cladding above. The building has relatively large openings at the front, consistent with its use as a car show room, with smaller openings at the back.
- 1.3. The application site is not a listed building but is situated within the designated Oxford Canal Conservation Area and adjacent to the locally listed building occupied by 'Laser Sailcraft'. The north east corner of the site is partially within Flood Zone 2. There are no other site constraints relevant to this application.

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

- 2.1. The application seeks permission for the change of use of the rear half (the northern section) of the existing Antelope Garage building. An internal partition wall would be installed to divide the building into two separate units. Permission is sought for the change of use of this part of the building to use Class B8 with ancillary trade counter.
- 2.2. The application does not seek permission for any external alterations and should any be required, these may require permission in the future, given that the site is situated within the Conservation Area. Furthermore, no consent has been sought for any advertisements and should any be proposed, separate advertisement consent may be required.

### 3. RELEVANT PLANNING HISTORY

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

### 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 14.09.2017.
- 5.2. No comments have been raised by third parties.

### 6. RESPONSE TO CONSULTATION

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

#### BANBURY TOWN COUNCIL

- 6.2. BANBURY TOWN COUNCIL: raises **no objections** to the proposals.

#### STATUTORY CONSULTEES

- 6.3. CANALS AND RIVERS TRUST: **no comments** in regard of the application.
- 6.4. ENVIRONMENT AGENCY: **no comments** at the time of writing this report.
- 6.5. THAMES WATER: **no comments** at the time of writing this report.
- 6.6. OXFORDSHIRE COUNTY COUNCIL HIGHWAYS: **no objections** to this proposal. It is noted that there is good access to and from the site and the number of vehicle movements generated by the proposals would be negligible.

#### NON-STATUTORY CONSULTEES

- 6.7. CDC ENVIRONMENTAL PROTECTION raises **no comments** in regard to noise, air quality, odour or light. It was further noted that as the proposal was for a change of use only, they did not wish to comment in respect of contaminated land at this stage.
- 6.8. CDC PLANNING POLICY: **no comments** at the time of writing this report.

### 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)

- PSD 1: Presumption in favour of sustainable development
- SLE 1: Employment Development
- Banbury 1: Banbury Canalside
- ESD6: Managing Flood Risk
- ESD15: The Character of the Built and Historic Environment
- ESD 16: The Oxford Canal

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C31: Compatible uses with residential areas

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Banbury Vision and Masterplan 2016 (SPD)
- Banbury Conservation Area Appraisal 2004
- Oxford Canal Conservation Area Appraisal 2012
- Banbury Conservation Area Appraisal (Draft 2017)

## 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
- Flooding
- Highway Safety

Principle of development

8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system. Policy PSD 1 of the CLP 2031 (Part 1) echoes these aspirations and states that wherever possible, development should improve the economic, social and environmental conditions in the area.

8.3. Policy SLE 1 of the CLP 2011-2031 states that:

*Employment proposals at Banbury, Bicester and Kidlington will be supported if they meet the following criteria:*

- *Are within the built up limits of the settlement unless on an allocated site*
- *They will be outside of the Green Belt, unless very special circumstances can be demonstrated*
- *Make efficient use of previously-developed land wherever possible*
- *Make efficient use of existing and underused sites and premises increasing the intensity of use on sites*

- *Have good access, or can be made to have good access, by public transport and other sustainable modes*
- *Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of its surroundings*
- *Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment.*

8.4. The proposal is within the built up limits of Banbury; is outside of the Green Belt; makes efficient use of the site; has good access and can be easily accessed by public transport; does not affect the design or character of the area; and does not have an adverse effect on surrounding uses. The proposals are, therefore considered to be in accordance with Policy SLE 1 of the CLP 2031 (Part 1).

8.5. Policy Banbury 1: Banbury Canalside of the CLP 2031 (Part 1) encompasses 26 hectares of land, including that which is occupied by the application site. *“Banbury Canalside is the name given to the land between Banbury Town Centre and Banbury Railway Station. The successful regeneration of Canalside and its potential to act as a catalyst for change in the town has been a key component of Cherwell District Council’s planning and regeneration aims for a number of years”*. When considering proposals for development in this location, it is important to understand the principles enshrined within the policy, which seeks the following:

*Provision of new homes, retail, office and leisure uses, public open space, pedestrian and cycle routes including new footbridges over the railway line, river and canal, and multi-storey car parks to serve Banbury railway station. Re-development would bring about significant environmental benefits in terms of improving the appearance of the built environment, the town centre, and the quality of the river and canal corridor. The wider community will have access to new services and facilities and Banbury’s economy will benefit with the increase in the number of visitors to the town.*

8.6. It is also noted that, given the complexities of the site, a separate Supplementary Planning Document (SPD) is to be developed and will form the basis of an Action Plan to take forward this regeneration scheme. It is noted that the ‘Canalside SPD’ is in preparation, but has not progressed since 2013.

8.7. The application seeks a permanent change of use of the northern part of the building to B8 use with ancillary trade counter. Whilst this planning use does not generally conform with the aspirations of this policy, as there has been no progress on the SPD for some time and given that there is no imminent likelihood of a scheme coming forward for the comprehensive redevelopment of the Canalside area, a change of use is considered to be acceptable in this instance. Furthermore, it is considered that a temporary change of use permission would be unreasonable, in planning terms, given the above mentioned circumstances and that the proposed change of use is not, in and of itself, likely to prejudice the implementation of Policy Banbury 1 in the long term.

8.8. Notwithstanding the above, the Council has ownership of the land and is responsible for leasing the property to the applicant. Should the ‘Canalside SPD’ progress in the future, then the Council would have control over whether this site could be vacated to make way for any future development. Whilst this is not necessarily a planning matter, given the control that the Council has over the land, it is considered that the granting of this permission would not inhibit the future implementation of this Policy Banbury 1 and is therefore acceptable in this regard.

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

- 8.9. 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.
- 8.10. Policy ESD15 of the CLP 2031 (Part 1) states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*
- 8.11. Policy ESD 16 of the CLP 2031 (Part 1) states that the LPA will *‘protect and enhance the Oxford Canal corridor which passes south to north through the District as a green transport route, significant industrial heritage, tourism attraction and major leisure facility through the control of development’*. It goes on to state that *‘the length of the Oxford Canal through Cherwell District is a designated Conservation Area and proposals which would be detrimental to its character or appearance will not be permitted.*
- 8.12. 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.
- 8.13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Conservation Areas are designated heritage assets, and Paragraph 132 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm loss should require clear and convincing justification.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 8.14. The proposal only seeks permission for the change of use of the building and as such there are no external alterations proposed. Given that there would be no change to the overall appearance of the building, and given the building and wider site was previously in commercial use, it is considered that the proposal would not cause harm to the character and appearance of the area, including the Conservation Areas. Thus the proposal would be in accordance with Saved Policy C28 of the CLP 1996; Policies ESD 15 and ESD 16 of the CLP 2031 (Part 1); and Government guidance contained within The Framework.
- 8.15. Notwithstanding the above, the applicants should be advised that, given that the proposal is sited in a designated Conservation Area, any advertisements and external alterations are likely to require ‘Advertisement Consent’ (for which a separate application will be required).

#### Residential amenity

- 8.16. Paragraph 17 of the NPPF notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants

of land and buildings. Policy ESD15 of the CLP 2031 (Part 1) states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Saved Policy C31 of the CLP 1996 states: *in existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted.*

- 8.17. The application site is situated approximately 100m away from the nearest residential properties (located at Spencer Court and Gatteridge Street). Having regard to this distance (which is considered to be substantial) and the existing uses on the site, it is considered that the proposed use would not give rise to any detrimental impact to any nearby properties beyond what is currently experienced.
- 8.18. In addition to the above, it is noted that the Environmental Protection Officer raises no objections and the proposal is therefore not considered to give rise to any detrimental impact in regard to noise, air quality, odour or light.
- 8.19. The operating hours indicated in the application form (08:00am – 20:00pm Monday to Friday; 08:00am – 18:00pm Saturday; and 10:00am – 17:00pm Sundays and Bank Holidays) are considered to be acceptable and appropriate for its use. It is, therefore, unlikely that the hours of operation would affect the amenity of the occupiers of any residential property. Notwithstanding this, the site is situated within the wider Policy Banbury 1 designation and therefore parts of the adjacent area may have closer residential properties in the future. As this consent is for a permanent permission it would seem reasonable to condition these working hours to protect any future residential amenity.
- 8.20. Having regard to the above, the proposals are not considered to be detrimental to any residential properties (which are situated at a minimum of 100m away) in terms of noise, air quality, odour or light and would therefore be in accordance with Saved Policy C31 of the CLP 1996; Policy ESD 15 of the CLP 2031 (Part 1); and Government guidance contained within The Framework.

#### Flooding

- 8.21. Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 states that: *the Council will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG.*
- 8.22. The proposal would result in the change of use from a building which is in a Sui Generis use to one falling within Use Class B8. Both are considered to be 'Less Vulnerable' within the Environment Agency's 'Flood risk vulnerability classification'. According to their advice, development of 'Less Vulnerable' uses within 'Flood Zone 2' is considered to be appropriate.
- 8.23. No sequential test is required, given that the application is solely for the change of use of the building.
- 8.24. Members are advised that no Flood Risk Assessment (FRA) has been received and, under Policy ESD6 and in accordance with guidance in the NPPF, a FRA is required. A FRA has been requested and is anticipated to be received in advance of the Committee meeting, and therefore this recommendation is subject to a satisfactory FRA being submitted prior to determination.

### Highway Safety

- 8.25. The application site has an existing access to the north west of the site, which is accessed via Upper Windsor Street (one way – southbound) and Swan Close Road.
- 8.26. Oxfordshire County Council Highways raise no objections in regard to this proposal. They note that there is adequate access to and from the site and the number of vehicle movements generated by the proposals would be negligible in comparison to the existing arrangement.
- 8.27. Having regard to the above, the proposal is not considered to be detrimental to highway safety or amenity and would therefore be in accordance with Government guidance contained within the Framework.

## **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 principle of the change of use is considered to be acceptable in accordance with Policies SLE1 and Banbury 1 of the CLP 2031 (Part 1) and Government guidance contained within the NPPF. Furthermore, there would not be a detrimental impact on visual amenity, residential amenity or Highway Safety. The proposal is therefore considered to be sustainable development that accords with the relevant policies of the Development Plan, and in accordance with Paragraphs 12 and 14 of the NPPF permission should be granted.



## **10. RECOMMENDATION**

That permission is granted, subject to the receipt of a satisfactory Flood Risk Assessment and 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: PF9861.02 and Transport Statement August 2017 (PF/9861).

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

3. The operational use of the premises shall be restricted to the following times:-

Monday-Friday – 8.00am to 8.00pm

Saturday – 8.00am to 6.00pm

Sunday and Public Holidays – 10:00am to 5:00pm

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

CASE OFFICER: Matthew Coyne

TEL: 01295 221652

# Agenda Item 17

## Cherwell District Council

### Planning Committee

28 September 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 **17/00718/OUT - Land South West Of Ridgeway House Adj. to The Ridgeway, Bloxham.** Appeal by Mr Andrew and Joseph Smith against the refusal of outline planning permission the development of two houses including associated parking and amenity space.
- 2.2 Forthcoming Public Inquires and Hearings between 28 September 2017 and 26 October 2017.

**15/01326/OUT - OS Parcels 6741 And 5426 West Of Cricket Field North Of Wykham Lane, Bodicote. Planning Hearing commencing Tuesday 10 October 2017 at 10am, Banbury Cricket Club, White Post Road, Bodicote, OX15 4AA.** Appeal by Gladman Developments Ltd against the non-determination of outline planning permission for a development of up to 280 dwellings (including 30% affordable housing), introduction of structural planting and landscaping, formal and informal public open space and play areas, surface water flood mitigation and attenuation, new priority junction arrangements to White Post Road, creation of section of spine road to link Bloxham Road with White Post Road as well as

creation of 34 space car park and other associated ancillary works. All matters reserved except for access.

**16/02378/O56 - Thames Valley Police, 30 Crouch Street, Banbury, OX16 9PR. Planning Hearing commencing Tuesday 10 October 2017 at 10am, Cherwell District Council HR Training Room, Old Bodicote House, White Post Road, Bodicote, OX15 4AA.** Appeal by Daejan Enterprises Limited against the refusal of prior approval for the change of use from B1 (office) to C3 (dwelling) to provide 9 residential units.

**17/00356/F & 17/00357/LB - Shipton Manor, Shipton On Cherwell, Kidlington, OX5 1JL. Planning Hearing commencing Tuesday 17 October 2017 at 10am, Cherwell District Council River Ray Meeting Room, Bodicote House, White Post Road, Bodicote, OX15 4AA,** Appeal by Mr Ng against the refusal of planning and listed building consent for extensions to Shipton Manor and associated outbuildings, conversion of outbuildings to wine store and pedestrian link, creation of new driveway from existing access and alteration to existing access, removal of existing internal tarmac roads.

## 2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Allowed the costs application 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).**

Further to the statement set out in the 31<sup>st</sup> August Planning Committee Report, the Inspector's decision has been received regarding the costs application submitted by the appellant.

The Inspector has found against the Council and has allowed the application for an award of costs.

In his decision the Inspector advises that the technical evidence submitted by the appellant, which was also supported by technical experts at the Environment Agency and the Council's Environmental Protection Team, was compelling. He states that no technical evidence was produced to the contrary and the Planning Committee's decision was made in the light of a subjective assessment of perceived impact of interested parties.

The Inspector considered that the reason for refusal was a vague and generalised assertion about the impact of the proposal that was unsupported by any objective analysis and this demonstrated substantive unreasonable behaviour giving rise to the appellant incurring unnecessary expense in pursuing the appeal.

- 2) Dismissed the appeal by Castlepride Management Limited against the refusal of planning permission for alternations to create 2 No. 2 bed flats in roof space and 2 No 2 bed flats and 1 No. 1 bed flat at first floor level (amendments to 14/02062/F). Formally The Star Public House, Bucknell Road, Bicester, OX26 2DQ. 16/02465/F (Delegated).**

The proposed development sought permission for a box dormer to the roof of the property which would connect the front and rear roof elements and also a steel staircase to the side of the property. These alterations would allow the roof of the building to be used for 2 flats. The Inspector concluded whilst the box dormer would be lower than the ridge height of the building and constructed of matching materials, it would create a top heavy appearance which would not fit with the overall scale or form of the building. The Inspector also concluded that whilst an earlier application had approved a brick clad staircase on the side elevation to first floor level, the proposal which included a steel staircase to the second floor of the building would result in a complex zig zag structure which would have an industrial appearance. The appeal was therefore dismissed.

- 3) Dismissed the appeal by Mr Allen for against the refusal of planning permission for the demolition of the existing house to be replaced with a new detached two storey building (with mainly pitched roofs to match neighbouring properties and not exceeding current ridge lines) providing 4 No one bedroom flats and 1 No two bedroom duplex unit. 87 Banbury Road, Kidlington, OX5 1AH. 16/02510/F (Delegated).**

The Inspector considered the main issue to be the effect that the proposal would have on the character and appearance of the area.

The new development would have covered almost the full width of the plot. The Inspector recognised that although there was visual separation between the appeal development and neighbouring properties – and that this separation was greater than exists between other dwellings on the road – the plot is wider and so the frontage would have been significantly broader than surrounding properties.

The development was designed to appear as two separate dwellings which were linked by a recessed flat roof element. The Inspector stated that this would look contrived and would not moderate the impact of the development. The depth of the building would have protruded further forward than the front wall of 91 Banbury Road and deeper than the rear wall. The Inspector stated that whilst the height of the property would be similar to the neighbouring properties, the overall scale and massing would be greater than anything in the immediate vicinity and therefore would be out of character with the area. Although the full scale of the proposal would be obscured from certain angles, this would not detract from the harm when viewed directly from the front.

The Inspector observed that the development attempted to draw together different design features from within the street scene which has created a complicated and cluttered appearance, which is in contrast to the simple design of the surrounding properties. There would be a lack of cohesion between different features, with a first-floor bay window above a porch on the front of the

dwelling and on the rear elevation the numerous roof elements would appear anomalous and would not relate well to each other. The front of the property would be dominated by car parking and bin storage and there would be little scope to incorporate soft landscaping.

Thus, the Inspector concluded that the proposal would have an adverse effect on the character and appearance of the area and would be contrary to the development plan. The appeal was therefore dismissed.

### **3.0 Consultation**

None

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

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

Option 1: To accept the position statement.

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

### **5.0 Implications**

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

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

Comments checked by:

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

#### **Legal Implications**

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

Comments checked by:

Nigel Bell, Interim Legal Services Manager, 01295 221687,  
[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto:nigel.bell@cherwellandsouthnorthants.gov.uk)

## Risk Management

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

Comments checked by:

Nigel Bell, Interim Legal Services Manager, 01295 221687,  
[nigel.bell@cherwellandsouthnorthants.gov.uk](mailto:nigel.bell@cherwellandsouthnorthants.gov.uk)

## 6.0 Decision Information

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

A district of opportunity

### Lead Councillor

Councillor Colin Clark

### Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
Contact Information	01295 221811 <a href="mailto:tom.plant@cherwellandsouthnorthants.gov.uk">tom.plant@cherwellandsouthnorthants.gov.uk</a>