

Committee: Planning Committee
Date: Thursday 26 October 2017
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

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

Substitutes

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

AGENDA

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

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

3. Requests to Address the Meeting

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

4. Urgent Business

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

5. Minutes (Pages 1 - 21)

To confirm as a correct record the Minutes of the meeting of the Committee held on 26 October 2017.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **West Wing, Williamscot House, Street From Centre To North West, Williamscot, Banbury, OX17 1AE (Pages 24 - 31)** **17/01034/LB**
8. **East Wing, Williamscot House, Street From Centre To North West, Williamscot, Banbury, OX17 1AE (Pages 32 - 39)** **17/02025/LB**
9. **Part Of OS Parcels 0625 And 0914 North Of Coopers, Buckingham Road, Bicester (Pages 40 - 59)** **17/01428/F**
10. **Land South Of Building 296/297, Heyford Park, Camp Road, Upper Heyford (Pages 60 - 71)** **17/01680/F**
11. **Plot 1 Mallories, Cherry Street, Stratton Audley (Pages 72 - 83)** **17/01709/F**
12. **Plot 2 Mallories, Cherry Street, Stratton Audley (Pages 84 - 95)** **17/01710/F**
13. **OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury (Pages 96 - 102)** **16/00511/DISC**
14. **OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury (Pages 103 - 116)** **17/01879/CDC**
15. **Franklins House, Manorsfield Road, Bicester, OX26 6JU (Pages 117 - 127)** **17/01792/F**

Review and Monitoring Reports

16. Appeals Progress Report (Pages 128 - 131)

Report of Head of Development Management

Summary

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

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

Yvonne Rees
Chief Executive

Published on Wednesday 18 October 2017

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 28 September 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 Simon Holland
Councillor Alastair Milne-Home
Councillor Alan MacKenzie-Wintle
Councillor Richard Mould
Councillor G A Reynolds
Councillor Barry Richards
Councillor Nigel Simpson
- Substitute Members: Councillor Ken Atack (In place of Councillor Mike Kerford-Byrnes)
Councillor Hugo Brown (In place of Councillor Lynn Pratt)
Councillor Barry Wood (In place of Councillor D M Pickford)
- Apologies for absence: Councillor Mike Kerford-Byrnes
Councillor D M Pickford
Councillor Lynn Pratt
- Officers: Bob Duxbury, Team Leader (Majors)
Nat Stock, Team Leader (Others)
Matt Parry, Principal Planning Officer
Andrew Lewis, Principal Planning Officer
James Kirkham, Senior Planning Officer
Matthew Coyne, Planning Officer
Nigel Bell, Interim Legal Services Manager / Deputy Monitoring Officer
Aaron Hetherington, Democratic and Elections Officer

Declarations of Interest

9. Church Leys Field, Blackthorn Road, Ambrosden.

Councillor Simon Holland, Declaration, as the applicant was known to him and would therefore leave the chamber for the duration of the item.

13. Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ.

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

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

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

14. Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ.

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

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

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

16. Antelope Garage, Swan Close Road, Banbury, OX16 5AQ.

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

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

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

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council and a separate 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 Richard Mould, 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.

86 **Requests to Address the Meeting**

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

87 **Urgent Business**

There were no items of urgent business.

88 **Minutes**

The Minutes of the meeting held on 31 August 2017 were agreed as a correct record and signed by the Chairman subject to the following amendment:

Councillor Les Sibley as present, amended to Councillor Les Sibley, apologies for absence.

89 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

90 **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.

Gavin Angell, representing the Dorchester Group, addressed the committee in objection to the application.

John Ashton, the agent to the application, 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 speakers.

Resolved

That application 15/01357/F be approved subject to:

- a) 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;
- b) Resolution of the Highway Authority objection
- c) 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.
 - 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

- 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
- 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, paviers 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.

91 **Studley Wood Golf Club, The Straight Mile, Horton Cum Studley, Oxford, OX33 1BF**

The Committee considered application 16/02218/F for the change of use of part of a golf course (woodland) to a 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 (the application was a re-submission of 15/01539/F) at Studley Wood Golf Club, The Straight Mile, Horton Cum Studley, Oxford, OX33 1BF for Studley Wood Golf Club.

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 at the applicants requested to negotiate further changes to the proposal and to allow a formal site visit.

Resolved

That consideration of application 16/02218/F be deferred following the request of the applicants to negotiate further changes to the proposal and to allow a formal site visit.

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

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

Jonathan Porter, the applicant's agent, addressed the committee in support of the application.

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

Resolved

That application 16/02370/F be approved subject to the following conditions with the issuing of the decision notice delegated to the Head of Development Management only following the satisfactory completion of a legal agreement with both Cherwell District Council and Oxfordshire County Council to secure the items listed in paragraph 8.68 of the report:

- 1 The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:
- 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.
- 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.
- 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.
- 6 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.
- 7 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.

- 8 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:
 - One 240 litre blue wheeled bin for the collection of dry recyclable material;
 - One 240 litre green wheeled bin for the collection of residual waste;
 - One 240 litre brown bin for the collection of garden waste material
- 9 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.
- 10 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.
- 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.
- 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.
- 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) .
- 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.
- 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.
- 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

19 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 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".

20 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.

21 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:

- Construction traffic management and contractor parking;
- Compound and storage details;
- Spoil management;
- Measures to be taken to control hours of working, noise, dust and vibration resulting from construction;
- Details of the consultation and communication to be carried out with local residents;
- Site Manager details and that of relevant personnel.

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.

22 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.

- 23 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 plays 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.
- 24 Other than the approved vehicular access, no other means of vehicular access whatsoever shall be formed or used between the site and the highway.
- 25 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).
- 26 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.
- 27 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.
- 28 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.
- 29 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.

- 30 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.
- 31 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.
- 32 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.
- 33 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.
- 34 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 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.
- 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.
- 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.
- 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.

OS Parcel 3498 East Of Heatherstone Lodge, Fulwell Road, Finmere

The Committee considered application 17/01328/OUT, an outline application for a residential development at OS Parcel 3498 East Of Heatherstone Lodge, Fulwell Road, Finmere for Siteplan UK LLP.

Andrew Hirst, a local resident, addressed the committee in objection to the application.

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

Resolved

That application 17/01328/OUT be refused for the following reasons:

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

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

The Committee considered application 17/01466/F for the addition of approximately 310m of metal 'field' style railings painted black (Retrospective) at Heyford Park Parcel B2A, Camp Road, Upper Heyford for Bovis Homes.

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

Resolved

That application 17/01466/F be refused for the following reasons:

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).

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

The Committee considered application 17/01482/F for a 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 application 17/00966/F) at The Old Forge, Mixbury, Brackley, NN13 5RR for Mr Mark Bairstow.

Mark Bairstow, the applicant, addressed the committee in support of the application.

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

Resolved

That application 17/01482/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 application form and drawings No "12SP Site location Plan 1:1,250" and "Proposed elevations & Floorplans"
- 3 No development shall commence above ground level until a schedule of materials and finishes for the external walls and roof of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.
- 4 No development shall commence on site until details of the proposed footpath diversion have been submitted to and approved in writing by the Local Planning Authority. These details shall show the proposed route of the path, its connection in to the existing rights of way network and the proposed width and surfacing of the path. The path should be diverted in accordance with the approved details before any work commences on site.

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

The Committee considered application 17/01487/ADV for 1 No non-illuminated fascia sign at Whitelands Farm Sports Ground, Whitelands Way, Bicester, OX26 1AJ for Mr Tom Darlington.

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

Resolved

That application 17/01487/ADV be approved, subject to the following conditions:

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

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

The Committee considered application 17/01488/F for the 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 to replace previously approved gates under application 15/01615/F at Whitelands Farm, Sports Ground, Whitelands Way, Bicester, OX26 1AJ for Mr Tom Darlington.

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

Resolved

That application 17/01488/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 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.

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

The Chairman had advised that application 17/01578/OUT had been withdrawn by the applicant.

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

The Committee considered application 17/01636/F for a change of use of a former petrol filling station, workshop and showroom premises (in part of the former Nissan Car Dealership) to form warehouse (Class B8) with trade counter at Antelope Garage, Swan Close Road, Banbury, OX16 5AQ for Dar Lighting.

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

Resolved

That application 17/01636/F be approved, 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.
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).
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
4. The development hereby approved shall proceed in accordance with the Flood Risk Assessment prepared by Framptons (reference PF/9861) received 20/09/2017 accompanying the application unless otherwise previously approved in writing by the Local Planning Authority.

100

Appeals Progress Report

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

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.50 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

26 October 2017

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	West Wing, Williamscot House Street From Centre To North West Williamscot, Banbury OX17 1AE	17/01034/LB	Cropredy, Sibfords And Wroxton	Approval	Matthew Coyne
8	East Wing, Williamscot House Street From Centre To North West Williamscot, Banbury OX17 1AE	17/02025/LB	Cropredy, Sibfords And Wroxton	Approval	Matthew Coyne
9	Part Of OS Parcels 0625 And 0914 North Of Coopers Buckingham Road Bicester	17/01428/F	Bicester East	Approval	Lewis Bankes- Hughes
10	Land South Of Building 296/297 Heyford Park Camp Road Upper Heyford	17/01680/F	Fringford And Heyfords	Approval	Lewis Bankes- Hughes
11	Plot 1 Mallories Cherry Street Stratton Audley	17/01709/F	Fringford And Heyfords	Approval	George Smith
12	Plot 2 Mallories Cherry Street Stratton Audley	17/01710/F	Fringford And Heyfords	Approval	George Smith
13	OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury	16/00511/DISC	Banbury Hardwick	Approval	Nathanael Stock
14	OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury	17/01789/CDC	Banbury Hardwick	Approval	Nathanael Stock
15	Franklins House Manorsfield Road Bicester OX26 6JU	17/01792/F	Bicester East	Approval	Stuart Howden

17/01034/LB

West Wing

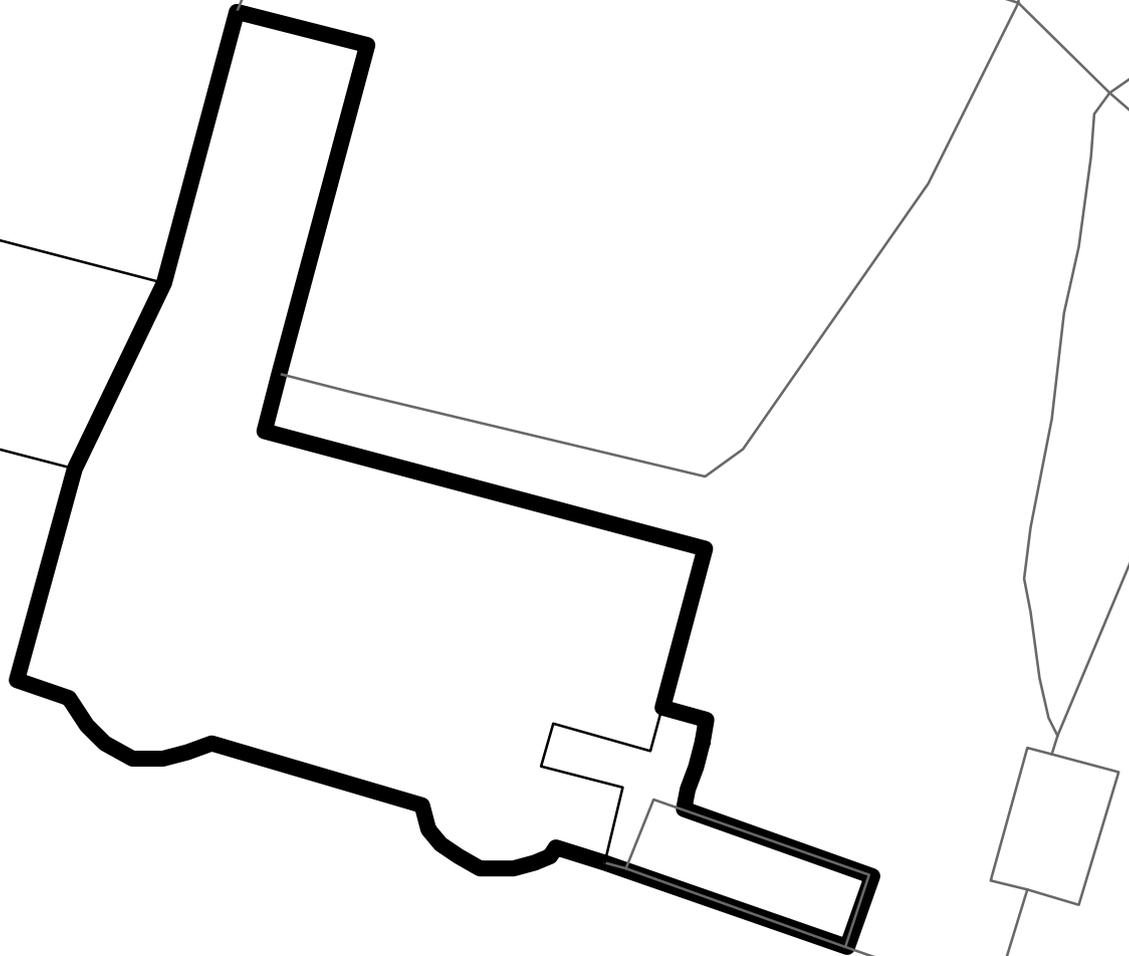
Williamscot House

Street From Centre To North West

Williamscot

Banbury

OX17 1AE



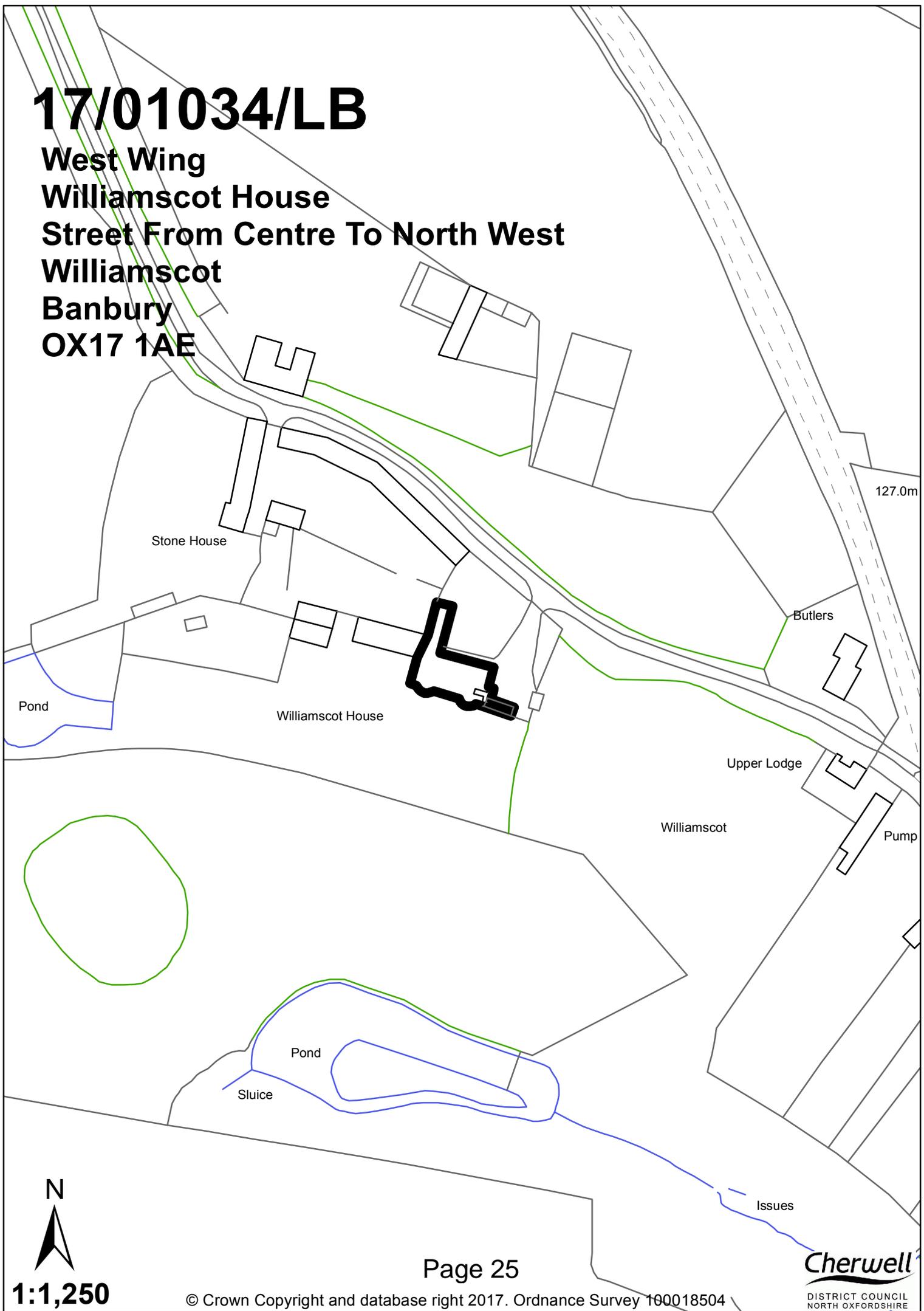
Williamscot House

N



17/01034/LB

West Wing
Williamscot House
Street From Centre To North West
Williamscot
Banbury
OX17 1AE



Applicant: Williamscot Estate

Proposal: Regularising historic internal and external works to the West Wing of Williamscot House - refer to supplementary sheet for details

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Ken Attack
Cllr George Reynolds
Cllr Douglas Webb

Reason for Referral: Member call-in request – Councillor Attack

Expiry Date: 5 September 2017 **Committee Date:** 26 October 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to a late sixteenth century property situated within Williamscot, a settlement to the north east of Banbury. The site is accessed from a private driveway which has two access points from Cropredy Lane and further along the road at 'Williamscot Road' (to the North West).
- 1.2. The application site relates to the West Wing at Williamscot House. The house itself has historically been divided into two wings (East and West), with a latter addition to the west of the property being known as the Georgian Wing. The East and West Wings of Williamscot House are Grade II* Listed and there are a number of Grade II Listed Buildings in close proximity, including the Georgian Wing; Orangery And Attached Wall Approximately 5 Metres West Of Williamscot House; Stable Range Approximately 25 Metres North West Williamscot House; and the Old School House. The site is also situated within the designated Williamscot Conservation Area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The planning history for the site is long and complicated. At some point between 1969 and 2014 a number of alterations were carried out to the listed building without Listed Building Consent. It is noted that the majority of these alterations were latterly included on plans for other Listed Building Consent applications (which were approved), but no consent was specifically sought for these works.
- 2.2. This application seeks to regularise the historic works to the Listed Building. Given the long and complicated history of the application site, it is difficult to identify which of these works require consent. Nevertheless, a schedule of works has been produced which, to the best of our knowledge, identifies these.
- 2.3. The schedule of works has been produced jointly for the East Wing and West Wing (and in that respect pages 14 to 23 of the document are relevant). Particular items of note are the creation of a new corridor parallel to the East Wing (including the partitioning off of the bathroom) and the creation of a new doorway into the kitchen (and the blocking up of the old doorway).

2.4. A concurrent Listed Building consent application has been submitted for the East Wing, application reference 17/02025/LB.

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>
LB.B.9/69	Subdivision of property into 3 dwellings	Application Permitted
LB.B.25/72	New External Steps	Application Permitted
LB.B.28/72	Convert West Wing into self-contained dwellinghouse	Application Permitted
B.827/72	Convert 18th century wing into a self-contained dwelling	Application Permitted
12/01085/LB	Single storey extension	Application Permitted
12/01086/F	Single storey extension	Application Permitted
13/01142/LB	Internal alterations to reinstate East and West wings as 1 dwelling.	Application Permitted
13/00343/DISC	Clearance of conditions 5 & 6 of 13/01142/LB	Application Permitted
17/01034/LB	Regularising historic internal and external works to the West Wing of Williamscot House - refer to supplementary sheet for details	Pending Decision
17/01424/CLUE	Certificate of Lawfulness of Existing Use. The West Wing is a self-contained dwelling with its own entrance, kitchen and bathrooms. In the future it may be either sold together with the East Wing to make a "granny flat", or a large single dwelling, or sold separately on its own. For the foreseeable future we wish to rent the West Wing to tenants.	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, 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 17.08.2017.
- 5.2. The comments raised by third parties are summarised as follows:
- The neighbouring occupiers objected the application (and the previous application for the East Wing) as they consider harm has been caused to the historic fabric of the listed building and 'no clear and convincing justification has been provided'. It is noted that they also produced a heritage statement regarding the proposed works, concluding that the majority of them should be refused consent (comments relating to pages 14-23 of the schedule of works).
- 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.

WARDINGTON PARISH COUNCIL

- 6.2. Wardington Parish Council raises no objections to the proposals.

STATUTORY CONSULTEES

- 6.3. Historic England originally advised that they did not wish to comment on the application and that advice should be sought from Cherwell District Council's conservation specialists. However, following on from the amount of neighbour and political interest in this application (as well as the complexity of the planning history of the site), Historic England were requested to provide comments.
- 6.4. Historic England carried out a joint site visit with CDC Planning and Conservation Officers on 18/09/2017 and they provided the following written response, which concludes:

Historic England supports the application on heritage grounds. Providing that the as proposed plans are amended as suggested above we consider that the application meets the requirements of the NPPF, in particular paragraph number 17. In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In our opinion granting this application would be consistent with paying special regard to the desirability of preserving the listed building.

NON-STATUTORY CONSULTEES

- 6.5. The Conservation Officer was involved in the assessment of the application and the investigations into the status of the works. It is noted that they provided an annotated plan that drew together some of the planning history of the site.

- 6.6. Whilst they raised some verbal concerns regarding some of the works, no formal comments were provided prior to this report being written. Should any comments be received from the Conservation Officer after the publishing of the Committee Agenda and before the Committee date, Members will be updated accordingly.

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)

- C18 – Proposals affecting a listed building
- C28 – Layout, design and external appearance of new development

- 7.3. Other Material Planning Considerations
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - Managing Significance in Decision-Taking in the Historic Environment: Historic England Good Practice (2015)
 - The Setting of Heritage Assets: Historic England Good Practice (2015)

8. APPRAISAL

- 8.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building(s).
- 8.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 129 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*
- 8.4. 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.

- 8.5. When dealing with an application for listed building consent, it is imperative to understand the significance of the building. In this instance, the significance of the building lies within evidential value retained in the walls, floors, and roof structure of the building. A number of early internal features survive, including historic floorboards; the upper part of a newel staircase; the fireplace and chimneystack; and the lateral partitions dividing the northern rooms at first and second floors. Historic England has advised that these are *'of value in that they tell us about the early arrangement and plan form of the house'*. The rest of the interior appears to date largely from the second half of the 20th century; incorporating a number of reused doors and *'does not meaningfully contribute to the significance of the building'*.
- 8.6. This part of the building has undergone a great deal of change in the later 20th century and it is likely that the West Wing took its current form in 1969 when Williamscot House was subdivided (and the consented plans were not implemented fully or accurately). As a result, many of the internal works in the West Wing do not benefit from listed building consent, despite the fact that the building has probably been in this state for approximately 50 years.
- 8.7. Historic England have advised that:

When determining this application the Council need to be clear as to whether any of these unauthorised works actually harm the significance of the listed building. The Council also needs to be mindful that, if they fail to grant consent, that they must be willing to take enforcement action to deal with the unauthorised works. The unauthorised works, while different to those consented, have not in my opinion meaningfully harmed the significance of the building as they did not affect elements that contributed to this significance. Furthermore, requiring the applicant to restore the building to its supposed form in 1969 (which it probably never took) would not aid the preservation or enhance of the significance of the building in any way.

- 8.8. Whilst it is noted that the neighbours have objected to the proposal (including a Heritage Statement), it is considered that these comments have not appropriately assessed what the significance of the building. Historic England have advised that these comments make *'the error of assuming that the entire plan form as shown in 1969 contributed to the significance of the building ... this is not the case'*.
- 8.9. Having regard to all of the above mentioned comments, it is considered that the proposals have not detrimentally affected the significance of the building (which lies in the evidential value retained in the walls, floors and ceilings) and would therefore be in accordance with Saved Policies C18 and C28 of the CLP 1996; Policy ESD15 of the CLP 2031 (Part 1); and 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. In conclusion, the proposed works are not considered to be harmful to the historical significance of the listed building. It is therefore considered that the proposal complies with Saved Policies C18 and C28 of the Cherwell Local Plan 1996; Policy ESD15 of the Cherwell Local Plan 2011-2031; and Government guidance contained within the National Planning Policy Framework.

10. RECOMMENDATION

That consent is granted, subject to the following conditions:

1. 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: 'Plan 1.0 WW Proposed'; and Williamscot House Schedule of Works Version 5 (Pages 14 to 23 only).

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: Matthew Coyne

TEL: 01295 221652

17/02025/LB

East Wing

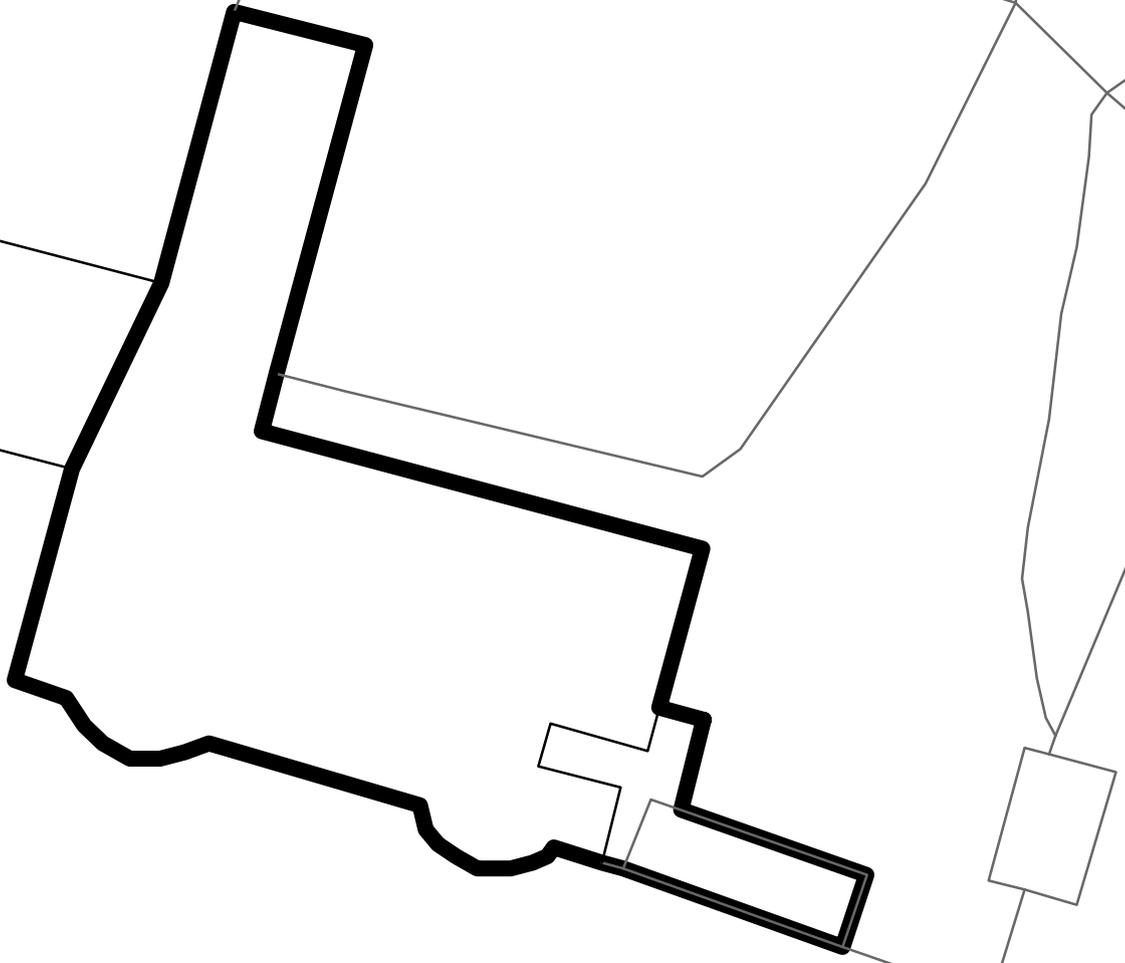
Williamscot House

Street From Centre To North West

Williamscot

Banbury

OX17 1AE



Williamscot House

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1:250

17/02025/LB

East Wing

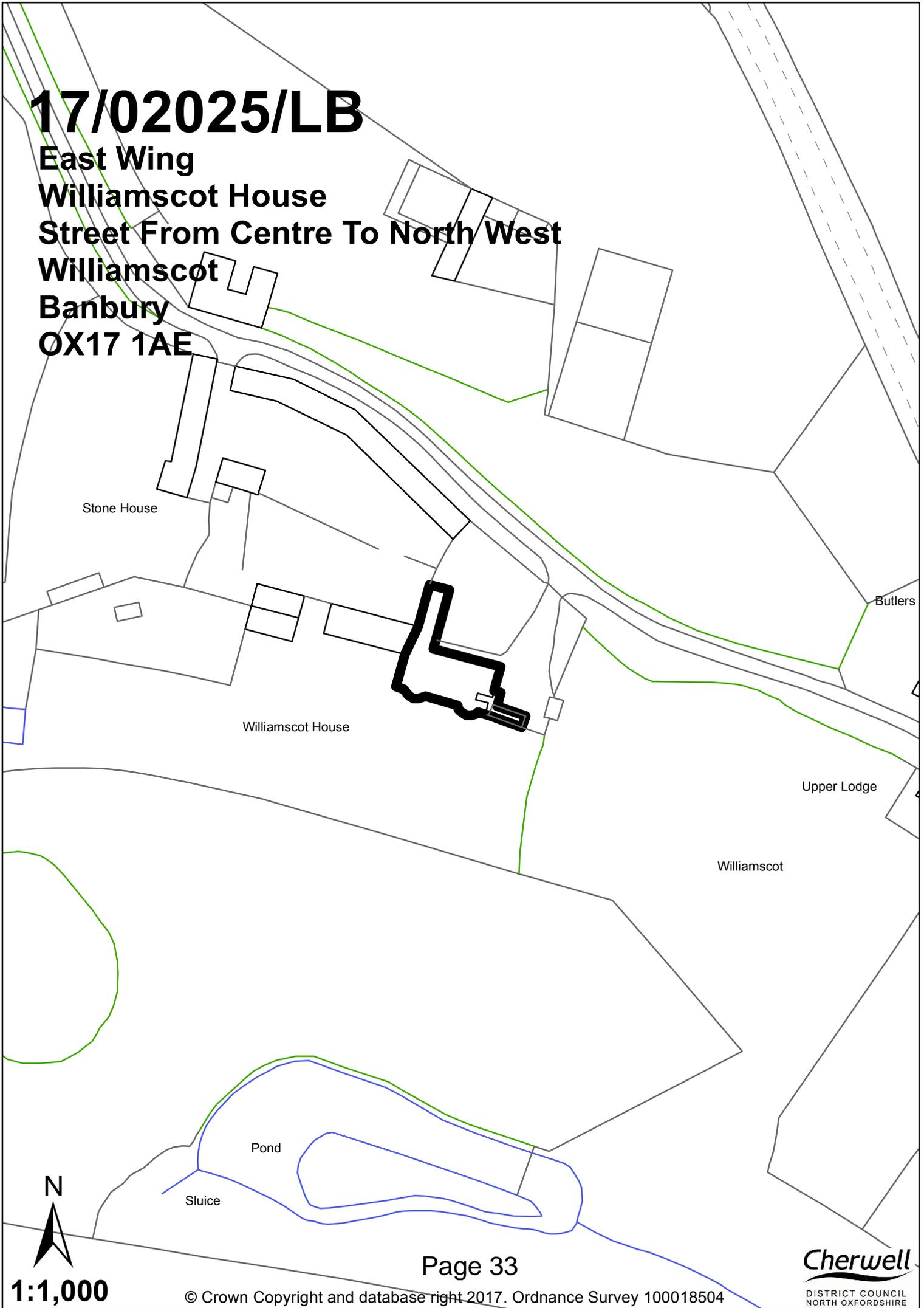
Williamscot House

Street From Centre To North West

Williamscot

Banbury

OX17 1AE



Stone House

Butlers

Williamscot House

Upper Lodge

Williamscot

Pond

Sluice

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Applicant: Williamscot Estate

Proposal: Regularising historic internal and external works to the West Wing of Williamscot House - refer to supplementary sheet for details

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Ken Atack
Cllr George Reynolds
Cllr Douglas Webb

Reason for Referral: Member call-in request – Cllr Atack

Expiry Date: 28 November 2017 **Committee Date:** 26 October 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to a late sixteenth century property situated within Williamscot, a settlement to the north east of Banbury. The site is accessed from a private driveway which has two access points from Cropredy Lane and further along the road at 'Williamscot Road' (to the North West).
- 1.2. The application site relates to the East Wing at Williamscot house. The house itself has historically been divided into two wings (East and West), with a latter addition to the west of the property being known as the Georgian Wing. The East and West Wings of Williamscot House are Grade II* Listed and there are a number of Grade II Listed Buildings in close proximity, including the Georgian Wing; Orangery And Attached Wall Approximately 5 Metres West Of Williamscot House; Stable Range Approximately 25 Metres North West Williamscot House; and the Old School House. The site is also situated within the designated Williamscot Conservation Area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The planning history for the site is long and complicated. At some point between 1969 and 2014 a number of alterations were carried out to the listed building without Listed Building consent. It is noted that the majority of these alterations were latterly included on plans for other listed building consent applications (which were approved), but no consent was specifically sought for these works.
- 2.2. This application seeks to regularise the historic works to the Listed Building. Given the long and complicated history of the application site, it is difficult to identify which of these works require consent. Nevertheless, a schedule of works has been produced which, to the best of our knowledge, identifies these.
- 2.3. The schedule of works has been produced jointly for the East and West Wings (pages 14 to 23 are not relevant in this instance as they solely refer to the West Wing). Particular items of note are the creation of a new corridor adjacent to the first floor master bedroom (with the creation of an ensuite); and an access through the existing wall to the bathroom. It is noted that a number of other alterations have

been made to the plan form of the building, including a ground floor WC being inserted in the hallway between the front door and the downstairs second kitchen.

- 2.4. A concurrent Listed Building consent application has been submitted for the West Wing, application reference 17/01034/LB.

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>
LB.B.9/69	Subdivision of property into 3 dwellings	Application Permitted
LB.B.25/72	New External Steps	Application Permitted
LB.B.28/72	Convert West Wing into self-contained dwellinghouse	Application Permitted
B.827/72	Convert 18th century wing into a self-contained dwelling	Application Permitted
12/01085/LB	Single storey extension	Application Permitted
12/01086/F	Single storey extension	Application Permitted
13/01142/LB	Internal alterations to reinstate East and West wings as 1 dwelling.	Application Permitted
13/00343/DISC	Clearance of conditions 5 & 6 of 13/01142/LB	Application Permitted
17/01034/LB	Regularising historic internal and external works to the West Wing of Williamscot House - refer to supplementary sheet for details	Pending Decision
17/01424/CLUE	Certificate of Lawfulness of Existing Use. The West Wing is a self-contained dwelling with its own entrance, kitchen and bathrooms. In the future it may be either sold together with the East Wing to make a "granny flat", or a large single dwelling, or sold separately on its own. For the foreseeable future we wish to rent the West Wing to tenants.	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, 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 is 02.11.2017.
- 5.2. Whilst no comments were received at the time of writing this report it is noted 1 representation had been made in respect of an identical application which was previously withdrawn (application 17/01033/LB refers). Given that there has been no material change in the nature of the application, these comments have been taken into account in the assessment of this application. Furthermore, given that no additional information has been provided within the current application (which the exception of some further background information), it is considered that the contributors would not been disadvantaged given that by Members considering the proposals prior to the expiry date of the public consultation period.
- 5.3. The comments raised by third parties are summarised as follows:
- The neighbouring occupiers objected the application (and the concurrent West Wing application) as they consider harm has been caused to the historic fabric of the listed building and no clear and convincing justification has been provided. It is noted that they also produced a heritage statement regarding the proposed works concluding that the majority of them should be refused consent.
- 5.4. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

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

WARDINGTON PARISH COUNCIL

- 6.2. Wardington Parish Council raises no objections to the proposals.

STATUTORY CONSULTEES

- 6.3. Historic England originally advised that they did not wish to comment on the application and that advice should be sought from Cherwell District Council's conservation specialists. However, following on from the amount of neighbour and political interest in this application (and given the complicated planning history of the site), Historic England were requested to provide comments.
- 6.4. Historic England carried out a joint site visit with CDC Planning and Conservation Officers on 18/09/2017 and they provided the following written response, which concludes:

Historic England supports the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 17 and 132. In determining this application you should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest

which they possess. In our opinion granting this application would be consistent with paying special regard to the desirability of preserving the listed building.

NON-STATUTORY CONSULTEES

- 6.5. The Conservation Officer was involved in the assessment of the application and the investigations into the status of the works. It is noted that they provided an annotated plan that drew together some of the planning history of the site.
- 6.6. Whilst they raised some verbal concerns regarding some of the works, no formal comments were provided prior to this report being written. Should any comments be received from the Conservation Officer after the publishing of the Committee Agenda, Members will be updated accordingly.

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)

- C18 – Proposals affecting a listed building
- C28 – Layout, design and external appearance of new development

- 7.3. Other Material Planning Considerations
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - Managing Significance in Decision-Taking in the Historic Environment: Historic England Good Practice (2015)
 - The Setting of Heritage Assets: Historic England Good Practice (2015)

8. APPRAISAL

- 8.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building(s).
- 8.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

- 8.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 129 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*
- 8.4. 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.
- 8.5. When dealing with an application for listed building consent it is important to understand the significance of the building. In this instance, the significance of the building lies within evidential value retained in the walls, floors, and roof structure of the building. The exterior of the building is also considered to contribute towards the significance of the building, being of architectural value.
- 8.6. This part of the building has undergone a great deal of change in the later 20th century and it is likely that the West Wing took its current form in 1969 when Williamscoth House was subdivided (and the consented plans were not implemented fully or accurately). As a result, many of the internal works in the East Wing do not benefit from listed building consent, despite the fact that the building has probably been in this state for approximately 50 years.
- 8.7. Historic England have advised that:
- The unauthorised works, while different to those consented, have in my opinion only meaningfully harmed the significance of the building in one respect: a doorway has been cut through primary fabric at first floor level to provide direct access from the landing to the bathroom. However, as the harm is purely to the evidential value of the building through loss of early fabric and this harm would not in any way be rectified or ameliorated by blocking this opening, there is no sound reason for refusing retrospective consent. Another issue is that the partitions forming at WC out of the passage linking the front door to the kitchen at ground floor level do separate off one light of a three light mullioned window. However, as this is not visible externally and the room in question is not of particular significance in itself I think that it would be reasonable to conclude that the level of harm is very low and could be justified (as is required by paragraph 132 of the NPPF) in the context of producing a workable plan for modern living. Requiring the applicant to restore other aspects of the house to its supposed form in 1969 (which it probably never took) would not aid the preservation of, or enhance, the significance of the building in any way.*
- 8.8. Whilst it is noted that the neighbours objected to the previous application for the East Wing works (including a Heritage Statement), it is considered that these comments did not appropriately assess the significance of the building. Historic England (in respect of the concurrent West Wing application) advises that this heritage statement makes *'the error of assuming that the entire plan form as shown in 1969 contributed to the significance of the building ... this is not the case'*.
- 8.9. Having regard to all of the above mentioned comments, it is considered that the proposals have not detrimentally affected the significance of the building (which lies in the evidential value retained in the walls, floors and ceilings) and would therefore be in accordance with Saved Policies C18 and C28 of the CLP 1996; Policy ESD15

of the CLP 2031 (Part 1); and 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. In conclusion, the proposed works are not considered to be harmful to the historical significance of the listed building. It is therefore considered that the proposal complies with Saved Policies C18 and C28 of the Cherwell Local Plan 1996; Policy ESD15 of the Cherwell Local Plan 2011-2031; and Government guidance contained within the National Planning Policy Framework.

10. RECOMMENDATION

That consent is granted, subject to no new material planning considerations being raised in the remainder of the public consultation period and subject to the following conditions:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Design and Access Statement; 'History of East and West wings of Williamscot House since 1969'; site location plan 'SP4745NE'; 'Ground Floor Plan'; 'First Floor Plan'; 'Second Floor Plan'; and 'Williamscot House Schedule of Works Version 5' (with the exception of pages 14 to 23).

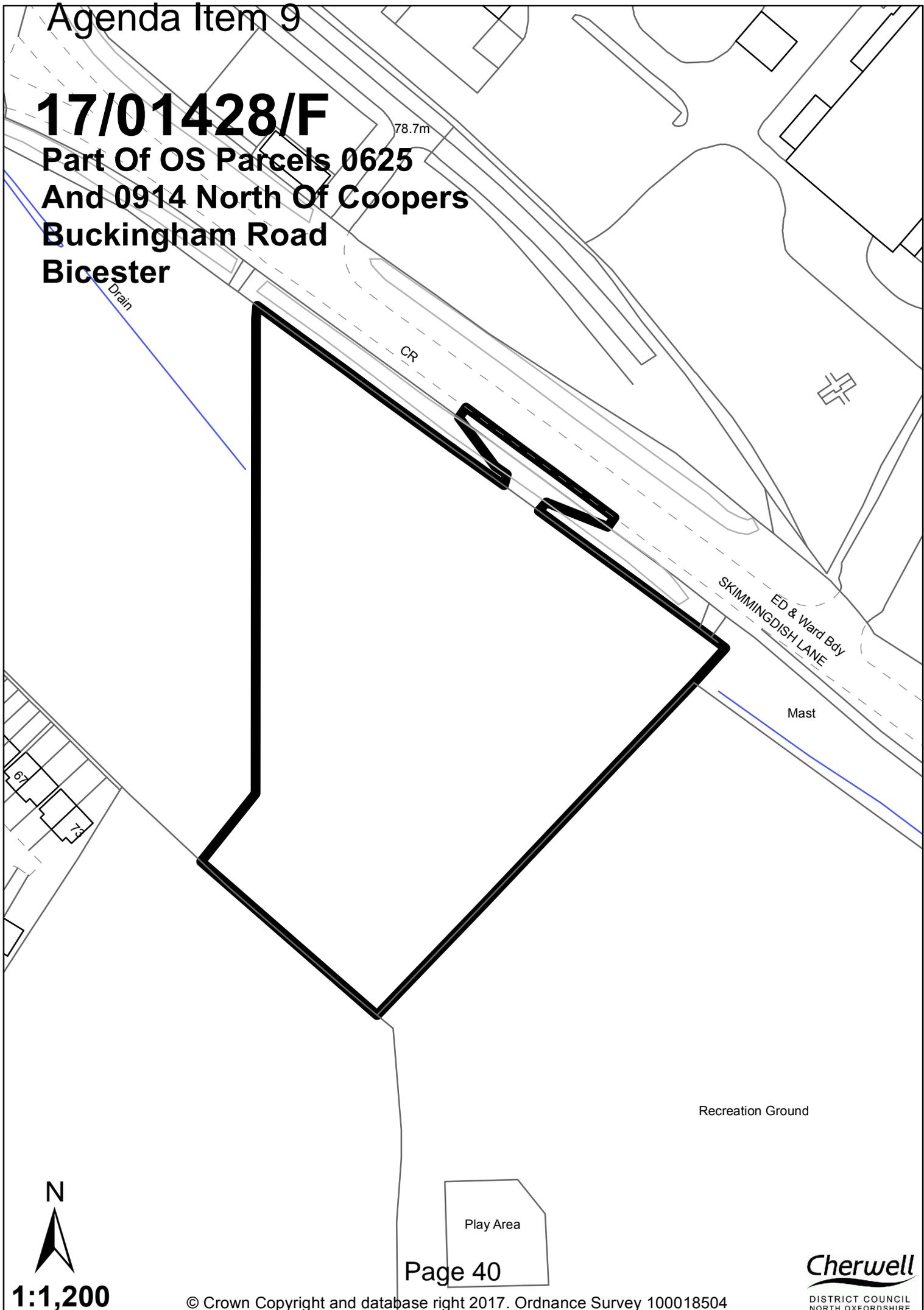
Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Coyne

TEL: 01295 221652

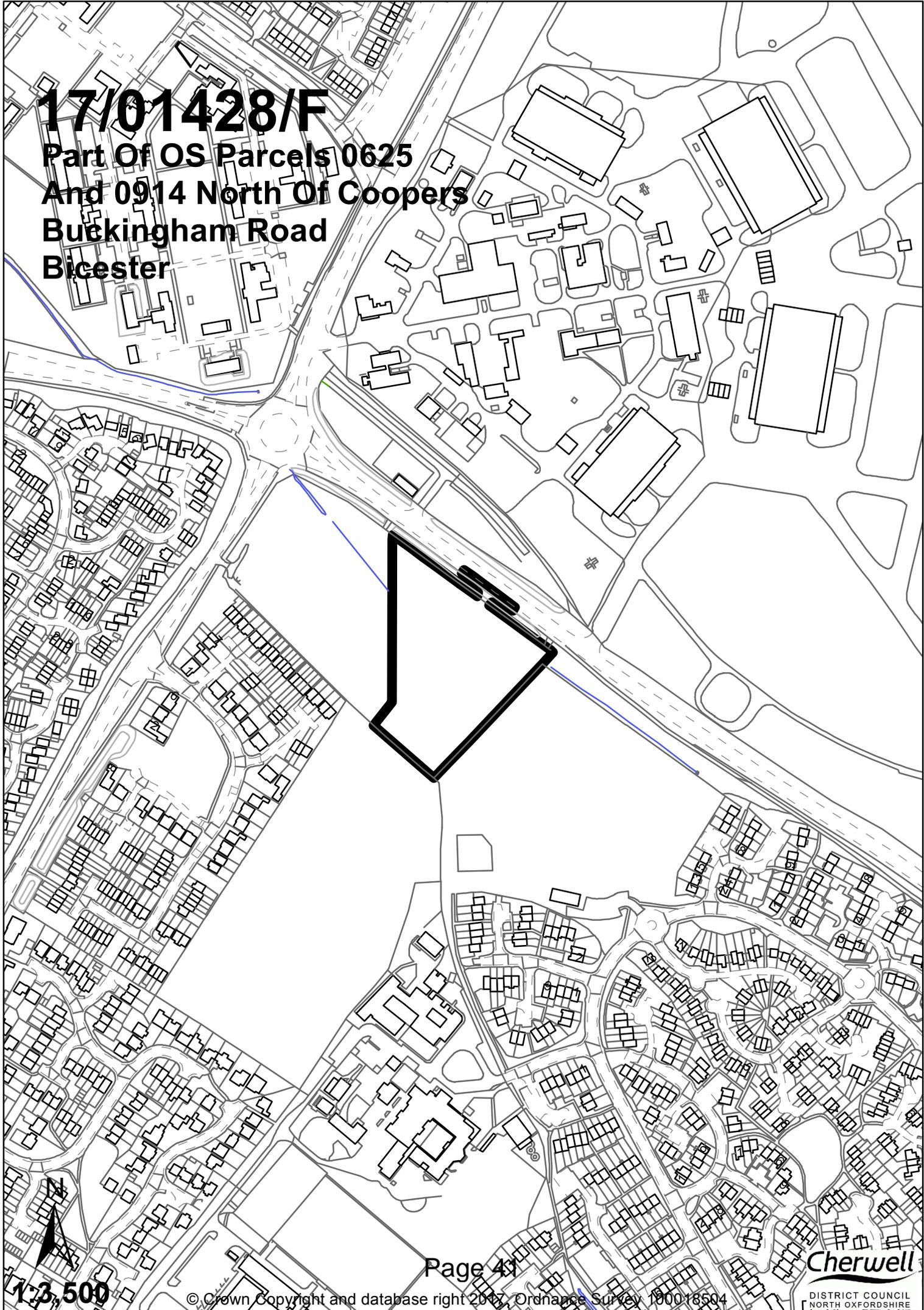
17/01428/F

Part Of OS Parcels 0625
And 0914 North Of Coopers
Buckingham Road
Bicester



17/01428/F

**Part Of OS Parcels 0625
And 0914 North Of Coopers
Buckingham Road
Bicester**



1:23,500

Applicant: LNT Care Developments Ltd/Greenlight Developments Ltd

Proposal: Erection of two-storey 64 bed care home for older people (Class C2 Use) with associated new access (off Skimmingdish Lane), parking and landscaping, and new linear park/public open space

Ward: Bicester East

Councillors: Cllr Sean Gaul
Cllr Richard Mould
Cllr Tom Wallis

Reason for Referral: Major Application

Expiry Date: 13 October 2017 **Committee Date:** 26 October 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the north of Coppers Green, south of Skimmingdish Lane, east of Buckingham Road, and west of Sunderland Drive recreation ground.
- 1.2. The application site comprises a large rough grassed area with dispersed trees and shrubs, enclosed by hedgerows and tree lined boundaries. The site is currently used for informal recreation purposes such as dog walking and is crossed by a series of unmarked paths. It should however be noted that the site is not in public ownership and the current use is unauthorised.
- 1.3. The application site is located to the south of the RAF Bicester designated Conservation Area which contains a number of listed and locally listed buildings as well as Bicester Airfield Local Wildlife Site .
- 1.4. The application site is part of a proposed District Wildlife Site and is adjacent to Skimmingdish Lane Balancing Pond, an area of high ecological value.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning permission is being sought for the erection of a two-storey 64 bed care home with associated access, parking and landscaping incorporating a linear park and public open space.
- 2.2. The care home would be located to the southern part of the site (proportionally 54% of the application site) with the proposed linear park located to the north (proportionally 46%). The building would take the form of a rotated 'H' shape and would incorporate two courtyards with formal gardens to serve residents. The

building footprint would be 1,680m² and the overall height of the building would be approximately 9.5m.

- 2.3. The building would be constructed predominantly from brick with elements of render and cladding with a slate (or similar) roof. Full material details are to be confirmed.
- 2.4. The building would be accessed via an access road off Skimmingdish Lane and would be served by a car park with provision for 20 cars including 2 disabled spaces and a drop off zone.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no recent planning history considered directly relevant to the current proposal although previous development proposals include:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
96/02065/OUT	Nursing home. OUTLINE.	Refused (Appeal Dismissed)
00/00005/OUT	Foodstore, 2 non-food retail units, 4 neighbourhood shops, social/community uses and car parking. (OUTLINE)	Refused
00/02147/OUT	Foodstore and carpark. (OUTLINE)	Refused
00/00358/OUT	Foodstore, 4 neighbourhood shops and car parking. Construction of new access onto highway. (OUTLINE)	Refused
02/02513/F	Erection of 1.8 metre high security fence	Refused
04/01610/OUT	Erection of 85 No. dwellings at a gross density of 73 No. dwellings per hectare including three storey dwellings and means of access (OUTLINE)	Refused (Appeal Dismissed)
05/01091/OUT	Resubmission of 04/01611/OUT: Erection of 85 No. dwellings at a gross density of 73 No. dwellings per hectare including three storey dwellings and means of access (OUTLINE).	Refused

4. PRE-APPLICATION DISCUSSIONS

- 4.1. Pre-application discussions have taken place with regards to the current proposal. Issues including the principle of development, balance between open space and built development, ecology, open space management, archaeology, access and S106 requirements were considered.

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 17 August 2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. Comments have been received from 3 local residents and the local CPRE branch. Their comments are summarised as follows:

- The site is recognised by TVERC as a District Wildlife Site
- The loss of such sites around the County must be stopped
- Access to wildlife sites is important for the health and wellbeing of residents
- The Council needs to protect green spaces especially those with an identified environmental importance
- The access is in a dangerous position and crossed a footway and cycle path
- The access will compromise vehicles trying to access the aerodrome
- The proposed open space is intended to be reserved for the creation of a dual carriageway and not for improving biodiversity
- Local residents would lose their present close access to one of the few remaining green spaces
- Children attending Coopers School would suffer increase pollution from traffic on Skimmingdish Lane as the loss of vegetation that currently helps to absorb this would be lost
- The site is very liable to flooding and would result in further flooding of nearby areas
- Bicester is regularly promoted in the news as an Eco Town and with a Healthy Town Initiative, how does the building on a nature reserve – one of the few remaining open spaces in Bicester fit in with this?
- There is provision for 46 staff but only 20 spaces – where is the additional parking?
- There is a risk of overspill parking on nearby residential roads
- The flood survey indicates a low probability of flooding, this is incorrect as the area floods on a regular basis
- No consideration has been made for the current level of traffic created by the new development on the ring road
- East ward is short of 4.36 hectares of open space (2011 report)
- The plans will narrow the wildlife corridor along Skimmingdish Lane which has already been severely compromised by new housing and a new electricity substation to the east
- If this natural space is reduced in area, then residents of the East ward will be much deprived of this type of accessible well-used open space

- The site should not be developed as it is an important part of Bicester's green infrastructure and provides a sponge for rain water, shade, air purification and noise absorption.
- The land has been reserved as open space for many years (Policy R1, 1996 Local Plan)

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

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Bicester Town Council: Objection.

- Skimmingdish Lane is already a very busy ring-road. Traffic trying to access and egress the site will have considerable difficulty cutting across the traffic, more so should Skimmingdish Lane become a dual carriageway as expected. The entrance is also very near the Buckingham Road roundabout and will cut across the cycleway and footpath increasing the risk of an accident.
- The application states there are 25 parking spaces however only 20 spaces can be identified on the plan and there will be 46 staff not to mention visitors, ambulances etc. This lack of sufficient parking is likely to cause parking issues in the nearby Coopers Green or Caversfield.
- This area of land is part of an area of natural/semi-natural space which has been selected by Thames Valley Environmental Record Centre as having district value for wildlife, as it is a priority habitat (unimproved lowland fen and marsh with a Thames Water attenuation pond). The Care Home proposal will negatively impact on the area's biodiversity as about half of the existing natural open space will be lost. The plans will narrow the wildlife corridor along Skimmingdish Lane which has already been severely compromised.
- This land is also subject to flooding and there is concern as to where the water will be dispersed if the land is built on. It is also used by dog walkers and for leisure activities. Bicester Town Council would wish to see protection of this site by resolution of Cherwell District Council as an amenity site identified in the Bicester Masterplan.
- Whilst a Care Home is to be welcomed in the town, this is in the wrong place both for the above reasons and for residents of the Care Home. If they are able bodied, then they have no nearby facilities to enjoy and if they are dementia sufferers this is an extremely dangerous area for them to negotiate should the worst happen and they get out of the home without supervision. Bicester Town Council therefore recommends REFUSAL.

STATUTORY CONSULTEES

6.3. Local Highways Authority: No objection subject to conditions and legal agreements.

- Trip generation will have a minimal impact upon the surrounding highway network from an operational and traffic safety point of view
- Conditions are required in relation to the proposed access, access road, turning areas, car parking provision, cycle parking provision, drainage, Construction Traffic Management Plan (CTMP) and Travel Plan
- A S106 contribution of £22,500 is required to provide improvements to the S5 bus service which would serve the development
- A S106 contribution of £1,240 is required to enable the travel plan to be monitored for a period of 5 years
- A S278 agreement is required for works within the highway
- A S278 contribution of £2,600 is required towards the cost of creating a legally enforced 'no right turn' from the site onto Skimmingdish Lane
- Comments in relation to the potential dualling of Skimmingdish Lane should be noted

6.4. Planning Archaeologist: No objection subject to conditions.

- The site is located in an area of archaeological interest as identified through an archaeological field evaluation which recorded evidence of a Late Iron Age enclosure settlement that continued in use into the Roman period. A programme of archaeological investigation will be required ahead of any development on the site which can be secured through an appropriately worded condition.

6.5. MOD Safeguarding Officer: No safeguarding objections.

NON-STATUTORY CONSULTTEES

6.6. Planning Policy:

- The application site together with adjacent land to the north has been used for informal recreation purposes over a number of years, (albeit with no formal public access), for dog walking and by residents in development to the south west of the site to access the Town Council recreation site and school recreation land to the south east and south west of the site respectively. The site is identified as a District Wildlife Site and an area of potentially contaminated land is recorded in the southern part of the site.
- The application site is reserved for recreation use under saved and retained Policy R1 of the 1996 Cherwell Local Plan. The policy indicates that proposals that would conflict with recreation use will be resisted. A number of previous planning applications for development of the site, including for a care home (96/02065/OUT, Appeal ref APP/C3105/A/97/283860), have been refused with refusal reasons including proposals being contrary to Policy R1.
- The adopted Cherwell Local Plan 2011-2031 (Part 1) is a strategic plan and does not bring through the retained non-strategic policies other than indicated in Appendix 7 of the Plan, or seek to allocate new non-strategic areas of land for recreation or open space.

- The adopted Local Plan Part 1 does however contain Policy Bicester 7, which is directly relevant to the application and seeks to protect the existing network of green spaces and secure new open space and linear route provision, to create a circular route around the town. This is the continuation of a long term objective contained in previous local plans to improve accessibility to open space and link residential and employment areas.
- The PPG17 Study (2006), Green Spaces Strategy (2008) and Open Space Update 2011 evidence base documents informing the preparation of Local Plan Part 1 did not record the site as existing open space, as it was not a secured open space in terms of having official public access. However the evidence base does refer to the site in the context of the recommendations for addressing the deficiencies in provision identified:
 - The PPG17 Study recommendations included long term planning to be undertaken for new park sites on the periphery of Bicester (P and G 2) and investigating a new allotment site in the north of Bicester.
 - The Green Spaces Strategy 2008 refers to land along Skimmingdish Lane in the Action Plan: Parks and Gardens: “Develop an “urban edge” park totalling at least 10.9ha around the outskirts of the town (including land designated along Skimmingdish Lane), linking existing green spaces and with signposted footpaths and cycleways connecting to the town centre, and Allotments: Provide 5.4ha of space, with priority provision in North and West Ward (Skimmingdish Lane).
- These objectives were re-affirmed in the Open Space Update 2011, which indicated a shortfall in open space provision in Bicester East Ward.
- The review of non-strategic policies such as Policy R1 is a matter for on-going work on Local Plan Part 2 and has a relationship with on-going work on the Bicester Garden Town Masterplan. Paragraph B.161 of Local Plan Part 1 explains that the open space evidence base will be updated through work on the Bicester Masterplan and Local Plan Part 2 and that “the identification of sites for new provision, other than those identified on the Policies Map (see Appendix 5: Maps) and related to the strategic sites identified in the Local Plan, will be identified in Local Plan Part 2.” This was acknowledged in the Inspector’s report (paragraph 150).
- The Council’s open space evidence base is currently being updated to inform the preparation of Local Plan Part 2. This will update deficiencies in provision, help identify how any deficiencies in provision will be addressed, inform whether existing sites allocated for recreation use should be retained, and advise on delivery. It is anticipated that the open space, sport and recreation assessments will be completed later in 2017 but at this stage updated information on deficiencies in provision relevant to consideration of this application is not available.
- The site is a district wildlife site and in accordance with policy ESD10, an application would need to be supported by ecological surveys, and demonstrate a net biodiversity gain and no net loss of any important habitats and species on the site.
- Adopted Policy BSC4 Housing Mix indicates that provision of specialist housing for older and/or disabled people will be encouraged in suitable locations close to services and facilities.

- The application site is assessed in the HELAA 2017 (part of larger site HELAA066) as being unsuitable for development, with reference made to the District Wildlife Site designation and the allocation for recreation use in the adopted 1996 Cherwell Local Plan.
- Development of the site would be contrary to saved Policy R1.
- The supporting information submitted as part of the application refers to a planning consent granted for residential development on land off Skimmingdish Lane in 2015 (14/00697/F), which was also a site reserved for recreation use under saved Policy R1. However at the time that application was submitted, the Council did not have a 5 year housing land supply and the Cherwell Local Plan Part 1 was not adopted. The Plan is now adopted and the 2016 AMR (March 2017) shows 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).
- The proposals include provision of a linear park/public open space on the eastern part of the site. The Design and Access Statement accompanying the application (paragraph 5.8) indicates that the objectives of the public open space would be to:
 - design the open space as an area of natural/semi natural green space/amenity green space and management and maintenance of the land into the future and
 - develop a formal public right of way/pedestrian access through and across the land, in order to contribute to the delivery of a linear park.
- The public open space /linear park element of the proposal (comprising 46% of the site) would make some contribution towards the objectives of open space policy in securing some public open space with a linear route through connecting to the existing footpath/cycleway along Skimmingdish Lane, and with the potential to connect to land to the north of the application site and the recreation ground to the south.
- However the proposals would result in an overall loss of land reserved for open space use and it is noted from OCC's response that should the potential dualling of Skimmingdish Lane go ahead, land within the site boundary may be required to create lanes leading to the Buckingham roundabout, which could result in the loss of some of the land currently proposed as public open space. Further information would be needed to establish whether this is likely.
- The proposal is contrary to Saved Policy R1 in that it would result in overall loss of land reserved for recreation use. However the proposals would secure formal public access to open space on nearly half of the site with a linear route through, making some contribution towards the objectives of Policy Bicester 7 (provided there is some assurance that the linear park/open space would not be significantly impacted by the potential dualling of Skimmingdish Lane).
- If it is considered that the policy issues identified above, including the ecological value of the site, have been sufficiently addressed so that on balance the benefits of the scheme and the contribution it would make to meeting the objectives of Policy Bicester 7 outweigh the overall loss of land reserved for recreation use, it should be ensured that:

- public use of the linear park/open space land is secured
- footpath cycleway connections are made through the site to connect with existing provision on Skimmingdish Lane and provide potential connections to both the existing recreation ground to the south and the balancing reservoir land to the north
- the design of the open space maximises biodiversity gain

6.7. Ecology Officer: No objection subject to conditions.

- The Ecology Officer has provided written and verbal comments in relation to this application and has concluded that the information submitted demonstrates that there would be no biodiversity loss and that no Biodiversity Impact Assessment (BIA) is required however, there are further opportunities for biodiversity gain and this can be achieved through conditions requiring a Landscape and Ecology Management Plan and a Construction Environmental Management Plan.

6.8. Landscape Officer: No objection subject to conditions and legal agreement.

- The Landscape Officer has provided written and verbal comments in relation to this application and has requested conditions requiring a Landscape and Ecology Management Plan, a Construction Environmental Management Plan, Tree Survey, Arboricultural Method Statement and hard and soft landscaping scheme.
- S106 contributions of £3,620 and £55,600 will be sought towards the future maintenance of hedgerows and informal open space respectively.

6.9. Leisure and Recreation: No objection.

- Provided that there are adequate community facilities within the care home, then no contributions will be requested – as per the SPD which indicates no sport or recreation facilities requirement from care home developments.

6.10. Strategic Housing: This is a Use Class C2 application. There is therefore no requirement towards affordable housing on this site.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- Policy PSD1: Presumption in Favour of Sustainable Development
- Policy BSC4: Housing Mix

- Policy BSC10: Open Space, Outdoor Sport and Recreation Provision
- Policy BSC 11: Local Standards of Provision Outdoor Recreation
- Policy ESD6: Sustainable Flood Risk Management
- Policy ESD7: Sustainable Drainage Systems
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD15: The Character of the Built and Historic Environment
- Policy ESD17: Green Infrastructure
- Policy Bicester 7: Meeting the Need for Open Space, Sport and Recreation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy R1: Allocation of land for recreation use
- Policy C28: Layout, design and external appearance of development of new development
- Policy C30: Design control
- Policy ENV12: Contaminated land

NON-STATUTORY CHERWELL LOCAL PLAN (2011)

- Policy R1: Allocation of land for recreation use
- Policy ENV17: Development on contaminated land

7.3. Other Material Planning Considerations

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

8. APPRAISAL

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

- Principle of development
- Access and transport
- Appearance
- Layout
- Scale
- Landscaping
- Biodiversity
- Drainage
- Planning contributions
- Other matters

Principle of development

8.2. The principle of development is guided by Policy PSD1 (CLP 2031 Part 1) which states that the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF and will work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible and, to secure development that improves the economic, social and environmental conditions in the area.

8.3. The proposed development is anticipated to generate between 40-50 new employment opportunities which are intended to be offered to suitable candidates

from the local area. There is therefore an economic benefit associated with the proposed development.

- 8.4. The proposed development would provide a 64 bedroom care facility, designed to meet the identified needs of the local community, specifically older people and those requiring personal and dementia care on a residential basis. There is therefore a social benefit associated with the proposed development, with the development providing specialist housing for older and disabled people to meet the needs of the local community, as required by Policy BSC4 (CLP 2031 Part 1). The development would also contribute towards health and wellbeing as required by Policy BSC6 (CLP 2031 Part 1).
- 8.5. The proposed development is considered to provide an environmental benefit through biodiversity gain as required by policy ESD10. These benefits are considered in more detail later in this report.
- 8.6. Retained Policy R1 (CLP 1996) allocates the application site for recreational use and there has been a long term ambition for the site to become part of a linear park around the periphery or urban edge of Bicester. The policy ambitions for the site are outlined in detail in the consultation response from Planning Policy.
- 8.7. The development proposal therefore conflicts with Policy R1 (CLP 1996); however it has been recognised by Planning Policy and Development Management that the development of part of this application site could act as an enabler towards achieving the policy ambition for a recreation space in this location, which until now has not been forthcoming.
- 8.8. As part of the development proposal, 46% of the application site has been proposed as public open space. Importantly, this public open space would be transferred to the Council (via the Section 106 mechanism), enabling the site to become publically accessible. Although the design of the public open space is yet to be finalised, it is anticipated that a pathway will provide an alternative walking and cycling route through the site, with the park connecting existing green spaces and recreational areas and providing a green corridor along Skimmingdish Lane. The proposal is therefore considered, on balance, to enable the Council to meet its ambitions with regards to Policy R1 (CLP 1996) and Policy BSC10 (CLP 2031 Part 1), subject to conditions relating to landscaping and biodiversity enhancements.
- 8.9. On balance, taking into account the social, economic and environmental benefits of the proposal and the limited harm caused by the partial conflict with Policy R1, the principle of development is considered acceptable.

Access and transport

- 8.10. The proposed access arrangements are considered acceptable and are unlikely to cause harm in terms of highways safety subject to the conditions and requirements specified by the Local Highways Authority. The level of car parking provision for staff and visitors is considered acceptable however precise details of the car park layout and cycle parking provision are required.
- 8.11. The Local Highways Authority has requested a contribution of £22,500 towards improvements to the S5 bus service and a contribution towards the cost of monitoring the travel plan associated with the development. A full justification for these contributions has been provided in the Local Highways Authority consultation response. The justification provided is considered to satisfy the tests outlined in the NPPF and CIL Regulations.

- 8.12. Although the development is located on the periphery of Bicester, it is located in a relatively sustainable location by virtue of its connections to existing walking and cycling networks and proposed improvements to the bus service. The proposal is therefore considered to comply with Policy SLE4 (CLP 2031 Part 1).

Appearance

- 8.13. The proposed development would be constructed predominantly from brick with elements of render and cladding with a slate (or similar) roof. The materials proposed are considered acceptable however full details of the materials proposed will need to be provided via condition. The appearance of the building is consistent with buildings of similar age and function and is considered to be compatible within the local context.

Layout

- 8.14. The proposed development is 'H' shaped and would incorporate two courtyards with formal gardens to serve residents. The building would be accessed via an access road which passes through the proposed public open space. The proportion of building form to open space is considered to be acceptable.

Scale

- 8.15. The two-storey building would have a footprint of 1,680m² and overall ridge height of 9.5m, the scale of the building is therefore relatively large but this mass is broken up by the 'H' shape design and the use of projecting gables on each elevation.

Landscaping

- 8.16. There are two key elements of landscaping associated with the proposal. The first is the landscaping associated with the care home and the second is the landscaping associated with the public open space.

- 8.17. The landscaping associated with the care home is formal with grassed areas, trees, shrubs and paths.

- 8.18. The landscaping associated with the public open space is informal and designed primarily for biodiversity gain. The existing scrub is to be retained where possible and will intersperse the open grassland. The boundary between the public open space and formal area will be strengthened with trees and shrubs. A path will run through the public open space, connecting the adjacent balancing pond with the site and Skimmingdish Lane. It is anticipated that this path will be suitable for both pedestrians and cyclists.

- 8.19. Although an indicative landscape plan has been submitted with the application, additional information regarding the design and management of the landscaping is required. It is recommended that this is sought by condition.

- 8.20. The Landscape Officer has requested planning contributions towards the future maintenance of the public open space and hedgerows. As the public open space and hedgerows are to be transferred to the Council and will need to be managed on an ongoing basis, these contributions are considered necessary and reasonable and satisfy the tests outlined in the NPPF and CIL Regulations.

Biodiversity

- 8.21. The application site is part of a proposed District Wildlife Site and is adjacent to Skimmingdish Lane Balancing Pond which is an area of high ecological value.

During the course of the application it has become apparent that there is some confusion as to the weight which should be attributed to District Wildlife Sites so it would be helpful to briefly explain their significance.

- 8.22. District Wildlife Sites are likely to have significant value for wildlife and support many different habitats and species. District Wildlife Sites are recommended to the Council by the Thames Valley Environmental Records Centre (TVERC) based on local expertise and knowledge. District Wildlife Sites are not considered sufficient to be of County importance but are worthy of recognition at the District level and with the appropriate management can attain the Local Wildlife Site designation. Until District Wildlife Sites proposed by TVERC have been adopted by the Council, they do not have the same weight as District Wildlife Sites. The application site is a proposed District Wildlife Site; therefore the weight which can be attributed to this designation is limited. This does not however mean that the ecological significance of the site is in anyway reduced and there is a still a requirement for the applicant to demonstrate that the proposal would not cause adverse harm to biodiversity.
- 8.23. The Ecology Assessment submitted by the application states that on the basis of the ecology surveys undertaken, the application site is not considered to be of high intrinsic value from an ecology and nature conservation perspective and that the design of the proposed development and implementation of the identified mitigation measures will ensure that there are no adverse effects on any designated sites or protected species as a result of development at the application site.
- 8.24. The Council's Ecologist has reviewed the information submitted with the application and agrees that the development would not result in biodiversity loss but there are opportunities for biodiversity gain and this can be achieved through conditions requiring a Landscape and Ecology Management Plan and Construction Environmental Management Plan. These conditions are considered both necessary and reasonable considering the limited level of detail provided by the application in relation to biodiversity enhancements. Subject to these conditions, the proposal is considered to comply with Policy ESD10 (CLP 2031 Part 1).

Drainage

- 8.25. The application site is not located within flood zones 2 or 3 but is at risk of surface water flooding from the adjacent balancing ponds should they exceed their capacity. The proposed development therefore needs to be able to accommodate this potential flooding in terms of surface water drainage and storage, however the probability of a flooding event occurring is low. The applicant has submitted a drainage scheme as part of the application and this has been considered by the Lead Local Flood Authority (Oxfordshire County Council). Whilst the Lead Local Flood Authority has raised no objection to the proposal, it has concluded that the drainage scheme is still of an outline nature and has requested that a full detailed drainage design and supporting calculations are submitted via condition. Subject to this condition, the proposed scheme is considered to comply with Policies ESD6 and ESD7 (CLP 2031 Part 1).

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposed development would result in the development of a care home which is considered to provide social, economic and environmental benefits which on

balance, taking into account representations made by consultees and members of the public, are considered to outweigh the partial loss of an allocated recreation site to development. However, the public benefit arising from the provision of public open space for the purposes of recreation is significant and should not be underestimated, especially given the long held aspirations for the creation of a linear park in this location.

- 9.3. The application is therefore recommend for approval subject to the completion of a satisfactory S106 agreement to incorporate the transfer of the public open space to the Council and necessary planning contributions and the conditions outlined below.

10. RECOMMENDATION

Resolve to grant planning subject to:

- a) Delegation of the negotiation of a satisfactory S106 agreement.
- b) 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 development shall be carried out strictly in accordance with the following plans and documents: Application Forms, Planning Statement, Design and Access Statement, Geo-environmental Appraisal, Transport Statement, Travel Plan, Arboricultural Appraisal, Ecological Appraisal, Drainage and Flood Risk Assessment and Drawings Numbered OX26 4XJ-P-05 Rev. D, OX26 4XJ-P-06 Rev. C, OX26 4XJ-P-03 Rev. A, OX26 4XJ-A-04 Rev. D, OX26 4XJ-A-02

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, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

- 4 Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the development, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the rooms, 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.

- 5 Prior to the commencement of the development hereby approved, a plan showing car parking provision to be accommodated within 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 parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

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

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

- 7 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
- Sizing of features - attenuation volume
- Infiltration in accordance with BRE365 (Soakage Testing)
- Detailed drainage layout with pipe numbers
- SUDS - (Trench Soakaways)
- Network drainage calculations
- Phasing
- Maintenance and management of SUDS features (including details of who will be responsible for maintaining the SUDS & landowner details).

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.

- 8 Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, full details of the construction of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the construction shall be carried out in accordance with the approved

details. A Construction Traffic Management Plan (CTMP) will need to incorporate the following in detail (where necessary):

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

- 9 Prior to the first occupation of the development hereby approved, and notwithstanding the details submitted, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

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

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

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

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

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

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

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

11 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 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.

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

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

13 Prior to the commencement of the development hereby approved, a schedule of materials and finishes, including samples, for the external walls and roof of the development hereby approved 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 and material samples.

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.

- 14 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, the approved means of enclosure, in respect of those dwellings which they are intended to screen shall be erected, in accordance with the approved details, prior to the first occupation of those dwellings.

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.

- 15 Notwithstanding any details 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 1996 and Government guidance contained within the National Planning Policy Framework.

- 16 Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

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

- 17 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

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

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

Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

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

- 19 Prior to the first occupation of the development hereby approved, a public art scheme shall be submitted to and approved by the Local Planning Authority. Thereafter, the public art scheme shall be implemented, maintained and retained in accordance with the approved details.

Reason - To enhance the setting and environment of the proposed building in accordance with policy C28 of the adopted Cherwell Local Plan.

- 20 Prior to the commencement of the development hereby approved, full details of the proposed temporary access (to be used for construction purposes) shall be submitted to and approved in writing by the Local Highway Authority. Thereafter, it will be formed, laid out, and constructed strictly in accordance with the approved details.

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

CASE OFFICER: Lewis Bankes-Hughes

TEL: 01295 221884

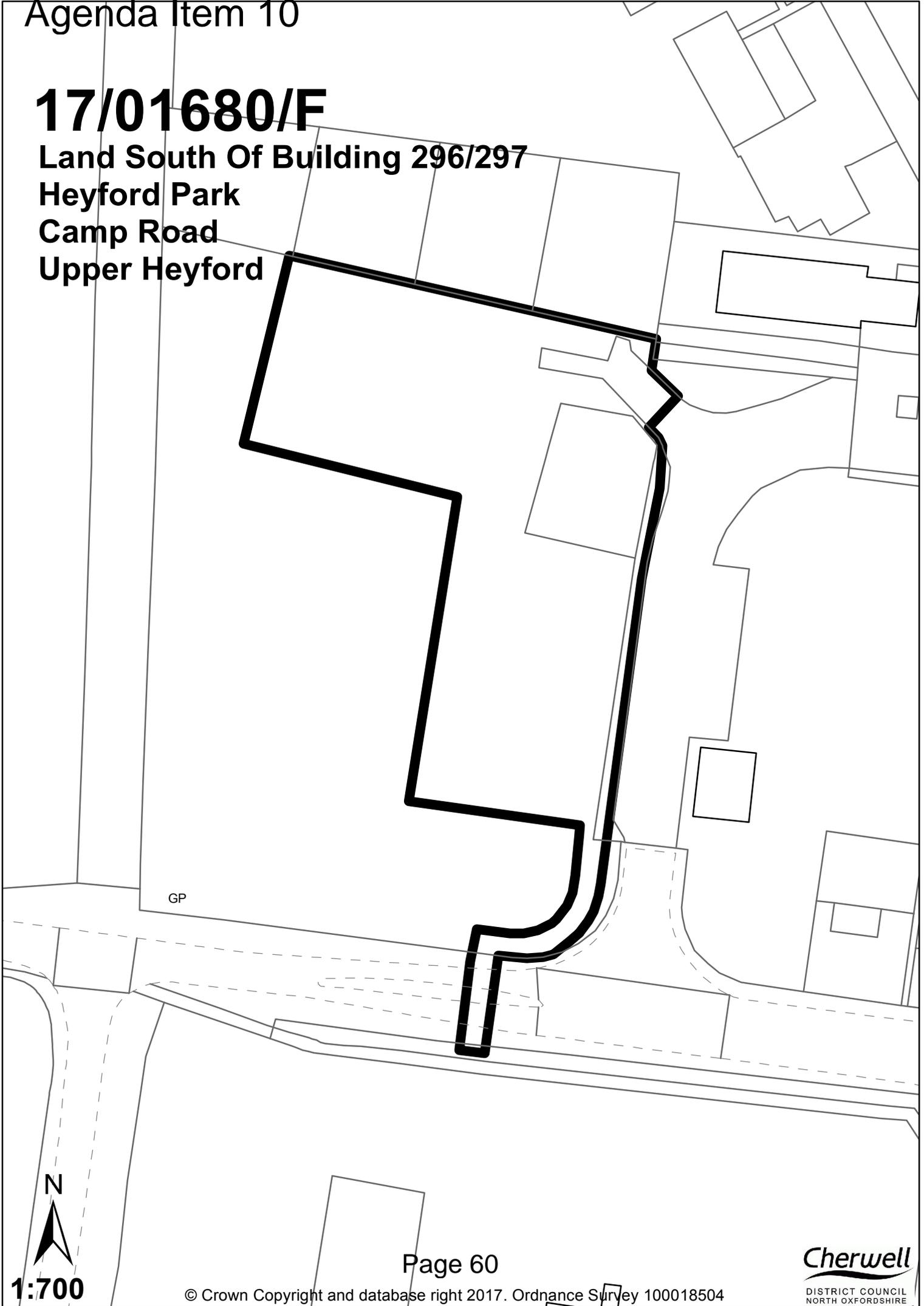
17/01680/F

Land South Of Building 296/297

Heyford Park

Camp Road

Upper Heyford



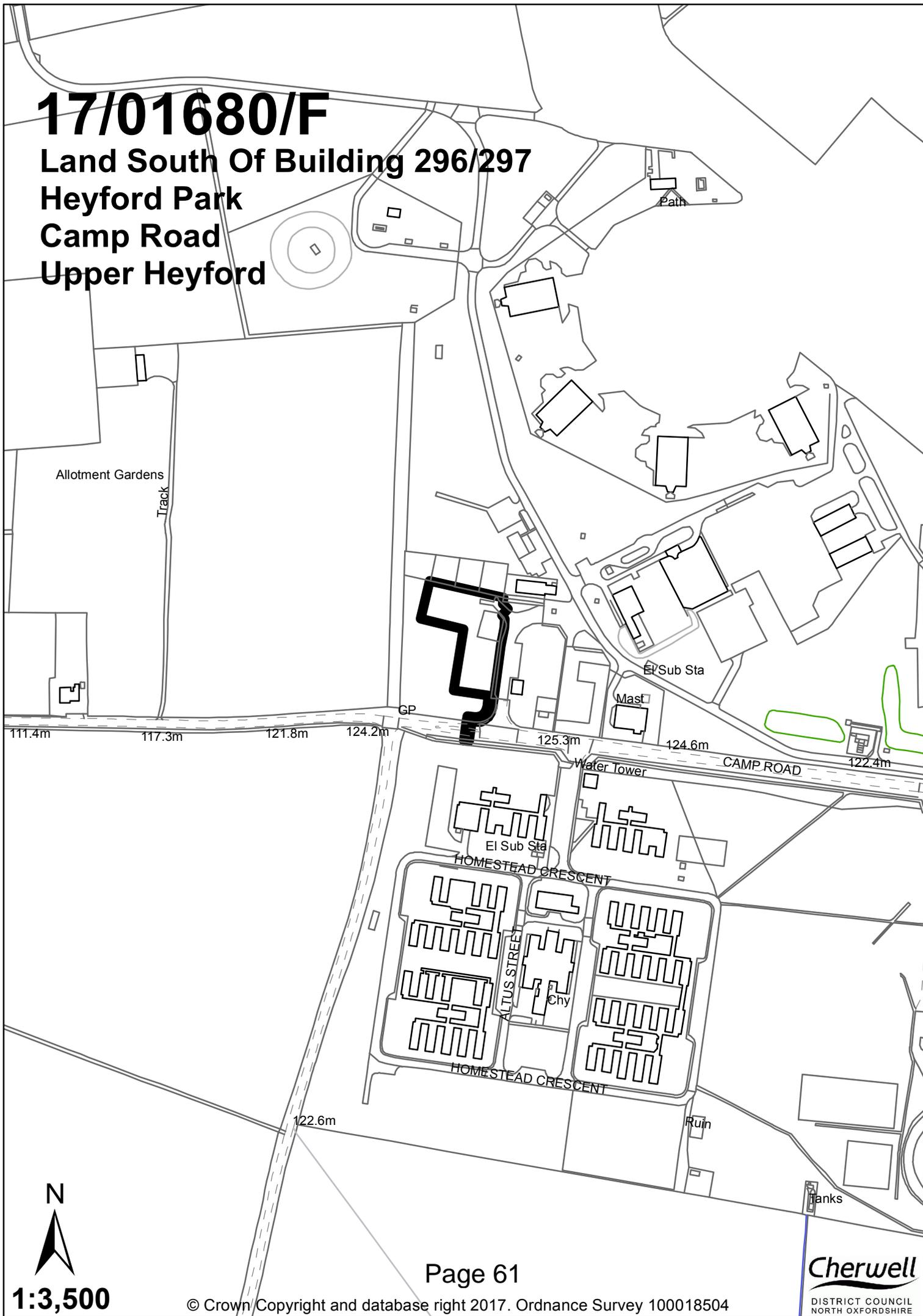
17/01680/F

Land South Of Building 296/297

Heyford Park

Camp Road

Upper Heyford



1:3,500

Applicant:	Upper Heyford LP	
Proposal:	Early years day care nursery and new footpath access with associated works (10 year period)	
Ward:	Fringford And Heyfords	
Councillors:	Cllr Ian Corkin Cllr James Macnamara Cllr Barry Wood	
Reason for Referral:	Departure from Policy Villages 5 (CLP 2031 Part 1)	
Expiry Date:	5 October 2017	Committee Date: 26 October 2017
Recommendation:	Approve subject to conditions and overcoming the outstanding objection from the Local Highways Authority.	

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the far west of the former RAF Upper Heyford air base, approximately 65m north of Camp Road and approximately 15m east of Portway, a public bridleway and historic footpath route.
- 1.2. The application site is within the designated RAF Upper Heyford Conservation Area and is approximately 65m west of a designated Scheduled Monument, the avionics maintenance facility and approximately 125m south of a group of hardened aircraft shelters, buildings 3048-3051, all listed of local interest. .
- 1.3. The application site is within a rough grassed area bounded by a security fence to the south and west and a dog training club and kennels to the north. Within the site there is a disused compound enclosed by a timber fence.
- 1.4. The application site is accessed via the Gate 7 entrance off Camp Road. There is currently no dedicated pedestrian access into the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning permission is being sought for a period of 10 years for the erection of an early years day care nursery with associated car park, play space, vehicle and pedestrian access, septic tank and septic tank drainage field.
- 2.2. The nursery building itself takes the form of a pre-fabricated building with a gross external area of 252m². The building would be clad using cedar cladding with anthracite coloured doors and windows. Two areas of artificial grass would be

provided to the east and west of the building for outdoor play. These would be enclosed by boundary fences of 1.5 to 1.8m in height.

- 2.3. The nursery would be served by a car park with provision for up to 16 visitor and staff parking spaces.
- 2.4. In addition to the existing vehicular access, a pedestrian access would be created, linking the nursery to Camp Road. A pedestrian crossing is also proposed on Camp Road, enabling pedestrians to access the site from the existing main footpath that runs along the south side of Camp Road.
- 2.5. During the course of the application additional plans were submitted which included the provision of an underground septic tank and infiltration field. These would be located to the south east of the nursery building and would not be visible once installed. Upon receipt of these plans, the application was re-advertised.

3. RELEVANT PLANNING HISTORY

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).	Granted on appeal (January 2010)
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. Informal 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. Following the first round of consultation, a further round of consultation was undertaken following amendments to the proposal. The final date for comments was 11 October 2017, although comments received after this date and before finalising this report have also been taken into account.

- 5.2. Two sets of comments from the same third party are summarised as follows:

- This development is not in accordance with and should be considered to be a departure from the Local Plan being proposed in the absence of the comprehensive integrated approach required by policy Villages 5 (and should be advertised as such). It would be premature to permit this building and use without a proper understanding of how the whole (heritage) site will be developed and used.

- In the terms used by Pegasus, this application would further dilute the heritage. The Heritage Statement explains the proximity of the nursery to the Avionics Building a scheduled monument but does not describe the incongruity of having a children's nursery so close to this iconic Cold War building. The heritage impact statement required by Villages 5 must cover the whole site. The building and the use would be incongruous elements in the Cold War landscape and would not preserve or enhance the character or appearance of the Conservation Area.
- The site to the north of Camp Road and 450m from a bus stop is unsuitable for the proposed use that should be better related to both the public transport system (for children, carers and staff) and to the residential development now and not in ten years' time. The Design and Access statement refers to the desirability of a high degree of integration while this proposal represents the direct opposite.
- The application should be refused as being in an unsuitable and unsustainable location that conflicts with the setting of a Scheduled Monument. It is also premature pending the preparation and approval of a master plan and heritage impact study as required by Local Plan policy Villages 5.

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: Upper Heyford Parish Council supports this application as a much needed amenity for the rapidly expanding residential development. Siting of a permanent facility must be included in the master plan being developed for the site.

STATUTORY CONSULTEES

- 6.3. Historic England: On the basis of the information provided, Historic England do not wish to offer any comments.
- 6.4. Local Highways Authority (Oxfordshire County Council): The transport statement submitted with the application demonstrates that the traffic impact of the proposal will be acceptable and that the parking provision and swept path analysis submitted with the application is acceptable. The drainage proposals submitted with the application are acceptable. However, the Local Highways Authority objects to the proposal on the ground that the proposed pedestrian crossing requires additional traffic calming in order to reduce the speed of vehicles using Camp Road and a speed survey is required in order to design a suitable scheme.
- 6.5. Local Education Authority (Oxfordshire County Council): The County Council supports this application. It is required to meet statutory duties. There is a need to replace the early years and childcare provision that recently closed, in order to facilitate the development of Heyford Park, so that the existing families in the area continue to have access to provision. There is also a need to increase provision to meet the needs of additional families that will live in Heyford Park, as the result of the significant housing development planned for the area.

NON-STATUTORY CONSULTTEES

- 6.6. Planning Archaeologist (Oxfordshire County Council): The proposals as outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
- 6.7. Design and Conservation Officer: The proposed development lies within the RAF Upper Heyford Conservation Area in Character Area 8B 'South west edge Avionics and HASs' *'The close group of hangars and the imposing presence and distinct form of the Avionics Maintenance Facility characterise this area which is well linked to Area 1 by its open character'*. The specific site of the proposed nursery lies just outside the core part of this area, but would impact on the setting of it. The site is also at the gateway to the Upper Heyford RAF base and would be highly visible from Camp Road.

The site does not appear to have had a specific function historically, but contributes to the general character and setting of the airbase. The site also lies in close proximity to the Avionics Building – a scheduled ancient monument. It is understood that there is limited inter-visibility between the two sites, but the proposed development will impact on the wider setting of the monument.

There would be significant concerns with the principle of permanent development in this location. It is noted that the permission is temporary; but that the period of time is 10 years and that the form of construction is similar to a permanent structure. There are also concerns that a permanent location has not yet been identified for the nursery and there is potential for this to become a permanent site. Consideration should be given to converting or locating a temporary nursery building within one of the many structures around the Heyford site.

Notwithstanding the concern with the principle of development in this area there are additional concerns regarding the design. The airfield has a significant number of utilitarian buildings, and a temporary structure could easily be designed to fit in with this aesthetic. It is the proposed material of cedar cladding that is considered to be a problem. There are also concerns with the provision of a 1.8m high close boarded fence in this location. It is appreciated that a boundary of some kind is required, but greater consideration would need to be given to the design to integrate it better in to the surrounding area.

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

- BSC7 - Meeting Education Needs
- SLE1 - Employment Development

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)
- Mid-Cherwell Neighbourhood Plan
- RAF Upper Heyford Conservation Appraisal (2006)

8. APPRAISAL

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

- Principle of development
- Access and parking
- Drainage
- Design and heritage

Principle of development

- 8.2. The principle of development is guided by Policy Villages 5 (CLP 2031 Part 1) which relates to the redevelopment of Heyford Park. The application site is included within the land identified on the Policy Villages 5 inset map however it is not located within an area identified as having potential for future development. The site is also located outside of the site granted permission under planning application reference 10/01642/OUT for a new settlement.
- 8.3. Policy Villages 5 supports the provision of infrastructure required to serve the new development including a nursery (a D1 use). It also supports the creation of employment opportunities. However, employment opportunities and development arising from existing permissions (including application reference 10/01642/OUT) and those outside of use classes B1, B2 and B8 should be accommodated primarily within existing buildings within the overall site where appropriate, or on limited green field land to the south of Camp Road. The applicant was requested to undertake further research to identify suitable alternative locations for the proposed use on land or in buildings within the existing settlement but the applicant has not provided any suitable alternative locations. It should however be noted that part of the rationale for the proposed location is that it is a suitable distance from the construction work currently taking place in the centre of Heyford Park, which due to safety and noise reasons would be an unsuitable location for a nursery development until completed.
- 8.4. The proposal is therefore considered not to fully accord with Policy Villages 5. It is however expected that the nursery would be located to a new site closer to the centre of Heyford Park in the future and work to identify this location is currently underway as part of a forthcoming masterplan application. On this basis, given the intention to provide an alternative site in the near future, it may be possible for a temporary consent to be considered.
- 8.5. In addition to Policy Villages 5, the proposal also needs to be considered against Policy BSC7 (CLP 2031 Part 1). This Policy relates to educational need and states

that the Council will work with partners to ensure the provision of pre-schools and those new school buildings should be located in sustainable locations and promotes the co-location of other services and facilities with schools to create community hubs. The proposal would enable the Council to meet the requirement for educational need and is supported by the Local Education Authority. The location of the nursery is not considered sustainable as a permanent solution and the long term ambition, as previously discussed, would be for the nursery to be located within the village centre as part of a community hub or in one of the school bases.

- 8.6. The applicant has stated that planning permission would be required for a temporary period of 10 years. This period of time is considered significant for what is intended to be a temporary building, especially given the proposed location, however evidence has been provided to demonstrate that a period of at least 8 years is required in order to enable the applicant and occupier to recoup their investment. The period of 10 years has therefore been proposed to provide some flexibility should uptake rates be lower than initially expected. This justification for this time period is considered acceptable however it should not be assumed that this permission will be renewed or that a permanent building would be permitted in this location. A time limit condition will also be required to ensure that the building and any associated infrastructure are removed, if permission is granted, once the consent has lapsed.
- 8.7. Although the proposal does not fully accord with Policies Villages 5 and BSC7, it does go some way towards achieving these policy ambitions and in the knowledge that it is the developer's intention that the nursery will be relocated to a more central location in the future, it is considered, on balance, that the granting of a temporary consent, not exceeding 10 years, for a nursery in this location makes the development acceptable in principle.

Access and Parking

- 8.8. The proposed nursery would be located in an accessible location for vehicles and a pathway connection would be created to link the development with the wider foot and cycle path network. Cycle parking has been proposed adjacent to the nursery building however further details are required and these will be sought by condition. The Local Highways Authority has stated that the traffic impact of the proposal and parking provision is acceptable. However it is apparent that additional work is required to ensure the creation of a safe crossing on Camp Road for cyclists and pedestrians. Subject to the satisfactory completion of this work, the proposal is considered acceptable in terms of access and parking. It should be noted however that the Local Highways Authority will not consider withdrawing its objection until full details of the crossing have been agreed.

Drainage

- 8.9. The proposed surface water and waste water drainage arrangements are considered acceptable and adequate provision has been made for the maintenance and pumping out of the septic tank which is expected to take place once a year. The infiltration area is relatively large however this will not be visible once installed. It is however important that any drainage infrastructure installed is removed and the land restored to its former conditions following the lapse of the following the lapse of any planning consent.

Design and Heritage

- 8.10. The proposed nursery is not considered to have a direct and significant impact on the identified locally listed buildings or scheduled monument but is considered to

affect their setting and the setting of the designated Conservation Area. Provided that the nursery is removed following the expiration of any planning permission, the long term (10+ years) impact of the proposal on the setting of heritage assets will be negligible. The short to medium term impact (0-10 years) can be managed to an extent however through considered design.

- 8.11. The Design and Conservation Officer has raised concerns with regards to the cedar cladding and fencing proposed. There is therefore a risk that the building will appear out of place considering its context and the architectural style of nearby buildings but providing the cladding can be finished in an appropriate colour and the fencing is open in nature as opposed to the close boarded fence currently proposed. Subject to conditions relating to the time period, materials and boundary treatments, the short term impact of the proposal on the setting of designated heritage assets and the character and appearance of the locality is considered acceptable. Subject to securing these changes by condition the proposal is therefore considered to comply with Policy ESD15 (CLP 2031 Part 1) and Policy C28 (CLP 1996).

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposed development would not be acceptable in the long term due to its location, harm to the setting of heritage assets and conflict with the requirements of Policy Villages 5 and BSC7. However, the proposal does provide a number of social and economic benefits and is considered to represent a sustainable form of development in the short to medium term. It is therefore considered that, on balance, subject to a limited term of 10 years, the conditions outlined below and the resolution of the outstanding Local Highway Authority objection, planning permission should be granted.

10. RECOMMENDATION

Resolve to grant planning subject to:

- a) Delegation to the Development Services Manager to resolve the outstanding Local Highway Authority objection
- b) 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 one year beginning with the date of this permission.

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

- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application Forms, Planning, Design and Access Statement dated August 2017 (Rev. D.0371), Flood Risk Assessment dated August 2017 (Ref. 16871/B4), Transport Statement dated August 2017 (Ref. 41744/5501) and Drawings Numbered: HEYF-5-781 Rev. A, HEYF-5-780 Rev. A, P16-0631_28 Rev G, P16-0631_31 Sheet 2, P16-0631_31 Sheet 1 and P16-0631_29 Rev. F.

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 At the expiration of 10 years from the date hereof or within 6 months following the completion and occupation of an alternative, permanent, nursery building at Heyford Park (whichever is the sooner), the building and any associated development shall be removed from the site and the land shall be restored to its former condition on or before that date.

Reason - The building, because of its design and siting, is not suitable for permanent retention and to comply with Policy Villages 5, Policy SLE7 and Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 The building hereby approved shall be used only for the purpose of a nursery and for no other purpose whatsoever, including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason - In order to maintain the character of the area in accordance with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a revised schedule of the materials and finishes for the external 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 approved materials.

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

- 6 Prior to the commencement of the development hereby approved, and notwithstanding the submitted details, a revised boundary treatment plan 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 boundary treatment plan.

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.

- 7 The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (October, 2010. Waterman. Ref: C11234 ES 001) and the Flood Risk Assessment Compliance Report for Camp Road, Upper Heyford Nursery Site (August, 2017. Woods Hardwick. Ref: 16871/B4) and the following mitigation measures detailed within the FRA and associated FRA Compliance Report:

- Limiting the surface water run-off generated by the 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.(Paragraph 3.2 of the FRA).
- Attenuation by use of trench soak-away (Paragraph 6.3.1 of the FRA Compliance Report) and as shown on Proposed Engineering layout drawing (2017 / HEYF-5-781 / Woods Hardwick).
- Attenuation and water quality improvement by use of Permeable Paving (Paragraph 3.11 and 4.6 of the FRA; and Paragraph 6.3.6 of the FRA Compliance Report).
- Provision of a SuDS Management and Maintenance Plan to the proposed maintenance company for the development - (Paragraph 7.4.3 of the FRA Compliance Report).

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.

- 8 Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

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

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

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

- 10 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.

- 11 Prior to the commencement of the development hereby approved, a plan showing a car parking provision for 16 spaces to be accommodated within the site to include layout, surface details, and drainage, 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 spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

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

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

- 13 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.

CASE OFFICER: Lewis Bankes-Hughes

TEL: 01295 221884

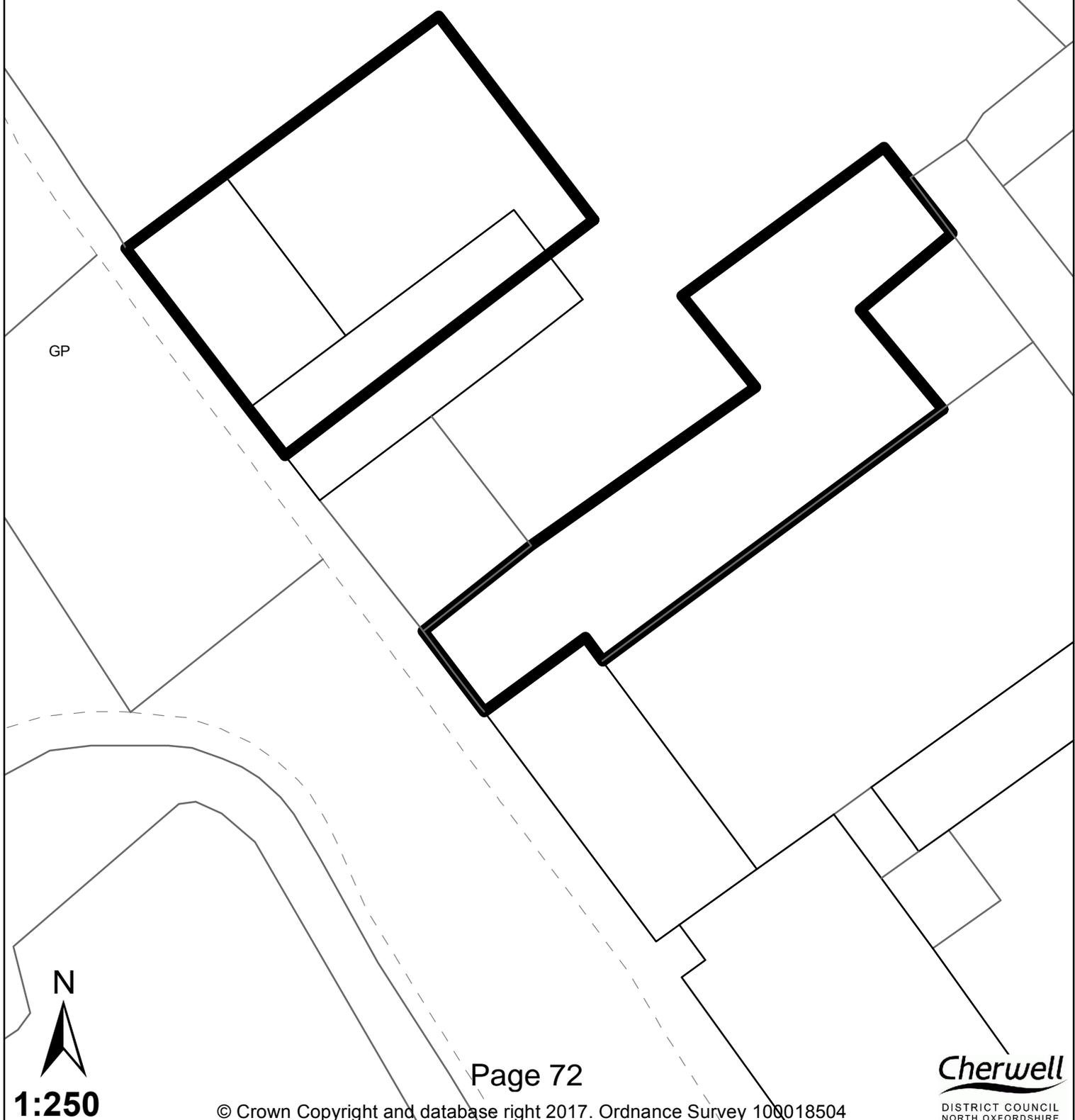
17/01709/F

Plot 1

Mallories

Cherry Street

Stratton Audley



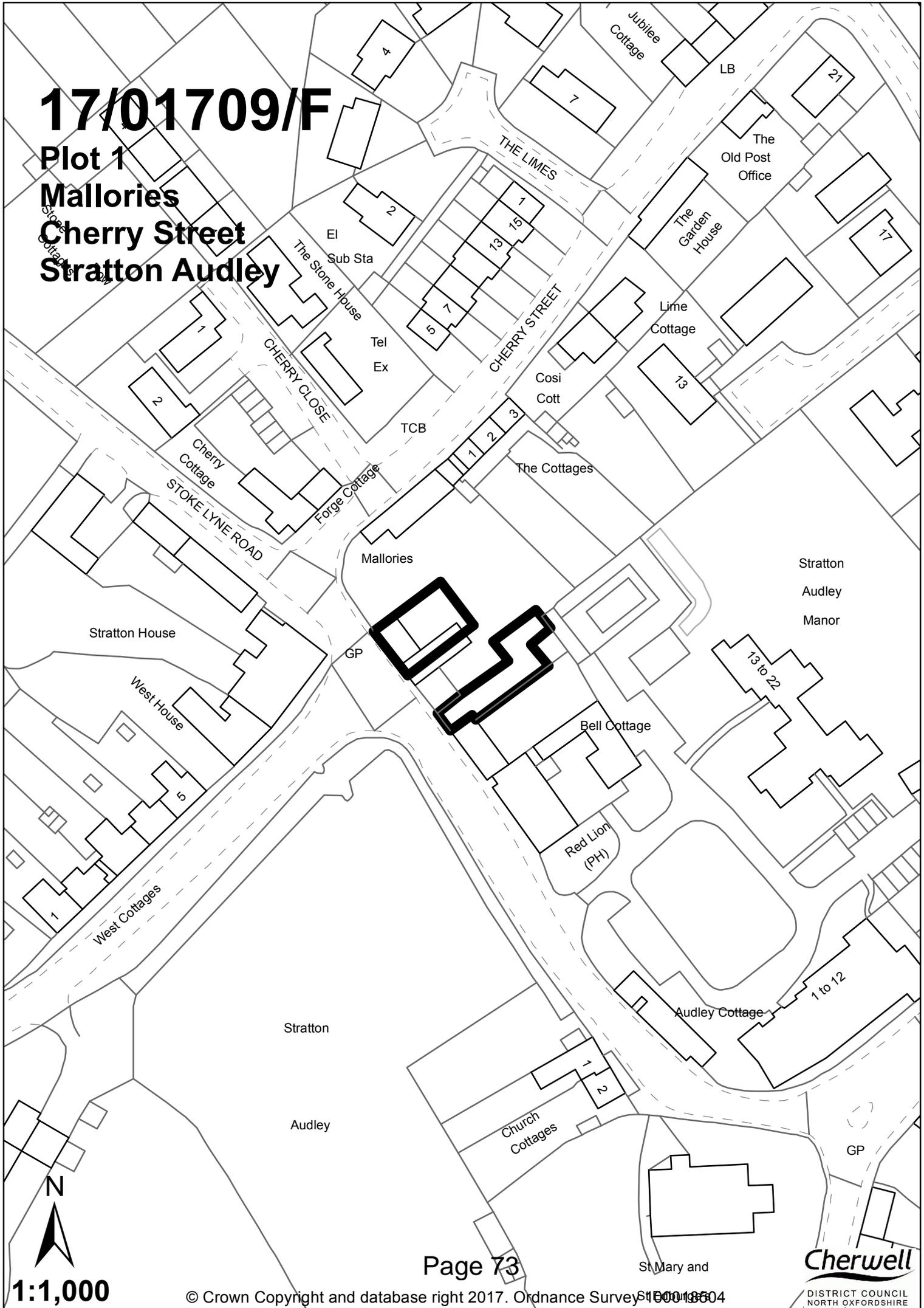
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17/01709/F

Plot 1 Mallories Cherry Street Stratton Audley



1:1,000

**Plot 1
Mallories
Cherry Street
Stratton Audley**

17/01709/F

Applicant: Mr Michael Long

Proposal: Removal of condition 7 (plan of wall, method of joining stonework) of 16/02630/F

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: Referred to Planning Committee by Councillor Ian Corkin

Expiry Date: 10 October 2017 **Committee Date:** 26 October 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is set in the rear garden of the dwelling to the northwest, known as Mallories, which is a semi-detached property constructed of stone under a tiled roof in the centre of Stratton Audley. The site includes the existing access to Mallories within its 'red line' site area, which is to the far south of the site. On the site as existing is a stone wall which fronts Church Street, with a garage/outbuilding serving Mallories to the rear of this.
- 1.2. The site lies within the designated Stratton Audley Conservation Area, with the Grade II Listed Red Lion within close proximity, to the southeast. Locally listed buildings Stratton House and Stratton Audley Manor are also in close proximity to the site. Bats and swifts, legally protected species, have been recorded in the vicinity of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Permission was granted on 3rd April 2017 for the erection of a 1 ½ storey semi-detached dwelling on the site incorporating the existing stone wall, under the reference 16/02630/F. This application was submitted and approved in conjunction with a separate application for the adjoining semi-detached property, reference 16/02631/F. The current application seeks permission for the variation of condition 7 of 16/02630/F, which reads as follows:

Prior to any works commencing above slab level, a plan showing the extent of the existing wall to be retained within the development, along with details of the method of joining the new stonework to the existing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 and C33 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 2.2. There have been no amendments to the previously approved scheme by way of submitted drawings; however, the applicant has presented evidence to suggest that the requirements of condition 7 cannot be met, in particular that the existing stone wall is not structurally sound and capable of retention. An identical condition was also attached to application 16/02631/F, and an application to vary this is also being considered (ref 17/01710/F).

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/01715/F	Single Dwelling, including Taking Down of Redundant Garage/Carport and Sheds	Application Withdrawn
16/02630/F	Erection of 1 new dwelling (revised scheme of 16/01715/F)	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, 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, 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:

- Demolition and rebuilding of the wall will be harmful to the aesthetics/appearance of a rural historic village, a designated Conservation Area. Would cause detriment to cohesive street view and would not enhance adjoining walls.
- Concern that if there is not sufficient stone that is reclaimable, an exact match must be found. If there is insufficient matching stone found then an

alternative material would have a significant negative impact on visual amenity.

- Other comments made relating to principle of development, and suggested alterations to approved parking/access and visual details.

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. STRATTON AUDLEY PARISH COUNCIL: **Objects** – as submitted evidence is insufficient to suggest that demolition and rebuilding of wall is required in order to carry out development

NON-STATUTORY CONSULTTEES

6.3. CDC CONSERVATION: **No objections** – accepts the taking down of the wall and rebuilding with lime mortar, only to the extent that is absolutely necessary. The Conservation Officer has requested that during the demolition works, the wall is recorded to Level 3 standard (as shown in Historic England's – Understanding Historic Buildings: A Guide to Good Recording Practice) and stones marked in courses ready for rebuilding.

6.4. CDC BUILDING CONTROL: **Neither supports nor objects** – *building control naturally support the view contained within the structural engineer's report. However building control have no powers to request demolition or making safe.*

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:

The Cherwell Local Plan 2011-2031 Part 1

- PSD1 (Presumption in Favour of Sustainable Development)
- BSC2 (Effective use of land and housing density)
- ESD1 (Mitigating and Adapting to Climate Change)
- ESD3 (Sustainable Construction)
- ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment)
- ESD15 (The Character of the Built and Historic Environment)
- Villages 1 (Village Categorisation)

Saved Policies of the Cherwell Local Plan (November 1996)

- C23 (Retention of features in Conservation Areas)
- C28(Layout and design of new development)
- C30 (Design control)
- C33 (Protection of important gaps in undeveloped land)

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Stratton Audley Conservation Area Appraisal (1996)

8. APPRAISAL

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

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

Principle of development

8.2. The current application is a variation of condition application made under section 73 of The Town and Country Planning Act 1990 (as amended). The National Planning Practice Guidance (PPG) advises:

In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20140306).

8.3. The principle of development has been established through the granting of permission 16/02630/F; this current application seeks to vary condition 7 of this permission to allow for the stone wall to be rebuilt rather than retained in situ. No changes are proposed to the design of the previously approved dwelling, and no other conditions are proposed to be amended or removed. Therefore, in accordance with the Government guidance referred to above, the proposed development remains acceptable in principle and it is only the matter in dispute (i.e. the requirements of condition 7) that are for detailed consideration, as discussed below.

Design, and impact on the character and appearance of the area and designated heritage assets

8.4. The application site is located within the Stratton Audley Conservation Area and the site is also within the setting of a number of Grade II listed buildings (designated heritage assets) including The Red Lion public house to the southeast.

8.5. The NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should

be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset and any harm or loss should require clear and convincing justification. It goes onto state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy ESD 15 of the Cherwell Local Plan echoes this advice.

- 8.6. Furthermore Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving a listed building or its setting and Section 72 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.7. Saved Policy C23 of the 1996 Local Plan states that there will be a presumption in favour of retaining walls and other features which make a positive contribution to the character and appearance of a conservation area and Policies C28 and C30 seek to ensure the layout, scale and design of development is of a high standard.
- 8.8. The NPPF states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. Paragraph 56 states that planning decisions should not attempt to impose architectural styles or particular tastes; however it is proper to seek to promote or reinforce local distinctiveness. Policy ESD15 requires new development to complement and enhance the character of its context and respect the traditional form, scale and massing of buildings.
- 8.9. The previous scheme (16/02630/F) was considered acceptable in terms of visual impact in the context of the designated Conservation Area, with the officers commenting:

“The existing buildings on the site which sit on the edge of the highway – although not in their original form – provide a strong sense of enclosure and contribute positively to the character and appearance of the streetscene and therefore the character of the Conservation Area. They also enhance the setting of the Red Lion public house by reinforcing the strong building line...”

“Whilst it is noted that the creation of openings into the wall would lead to some loss of historic fabric, the wall is put into a viable use consistent with its former historic use and the most significant feature of the wall, the sense of enclosure, would be preserved.”

- 8.10. The application does not propose a change to the general principle of development or design approach to what was previously assessed and considered acceptable; rather the applicant seeks to remove a condition relating to the construction method of the dwelling and specifically the retention of the existing wall. The applicant has submitted a structural engineers report, produced by 'Forward Structural Consultants'. The report concludes that it is not feasible to create the required (approved) openings, and that the wall is in too poor a condition to safely underpin, and therefore should be carefully demolished and the original stone cleaned and set aside for re-use.
- 8.11. As noted above, officers had previously considered that the key significance of the wall in the context of the area is the sense of enclosure it provides, together with reinforcing the strong building line. Historic photographs and records clearly show that the wall originally formed part of a building, and it was on the basis that the proposal would reinstate this form that it was previously considered acceptable.

- 8.12. The existing historic fabric is clearly also a significant element, and the preference would have been to retain the wall and incorporate it into the new development. However, on the basis of the structural engineer's conclusions, officers are persuaded that regrettably this is not feasible. In order to ensure that as much of the existing historic fabric is re-used and incorporated into the development as possible, officers consider that a new condition is required to ensure the existing wall is demolished by hand, that historic stone is retained for re-use in the development, and the wall is rebuilt strictly in accordance with the approved drawings. Subject to such a condition, officers are satisfied that the key significance of the existing wall, namely the traditional sense of enclosure it affords, would be retained.
- 8.13. The Conservation Officer has been consulted on the application and offered no objections, subject to conditions. It is however not considered reasonable that the Local Planning Authority require a recording of the wall before or during demolition. As noted above, it is considered that the key significance of the wall is the sense of enclosure it gives in this context. Further, the Local Planning Authority has already given consent which would alter the wall through the introduction of openings and supporting structures, where this requirement was not given.

Residential amenity

- 8.14. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 8.15. The removal of condition 7 would not affect the amenities of future occupiers of the building or existing occupiers of neighbouring buildings and it is therefore considered it would not have an impact in this regard.

Highway safety

- 8.16. It is not considered that the removal or amendment of the requirements of condition 7 would in any way affect the safety of the local highway network.

Other matters

- 8.17. As this application is a S73 application, it is necessary to repeat all conditions attached to the original permission, as amended, as the result of the approval of this application would be a new planning permission. The PPG makes it clear that: *"where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended"*.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. It is considered that the proposed removal of condition 7 of 16/02630/F, whilst regrettable, is justified as the submitted evidence demonstrates that it is not feasible to retain and incorporate the existing wall into the development. A condition can be attached to ensure as much of the existing stonework is retained and reused in the development, to minimise the loss of historic fabric and ensure the traditional sense of enclosure is retained. Therefore the proposals assessed within this application are considered acceptable and to comply with the above mentioned policies and the application is recommended for approval as set out below.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the 3rd April 2020.

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 submitted with the original application 16/02630/F: Application forms, P/16/124/010 Rev. G, P/16/124/012 Rev. H, P/16/124/031, P/16/124/032, P/16/124/030 Rev. A, P/16/124/040, P/16/124/034 and P/16/124/033.

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

- 3 Prior to the commencement of the development hereby approved, a Programme of Works for carrying out the development in conjunction with that approved under 17/01710/F shall be submitted to and approved in writing by the Local Planning Authority. The Programme of Works shall include a timetable for each phase of development, and shall demonstrate how the two dwellings will be developed as a single building. Thereafter, the development shall be carried out in strict accordance with the approved Programme of Works.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 and C33 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

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

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
- (d) details of the boundary treatments including fencing and gates, both pedestrian and vehicular, and the materials used.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation

of a pleasant environment for the development and to comply with Policy ESD10 and ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD10 and ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

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

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 Policy ESD10 and ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 7 Prior to the commencement of the development hereby approved, a Method Statement detailing how the stonework of the existing wall adjacent to Church Street shall be retained and incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall detail, as a minimum:

- a) Method of demolition of the existing wall
- b) Identification of stone to be re-used and stone to be discarded
- c) Arrangements for the storage and labelling of stone to be re-used
- d) Method of re-using the existing stone in the development

Thereafter, the works shall be carried out in accordance with the approved Method Statement.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 and C33 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 8 Prior to any works commencing above slab level, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural limestone to match the

stonework of the existing wall adjacent to Church Street, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the new stonework to be used in the construction of the external walls of the dwelling hereby approved shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the external roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 10 The rooflights hereby approved shall be Conservation Grade and of a design which, when installed, does project forwards of the general roof surface.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 11 The rainwater goods to be installed in the development shall be cast iron or metal finished black, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), 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 dwelling hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and two parking spaces to be provided 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. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

13 Prior to the first occupation of the dwelling hereby approved, a plan showing the means of pedestrian access between the dwelling and the shared parking area, including where necessary details of gates, means of enclosure and hardstanding, shall be submitted to and approved in writing by the Local Planning Authority. The approved means of access shall be provided prior to the first occupation of the dwelling and shall be retained as such thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to provide a satisfactory standard of amenity to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: George Smith

TEL: 01295 221899

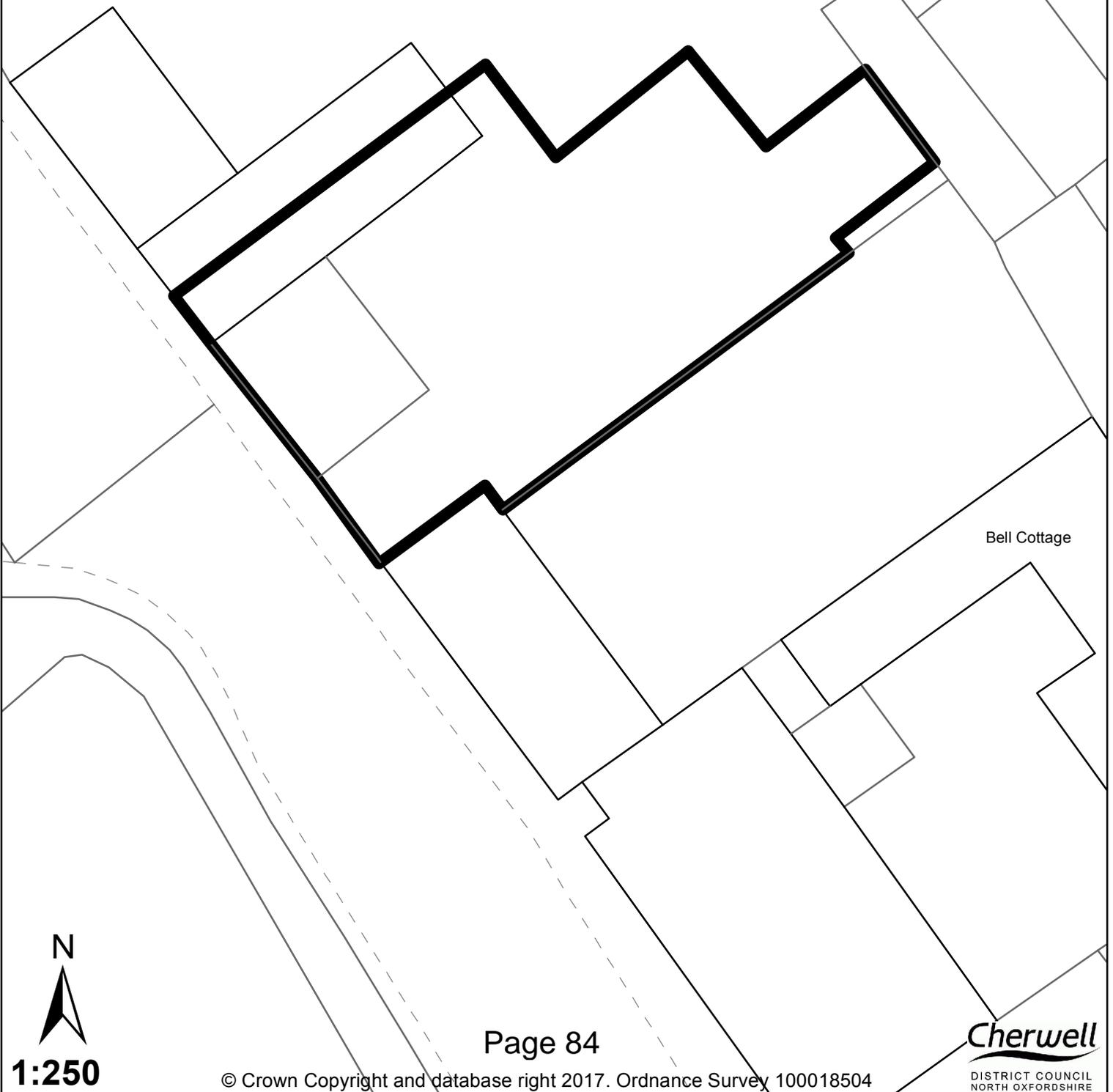
17/01710/F

Plot 2
Mallories

Mallories

Cherry Street

Stratton Audley



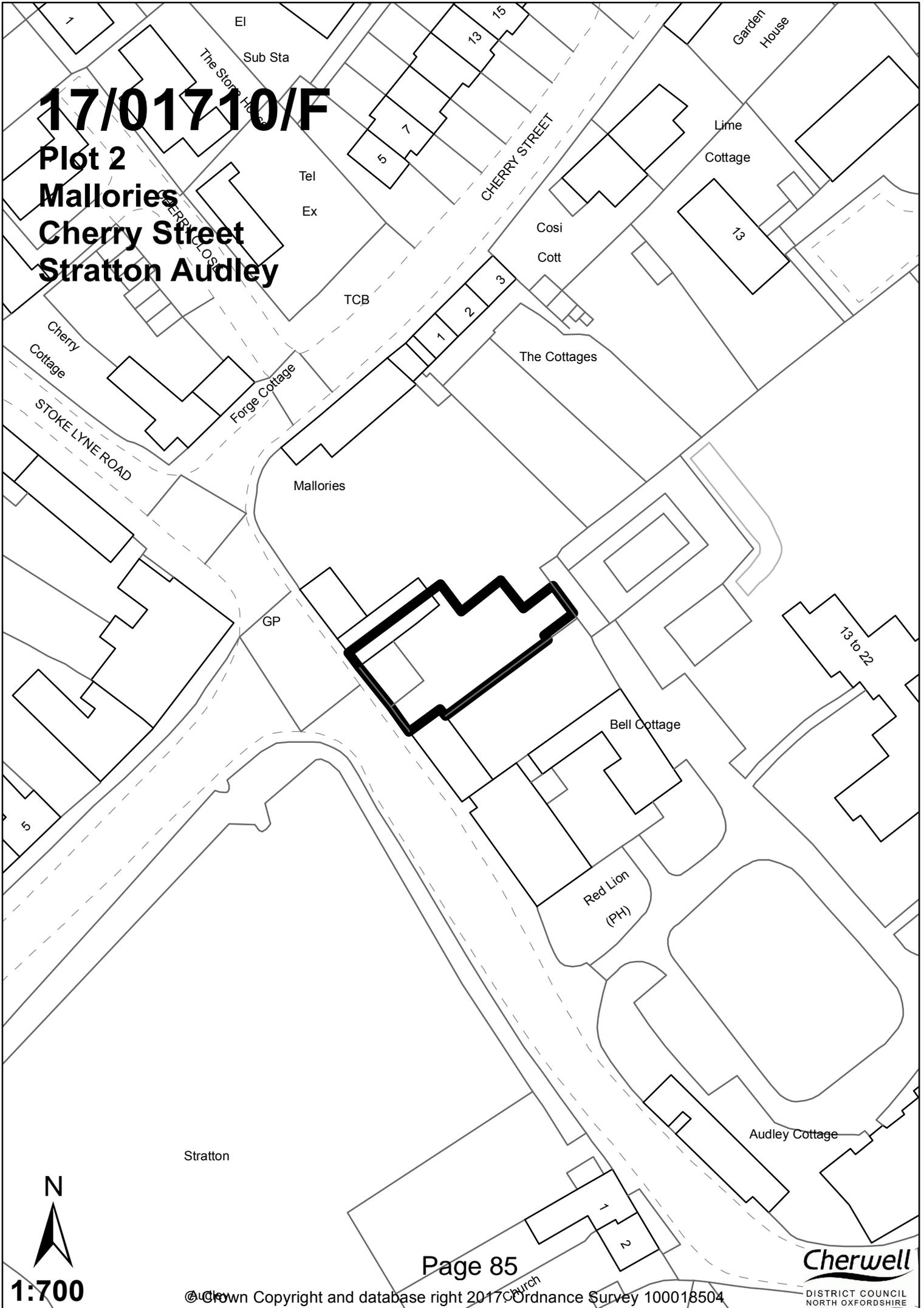
Bell Cottage

N

1:250

17/01710/F

**Plot 2
Mallories
Cherry Street
Stratton Audley**



1:700

**Plot 2
Mallories
Cherry Street
Stratton Audley**

17/01710/F

Applicant: Mr Michael Long

Proposal: Removal of condition 7 (plan of wall, method of joining stonework) of 16/02631/F

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: Referred to Planning Committee by Councillor Ian Corkin

Expiry Date: 10 October 2017 **Committee Date:** 26 October 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is set in the rear garden of the dwelling to the northwest, known as Mallories, which is a semi-detached property constructed of stone under a tiled roof in the centre of Stratton Audley. The site includes the existing access to Mallories within its 'red line' site area, which is to the far south of the site. On the site as existing is a stone wall which fronts Church Street, with a garage/outbuilding serving Mallories to the rear of this.
- 1.2. The site lies within the designated Stratton Audley Conservation Area, with the Grade II Listed Red Lion within close proximity, to the southeast. Locally listed buildings Stratton House and Stratton Audley Manor are also in close proximity to the site. Bats and swifts, legally protected species, have been recorded in the vicinity of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Permission was granted on 3rd April 2017 for the erection of a 1 ½ storey semi-detached dwelling on the site incorporating the existing stone wall, under the reference 16/02631/F. This application was submitted and approved in conjunction with a separate application for the adjoining semi-detached property, reference 16/02630/F. The current application seeks permission for the variation of condition 7 of 16/02631/F, which reads as follows:

Prior to any works commencing above slab level, a plan showing the extent of the existing wall to be retained within the development, along with details of the method of joining the new stonework to the existing, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 and C33 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 2.2. There have been no amendments to the previously approved scheme by way of submitted drawings; however, the applicant has presented evidence to suggest that the requirements of condition 7 cannot be met, in particular that the existing stone wall is not structurally sound and capable of retention. An identical condition was also attached to application 16/02630/F, and an application to vary this is also being considered (ref 17/01709/F).

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/01716/F	Single Dwelling, including Taking Down of Redundant Garage/Carport and Sheds	Application Withdrawn
16/02631/F	Erection of 1 new dwelling (revised scheme of 16/01716/F)	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, 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, 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:

- Demolition and rebuilding of the wall will be harmful to the aesthetics/appearance of a rural historic village, a designated Conservation Area. Would cause detriment to cohesive street view and would not enhance adjoining walls.
- Concern that if there is not sufficient stone that is reclaimable, an exact match must be found. If there is insufficient matching stone found then an

alternative material would have a significant negative impact on visual amenity.

- Other comments made relating to principle of development, and suggested alterations to approved parking/access and visual details.

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. STRATTON AUDLEY PARISH COUNCIL: **Objects** – as submitted evidence is insufficient to suggest that demolition and rebuilding of wall is required in order to carry out development

NON-STATUTORY CONSULTTEES

6.3. CDC CONSERVATION: **No objections** – accepts the taking down of the wall and rebuilding with lime mortar, only to the extent that is absolutely necessary. The Conservation Officer has requested that during the demolition works, the wall is recorded to Level 3 standard (as shown in Historic England's – Understanding Historic Buildings: A Guide to Good Recording Practice) and stones marked in courses ready for rebuilding

6.4. CDC BUILDING CONTROL: **Neither supports nor objects** – *building control naturally support the view contained within the structural engineer's report. However building control have no powers to request demolition or making safe.*

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:

The Cherwell Local Plan 2011-2031 Part 1

- PSD1 (Presumption in Favour of Sustainable Development)
- BSC2 (Effective use of land and housing density)
- ESD1 (Mitigating and Adapting to Climate Change)
- ESD3 (Sustainable Construction)
- ESD10 (Protection and Enhancement of Biodiversity and the Natural Environment)
- ESD15 (The Character of the Built and Historic Environment)
- Villages 1 (Village Categorisation)

Saved Policies of the Cherwell Local Plan (November 1996)

- C23 (Retention of features in Conservation Areas)
- C28(Layout and design of new development)
- C30 (Design control)
- C33 (Protection of important gaps in undeveloped land)

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Stratton Audley Conservation Area Appraisal (1996)

8. APPRAISAL

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

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

Principle of development

8.2. The current application is a variation of condition application made under section 73 of The Town and Country Planning Act 1990 (as amended). The National Planning Practice Guidance (PPG) advises:

In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20140306).

8.3. The principle of development has been established through the granting of permission 16/02631/F; this current application seeks to vary condition 7 of this permission to allow for the stone wall to be rebuilt rather than retained in situ. No changes are proposed to the design of the previously approved dwelling, and no other conditions are proposed to be amended or removed. Therefore, in accordance with the Government guidance referred to above, the proposed development remains acceptable in principle and it is only the matter in dispute (i.e. the requirements of condition 7) that are for detailed consideration, as discussed below.

Design, and impact on the character and appearance of the area and designated heritage assets

8.4. The application site is located within the Stratton Audley Conservation Area and the site is also within the setting of a number of Grade II listed buildings (designated heritage assets) including The Red Lion public house to the southeast.

8.5. The NPPF requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and seeks to ensure that new development should make a positive contribution to local character and distinctiveness. It goes on to state when considering the impact of proposed development on the significance of a designated heritage asset, great weight should

be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of a heritage asset and any harm or loss should require clear and convincing justification. It goes onto state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Policy ESD 15 of the Cherwell Local Plan echoes this advice.

- 8.6. Furthermore Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be given to the desirability of preserving a listed building or its setting and Section 72 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.7. Saved Policy C23 of the 1996 Local Plan states that there will be a presumption in favour of retaining walls and other features which make a positive contribution to the character and appearance of a conservation area and Policies C28 and C30 seek to ensure the layout, scale and design of development is of a high standard.
- 8.8. The NPPF states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. Paragraph 56 states that planning decisions should not attempt to impose architectural styles or particular tastes; however it is proper to seek to promote or reinforce local distinctiveness. Policy ESD15 requires new development to complement and enhance the character of its context and respect the traditional form, scale and massing of buildings.
- 8.9. The previous scheme (16/02631/F) was considered acceptable in terms of visual impact in the context of the designated Conservation Area, with the officers commenting:

“The existing buildings on the site which sit on the edge of the highway – although not in their original form – provide a strong sense of enclosure and contribute positively to the character and appearance of the streetscene and therefore the character of the Conservation Area. They also enhance the setting of the Red Lion public house by reinforcing the strong building line...”

“Whilst it is noted that the creation of openings into the wall would lead to some loss of historic fabric, the wall is put into a viable use consistent with its former historic use and the most significant feature of the wall, the sense of enclosure, would be preserved.”

- 8.10. The application does not propose a change to the general principle of development or design approach to what was previously assessed and considered acceptable; rather the applicant seeks to remove a condition relating to the construction method of the dwelling and specifically the retention of the existing wall. The applicant has submitted a structural engineers report, produced by 'Forward Structural Consultants'. The report concludes that it is not feasible to create the required (approved) openings, and that the wall is in too poor a condition to safely underpin, and therefore should be carefully demolished and the original stone cleaned and set aside for re-use.
- 8.11. As noted above, officers had previously considered that the key significance of the wall in the context of the area is the sense of enclosure it provides, together with reinforcing the strong building line. Historic photographs and records clearly show that the wall originally formed part of a building, and it was on the basis that the proposal would reinstate this form that it was previously considered acceptable.

- 8.12. The existing historic fabric is clearly also a significant element, and the preference would have been to retain the wall and incorporate it into the new development. However, on the basis of the structural engineer's conclusions, officers are persuaded that regrettably this is not feasible. In order to ensure that as much of the existing historic fabric is re-used and incorporated into the development as possible, officers consider that a new condition is required to ensure the existing wall is demolished by hand, that historic stone is retained for re-use in the development, and the wall is rebuilt strictly in accordance with the approved drawings. Subject to such a condition, officers are satisfied that the key significance of the existing wall, namely the traditional sense of enclosure it affords, would be retained.
- 8.13. The Conservation Officer has been consulted on the application and offered no objections, subject to conditions. It is however not considered reasonable that the Local Planning Authority require a recording of the wall before or during demolition. As noted above, it is considered that the key significance of the wall is the sense of enclosure it gives in this context. Further, the Local Planning Authority has already given consent which would alter the wall through the introduction of openings and supporting structures, where this requirement was not given.

Residential amenity

- 8.14. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 8.15. The removal of condition 7 would not affect the amenities of future occupiers of the building or existing occupiers of neighbouring buildings and it is therefore considered it would not have an impact in this regard.

Highway safety

- 8.16. It is not considered that the removal or amendment of the requirements of condition 7 would in any way affect the safety of the local highway network.

Other matters

- 8.17. As this application is a S73 application, it is necessary to repeat all conditions attached to the original permission, as amended, as the result of the approval of this application would be a new planning permission. The PPG makes it clear that: *"where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended"*.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. It is considered that the proposed removal of condition 7 of 16/02631/F, whilst regrettable, is justified as the submitted evidence demonstrates that it is not feasible to retain and incorporate the existing wall into the development. A condition can be attached to ensure as much of the existing stonework is retained and reused in the development, to minimise the loss of historic fabric and ensure the traditional sense of enclosure is retained. Therefore the proposals assessed within this application are considered acceptable and to comply with the above mentioned policies and the application is recommended for approval as set out below.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the 3rd April 2020.

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 submitted with the original application 16/02631/F: Application forms, P/16/124/010 Rev. G, P/16/124/012 Rev. H, P/16/124/031, P/16/124/032, P/16/124/030 Rev. A, P/16/124/040, P/16/124/034 and P/16/124/033.

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

- 3 Prior to the commencement of the development hereby approved, a Programme of Works for carrying out the development in conjunction with that approved under 17/01709/F shall be submitted to and approved in writing by the Local Planning Authority. The Programme of Works shall include a timetable for each phase of development, and shall demonstrate how the two dwellings will be developed as a single building. Thereafter, the development shall be carried out in strict accordance with the approved Programme of Works.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 and C33 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

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

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
- (d) details of the boundary treatments including fencing and gates, both pedestrian and vehicular, and the materials used.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation

of a pleasant environment for the development and to comply with Policy ESD10 and ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD10 and ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

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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 Policy ESD10 and ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

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- a) Method of demolition of the existing wall
- b) Identification of stone to be re-used and stone to be discarded
- c) Arrangements for the storage and labelling of stone to be re-used
- d) Method of re-using the existing stone in the development

Thereafter, the works shall be carried out in accordance with the approved Method Statement.

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stonework of the existing wall adjacent to Church Street, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the new stonework to be used in the construction of the external walls of the dwelling hereby approved shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the commencement of the development hereby approved, samples of the slate to be used in the construction of the external roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 10 The rooflights hereby approved shall be Conservation Grade and of a design which, when installed, does project forwards of the general roof surface.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

- 11 The rainwater goods to be installed in the development shall be cast iron or metal finished black, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the character and appearance of the Conservation Area, to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), 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 dwelling hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and two parking spaces to be provided 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. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

13 Prior to the first occupation of the dwelling hereby approved, a plan showing the means of pedestrian access between the dwelling and the shared parking area, including where necessary details of gates, means of enclosure and hardstanding, shall be submitted to and approved in writing by the Local Planning Authority. The approved means of access shall be provided prior to the first occupation of the dwelling and shall be retained as such thereafter.

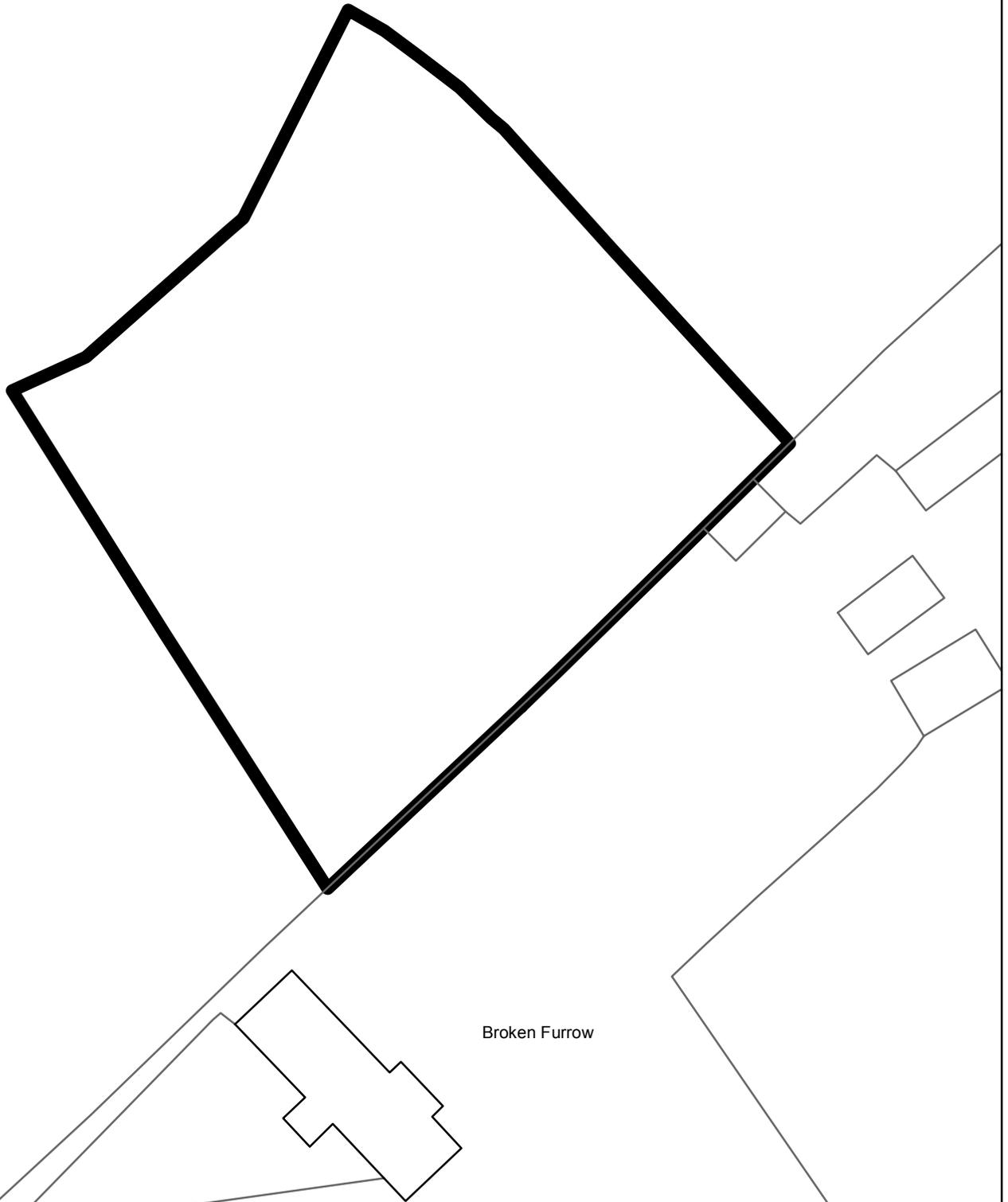
Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to provide a satisfactory standard of amenity to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: George Smith

TEL: 01295 221899

16/00511/DISC

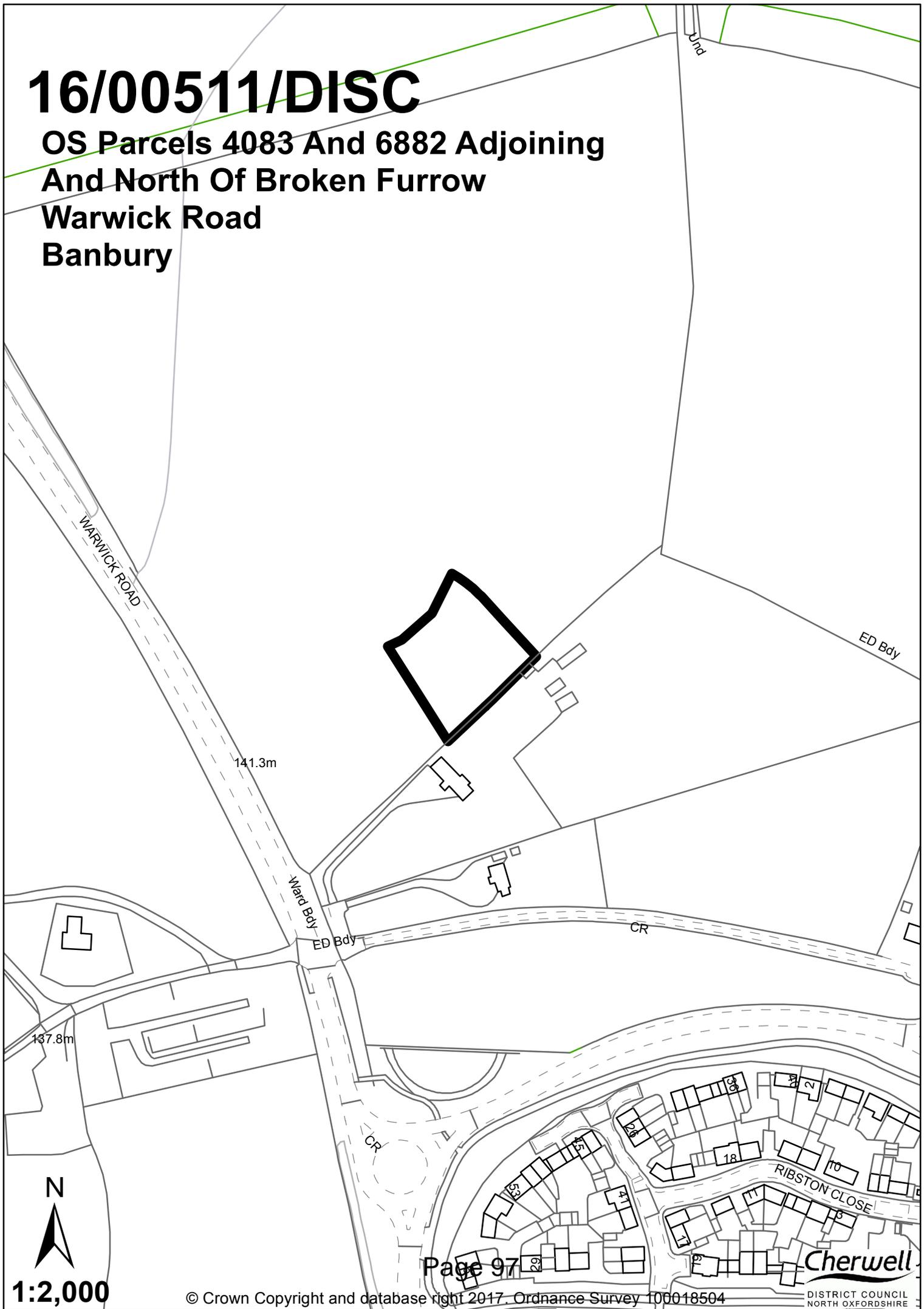
OS Parcels 4083 And 6882 Adjoining
And North Of Broken Furrow
Warwick Road
Banbury



Broken Furrow

16/00511/DISC

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



1:2,000

Case Officer: Nathanael Stock **Ward(s):** Banbury Hardwick

Applicant: Cherwell District Council

Ward Member(s): Cllr Tony Ilott
Cllr John Donaldson
Cllr Nicholas Turner

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

Reason for Referral: Cherwell District Council is applicant

Committee Date: 26.10.2017 **Recommendation:** Approve subject to the approval of planning application 17/01879/CDC

1. Application Site and Locality

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

2. Description of Proposed Development

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

3. Relevant Planning History

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

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

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

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

16/00504/CDC – Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total) – granted with conditions

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

16/01484/CDC – Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) (revised scheme of 16/00515/CDC) – granted with conditions

16/01485/CDC – Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total) (revised scheme of 16/00504/CDC) – granted, conditions

4. Response to Publicity

N/A

5. Response to Consultation

Parish/Town Council:

No comments

Internal consultees

CDC Landscaping Officer:

Communal Garden

Delete the rather boring Pyrus calleryana (ugly inedible fruit) deleted in favour of a mix of garden ornamental trees for the benefit of residents in the communal garden's central corridor.

Plant *Acer griseum*, *Nyssa sylvatica*, *Cercis siliquastrum* and *Cornus controversa* – all supplied sizes are to be clarified.

The southern boundary with the gabions, the hit and miss fence above them, and the elevation of unit A3, resulting in a visual impact experienced by residents to the south. Visual mitigation is necessary. Therefore, the ornamental *Eleagnus* hedge should be changed to a mixed native hedgerow for the benefit of residents and wildlife (an extension of the wildlife corridor to site boundary's hedgerow and trees). Identify percentages, Latin names of plant species, supplied sizes and planting distance are required. Rabbit guards and bark mulching is required. Include 3 no *Acer campestre* (Field Maple) within the proposed hedgerow – supplied at 14 -16 cm girth. Retain a clear, grassed/mown access to maintain the hedgerow and trees, and the gabion wall.

Replace the 2 non-native *Tilia* 'Rancho' with a single native *Betula pendula* – size to be confirmed – as a feature tree.

Note that the *Ceanothus thyrsiflorus* 'Repens' in the Sensory mix will, once established will be very vigorous and out-compete the neighbouring plants for space, etc. I suggest that it deleted or moved to a larger space on its own.

To ensure the industry standards are achieved for this scheme:

1. Within the planting specification the tree planting should comply with the current British Standard, BS8545: 2014 Trees: from nursery to independence in the landscape – Recommendations. Note that containerised trees establish better than those supplied as root balled in urban areas.

2. The supply and handling of the plants are to comply with Horticultural Trade Association's National Plant Specification and from a HTA certified nursery and 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.

Oxfordshire County Council:

None

Other External Consultees:

None

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

PSD1 - Presumption in Favour of Sustainable Development

SLE4 - Improved Transport and Connections
BSC3 - Affordable Housing
ESD1 - Mitigating and Adapting to Climate Change
ESD2 - Energy Hierarchy
ESD3 - Sustainable Construction
ESD4 - Decentralised Energy Systems
ESD5 - Renewable Energy
ESD7 - Sustainable Drainage Systems (SuDS)
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
ESD13 - Local Landscape Protection and Enhancement
ESD15 - The Character of the Built Environment
ESD17 - Green Infrastructure
INF1 - Infrastructure
BAN5 - Land North of Hanwell Fields

Cherwell Local Plan 1996 (Saved Policies)

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

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 This application was previously brought before Planning Committee at its meeting 24.11.2016, at which Planning Committee delegated authority to officers to determine the application along with three others (16/00498/CDISC, 16/00499/CDISC and 16/00512/CDISC) “once acceptable amended details have been received”.
- 7.2 Subsequent to that Planning Committee, it became clear that the southern end of the ABI building (the southern of the two being developed by the applicant) was being constructed at raised levels, the southern part of this site falling away steadily from north to south. The originally submitted levels plan did not show existing / original levels.
- 7.3 Subsequent to the aforesaid Planning Committee meeting, a plan was obtained showing those pre-development ground levels. The plan confirmed that the finished floor level at the southern end of the ABI building and the surrounding concrete apron (hard landscaped area) were being constructed approx. 1.2 – 1.4 metres above ground level. This building up of the land has precipitated objections from residents of the newly developed Persimmon dwellings to the south and west of the site.
- 7.4 Planning officers have therefore actively engaged with both residents and the applicant and its contractors to find a solution, including various meetings and conversations with all of those parties.

- 7.5 Residents' principal concerns relate to loss of amenity, specifically outlook and overlooking. Officers consider that given the distances involved, the height of the new development and the relative levels, the outlook of neighbouring residents would not be adversely affected. However, it is considered that overlooking would potentially be caused, particularly because clear views would be possible when standing on the raised concrete apron looking into the neighbours' rear gardens.
- 7.6 Seeking to address these concerns, planning officers have sought an amended levels plan that reduces levels south and west of the building. Ultimately this has not been successful, but as a compromise position officers have eventually been able to secure amended plans which add tree planting within and close to the southern and western edges of the site, shown on the drawings submitted with application 17/01879/CDC.
- 7.7 Notwithstanding the planting now proposed, planning officers consider that this alone would not satisfactorily address the concerns regarding perceived overlooking. By way of compromise, officers consider that the proposed levels can be accepted if a condition of permission is added to the effect that the area of the site to the south of the building and outside of the concrete apron (i.e. the area of the site beyond (west and south of) the 1.8m high fence indicated by a solid brown line on drawing "LS-09 E") is not accessed by anyone "other than from time to time for grounds maintenance purposes in accordance with a management agreement or plan".
- 7.8 It is considered that taken together the tree planting and this new condition to restrict access would satisfactorily address the planning officers' concerns regarding overlooking or perceived overlooking of the private amenity areas to neighbouring occupiers to the south and west of the site.
- 7.9 NB. Some of the particular elements of the planting scheme are not considered appropriate, e.g. non-native species and so amended plans have been sought to address these concerns. It is anticipated that these will be received by the day of Planning Committee.

8. Conclusion

- 8.1 The submitted details are acceptable in the case of Conditions 8 and 18.
- 8.2 Subject therefore to the granting of planning permission for 17/01879/CDC with the addition of the aforesaid condition, officers consider that the proposed landscaping (Condition 9) and the proposed levels (Condition 12) are now acceptable and that this discharge of condition application should therefore be granted.

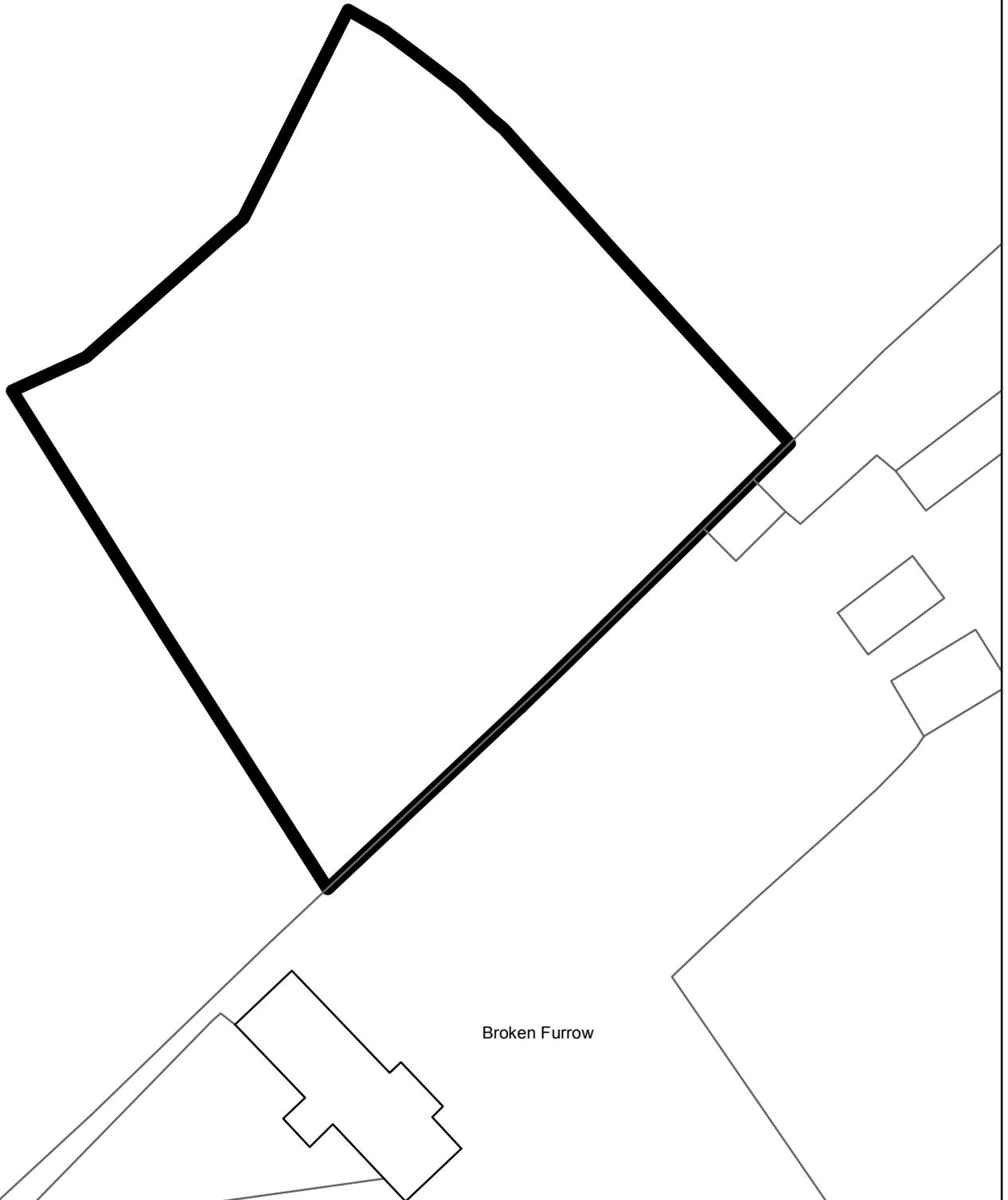
9. Recommendation: Approve subject to the approval of planning application 17/01879/CDC

CONTACT OFFICER: Nathanael Stock

TELEPHONE NO: 01295 221886

17/01879/CDC

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



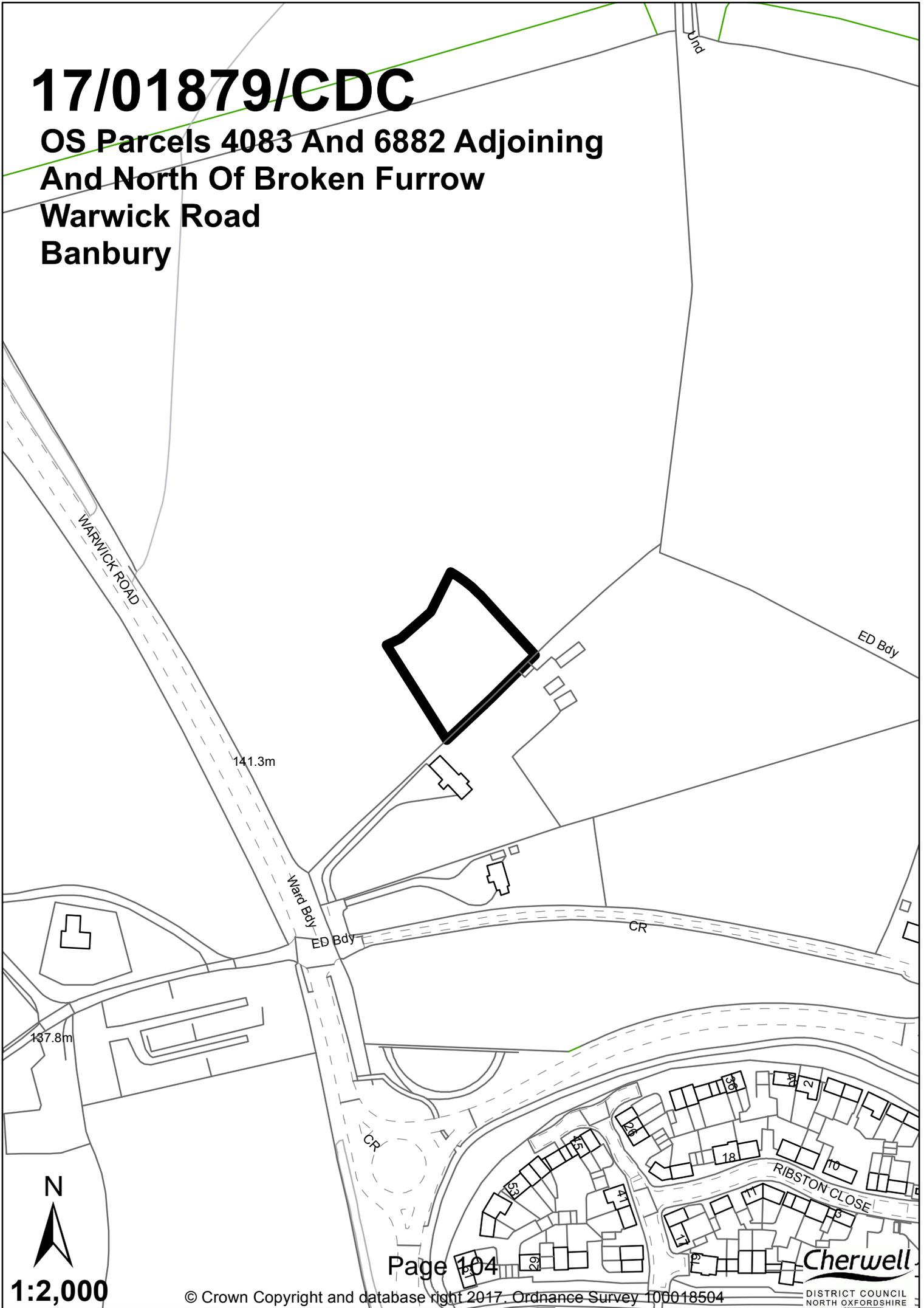
Broken Furrow



1:500

17/01879/CDC

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



141.3m

137.8m

Ward Bdy
ED Bdy

CR

ED Bdy

RIBSTON CLOSE

Applicant: Cherwell District Council

Proposal: Variation of Condition 2 (list of approved plans) of 16/01484/CDC to include additional land build up and tree planting, and an additional condition to prohibit access to the area of the site beyond (west and south of) the 1.8m high fence indicated by a solid brown line on drawing "LS-09 E" by anyone other than from time to time for grounds maintenance purposes in accordance with a management agreement or plan

Ward: Banbury Hardwick

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

Reason for Referral: Cherwell District Council is applicant

Expiry Date: 6 November 2017 **Committee Date:**

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1 The application relates to a small area within the western part of a larger site (approx. 26ha) allocated for development, to which Policy Banbury 5 of the Cherwell Local Plan 2011-2031 applies.
- 1.2 The larger site gently undulates across the two agricultural fields from the Warwick Road to lower points in the south west and north east corners and to higher points to the north between the two fields and to the south east. A significant tree boundary runs along the whole of the north of the application area and to the south of the eastern most field. Trees and hedges also run along the remainder of the field boundaries.
- 1.3 There are two public footpaths that run across the site, one across the western side of the western field from the Warwick Road towards Hanwell and one which runs along the northern boundary of the eastern field for a short distance before turning towards Hanwell. There are records of bats and badgers on the site and there are also notable habitats including lowland mixed deciduous woodland and a broadleaved woodland plantation. Other site constraints include naturally occurring contaminants, a minor aquifer and known records of minerals.

- 1.4 The site's surroundings consist of the site's surroundings consist of the Hanwell Fields development to the south, amenity space, which is not public, to the east (and which falls within the site allocation), agricultural fields to the north which separate the site from Hanwell and agricultural fields to the west, west of Warwick Road.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for the erection of a single storey building to provide five, one bed flats for adults with acquired brain injury, plus associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (resulting in six units in total). The building would be laid out in a horseshoe shape, would have a hipped roof, of 2.55m height to eaves and 5.55m overall height. A detached bin store is proposed adjacent to the garages of Plot 20 to the Persimmon development, and a communal space is proposed to the rear of the building.
- 2.2. Access is gained via road between Plots 20 and 41 of the Persimmon development and which would connect to land belonging to Broken Furrow in accordance with the masterplan for the overall site.
- 2.3. The current application is a revised scheme of 16/01484/CDC. The building itself is largely unchanged from the approved scheme. Also unchanged is the layout and landscaping of the car parking area to the front of the site which had presented concerns at the time of original application 16/00511/CDC.
- 2.4. The changes proposed in this application arise from issues which have arisen in relation to the building up of the southern part of the site as explained further below, and comprise the addition of tree planting and other landscaping, and the proposal to add a condition to the permission to "prohibit access to the area of the site beyond (west and south of) the 1.8m high fence indicated by a solid brown line on drawing "LS-09 E" by anyone other than from time to time for grounds maintenance purposes in accordance with a management agreement or plan".

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>
12/00021/SO	Screening Opinion - Proposed development including up to 380 residential dwellings along with associated access, landscaping and infrastructure	Screening Opinion requesting EIA
12/01789/OUT	Outline application for up to 350 dwellings, together with new vehicular access from Warwick Road and associated open space	Application Permitted
15/00462/REM	Reserved Matters to outline application 12/01789/OUT - 118 dwellings together with new vehicular access from Warwick Road and associated open space (Phase 1)	Application Permitted
15/01589/REM	Reserved Matters application for 232 dwellings dealing with appearance,	Pending

	landscaping, layout and scale (this development forming the 2nd phase of development which received Outline permission under 12/01789/OUT)	Consideration
16/00504/CDC	Erection of single storey buildings to provide 6 one bed flats for adults with learning difficulties and autistic spectrum condition, associated parking area, shared landscaped gardens, secured courtyard area, and staff and communal accommodation in an additional unit (seven units in total)	Application Permitted
16/00515/CDC	Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total)	Application Permitted
16/01484/CDC	Erection of single storey building to provide 5 one bed flats for adults with acquired brain injury, associated parking area, secured courtyard area, and staff and communal accommodation in an additional unit (six units in total) (revised scheme of 16/00515/CDC)	Application Permitted
16/00499/DISC	Discharge of Conditions 3 (energy strategy), 4 (brick sample) and 5 (roof tile) of 16/01484/CDC	Application Permitted
16/00511/DISC	Discharge of Conditions 8 (specification of parking and manoeuvring), 12 (details of ground and finished floor levels) and 18 (cycle store /parking facilities) and Partial Discharge of Condition 9 (landscaping scheme) of 16/01484/CDC	Pending Decision
17/00300/M106	Modification of Section 106 - Application 12/01789/OUT	Application Refused
17/00071/DISC	Discharge of condition 6 (Amended elevation design details) of 16/01484/CDC	Application Permitted
17/00286/DISC	Discharge of Conditions 13 (update to the mitigation strategy for badgers), 15 (biodiversity enhancements) and 16 (external light scheme) of 16/01484/CDC	Application Permitted

17/01879/CDC	Variation of Condition 2 (list of approved plans) of 16/01484/CDC to include additional land build up and tree planting, and an additional condition to prohibit access to the area of the site beyond (west and south of) the 1.8m high fence indicated by a solid brown line on drawing "LS-09 E" by anyone other than from time to time for grounds maintenance purposes in accordance with a management agreement or plan	Pending Consideration
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4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
16/00033/PREAPP	Pre-application enquiry - Supported housing scheme

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 20.10.2017, 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:

- Comments bullet-pointed by topic
- I am objecting to the proposed landscaping plans for the following reasons and wish to seek clarification on these points.

The tree line:

1. The types of trees that have been proposed to be planted are very large trees and I would like to understand why this tree type has been proposed so close to a residential area?
2. The size that the proposed trees can grow to will ultimately cause loss of light to our properties and would like to understand what will be done about this as this is not acceptable?
3. Who will be maintaining the trees and ensuring they are not overgrown and exceeding a certain height and what will this height be?
4. I have a concern that these trees will ultimately hang over into my garden, so who will be maintaining these and ensuring this does not happen?
5. The trees will be planted close to the fence line and ultimately our back garden where drainage last winter was already an issue due to the large bank that was erected. The tree roots will ultimately come close to the garden fence and under our gardens and could cause issues for patios and

subsidence going forward.

The fence:

1. The site has already been built higher than the plans and nothing has been done about this, to then put a 1.8m high fence will then cause this to be even higher and cause loss of light to our properties.

2. Who will be regularly maintaining the fence that faces the line of houses going forward?

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.

STATUTORY CONSULTEES

6.3.

NON-STATUTORY CONSULTEES

6.4. **OCC Archaeology** – The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

6.5. **CDC Environmental Health** – There are no objections to this application with regard to noise, contaminated land, air quality, odour, light.

6.6. **CDC Ecology** – I've viewed the proposed landscaping plans for the above and largely welcome the proposed landscaping details. However I note there is a discrepancy between the description of the transitional shrub mix on the drawings (which says including privet, goat willow and buddleja) however goat willow and buddleja don't appear on the list on the Boundary Landscape Proposals. I would also comment that the proposed *Amelanchier lamarckii* is a non-native species and should ideally be replaced or partly replaced in the landscaping scheme by native species.

6.7. **CDC Landscaping:**

Delete the rather boring *Pyrus calleryana* (ugly inedible fruit) deleted in favour of a mix of garden ornamental trees for the benefit of residents in the communal garden's central corridor. Plant *Acer griseum*, *Nyssa sylvatica*, *Cercis siliquastrum* and *Cornus controversa* – all supplied sizes are to be clarified.

The southern boundary with the gabions, the hit and miss fence above them, and the elevation of unit A3, resulting in a visual impact experienced by residents to the south. Visual mitigation is necessary. Therefore, the ornamental *Eleagnus* hedge should be changed to a mixed native hedgerow for the benefit of residents and

wildlife (an extension of the wildlife corridor to site boundary's hedgerow and trees). Identify percentages, Latin names of plant species, supplied sizes and planting distance are required. Rabbit guards and bark mulching is required Include 3 no Acer campestre (Field Maple) within the proposed hedgerow – supplied at 14 -16 cm girth. Retain a clear, grassed/mown access to maintain the hedgerow and trees, and the gabion wall.

Replace the 2 non-native Tilia 'Rancho' with a single native Betula pendula – size to be confirmed – as a feature tree.

Note that the Ceanothus thyrsiflorus 'Repens' in the Sensory mix will, once established will be very vigorous and out-compete the neighbouring plants for space, etc. I suggest that it deleted or moved to a larger space on its own.

To ensure the industry standards are achieved for this scheme:

1. Within the planting specification the tree planting should comply with the current British Standard, BS8545: 2014 Trees: from nursery to independence in the landscape – Recommendations. Note that containerised trees establish better than those supplied as root balled in urban areas.

2. The supply and handling of the plants are to comply with Horticultural Trade Association's National Plant Specification and from a HTA certified nursery and 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.

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
SLE4 - Improved Transport and Connections
BSC1 - District Wide Housing Distribution
BSC2 - The Effective and Efficient Use of Land
BSC3 - Affordable Housing
BSC4 - Housing Mix
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
ESD4 - Decentralised Energy Systems
ESD5 - Renewable Energy

ESD7 - Sustainable Drainage Systems (SuDS)
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
ESD13 - Local Landscape Protection and Enhancement
ESD15 - The Character of the Built Environment
ESD17 - Green Infrastructure
INF1 - Infrastructure
BAN5 - Land North of Hanwell Fields

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

C28 – Layout, design and external appearance of new development
C30 - Design of new residential development
TR1 - Transportation funding

7.3. Other Material Planning Considerations

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

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

8. APPRAISAL

- 8.1. There is no change to the design of the building, its impact on visual amenity, landscape or heritage assets, on highway safety, flood risk or ecological interests.
- 8.2. The key issue for consideration in this case is whether the building up of the southern part of the site is acceptable in terms of its impact on the amenities of residents of new dwellings to the south and west of the site. Secondly, if not acceptable, whether the development can be made acceptable through mitigation and/or additional conditions.
- 8.3. Planning application 16/01484/CDC was granted planning permission by Planning Committee at its meeting 29.09.2016.
- 8.4. Subsequent to the November 2016 Planning Committee, which considered the application for discharge of certain conditions, it became clear that the southern end of the ABI building (the southern of the two being developed by the applicant) was being constructed at raised levels, the southern part of this site falling away steadily from north to south. The originally submitted levels plan did not show existing / original levels.
- 8.5. A plan was subsequently obtained showing those pre-development ground levels. The plan confirmed that the finished floor level at the southern end of the ABI building and the surrounding concrete apron (hard landscaped area) were being constructed approx. 1.2 – 1.4 metres above ground level. This building up of the land has precipitated objections from residents of the newly developed Persimmon dwellings to the south and west of the site.
- 8.6. Planning officers have therefore actively engaged with both residents and the applicant and its contractors to find a solution, including various meetings and conversations with all of those parties.

- 8.7. Residents' principal concerns relate to loss of amenity, specifically outlook and overlooking. Officers consider that given the distances involved, the height of the new development and the relative levels, the outlook of neighbouring residents would not be adversely affected. However, it is considered that overlooking would potentially be caused, particularly because clear views would be possible when standing on the raised concrete apron looking into the neighbours' rear gardens.
- 8.8. Seeking to address these concerns, planning officers have sought an amended levels plan that reduces levels south and west of the building. Ultimately this has not been successful but, as a compromise position, officers have eventually been able to secure amended plans which add tree planting within and close to the southern and western edges of the site, shown on the drawings submitted with the current planning application.
- 8.9. Notwithstanding the planting now proposed, planning officers consider that this alone would not satisfactorily address the concerns regarding perceived overlooking. By way of compromise, officers consider that the proposed levels can be accepted if it is made a condition of any permission given here that the area of the site to the south of the building and outside of the concrete apron (i.e. the area of the site beyond (west and south of) the 1.8m high fence indicated by a solid brown line on drawing "LS-09 E") is not accessed by anyone "other than from time to time for grounds maintenance purposes in accordance with a management agreement or plan".
- 8.10. This planning application has been submitted expressly in order to add the said condition.
- 8.11. It is considered that taken together the tree planting and this new condition to restrict access would satisfactorily address the planning officers' concerns regarding overlooking or perceived overlooking of the private amenity areas to neighbouring occupiers to the south and west of the site.
- 8.12. NB. Some of the particular elements of the planting scheme are not considered appropriate, e.g. non-native species and so amended plans have been sought to address these concerns. It is anticipated that these will be received by the day of Planning Committee.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The current proposal would not cause significant or demonstrable harm to visual amenity, highway safety or ecology. Subject to the imposition of the condition set out above, and the amended landscaping scheme as now proposed, the proposal would not adversely affect the living conditions of neighbouring residents to an extent that warrants refusal of the application. The proposal would thus accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Policies C28 and C30 of the 1996 Plan and the relevant paragraphs of the 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 the planning permission ref 16/01484/CDC that is 30.09.2016.

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 Site Location Plan (except as amended by other plans listed in this condition), Ecological Appraisal (Willmott Dixon Housing Ltd, February 2016), Tree Survey Report (RGS, March 2016) drawings numbered "16022-GNA-A-ST-DR-A-0202 C3", "LS-02 D", "LS-03 D", "LS-04 D", "LS-05 D", "LS-06 D", "LS-07 D", "LS-08 D" and "LS-09 E".

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 development shall be carried out in accordance with the Energy Strategy approved under application 16/00499/DISC and retained as such thereafter.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

4. The development shall be carried out in accordance with the brick and tile samples approved under application 16/00499/DISC and retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

5. The development shall be carried out in accordance with the amended design details for the front façade of the building and the entrance gates approved under application 17/00071/DISC and retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the construction of the development hereby approved above slab level, the proposed means of access between the land and the highway shall be improved to geometry as plans submitted, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

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

7. The development shall be carried out in accordance with the full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas approved under application 16/00511/DISC prior to the first occupation of the development and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

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

8. Notwithstanding the details submitted, no development shall take place until

there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-

(a) details of the proposed tree and shrub planting including their species (which shall be native species of UK provenance), 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) the reinforcement of the existing hedgerow along the Western, Eastern and Southern boundaries

(d) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.

(e) Details of the minor artefacts/structures (ie. surfaces, benches, fencing, walling etc) which comprise public art works

The hard landscaping elements shall be carried out fully in accordance with the details approved and shall be retained as such thereafter.

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

9. All planting, seeding or turfing comprised in the approved details of landscaping on each phase identified in condition no. 6, shall be carried out 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; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

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

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

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. The development shall be carried out in accordance with the existing and proposed ground and finished floor levels approved under application 16/00511/DISC and retained as such thereafter.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12 The area of the site west and south of the 1.8m high fence indicated by a solid brown line on drawing "LS-09 E" as listed in Condition 2 of this permission must not be accessed by anyone other than from time to time for grounds maintenance purposes in accordance with a management agreement or plan.

Reason – To safeguard the living conditions of neighbours to the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. The development shall be carried out in accordance with the updated badger mitigation strategy for badgers approved under application 17/00286/DISC and shall be retained as such thereafter.

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

14 The development hereby approved shall be implemented fully in accordance with the Landscape and Ecology Management Plan (LEMP) approved pursuant to Condition 27 of 12/01789/OUT.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. The development shall be carried out in accordance with the method statement for biodiversity enhancements and long term maintenance approved under application 17/00286/DISC and shall be retained as such thereafter.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

16. The development shall be carried out in accordance with the street lighting scheme approved under application 17/00286/DISC and shall be retained as such thereafter

Reason - In order to safeguard the amenities of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17 Unless otherwise agreed in writing by the local planning authority, the development hereby approved shall be implemented fully in accordance with the Construction Environment Management Plan (CEMP) approved pursuant to Condition 42 of 12/01789/OUT.

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

18 The development shall be carried out in accordance with the details of the covered cycle parking facilities approved under application 16/00511/DISC prior to the first occupation of the development and thereafter the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

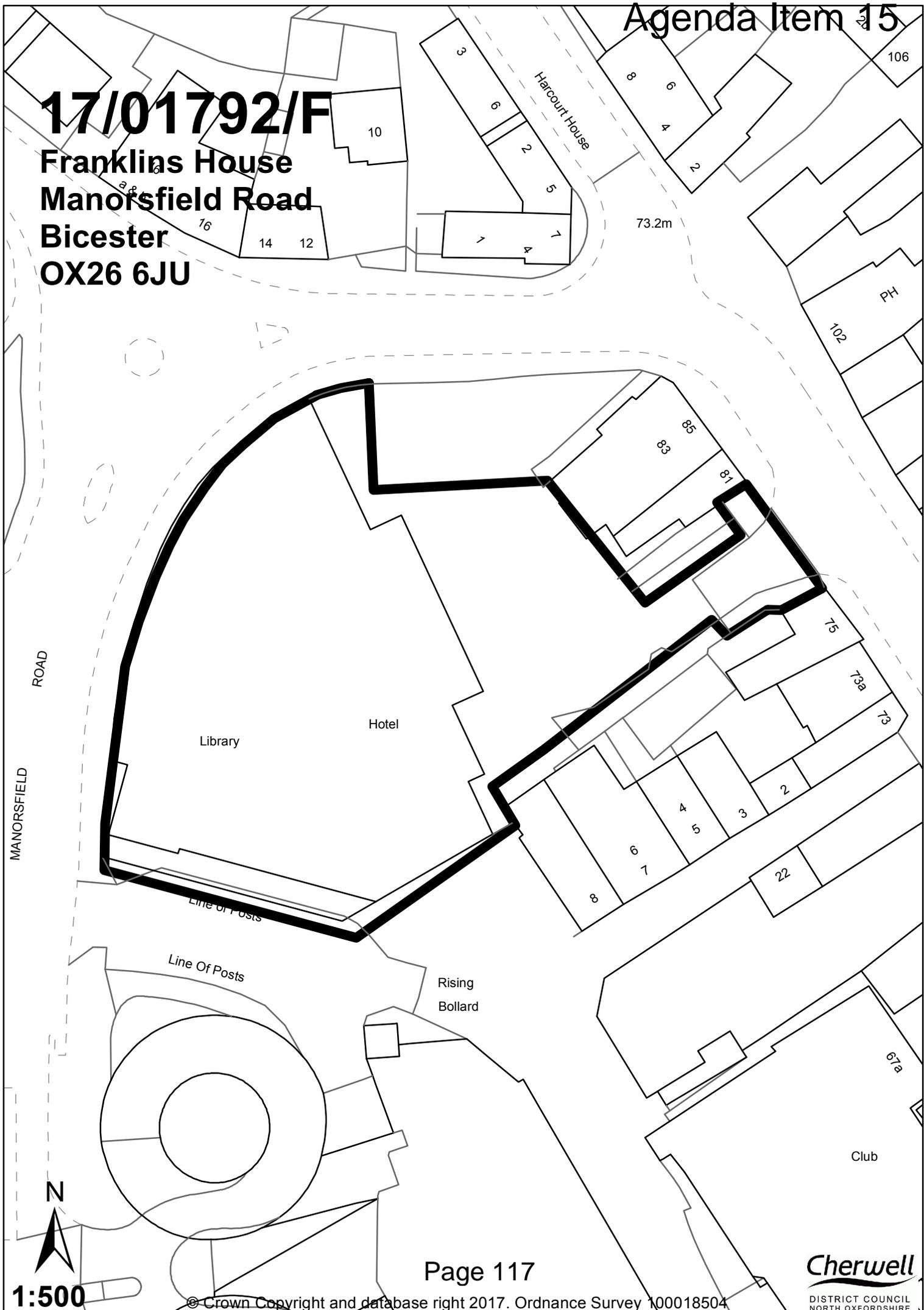
Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Nathanael Stock

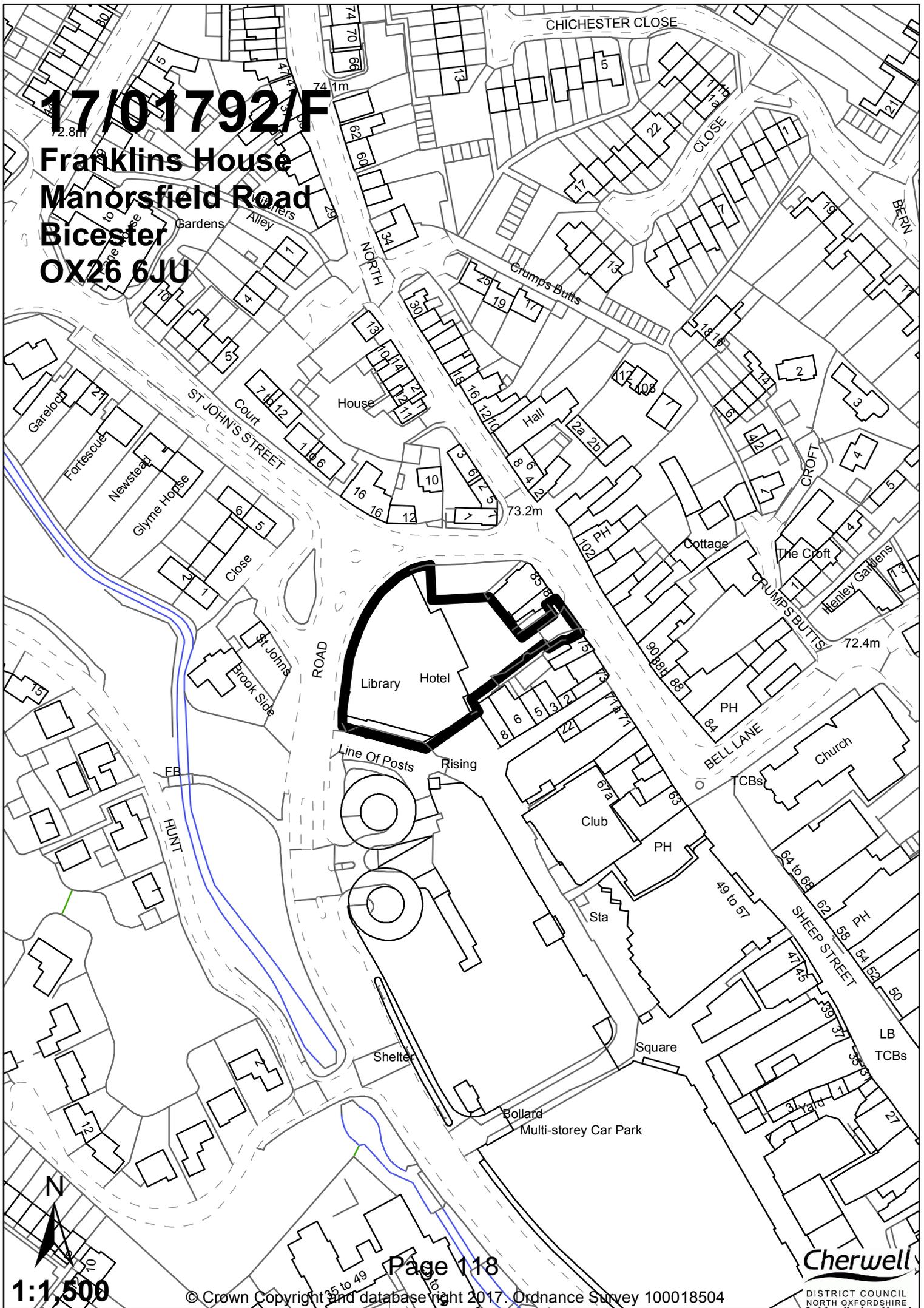
TEL: 01295 221886

17/01792/F

**Franklins House
Manorsfield Road
Bicester
OX26 6JU**



17/01792/F
Franklins House
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Bicester
OX26 6JU



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**Franklins House
Manorsfield Road
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17/01792/F

Applicant: Cherwell District Council And Travelodge Hotels Ltd

Proposal: Change of use and conversion of the class B1 offices at second floor level to provide additional bedroom accommodation for the Travelodge Hotel, with alterations to the external appearance of the second floor of the building to facilitate the conversion

Ward: Bicester East

Councillors: Cllr Sean Gaul
Cllr Richard Mould
Cllr Tom Wallis

Reason for Referral: CDC Application

Expiry Date: 24 October 2017 **Committee Date:** 26.10.2017

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1 The site is located in Bicester town centre and forms one of the later phases of the Bure Place redevelopment scheme. The site lies between Manorsfield Road, St. John's Street and Sheep Street. Planning permission was granted for the erection of a five storey building on the site comprising community and town centre uses together with servicing and alterations to the vehicle access on 31st December 2014. This building (Franklins House) has now been constructed and has consent for a mixture of uses including Class A, B1 (a), C1 and D1 uses and includes the Council's Bicester Link Point accommodation, Oxfordshire County Council library and a Travelodge hotel. The 3rd and 4th floors of Franklins House are occupied by the Travelodge and together, these floors accommodate 53 bedrooms. The second floor has consent to be used as office (B1) use (approximately 540m²).
- 1.2 A service yard is situated to the east of the building and this is accessed to the east from Sheep Street.
- 1.3 A relatively small part of the northern section of the site lies within the designated Bicester Conservation Area and the building is situated immediately adjacent to the access at 75 Sheep Street, which is a Grade II listed building.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning permission is sought to change the use of the second floor of the building from B1 use to C1 use (hotel) to form an expansion of the Travelodge hotel. The hotel is proposed to accommodate 18 additional bedrooms as a result of this change of use (71 bedroom hotel in total).

- 2.2. Access is proposed via a dedicated lift and stair core from the ground floor level entrance from Wesley Square and the hotel reception would continue to be located on the third floor.
- 2.3. Externally, two chiller units to serve the bedrooms are proposed on the roof adjacent to the existing units. Alterations to the second floor fenestration of Franklins House are also proposed as a result of the conversion.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
 - 14/00403/F - Erection of a five storey building comprising community and town centre uses together with servicing and alterations to the vehicle access – APPROVED on 31st December 2014.
 - 15/00180/F - Variation of Conditions 2, 3, 15 and 18 of 14/00403/F – APPROVED on 20th March 2015.
 - 15/02230/F – Variation of Conditions 2 and 18 of 14/00403/F – APPROVED on 22nd January 2016.
 - 16/02434/F - Change of use from Class A to Class B1(a) office "Incubation space for start-up business" – APPROVED. The application related to the ground floor Unit 2 at Franklins House. Permission was granted for a temporary 5 year consent to change the use of this unit from Class A (A1, A3, A4 or A5) to Class B1(a) allowing the flexibility to lease the space as either Class A or Class B1(a) for 5 years.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No formal pre-application submission was made 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 05.10.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. One letter has been received from a third party and the comments are summarised as follows:
 - The proposal reduces the possible employment, and rents and rates should be reduced;
 - The building is highly combustible and sprinklers should be fitted;
 - A museum was initially promised.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BICESTER TOWN COUNCIL: **No objections.**

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections.**
- 6.4. THAMES WATER: **No comments received.**

NON-STATUTORY CONSULTEES

- 6.5. CDC BUILDING CONTROL: **No comments received.**
- 6.6. CDC ECONOMIC DEVELOPMENT: **No comments received.**
- 6.7. CDC ENVIRONMENTAL PROTECTION: **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)

- PSD1 - Presumption in Favour of Sustainable Development
- SLE1 - Employment Development
- SLE2 - Securing Dynamic Town Centres
- SLE3 - Supporting Tourism Growth
- SLE4 - Improved Transport and Connections
- ESD15 - The Character of the Built and Historic Environment
- BICESTER 5 - Strengthening Bicester Town Centre

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- T2 - Proposals for hotels, motels, guest houses and restaurants within settlements
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Bicester Conservation Area Appraisal (2011)

8. APPRAISAL

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

- Principle of the Development;
- Impact upon the Character and Appearance of the Area;
- Impact upon the Significance and Setting of the Nearby Grade II listed building;
- Residential Amenity;
- Highways Safety;
- Other Matters.

Principle of the Development

8.1 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. 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.

8.2 Paragraph 23 of the NPPF states that: *“Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their viability and vitality.”*

8.3 Policy SLE3 of the Cherwell Local Plan states that: *“The Council will support proposals for new or improved tourist facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District.”*

8.4 Saved Policy T2 of the Cherwell Local Plan 1996 states that: *“Within the built up limits of a settlement the provision of new hotels, motels, guest houses and restaurants will generally be approved subject to the other policies in the plan.”*

8.5 Policy SLE1 of the Cherwell Local Plan Part 1 states that: *“In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met:*

- *the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term.*
- *the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable.*
- *the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.*

Regard will be had to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses.

- 8.6 Policy SLE2 of the Cherwell Local Plan Part 1 states that Retail and other 'Main Town Centre Uses' will be directed towards the town centres of Banbury and Bicester and the village centre of Kidlington in accordance with Policies Bicester 5, Banbury 7 and Kidlington 2. Policy Bicester 5 of the Cherwell Local Plan Part 1 states that: *"Shopping, leisure and other 'Main Town Centre Uses' will be supported within Bicester town centre."*
- 8.7 The existing use of the second floor of the building is a B1 use (office) and the change of use of this floor to a D1 use (hotel) would result in the loss of employment space. As noted above, Policy SLE1 of the Cherwell Local Plan Part 1 seeks to retain employment sites unless certain criteria are met.
- 8.8 However, Policy SLE1 of the Cherwell Local Plan Part 1 also states that regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use.
- 8.9 In this case, Policy SLE3 of the Cherwell Local Plan Part 1 and saved Policy T2 of the Cherwell Local Plan 1996 provide support for hotels within sustainable locations, subject to other policies in the plan. The site is considered to be located in a highly sustainable location given that it is within the town centre of Bicester.
- 8.10 Furthermore, the proposal would result in the change of use of one 'Main Town Centre Use' to another 'Main Town Centre Use.' Thus, the proposal would be in accordance with Policies SLE 2 and Bicester 5 of the Cherwell Local Plan Part 1 and it is considered that the proposal would not impact upon the viability and vitality of Bicester Town Centre.
- 8.11 In addition, whilst the loss of employment space is considered unfortunate, the loss of employment space in this case is not considered to be considerable and Officers hold the view that it would not significantly limit the amount of employment space available either in Bicester or the district as a whole, nor would it if have a material impact on levels of economic growth in the District.
- 8.12 Thus, Officers consider that there are other planning objectives that outweigh the value of retaining the second floor in an employment use. This being national and local policy support for hotels in sustainable and town centre locations, outweighing the loss of this employment space, which is not considered to materially limit the amount of employment space available in Bicester or the District as a whole or impact on levels of economic growth in the District.
- 8.13 The proposal could therefore be acceptable in principle. However, the acceptability of the proposal is dependent on other material considerations which will be discussed below in this report.

Impact upon the Character and Appearance of the Area

- 8.14 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. 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."*
- 8.15 Paragraph 134 of the NPPF states that: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

- 8.16 Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.
- 8.17 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.
- 8.18 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”* Furthermore, Policy ESD15 of the Cherwell Local Plan states that new development proposals should: *“Conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG”*
- 8.19 Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with existing buildings.
- 8.20 The external alterations proposed as a result of this application relate to the fenestration details on the second floor and the insertion of 2 additional air chiller units on the roof of the development.
- 8.21 Officers consider that the alterations to the fenestration details would be a minor one that would not materially alter the appearance of the building and would have a negligible impact upon the visual amenities of the locality.
- 8.22 In relation to the proposed chiller units, these would be sited next to three other chiller units. Given the 5 storey height of the building and that these chiller units would be sited behind a parapet wall on the roof of Franklins House, they would not be highly visible from the public domain. Thus, it is considered that these units would have a limited impact upon the visual amenities of the locality.
- 8.23 Given the above, officers consider that the proposal would not cause detrimental harm to the visual amenities of the locality, nor would it cause harm to the significance and the setting of the Bicester Conservation Area.

Impact upon the Significance and Setting of the Nearby Grade II listed building

- 8.24 Whilst the site is sited within very close proximity to the Grade II listed No.75 Sheep Street, Franklins House is set away from this Heritage Asset. It is considered that the alterations to the fenestration details on the second floor and the addition of two air chiller units of the roof of building would not materially alter the way this listed building is appreciated. Officers therefore consider that the proposal would not cause harm to the significance and the setting of this Grade II listed building.

Residential Amenity

- 8.25 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.
- 8.26 Saved Policy ENV1 of the adopted Cherwell Local Plan states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 8.27 Officers consider that the proposed alterations to the fenestration details would not result in any materially different views achieved from the second floor of Franklins House than those currently gained and it is considered that this proposed alteration would not cause undue harm to any neighbouring properties in terms of loss of privacy or loss of light.
- 8.28 The Council's Environmental Protection Officer (EPO) has raised no objections to the proposed additional chiller units on the roof of the building, but the EPO has noted that these units should incorporate adequate noise attenuation. These proposed chiller units would be sited next to three existing chiller units above the roof of any neighbouring residential properties, and when considering this as well as the town centre location of the site, officers consider that the two proposed chillers would not cause additional detrimental harm to any neighbouring residential properties in terms nuisance and disturbance, and that conditions in relation to noise attenuation are not necessary in this case.

Highways Safety

- 8.29 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *"New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions."*
- 8.30 The Local Highways Authority has raised no objections to the proposal. The Local Highways Authority has stated that the number of parking spaces required for the additional hotel bedrooms is the same as for the B1 office space being lost (i.e. 18 spaces). The Local Highways Authority go on to note that adequate parking is available in the public car park next door to the site (Pioneer Square car park), where arrangements are in place for hotel guests to leave their vehicles overnight.
- 8.31 Thus, the Local Highways Authority conclude that the proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view and officers see no reason to disagree with this assessment.

Other Matters

- 8.32 A third party has raised concerns in relation to the fire safety of the building and that a museum should be proposed, but these are not material planning considerations in the assessment of this application. In relation to the matter of fire safety, this relates to building regulations.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 Whilst the proposal would result in the loss of employment space, it is considered that there are other planning objectives that outweigh the value of retaining the second floor in an employment use. This being national and local policy support for hotels in sustainable and town centre locations, outweighing the loss of this employment space, which is not considered to materially limit the amount of employment space available in Bicester or the District as a whole or impact on levels of economic growth in the District.
- 9.2 Furthermore, it is considered that the proposal would not to cause detrimental harm to residential amenity, highway safety or the visual amenities of the locality, nor would it cause harm to the significance and setting of the Bicester Conservation Area or the nearby Grade II listed building. Thus, it is considered that the proposal is compliant with the policies outlined in section 7 of this report.
- 9.3 Overall, the proposal is considered to have no significant adverse impacts and constitutes sustainable development therefore the application is recommended for approval.

10. RECOMMENDATION

That permission is **granted**, subject to the following conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Planning, Heritage and Access Statement by Lyons, Sleeman and Hoare Architects dated 25th August 2017 and Drawing Numbers: 16064/P-001; 16064/P-100; 16064/P-101; 16064/P-103; 16064/P-104; 16064/P-106; 16064/P-107; 16064/P-300; 16064/P-301; 16064/P-302; and 16064/P-303 submitted with the application and Drawing Number 16064/P-304 received from the applicant's agent on 3rd October 2017.

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 change of use hereby approved to a C1 use relates only to the second floor of the building as displayed in Drawing Number 16064/P-106 submitted with the application.

Reason - In order to safeguard the vitality and viability of Bicester Town Centre and to comply with Policy SLE2 and Bicester 5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Planning permission only means that in planning terms a proposal is acceptable to

the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

CASE OFFICER: Stuart Howden

TEL: 01295 221815

Agenda Item 16

Cherwell District Council

Planning Committee

26 October 2017

Appeals Progress Report

Report of Head of Development Management

This report is public

Purpose of report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **16/02460/LB + 16/02572/F – Manor House, Banbury Road, Shutford, OX15 6PF.** Appeal by Sir Dominic and Lady Cadbury against the refusal of planning and listed building permission for extension to kitchen block abutting manor house.

17/01052/F – 1 The Green, Chesterton, OX26 1UU. Appeal by J And R Homes Ltd against the refusal of planning permission for the erection of one detached dwelling with parking.

17/01344/F – 6 Little Green, Bloxham, OX15 4QB. Appeal by Mrs Muckelburg against the refusal of planning permission for the change of use from amenity land to domestic use and dropped kerb.

17/01510/F – 79 Bloxham Road, Banbury, OX16 9JS. Appeal by Mr North against the refusal of planning permission for a single and a two storey rear extension.

2.2 Forthcoming Public Inquires and Hearings between 26 October 2017 and 23 November 2017.

None.

2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Allowed the appeal by Harlequin Group against the refusal of planning permission for the installation of 1.no. 21 metre high RT Swann Lattice tower on new concrete base with 6 no. antennas, 2 no. dishes, 4 no. cabinets and ancillary development thereto. O2, Land Adj To B4035 CTIL 201348, Unnamed B4035 Single Carriageway 6811256, Sibford Gower. 16/02150/F (Delegated).**

The appeal site is located in the open countryside to the north of Sibford Gower. To the west of the site lies the Cotswold Area of Outstanding Natural Beauty (AONB).

The Inspector considered the main issue to be the effect that the proposal would have on the character and appearance of the area, including the setting of the AONB and whether that any identified harm would be outweighed by the need to site the structure in the proposed location, having regard for the potential availability of alternative sites.

The Inspector considered that the lattice tower would not be clearly visible from the B4035 due to screening provided by existing planting. Although the tower would be clearly visible from the public footpath to the east of the site, the tower would be seen mainly against a backdrop of trees and hedgerows and subject to a suitable colour scheme on the mast, which could be conditioned, its appearance could be camouflaged. The Inspector was of the opinion that a landscaping scheme could screen the development further, which could also be conditioned.

The Inspector considered that given the limited visibility of the proposed development – subject to the suggested conditions – the development would not have a significant visual impact on the surrounding countryside or the AONB.

The Inspector accepted that there was a need for 4G network coverage in the area, as demonstrated by both the signal coverage maps and the supporting representations from local residents and businesses. The Inspector stated that the appellant had considered a number of alternative locations, including sites on buildings, and had addressed the potential for sharing of existing masts. However, the evidence submitted demonstrated that of those which are available and would provide the necessary signal coverage, none were more suitable than the proposed site.

Given the above, the Inspector concluded that the proposal would not cause unacceptable harm to the character and appearance of the surrounding area, including the setting of the Cotswolds AONB. Alternative sites were considered to meet the network coverage needs, but none identified would have caused less harm. The appeal was therefore allowed.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

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

Option 1: To accept the position statement.

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

5.0 Implications

Financial and Resource Implications

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

Comments checked by:

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

Legal Implications

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

Comments checked by:

Nigel Bell, Interim Legal Services Manager – Planning, Law and Governance,
01295 221687,
Nigel.Bell@cherwellandsouthnorthants.gov.uk

Risk Management

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

Comments checked by:
Nigel Bell, Interim Legal Services Manager – Planning, Law and Governance,
01295 221687,
Nigel.Bell@cherwellandsouthnorthants.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clark

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Tom Plant, Appeals Administrator, Development Directorate
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