

Committee: Planning Committee
Date: Thursday 14 December 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 - 13)

To confirm as a correct record the Minutes of the meeting of the Committee held on 23 November 2017.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **The Paddock, Wykham Lane, Broughton, Banbury, OX15 5DT** (Pages 16 - 29)
17/01998/F

8. **Shopmobility, Unit A4, Pioneer Square, Bure Place, Bicester, OX26 6FA**
(Pages 30 - 36) **17/02157/F**

9. **Land West Of The Junction, With The Boulevard, Oxford Airport, Langford Lane, Kidlington** (Pages 37 - 70) **17/02190/F**

10. **Miramar Cottage, 5 The Colony, Colony Road, Sibford Gower, Banbury, OX15 5RY** (Pages 71 - 82) **17/02192/F**

11. **Cherwell District Council, Former Offices, Old Place Yard, Bicester** (Pages 83 - 86) **17/00554/DISC**

12. **OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow, Warwick Road, Banbury** (Pages 87 - 92) **17/00559/DISC**

Review and Monitoring Reports

13. **Appeals Progress Report** (Pages 93 - 99)

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 6 December 2017

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 23 November 2017 at 4.00 pm

- Present: Councillor David Hughes (Chairman)
Councillor James Macnamara (Vice-Chairman)
- 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
- Substitute Members: Councillor Hannah Banfield (In place of Councillor Andrew Beere)
- Also Present: Councillor Ken Atack
Councillor Sean Gaul, ward member for Bicester East, for agenda item 8
Councillor Ken Atack, ward member for Cropredy, Sibfords and Wroxton, for agenda items 10 and 11
- Apologies for absence: Councillor Andrew Beere
- Officers: Paul Seckington, Senior Manager Development Management
Bob Duxbury, Joint Majors Manager
Linda Griffiths, Principal Planning Officer
Matthew Coyne, Planning Officer
Bob Neville, Senior Planning Officer
George Smith, Assistant Planning Officer
Nat Stock, Minors Team Leader
Ben Arrowsmith, Solicitor
Aaron Hetherington, Democratic and Elections Officer

Declarations of Interest

4. Urgent Business.

Councillor Nigel Simpson, Non Statutory Interest, as a member of Kidlington Parish Council which had been consulted on the application.

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

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

12. Caravan Park, Station Approach, Banbury, OX16 5AB.

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

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

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

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

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

13. OS Parcel 1424 Adjoining And Rear Of Jersey Cottage, Heyford Road, Kirtlington.

Councillor Simon Holland, Declaration, as the applicant was known to him, but would stay in the room but would not take part in the vote.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18. 27 Goodrington Close, Banbury, OX16 0DB.

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

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council and a separate declaration of the Executive and would leave the chamber for the duration of the item.

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

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

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

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

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

Councillor Surinder Dhesi, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate application, as the applicant was known to her and would leave the chamber for the duration of the item.

117 **Requests to Address the Meeting**

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

118 **Urgent Business**

The Chairman advised the committee that he had agreed to add one item of urgent business to the agenda, relating to an appeal by Cantay Estates and Midcounties Cooperative Society at 26 High Street, Kidlington (Application ref no 15/01872). The matter had arisen after agenda publication and a decision was required before the next scheduled meeting of the Committee. The item would be taken after the Appeals Progress Report.

119 **Minutes**

The Minutes of the meeting held on 26 October 2017 were agreed as a correct record and signed by the Chairman.

120 **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.

121 **Phase 2 SW Bicester Parcel 7849 North Of Whitelands Farm Adjoining, Middleton Stoney Road, Bicester**

The Committee considered an application for the discharge of condition 6 (design code) of 13/00847/OUT at Phase 2 SW Bicester Parcel 7849 North Of Whitelands Farm Adjoining Middleton Stoney Road, Bicester for Countryside Properties (Bicester) Ltd.

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

Resolved

That the Design Code for South West Bicester Phase 2 be approved as satisfying condition 6 of the planning approval (reference 13/00847/OUT) and that delegated authority be given to Officers to agree the final submission having regard to the comments made to the agent on 7 November 2017 and subject to no adverse comments being received from OCC, Thames Water and Environment Agency and any other consultees prior to the expiry of the public consultation which ends on 30 November 2017.

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

The Committee considered application 17/01428/F for the 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 at Part Of OS Parcels 0625 And 0914 North Of Coopers Buckingham Road, Bicester at LNT Care Developments Ltd/Greenlight Developments Ltd.

Councillor Sean Gaul addressed the committee as Ward member.

John Broad, on behalf of CPRE and Pamela Roberts addressed the committee in objection to the application.

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

Councillor Mould proposed that application 17/01428/F be refused as the application was contrary to saved Policy R1 of that Plan and to Policy Bicester 7 of the Cherwell Local Plan 2011-2031 and contrary to the thrust of Policies ESD 1, BSC 4 and SLE 4 of the adopted Cherwell Local Plan 2011-2031 and to the sustainable transport policies of the National Planning Policy Framework. Councillor Pratt seconded the proposal.

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

Resolved

That application 17/01428/F be refused for the following reasons:

1. The proposal is within an area identified in the Proposals Map of the Cherwell Local Plan 1996 as being reserved for recreation use and is therefore contrary to saved Policy R1 of that Plan and to Policy Bicester 7 of the Cherwell Local Plan 2011-2031 which seeks to establish an urban edge park around the outskirts of the town by protecting the existing network of green spaces and securing new open space.
2. The proposal is considered to be in an unsustainable and isolated location for visitors to and staff of the care home by reason of the long walk distances to the nearest shops and other services, and to the nearest bus stops, and by being poorly connected to the nearby residential areas, and therefore is contrary to the thrust of Policies ESD 1, BSC 4 and SLE 4 of the adopted Cherwell Local Plan 2011-2031 and to the sustainable transport policies of the National Planning Policy Framework.

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

The Chairman advised that application 16/02218/F had been withdrawn by the applicant.

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

The Committee considered application 17/01034/LB for regularising historic internal and external works to the West Wing of Williamscot House at West Wing, Williamscot House, Street from Centre to North West, Williamscot, Banbury, OX17 1AE for Williamscot Estate.

Councillor Atack addressed the committee as Ward Member.

David Harris, the applicant, addressed the committee in support to the application.

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

Resolved

That application 17/01034/LB be approved, subject to the following:

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).

125 **East Wing, Williamscot House, Street From Centre To North West, Williamscot, Banbury, OX17 1AE**

The Committee considered application 17/02025/LB for regularising historic internal and external works to the East Wing of Williamscot House at East Wing, Williamscot House, Street from Centre to North West, Williamscot, Banbury, OX17 1AE for Williamscot Estate.

Councillor Atack, addressed the committee as Ward Member. This address also covered the previous application.

David Harris, the applicant addressed the committee in support to the application. This address also covered the previous application.

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

Resolved

That application 17/02025/LB be approved, subject to the following:

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).

126

Caravan Park, Station Approach, Banbury, OX16 5AB

The Committee considered application 17/01233/OUT, an outline application for the development of land to the west of Banbury Railway Station to comprise 44 apartments all within Use Class C3; provision of vehicular and cycle parking together with all necessary internal roads and footpaths; provision of open space and associated landscape works; and ancillary works and structures at Caravan Park, Station Approach, Banbury, OX16 5AB for Land Group (Banbury) Ltd.

Stephen Hinsley, agent for 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 17/01233/OUT be refused for the following reasons:

1. The proposal for the development of this small part of the Canalside regeneration area is contrary to the requirements of Policy Ban 1 of the adopted Cherwell Local Plan 2011-2031 in that in the absence of a Supplementary Planning Document or detailed strategic site-wide masterplan it is not possible to form a view on how the proposal will fit in with the overall aspirations of the strategic site and how it will contribute towards the creation of a single integrated community. In these circumstances the proposal may prejudice the development of adjacent sites and may frustrate the provision of necessary infrastructure across the wider site.
2. The Local Planning Authority consider that the access way which will provide vehicular access to the site is inadequate to also serve as the pedestrian access to the site and whilst alternative access for pedestrians may be possible along the canal towpath this has not been secured through agreement with the land owner and a Section 106 agreement and will therefore be contrary to Policy SLE4 of the adopted Cherwell Local Plan.
3. In the absence of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway

concerns, delivering mixed and balanced communities by the provision of affordable housing and securing future site maintenance arrangements will be provided. This would be contrary to Policy INF1, BSC2, BSC9, BSC11 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.

127

OS Parcel 1424 Adjoining And Rear Of Jersey Cottage, Heyford Road, Kirtlington

The Committee considered application 17/01688/OUT, an outline application for a proposed residential development for up to 20 new dwellings and associated works with all matters reserved except access for Manor Farm Developments Ltd, S Nicholson, JF Budgett, DC Grayland, CM Budgett & HC Tylor at OS Parcel 1424 Adjoining and Rear Of Jersey Cottage, Heyford Road, Kirtlington.

George King, a local resident, addressed the committee in objection to the application.

Will Twiddy, the agent for the applicant and David Pratt, Chairman of Kirtlington Parish Council, addressed the committee in support to the application.

In reaching its decision, the Committee considered the officer's report, presentation and the address of the public speakers.

Resolved

That application 17/01688/OUT be refused for the following reasons:

1. By virtue of its siting, scale, size and form the proposal fails to respect the traditional linear settlement pattern of Kirtlington extending well beyond its built up limits to the east into open countryside and into Kirtlington Park, resulting in an incongruous and inappropriate form of cul-de-sac development which would relate poorly to the remainder of the village, and cause demonstrable harm to the rural character and setting of the village and visual amenities of the area. Therefore the proposal is contrary to saved Policies H18, C8, C27, C28 and C30 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.
2. The proposed development would by reason of its location, scale, and form cause considerable harm to the character and significance of the heritage assets of Kirtlington Conservation Area and the Grade II Registered Kirtlington Park, and would cause unacceptable harm to the settings of nearby listed buildings in particular Home Farm and the wider setting of Kirtlington Park House. Whilst, on balance, this harm is less than substantial the public benefits do not outweigh this harm. Therefore the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and the National Planning Policy

Framework in particular paragraph 17 'Core planning principles' and section 12 'Conserving and enhancing the historic environment', and the Planning Practice Guidance.

3. In view of the harm identified in refusal reasons 1 and 2 above and in the context of the Council being able to demonstrate an up-to-date 5 year housing land supply, the proposal is considered to be unnecessary, undesirable and unsustainable new housing development that would conflict with the criteria for assessing proposals for minor development listed under Policy Villages 2 of the Cherwell Local Plan 2011-2031. Therefore the proposal is unacceptable in principle contrary to Policy Villages 2 of the Cherwell Local Plan 2011-2031 and Central government advice within the National Planning Policy Framework.
4. In the absence of a satisfactory planning obligation the Local Planning Authority is not convinced that the infrastructure required to mitigate the impacts of the development on existing community infrastructure and services, along with the affordable housing directly required as a result of this scheme, will be delivered. This would be contrary to Policies BSC3 and INF1 of the Cherwell Local Plan 2011-2031 and central government guidance within the National Planning Policy Framework.

128

Field To Rear Of Cedar Barn, North Side, Steeple Aston

The Committee considered application 17/01694/F for the erection of single dwelling, involving formation of new driveway served off an existing access, car parking and turning area, creation of new opening through side boundary wall, erection of new boundary walls and enclosures and associated landscaping at Field To Rear Of Cedar Barn, North Side, Steeple Aston for Mark & Kate Kewley.

Nicholas Worlledge, the agent for the applicant and Kate Kewley, the applicant addressed the committee in support of the application.

Councillor Kerford-Byrnes proposed that application 17/01694/F be approved, Councillor Pickford seconded the proposal. On being put to the vote, the motion was lost and subsequently fell.

Councillor Richards proposed that application 17/01694/F be refused in line with the officer recommendation. Councillor Dhesi seconded the proposal.

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

Resolved

That application 17/01694/F be refused for the following reasons:

1. The proposal, by virtue of its siting and form, would fail to integrate successfully with the existing built form of the settlement resulting in

sporadic, backland development. Therefore the dwelling would fail to represent acceptable 'minor development' in a Category A settlement, failing to accord with Policy Villages 1 of the Cherwell Local Plan (2011-2031 Part 1), and government guidance contained within the National Planning Policy Framework.

2. The proposed development by reason of the inappropriate form, massing, detailing, appearance and extent of the site area, would result in less than substantial harm to designated heritage assets, in particular the designated Steeple Aston Conservation Area. It is considered to represent a visual intrusion into the important open space and fails to integrate well with the significant rural character, qualities and setting of the site and would detract from the character and appearance of the area without public benefits outweighing this harm, contrary to Policy ESD15 of the Cherwell Local Plan (2011-2031), C28 and C30 of the Cherwell Local Plan (1996) and government guidance contained within the National Planning Policy Framework.
3. The proposed development, by virtue the partial loss of a curtilage listed wall, is considered to cause less than substantial harm to the historic character and significance of the Grade II Listed Cedar Lodge. It has not been demonstrated that the loss of this historic fabric is justified or that the harm would be outweighed by public benefits, and as a result fails to comply with Policy ESD15 of the Cherwell Local Plan (2011 - 2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

129

The Pheasant Pluckers Inn, Street Through Burdrop, Burdrop, Banbury, OX15 5RQ

The Committee considered application 17/01981/F for change of use from A4 to C3 (ACV Listed) at The Pheasant Pluckers Inn, Street through Burdrop, Burdrop, Banbury, OX15 5RQ for Mr Geoffrey Richard Noquet.

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

Resolved

That application 17/01981/F be refused for the following reason:

1. The proposal would result in the loss of a valued village service and Asset of Community Value which, on the basis of the application and the contributions received, it has not been conclusively demonstrated as not being viable in the long-term. As such, the loss of the service would lead to an unacceptable impact on the character and appearance of the conservation area and the local community and would therefore be contrary to saved Policy S29 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and Government advice on supporting a prosperous rural economy and

promoting healthy communities contained within the National Planning Policy Framework.

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

The Committee considered application 17/00114/NMA for a Non-Material Amendment to 16/00043/F - Alterations to external Door ED.A.06 and Window W.A.16 swapped positions as indicated on elevation G to Building A and External cupboards added to courtyard elevations E and F to Building at Former Offices Cherwell District Council, Old Place Yard, Bicester for Cherwell District Council.

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

Resolved

That the alterations to the elevations of the buildings on Site A and Site B do not materially alter the appearance of the approved scheme, or raise any new issues that have not previously been considered, and so can be accepted as non-material amendments under Section 96A of the Town and Country Planning Act 1990 (as amended).

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

The Committee considered application 17/00119/NMA for a non-material amendment to 16/00043/F - To change the approved roof tile and window sill tile on Building B (St Edburgs) from Marley plain clay 'Smooth red' to Marley plain clay 'Smooth Blue' to match Building A (Old Place Yard) at Cherwell District Council, Former Offices, Old Place Yard, Bicester for Cherwell District Council.

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

Resolved

That the change to the approved roofing tile on Site B does not materially alter the appearance of the approved scheme, or raise any new issues that have not previously been considered, and so can be accepted as a non-material amendment under Section 96A of the Town and Country Planning Act 1990 (as amended).

132 **27 Goodrington Close, Banbury, OX16 0DB**

The Committee considered application 17/01829/F for a rear extension to provide bedroom and level access shower room at 27 Goodrington Close, Banbury, OX16 0DB for Mr Masud Raja.

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

Resolved

That application 17/01829/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 approved plans: SLP.01; and P.01.

133 **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.

134 **Urgent report re appeal by Cantay Estates and Midcounties Cooperative Society at 26 High Street, Kidlington (Application ref no 15/01872)**

The Head of Development Management submitted an urgent report which requested the Committee to reconsider the Council's position in light of recent changes to the County Council's position with regards to the infrastructure contributions they were seeking and provide officers and consultants acting for the Council with advice concerning the negotiation of a legal undertaking with relation to this appeal that was due to be heard at a hearing on 29 November 2017.

Resolved

- (1) That officers of the Council and those representing them in the hearing be authorised to seek to maximise the provision of affordable housing by the diversion of the potential contribution.

135 **Exclusion of Public and Press**

There being no questions on the exempt appendix, it was not necessary to exclude the press and public.

136

**Part Of OS Parcels 0625 And 0914 North Of Coopers, Buckingham Road,
Bicester - Exempt Appendix**

Resolved

- (1) That the exempt appendix be noted.

The meeting ended at 8.04 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

14 December 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.

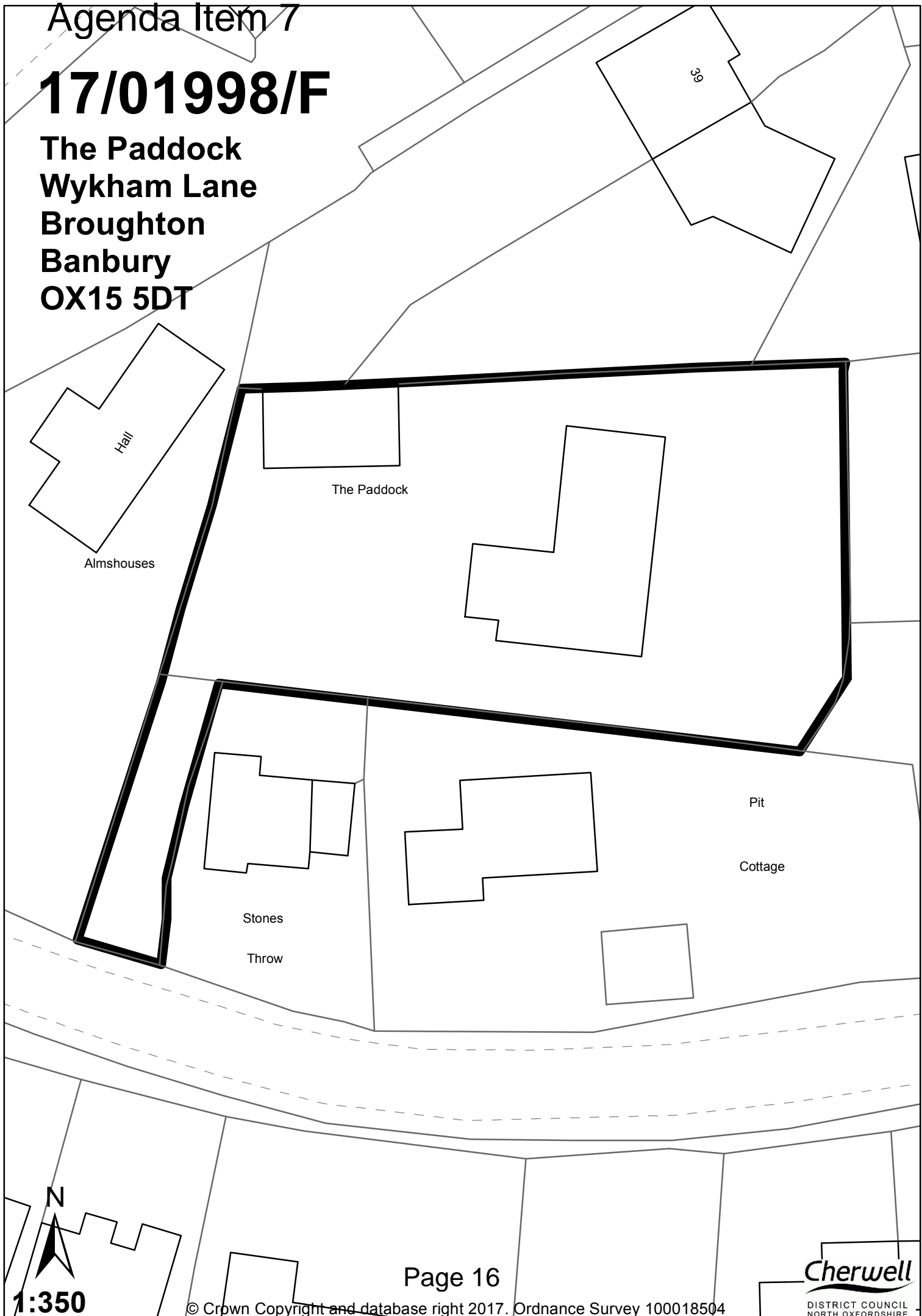
Background Papers

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	The Paddock, Wykham Lane, Broughton, Banbury, OX15 5DT	17/01998/F	Cropredy, Sibfords and Wroxton	Approval	Bob Neville
8	Shopmobility Unit A4A Pioneer Square Bure Place Bicester OX26 6FA	17/02157/F	Bicester East	Approval	Gavin Forrest
9	Land West Of The Junction With The Boulevard Oxford Airport Langford Lane Kidlington	17/02190/F	Kidlington West	Approval	Hilary Kernohan
10	Miramar Cottage, 5 The Colony Colony Road, Sibford Gower Banbury, OX15 5RY	17/02192/F	Cropredy, Sibfords And Wroxton	Refusal	Matthew Coyne
11	Cherwell District Council Former Offices Old Place Yard Bicester	17/00554/DISC	Bicester South And Ambrosden	Approval	Shona King
12	OS Parcels 4083 And 6882 Adjoining And North Of Broken Furrow Warwick Road Banbury	17/00559/DISC	Banbury Hardwick	Delegate authority to officers to determine the application	Matthew Coyne

17/01998/F

**The Paddock
Wykham Lane
Broughton
Banbury
OX15 5DT**



39

Hall

Almshouses

The Paddock

Stones

Throw

Pit

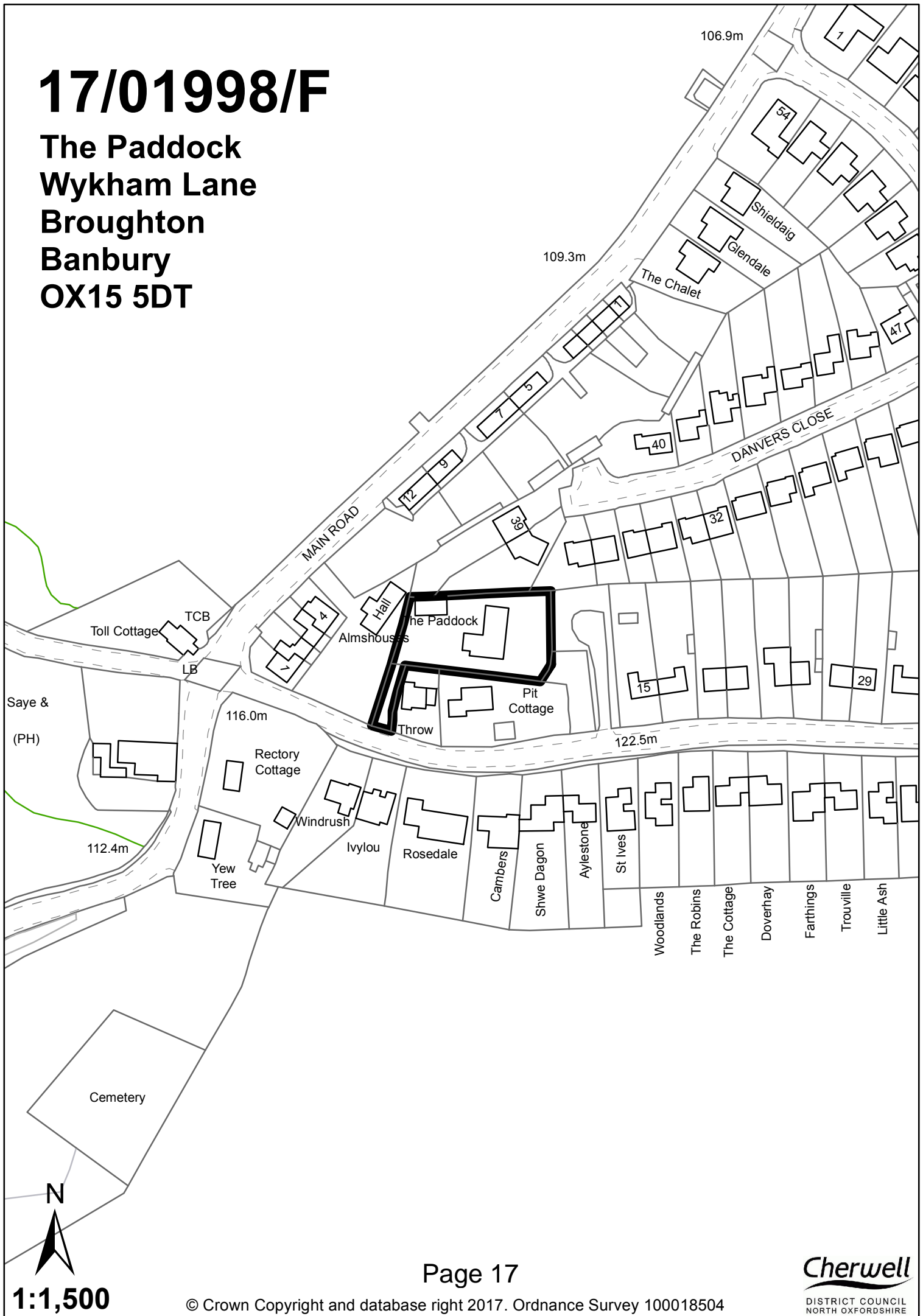
Cottage



1:350

17/01998/F

The Paddock
Wykham Lane
Broughton
Banbury
OX15 5DT



**The Paddock
Wykham Lane
Broughton
Banbury
OX15 5DT**

17/01998/F

Applicant: Mr Herbert Ward

Proposal: Demolition of existing single storey workshop and extension and conversion of existing detached garage to create a separate dwelling

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Ken Atack
Cllr George Reynolds
Cllr Douglas Webb

Reason for Referral: Public interest

Expiry Date: 23 November 2017 **Committee Date:** 14 December 2017

Recommendation: Approval

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an existing single storey garage with room in the roof space and single storey workshop building located with the curtilage of the Paddock, a stone built bungalow, within the village of Broughton. The existing garage is of brick construction, save for its stone front façade, under a concrete tiled roof. The workshop building uses a combination of corrugated metal sheeting corrugated fibre-cement sheeting for its walls and roof with the rear wall of the workshop forming part of the boundary of the site with the adjacent properties 38 & 39 Danvers Close. There is timber fencing to other boundaries of the site.
- 1.2. The Paddock has a somewhat back-land siting with an access drive off the adjacent highway Wykham Lane. There are residential properties to the north, south and east of the site, with a community hall to the west. There is a slight variance in land levels at the site with the existing dwelling (The Paddock) sitting on a slightly more elevated position in relation to the existing garage and workshop and adjacent residential buildings.
- 1.3. In terms of site constraints, the site is not within a conservation area and the building is not a listed building. The site is within a buffer zone surrounding an area of potentially contaminated land and an area where the geology is known to contain naturally occurring elevated levels of Arsenic Chromium and Nickel; as is seen in many areas across the district. The site sits adjacent the historic village core, an area considered to be of archaeological interest. There is a row of Grade II Listed Alms houses some 21m west of the site, situated on the main road through the village (B4035). There are no other notable site constraints relevant to planning and this application.
- 1.4. Amended plans have been received during the course of the application in response to officer's concerns and issues raised by third parties (summarised below). The amendments to the scheme have included: the replacement of a first floor window in

the southern elevation with two smaller obscurely glazed windows; the removal of a rooflight in the southern facing roof slope (serving bedroom 2); the introduction of an additional first window to the west elevation (serving bedroom 2); the introduction of a rooflight to the west facing roof slope (serving bedroom 1); a reconfiguration of the internal layout at first floor level and corrections to drawing annotations/labelling with regards to east and west elevation. In light of the amendments made, a further re-consultation exercise was undertaken.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks permission for the removal of the existing single storey workshop and the conversion and extension of the existing garage building to form a new detached two bedroom dwelling, with integral garage, associated residential garden area and parking. The proposed new dwelling would provide accommodation on two floors with the upper floor being accommodated within the roof space. The overall height of the proposed building would be as the height of the existing garage (~6.6m), albeit with the building being extended further to the east by 6.2m with a total width of 10.65m; resulting in a footprint of ~77m². Materials to be used in construction are proposed to match those currently in use at the site.
- 2.2. The proposals would also include a new boundary fence to the northern boundary, a 0.6m high retaining wall with 0.9m high timber fence above separating the existing dwelling from the proposed, and the formation parking areas for both the existing and proposed dwelling (two spaces per dwelling). Access to the site would be shared via the existing access drive onto Wykham Lane.

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>
CHN.310/76	Erection of bungalow with garage, alteration of access.	Application permitted
CHN.187/85	Granny flat (Outline).	Application refused
CHN.160/90	Demolish part of shed and reconstruct to form double garage with storeroom over.	Application permitted

- 3.2. Outline application CHN.187/85 for the development of a 'Granny flat' (with all matters reserved) was refused 22/05/1985, on the following grounds:
 - The proposal would not accord with housing policy as the site was not considered to constitute an infill plot; within the strict definition of that term;
 - The proposal would result in an over-intensive use of the back-land plot which would have an adverse effect on neighbour amenity;
 - The access was considered substandard in both geometric and vision terms; and that an increase in its use would result in a detriment to highway safety.

4. PRE-APPLICATION DISCUSSIONS

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

Application Ref. Proposal

17/00113/PREAPP: Demolish the single story workshop and extend the garage/store to create a separate 2 or 3 bedroom dwelling with associated amenities

Response issued 01/06/2017: Support offered to the principle of developing a further dwelling on site, through the conversion and extension of the existing garage; but that this would be dependent on an appropriate quality design solution being brought forward that would be of an appropriate scale and sympathetic to the context, that would not detrimentally impact on the character and appearance of the area or on the amenity of the existing properties (on and adjacent the site) and that could demonstrate that the proposals would not have a detrimental impact on highway safety.

17/00203/PREAPP: The proposal is to demolish the single story workshop and extend the garage/store to create a separate 3 bedroom dwelling with associated amenities. (Follow up to 17/00113/PREAPP)

Response issued 01/06/2017: Officers confirmed that they would likely be able support the proposal, but only on the strict provision that the following amendments were made:

- The scale of the proposal needs to be reduced to a two bedroom unit;
- The dormer windows are removed from the scheme;
- Appropriate outdoor amenity space can be provided for the proposed dwelling that would not significantly impact levels of amenity of the existing dwelling house.

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. As noted above, an additional consultation exercise was undertaken following the submission of revised plans. The final date for comments is 07.12.2017. Given that the final date for comment is beyond the date of the preparation of this report, any further comments received post finalising this report will be conveyed to planning committee by way of a written update prior to the commencement of the committee meeting; however, it is considered unlikely that the amendments made to the proposed scheme would raise any further issues than those raised by third parties following the initial consultation, and in some respects the amendments have looked to address the concerns raised.
- 5.2. Objections have been received from 5 local residents in response to the publicity undertaken. The comments raised by third parties are summarised as follows:
- Potential impact on neighbour amenity through over-dominance, loss of privacy through over-looking, loss of light to garden areas.
 - Highway safety; through increase traffic and parking issues particularly when the community hall is in use.
 - This would be a new separate dwelling that could be sold on in the future.
 - Potential sewerage issues.
 - Setting a precedent of allowing extra residences to be built in the future.

- Two storey dwelling out-of-keeping with existing property and those within the area.
- Potential asbestos issues
- Any replacement fence, between adjoining gardens, would need to be at least as high if permission was granted.

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. BROUGHTON PARISH COUNCIL: **No comments received.**

STATUTORY CONSULTEES

6.3. HIGHWAYS AUTHORITY: **No objections**, subject to a condition securing further details of the proposed parking and manoeuvring areas (including construction, layout, surfacing and drainage).

6.4. THAMES WATER: **No comments received.**

NON-STATUTORY CONSULTEES

6.5. None undertaken.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- Villages 1: Village Categorisation
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

7.3. Other Material Planning Considerations

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

8. APPRAISAL

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

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

Principle of development:

- 8.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.3. Paragraph 6 of the Framework sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 8.4. Policy PSD1 contained within the CLP echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 8.5. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5.6 year housing land supply. The presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.
- 8.6. Policy Villages 1 of the Cherwell Local Plan Part 1 groups villages into three separate categories (A, B and C). Broughton is recognised as a Category C village. Category C villages are considered to be the least sustainable settlements in the District's rural areas (which is highlighted by the village's lack of community facilities) and as such new residential development will be restricted to conversions and infilling within the built up area of the settlement.
- 8.7. Whilst officers do not consider the site to represent a plot that would strictly conform to the definition of 'infill development' as expressed within the CLP 2031 (*'Infilling refers to the development of a small gap in an otherwise continuous built-up frontage'*), given that the proposals would be for the conversion and an extension of an existing building within the built-up limits of the village officers consider that there is policy support for the principle of development, in general sustainability terms, subject to the further considerations discussed below.

Design, and impact on the character of the area:

- 8.8. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2031 which requires new development to respect an area's unique built, natural and

cultural context. It requires development to complement and enhance the character of its context through sensitive siting, layout and high quality design.

- 8.9. Saved Policy C28 of the CLP 1996 also states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the urban or rural context of that development. Further, saved Policy C30 of the CLP 1996 states that control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density with existing dwellings in the vicinity.
- 8.10. The existing dwelling (The Paddock) sits in a backland position in relation to the adjacent highway (Wykham Lane) and the proposals would have a similar relationship to the highway. Given its siting views of the proposed dwelling would largely be limited to those experienced from within the site and from neighbouring properties and glimpsed views up the access drive to the site; and the proposed dwelling would not be a prominent feature within the street-scene.
- 8.11. Third party comments have been made suggesting the proposals constitute a new two storey dwelling and that this would be out of character with existing development, both within and surrounding the site. It is noted that the area contains quite a variety in the scale and design of properties within the vicinity of the site; with two storey properties within Danvers Close north-east of the site and single, one and a half and two storey dwellings along Wykham Lane. Whilst the proposals would provide accommodation on two floors, the upper floor would be contained within the roofspace – though some of this achieved through roof extension to the existing building; a similar arrangement and scale to that seen at the property to the front of the site (to the south), Stones Throw. The existing dwelling (the Paddock) sits at a slightly elevated position in relation to the proposed dwelling and in officer's opinion would not be over-dominated by the proposed new dwelling.
- 8.12. The scale and form of the proposed new dwelling is considered to be appropriate within the context. The proposals are also presented as being constructed in materials to match those in use on the existing buildings within the site, which is also considered an appropriate design approach by officers. Appropriate construction and materials details and samples could be secured through appropriate conditions attached to any permission given to ensure the satisfactory appearance of any completed development.
- 8.13. As noted above, there is a row of grade II listed buildings on the main road through the village to the west of the site. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...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.* The proposals would not be seen in the same context as these heritage assets and given the separation distance and that there is development on intervening land (community hall), the proposals are therefore not considered to detrimentally affect these properties or their setting.
- 8.14. On balance, officers consider that subject to approval of appropriate construction finish materials the proposed development would not significantly detract from the visual amenities of the site or the wider street-scene, therefore sustaining the character and appearance of the area and therefore acceptable in this regard.

Residential amenity:

- 8.15. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: *'new development proposals should consider amenity of both existing and future development,*

including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space’.

- 8.16. The proposals would result in the development of a modest two bedroomed property within the built-up limits of the village. The internal layout is considered to provide appropriate room sizes that would provide an adequate living environment for potential future occupants of the property. The proposals include a small private garden area to the side which would provide outdoor amenity space.
- 8.17. Concerns have been raised with regards to potential detrimental impacts on the levels of amenity currently enjoyed by existing neighbouring properties, including Stones Throw to the south and 38 and 39 Danvers Way to the north/north-east. Issues raised include loss of privacy through overlooking of dwellings and garden areas, overbearing and loss of light, again to dwellings and garden areas.
- 8.18. The properties that would potentially be impacted upon to the greatest extent by the proposals would be the existing dwelling (The Paddock) and Stones Throw to the south of the site.
- 8.19. With regard to the Paddock the proposals would result in the loss of some of the current garden area/outdoor amenity space and garage/workshop at the front of the property. However, the property would still retain a substantial area of garden land to the front, sides and rear, which would provide suitable outdoor amenity space for the occupants of the property.
- 8.20. The proposed new dwelling would be set at a slightly lower level than the Paddock and given its proposed scale, siting and orientation in officer’s opinion would not be overly dominant or result in a significant loss of light or outlook to the windows of the existing dwelling.
- 8.21. The proposed new dwelling would have a first floor window in the east elevation which would face back towards the Paddock, but this is proposed to be obscurely glazed and as such would not result in any issues of overlooking.
- 8.22. With regards to the impact on Stones Throw, the rear elevation of this neighbouring property would sit ~21m from the front elevation of the gable projection of the proposed new dwelling. The Council’s informal design guidance (within the document ‘Home Extensions and Alterations Design Guide’) advocates a distance of 22m between elevations containing windows to habitable rooms, in such circumstances, to maintain an appropriate separation distance between existing and proposed dwellings; to ensure that there is no significant impact to neighbour amenity to the extent that would warrant a reason to refuse the proposals.
- 8.23. In light of the separation distance being in conflict with the informal guidance officers raised concerns with the applicant’s agent with regards to the potential for over-looking issues from windows and rooflights in the south elevation and roof slope. Amended plans were subsequently submitted removing the rooflight and replacing a first floor window with two smaller obscurely glazed windows; thereby removing any opportunity for over-looking of Stones Throw.
- 8.24. The occupants of Stones Throw also raised concerns with regard to loss of outlook and over-domination, and the case officer subsequently visited the site during the application, to appreciate the views that were being expressed. Stones Throw sits a slightly lower level, with timber close-boarded fence along the rear boundary and north facing rear elevation and garden. The only windows in the rear elevation are at ground floor level. There are views of the roof of the existing garage from within the rear garden and the living/dining room within the property. Whilst the proposed extended form of the proposed building would appear more prominent in views from this property, it is considered that the separation distance is such that the proposed new dwelling would not appear as being overly dominant or result in a loss of outlook or light to the rear of this property that would be so significant that it would warrant a reason to refuse the application that could later be sustained at appeal.

- 8.25. Concerns have been raised by the occupants of 38 and 39 Danvers Close with regards to potential for overlooking of their properties and loss of light to the rear gardens. In respect to these properties the only openings that could potentially afford views of their properties are a rooflight in the rear (north) roof slope and first floor windows in the east elevation of the proposed dwelling. The rooflight would be set at 1.7m above floor level and would not result in direct views of the gardens of properties to the north. The proposed window in the east elevation would be obscurely glazed and again would not afford direct views of neighbouring properties.
- 8.26. The proposed building would set against the boundaries of the rear gardens of both 38 and 39 Danvers Close and would impact on the rear extents of these gardens. The boundaries of these properties are made up in part of the rear wall of the existing workshop and timber fencing immediately adjacent the existing garage. There are also a number of trees with the garden off 38 Danvers Close along the boundary adjacent the area of the proposed dwelling. It is considered that any loss of light to the rear gardens above that already experienced, given the existing garage and boundary treatment, would not be so significant that it would warrant a reason to refuse the application.
- 8.27. On balance, whilst officers acknowledge that there would be some impact on neighbouring properties it is considered that, given the siting and scale and relationship of the proposals to neighbouring properties, any impact on neighbour amenity would not be so significant that it would warrant a reason to refuse the application and the proposals are therefore considered acceptable in this regard.

Highway safety:

- 8.28. The Highways Authority (LHA) has assessed the proposals and raises no objections subject to further details being secured with regards to the parking and manoeuvring areas, to ensure a satisfactory standard of construction with appropriate drainage, in the interests of highway safety.
- 8.29. Officers see no reason not to agree with the opinion of the LHA. The proposals would utilise an existing access with appropriate levels of parking for both the existing (2 spaces) and proposed dwellings (2 spaces + garage), and is unlikely to result in any need for on-street parking. Manoeuvring could also be achieved within the site to ensure that vehicles could enter and leave the site in a forward manner.
- 8.30. Subject to the requirements of the LHA being met through appropriate conditions attached to any such permission, it is considered that the proposals would not likely result in any significant detrimental impacts on the safety and convenience of highway users and is acceptable in terms of highway safety.

Other matters:

- 8.31. Concerns have also been raised with regard to the potential impact on sewerage capacity given issues that have previously been experienced. Thames Water as water utility suppliers for the site has been consulted during the application; however, no response has been received. Officers have subsequently discussed the matter with the Council's Building Control Team, who were of the opinion that any extra burden put upon the existing sewer system, as a result of the development of one additional dwelling, would not be significant and not a reason to withhold the granting of planning permission on such grounds, given that Thames Water had not raised an objection in this respect.
- 8.32. Comment has been made by local objectors with regard to the potential for asbestos being present within the site, which would require appropriate safe removal. No such material has been identified as being present within the site. The disposal of asbestos is controlled through separate legislation (The Control of Asbestos Regulations 2012) outside planning, and any such removal, should such be required, would need carried out by the applicant/developer in accordance with

these regulations and also The Health and Safety at Work Act 1974; and as such is not considered to constitute a reason to withhold planning permission.

- 8.33. Comment has been made with regard to the proposed boundary treatment along the site's boundary with properties in Danvers Close. The applicant has clarified with revised site layout drawings that this boundary will be a new close-board fence and it is considered that further details and the erection of this boundary fence could be secured through an appropriate condition attached to any such permission.
- 8.34. Comment has been made with regard to acceptance of the proposals setting a precedent for future similar developments. Whilst these comments are again noted, each application must be assessed on its own merits and within the relevant context and therefore that precedent setting is not a reason to refuse an application on these grounds alone.

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. Given the above assessment in the light of current guiding national and local policy context and other material considerations, officers consider that the proposals represent an appropriate form of sustainable development within the built up limits of the village, providing additional housing which would not conflict with the housing strategy for the district, set out within the policies of the development plan.
- 9.3. The proposals would provide social and economic benefits through providing additional residential accommodation and construction employment and trade opportunities within the local area supporting the district's economy. The proposals are considered acceptable in terms of visual amenity, residential amenity and highway safety and are not considered to be of any significant detriment to the environment sustaining the character and appearance of the site and its setting within the village.
- 9.4. As such, the proposals are considered to comply with the Development Plan and above mentioned policies and are therefore recommended for approval as set out below.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: 17122(PL)021 Rev. B, 17122(PL)022 Rev. A, 17122(PL)023 Rev. B, 17122(PL)024 Rev. B, 17122(PL)025 Rev. B, 17122(PL)026 Rev. C, 17122(PL)027 Rev. B, 17122(PL)028 Rev. A, 17122(PL)029 Rev. B and 17122(PL)030 Rev. A.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with

Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the dwelling hereby approved above slab level, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the southern and eastern elevations of development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and retained as such thereafter.

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

4. The materials to be used for the roof of the development hereby approved shall match in terms of colour, type and texture those used on the existing garage building.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The bricks to be used for the construction of the external wall on the northern elevation of the development hereby approved shall match in terms of colour, type and texture those used on the existing garage building.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Notwithstanding the details submitted, full details of all new and replacement doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail, materials and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation in the development. Thereafter the doors and windows and their surrounds shall be installed within the development in accordance with the approved details and retained as such thereafter.

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. Prior to the first occupation 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.

8. Prior to the first occupation of the development hereby approved, full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details,

prior to the first occupation of the dwelling and shall be retained as such thereafter.

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.

9. Prior to the first occupation of the development hereby approved, the first floor windows in the southern and eastern elevation of the dwelling shall be fully glazed with obscured glass (at least Level 3) only that complies with the current British Standard, and shall be retained as such thereafter.

Reason: To safeguard the privacy and amenities of the occupants of the adjoining premises and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. 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.

11. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no new windows, rooflights or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the dwelling without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES:

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
3. The applicant is advised that in respect of Surface Water, Thames Water have recommended that it should be ensured that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required. They can be contacted on 0845 850 2777.
4. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

CASE OFFICER: Bob Neville

TEL: 01295 221875

Agenda Item 8

17/02157/F

Shopmobility

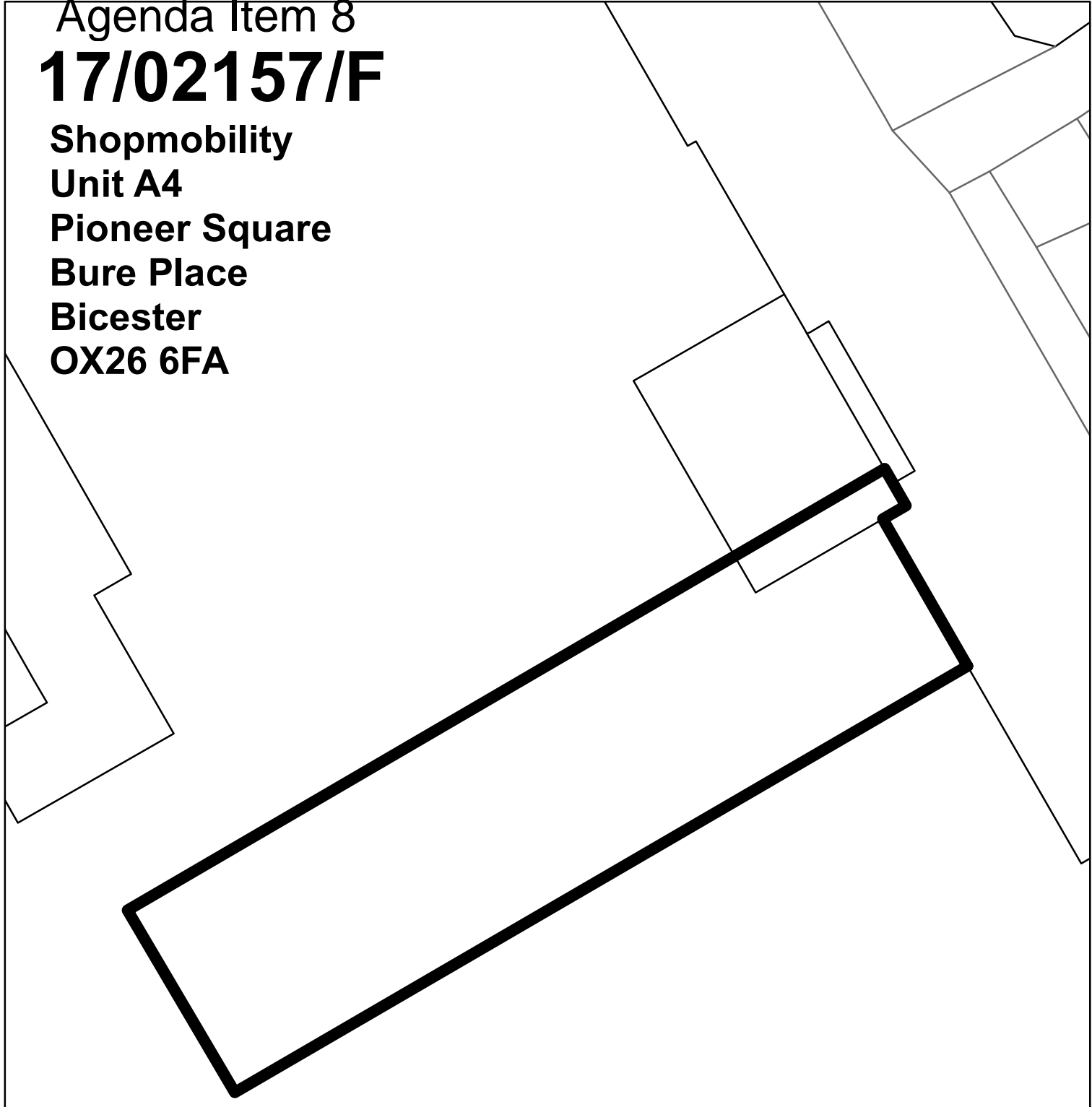
Unit A4

Pioneer Square

Bure Place

Bicester

OX26 6FA



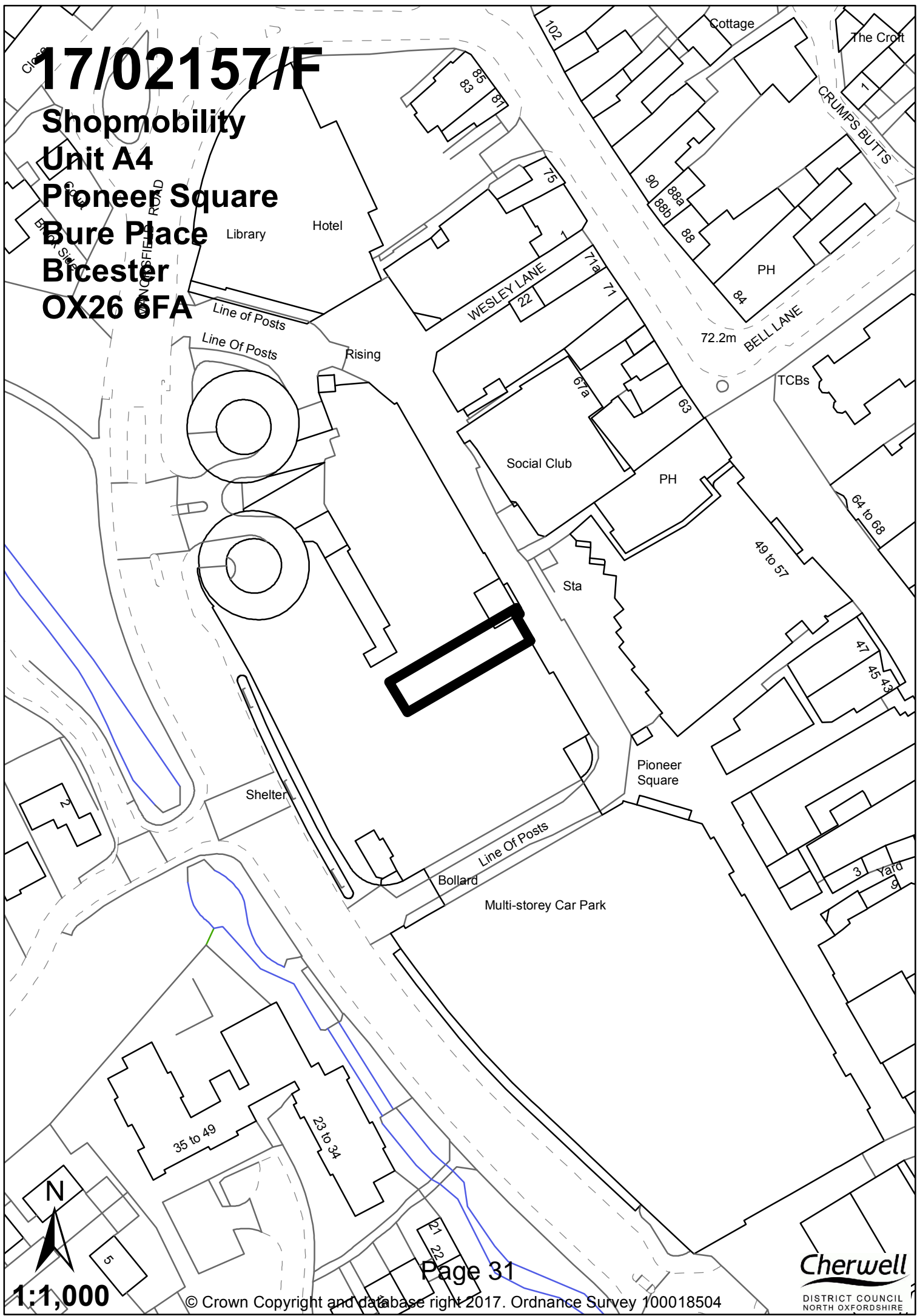
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17/02157/F

**Shopmobility
Unit A4
Pioneer Square
Bure Place
Bicester
OX26 6FA**



**Shopmobility
Unit A4A
Pioneer Square
Bure Place
Bicester
OX26 6FA**

17/02157/F

Applicant: InHealth

Proposal: Change of use of Unit A4a Pioneer Square from A1 (retail) use to a D1 healthcare facility, with minor internal and external alterations

Ward: Bicester East

Councillors: Cllr Sean Gaul
Cllr Richard Mould
Cllr Tom Wallis

Reason for Referral: The premises is in the ownership of the Local Authority

Expiry Date: 20 December 2017 **Committee Date:** 14 December 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the eastern side of the Pioneer Square Shopping Centre which is located in central Bicester. The site is located within the Bicester Conservation Area. Although within the town centre, the unit has a frontage on to Bure Place, which is a pedestrian route within the town centre. Although the unit has a street frontage, the unit is not within the primary shopping area, which fronts on to Sheep Street. The Pioneer Square development forms part of the town centre redevelopment scheme.
- 1.2. There is a mixture of uses within the locale; with the neighbouring units providing D2 (gym) and A1 (retail) uses. Although the existing unit has a Class A1 use it has not been occupied since the opening of the development in July 2013.
- 1.3. The original floor space that made up Unit 4 is in the process of being subdivided into two separate entities which both incorporate mezzanine space. Unit A4A, the subject of this application, has a footprint of approximately 177 square metres.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The proposals relate to a mezzanine unit at Unit 4a, Pioneer Square. The site currently has a class A1 retail use, although the site has never been occupied. The proposed development is for the change of use of the unit to form a Class D1 unit.
- 2.2. The proposed unit will operate as a clinic for diagnostic procedures (endoscopies etc). The unit will have a ground floor reception and ancillary retail on the ground

floor as well as outpatient treatment areas and consultation rooms. Ancillary uses are also included on the first floor to create staff facilities, via a new stairway.

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>
07/00422/F	Demolition and comprehensive redevelopment to provide a mixed use town centre development of up to four storeys incorporating; supermarket and cafe, 2 no. new public squares, multi-screen cinema, civic building inc. public library, bus interchange, 25 no. retail units, extensions to 3 no. existing units, provision of restaurants and cafes, refurbishment of Crown Walk with change of use of unit from A1 retail to A3 cafe, 526 no. car parking spaces, 19 no. residential units, diversion of Town Brook, infrastructural alterations and associated landscaping (as amended by plan 2004/075/PO8 Rev B rec'd 08.05.07 with letter dated 04.05.07 and including supplementary transport information received 06.06.07).	Application Permitted
09/01687/F	Foodstore, non food retail, cinema, car park, servicing and other ancillary town centres uses (amendments relating to planning permission 07/00422/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 23.11.2017, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. **Bicester Town Council:** “Welcome the application” and have no negative comments to make regarding the proposal

STATUTORY CONSULTEES

- 6.3. **OCC Highways** – No objections

NON-STATUTORY CONSULTEES

- 6.4. **N/A**

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- SLE2 - Securing Dynamic Town Centres
- SLE4 - Improved Transport Connections
- Bicester 5 - Strengthening Bicester Town Centre
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 7.3. Other Material Planning Considerations

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

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the conservation area
- Other matters

Principle of development

- 8.2. The National Planning Policy Framework (NPPF) aims to create healthy communities and to ensure the vitality of town centres by ensuring a range of uses. The area currently has a number of different uses such as A4 (Pubs), A1 (retail) and D2 (gym –14/00890/F refers). Health centres are referred to within the appendix of the NPPF that identifies “main town centre uses”.

- 8.3. The application seeks permission for the change of use of the current Class A1 retail unit to become a screening health clinic (use Class D1). Although not a drop in doctors' surgery the unit is still classed in the D1 category, in that it provides a health related diagnostic service. Although the unit has always had an A1 use, it has been empty since the completion of the shopping development in July 2013.
- 8.4. Policy SLE2 of the CLP 2031 Part 1 requires main town centre uses to be directed towards the existing town centres of Banbury, Bicester and Kidlington. The application site is within the town centre and the proposed use is considered to be a main town centre use that would be appropriate for this area. The proposal is therefore considered to comply with Policy SLE2.
- 8.5. All proposals complying with SLE2 should also accord with Policy SLE4 of the CLP 2031 Part 1. Policy SLE4 aims to support sustainable locations for employment growth. The proposal is considered to be within the town centre and is well served by existing transport connections and sustainable transport options. This policy states "all development where reasonable to do so, should facilitate the use of public transport, walking and cycling", which this application is considered to do. The proposal is therefore considered to comply with Policy SLE4.
- 8.6. It is acknowledged that the town centre redevelopment's main aim was to energise the principal retail area. Given the fact that the unit has been empty since its construction the proposed change of use seen to comply with Local Development Plan Policy SLE2 as the change of use would lead to a mix of uses and creating a more dynamic town centre.
- 8.7. Policy Bicester 5 of the CLP 2031 Part 1 states that shopping leisure and other main town centre uses will be supported within Bicester town centre. It goes on to state that only A1 and A3 uses will be permitted on the ground floor in the primary shopping area. However, the proposed site falls outside of this defined area.
- 8.8. Policy Bicester 5 further states that proposals for town centre uses will be considered against SLE2 (see above), ESD10 (not relevant in this instance) and Policy ESD15.
- 8.9. Subject to compliance with Policy ESD 15, the principle of the development is therefore not in conflict with any of the aforementioned policies set out in the CLP 2031 Part 1.

Design, and impact on the character of the conservation area

- 8.10. Policy ESD15 of the CLP 2031 Part 1 states that '*new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.*'
- 8.11. Whilst located within the Bicester Conservation Area, the only external changes that are proposed as part of the current submission relate to works associated with the repositioning of the front entrance and a new fire door in the rear elevation, which will require a modest reduction in the size of a waste bin cage which runs down the rear of a number of the business units. These changes will not unduly affect the character and appearance of the Bicester Conservation Area and therefore accord with Policy ESD15.

Other matters

- 8.12. The Highways Liaison Officer is satisfied that there are no potential parking or highway safety issues associated with the development. However as not all activities within Class D1 would necessarily have a neutral impact on highway safety, it is considered prudent to restrict further changes within this use class.
- 8.13. Notwithstanding the proposed year round 8am - 8pm opening hours, given the units town centre location, there are no residential neighbour amenity concerns associated with the proposal. The development therefore accords with Policy ESD15 in respect of these matters.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. For the reasons set out in this report, Officers conclude that the proposal accords with Policies SLE2, SLE4, Bicester 5 and ESD15 of the CLP 2031 Part 1 and therefore recommend this proposal for approval subject to appropriate conditions.

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 application forms following plans and documents: "16005/IR/MLa/14863631v2", "IL16005/01-002revA", "17/169/SK2", "17/169/SK4" & "17/169/SK6"

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. Unit A4A shall be used only for the purpose of a health clinic 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 1987 (as amended).

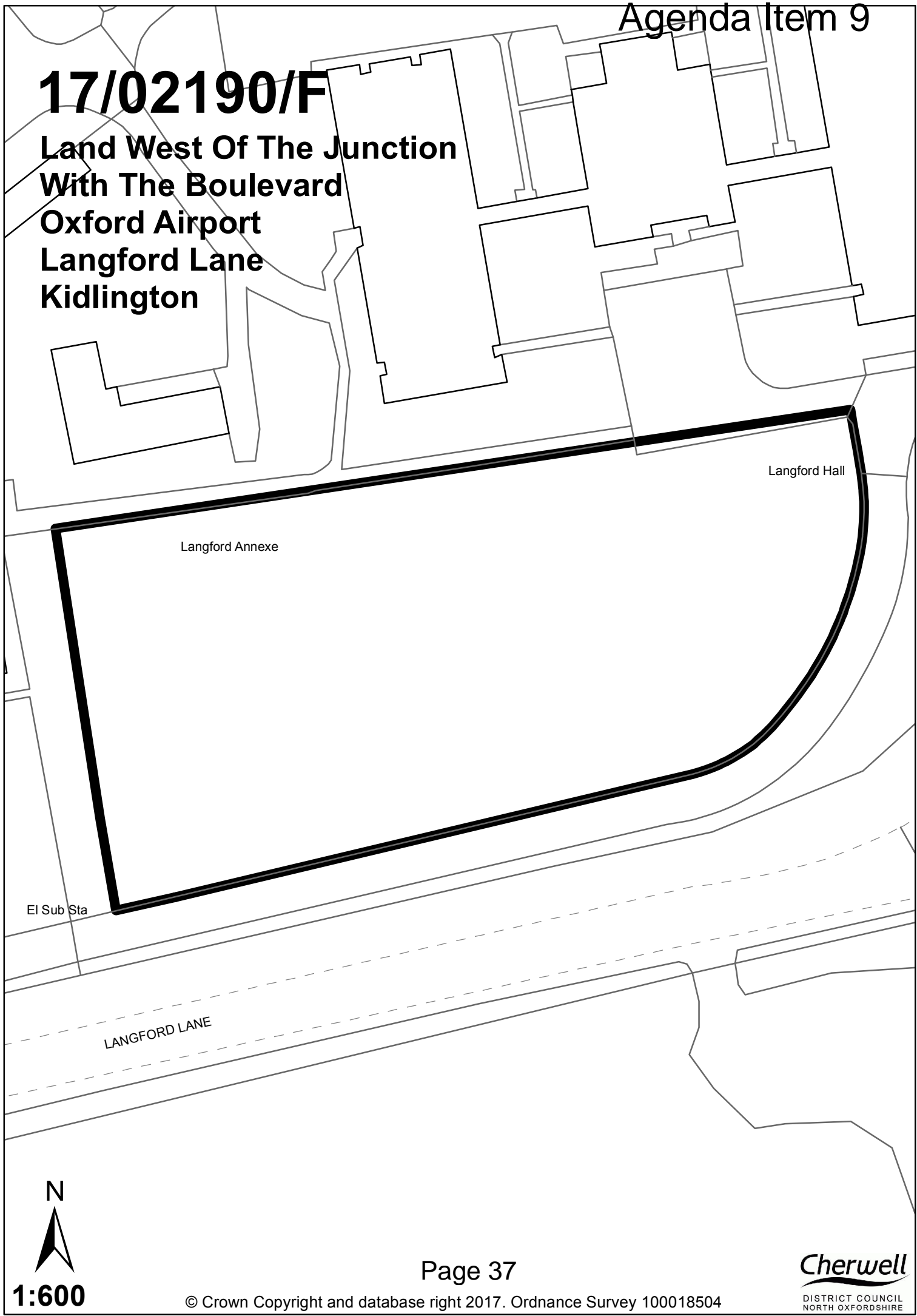
Reason: To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard highway safety in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Gavin Forrest

TEL: 01295 221599

17/02190/F

**Land West Of The Junction
With The Boulevard
Oxford Airport
Langford Lane
Kidlington**



Langford Hall

Langford Annexe

El Sub Sta

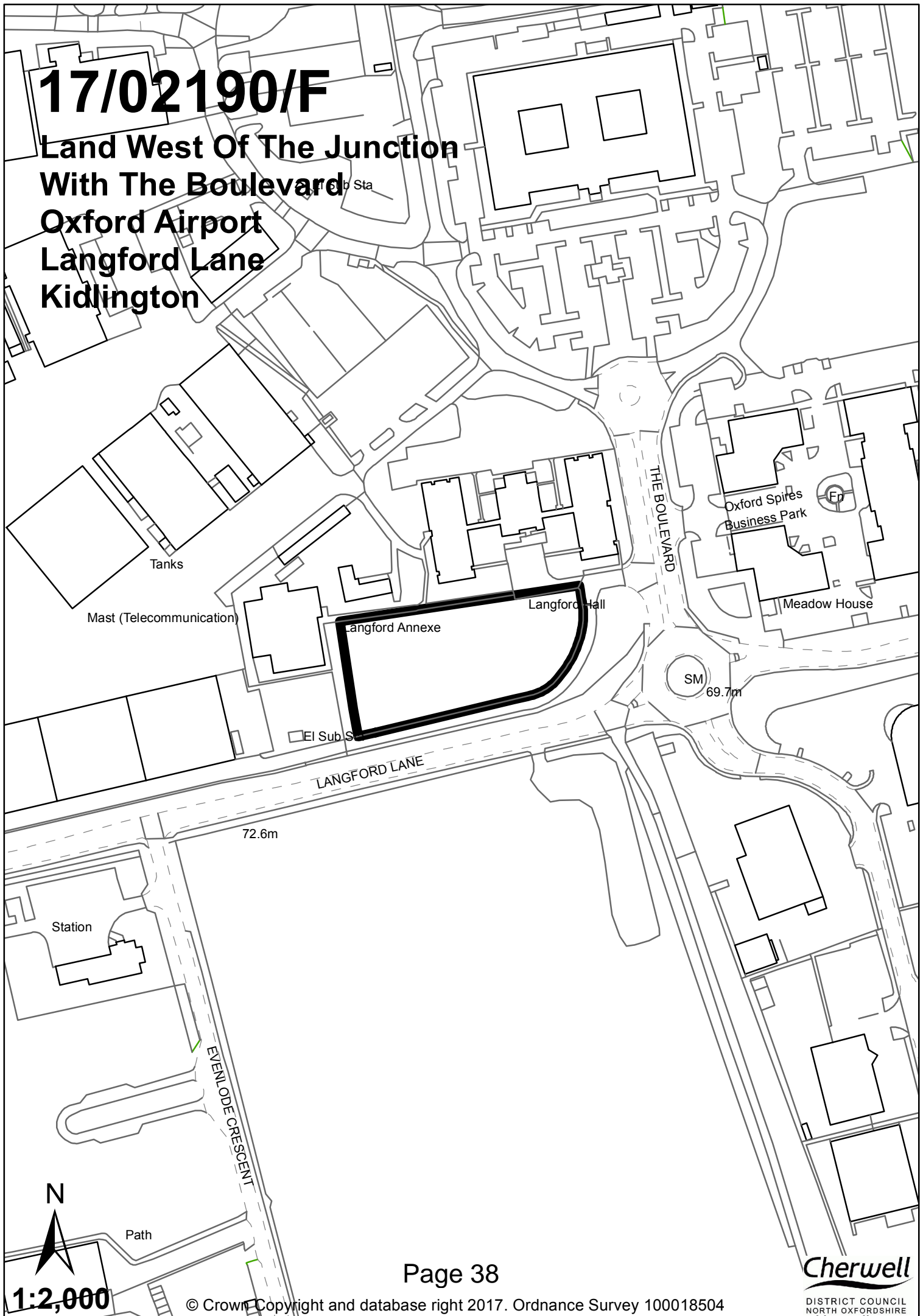
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17/02190/F

Land West Of The Junction
With The Boulevard
Oxford Airport
Langford Lane
Kidlington



1:2,000

**Land West Of The Junction With The Boulevard
Oxford Airport
Langford Lane
Kidlington**

17/02190/F

Applicant: London Oxford Airport

Proposal: Proposed pilot training school comprising a 4 storey accommodation block, 2 storey teaching and training block, parking for cars, cycles and motorcycles, access road and landscaping

Ward: Kidlington West

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

Reason for Referral: Major application - Scale of development

Expiry Date: 31 January 2018 **Committee Date:** 14 December 2017

Recommendation: Approve with conditions

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is an area of open space, close to existing office buildings at London Oxford Airport. The site is just west of the main access to the airport, and the Oxford Spires Business Park, lying immediately north of Langford Lane. A large aircraft hangar sits to the west. The site is accessed via "the Boulevard", a short length of dual carriageway connecting the business park to Langford Lane and the wider highway network. The site lies within an area of designated green belt, which washes over Oxford Airport, and much of the area to the NW of Kidlington.
- 1.2. To the north are the premises of London Oxford airport, and numerous office buildings beyond. To the east is the Oxford Spires Business park, and to the SE is Oxford Motor Park, a large collection of auto based retailers and service businesses. To the south a new Science park is to be developed on land south of Langford lane, while to the west is an existing aircraft hangar, and a gym operated by Vida Health and Fitness, leased to the operator by London Oxford airport.
- 1.3. The application site is 0.47 ha in size, and is currently laid out to grass as a frontage to existing office buildings.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application is for a proposed Pilot training school comprising, a 2no storey teaching and training block, a 4 storey accommodation block, parking for cars, cycles and motorcycles, an access road and landscaping.

2.2. Proposed Teaching and Training Block

The proposed pre- fabricated building is shown as being 25m x 25m and a height of 8.3m for the majority of the 2no storey building, with a section of the 1st floor with an increased roof height of 10.2m. This is a predominately flat roofed building, with a partial 3rd storey, with glazed and metal panel façades.

- 2.3. The proposed accommodation block is 4no storeys, 12m x 48m with a height of 12m. It again consists of glazed and metal panel facades, but is considerably more regimented in external design than the training block in its appearance.
- 2.4. The car parking for the training block is located to the east of the building, and includes a disabled parking space and cycle stands. The parking for the accommodation block is also to the east of the building, and includes a turning area, disabled parking, and cycle stands. The parking area has been deliberately kept close to the access road on the south so that the existing tree planning along the north side of the site can be retained as it is outside the car parking area.
- 2.5. A defined path links the training building, crossing the accommodation block car park, to the accommodation block. A footpath from the rear of the training block also links the building to the wider airport site. The existing access path to the Vida Health and Fitness, connects the residential block to both the gym and the wider site.

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>
17/00081/SO	Screening opinion to 17/02190/F - Proposed erection of 4 storey accommodation block and 2 storey teaching and training block with access road, car parking, cycle parking and landscaping	Pending Consideration
96/01794/F	First floor extension to existing Airport Operations Building for the relocation of offices and teaching facilities and the reinstatement of student accommodation in the Cherwell B Building.	Application Permitted
97/00043/F	Demolish existing timber framed buildings and replace with single storey extension to the existing Simulated Flight building.	Application Permitted
97/00053/F	Demolition of existing World War II single skinned classroom building and adjoining timber framed/clad 60's building.	Application Permitted

	Construction of new classroom block for Engineering Training Centre with associated office accommodation.	
97/01225/F	Alterations to Hangar 4 to increase height to ridge on end section. Extension to be built over existing 2 bays	Application Permitted
98/00011/F	Proposed alteration to Hanger 8. Removal of existing door and extension to door opening	Application Permitted
98/01497/F	Single storey extension to cylinder shop to provide improved facilities	Application Permitted
98/01937/F	Removal of Condition 4 of CHS.904/88, (That the leisure centre hereby approved shall be used by students undertaking courses at the flying school only). RETROSPECTIVE	Application Permitted
04/02672/F	Erection of aircraft hanger.	Application Refused
04/02743/F	Erection of new aircraft hangar to replace existing buildings 21-25 Oxford Airport	Application Permitted
05/01342/F	Erection of hanger	Application Permitted
05/02352/F	Erection of 5 no. portakabins on a temporary basis for three years	Application Permitted
05/02411/F	Erection of an 18m air traffic control aerial and equipment box	Application Permitted
05/02438/TPO	Remove lower branches to give ground clearance of 5.5m on 10 no. Horse Chestnut, 1no. Sycamore and 8 no. Cherry trees subject to TPO 41/89	Application Permitted

07/02709/F	Replacement building for business aviation centre (as amended by plans received 14/02/08)	Application Permitted
08/00318/F	Aircraft hanger and associated development	Application Refused
08/01504/F	Demolition of existing gatehouse and security lodge, erection of replacement gatehouse and security lodge and associated works	Application Permitted
09/00500/TPO	Fell 4 no. Cherry trees, Fell 2 no. Horse Chestnut trees, Remove deadwood and dead limb from 1 no. Cherry tree subject to TPO 41/89 & 5/90	Application Permitted
16/02114/F	Change of use of office/sui generis building to use as a non-residential educational establishment (Class D1)	Application Permitted
17/00896/F	Change of use of land to a rental car hire and erection of a modular building with signage	Application Permitted
17/01574/F	Creation of new "crash gate" to Langford Lane to replace existing gate, formation of hardstanding to provide new crossover, and associated alterations to the highway verge	Application Permitted

4. PRE-APPLICATION DISCUSSIONS

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

- 4.2. The applicant was advised to supply a transport statement and phase 1 habitat survey with the application.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of 3no site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 30.11.2017, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. One comment has been made by a 3rd party stating no objection.
- 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. Kidlington Parish Council

No objection

- 6.3. Yarnton parish Council

No objection

STATUTORY CONSULTEES

- 6.4. Oxfordshire County Council Highways

Objection for the following reasons:

- The Transport statement does not give a robust estimate of vehicular trip generation of the development for both students and staff – it is therefore not possible to understand the likely impact of the development on the local transport network and also whether the access arrangements are safe and suitable
- There is no robust justification of the number of car parking spaces which is acknowledged in the application as exceeding standards
- There is insufficient detail about how vehicles will access the site – off the Boulevard and from the existing site roads. No detailed site access drawings have been submitted with visibility splays and tracking drawings.
- There is insufficient detail about how pedestrians will get from the Boulevard to the site. Safe and suitable access for pedestrians/bus users has not been demonstrated

- There is no detail of how cyclists can reach the site safely. As a minimum the application needs to demonstrate how people cycling to/from the site will connect to the S278 proposals for the consented technology park on the south side of Langford Lane. Cycling access to the east along Langford Lane also needs to be proposed
- No detail appears to have been submitted about how surface water on the site will be drained in such a way as to avoid the likelihood of flooding. If, despite OCC's objection, permission is proposed to be granted, then prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement is needed to mitigate the impact of the development plus planning conditions as detailed below.
- **An obligation to enter into a S278** agreement as detailed below to provide site access improvements at the junction with The Boulevard if necessary (including removal of parking to the south of the entrance) a refuge crossing of The Boulevard immediately north of the roundabout and a refuge island crossing of Langford Lane to give access to the bus stop to the west of Langford Locks if not provided by the consented development to the east of Evenlode Close.
- **Planning Conditions** as detailed.
- Note should be taken of the **informatives** stated below.

S106 Contributions

Contribution	Amount	Price	Index	Towards (details)
Travel Plan	1,240	November	RPI-x	Travel Plan monitoring
Total	1,240			

The full response from Oxfordshire County Council Highways is attached at Appendix 1.

6.5 Oxford County Council Drainage

It appears that there are no accompanying drainage details, plans, calculations or soakage tests to BRE 365 to demonstrate how surface water will be managed at the site. Therefore the county council as Lead Local Flood Authority must object to the granting of planning permission on these grounds. The following condition is required:

Drainage Condition

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
- Detailed drainage layout with pipe numbers
- SUDS – (in a treatment train approach to improve water quality)
- Network drainage calculations
- Phasing
- Flood routes in exceedance

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 Government guidance contained within the National Planning Policy Framework.

6.6 Civil Aviation Authority

No comment received

6.7 Oxford Airport

No objection as the application proposals has already been assessed in relation to airport safeguarding

6.8 Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published [Standing Advice](#) which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on [ancient woodland and veteran trees](#) which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on [Magic](#) and as a downloadable [dataset](#)) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

6.9 CDC's Ecology Advisor

The existing site is largely of low ecological value, comprising mainly amenity grassland, and none of the existing trees had bat roosting potential. However, there are a number of existing shrubs and trees along the northern boundary, which

provide opportunities for nesting birds and two nests were present. Three semi-mature lime trees were identified which had higher ecological value as mature specimens with value for invertebrates and nesting birds.

From the proposals it appears that the existing trees and shrubs within the site are to be removed. If at all possible, some of the existing trees should be retained for their ecological value, in particular the mature limes. Perhaps the tree officer would be able to provide further information if it would be possible to retain any of the trees within the site. The proposed new tree planting is welcomed and should comprise of native species to replace those which are proposed to be removed and incorporation of new hedgerow planting within the site should be considered with the aim of seeking biodiversity gain as a result of the proposals. The proposed lighting columns should be directional and designed to emit low lighting levels as possible, to avoid adverse impacts on foraging/commuting bats (e.g. use of directional cowls, hoods, etc). I would be happy to provide further comments on any lighting scheme submitted for your approval.

I would recommend that the recommendations within the baseline ecological survey report are followed and recommend the following condition be attached to any permission granted:

K12 Nesting Birds: No Works Between March and August Unless Agreed

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

K23 Use of Native Species

All species used in the planting proposals associated with the development shall be native species of UK provenance.

NON-STATUTORY CONSULTTEES

6.10 Health and Safety Executive – no licensed explosives site in the vicinity

6.11 Planning Policy

- The application site is an area of undeveloped land located to the south east of London Oxford Airport within a cluster of operational buildings associated with the airport. The land extends to approximately 0.47 ha and is currently used as informal open space. To the south of the site is Oxford Technology Park which was granted outline planning permission in October 2016 (14/02067/OUT).
- It is understood that the land falls within the curtilage of the airport. On that basis it is considered to comprise previously developed land as defined by Annex 2 of the NPPF.

- The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It makes clear that established Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan.
- Inappropriate development, by definition, is harmful to the Green Belt and should not be approved except in very special circumstances.
- Paragraph C227 of the adopted Cherwell Local Plan Part 1 recognises the important economic role of the London-Oxford Airport. It states that the Council will work with the airport operators and CAA and other stakeholders to consider any proposals. The proposals in the Plan aim to improve the quality of the employment offer and in doing so establish a new gateway at this northern entrance to Kidlington.
- To support that aim, Policy Kidlington 1 proposes that a local small-scale Green Belt review be undertaken as part of the preparation of Local Plan Part 2 within two indicative locations. The application site falls within one of those locations (Kidlington 1A).
- To date, only an issues paper for Local Plan Part 2 has been produced. However, a study entitled '*Small-Scale Green Belt Review Accommodating High Value Employment Needs at Kidlington/Begbroke in Cherwell District*' (November 2016) has been published. The study assesses land parcels within the two indicative locations against Green Belt purposes. The application site falls within land parcel A1 (see fig. 5.11 and p.48) for which it is concluded that there would be low-moderate harm from the release of land from the Green Belt in this area (with retention of airfield structures to the fore, and retention of lower development density) but moderate-high harm without mitigation.
- The Local Development Scheme (November 2017) schedules an Options Paper for Local Plan Part 2 to be consulted upon in July/August 2018
- From a policy perspective, the proposed development is premature to the conclusion of that review.
- The application must also be considered on its own merits and with regard to whether it comprises 'inappropriate' development, and if so, whether there are very special circumstances that must be considered.
- Policy ESD 14 states that development proposals within the Green Belt will be assessed in accordance with government guidance in the NPPF and NPPG and that development will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities.

- Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- The application site, although within the Green Belt, is bordered by built development to the north, east and west. To the south, is land within the Green Belt that has received permission for a Technology Park. That land comprises a disused playing field adjacent to an existing employment area but in policy terms lies within an area of countryside until such time that the permission is implemented. It is understood that some preparatory works have commenced. That land also falls within indicative location 1A of the adopted Local Plan for a small-scale Green Belt review
- A Cherwell Green Belt Study (April 2014) has been published to support the on-going (and separate) Partial Review of the Local Plan to help meet Oxford's unmet housing needs. The application sites falls within one of the land parcels assessed – PR118a – essentially comprising the airport's technical area to the south and east of the airfield, to the west of The Boulevard and to the north of Langford Lane. The study considers potential land release for the purpose of residential development and concludes there would be low-moderate harm in this area. It states (p.198), '*The parcel's only role in contributing to Green Belt purposes relates to prevention of countryside encroachment: distinction between the Business Park and functional airfield-related development is significant in preserving some contribution to safeguarding the countryside, but the extent of development in the parcel limits the strength of this role...*'. The study notes that existing development within the parcel has a significant impact on openness and that the extent of development within the parcel limits its contribution to the purpose of safeguarding the countryside.
- The proposal would lead to the development of an undeveloped area of land within the airport site. Having regard to the two Green Belt studies, to the development that borders the site to the north, east and west, to the fact that the site is bounded by Langford Lane to the south with the permitted technology park site opposite, it is considered unlikely that there would be an impact on the openness of the Green Belt. However, this is subject to detailed design and massing considerations, including those of the expected technology park and sufficient certainty that the park will be delivered.

6.12 Economic Development

No comment received

6.13 Landscape

Object to the removal of majority of trees in relation to car park as they form an important part of the setting of the site, and have ecological value.

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)

- ESD10 –Protection and enhancement of biodiversity
- ESD13- Local landscape protection and enhancement
- ESD14 –Oxford Green Belt
- ESD15-The Character of the Built and Historic Environment
- SLE1- Employment development
- Kidlington 1: accommodating high value employment needs

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- GB3 – Major developed site in the Green Belt

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Kidlington Framework masterplan SPD (adopted 16 December 2017)
- Cherwell Local Plan 2011-31 Part 1 review

8. APPRAISAL

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

- Principle of development/ economic development
- Design, and impact on the character of the area
- Highways and access
- Ecology and landscape
- Impact on noise climate

Principle of development

- 8.2. Government guidance contained within the NPPF attaches significant weight upon the need to support economic growth through the planning system.
- 8.3. The UK Aviation Policy Framework states that:
- 8.4. *The business and general aviation (GA) is important to the UK. Its contribution to the economy has been estimated at £1.4 billion per annum. The sector delivers vital services, including search and rescue, mail delivery, life-saving (organ) transport, law enforcement, aerial survey and environmental protection flights, as well as underpinning the training of future pilots, ground-based aircraft engineers and technicians. The sector also covers a wide range of activities, from corporate business jets and commercial helicopter operations through to recreational flying in small private aircraft, including gliders. A Civil Aviation Authority (CAA)-initiated and chaired strategic review of the sector has acknowledged its growing economic importance, particularly for the British and European manufacturing industry.*
- 8.5. The NPPF states at paragraph 33 that when planning for airports plans should take account of their growth and role in serving business, leisure, training and emergency services needs. Paragraph B.35 of the Cherwell Local Plan 2011-2031 states that there will be small scale development at Kidlington and the Council will secure the growth potential from the presence of London-Oxford Airport.
- 8.6. Policy ESD14 of the Cherwell Local Plan states that the Oxford Green Belt boundaries will be maintained in order to :
- Preserve the special character and setting of Oxford
 - Check the growth of Oxford and prevent ribbon development and urban sprawl
 - Prevent coalescence of settlements
 - Assist in safeguarding the countryside from encroachment
 - Assist in urban regeneration by encourage the recycling of derelict and other urban land
- 8.7. It is considered that while the application site is washed over by the Green Belt designation, as the site is completely surrounded by other development it does not perform any of the above stated green belt functions. It is rather a strategic site which has the capability of being used for the further development of the potential of the London Oxford airport. Policy GB3 of the 1996 Local Plan is a saved policy and states that
- GB3 PROPOSALS FOR THE COMPLETE OR PARTIAL REDEVELOPMENT OF A SITE IDENTIFIED IN THIS PLAN AS A MAJOR DEVELOPED SITE IN THE GREEN BELT WILL NOT BE CONSIDERED INAPPROPRIATE DEVELOPMENT PROVIDED IT WOULD:
- (i) HAVE NO GREATER IMPACT THAN THE EXISTING DEVELOPMENT ON THE OPENNESS OF THE GREEN BELT AND THE PURPOSES OF INCLUDING LAND IN IT, AND WHERE POSSIBLE HAVE LESS;
 - (ii) CONTRIBUTE TO THE ACHIEVEMENT OF THE OBJECTIVES FOR THE USE OF LAND IN GREEN BELTS;
 - (iii) NOT EXCEED THE HEIGHT OF EXISTING BUILDING
 - (iv) NOT OCCUPY A LARGER AREA OF THE SITE THAN THE EXISTING BUILDINGS (UNLESS THIS WOULD ACHIEVE A REDUCTION IN HEIGHT WHICH WOULD BENEFIT VISUAL AMENITY).
- 8.8 Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this

include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The proposal would lead to the development of an undeveloped area of land within the airport site which could be considered to be previously developed land. Having regard to the two Green Belt studies referred to in the Planning Policy response above, to the development that borders the site to the north, east and west, and to the fact that the site is bounded by Langford Lane to the south with the permitted technology park site opposite, it is considered unlikely that there would be an impact on the openness of the Green Belt. However, this is subject to detailed design and massing considerations, including those of the expected technology park and sufficient certainty that the park will be delivered.

- 8.9 In the text explaining Policy Kidlington 1 Accommodating High Value Employment Needs it states that : *“London Oxford Airport and Langford lane Industrial estate form an employment cluster..... the council would expect demand for an increased role for the airport. The Council will work with London-Oxford Airport operators and the civil aviation authority and other stakeholders to consider any proposals”*. The Policy itself describes the intention to undertake a small scale local review of Green Belt to accommodate high value employment needs – this has yet to be done, and does not form part of the recently published Part One review. The policy also sets out a series of design and place shaping principles for assessing planning applications. None of those principles are considered to be breached by this proposal.
- 8.10 In this case, the proposed aviation school will support high quality jobs and employment, and clearly the airport is the logical and appropriate location for this type of development
- 8.11 The adopted Kidlington Framework masterplan part 1 also states that para 8.4.2 : *“London Oxford airport is a key draw for the area and those of the local community .In principle the growth of the airport within its present boundaries should be supported”*
- 8.12 *While the application site is washed over by green belt policy, the locality is already heavily developed with largely airport related uses, of which this would be a further example. The site is bounded by existing development on all sides, so it does not serve the function of openness, or any of the other defined functions of green belt.”*
- 8.13 The currently ongoing Cherwell Local Plan 2011-31 Part 1 Partial review relates specifically to the meeting of Oxford’s unmet housing needs. All of Oxfordshire’s rural district Councils, together with the County Council, have accepted that Oxford cannot fully meet its own housing needs, principally because it is surrounded by a designated greenbelt. The Oxfordshire Councils are collectively committed to consider the extent of the unmet need and how that need can then be sustainably distributed through the respective local plans. The current partial review is not however concerned with land for economic development
- 8.14 It is therefore considered that the location of a pilot training centre within the airport site is acceptable, in accordance with the above Policies and wider Government intention to support economic growth. It is considered that it will not harm the openness of the Green Belt, nor detrimentally affect the purposes of that designation

Design and impact on the character of the area

8.15 To the north:

The rear of the proposed teaching block is located some 19m south of the nearest existing building. The existing building in the business park to the north of the application site, are generally quite regimented, single or two storey, flat roofed blocks. Due to the separation distance, similar heights, and regimented appearance, it is not considered that the proposed teaching block would have a significantly detrimental impact on the outlook for the existing buildings.

The applicants advise that an existing building to the north of the proposed accommodation block, is due for demolition.

8.16 To the east:

The application site is open to the small dual carriageway access road into the overall business park including the application site. The closest buildings are on the east side of this road, and are at sufficient distance that it is considered there would be no impact on existing buildings caused by the proposed development.

8.17 To the south

The application site opens directly to an access road to an existing hangar located to the west. The access road is already well screened with substantial hedging for the main Langford Lane. The proposed teaching block is set well back from the main road and due to its relatively low height (2 storey) visibility of the block will be limited from the road. The accommodation block is 4no storeys and considerably higher at 12m. It will therefore be visible from the main road, however with the back drop of the existing hanger which is 19m in height, it is not considered that it will appear out of place in this situation. The accommodation blocks also backs onto the Vida health and fitness building, however with a separation distance of just over 10m, and few windows in the adjacent facade, it is not considered that there would not be a significantly detrimental impact on this adjacent building. No objection has been received from Vida Health and fitness.

8.18 To the west

As stated above, the rear of the proposed accommodation block backs onto the west, with a large existing hangar building some 19m in height, 37x 118m is located 54m further west. In views from the west, the accommodation block, which has a width of only 12m directly facing the road, will be dwarfed by the adjacent hanger building, which is much larger in all dimensions. The proposed accommodation block also backs onto the Vida Health and Fitness building, however with a separation distance of just over 10m, and few windows in the adjacent facade, it is considered that there would not be a significantly detrimental impact on this adjacent building. No objection has been received from Vida Health and fitness.

To conclude, subject to the approval of roofing and cladding materials, it is considered that the positioning, and the scale of the proposed buildings, would sit comfortably in the application site, without significant detrimental impact to adjacent buildings and users. Your officers have some reservations in relation to the cladding and roofing and want to ensure that the proposed buildings can sit comfortably on the site in relation to surrounding properties, particularly in relation to colour and finish. The external materials have been conditioned to allow this to be considered further.

8.19 Highways and access

Oxfordshire County Highways have formally objected on the following grounds:

- The Transport statement does not give a robust estimate of vehicular trip generation of the development for both students and staff – it is therefore not possible to understand the likely impact of the development on the local transport network and also whether the access arrangements are safe and suitable
- There is no robust justification of the number of car parking spaces which is acknowledged in the application as exceeding standards
- There is insufficient detail about how vehicles will access the site – off the Boulevard and from the existing site roads. No detailed site access drawings have been submitted with visibility splays and tracking drawings.
- There is insufficient detail about how pedestrians will get from the Boulevard to the site. Safe and suitable access for pedestrians/bus users has not been demonstrated
- There is no detail of how cyclists can reach the site safely. As a minimum the application needs to demonstrate how people cycling to/from the site will connect to the S278 proposals for the consented technology park on the south side of Langford Lane. Cycling access to the east along Langford Lane also needs to be proposed

The Council has sought further information in relation to all the outstanding matters of concern raised by Oxfordshire County, and hope to be able to report on these by the date of the Committee.

8.20 Ecology and landscape

While it is acknowledged that the existing site comprising mainly amenity grassland is of low ecological value, the trees on site are of considerable ecological and landscape visual value, providing a setting for the wider business park and the proposed development.

The application layout shows the removal of a number of trees, some of which are in the centre of the main tree group. Their removal would potentially cause considerable damage to the remaining stand of trees. For this reason, it is proposed that, prior to commencement on site, the applicant is required to provide a tree survey identifying the trees proposed for removal, and justifying the proposal for their removal, subject to the written approval of the LPA. The proposed landscaping, to use native species, is also to be submitted for written approval, prior to commencement on site.

It is accepted that a lower level of parking is appropriate on this site due to the nature of the students involved, and the fact that the buildings are immediately adjacent to good bus transport links on Langford Lane.

8.21 Potential for noise nuisance

The applicants advise that the pilot school will involve the use of only 4no. aircraft. This is a very small proportion of the overall use of the airport for aircraft of a wide

range of type, and it is therefore not considered that this will add significantly to the noise levels created by the use of the airport for aviation.

9. PLANNING BALANCE AND CONCLUSION

9.1. In view of the above, it is considered that the application proposals are in compliance with national and local planning policy, and should be approved, subject to conditions as follows:

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: (to be amended as necessary when finalised)

FTF-BSL-ZZ-00-DR-A-2001-PL-F proposed site plan
FTF-BSL-AB-GF-DR-A-3001-PL-D GA plan ground floor
FTF-BSL-AB-01-DR-A-3002-PL-C GA Plan first floor
FTF-BSL-AB-02-DR-A-3003-PL-B GA plan second floor
FTF-BSL-AB-03-DR-A-3004-PL-B GA plan third floor
FTF-BSL-AB-RF-DR-A-3501-PL-A GA plan roof
FTF-BSL-TB-ZZ-DR-A-4001-PL-D elevations
FTF-BSL-TB-ZZ-DR-A-4002-PL-C elevations
FTF-BSL-TB-ZZ-DR-A-5001-PL-C building sections
FTF-BSL-TB-ZZ-DR-A-5002-PL-C building sections

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 building shall be used only for the purpose of pilot training 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 – To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area in accordance with Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan

2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5)Site Access: Full Details

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the existing estate roads and then the highway on The Boulevard including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the development, 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

6)Pedestrian access to bus stop

The development hereby permitted shall not be occupied until a pedestrian refuge island crossing of Langford Lane, west of Langford Locks, to serve the eastbound bus stop is built.

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

7)Car Parking

The development hereby permitted shall not be occupied until car parking space(s) to serve the development have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority.

Reason: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

8)Cycle Parking

The development hereby permitted shall not be occupied until covered and secure cycle parking spaces to serve the development have been provided according to details that have been previously 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, unless otherwise agreed in writing beforehand by the local planning authority.

Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

9)Travel Plan

Prior to occupation, a 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.

Reason – to encourage occupiers to use sustainable modes of transport as

much as possible in line with the NPPF

10) Travel Information Packs

Travel Information Packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation, shall be provided to every resident on first occupation.

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

11) Construction Traffic Management Plan

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP will include a commitment that construction traffic will not arrive or leave the site through Kidlington and that delivery or construction vehicles will only arrive or leave between 09.30 and 16.30. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.

12) Drainage

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
- Detailed drainage layout with pipe numbers
- SUDS – (in a treatment train approach to improve water quality)
- Network drainage calculations
- Phasing
- Flood routes in exceedance

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 Government guidance contained within the National Planning Policy Framework.

13) Nesting Birds: No Works Between March and August Unless Agreed

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

assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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

14) Tree Survey

Prior to the commencement of the development and notwithstanding the submitted details, an arboricultural survey, undertaken in accordance with BS: 5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of identifying and retaining important trees on the site in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15) Retained Trees

Prior to the commencement of the works, utilising the tree survey, the applicant is to advise and justify which trees are required to be removed in order to facilitate this development. This is to be submitted to the LPA and approved in writing.

- 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 consent.

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.

16) Arboricultural Method Statement (AMS)

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.

17)Submit Landscaping Scheme

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.

18) Carry Out Landscaping Scheme and Replacements

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

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

19) Use of Native Species

All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework and Policy ESD10 of the Cherwell Local Plan Part 1

Oxfordshire County Council Highways Comments:

Appendix 1

Trip/traffic generation

It is very difficult to understand from the Transport Statement (TS) how many traffic movements this proposed development will generate. An attempt has been made in Table 5.1 but these numbers are not sufficiently well justified – *“These rates are based on the experiences of the Head of Business Development at the London Oxford Airport”*.

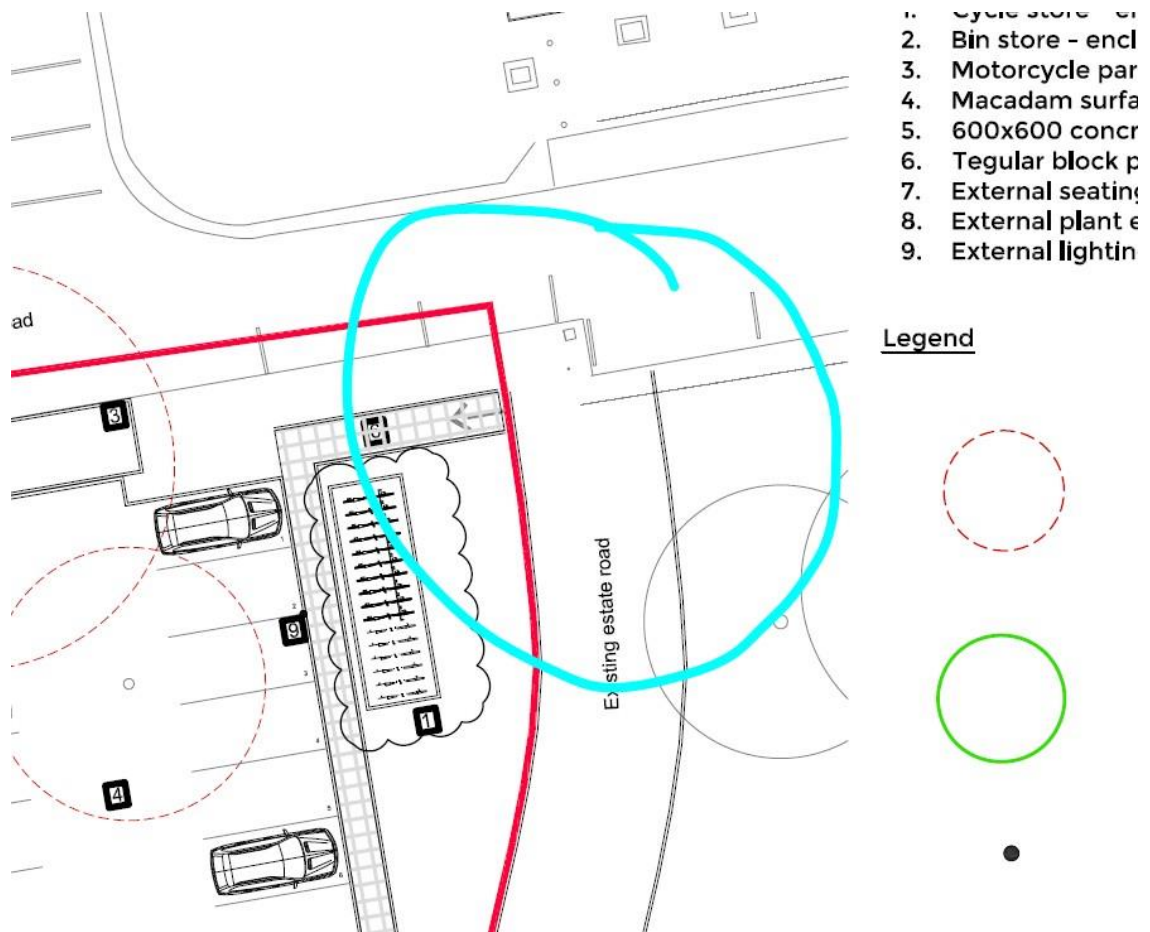
The experience of the head of business is not sufficiently robust justification. Especially given that 16 and 20 two way trips in the morning and evening peaks respectively does not seem very realistic even if 78 of the total 120 students attending the training live on site in the accommodation.

There are also 50 members of staff associated with this development to be taken into account. A much clearer and robust explanation is needed of how and when students and staff will move to and from the facility. Are there really no surveys of existing activity for pilot training at the airport that can be used to base an estimate on for this new site?

Site access

Access for the development is initially to be taken off the existing access from the Boulevard but it is not possible to tell if this is acceptable because satisfactory traffic generation estimates have not been submitted (see above). Details will need to be submitted setting out how the visibility splay to the south is achievable for the level of intensification of the access that is agreed. It is noted that there are marked car parking spaces on The Boulevard immediately to the south of the site access on The Boulevard. These are proposed to be removed as part of the S278 works for the consented development east of Evenlode Close but if that doesn't go ahead, the site access for this development off The Boulevard must include the removal of the parking to enable clear sightlines to be provided.

The next site access after the access from the Boulevard is not adequately designed and assessed in the TS. All that is submitted is as follows:

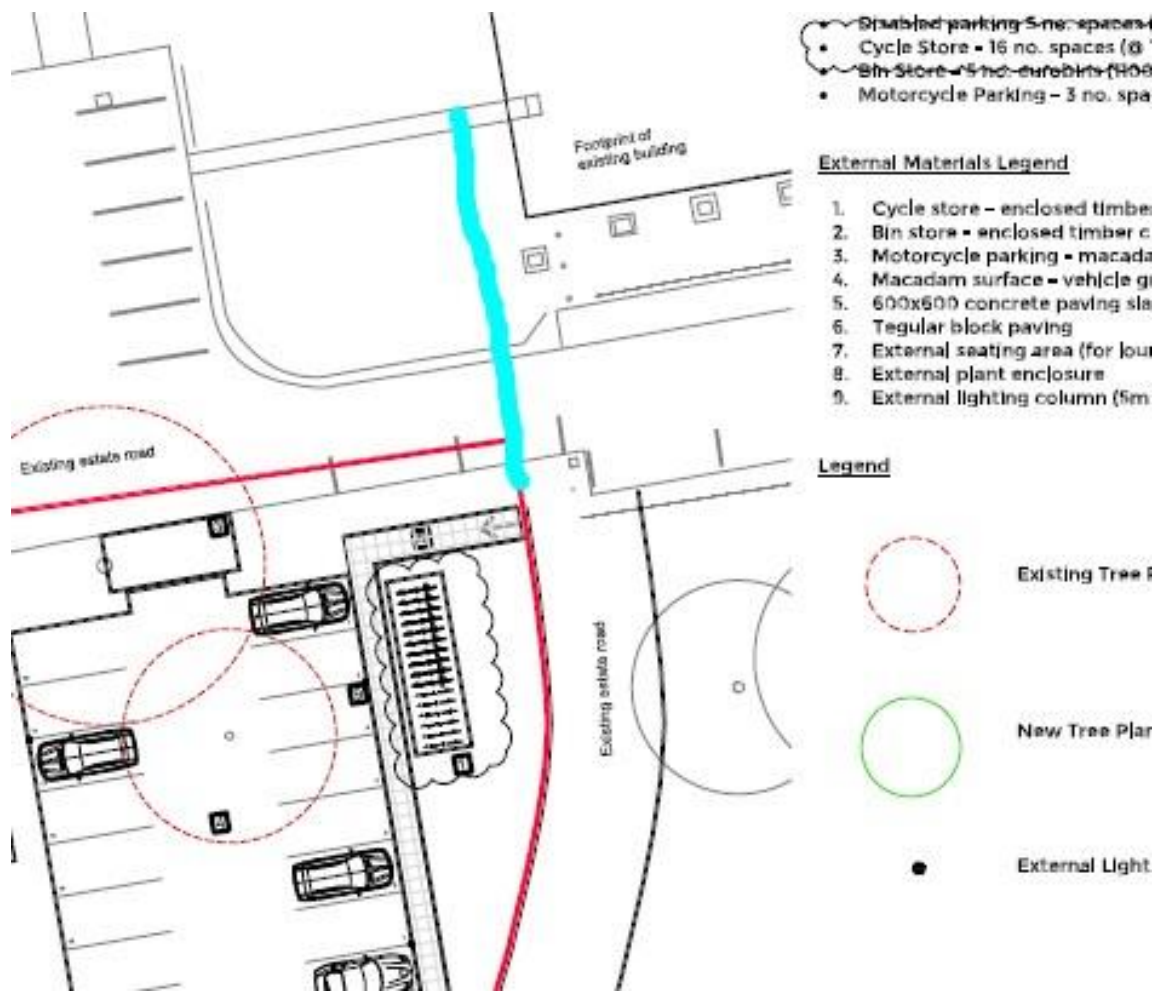


The layout of the existing estate road does not appear to accurately represent what is on site – particularly the bell mouth on the east side of the access:



The junction of this existing estate road also doesn't seem to be in the correct position on the plan – on the ground, the western edge of the road is approximately in line with the edge of the building opposite – on the plan it is not (compare the following two screen shots). This must be clarified.





It is not clear how this access is to be designed and built and there is no tracking showing how large vehicles will enter and leave the site. I would expect a full bellmouth to be needed here to accommodate the possible range of vehicle movements.

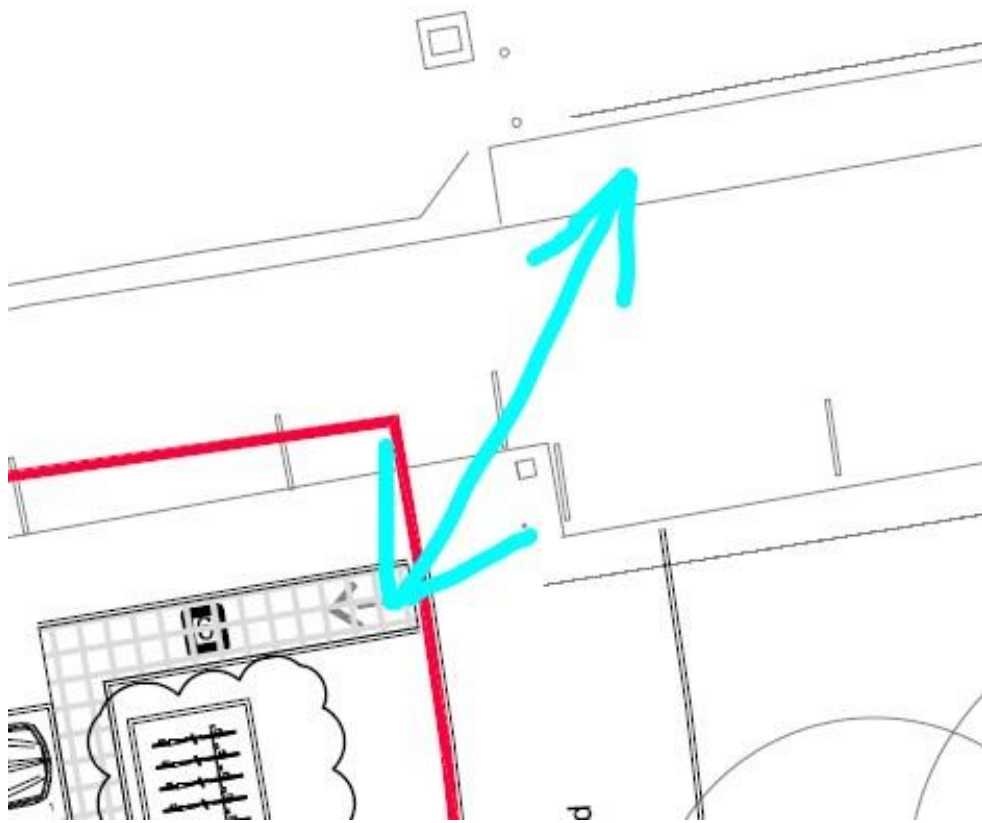
There is a vehicle access barrier on the existing estate road that was up when I visited the site but clarification is needed whether this barrier is to remain and if so how it is to be managed.

Some tracking manoeuvres have been shown on the proposed site plan for the entrance off the existing site road but they are very feint and it is not possible to work out the type and size of vehicle that has been tracked. Clarification is needed on tracking including for the exit (which has had no tracking submitted at all).

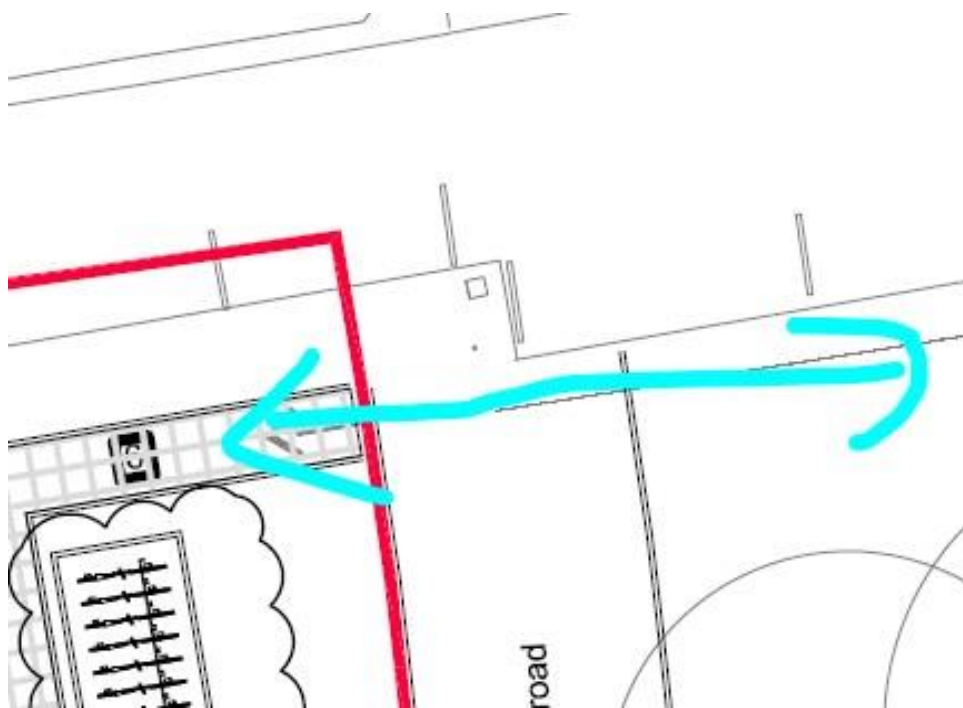
Pedestrian access

It is also not clear how pedestrians would get to and from the existing footway

provision to the north side of the first stretch of estate road after the junction with The Boulevard:



The onward pedestrian route from that point to the nearest bus stops on Langford Lane (buses do not run throughout the day from the stops on The Boulevard contrary to what the TS suggests). A much better solution would be for a new footway to be provided on the south side of the access road, west of the Boulevard:



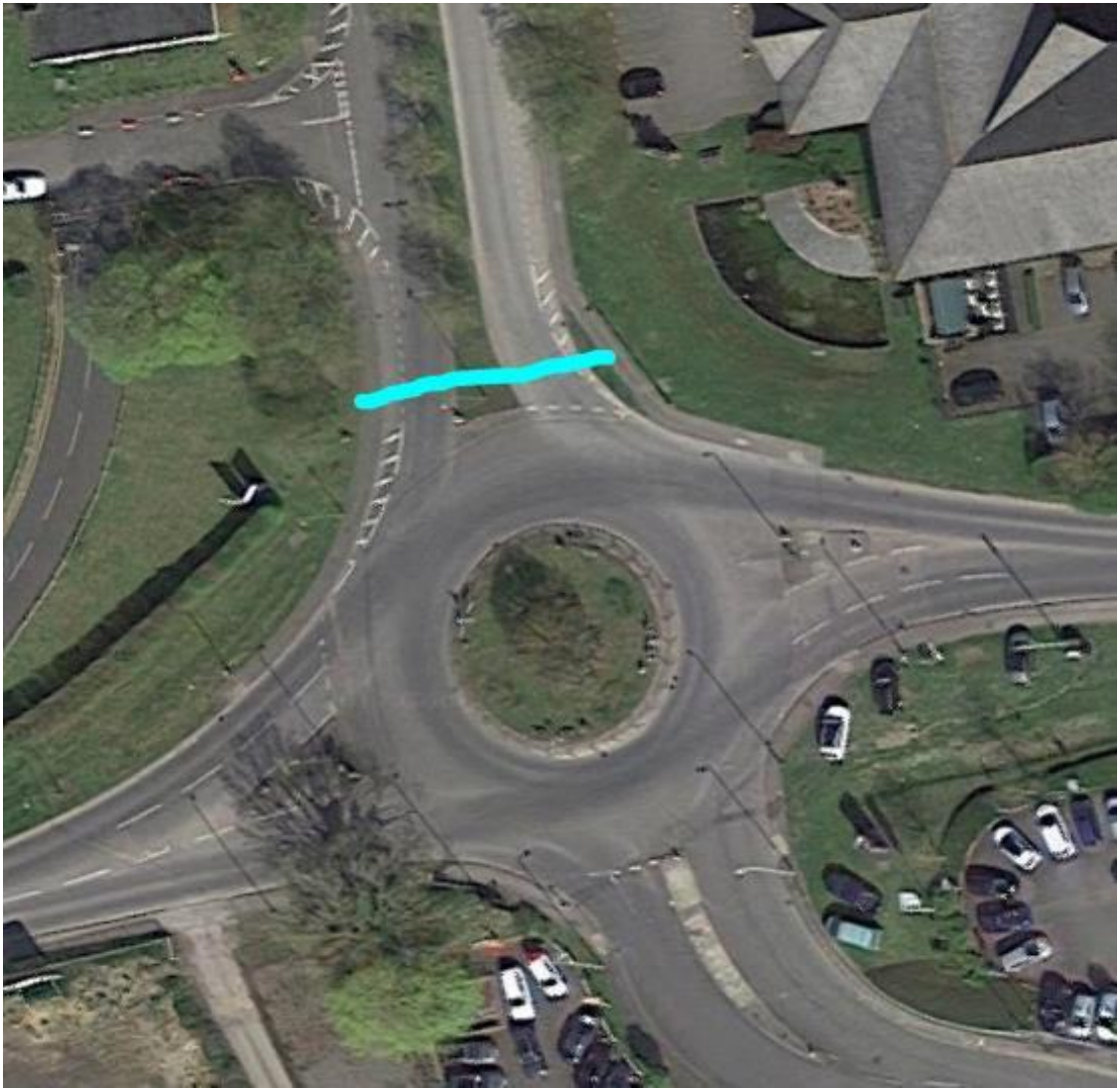
This would then provide a more convenient route to the existing footway on The

Boulevard. However, there is currently a run of red and white plastic barriers along the first stretch of site access road which I understand to be preventing car parking. This prevents safe and suitable access to the footway on The Boulevard and as such is blocking the public highway:



It is clear that the barriers need to be removed and in any case surely are a temporary measure. But how is the parking going to be prevented in the future without them? Double yellow lines (even though it is not a public highway) would be a good start.

Once onto the footway on the west side of The Boulevard, a route exists to and across Langford Lane (but for a distance this is in the opposite direction to the eastbound bus stop on Langford Lane) and then eastwards along Langford Lane crossing the Motor Park side road at a refuge island. Pedestrians can then continue eastwards to the point where a refuge island crossing will be provided to get to the eastbound bus stop. A more attractive and direct route would be across The Boulevard by the roundabout and then crossing Langford Lane to the east of the roundabout – it would be approximately 50m shorter to the position of the new Langford Lane refuge crossing. And it would not involve a walk in the wrong direction. The applicant should therefore provide a new refuge crossing of The Boulevard north of the roundabout by means of a S278 agreement:



The site plan does not give clear enough indication of safe and convenient pedestrian routes to the entrances of the buildings – it is just too difficult to work out what is going on in the plan. Clarity is needed here.

Overall, it seems that much more coherent thinking is needed to ensure that safe and convenient access is provided for this new development is provided if it is to go ahead.

Cycling access

The TS makes no mention of the S278 improvements to Langford Lane that have been negotiated as part of the planning permission for the technology park to the east of Evenlode Close. These S278 works will improve access to the pilot school site for journeys to/from the west along Langford Lane. The TS needs to set out how people cycling to/from this site will conveniently access these cycle infrastructure improvements.

The TS also needs to set out how safe and suitable access for cyclists to the site can be provided for journeys to/from the east along Langford Lane. This is the main and most direct route to/from Kidlington, the nearest centre of population and presumably one of the most popular places for students to live who are attending the pilot school. The A44/A4260 corridor study

(<https://www.oxfordshire.gov.uk/cms/content/a44-and-a4260-corridor-study>) identifies one option for cycle improvements (amongst others) for Langford Lane connecting A44 with A4260, and so the applicant should bear this in mind in considering proposals for cycling to/from the site along Langford Lane to the east.

Car parking

The TS sets out how there is proposed to be 60 car parking spaces even though it is estimated that 34 spaces are ordinarily needed. The reasoning for exceeding the standards is stated as being because it is the requirement of the Business Director of the London Oxford Airport for the business to comply with the operational needs of the airport. However, this significant exceedance of standards requires a much more careful justification. In order to maximise use of sustainable transport modes to/from the pilot school, details of how the parking would be managed to minimise car use is expected. A parking permit procedure should be considered e.g. only students or staff who live beyond a reasonable cycling distance and not living within a comfortable walk of a usable bus service should be allowed to park on site.

Cycle parking

I would expect the cycle parking to be much closer to the entrance of the buildings. More detail is needed of how the cycle parking is to be provided – it is just possible to make out what is proposed on the site plan but the bicycles appear to be shown very close together to the point where it would not be at all attractive (or even possible) to use. The entrance to the store is not shown.

Public Transport

The site is within a reasonable distance of an attractive bus service to/from Kidlington and Oxford (including Oxford Parkway rail station). Buses serve The Boulevard i.e. very close to the site in the morning peak and from mid afternoon. The TS states that there is a 15 minute frequency service on The Boulevard throughout the day (para 3.4). This is not correct. Para 3.4 also states that the other bus stop on Langford Lane which has a more comprehensive service pattern throughout the day is 240m from the site – again this is not correct. The westbound stop is 350m away and the eastbound stop is 450m away.

In any case, the further stop is still within a reasonable walking distance but the crossing of Langford Lane to access the eastbound stop is difficult – only dropped kerbs and tactile paving is provided. A refuge island crossing has been negotiated as part of the planning permission for the technology park to the east of Evenlode Close. However, this permission has not been implemented yet. If the pilot school is to be granted permission it must not be occupied until the refuge crossing is in place. If that is before the technology park planning permission is implemented, the pilot school applicant will need to enter into a S278 agreement to deliver the refuge island.

Travel Plan

A Travel Plan is needed for this site. This can be secured by the use of a planning condition. The Travel Plan will need to meet the guidance of the county council's document "Transport for New Developments: Transport Assessments and Travel Plans".

The Travel Plan will be produced and agreed prior to occupation and updated within 3 months of full occupation of the site.

A travel plan monitoring fee of £1,240 will be required.

Additionally, prior to first occupation, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Residents of each room shall be provided with a copy of the approved Travel Information Pack.

Construction Travel Management Plan

A Construction Travel Management Plan (CTMP) will be needed for this development, given the traffic sensitive nature of the approach routes on the wider strategic road network in and around Kidlington. We would expect the CTMP to incorporate the following in detail:

- 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. Large construction vehicles shall not travel through Kidlington to reach 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 – construction and delivery vehicles must only arrive or leave between 9.30am and 4.30pm.

S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended):

£1,240 Travel Plan Monitoring Fee indexed from November 2017 using RPI-x

Justification: The travel plan monitoring fee is required to make the development acceptable in planning terms, because it enables the monitoring to take place which is necessary to deliver an effective travel plan.

S278 Highway Works:

An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:

- Improvements to the site access with The Boulevard (including the removal of car parking to the south of the access junction) will need to be delivered by means of a S278. As yet it is not possible to tell from the submitted information what scale of improvements are needed. As a minimum, the on street parking to the south on The Boulevard will need to be removed
- As part of the implementation of planning permission for the nearby site on the opposite side of Langford Lane (14/02067/OUT), a pedestrian refuge crossing is to be provided to give access to the bus stop on the north side of Langford Lane to the west of Langford Locks. However, this development has not started yet and if it does not go ahead this refuge will still be needed to allow safe access for people travelling to/from the pilot school. It would be provided by means of a S278 secured through a S106 but should also be conditioned. Neither development can be occupied before the refuge is built.
- A refuge island crossing of The Boulevard immediately north of the Langford Lane roundabout needs to be provided

Notes:

This is secured by means of S106 restriction not to implement development (or occasionally other trigger point) until S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway (as necessary) and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

S278 agreements include certain payments that apply to all S278 agreements (e.g. commuted sums towards maintenance) however the S278 agreement may also include an additional payment(s) relating to specific works.

Planning Conditions:

In the event that permission is to be given, the following planning conditions should be attached:

Site Access: Full Details

Prior to the commencement of the development hereby approved, full details of the means of access between the land and the existing estate roads and then the highway on The Boulevard including position, layout, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any of the development, 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*

Pedestrian access to bus stop

The development hereby permitted shall not be occupied until a pedestrian refuge island crossing of Langford Lane, west of Langford Locks, to serve the eastbound bus stop is built. *Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework*

Car Parking

The development hereby permitted shall not be occupied until car parking space(s) to serve the development have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority. *Reason: To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.*

Cycle Parking

The development hereby permitted shall not be occupied until covered and secure cycle parking spaces to serve the development have been provided according to details that have been previously 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, unless otherwise agreed in writing beforehand by the local planning authority. *Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.*

Travel Plan

Prior to occupation, a 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. *Reason – to encourage occupiers to use sustainable modes of transport as much as possible in line with the NPPF*

Travel Information Packs

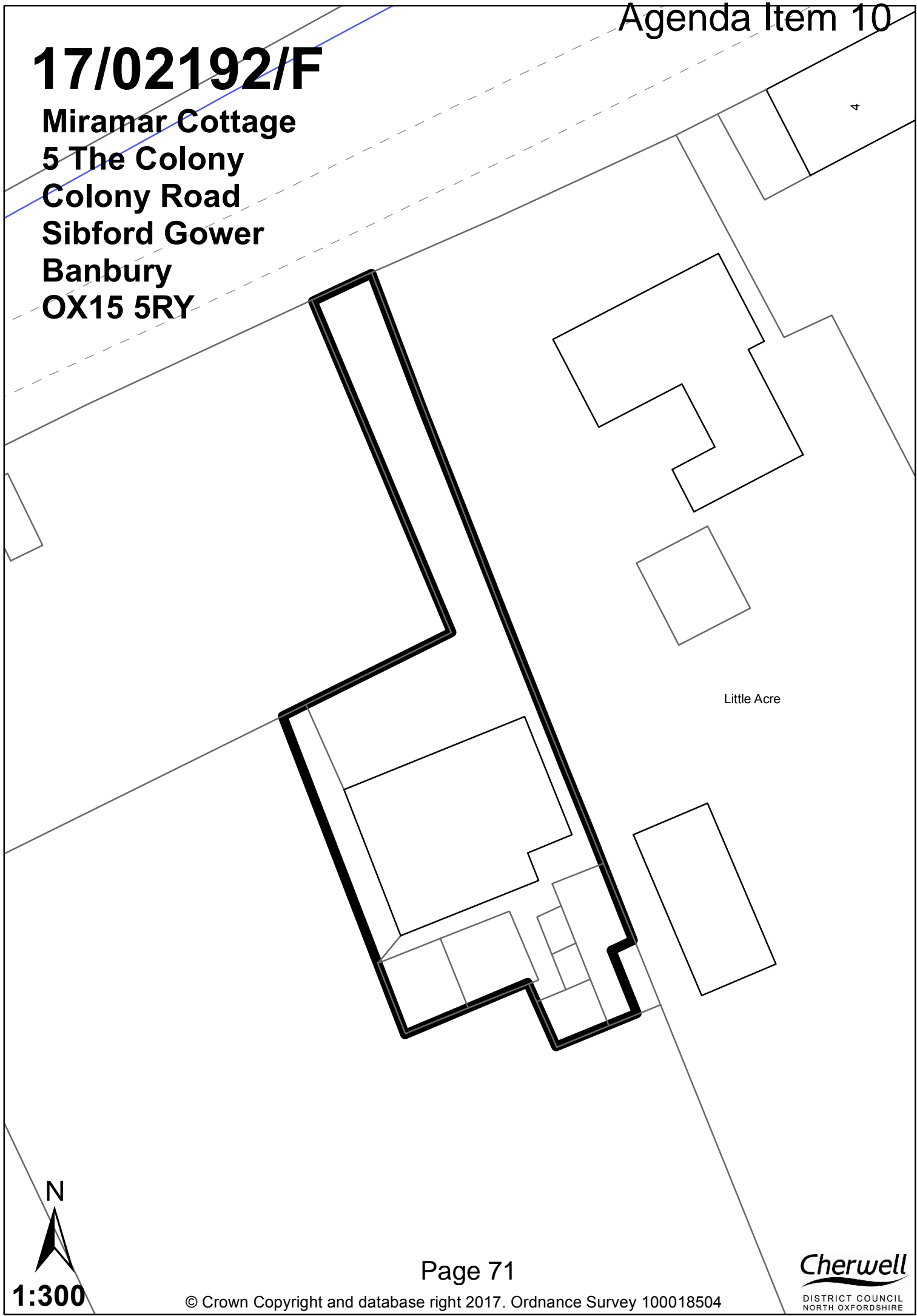
Travel Information Packs, the details of which are to be submitted to and approved in writing by the Local Planning Authority prior to first occupation, shall be provided to every resident on first occupation. *Reason - In the interests of sustainability and to comply with Government guidance contained within the National Planning Policy Framework.*

Construction Traffic Management Plan

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP will include a commitment that construction traffic will not arrive or leave the site through Kidlington and that delivery or construction vehicles will only arrive or leave between 09.30 and 16.30. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details. *Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.*

17/02192/F

Miramar Cottage
5 The Colony
Colony Road
Sibford Gower
Banbury
OX15 5RY

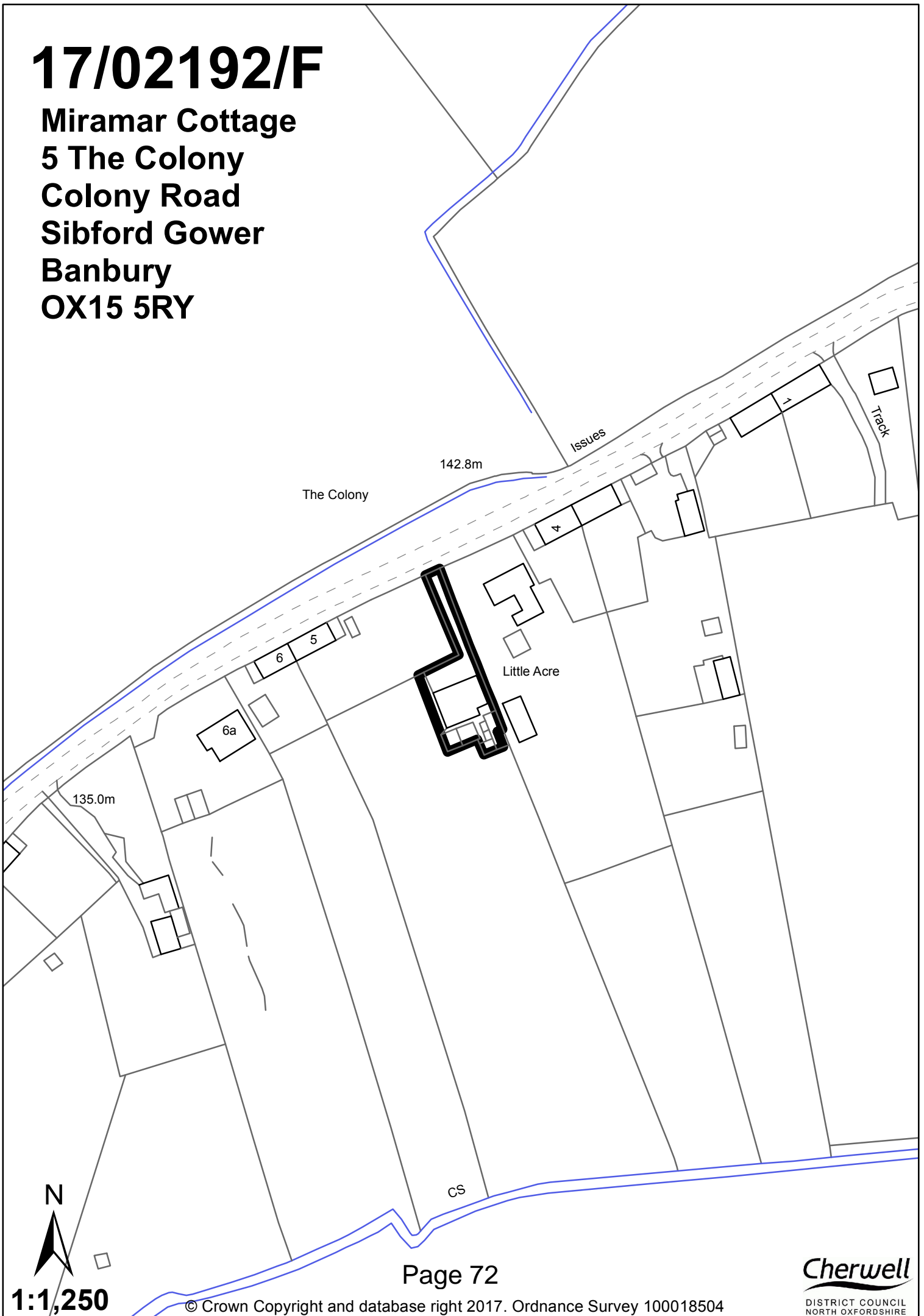


Little Acre



17/02192/F

Miramar Cottage
5 The Colony
Colony Road
Sibford Gower
Banbury
OX15 5RY



Applicant: Miss C Tucker

Proposal: Alterations to existing building to form single dwelling house;
demolition of unlisted buildings in the Conservation Area

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr Ken Atack
Cllr George Reynolds
Cllr Douglas Webb

Reason for Referral: Cllr Reynolds Call in Request

Expiry Date: 3 January 2018 **Committee Date:** 14 December 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises land to the rear of 5 Colony Road (which was most recently used for the purposes of agriculture) and is accessed via a track between 5 Colony Road and Little Acre. The Colony itself is a group of isolated dwellings outside of and to the south west of the village of Sibford Gower and is connected to the village by Colony Road (which is absent of a footpath).
- 1.2. The site is occupied by a single storey (with storage space above) building of a concrete block construction under an asbestos sheet roof. There are a number of other smaller scale outbuildings surrounding the main building which are of a similar construction.
- 1.3. The site does not contain any listed buildings, but is within the designated Sibford Gower with Burdrop Conservation Area. Approximately 125m to the south is a watercourse, but the site is not within flood zones 2 or 3. The site is approximately 200m to the north of the 347/1/10 public right of way and would be visible from this distance (due to the Sib Valley and a gap within the vegetation at the south of the site).

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks permission for the conversion of the main building to a residential property and the demolition of some of the smaller outbuildings.
- 2.2. The building would retain the existing footprint of the main building (with a slight infill to the north eastern corner - which is currently open sided). The building would have new windows and doors, utilising many of the existing openings. However, there would be a set of new patio doors on the rear (southern) elevation of the building. Two new high level windows would also be installed in the gables of the eastern and western elevations.
- 2.3. A small outbuilding would be retained on the site (to the south east of the main building) and would be used for the storage of logs and garden equipment. This was shown on an amended plan (drawing no. 5347.02 A) submitted on 29/11/2017

- 2.4. The land around the building equates to approximately 144sqm and is roughly the same as the space utilised by the retained building.
- 2.5. Access is provided from the existing position on Colony Road. No further details have been provided on the surface, materials or construction of this access.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal. It is, however, noted that a number of applications have been determined on land to the rear of other properties along the Colony which are of relevance to this application. Specifically, CHN.687/87, CHN.879/79, CHN.502/91, and 98/01014/OUT refer.

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>
17/00160/PREAPP	Proposed alterations to redundant piggery to form a single dwelling house

- 4.2. The applicants were advised under the above pre-application reference number that the principle of the conversion of this building from agricultural to residential is considered to be inappropriate and unacceptable. The proposal was to extend the existing building which was considered to go beyond conversion - with the increase in footprint and increase in height causing harm to the rural character of the area and the character and appearance of the Conservation Area. Furthermore, it was noted that the existing building is not considered worthy of retention or suitable for conversion, and no evidence had been provided to suggest that the building was structurally capable of this 'conversion'.

- 4.3. The pre-application concluded that:

The proposal would be situated outside of the built limits of the village of Sibford Gower (which has been established twice through appeal) and therefore the proposal would also be contrary to Saved Policies C8 and H18 of the CLP 1996; Policy ESD1 of the CLP 2031 (Part 1); and Government guidance contained within The Framework. It is also advised that the proposal do not fall within the remit of Policy Villages 1 of the CLP 2031 (Part 1) as it is outside of the built limits of the village.

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 28.12.2017.
- 5.2. 10 letters of support for the proposal had been received at the time of writing this report. Given that the consultation period is due to expire after the date of the committee, Members will be advised of any additional responses received after the writing of this report.
- 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 COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. No comments had been received from Sibford Gower Parish Council at the time of writing this report.

STATUTORY CONSULTEES

- 6.3. Oxfordshire County Council as Local Highways Authority advises that they raise no objections to the proposal subject to two conditions.

NON-STATUTORY CONSULTEES

- 6.4. The Environmental Protection Officer raises no objections in regard to noise, air quality, odour or light. The EPO has, however, requested conditions in respect of contaminated land – should the proposal be granted.

- 6.5. The Ecologist advises that:

Regarding the above application, the bat survey of the existing building proposed to be converted has been undertaken appropriately and I can have confidence with the conclusions drawn and the proposed bat mitigation measures. However I note the proposals also include demolition of the smaller buildings adjacent which did not appear to be included in the scope of the bat survey... In light of the roosts present in the main building and the proposed works for demolition, an assessment of these buildings should also be undertaken...

- 6.6. The Building Control Officer advises that fire brigade access need to be in accordance with Approved Document B Volume 1 Section B5. Solid waste storage also to be in accordance with Approved Document H Section H6

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 Villages 1 – Village categorisation
- PSD1 – Presumption in Favour of Sustainable Development
- ESD10 – Protection and Enhancement of Biodiversity
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- H19: Conversion of buildings in the countryside
- C8: Landscape Conservation – sporadic development
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Pollution Control
- ENV12: 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
- Design, and impact on the character of the area
- Residential amenity
- Highway Safety

Principle of Development

- 8.2. Paragraph 6 of the NPPF states that: “*The purpose of the planning system is to contribute to the achievement of sustainable development*”. 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 and Paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. The NPPF goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015. Cherwell District Council can also demonstrate a five-year supply of deliverable housing sites, therefore the presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.
- 8.4. Policy PSD1 reflects the Government’s aims of achieving sustainable development and states that the Council will work proactively, where possible, to secure development that improves the economic, social and environmental conditions in the area.
- 8.5. The NPPF promotes sustainable transport and at paragraph 34, states that decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In this case, the site cannot be said to be located within a sustainable location, being located some distance from the main settlement and without good access to public transport connections. Furthermore, the application has no footpath connection to the Village (Colony Road being absent

of a footpath until within the limits of the village) and therefore any future occupiers are likely to be wholly depended on the use of private motor vehicles.

- 8.6. Further to the above, Policy ESD1 of the CLP 2031 (Part 1) states that measures will be taken to mitigate the impact of development within the District on climate change. This includes development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars. In this regard, the proposal would not support these aims (as advised above).
- 8.7. Whilst Sibford Gower is classed as a Category A Village (with potential for minor development, infilling and conversions) within the CLP 2031 (Part 1), the site itself cannot be said to be located within the built up limits of the settlement. It instead forms part of an isolated group of dwellings, built as a single build in the 1800s, to the south of the village of Sibford Gower. The group retains its isolated rural character, with large, undeveloped gaps remaining between the cottages, and between 'The Colony' and Sibford Gower itself.
- 8.8. The Council has consistently held the view that 'The Colony' is located beyond the built up limits of the settlement, within the open countryside and that gaps between the cottages should not be filled by development. The principle of development to the rear of Colony Road has been resisted in applications CHN.687/87; CHN.879/79; CHN.502/91; and 98/01014/OUT. The Council's position in this respect has been upheld twice at appeal on two different sites: the gap between 4 and 5 The Colony and the gap between 2 and 3 The Colony (applications CHN. 897/79 and CHN. 502/91 respectively, refers).
- 8.9. The proposal seeks permission for the conversion of the agricultural building to form a dwelling. Policy H18 relates to proposals for new dwellings in the countryside and states that unless the dwelling is essential for agricultural use or for low cost affordable housing, then it will conflict with this policy. Given that the dwelling is not required for either purpose, the proposal clearly conflicts with Policy H18. Thus, on the matter of principle, the proposal is considered to constitute unjustified and undesirable new housing development in an isolated location, remote from services and facilities and where there would be a reliance on the private car, contrary to Policy ESD1 and saved Policy H18 of the Local Plan.
- 8.10. Notwithstanding the above, it is noted that the proposal applies for the 'conversion' of the building. Therefore, Policy H19 of the CLP 1996 applies. This Policy deals with the conversion of buildings in the countryside and is intended to encourage the conversion of traditional farm buildings of some architectural or historic merit. It also states that its purpose is to encourage the conversion of rural buildings, 'whose form, bulk, and general design is in keeping with its surroundings'. It is not intended to apply to buildings of modern construction, of little aesthetic merit.
- 8.11. Having regard to the above, it is considered that the existing building has little architectural merit and is of a utilitarian design and appearance. It is not the type of building which would be covered by the intension of this policy and would therefore not be suitable for conversion under the provisions of Policy H19. Furthermore, no structural survey has been submitted with the application to determine whether or not the existing structure is capable of 'conversion' (given the additional loading of a slate roof).
- 8.12. The above view was taken in the determination of application CHN.687/87 (for the conversion of the same building) and concluded that it is unlikely that the barn could be converted without substantial rebuilding.

- 8.13. The applicant suggests in their covering letter that Policies H18 and H19 are 20 years old and 'are not consistent with up-to-date national planning policy'. However, Members are advised that these are retained policies within the Council's current Development Plan and Inspectors have determined recent appeals in accordance with these Policies, giving weight to these policies as forming part of the development plan. Members are therefore advised that they carry full weight and should be applied in this instance.
- 8.14. In addition to the above, the agent has suggested that the proposal would have been eligible for prior approval under Class Q, Part 3 of the GPDO, had the site not been located within the designated Conservation Area. However, as the proposal is situated within the designated conservation area, there is no genuine 'fall-back' position available to the applicants and thus, in accordance with Paragraphs 11 and 12 of the NPPF, the starting point for assessing the merits of the proposal is the Development Plan. Notwithstanding this, based on the evidence presented in the application and the condition of the building on site, it appears highly unlikely that the building could be converted in a manner that would meet the strict requirements of Class Q in any case.
- 8.15. Having regard to the above, the proposal is considered to amount to an inappropriate form of development by resulting in the consolidation of the existing isolated and sporadic development in the open countryside beyond the built up limits of the village of Sibford Gower. It would also set an undesirable precedent for similar proposals in the other existing gaps in 'The Colony' which would be equally vulnerable to this form of development and would be increasingly more difficult to resist. The proposal would be thus contrary to Saved Policies H18 and H19 of the CLP 1996; Policies ESD1 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within The Framework.

Visual Amenity

- 8.16. 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.
- 8.17. Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
- 8.18. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.19. Policy ESD 13 seeks to secure the enhancement of the character and appearance of the landscape, through the restoration, management or enhancement of existing landscapes, features or habitats. At the same time, the Policy requires development to respect and enhance local landscape character, stating that proposals will not be permitted if they would, inter alia, cause undue visual intrusion into the open countryside
- 8.20. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority

in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Conservation Areas are designated heritage assets, and Paragraph 132 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm loss should require clear and convincing justification. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

- 8.21. The site lies within the countryside and retains a very rural character. Whilst the building already exists, it is not considered to be of a design or appearance which would contribute positively to the character and appearance of the conservation area. The open, loose knit, character of this small group of cottages and their rural setting would be unduly disrupted by the conversion and alteration of this building to a dwelling, given the domestication of the building itself and the rural land to the rear of the site. It is further noted that Public Bridle Way 347/1/10 runs across the field to the rear (south), with views to the site possible from these locations. Should permission be granted, there would undoubtedly be pressure for the further proliferation of the residential paraphernalia of this dwelling which would have an urbanising effect on the open character of the landscape.
- 8.22. This is a conclusion regularly reached by the Council and by Planning Inspectors at appeal in relation to other, similar sites.
- 8.23. The existing building forms an agricultural building that is of modern construction and is of no particular architectural merit. The proposal is to repoint and paint the external walls of the building. The pre-application submission proposed to clad the existing building in stone work. It was advised at that stage that this would result in the slight improvement on the current situation. Nevertheless, this element has now been omitted from the current proposal and the proposed materials are not considered to enhance the character and appearance of the Conservation Area.
- 8.24. The proposal is situated to the rear of 5 The Colony and would be accessed by a track along the side of the property. The building is wholly within land to the rear of the property and its curtilage. The properties along The Colony predominantly front the street and have some relationship with the street. The current proposal is considered to be back-land development which is at odds with the prevailing pattern of development, which would be harmful to the open and rural nature of the site and its surroundings.
- 8.25. The applicant has advised in their covering letter that as part of this development she would put the overhead cables underground. It is noted that an 'action' within the Conservation Area appraisal is to 'encourage underground power cables to reduce visual pollution'. Whilst there would be some benefit in doing so in this area, no details have been provided of the extent of wires which would be put underground. Furthermore, no confirmation has been submitted from the utilities company to advise that this is a realistic possibility (and therefore may not actually be possible).
- 8.26. Even if details were forthcoming, it is not considered that this could be conditioned in any planning permission. When applying conditions, the Government's guidance is to apply all of the 6 tests: is it *'necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects'*. In this instance, a condition requiring the applicants to put the cables underground would be unreasonable, unrelated to planning and unrelated to the

development. Should Members be minded to approve the application (contrary to the Officer's recommendation), such a condition would not make the development acceptable. If a condition is imposed and the applicant's later apply to remove the condition, then it is likely that the application would be approved (as it is unlikely to be defensible at appeal having regard to the 6 tests). If Members are minded to approve the application, then regard should be had as to whether or not the development is acceptable regardless of the removal of the overhead cables.

- 8.27. No details have been provided on the works required to upgrade the existing track to the site. The proposal is also likely to require the removal of some of the hedgerow along the Colony (as per the pre-application advice) to allow the necessary vision splays and safe access to the site. The removal of these hedgerows is likely to compound the visual impact of the development and further domesticate the visual appearance of the site. This loss of hedgerow is also considered to result in demonstrable harm to the character and appearance of the Conservation Area by eroding the rural setting of the historic buildings within 'The Colony' and the relationship between the properties (former small holdings) and the land.
- 8.28. Having regard to all of the above, the proposal, by way of its backland position, fails to address the street in which it would be accessed from and would be wholly to the rear of 5 The Colony. The proposal would, thus be at odds with the prevailing pattern of development which would be harmful to the open and rural nature of the site and its surroundings and fail to preserve the character and appearance of the Conservation Area. The proposal is therefore contrary to Saved Policy C28 of the CLP 1996; Policy ESD 15 of the CLP 2031 (Part 1); and Government guidance contained within The Framework.

Neighbour Amenity

- 8.29. 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.
- 8.30. Given the proposed siting of the property and isolated nature of the site, it is unlikely that there would be any harm caused to neighbour's amenity. Whilst there is a window on the side (east) elevation, this is unlikely to result in any overlooking of the neighbouring property (as any views are likely to be screened by the vegetation between the properties). Furthermore, the high level windows in the gables would not allow views out of, or into, the building and therefore would not result in a loss of privacy to the neighbouring occupiers or the future occupiers of the application site.

Highway Safety

- 8.31. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. This is consistent with Paragraph 35 of the NPPF which states that: developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.
- 8.32. The Local Highway Authority (LHA) raises no objections to the proposals, subject to certain conditions. Whilst it is noted that there have, in the past, been issues regarding the provision of access to the site, in this instance the LHA did not raise any objections to this application. It is therefore, considered that a reason for refusal on this basis could not be sustained at appeal.

Ecological Impact

- 8.33. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*
- 8.34. Paragraph 109 of the NPPF states that: *The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible.* This requirement is echoed by Policy ESD10 of the CLP 2031 Part 1.
- 8.35. The applicant has provided a Bat Assessment with the submission of the application. The Ecologist has advised that they raise no objections to the proposal (following clarity that the smaller outbuildings have also been surveyed). The proposal is, therefore, considered to be acceptable in this regard.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Having regard to all of the above, the proposal is considered to result in the creation of a dwelling outside of the built limits of the village of Sibford Gower and therefore the proposal would also be contrary to Saved Policies C8 and H18 of the CLP 1996; Policy ESD1 of the CLP 2031 (Part 1); and Government guidance contained within The Framework. The proposals do not fall within the remit of Policy Villages 1 of the CLP 2031 (Part 1) as it is outside of the built limits of the village.
- 9.2. Notwithstanding the above, the proposal, by way of its back land position, fails to address the street in which it would be accessed from and would be wholly to the rear of 5 The Colony. The proposal would, thus be at odds with the prevailing pattern of development which would be harmful to the open and rural nature of the site and its surroundings and fail to preserve the character and appearance of the Conservation Area. The proposal is therefore contrary to Saved Policy C28 of the CLP 1996; Policy ESD 15 of the CLP 2031 (Part 1); and Government guidance contained within The Framework.

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

- 1) The proposal would amount to an inappropriate form of development by resulting in the consolidation of the existing isolated and sporadic development in the open countryside beyond the built up limits of the village of Sibford Gower. This would set an undesirable precedent for similar proposals in the other existing gaps in 'The Colony' which would be equally vulnerable to this form of development and would be increasingly more difficult to resist. It would also result in development which is at odds with the prevailing pattern of development - which is harmful to the open and rural nature of the site and its surroundings and fails to preserve the character and appearance of the Conservation Area. The proposal would be thus contrary to Saved Policies C8, C28, H18 and H19 of the CLP 1996; Policies ESD1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within The Framework.

17/00554/DISC

Cherwell District Council

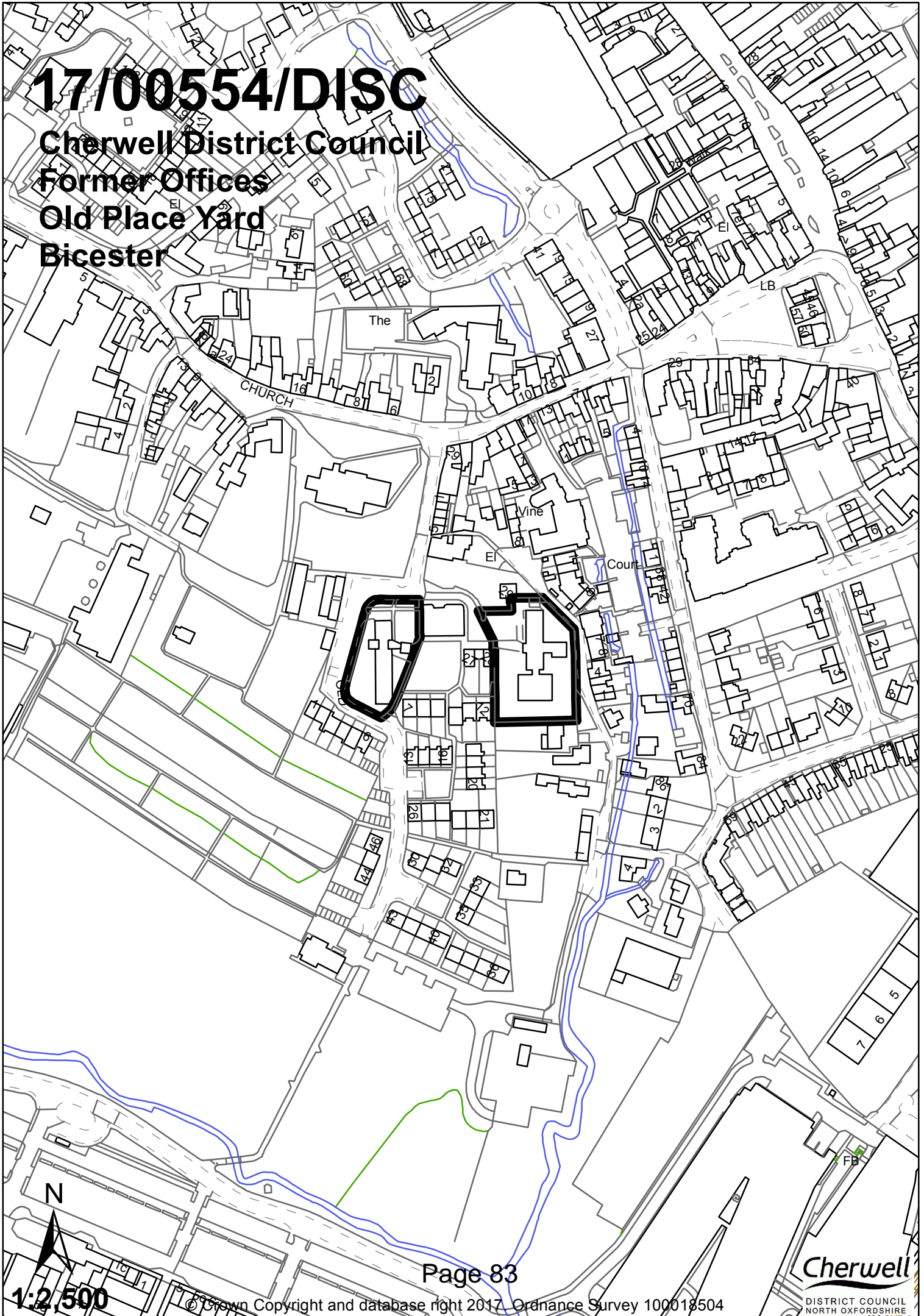
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17/00554/DISC

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



Applicant: Cherwell District Council

Proposal: Discharge of Conditions 10 (surface drainage information), 21 (cycle parking details), 22 (bird and invertebrate boxes), 23 (refuse and recycling information) of 16/00043/F

Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson
Cllr Nick Cotter
Cllr Dan Sames

Reason for Referral: The Council is the applicant

Expiry Date: 11 January 2018 **Committee Date:** 14 December 2017

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application sites are located immediately to the south of Bicester town centre. They comprise two sites to the west (Site A) and east (Site B) of the library, and following demolition of the buildings that were previously on the sites, are currently vacant and being redeveloped for specialist housing.
- 1.2. Immediately adjacent to the western-most site (Site A) is a Grade II listed dovecote. The sites are also within the setting of the Grade I listed St Edberg's Church and the Grade II* listed building known as The Old Priory. The boundary wall to the east of the site, forming part of the boundary with Priory Lane, is listed. The sites lie outside but adjacent to the Bicester Conservation Area. The site lies within an area of significant archaeological interest, being the site of Bicester Priory, and is currently being considered for scheduling by Historic England.
- 1.3. There is an adopted footway running along the eastern boundary of Site A.
- 1.4. Planning permission was granted on 13th June 2016 (16/0043/F) for the erection of 11 self-contained single storey units for adults with physical disabilities, learning disabilities and autistic spectrum conditions. 5 units are to be constructed on Site A and 6 units on Site B. Site A is to have a communal garden and the units within Site B are to have individual gardens as well as a communal garden. Both sites are to have car parking allocated to the units and Site B is to have a gated entrance to the units from the car park area. The current application is seeking approval of the details required by conditions 10, 21, 22 and 23 of that permission.

2. APPRAISAL

- 2.1 Condition 10 of the planning permission requires the submission of a surface water drainage scheme for the site. The reason for the condition is to ensure that surface water resulting from the development will be managed effectively and to reduce the risk of flooding.
- 2.2 Oxfordshire County Council has been consulted on the surface water drainage scheme and its comments are awaited.
- 2.3 Condition 21 of the planning permission requires details of covered cycle parking facilities to be provided. Oxfordshire County Council has been consulted on the cycle parking proposals and its comments are awaited.
- 2.4 Condition 22 of the planning permission requires the installation of bird and invertebrate boxes in accordance with the Ecological Appraisal submitted with the application and prepared by ELMAW Consulting dated August 2015. It does not require any further details to be submitted nor for any further approval. This condition has therefore been removed from the application description.
- 2.5 Condition 23 of the planning permission requires the submission and approval of a scheme for the provision of refuse and recycling bins. The Council's Waste Resource Team has been consulted on the scheme and their comments are awaited.
- 2.6 The discharge of conditions relating to such matters as engineering drawings, materials and design details is normally delegated to officers and it is purely because Cherwell District Council is the applicant that this application is before Members. It therefore seems prudent to seek delegated authority to officers to determine the application. Should the design of the solid end panel to the railings be amended, the comments of the Landscape Officer be received and matters resolved before Committee, this will be reported to Members and an amended recommendation will be made.

3. RECOMMENDATION

Delegate authority to officers to approve the application in relation to Condition 10, 21 and 23 subject to responses from Oxfordshire County Council regarding surface water drainage and cycle parking and from the Council's Waste Resource Team regarding refuse/recycling.

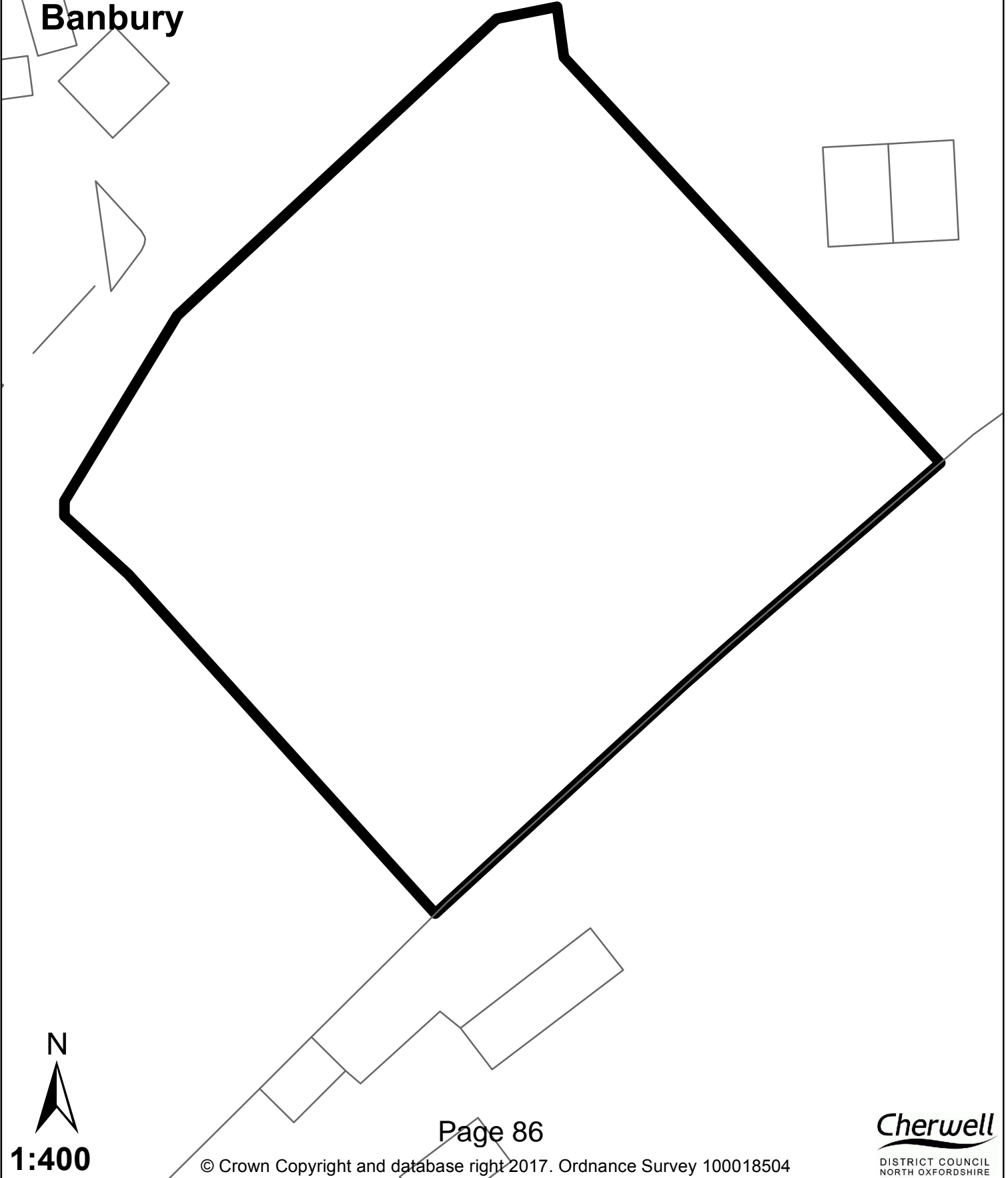
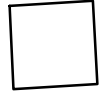
CASE OFFICER: Shona King

TEL: 01295 221643

17/00559/DISC

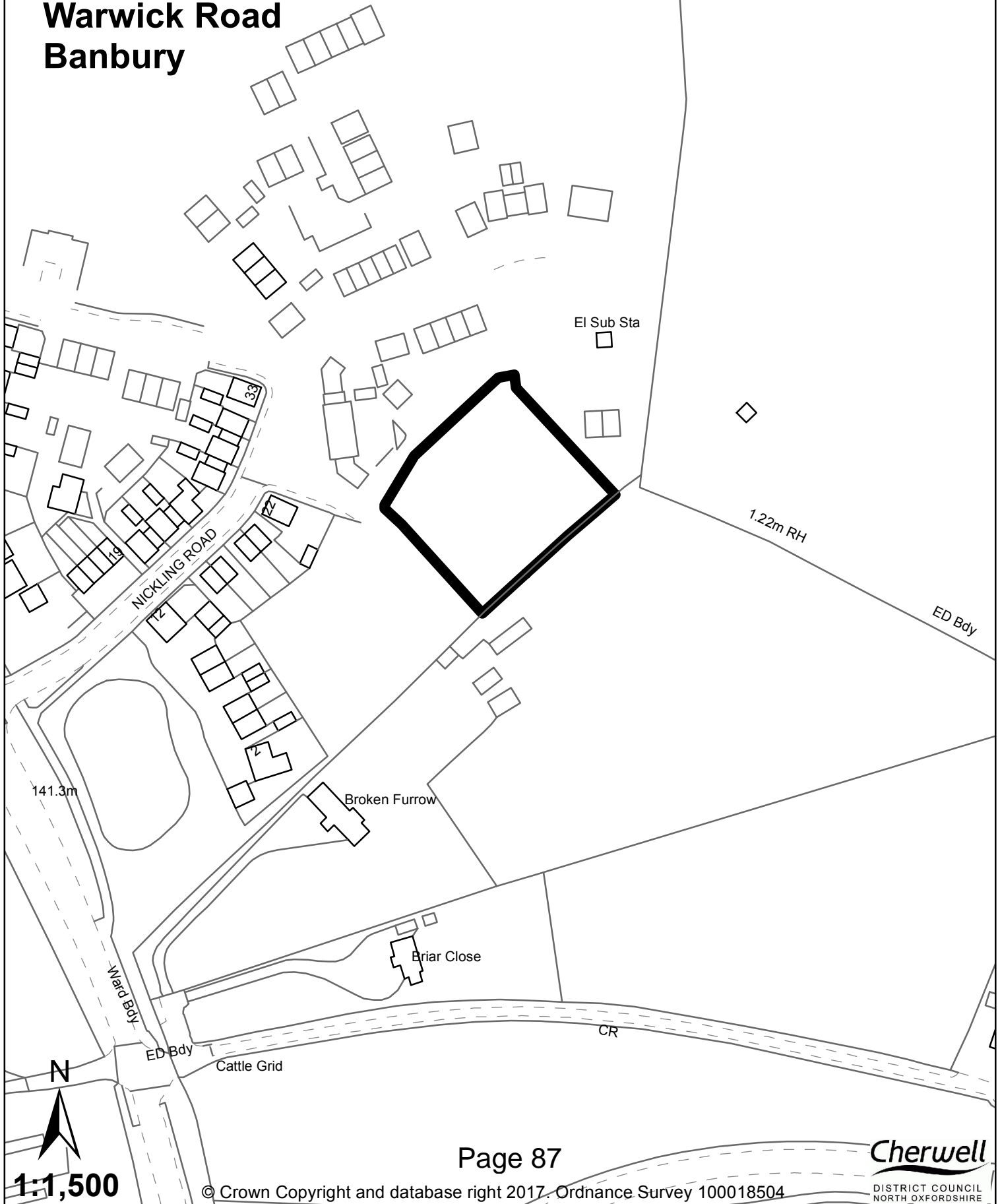
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And North Of Broken Furrow
Warwick Road
Banbury**

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17/00559/DISC

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



Applicant: Cherwell District Council

Proposal: Discharge of Condition 9 (landscaping scheme) of 16/01485/CDC

Ward: Banbury Hardwick

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

Reason for Referral: Cherwell District Council Application

Expiry Date: 16 January 2018 **Committee Date:** 14 December 2017

Recommendation: Delegate authority to officers to determine the application

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. 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.
- 1.4. Planning permission was granted under application reference 16/01485/CDC for the erection of 6 single storey, one bed flats for adults with learning difficulties and autistic spectrum condition; an associated parking area; shared landscaped gardens; a secured courtyard area; and staff/communal accommodation in an additional unit (seven units in total).

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks the Council's approval of details required by condition 9 of 16/01485/DISC. Condition 9 has previously been *partially* discharged under application reference 16/00512/DISC (delegated to Officers at the Planning Committee of the 24 November 2016).

3. RELEVANT PLANNING HISTORY

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

- 3.2. 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
- 3.3. 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
- 3.4. 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
- 3.5. 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
- 3.6. 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) - Application Permitted
- 3.7. 16/00498/DISC - Discharge of Condition 3 (energy strategy), 4 (brick sample) and 5 (roof tile sample) of 16/01485/CDC - Application Permitted
- 3.8. 16/00499/DISC - Discharge of Conditions 3 (energy strategy), 4 (brick sample) and 5 (roof tile) of 16/01484/CDC - Application Permitted
- 3.9. 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 - Application Permitted
- 3.10. 16/00512/DISC - Discharge of Conditions 8 (specification of parking and manoeuvring), 12 (details of ground and finished floor levels) and 18 (cycle facilities) and partial discharge of Condition 9 (landscaping scheme) of 16/01485/CDC - Application Permitted
- 3.11. 17/00071/DISC - Discharge of condition 6 (Amended elevation design details) of 16/01484/CDC - Permitted Development
- 3.12. 17/00076/DISC - Discharge of Condition 6 (Amended Elevation Design Details) of 16/01485/CDC - Application Permitted
- 3.13. 17/00284/DISC - Discharge of Conditions 13 (mitigation badger protection strategy), 15 (Biodiversity enhancements) and 16 (External light scheme) of 16/01485/CDC - Application Permitted
- 3.14. 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

4. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 - Presumption in Favour of Sustainable Development
- SLE4 - Improved Transport and Connections
- BSC3 - Affordable Housing
- 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

- 4.3 Other Material Planning Considerations
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)

5. APPRAISAL

- 5.1. Condition 9 requires a scheme for landscaping to be submitted to and approved in writing by the LPA including: Details of the proposed tree and shrub planting (including their species, number, sizes and positions, together with grass seeded/turfed areas); details of the existing trees and hedgerows to be retained as well as those to be felled (including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation); the reinforcement of the existing hedgerow along the Western, Eastern and Southern boundaries; details of the hard surface areas, pavements, pedestrian areas, crossing points and steps; and details of the minor artefacts/structures (i.e. surfaces, benches, fencing, walling etc.), which comprise public art works.

- 5.2. This information has been partially discharged under application 16/00512/DISC in so far as it only related to the southern part of the site, i.e. the landscaping adjacent to the road – including the parking area.
- 5.3. No comments have yet been received from the Landscape Officer on this current application, although it is noted that suggested amendments to the previous application (16/00512/DISC) were made – and that the Landscape Officer had commented on the plan now submitted.
- 5.4. Further clarity is required from the Landscape Officer as to whether the current proposals are acceptable or whether any minor amendments may be required.
- 5.5. It is, therefore, requested that Members delegate authority to Officers to determine that application, once satisfactory consultation responses have been received from the Landscape Officer.

6. RECOMMENDATION:

Delegate authority to Officers to determine the application in consultation with the Chairman of the Planning Committee.

CASE OFFICER: Matthew Coyne

TEL: 01295 221652

Agenda Item 13

Cherwell District Council

Planning Committee

14 December 2017

Appeals Progress Report

Report of Head of Development Management

This report is public

Purpose of report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **15/00837/OUT - Part Land on the North East Side of Gavray Drive, Bicester.** Appeal by Gallagher Estates, Charles Brown and Simon Digby against the refusal of outline planning permission for a residential development of up to 180 dwellings to include affordable housing, public open space, localised land remodelling, compensatory flood storage and structural planting.

17/00109/EUNDEV - The Lion, Wendlebury, OX25 2PQ. Appeal by Mr Smith against the serving the serving of an enforcement notice as a result of the of unauthorised construction and retention of an asphalt car park on that part of the land shown hatched on the attached plan on the notice without planning permission.

17/00511/F - Keepers Cover, Church Lane, Weston-On-The-Green, OX25 3QU. Appeal by Mr and Mrs Maxted against the refusal of planning permission for the erection of 1.5 storey extension. – Appeal returned as out of time.

17/01328/OUT - OS Parcel 3498 East Of Heatherstone Lodge, Fulwell Road, Finmere. Appeal by Siteplan UK LLP against the refusal of outline planning permission for a residential development.

17/01463/CLUE - Keepers Cover, Church Lane, Weston-On-The-Green, OX25 3QU. Appeal by Mr and Mrs Maxted against the refusal of Certificate of Lawfulness of Existing Use for the use of the identified land as residential garden.

17/01555/F - Winwood, Noke, OX3 9TT. Appeal by Mr Bell against the refusal of planning permission for the conversion of an agricultural barn into a single dwelling and demolition of outbuildings.

17/01675/M106 - Keepers Cover, Church Lane, Weston-On-The-Green, OX25 3QU. Appeal by Mr and Mrs Maxted against the non-determination of Modification of Section 106 - Application 97/02148/F.

17/01876/ADV - Wyevale Garden Centre, Bicester Avenue Garden Centre, Oxford Road, Bicester, OX25 2NY. Appeal by Wyevale Garden Centres against the refusal of advertisement consent for a roadside non-illuminated V sign.

2.2 Forthcoming Public Inquires and Hearings between 14 December 2017 and 18 January 2018.

None.

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Dismissed the appeal by Mr Ronaldson against the refusal of planning permission for the demolition of existing porch to 65 The Phelps and erection of new dwelling. Land adj. to 65, The Phelps, Kidlington. 16/02538/F (delegated).

The appeal site comprised a modern two storey end of terrace property. The appellant proposed to erect a side extension to the existing terrace in the form of a separate dwelling. The Council contended that this would result in harm to the character and appearance of the street scene, living conditions of the occupiers of the perpendicular dwellings and highway safety.

The Inspector noted that the new dwelling would be prominent within the street scene and despite the appellant providing examples of similar local extensions, the Inspector found that the proximity of the development to the road was rare and that the overall design of the estate was based on a more open aspect between the properties and the highway. The loss of the open area adjacent to the highway and projection of the building was considered at odds with the present streetscape and harmful to the character and appearance of the area. The proposal was found not to improve the quality and appearance of the area

and did not therefore meet the requirements of Policy ESD15 of the CLP2031 and Policy C28 of the CLP1996

The Inspector also considered the effect of the proposal on the living conditions of those living adjacent to the proposed extension and found that the view from the front aspect of these properties would be towards blank two-storey flat, the proximity of which would materially impose on the aspect of these properties and harm the living conditions of the occupiers.

The Inspector also found that the proposed car parking space had not been designed with highway safety in mind and raised concerns over visibility due to the location of a screen wall.

When considering the planning balance, the Inspector found that while the general principle of a new dwelling in the existing developed area of the settlement would be acceptable, the proposal would result in a form of development which would not fit in with the character of the area and be at odds with the appearance of the present street scape. Taking into account the issues relating to living conditions and highway safety, the Inspector found that the proposal would not accord with the relevant provision of the development plan and despite the dwelling making a small contribution to housing supply and economic activity, these factors were not considered to outweigh the significant adverse effects of the proposal.

2) Dismissed the appeal by Mr and Mrs Price against the refusal of planning permission for a single storey front extension. Corner Flag, Main Street, Murcott, OX5 2RE. 17/00514/F (delegated).

The Inspector considered that the principal consideration in this case was whether the extension would result in a disproportionate addition over and above the size of the original building and thereby unduly impact on the openness of the Oxford Green Belt.

Officers calculated that the proposal when taking into account previous extensions would result in a 106% increase over and above the size of the original property. Although the Inspector did not consider that a mathematical calculation necessarily proved to be conclusive, he nonetheless concluded that the increase in footprint, bulk and massing would unduly affect the openness of the Oxford Green Belt. In the absence of any very special circumstances, the appeal was therefore dismissed.

3) Dismissed the appeal by Mr West against the refusal of planning permission for a two storey side extension to dwelling or first floor side extension over approved ground floor extension (16/02145/F). Bluebell Cottage, 22 Spring Hill Road, Begbroke, OX5 1RX. 17/00569/F (delegated).

The Inspector considered the proposal was correctly described as a two-storey extension on account of the approved single storey extension not having yet been constructed, and that the main issues to be whether or not the proposal would be inappropriate development, its effect on openness, and whether any

harm to the Green Belt would be clearly outweighed by other considerations so as to amount to very special circumstances.

The Inspector noted there was no dispute between the parties as to the proposal's increase in floor area over that of the original dwelling, and that this increase in floor area would be around 139%. The Inspector held that this would result in a substantial increase in volume and external dimensions and which would result in disproportionate additions over and above the size of the original building. The inspector concluded that the NPPF makes no provision for the visual appearance of the building concerned, but instead relates solely to making a comparison with the size of the original building. The Inspector found the proposal would cause harm to the openness of the Green Belt and that there were no very special circumstances to outweigh the harm, affording little weight to a decision in Guildford raised by the appellant.

4) Dismissed the appeal by Mrs Simmons against the refusal of planning permission for the demolition of existing conservatory and erection of a single storey rear extension. 8 Otmoor View, Merton, OX25 2NL. 17/00626/F (delegated).

The Inspector gave some weight to the Council's Home Extensions and Alterations Design Guide ("the Design Guide") due to its role in supporting the relevant development plan policies. The Inspector considered the main issue to be the proposal's impact on the neighbours in terms of outlook, sunlight and daylight.

The Inspector noted that the proposal would extend from the main rear elevation of the house beyond the 4 metres set out in the Design Guide as being normally acceptable for extension on a common boundary and that it would conflict with 45 degree rule from the mid-point of the nearest rear facing habitable room window on the ground floor of serving both No 7 and 8a, resulting in the proposal being unacceptably enclosing and having an overbearing effect.

The Inspector noted the permitted development ("PD") fall back position of a rear extension and outbuilding, but held that this PD scheme would not cause the same degree of harm to outlook as would the appeal proposal.

The Inspector concluded that although the proposal would not cause an unacceptable loss of sunlight or daylight to the neighbouring properties this did not deflect from the fact that it would cause unacceptable harm to the living conditions of the neighbouring residents with regards to outlook.

5) Dismissed the appeal by Respect Properties Limited against the refusal of planning permission for proposed extensions and alterations to the building including change of use of ground floor from public house (use class A4) to retail (use class A1), 3 flats on the first floor and 2 flats in the extended roof space. Formerly The Star Public House, Bucknell Road, Bicester, OX26 2DG. 17/00888/F (delegated).

The appeal followed an earlier dismissed appeal on the site for a box dormer to the roof which would connect the front and rear roof elements of the building and also a steel staircase to the side of the property. In the current appeal the external staircase to the 2nd floor was removed and the box dormer slightly reduced in size. The Inspector agreed with the Council that the proposed box dormer would be a dominating and bulky addition to the building and would not be characteristic of the building or area. Whilst noting there would be limited visibility of the proposed it was noted that the dormer would be seen in close vicinity of the site through the gaps between building and would appear as an incongruous addition to the street scene.

6) Dismissed the appeal by Paul Harris Homes Ltd against the refusal of planning permission for the demolition of outbuildings, erection of single dwelling house with associated access, landscaping and hardstanding. Evelyns Farm, Brill Road, Horton-Cum-Studley, OX33 1BZ. 17/01095/OUT (delegated).

The Inspector considered that the main issues were:

- Whether the principle of development accords with the development plan
- Whether the proposal amounts to inappropriate development in the Green Belt and the effect on openness
- The effect on the character and appearance of the area
- The effect on the setting of the nearby Evelyn's Farm, a grade II listed building

The appeal site is located in an area of countryside to the northeast of Horton cum Studley. The site has a number of dilapidated buildings and is relatively overgrown with vegetation. To the south of the site lies Evelyn's Farmhouse, a grade II listed building. The site is located in the Oxford Green Belt.

The Inspector considered that the site was located outside of the village of Horton cum Studley and that the proposal should be assessed against Policy ESD1 of the CLP2031 and saved Policy H18 CLP1996 . The appellant argued that the site was not isolated due to the presence of other buildings in proximity of the site, however the Inspector considered that given the distance between the site and the village that it was not within the limits of Horton cum Studley. The Inspector considered that the purpose of saved Policy H18 mostly, but not wholly, accord with the NPPF and therefore the policy should be afforded moderate weight.

The buildings on the site have no planning history, however the appellant states that they were previously used for B1 purposes. A lawful development certificate was submitted for earlier in 2017, however this was withdrawn after the appellant could not demonstrate ten years continuous use. Despite this, the Inspector took the view that the site had the characteristics of previously developed land and therefore the principle of redeveloping the site for housing could be acceptable, subject to the proposal's effect on the openness of the Green Belt. The indicative site plan showed the removal of the existing single-storey buildings on the site and their replacement with a large dwelling. The

Inspector considered that the evidence submitted did not provide sufficient certainty that the development would result in the construction of a new building with no greater impact on the openness of the Oxford Green Belt and that the proposal had not demonstrated that it accorded with Paragraph 89 of the NPPF or Policy ESD14 of the CLP2031. This lack of certainty led the Inspector reached a similar conclusion in respect of the impact on the surrounding landscape as well as the setting of the listed building.

The Inspector considered that there were some benefits of the proposal through the redevelopment of the site, however these benefits would not outweigh the harm identified and that the appeal should be dismissed.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

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

Option 1: To accept the position statement.

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

5.0 Implications

Financial and Resource Implications

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

Comments checked by:

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

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,

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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	
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