

Committee: Planning Committee
Date: Thursday 15 March 2018
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 - 8)

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

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **Restore, 3135 Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HF**
(Pages 11 - 29) **16/02348/F**
8. **Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton** (Pages 30 - 56)
17/01600/F
9. **Land Adj To Cotswold Country Club And South Of Properties On Bunkers Hill, Shipton On Cherwell** (Pages 57 - 72) **17/02148/OUT**
10. **Land East Of Evenlode Crescent And South Of Langford Lane, Kidlington**
(Pages 73 - 96) **17/02233/F**

Review and Monitoring Reports

11. Appeals Progress Report (Pages 97 - 102)

Report of Interim Director for Planning and Regeneration

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 7 March 2018

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 15 February 2018 at 4.00 pm

Present: Councillor David Hughes (Chairman)
Councillor James Macnamara (Vice-Chairman)

Councillor Andrew Beere
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor Chris Heath
Councillor Simon Holland
Councillor Alastair Milne-Home
Councillor Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle
Councillor Richard Mould
Councillor D M Pickford
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Nigel Simpson
Councillor Les Sibley

Also Present: Councillor Barry Wood, ward member for Fringford And Heyfords, for agenda item 11

Apologies for absence: Councillor Barry Richards

Officers: Paul Seckington, Senior Manager Development Management
Bob Duxbury, Joint Majors Manager
Stuart Howden, Senior Planning Officer
James Kirkham, Principal Planning Officer
Nigel Bell, Interim Legal Services Manager / Deputy Monitoring Officer
Aaron Hetherington, Democratic and Elections Officer

Declarations of Interest

7. New Banbury Museum, Spiceball Park Road, Banbury, OX16 2PQ.

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

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

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

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

9. The Old Malthouse, St Johns Road, Banbury.

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

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

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

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

10. The Old Malthouse, St Johns Road, Banbury.

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

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

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

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

159 **Requests to Address the Meeting**

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

160 **Urgent Business**

There were no items of urgent business.

161 **Minutes**

The Minutes of the meeting held on 18 January 2018 were agreed as a correct record and signed by the Chairman.

162 **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.

163 **New Banbury Museum, Spiceball Park Road, Banbury, OX16 2PQ**

The Committee considered application 17/01824/OUT for extension to the existing museum at New Banbury Museum, Spiceball Park Road, Banbury, OX16 2PQ for Banbury Museum Trust.

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

Resolved

That application 17/01824/OUT be approved, subject to:

- a. the amendment of the red-line to allow the imposition of the servicing condition and
 - b. to the following conditions
1. Details of the layout, scale, appearance, access and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to

and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.
3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in general accordance with the following plans and documents: (to be confirmed in the written update)
4. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site and existing and proposed site levels for the proposed extensions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.
5. No development shall take place until details of the servicing arrangements for the museum by goods vehicles from Spiceball Park Road have been submitted to and approved in writing by the Local Planning Authority. The approved servicing arrangements shall thereafter be implemented prior to the first use or occupation of the development hereby permitted.
6. No development shall take place until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect biodiversity, AND do not adversely affect residential properties adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
7. No development shall take place, including any demolition or works of site clearance, until a method statement for enhancing the biodiversity value of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
8. All extensions hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision.

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

The Committee considered application 17/01962/F for a material change of use of land to use as a residential caravan site for 6 gypsy families, each with two caravans, including improvement of access and laying of hardstanding OS Parcel 9635 North East Of HM Bullingdon Prison, Widnell Lane, Piddington

Francesca Darby, Chairman of Piddington Parish Council, addressed the committee in objection to the application.

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

Councillor Holland proposed that application 17/01962/F be refused as the proposed development was contrary to Government guidance contained within the NPPF, Policy H of Government guidance in the Planning Policy for Travellers Sites (PPTS) and Policies PSD1, BSC6, ESD15 of the Cherwell Local Plan 2011-2031 Part 1. Councillor Pickford seconded the proposal.

In reaching their decision, the committee considered the officers' report, presentation and the address of the public speakers.

Resolved

That application 17/01962/F be refused for the following reasons:

1. By reason of its siting in relation to distance from existing services; the proximity to noise generating uses and the ability to provide a satisfactory living environment to future occupiers; that it hasn't been demonstrated to the satisfaction of the Local Planning Authority the ability to provide utilities to service the site, which affects its deliverability and causing potential harm to the natural environment; the proposed development is not considered to be a suitable or sustainable development when assessed against Policy BSC6 of the Cherwell Local Plan. The harm resulting from the proposed development is significant and is not considered to be outweighed by the identified unmet need for gypsy and traveller pitches within Cherwell. The proposed development is therefore considered to be contrary to Government guidance contained within the NPPF, Policy H of Government guidance in the Planning Policy for Travellers Sites (PPTS) and Policies PSD1, BSC6, ESD15 of the Cherwell Local Plan 2011-2031 Part 1.
2. By reason of the planning application not being supported by adequate information to demonstrate the impact of existing noise generating uses operating nearby the site on the future residents of the site is, or can be made, acceptable, the proposed development is contrary to paragraphs 17, 120 and 123 of the National Planning Policy Framework, Policy

ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy ENV1 of the Cherwell Local Plan 1996.

165 **The Old Malthouse, St Johns Road, Banbury**

The Committee considered application 17/02167/F for the conversion of a building from B1(a) Offices to 25 residential flats, with ancillary parking, bin storage and amenity area at The Old Malthouse, St Johns Road, Banbury for Morrison Property Consultants Limited.

Simon Warner, the applicant's agent, Mark Morrison, the applicant and Steven Myhill the architect, addressed the committee in support of the application. The address also covered the subsequent application 17/02168/LB.

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

Resolved

That application 17/02167/F be refused for the following reasons:

1. The applicant has failed to demonstrate through a robust marketing exercise that the site is no longer viable to be retained for its existing employment use. The proposed development would therefore lead to the unjustified loss of employment land in a sustainable location and result in economic harm contrary to Policy SLE1 of the Cherwell Local Plan Part 1 (2015) and advice in the NPPF.
2. The proposed development would result in less than substantial harm to the significance of the listed building and conservation area through alterations to the roof to provide the residential accommodation, subdivision of the internal space and also through the number and extent of roof lights proposed on the building. This harm is not supported by clear and convincing justification and it is not considered, based on the evidence provided, that residential use of the building is the optimum viable use of the building. The social and economic benefits arising from the scheme would not outweigh this harm. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.

166 **The Old Malthouse, St Johns Road, Banbury**

The Committee considered application 17/02168/LB, listed building consent for the a conversion of a building from B1(a) Offices to 25 residential flats, with ancillary parking, bin storage and amenity area at The Old Malthouse, St Johns Road, Banbury for Morrison Property Consultants Limited.

Simon Warner, the applicant's agent, Mark Morrison, the applicant and Steven Myhill the architect, addressed the committee in support to the application. The address also covered the previous application 17/02167/F

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

Resolved

That application 17/02168/LB be refused, for the following reasons:

1. The proposed development would result in less than substantial harm to the significance of the listed building through alterations to the roof to provide the residential accommodation, subdivision of the internal space and also through the number and extent of roof lights proposed on the building. This harm is not supported by clear and convincing justification and it is not considered, based on the evidence provided, that residential use of the building is the optimum viable use of the building. The social and economic benefits arising from the scheme would not outweigh this harm. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework, Policy ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policy C18 of the Cherwell Local Plan 1996.

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Chesterton Community Centre, 2 Geminus Road, Chesterton, Bicester, OX26 1BJ

The Committee considered application 17/02333/F for the change of use from informal to formal play including the installation of play equipment (part retrospective) at Chesterton Community Centre, 2 Geminus Road, Chesterton, Bicester, OX26 1BJ for Chesterton Parish Council.

Councillor Barry Wood addressed the committee as Ward member.

Philip Clarke, Chairman of Chesterton Parish Council, addressed the committee in support of the application.

In reaching their decision, the committee considered the officers' report, presentation, the address of the Ward member and public speakers.

Resolved

That application 17/02333/F be approved, with authority delegated to officer to vary the existing legal agreements and subject to the following conditions and officers are delegated authority to vary the existing legal agreement:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance

with the following plans and documents: Application form, location plan, site plan CPC 1 showing location of equipment, details of equipment and document entitled Dimensions of play equipment.

3. Prior to the installation of any of the proposed play equipment (i.e. supernova, rota bounce net climb or balance walk) scale plans showing the location of the equipment and dimension of the equipment shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such thereafter.
4. Notwithstanding the provisions of Class A of Part 12, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no further equipment, buildings or structures shall be erected on the land without the grant of further specific planning permission from the Local Planning Authority.

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Appeals Progress Report

The Interim Director for Planning and Regeneration submitted a report which informed Members on applications which had been determined by the Council, where new appeals have been lodged, public Inquiries/hearings scheduled or appeal results achieved.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 6.38 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

15 February 2018

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.

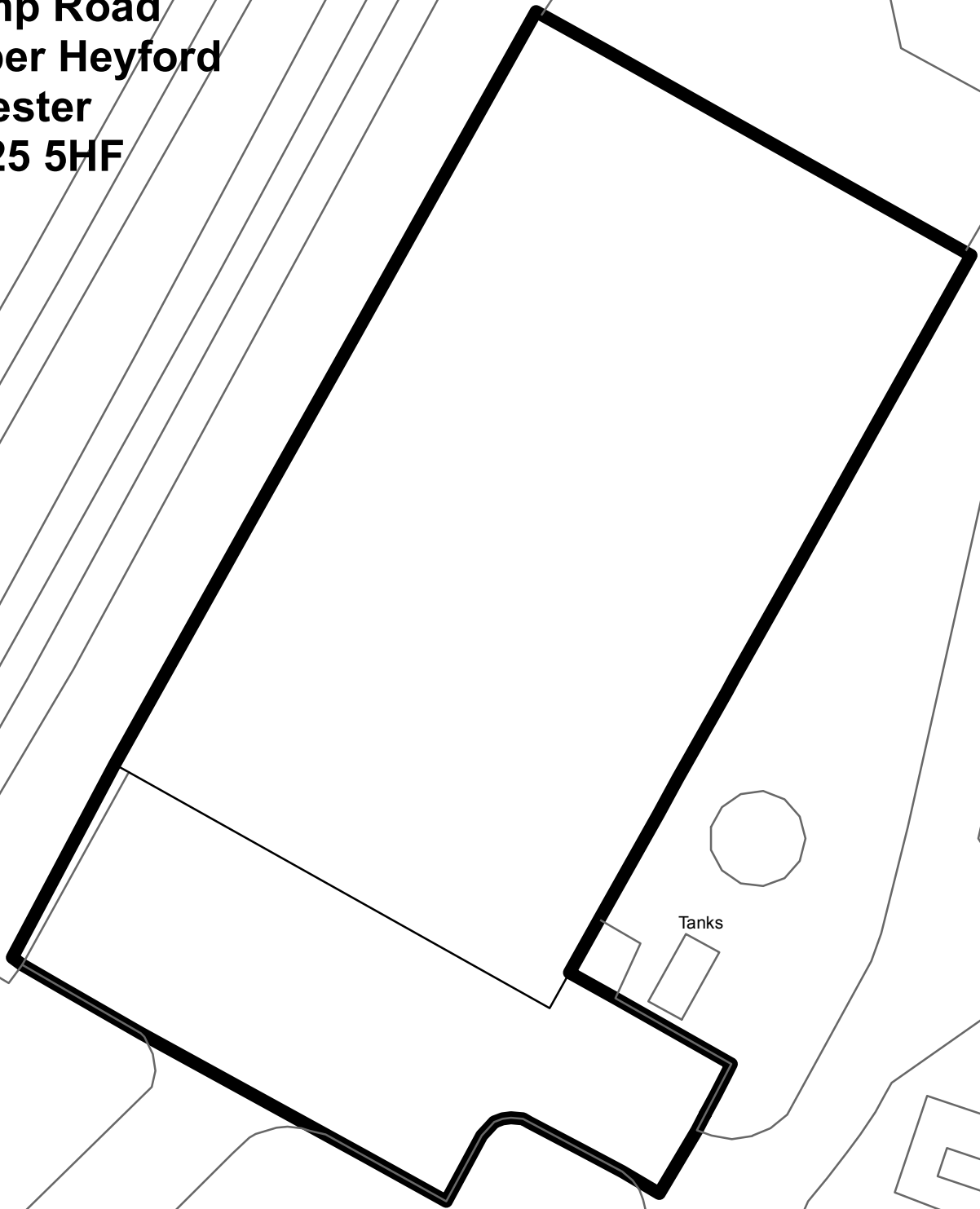
Background Papers

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	Restore 3135 Heyford Park Camp Road Upper Heyford Bicester OX25 5HF	16/02348/F	Fringford and Heyfords	Approval	Andrew Lewis
8	Land West Of M40 Adj To A4095 Kirtlington Road Chesterton	17/01600/F	Fringford And Heyfords	Refusal	James Kirkham
9	Land Adj To Cotswold Country Club And South Of Properties On Bunkers Hill Shipton On Cherwell	17/02148/OUT	Launton And Otmoor	Refusal	Shona King
10	Land East Of Evenlode Crescent And South Of Langford Lane Kidlington	17/02233/F	Kidlington West	Approval	Stuart Howden

16/02348/F

Restore
3135 Heyford Park
Camp Road
Upper Heyford
Bicester
OX25 5HF



Tanks

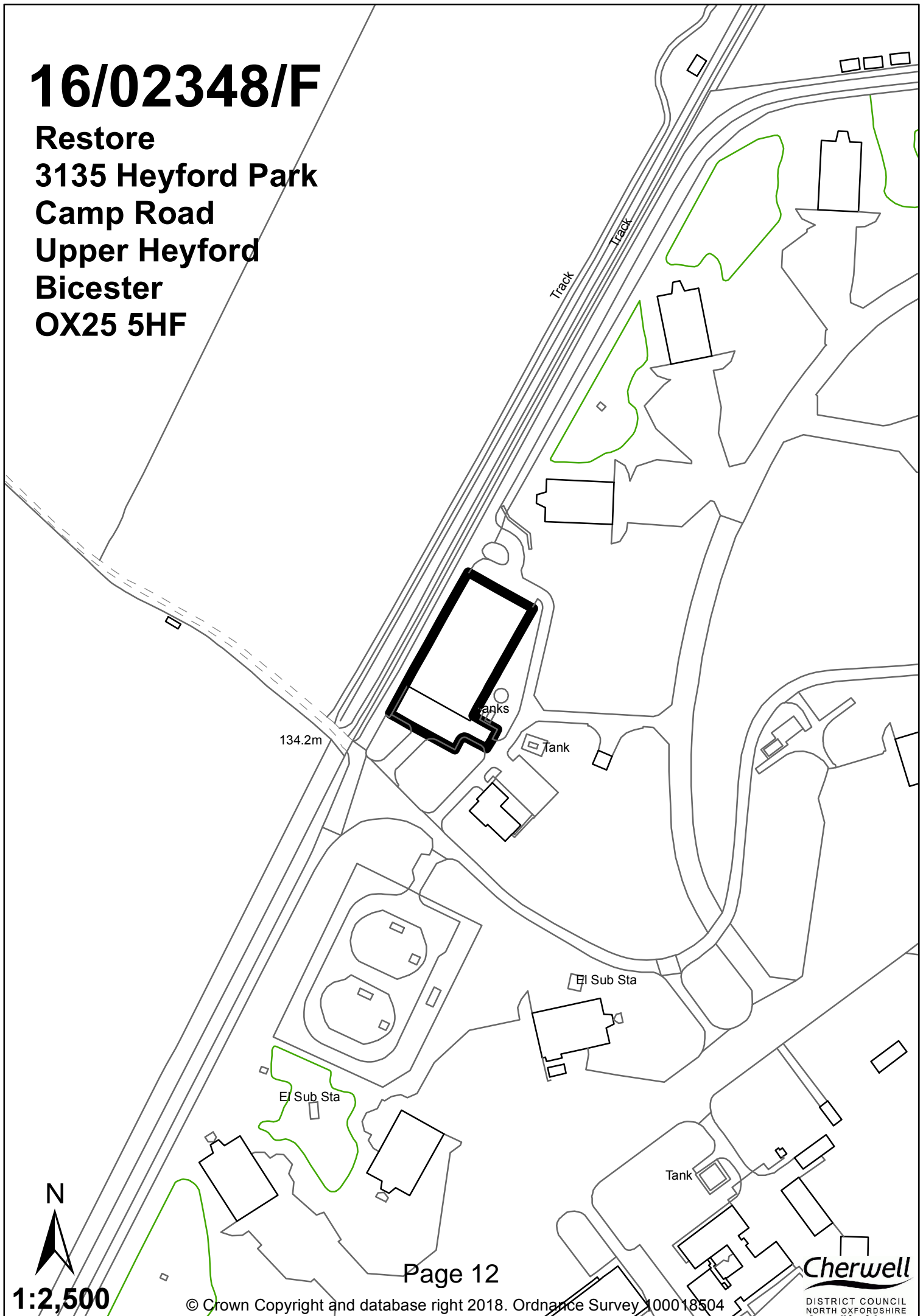
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1:500

16/02348/F

Restore
3135 Heyford Park
Camp Road
Upper Heyford
Bicester
OX25 5HF



1:2,500

**Restore
3135 Heyford Park
Camp Road
Upper Heyford
Bicester
OX25 5HF**

16/02348/F

Applicant: Upper Heyford LP

Proposal: RETROSPECTIVE - Use of Building 3135 for Storage Purposes (B8 Use)

Ward: Fringford and Heyfords

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

Reason for Referral: Major

Expiry Date: 17 January 2018 **Committee Date:** 15th March 2018

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site for this proposal is part of the former RAF/USAF Upper Heyford base. Building 3135 is identified on the appended site plan and with its curtilage measures approximately 0.32 hectares in size, the Heyford base being approximately 505 hectares in total. It has a floor area of some 3,189 square metres making it possibly the largest building on the flying field
- 1.2. In terms of the uses on site, the military use ceased in 1994. Since then the site has accommodated a number of uses in existing buildings, first under temporary planning permissions latterly under a permanent permission granted on appeal and subsequent applications. For the last nine years the site has been owned by the Dorchester Group. In that period the base has accommodated approximately 1,000 jobs and homes for around 750 residents.
- 1.3. The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. The main flying field is characterised by the open, plateau-top landscape dominated by meadow grassland and hard surfaces and punctuated by the airfield buildings. The 'raison d'être' of the airbase is defined by the runways constructed in the 1940s. The 'top-of-the-world' openness of this section of the flying field imbues the observer with a sense of isolation.

- 1.4. This application is within the Northern Edge character area, specifically the North Western Fringe, of the Flying Field as defined within the Conservation appraisal. In the appraisal, the character of the Area is described as: "5D Northwest Fringe. This area is similar to 5C but is narrower and more sharply- defined. It is more closely linked with the landscape beyond the site than the landscape within it. At the south end, the boundary between this area and 5B runs between the buildings of the 55th Squadron, illustrating the difference between functional and visual groupings." The Northern Edge of the flying field is part of the Landscape of Flexible Response but the trees at the edge and the intermittent views across the landscape outside the base become more significant towards the north.
- 1.5. Building 3135 is a large utilitarian structure built about 1986 and having the appearance of a large industrial shed. It has a plinth of concrete blocks with dark brown metal cladding metal cladding above under a shallow pitched roof. There are some ancillary structures to it on the flying field side that service the building such as oil tanks. Considering it is over 30 years old it is in extremely good physical condition.
- 1.6. It is located close to the western edge of the airfield separated from the boundary of the site by the main circulatory road and a grass verge. There is a large area of hard standing in front of the building for parking. It has a number of significant trees around the parking area. There are also trees and intermittent hedging along the boundary. Nearby is a gate that still provides access from Mudginwell Lane for the local farmer who's animals graze on the airfield and who uses some of the Hardened Aircraft Shelters (HAS) on site for storage.
- 1.7. The history associated with Building 3135 is limited. It is believed to have been used as a building storing "war readiness" spares for all the planes onsite and the inner secure area within it would have housed high value spares for, amongst others, the 66th Electronic Combat Wing who flew the EF-111A's on the Libya raid in 1986. Since the vacation of the airfield it has had a series of intermittent short term temporary storage uses. The planning history is outlined in more detail below but although the Secretary of State granted planning permission for a new settlement and other development at RAF Upper Heyford, this part of the flying field was designated a Cold War Park (CWP). The intention was to demolish 3135, for which consent was granted, and leave 4 nearby HASs monumentalised as they stand.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The building effectively has a nil use, its last lawful use being military storage. So this permission seeks both to retain the building and obtain permission for the storage use. Planning permission was previously granted for the same use in 2013 but the conditions imposed by the Council not discharged hence the fresh application. This application does include the information previously conditioned such as travel plan, bin store provision and landscaping. The building required internal fitting out, which was undertaken, but externally no changes were/are proposed.
- 2.2. The applicant is the owner and developer of RAF Upper Heyford but the Company on whose behalf they are applying, Restore, have operated from Heyford for over 20 years (previously as Datacare). They currently occupy the building
- 2.3. Access to the site will be via the existing entrance and circulatory road. Parking is available for at least 20 cars and 2 larger vehicles within the curtilage of the building. The development would create 4 new jobs.

2.4. When the proposal was first considered in 2013 members may recall being addressed by Restore's MD who advised they had acquired another company the records of which need to be relocated from London. They had chosen to consolidate their base at Heyford although they apparently had other options which if they had chosen would have been likely to lead to the withdrawal of their business from Heyford and Oxfordshire.

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>
96/00019/F	Change of use to storage of exhibition equipment including trailers, exhibition vehicles, ancillary offices and coach building.	Application Permitted
05/01341/F	Change of use to storage and office	Application Permitted
06/02149/F	Change of use to storage and office (Renewal of permission)	Application Permitted
07/02343/CAC	Demolition of existing structure as part of lasting arrangement of Heyford Park	Application Permitted
08/00716/OUT	OUTLINE application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).	Allowed at appeal
10/01642/OUT	Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure	PER
10/01619/CAC	Demolition of existing structures (as per Conservation Area Consent Schedule and Drawing No. D.0291 38-1)	PER

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 05.01.2017, although comments received after this date and before finalising this report have also been taken into account.

The comments raised by third parties are summarised as follows

Daniel Scharf, Abingdon-has written a single letter in response to a number of current applications at Heyford. The main points are:

- The determination of all these applications (and any others yet to be determined; 16/2296/H, 16/02348/F and 15/1209/REM?) depends, in the first instance, as to whether the proposals accord with the development plan. In this case the principal policy for the purposes of applying s38(6) is policy V5 in the adopted Cherwell Local Plan.
- The Head of Development Management says (email 20 January 2017), “In terms of the Lasting Arrangement, Policy Villages 5 of the adopted Local Plan is now the starting point for the considering of future development proposals. Policy Village 5 identifies that the redevelopment of the site forms a comprehensive integrated approach to development. The Council will need to be satisfied that future development proposals comply with Policy Villages 5. Clearly, this is a matter you may also wish to raise as part of your future representations.”. Clearly a master plan, development brief or development framework is required to secure a comprehensive integrated approach.
- Deciding applications in accordance with this requirement of policy V5 is being made impossible while the Council remains intent on taking a piecemeal approach to the development of the site. Although the legislation allows for ‘other material considerations’ to override development plan policy, there is a clear intention within both law and policy to operate a ‘plan led system’. The concern of the Secretary of State about the lack of adopted development plans across the country would not sit very comfortably with the officers’ assessment that adopted policies can be so easily overridden and without proper or any explanation. In the case of Upper Heyford the Council has consistently sought to control development through comprehensive planning briefs and latterly, the development framework, the withdrawal of which occurred with no explanation. Indeed a master plan was referred to in recent correspondence (and by an agent for a current application 15/01357/F). No explanation has ever been provided either to us or to the Council committee(s) as to why policy V5 and the requirement that, “a comprehensive integrated approach will be expected.” should not continue to apply.
- The reference (Mr Lewis email of 1 March 2017) to the Council taking the comments of Historic England and Design and Conservation’ into account rings hollow despite policy V5 stating that the views of “...Historic England will be required in formulating specific development proposals for the site.” Having seen

minutes of meetings including Historic England and the Council's conservation officers it is clear that their views are being ignored. The Council approved the heritage centre on the officers' recommendation without the taking of expert advice as recommended by Historic England who have also confirmed that a holistic approach should be taken in the light of the international significance of the site. Whatever the officers might think about the appropriateness of World Heritage Site status, there are 3 international conventions and a Culture White Paper which should be applied to the development proposals being made on this site.

- Unpacking policy V5 it can be seen that there are any number of references and requirements which individually and/or together clearly explain the reasons why a 'comprehensive integrated approach' is necessary, and why proposals considered in the absence of a comprehensive plan could not reasonably comply with this development plan policy.
- In summary, a comprehensive integrated approach is absolutely necessary in light of the need to coordinate the following matters:-
 - Coordinating development of land in different ownerships,
 - reviewing housing densities and locations in the light of the increased allocations,
 - complying with international conventions regarding heritage and culture,
 - enabling a holistic approach to the preservation or enhancement of the character or appearance of the conservation area,
 - managing the implications for tourism on the site and in the area,
 - assessing employment potential, to which heritage and tourism could make a significant contribution,
 - assessing the location of commercial uses, including warehousing and car storage,
 - addressing the interface of the heritage site with adjoining uses/development in terms of both buildings and movement,
 - assessing transport and travel to and around the whole site,
 - managing public access across the site (ie including QRA and Northern Bomb Stores), fencing and the restoration of public rights of way,
 - protection of biodiversity across the site,
 - securing financial contributions to enable the conservation of the Cold War heritage.

It is understood that Mr Scharf has written to the Planning Casework Unit (PCU) requesting this and other applications at Heyford are "called in". As a result, if Committee agree with the Officer's recommendation the application will need to be referred to the PCU before any decision is issued.

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

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Upper Heyford Parish Council: Strongly support the application and employment benefit for the community

STATUTORY CONSULTEES

- 6.3. Historic England (HE): No comment (although in discussions with them they have no objection to the building's retention).

NON-STATUTORY CONSULTEES

- 6.4. Conservation and Urban Design Officer (on the original submission):

I have no objection to the retention and reuse of building 3135.

Although this is a very large building, it was constructed during the last few years of USAAF's occupation and as such is part of the development of the site. Not all of the buildings within the conservation area are aesthetically pleasing, but this is part of their functionality. I do not believe that this building is particularly visually appealing, in the same way that a Hardened Aircraft Shelter (HAS) is not - these are impressive rather than attractive structures. The military required simple structures that were put together simply and quickly, and as such, this structure shows how their building types evolved once the requirement for hardened structures had passed. The building is barely visible from Somerton Road, and although it is highly visible from Mudginwell Lane, the side profile from this road means that its impact on the skyline is lessened. The more prominent structure from this viewpoint is the gable-on HAS to the north. As such, I do not believe its retention to be harmful to either the visual or historic elements of the conservation area. I would also question the sustainability of demolishing a viable building, particularly as its use would prevent the use of a more sensitive HAS for similar purposes. The business is well established at the site and the building would be easier to adapt for purpose than another HAS, meaning that fewer historic structures are harmed.

- 6.5. Economic Development Officer (on original submission):

3135 is within the sensitive area but on the edge, and the access to it appears to be separate. Datacare's use would appear to be sensitive and suitable for that building to be maintained in sound condition with an ability to redress the balance between employment and housing.

- 6.6. Landscape Officer (on original submission):

I have no objection to the retention and change of use as long as planning conditions are in place to ensure the retention, protection, enhancement and management of existing site boundary vegetation in order to mitigate views from Somerton Road. It is noted that the photographs were taken during the winter months when there is no leaf cover, resulting in greater visual exposure of the building in the summer months when the vegetation is in full leaf. The roof outline will still be visible from Somerton Road in the summer months, however I think that this is an acceptable consequence of its retention in the landscape. It is not for me to consider the merits of its retention (economically viability etc) against the implications of Cold War history/Conservation Area designation.

- 6.7. Oxfordshire County Council:

The Highways Officer has no objection assuming the same conditions apply as elsewhere on the flying field.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- ESD15 - The Character of the Built and Historic Environment
- VIL5 - Former RAF Upper Heyford
- SLE1-Employment Development
- SLE4-Improved Transport and Connections
- PSD1 - Presumption in Favour of Sustainable Development
- BSC2 - The Effective and Efficient Use of Land
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- TR7-Development attracting traffic on minor roads

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF) - National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied.
- Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.
- RAF Upper Heyford Conservation Appraisal 2006 (UHCA)
- Mid-Cherwell Neighbourhood Plan-drafted and in pre-deposit stage

8. APPRAISAL

Planning History and Background

8.1. The former airbase was confirmed surplus to MOD requirements in September 1994 just before the 1996 Local Plan was adopted. It did not contain any policies specifically relating to the site. A revised Structure Plan was adopted by the County Council in 1998 and included policy H2 which sought to address the future of the site.

8.2. In November 2005, a Conservation Plan was produced for the flying field. The plan was jointly commissioned by CDC, HE and North Oxfordshire Consortium (NOC). The plan identified the historic importance of the site as a Cold War landscape and

the importance of individual structures on the site. The plan identified greater levels of significance for the site than HE had previously identified. A further assessment of the areas excluded from the Conservation Plan was commissioned by CDC and completed in March 2006. These studies were used to inform the decision to designate the whole site as a conservation area in April 2006

- 8.3. Over the last 10 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and numerous of them have gone to appeal. The most relevant to the current application was application ref 08/00716/OUT, an outline application that proposed: “A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).”
- 8.4. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision on the above proposed development in January 2010. The appeal was allowed, subject to conditions, together with 24 conservation area consents that permit demolition of buildings on the site including Building 3135. Due to the scale of the development proposed, the appeal was referred to the Secretary of State for Communities and Local Government for determination. The decision letter from the Secretary of State (SoS) can be read in full on the Council’s web site: <http://cherweb.cherwell-dc.gov.uk/AnitePublicDocs/05757874.pdf> .
- 8.5. Although the appeal was lodged on the grounds of non-determination the Council resolved to object to the proposal on several grounds including its failure to conform to the Planning Brief for the site, that the development was unsustainable, the type of employment was inappropriate, transport measures were inadequate to cope with the development, damage to the character and appearance of the conservation area and the information submitted was inadequate or failed to justify the proposal. The reasons for refusing the conservation area consents were either the loss of buildings that contributed positively to the conservation area, that a cleared site would detract from the conservation area and/or their demolition was premature without an approved scheme for redevelopment.
- 8.6. The SoS considered there to be three main issues: the policy context for the proposal, with particular reference to the development plan and PPG15; Design Principles and PPS1; and Housing and Sustainability of location. There was also a fourth, planning conditions and obligations.
- 8.7. On policy, the SoS thought the development was in general conformity with the Oxfordshire Structure Plan policy H2 which sought to provide a community of about 1000 dwellings with schools and employment opportunities, though not the Council’s Development Brief for the site, and that it would enable environmental improvements, conserve heritage interests and provide appropriate level of employment. In terms of employment, the SoS recognised that businesses were well established and there were 500 people currently employed in car processing. Economic benefits were a “weighty material consideration” and they did not seem to outweigh the harm to the character of the conservation area. However the Inspector refers to the need to balance heritage interests against exceptional circumstances to justify overriding the presumption to preserve and enhance the conservation area. On reuse of buildings, it was considered their retention would outweigh the breach in the number of jobs limited on the site by policy H2. A large majority of the retained buildings were approved in low intensity uses such as storage.
- 8.8. In terms of 3135, this building was not to seen to be of historic significance and the developer at the time, NOC, offered it up for demolition as an “environmental improvement”. Whether it was historic or not, it was in a conservation area and the

argument was rehearsed whereby all buildings should generally be kept but it was resolved this did not mean all of them. 3135 was considered to be intrusive, at least when viewed from Mudginwell Lane. On balance it was accepted that it would improve the environment if it was removed and would also benefit the character and appearance of the conservation area. Conservation area consent was granted for its demolition.

- 8.9. The SoS concluded the development would substantially accord with the development plan, meaning Structure Plan policy H2, little weight seems to have been given to the Council's development brief for the site. A sustainable and reasonable balance was secured between retaining the built and natural heritage, and providing an appropriate and proportionate level of employment in the context of the site's location and access to services. In granting the planning permission, it was therefore felt justifiable to allow the 24 conservation area consents, again subject to conditions including demolition of 3135. As part of the decision, 71 conditions were imposed on the grant of planning permission and 5 on the conservation consents. In addition to the planning conditions, the applicant is obligated to comply with covenants including a management plan for the flying field, provision of a Cold War Park and to contribute towards improvements to public transport. The grant of planning permission therefore authorised many of the uses currently being undertaken at the site and set out the template for future development
- 8.10. A considerable number of conditions were drawn up which together with legal undertakings from the applicant, mitigated the impact on heritage and provided the basis for stabilising the new community the SoS considered necessary together with achieving many of the aims of policy H2. It is important to note that when the conservation area consent was granted for demolition of 3135 there was no condition or legal obligation imposed to require its demolition.
- 8.11. The appeal and subsequent planning decisions have already been taken into account by the Council as part of its Local Plan and the development of former RAF Upper Heyford is seen as the major single location for growth in the District away from Banbury and Bicester and the development of former RAF Upper Heyford is seen as an mechanism for securing a lasting arrangement. This seems a feasible proposition as the outline permission is now in place. Furthermore, in the CLP, additional sites have been allocated for development in and around Heyford reinforcing its strategic development role.
- 8.12. Notwithstanding the in principle decision taken by the Council 10 years ago to seek its removal, and the concurrence of the previous developer followed by the decision of the Secretary of State to agree its demolition, it is considered that there have been a change in circumstances particularly in adoption of the CLP in 2015, in national planning guidance, in consideration of the setting of the building, the assessment of the heritage value of the airfield and, more particularly, arising from the change of economic circumstances and the weight to give to them.
- 8.13. The application therefore raises a number of issues but the main ones are considered to be:
- The Principle of Development and Compliance with the Development Plan
 - Economic Benefit
 - Visual Impact
 - Heritage and Impact on the Conservation Area
 - Transport, Access and Highways
 - Changes in Circumstances since the Appeal Decision

The Principle of Development and Compliance with the Development Plan

- 8.14. Paragraph 14 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.
- 8.15. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.
- 8.16. Policy Villages 5 of the CLP identifies the former military base as a strategic site in the rural area for a new settlement and the land subject of this application is identified within that policy. The policy expects approximately 120,000 square metres of land and 1500 jobs to be created for employment use. The policy also goes on to lay down specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character. Policy SLE 1 says employment development will be supported in rural areas subject to compliance with other policies. Policy PSD 1 says the Council will be proactive reflecting the NPPF approach to sustainable development and approve development wherever possible to secure economic improvement.
- 8.17. The plans and supporting documentation demonstrate its conformity with the development plan. The significant elements are:
- Development of a brownfield site
 - The environmental improvement of the locality
 - Conservation of heritage resources
 - Integration and connectivity to the surrounding development
 - Minimal impact of traffic on the surrounding highway network
 - Travel Plan to accompany the application
 - Preservation of the stark functional character and appearance of the flying field.
 - Low key reuse of existing buildings
 - Provision of a range of employment opportunities

The main issues will be discussed in more detail below but in principle the application is seen to conform to Policy Villages 5 and to the principles of development set by the 2010 appeal decision.

Economic Benefit

- 8.18. Policy Villages 5 accepts that employment is required if the settlement at Heyford is to be a sustainable one. At the appeal the Council argued it was preferred to be in the settlement area and science based/high tech. The recommended type and location of was not fully accepted by the SoS who permitted a significant number of buildings across the flying field to become commercial in use particularly for storage. The Council also sought to deal with existing businesses at Heyford in a sympathetic manner.
- 8.19. According to the NPPF, planning should encourage economic growth and not act as an impediment to it and significant weight should be given to proposals for economic growth. This is taken even further where support in the rural economy should be given to growth and expansion of all types of businesses and enterprises both through conversion and new buildings.
- 8.20. The occupier of 3135 is an existing operator at Heyford Park so there is a synergy to what is proposed. It is also a form of storage that involves documents where once they have arrived will not be subject to further transshipment, rather, if copies are required elsewhere they are sent electronically. The use therefore generates little vehicular traffic so would not adversely impact on the local highway network. The building itself is ideally suited to storage and is of the size required for the applicant company. The appeal decision itself should be considered material and significant in so far as it allowed, although not specifically for 3135, commercial uses on to the flying field in a balancing act between employment creation and heritage protection. It therefore seems that there are positive elements to the proposal to make use of an existing building for which the use was originally intended.

Visual Impact

- 8.21. In 2007 the Council produced a Comprehensive Planning Brief (RCPB) for the site which set out a number of issues relevant to this application. The focus of the document was very much on heritage, the environment and reducing the base's visual impact. Landscape assessments were done and Building 3135 was considered to be possibly the most prominent structure viewed from the north after the various masts and towers, and some of the HAS's, although in places it was described as only being seen on "a clear day". Such locations included the Dying Gladiator at Rousham, North Aston and other places along the Cherwell Valley. The RCPB actually proposed demolition of not just 3135 but also HASs that were later considered at the Inquiry by the Planning Inspector and the Secretary of State to be acceptable for retention as part of the Cold War Park, albeit with 3135 still demolished.
- 8.22. Having revisited many of the viewing points, whilst it can be seen from the far side of the Cherwell Valley, it is felt its actual visual impact in longer views is limited for a number of reasons: because it is side on to views from the west, its colour reduces its impact, the retained HAS's are of equal prominence and distract the eye, as to other buildings on the valley side such as Mudginwell Farm, the view across the valley is also broken in places by trees and hedgerows both on the boundary and outside of the application site.
- 8.23. In closer views from along Somerton Road and Mudginwell Lane there is no doubt at one or two locations the building is clearly visible and will be more so to walkers

and others who use the proposed trail around the former base. But in terms of its overall effect the advice of the Council's landscape officer is the visual impact is limited. The fact the building can be seen does not make its existence unacceptable, particularly bearing in mind it has been in situ for some 30 years. It will be seen by most people as another link to the former military use that took place here. Furthermore, it seems that much vegetation has grown in the locale in the last few years and there is still an opportunity for limited further mitigation through landscaping, the applicants have in fact submitted a planting scheme. So, if Committee accept the officer's recommendation, it is subject to a condition requiring further planting along the boundary plus further conditions to restrict signage, lighting, external storage and to prevent further paraphernalia that might make it more of a commercial entity and detract from the stark visual appearance of the site.

- 8.24. One final point, it appears that in the past an argument was put that the removal of 3135 would somehow open up the view into the flying field. Certainly this is impossible from mid-distances due the topography and lie of the land. And from more distant views it is difficult to see past vegetation and other buildings to the inner core of the air field. Even on the boundary from the proposed footpath it is difficult to see what beneficial view will be gained as levels are still below the main plateau on which the runway is located, but in any case, there are various buildings and vegetation that prevent clear sight but furthermore, there are far better locations from which better and more impressive vistas are obtained.

Heritage and Impact on the Conservation Area

- 8.25. Building 3135 has historically not been regarded as a heritage asset. It was listed in early assessments of the base that it was only of local importance. In fact it was generally considered environmental improvements required by OSP Policy H2 would be best achieved by demolition of it. However, Historic England and others are now reappraising many of these "ordinary" buildings because however humble, they all are related to the history and development of the base, in this case from the period of the Second Cold War, 1980- to 1993.
- 8.26. The NPPF recognises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, and put to a viable use consistent with their conservation. Storage use for this building that was originally designed by the military for storage is in line with the policy albeit that it is aesthetically a low grade structure. It is however in the RAF Upper Heyford Conservation Area and forms part of the character and appearance thereof, its retention will therefore have a neutral impact on the Conservation Area.
- 8.27. One other consideration with regard to heritage, Building 3135 was located in what was designated by the SoS in the appeal decision as a Cold War Park. A scheme has to be approved for the Cold War Park covering timing of implementation together with other details such as fencing. However the agreement was varied after the previous application in 2013 to retain 3135 and to exclude it from the Cold War Park and secure an equivalent area in compensation.

Transport, Access and Highways

- 8.28. In general, Heyford is an isolated rural location that does not have easy access to services and facilities or good alternatives to travel by private car. The proposed use will however, generate a minimal amount of traffic once the initial transfer of documents has taken place. The site has the same access as the rest of the flying field with main entrance to Camp Road and the use of the circulatory service road around the flying field to the building. An area of hard standing is already in place suitable for vehicle parking which is partially screened by trees and supplemented

by further vegetation on the boundary. The Highway Authority has no objection to the proposal.

Changes in Circumstances since the Appeal Decision

- 8.29. Notwithstanding the in principle decision taken by the Council some years ago to seek its removal, and the concurrence of the previous developer followed by the decision of the Secretary of State to agree its demolition, it is considered that there have been changes in circumstances particularly since the adoption of the Local Plan, in national planning guidance, consideration to the setting of the building, the assessment of the heritage value of the airfield and, more particularly, arising from the change of economic circumstances and the weight to give to them.
- 8.30. The appeal decision itself has changed in many respects the weight to be afforded the previous policy and the balance between the requirement to secure environmental benefits as well as heritage assets. In effect whilst the development of Heyford Park may be seen as enabling development to secure heritage assets and environmental benefits, the 2010 appeal decision makes this a development site, a decision reflected in the policy of the Local Plan that allocates the former base as a strategic development site.
- 8.31. A second change to be taken into account is Planning Guidance. Nearly all Planning Policy Guidance in place at the crucial times when development proposals for the former RAF Upper Heyford were considered has also been revoked. We are now guided by the CLP and the NPPF with its emphasis on sustainable development.
- 8.32. A third change since the start of the appeal process in 2008, and certainly before the planning process started that resulted in the appeal itself is the national and international economic climate. The NPPF itself has three dimensions to it: economic, social and environmental. But there is little doubt that in recent times Government policy and decisions, as seen in the planning appeal process, have accentuated the weight to be given to development that contributes to building a strong, responsive and competitive economy.
- 8.33. A fourth and more subtle change is the feeling the building has in the last few years been somehow assimilated into the landscape. The building is utilitarian and not of a design and construction that will normally age well but somehow, through its materials and their colour, the maturing landscape of the airfield and the growth of vegetation off site, the building does not seem now to have the adverse visual impact when it was considered in and around 2008.
- 8.34. When all these factors are weighed together there seems to be no doubt that greater weight should be given to the benefits associated with retaining and reusing Building 3135.

Other Issues

Impact on Residential Amenity

- 8.35. Even without detailed plans it is clear the use of Building 3135 will have limited effect on residential amenity. The nearest housing is a significant distance away.

Landscaping

- 8.36. Details are submitted in recognition landscaping is required to mediate the impact of a building that had previously been proposed for demolition. There is scope to plant in a verge that runs inside the boundary line of Heyford Park.

Heyford Park Masterplan

- 8.37. Members will be aware from a briefing last year that the owner of the former base and lead developer at Heyford is preparing an application seeking to fully implement the proposals contained in CLP policy Villages 5. This is due to be submitted probably after Easter. As the inset plan for Policy Villages 5 identifies areas for additional development around the settlement and technical areas with limited incursion on to the flying field there is unlikely to be a direct impact on Building 3135 or this proposal. Indeed, permission for the use of buildings on the flying field has been granted by the 2010 appeal decision and there is unlikely to be any deviation from that approval in the foreseeable future. Furthermore, applications have to be treated on their merits and approved if they accord with the development plan which officers consider to be the case here.

Call In Procedure

- 8.38. Should Planning Committee accept the Officer's recommendation and be minded to grant Planning permission, the application will need to be referred to the Planning Casework Unit at the Department for Communities and Local Government in order to consider whether the application should be called in following a third party request for determination of the application by the Secretary of State for Communities and Local Government.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. In summing up this proposal two further points need to be addressed that have been touched upon but not fully considered.
- 9.2. The first is whether this proposal constitutes sustainable development as set out below from the NPPF:

“International and national bodies have set out broad principles of sustainable development. Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The UK Sustainable Development Strategy Securing the Future set out five ‘guiding principles’ of sustainable development: living within the planet’s environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.”

- 9.3. So, sustainable development means encouraging economic growth while protecting the environment and improving our quality of life all without affecting the ability of future generations to do the same. In the report it has already been stated that retaining the building will potentially aid our prospects for economic growth. It will have a neutral impact on the character and appearance of the Conservation Area. It will not adversely affect the main views to the site from across the Cherwell Valley. Where there is an adverse visual impact this can be mitigated by planting. Carbon emissions from transport will be minimal because despite the isolated rural location it will generate limited traffic. And finally the proposed use will be a low energy generator given the nature of the use. So in the officer's conclusions, the proposal could be considered sustainable development.
- 9.4. The second issue was considered in granting planning permission in 2013 of the consequence if permission was refused. There was a clear implication that if planning permission was not granted the applicant would relocate the new business elsewhere and remove the existing operations already taking place at Heyford Park.

This was not an easy matter to advise Committee on but such threats are normally considered unhelpful and a distraction from the main planning issues and should be set to one side. In fact the occupier of Building 3135 has remained at Heyford and has in the intervening period taken on additional buildings for its use further establishing the economic base of Heyford Park. Furthermore, those buildings occupied are scheduled ancient monuments which it has sensitively converted and been supported by Historic England in doing so.

- 9.5. There is also a third issue in so far as if Committee does resolve to maintain the stance of its predecessors and indeed the Secretary of State in the appeal decision and seek to resist the use of 3135, there is a problem in so far as there are no conditions or planning obligations in place to require the demolition of 3135. So if permission was refused it is likely, pending any appeal, it would remain unused and seemingly a wasted resource.

10. RECOMMENDATION

That permission is granted, subject to:

- i) The application being referred to the Secretary of State for Communities and Local Government to consider whether to call in the application for determination.
 - ii) And if the application is not called in to authorise the Officers to issue the notice of permission 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:
 - o Site location plan-D0342-45 Sheet 1 rev 1
 - o Building 3135 Site plan D0342-45 Sheet 2 rev 1
 - o Building 3135 Bin store plan D0342-45 Sheet 2 rev 1
 - o Upper Heyford tracking HEYF 5 SK321 B
 - o Planting Proposals D0291-164C
 - o Employee Travel Plan ref 28991/001 dated August 2013 (subject to updating-see condition 4)
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 That all planting, seeding or turfing comprised in the approved details of the landscaping plan shall be carried out in the first planting and seeding seasons following the occupation of the building and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

- 4 That the means of vehicular access to the buildings shall be via the former main gate onto Camp Road or Gate 7 only until such time as alternative access is available.

Reason - In the interests of highway safety

- 5 An updated Green Travel Plan and Access Strategy, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan and Access Strategy shall thereafter be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the advice contained in the NPPF.

- 6 All plant, machinery, mechanical ventilation equipment and ducting, other than that existing, shall be installed internally. No other plant, machinery, mechanical ventilation equipment, flues or ducting shall be placed on the outside of the building without the prior written permission of the Local Planning Authority unless otherwise agreed with the Local Planning Authority.

Reason: In the interest of visual and residential amenity and to comply with, policies C31 and ENV1 of the adopted Cherwell Local Plan

- 7 Details of any proposed external lighting in and adjacent to the building, car parking areas and access way shall be submitted to and approved in writing by the Local Planning Authority and no lighting shall be installed without the consent of the Authority first being obtained.

Reason: To avoid any adverse impact on residents in the vicinity of the site and to minimise the opportunity for crime and disorder, to preserve and enhance the character and appearance of the conservation area and to comply with policy ENV1 of the adopted Cherwell Local Plan.

- 8 No signs or advertisements shall be erected on the buildings unless a signage strategy has previously been submitted to and agreed in writing with the Local Planning Authority. Any proposed signage shall comply with the terms of the signage strategy

Reason - In order to safeguard the visual amenities, character and appearance of the conservation area in accordance with Policy C23 and C28 of the adopted Cherwell Local Plan.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined 15 March 2018 are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>.

CASE OFFICER: Andrew Lewis

TEL: 01295 221813

17/01600/F

Land West Of M40 Adj To A4095
Kirtlington Road
Chesterton

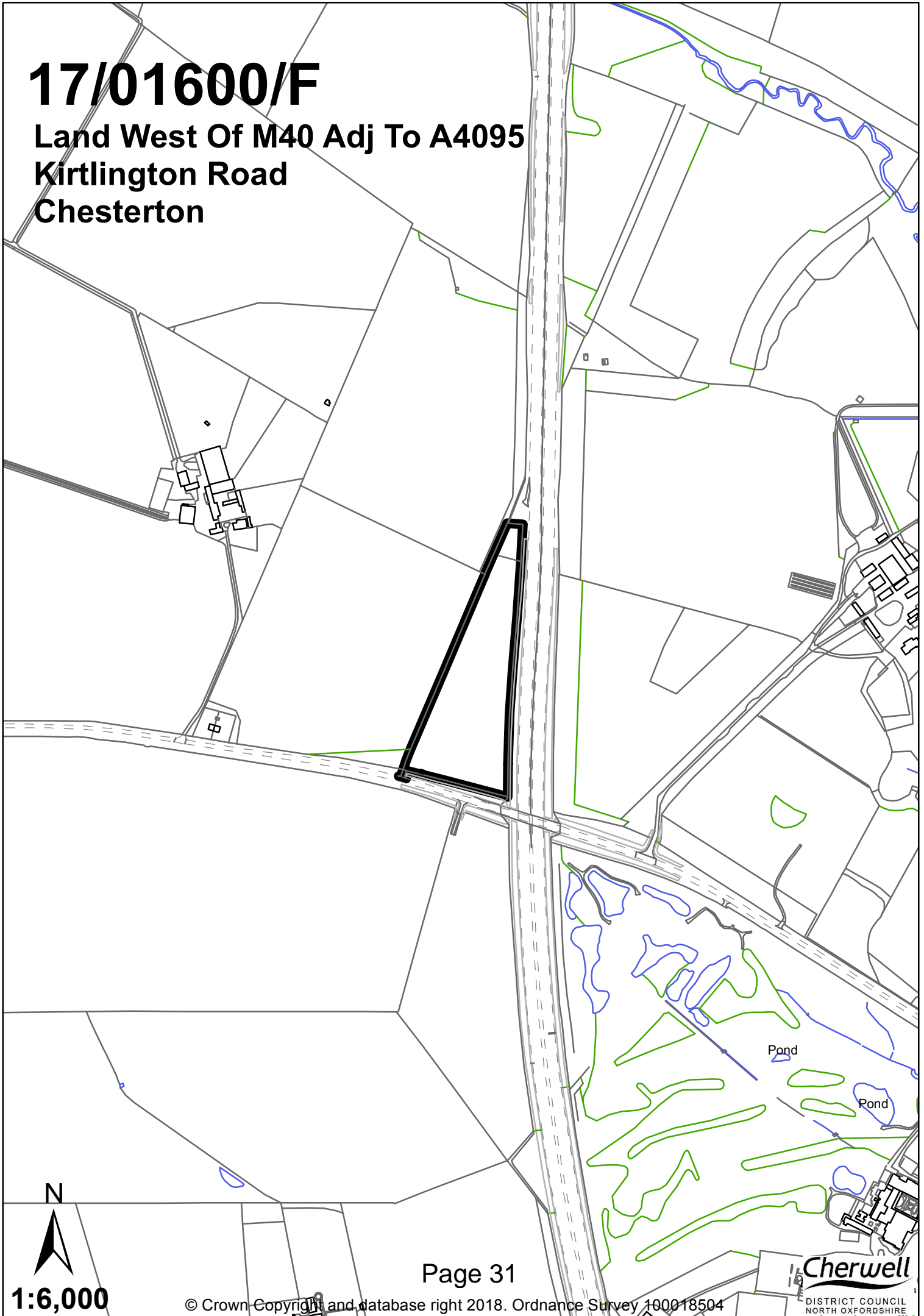


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17/01600/F

Land West Of M40 Adj To A4095
Kirtlington Road
Chesterton



1:6,000

Applicant:	Clifford Smith And Robert Butcher	
Proposal:	Change of use of land to use as a residential caravan site for 8 gypsy families, each with two caravans and an amenity building; alterations to existing access, construction of driveway, laying of hard standing, installation of package sewage treatment plant and erection acoustic bund and fence to eastern boundary.	
Ward:	Fringford And Heyfords	
Councillors:	Cllr Ian Corkin Cllr James Macnamara Cllr Barry Wood	
Reason for Referral:	The application is classified as a major development and has previously been presented to planning committee	
Expiry Date:	24 October 2017	Committee Date: 15 th March 2018
Recommendation:	Refusal	

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site is situated outside the built limits of any settlement. It is located to the north of the A4095 (Kirtlington Road). A field access exists in the south west corner of the site. The M40 lies immediately to the east of the site and is situated within a cutting along the length of the eastern boundary. To the north and west of the site is open countryside. The site is roughly triangular in shape and is 2.7 hectare site in size. It is currently laid to grass and includes a small animal shelter to the west of the access. The site is located approximately 1.1 KM to the north west of Chesterton as the crow flies (1.3km from access to closest edge of Chesterton by road).
- 1.2 The site is not within a Conservation Area however a Grade II listed barn exists approximately 350 metres to the west of the site. Public Footpath 161/11/10 is shown to run along the western boundary of the site, but it is noted by the OCC Public Rights of Way Officer, and is apparent on site, that the path runs outside of the application site. The site has some ecological potential as protected species have been recorded within 250 metres of the site, including the Common Kestrel, Small Heath Butterfly and Brown Hare.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought to change the use of the site to a traveller/gypsy site accommodating 8 pitches. An upgraded vehicle access would be positioned in the same location as the existing access and a meandering access road would extend into the site in a northerly direction with 8 pitches accessed from this.

2.2. Each pitch would accommodate:

- a timber clad amenity room accommodating a kitchen, bathroom and small sitting area
- a mobile home
- an area of hard standing to accommodate a touring caravan and parking.

2.3. The areas of land between the pitches would be landscaped with native understorey planting, areas of lawn and wildflower planting.

2.4. It is also proposed to erect a 2 metre high bund with 3 metre high close boarded fence along the eastern boundary with the M40. This would extend partially along the southern and northern boundaries inside the existing fence line of the site. It is proposed to plant the earth bund with native understorey planting and trees.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/01780/F	Change of use of land to use as a residential caravan site for 8 gypsy families, each with two caravans and an amenity building. Improvement of existing access, construction of driveway, laying of hard standing and installation of package sewage treatment plant.	Application Refused

This application was recommended for approval by officers on a temporary basis. This was based on a different layout and did not include the bund or fencing. However the Committee considered that the proposed noise environment and harm to the rural character and appearance of the site would be unacceptable and outweigh the benefits of the scheme. It was therefore refused for the following reasons:

1. The proposed development, by virtue of its siting adjacent to the M40, would be adversely affected by noise, thereby resulting in an unacceptable living environment for the occupiers of the proposed traveller pitches. As such, the development would give rise to "Significant Adverse Effects" on the health and wellbeing of residents of the new development and is considered to be unsustainable, contrary to Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework and Noise Planning Practice Guidance.
2. The proposed development, by virtue of its siting in the open countryside, overall scale and appearance, would have an urbanising effect on the open countryside, and would result in detrimental harm to the rural character and appearance of the area. Thus, the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell local Plan Part 1, saved Policies C8 and C28 of the Cherwell local Plan 1996 and Government advice within the National

Planning Policy Framework.

16/00075/SO	Change of use of land to use as a residential caravan site for 9 gypsy families, each with two caravans and an amenity building. Improvement of existing access, construction of driveway, laying of hard standing and installation of package sewage treatment plant.	Screening Opinion not requesting EIA
17/00068/SO	Change of use of land to use as a residential caravan site for 8 gypsy families, each with two caravans and an amenity building. Improvement of existing access, construction of driveway, laying of hard standing and installation of package sewage treatment plant.	Screening Opinion not requesting EIA

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. People who made representations on the earlier application were also notified. The application was further re-advertised when the applicant clarified the plans to show an earth bund and acoustic fence as part of the proposal. The final date for comments was 01.03.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. Approximately 30 letters have been received. The comments raised by third parties are summarised as follows:

- Consideration has not been given to alternative sites;
- Contrary to policy as it is located within the open countryside;
- Not an identified site in the Local Plan;
- Not sustainable development as it offers no economic, social or environmental improvements;
- Not sustainably located;
- Housing would not be accepted on this site;
- Too close to the village of Chesterton;
- Chesterton does not have the capacity;
- The village has limited facilities and services and no bus service;

- The school is almost full and does not have the capacity required for this application;
- Would be to the detriment of the village of Chesterton;
- Would harm the character of the area;
- Would be visible from Public Footpaths and Kirtlington Road;
- Impact on character and appearance of area
- The bund and fence will further add to the urbanisation of the countryside.
- This is a green field site.
- The site is much larger than the previous refusal.
- Further pitches would be placed on the site in the future.
- Loss of enjoyment for users of the Public Footpath to west of the site;
- No assessment on heritage
- The local road network cannot accommodate the extra traffic this will create;
- Access is dangerous;
- Required length of visibility splay could not be achieved;
- There is no footpath next to the site along the Kirtlington Road and the development would be car reliant;
- Noise and air pollution to future residents as the site is located next to the M40;
- Loss of privacy to existing residents;
- Will create noise nuisance;
- No play area for children
- Would cause harm to protected species;
- Consideration needs to be given to drainage;
- Questionable whether the site has an adequate water supply;
- No access to electricity and current supply overloaded;
- No water, electricity, gas or sewage facilities serving the site;
- The water supply to the site is private and agricultural
- Insufficient information on landscaping and sewage treatment works
- Chesterton has already had significant levels of development

- Will not be managed properly and will go beyond what consent allows for;
- Travellers would not successfully integrate with the local community;
- Fear of crime and anti-social behaviour;
- Devaluation of property prices.
- Application contains insufficient information.

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. CHESTERTON PARISH COUNCIL: **Object on the following grounds:**

- Residential development on a green field site.
- Precedent for future change of use.
- Concerns regarding reasons for closure of Newlands site.
- Chesterton does not have the services to be a category A village. This was agreed in a recent appeal that the village was not sufficiently sustainable.
- Water supply is 1000m away.
- Additional traffic on the A4095 is discouraged.
- Other traveler's sites have closed in the locality and is now occupied by Park Homes.
- The school would not have sufficient capacity for accommodate the volume of new entrants.
- Health and welling being of the residents is not appropriate due to proximity to M40.
- Visual impact of the development.
- Strong local opposition to the development.

6.3. MIDDLETON STONEY PARISH: **Object.** The parish was not consulted upon the original application 16/01780/F. Notwithstanding the changes the revised application is not sufficiently different to overcome the objections raised within the original Officer's recommendations. It is considered that the proposed development adjacent to M40 would be adversely affected by noise and would provide an unacceptable living environment for the proposed residents. Furthermore the overall scale of the proposal would have an urbanizing effect on the open countryside and would result in detrimental harm to the rural character and appearance of the area.

STATUTORY CONSULTEES

- 6.4. OCC HIGHWAYS: **Object.** The site is not in a sustainable location and occupants would be totally dependent on cars. The location has very poor transport links with limited access to services and public transport. The road is relatively straight and its visibility would be achievable. The minimum width of the access should be 4.8 metres and the applicant will need to enter into a section 278. Any access gates will have to be set back at least 12 metres from the carriageway. Request further details regarding parking and cycle provision and vehicle tracking.
- 6.5. Chesterton public footpath 11 is shown on the definitive map to run along the western boundary within the site. However the provided and walk footpath is outside on the site on the other side of the field boundary. The footpath was diverted via an order in 1987 (associated with building the M40) and the alignment of the path is on the ground is consistent with the position in the order therefore suggesting that the path was laid out on the ground suggesting the Definitive Map may be incorrect. With regards to the proposed sewerage treatment plant OCC raises no objection but requires an inspection chamber to be built.
- 6.6. If the Council are minded to approve the application there should be planning conditions on details of the access, internal road, parking and manoeuvring, waste facilities, no obstruction or amendment to the public footpath and full surface water drainage details.
- 6.7. *OCC HIGHWAYS COMMENTS ON AMENDMENTS:* Continue to raise the above issues however they also request full details of the visibility splays to be shown on the plans.
- 6.8. HIGHWAYS ENGLAND: **No objection** subject to a condition requiring a Road Restraints Risk Assessment Process.
- 6.9. ENVIRONMENT AGENCY: **No detailed comments.** New development should be connected to the public mains where possible. Proliferation of individual treatment plants can cause deterioration in local water quality. This would be contrary to the principles of the EU Water Framework Directive.

NON-STATUTORY CONSULTEES

- 6.10. CDC ENVIRONMENTAL PROTECTION: **Object.** Nothing has changed since the earlier application and remains of the opinion that the noise climate at the site even after mitigation is not suitable for such a development.
- 6.11. Internal Noise Levels – The report gives internal noise levels in the caravans if they are of a certain standard of 32-33dB daytime and 31-32dB nighttime. Whilst the daytime value does come under those in BS8233:2014 the night time value is still 2-3dB above the value of 30dB which is the aim. BS8233:2014 does state that these levels can be relaxed by 5dB if the development is considered necessary or desirable.
- 6.12. External Noise Levels – This is where I still have the most concern. The noise levels given show that the level would be 8dB above the upper guideline level of 55dB given in BS8233:2014, even if this was relaxed by a further 5dB if the site was to be considered desirable or necessary then it would still be 3dB above this.
- 6.13. Pro-PG Planning and Noise which was also quoted in the report indicates that that noise levels of this kind at night-time are high risk and medium risk in the daytime. These levels are those given after the mitigation of the bund and still in my mind

give a significant adverse impact on the health and quality of life as laid down in the NPPF and NPSE

- 6.14. I therefore still believe that this site is inappropriate for this type of use and therefore my objection still stands.
- 6.15. *Further comments:* Set out below the actual wording of BS 8233:2014 relating to external noise.

7.7.3.2 Design criteria for external noise

“For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.”

- 6.16. The Noise Consultants report quotes:

“Within external amenity areas, the guidance reflects BS 8233, as follows: These guideline values (i.e. a level of between 50 – 55 dB LAeq) may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited.”

- 6.17. Note that the guidance in para 7.7.3.2 refers to “In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted.”
- 6.18. The purpose of this statement is to ensure that sites in urban locations are not unduly sterilised from development (because of high noise levels) when balanced against the constraints of lack of suitable development sites and the convenience of living in urban areas with proximity to schools, shopping and other amenities. The consultants have edited the guidance to suit their case. The proposed site is not in an urban area; where is the convenience of living in such an isolated location and is this the most efficient use of land resources? Would this site be desirable for other forms of residential development, for example, affordable housing, a care home, family homes?
- 6.19. As regards the predicted site noise levels, the consultants predict: “The calculations indicate that with the provision of the boundary mitigation, daytime noise levels at the positions of the proposed mobile homes would be reduced to a freefield level of 63 dB LAeq,T, thus providing up to a 10 dB(A) reduction in noise levels compared to the current noise environment within the site.
- 6.20. 63 dB(A) compared to the BS upper guideline value of 55 dB(A) is 8 dB(A) above. To put that in perspective a 10 dB(A) increase in noise level is equivalent to

a subjective perceived doubling of loudness. This site would be nearly twice as loud as a site at the upper guideline value.

- 6.21. CDC ECOLOGY: Originally requested further information on badger and grassland species. It appears that badgers are active on site but there is as yet no evidence of a sett. The recommendations in the additional report are appropriate to condition in this regard – note that this includes access underneath any proposed fencing *must* be maintained – will this be compatible with the current design of the fence? A 30cm height under fence is recommended for free movement (DEFRA). If badger routes are well established though they could consider putting in tunnels at specific places through fence but would have to review the appropriateness of this with their ecologist.
- 6.22. The site is of moderate ecological value having both grassland and scrub and the surveying ecologist recommends that boundary vegetation on site should remain untouched to retain its value. The proposed planting is generally appropriate to strengthen boundary vegetation although included is a high bund made of materials found on site. There is no information on how the site will be managed ongoing Will animals be kept on site – horses for example? This is relevant to management of the vegetation and particularly to the Northern end of the site. How will the wildflower margins be managed? And the scrub at the Northern end? Despite the relatively small size of the site a LEMP or similar should be submitted to cover these points which could be dealt with by condition.
- 6.23. The initial ecological appraisal stated the suitability of the Northern part of the site to support reptiles. Whilst the areas of hard standing proposed do not extend as far as this the Northern part of the site will be accessible to residents and particularly the presence of domestic pets such as dogs may be an issue. It would seem reasonable to assume therefore that should reptiles be present there would be impacts on their habitat and likely individuals from both people and pets. A reptile survey is required with mitigation measures to be put in place unless it can be shown that this northern area will not be impacted at all (e.g. inaccessible). Reptiles are protected from killing and injury. This could be dealt with by condition.
- 6.24. As bats are likely to use the vegetation for foraging and commuting a sensitive lighting scheme needs to be devised and submitted for approval, showing the levels of expected light spill onto existing and proposed vegetation. There is also a requirement to make accommodation for swallows on site in order to avoid the loss of nesting opportunities which will occur through the removal of the horse shelter.
- 6.25. Should approval be granted recommends conditions regarding badger mitigation, nesting birds and mitigation, reptile survey and mitigation, use of native species and light proposals.
- 6.26. CDC LANDSCAPE: **Comment.** The landscaping design is generally acceptable however would recommend more diversity of plant species that are locally distinctive. There is potential harm from the right of public right of way. This stretch of the boundary should be planted as a hedgerow. Amended hard landscaping details are required to be more appropriate to the area. Tree planting needs to be clarified. It is essential that landscaping is established successfully for visual mitigation. To this end a landscape maintenance scheme is required.
- 6.27. The site is of moderate ecological value having both grassland and scrub and the surveying ecologist recommends that boundary vegetation on site should remain untouched to retain its value. The proposed planting is generally appropriate to strengthen boundary vegetation although included is a high bund made of materials found on site. It has been clarified that this will be sourced on site. There is no

information how the site will be managed. Will animals be kept on site – horses for example? This is relevant to management of the vegetation and particularly to the Northern end of the site. How will the wildflower margins be managed? And the scrub at the Northern end? Despite the relatively small size of the site a LEMP or similar should be submitted to cover these could be secured by condition.

- 6.28. The initial ecological appraisal stated the suitability of the Northern part of the site to support reptiles. Whilst the areas of hard standing proposed do not extend as far as this the Northern part of the site will be accessible to residents and particularly the presence of domestic pets such as dogs may be an issue. It would seem reasonable to assume therefore that should reptiles be present there would be impacts on their habitat and likely individuals from both people and pets. Reptiles are protected from killing and injury.
- 6.29. CDC ARBORICULTURE: **Comments.** The scheme does not seem to impinge upon the trees that grow around the site, yet considers tree survey that demonstrates the exclusion of the construction scheme from the immediate Root protection areas of the trees needs to be provided pre-determination. Further detail on the location of the proposed tree planting needs to be clarified within a landscaping plan, again to be approved pre-determination. Considers that providing the tree survey and method statement showing the root protection areas demonstrates a lack of conflict between the tree root systems and the proposed build, no Arboricultural and construction conflict exists that ought to prove an obstacle to the scheme proceeding.
- 6.30. CDC WASTE AND RECYLING: **Comment.** Details of waste collection will need to be provided.
- 6.31. CDC LEISURE: **Comment.** Request contributions to sports facilities and community halls.
- 6.32. OCC EDUCATION: **No objection.** Due to the scale and nature of the proposed development, no contributions are sought towards education infrastructure.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 - Presumption in Favour of Sustainable Development
- BSC6 - Travelling communities
- ESD1 - Mitigating and Adapting to Climate Change
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites (August 2015) (PPTS). This document sets out the Government's planning policy specifically for traveller sites and should be read in conjunction with the NPPF
- Designing Gypsy & Traveller Sites (2008) (although this document was withdrawn by the Government on 1st September 2015, it remains a useful starting point for considering the design and layout of proposed travellers sites)
- Gypsies and Travellers: Planning Provisions – Briefing Paper January 2016. Provides useful background information and summarises changes to the updated PPTS. It is noted however that as this is only a Briefing Paper; it carries very limited weight and should not be relied upon as a substitute for specific advice
- CDC Annual Monitoring Report 2017 (AMR) (December 2017)
- Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Needs Assessment (2012/2013) (GTAA 2012/2013)
- Cherwell, Oxford City, South Oxfordshire and Vale of White Horse Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2017) (GTAA 2017)
- The European Convention on Human Rights (ECHR) Articles 8 and Article 14 of Protocol 1
- Housing Act (2004)
- The Equality Act (2010)
- Noise Policy Statement for England (NPSE)
- The UK Air Quality Strategy (UKAQS)
- Cherwell District Council Statement of Community Involvement (July 2016)

8. APPRAISAL

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

- Principle of development
- Need for pitches
- Visual Impact and Effect on Landscape Character;
- Residential Amenity;
- Ecological Impact;
- Highway Safety;
- Flooding Risk and Drainage;
- Other Matters

Principle of development

- 8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption in favour of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.3. Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicated otherwise. The Council's development plan consists of the Policies in the Cherwell Local Plan Part 1 (July 2015) and the Saved policies of the Cherwell Local Plan (1996).
- 8.4. The most relevant policies to the principle of development are policy ESD1 which states that to mitigate the impact of development on climate change growth will be delivered in the most sustainable locations (as defined in the local plan) and reducing the need to travel. Policy BSC 6 of the Cherwell Local Plan Part 1 states that to meet the identified need for new travellers pitches in the District during the plan period, and in order to provide and maintain a five year supply of deliverable traveller sites, allocations will be made in Local Plan Part 2 and through planning permissions that will be granted for suitable traveller sites. Policy BSC6 also goes on to state that: *"In identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied:*
- *Within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village.*
 - *Within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.*

Other locations will only be considered in exceptional circumstances.

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

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

- 8.5. The application site is located approximately 1.1KM road distance from the Chesterton which is a Category A Settlement under Policy Villages A and therefore meets the first criteria relating to the sequential test for the location of sites. However this does not mean the proposal is *de facto* acceptable in principle as Policy BSC6 also requires the assessment of the suitability of sites with reasonable accessibility to services and facilities by considering the additional criteria as set out above. Whilst Chesterton is a Category A settlement, which are amongst the most sustainable villages in the district, these range considerably in terms of their size and level of facilities/services. Chesterton has a primary school, nursery, public house, a village hall and playing fields. It does not have a shop or any GP or health services which some other category A settlements have. Therefore the extent of

services and facilities is relatively limited. The fact Chesterton has a primary school weights in favour of the proposal. The closest secondary schools are located in Bicester.

- 8.6. The bus service serving Chesterton is also extremely limited with only 1 morning service to Bicester which would therefore be unlikely to be of great use to residents.
- 8.7. In relation to the closest NHS GP facility there are a number of these in Bicester with the closest being approximately 4.8km (road distance) from the application site. There are also a wider range of other services and facilities at Bicester including shops.
- 8.8. Given the nature of the roads around the application site(national speed limit roads with no footpaths) it is likely that access to most services would therefore be by private car as there would be little other attractive alternative apart from potentially cycling to the primary school. Overall officers therefore considered that whilst the primary school is within a reasonable distance of the site, the location of the site is not the most sustainable and the assessment of the proposal against the first 2 criteria of Policy BSC6 weighs against the sustainability of the site and accessibility to services and facilities is limited with residents likely to have a relatively high reliance on the private car.
- 8.9. In relation to the national planning policy context for the provision of sites for the travelling community is found in the guidance issued in August 2015 'Planning Policy for Traveller Sites' (PPTS) and should be read in conjunction with the NPPF. The Government's overarching aim is to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life that they have whilst at the same time respecting the amenity and appearance of the settled community.
- 8.10. Policy H of the Government PPTS states that LPAs should consider the following matters when considering proposals for gypsies and travellers:
 - (a) the existing level of local provision and need for sites;
 - (b) the availability (or lack) of alternative accommodation for the applicants;
 - (c) other personal circumstances of the applicant;
 - (d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
 - (e) that they should determine applications for sites from any travellers and not just those with local connections.
- 8.11. Policy H goes on to advise that LPAs should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. Furthermore it states in rural areas sites should respect the scale of, and not dominate, the nearest settled community. When considering applications LPAs should attach weight to the following matters:
 - a. effective use of previously developed (brownfield), untidy or derelict land;
 - b. sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;

- c. promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
 - d. not enclosing sites with excessive hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.
- 8.12. The application site is located away from any settlement, not having any strong relationship with the form of any village and clearly separated by open fields. Therefore the national planning policy seeks to strictly limit new traveller sites and it is not considered that the sequential approach outlined in Policy BSC6 means the site is acceptable. Given the location of the site, the number of pitches proposed and the size of Chesterton it is not considered that the proposal would dominate the nearest settled community. The site is greenfield site which is not previously developed.
- 8.13. Overall in terms of the location of the site it is not ideal from a geographical sustainability perspective for a culmination of the factors discuss above. This issue weighs against the proposal however this needs to be considered in the planning balance and weighed against the benefits of the scheme.

Need for pitches

- 8.14. The Local Planning Authority is required to make an assessment of the needs for gypsy and traveller sites within the district and to identify and update annually a 5 year supply of specific deliverable sites. Paragraph 27 of the PPTS states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when consideration applications for the grant of temporary planning permission.
- 8.15. Policy BSC6 of the Local Plan 2015 states that the council will provide 19 (net) additional pitches to meet the needs of Gypsy and Travellers from 2012 to 2031. The most recent Annual Monitoring Report (AMR) 2017 (December 2017) displays two different assessments of the Council's five year supply position for gypsies and travellers.
- 8.16. The first assessment is based on figures within the development plan. This outlines that at 31st March 2017 the total number of authorised pitches in Cherwell for Gypsies and Travellers was 57 and the requirement for pitches within the period 2017-2031 is a need for 31 pitches (as a number of pitches had been lost). It states that the District currently has a 1.1 year land supply for gypsies and travellers for the period 2017-2022 (18 pitch shortfall) and a 0.9 year land supply for the period of 2018-2023 (19 pitch shortfall).
- 8.17. The 5 year land supply figures take into account the loss of the pitches at Smiths, Bloxham in 2016/17 and the 11 new pitches that have been approved at Corner Cottage and The Stable Block in Mollington (ref: 16/01740/F and 16/01760/F). Thus, based on this first assessment within the AMR 2017 and requirement of the Local Plan Part 1, the Council cannot demonstrate a 5 year supply of sites based on the adopted Local Plan figures and have a significant shortfall.
- 8.18. However since the 2015 Local Plan was adopted the Planning Policy for Traveller Sites (August 2015) has been published. This included a change to the definition of "gypsies and travellers" for planning related purposes so that it now excludes those who have permanently ceased from travelling. The definition of Gypsies and Travellers reads as follows: "*Persons of nomadic habit of life whatever their race or*

origin, including such persons who on grounds only of their own or their family's or dependant' education or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such". It goes on to state: "In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

(a) whether they previously led a nomadic habit of life;

(b) the reasons for ceasing their nomadic habit of life;

(c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances."

- 8.19. In light of this and in order to provide an evidence base for the preparation of Local Plan Part 2, the Council has recently commissioned a new Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA 2017) with a number of neighbouring authorities which was published in June 2017. This takes into account the new definition of gypsies and travellers unlike the Local Plan figure which is based on the old definition.
- 8.20. The new GTAA 2017 identified a significantly lower need for pitches. It concludes there is a need for 7 additional pitches that meet the new planning definition over the next 15 years (2017-2031/2). It also identified a need for up to 20 additional pitches for unknown households in the district over the same period however the authors of the assessment note that if their national average is taken then the need stemming from the unknown households may be as low as 2 additional pitches. Unknown households are household that may meet the new definition of gypsy and traveller however interviews during the research where either refused or not possible. It was therefore not possible to establish whether they met the new planning definition.
- 8.21. Therefore the second assessment of the Councils 5 year land supply in the AMR uses the known need within the GTAA 2017 to calculate five year requirement. However, the second assessment within the AMR 2017 states that the requirement for pitches within the period 2017-2022 and 2018-2033 is a need for 15 pitches, rather than 7 identified. This is because the second assessment within the AMR includes the potential need for 8 pitches arising from the Newlands Caravan Site. However, even when including the pitches at the Newlands Caravan Site, the second assessment states that the District currently has a 5.0 year land supply for gypsies and travellers for the period 2017-2022 and a 4.0 year land supply for the period of 2018-2023 (1 pitch shortfall). If the potential need for 8 pitches arising from Newlands Caravan Site were not included in the overall assessment, the Council would be able to demonstrate a healthier supply for gypsies and travellers within 2017-2022.
- 8.22. This therefore casts some doubt over the figures in the development plan as these figures were based on the previous definition of gypsies and travellers which included residents which had permanently ceased travelling. However whilst the figures in the new GTAA 2017 are a material consideration they need to be treated with caution as the methodology and results have not been subject to the rigour of public examination like the development plan figures and it is noted that there are a high number of unknown households (i.e. those who may meet the new definition). Furthermore in considering this matter the primacy of the development plan for decision making needs to be taken into account.

- 8.23. Overall there is a fundamental conflict between the two calculations. The calculation based on the development plan figures recognising a significant shortfall against the 5 year requirement whilst the calculation using the recent GTAA indicates that Council can demonstrate a 5 year supply of sites. There are weaknesses in both the sets of figures with the development plan figures being based on an old definition and the figures in the new GTAA 2017 having not been subject to independent scrutiny or examination.
- 8.24. Whilst Officers note that Councillors expressed some concerns regarding this matter in the planning application for the gypsy/travellers site in Piddington (which was presented to Planning Committee in February) officers remain of the opinion that the most robust position to base the assessment of the planning applications on at the current time is the figures contained within the development plan. They have been subject to the rigour of examination and form part of the statutory development plan which is the starting point for decision making. Whilst the new GTAA 2017 is a material consideration it is part of the evidence base for the Local Plan Part 2 and in officers view does not outweigh the development plan. A similar view was reached by a planning inspector in a recent planning appeal in the adjoining district of South Northants where similar conflict existed between the Local Plan figures and a new evidence base.
- 8.25. The Council does not have any allocations for additional sites and there is a lack of alternative provision in the district with applications being assessed on a case by case basis. As outlined above there is considered to be a need for additional sites in the area to meet a general need. These matters, alongside the Council's inability to demonstrate a 5 year land supply on the figures in BSC6, are considered to carry significant weight in determining the application and the provision of new pitches is a significant benefit.
- 8.26. The application site is proposed to be used as a settled base for members of the travelling community. At the current time, despite a number of requests from officers, the applicant has not forwarded any personal circumstances and there are no named residents of the site. Therefore the application is currently considered on a general need basis. In order to ensure that the site was only occupied by households meeting the revised definition of gypsy/traveller a planning condition can be used in line with Government guidance. Officers are therefore satisfied that the application is for a site that would be used by gypsies/travellers.
- 8.27. The European Convention of Human Rights is still in force to date. Under Article 8 there is a positive obligation to facilitate the gypsy way of life (paragraph 96 of Chapman v UK (2001)) as gypsies and travellers are identified as a specialist group. The statement submitted with the application identifies that the proposal is for a residential caravan site for gypsies and travellers and the proposed development therefore provides new accommodation for the gypsy and traveller community with the Cherwell District. Therefore the contribution the site makes to facilitating the gypsy way of life weighs in favour of the proposal.

Visual Impact and Effect on Landscape Character

- 8.28. One of the core planning principles in the NPPF is for planning decisions to take account of the different roles and characters of different areas and recognising the intrinsic character and beauty of the open countryside. ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided. Policy ESD13 also states that: "*Proposals will not be permitted if they would:*

- *Cause undue visual intrusion into the open countryside;*
- *Cause undue harm to important natural landscape features and topography;*
- *Be inconsistent with local character;*
- *Impact on areas judged to have a high level of tranquillity;*
- *Harm the setting of settlements, buildings, structures or other landmark features; or*
- *Harm the historic value of the landscape.”*

8.29. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*

8.30. Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the character of the open countryside from sporadic development.

8.31. The proposed development includes the provision of 8 pitches and associated infrastructure. Each pitch would have space for mobile home and a touring caravan with an area of hard standing. A small day room would also be provided for each pitch. An access road would be provided across the site. In addition to the pitches, a 2 metre bund and 3 metre high close boarded fence is also proposed along much of the eastern boundary and partially along the northern and southern boundaries.

8.32. The application site itself occupies a relatively flat site and given the topography and vegetation in the wider area the visual impacts of the development will be relatively localised. The site currently positively contributes to the rural character and appearance of the locality and the intrinsic character and beauty of the open countryside through being an undeveloped agricultural field. However the presence of the M40 reduces the tranquillity and remoteness of the site albeit that the motorway is situated in a cutting.

8.33. The proposed development would clearly be visible from the public footpath to the west of the site and whilst there is some confusion as to the exact line of this footpath, the walked route runs outside of site to the west of the hedge. However views of the site would still be visible from this footpath particularly from the entrance to the site and from further to the west particularly in winter months when the vegetation is sparser. Furthermore views of the site would also be available from people travelling along the A4095 particularly from the bridge section over the M40 and through the access to the site. Additionally the bund and fence would be clearly visible from people travelling along the M40.

8.34. Undoubtedly the proposal, with the addition of mobile homes and day rooms, hardstanding and domestic paraphernalia would be alien within this landscape and would have an urbanising effect on this agricultural field within the open countryside and this would significantly erode the character and appearance of the site. The revised proposal has amended the layout of the site to provide a more landscaped setting which is supported by Policy H of the PPTS. Whilst the landscaping would provide a softer setting for the pitches it would still be prominent and incongruous and would therefore cause harm to the rural character and appearance of the

landscape. Furthermore it would extend across a much wider part of the site extending the visual impacts of the development.

- 8.35. The proposed 2 metre bund and 3 metre high fence to the eastern boundary of the site would also impact on the area. Views of the bund from the A4095 bridge over the motorway and from the M40 itself would largely appear as an extension of the existing cutting the motorway is located within from this aspect given its height. Subject to appropriate landscaping conditions it is not consider that this would not significantly impact on these views. However the proposed 3 metre high fencing given its height and likely appearance would appear as an alien prominent feature that would further contribute to the urbanisation of the site noted above.
- 8.36. Views of the bund and fence from the A4095 immediately to the south of the site would be filtered through the existing tree planting on the southern boundary and by the fact that the site lies between approximately 3-5 metres lower than the A4095 along the extent of the bund. Therefore views from this section of the road would be more apparent in the winter. However as outlined above views of the bund and fence would be very apparent from the access to the site, the A4095 immediately to the east of the site, the M40 and from the footpaths to the west of site. The height of the bund and fence would appear as incongruous feature on the site in this open countryside setting and would harm the rural character and appearance of the locality.
- 8.37. Whilst over time appropriate landscaping of the site would help soften the appearance of the bund and fence, this would take a number of years to have any benefit and would the height of the feature would still remain incongruous.
- 8.38. Overall the development will result in significant harm to the rural character and appearance of the area. Whilst this harm would be relatively localised it would nevertheless be significant where it occurs. This would conflict with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, Saved Policy C8 of the Cherwell Local Plan 1996 and Government advice contained within the NPPF.

Residential Amenity

- 8.39. Paragraph 17 of the NPPF notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.40. Paragraph 120 of the NPPF states that *“To prevent unacceptable risks from pollution.....decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account”*. Paragraph 123 goes on to state that planning decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life. The potential for noise disturbance is also noted as one of the assessment criteria of Policy BSC6.
- 8.41. Saved Policy ENV1 of the adopted Cherwell Local Plan states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 8.42. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“Development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.”*

- 8.43. The site is located in excess of 200 metres from any neighbouring residential properties therefore it is considered that other residential properties would not be directly affected by the proposal in terms of loss of light, outlook, privacy or noise and disturbance.
- 8.44. With regard to the layout of the proposal, the proposed pitches would be spacious and officers are of the view that these pitches are all of a sufficient size and would allow for some privacy and amenity space for each pitch and would avoid the overcrowding of the site.
- 8.45. The main consideration in relation to residential amenity in this case is the noise environment for future occupiers of the site given the presence of the M40 to the east of the site. This formed one of the reasons for refusal on the earlier application and in order to attempt to address this matter the applicant have amended the scheme to include a 2 metre earth bund and 3 metre high fence to the eastern boundary with returns either end to act as noise mitigation.
- 8.46. A noise survey of the site was undertaken by the applicant to assess the existing noise environment. The main source of noise affecting the site is from the M40 to the east of the site. The traffic noise is high throughout the day and night with the north of the site being louder than the southern part of the site where the motorway is in a larger cutting.
- 8.47. The applicants noise report notes that without suitable mitigation the noise environment on the site would be unsuitable for residential accommodation. With the proposed mitigation (bund and fence) the noise modelling undertaken indicates that the site would be able to achieve acceptable internal noise level during the day so long as the mobile homes provided on the site were designed to meet the requirements of BS 3632:2015 which requires a higher levels of sound insulation to mobile homes. Noise levels in the mobile homes would be reduced to between 32-33 dB LAeq 16 hour daytime and 31-32dB LAeq 8 hour night time. The daytime internal noise environment would therefore comply with the relevant standards however the night time would be 2dB(A) above the recommended design aim for internal specified within BS8233. The British Standard does allow for some flexibility where development is necessary or desirable the standard can be relaxed by up to 5dB and still provided reasonable internal conditions. Therefore this is not ideal.
- 8.48. There are also concerns that any person occupying a touring caravan on the site would be likely to be subject to a significantly noisier environment than any occupants of the mobile home given that there noise insulation quality of a touring caravan are likely to be lower. The applicant assessment make no reference to this and this further adds to the concerns of the noise environment
- 8.49. Another and more significant concern that the Councils Environment Protection Officer has raised regarding the site is the external noise environment which would impact on the external amenity space serving the residents and subsequently their quality of life.
- 8.50. In referencing external noise levels BS 8233:2014 states:
- “For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors,*

such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.”

- 8.51. The noise modelling predicts the freefield level of 63dB $L_{Aeq,t}$ would be achieved at the position of the proposed mobile homes. This noise levels would be 8dB above the upper guideline level of 55dB given in BS8233:2014 and even if this was relaxed by a further 5dB if the site was to be considered desirable or necessary then it would still be 3dB above this. The applicant seeks to argue that the guidance above indicates that development should not be prohibited on these grounds however officers consider this guidance is more relevant to urban areas to ensure centrally located urban sites are not unduly sterilised from development and it requires a balancing of the different factors relating to a scheme.
- 8.52. It is further noted that the latest ecological appraisal submitted for the site requires the fence to be open at the bottom to allow for appropriate badger mitigation measures. The ecologist has advised this is likely to include a 30cm gap to the bottom of the site. The submitted noise report again makes no reference to this and it is unclear how this may impact on the quality of the noise mitigation measures however the Councils Environmental Protection Officer has advised that it is highly likely to adversely impact on the effectiveness of the acoustic screen which may mean a worse noise environment than presented in the noise report. This casts further doubt over the findings of the report.
- 8.53. Overall the Councils Environment Protection Team consider that the proposal would give rise to significant adverse impacts on the health and quality of life of the proposed residents as laid down in the NPPF and Noise Policy Statement for England. Paragraph 123 of the NPPF advises that planning decision should avoid such impacts. This factor is considered to weigh heavily against the proposed development as ensuring a good standard of amenity is a core part of achieving sustainable development.

Highways

- 8.54. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”*
- 8.55. The Highway Authority has objected to the sustainability of the location and the fact that the future residents would be highly reliant on the private car to meet their day to day needs. The application site does not have any footways on the side of the road and it is unlikely that future residents would make trips to the nearest settlements on foot given the nature of the roads. Furthermore there are no bus stops within the locality of the site and the bus service in Chesterton is extremely limited. Therefore the Council agree that the occupiers of the site would be reliant on the private car and therefore there would be conflict with the Policy ESD1 and the NPPF in this respect. However this conflict has to be balanced against the provision of Policy BSC6 which is discussed elsewhere in this report.
- 8.56. In relation to the technical matters the Highway Authority have indicated that further details are required of the access to the site however full details of this could be secured by condition. They have previously indicated that they consider that adequate visibility from the access could be provided. They have also requested additional information on the parking serving the units however the plans clearly show sufficient parking to serve the pitches and the provision of this could be

secured by condition. The other matters the highway engineer has raised regarding details of the internal road, access gates, turning areas and drainage could be controlled through conditions.

- 8.57. Chesterton public footpath 11 is shown on the definitive map to run along the western boundary within the site. However the provided and walk footpath is outside on the site on the other side of the field boundary. The footpath was diverted via an order in 1987 (associated with building the M40) and the alignment of the path is on the ground is consistent with the position in the order therefore suggesting that the Definitive Map may be incorrect. This matter is still being investigated by OCC and notwithstanding this matter it is considered that the issues relating to the protection of the footpath both during construction and operational stage could be dealt with by planning condition.

Flooding Risk and Drainage

- 8.58. The site is identified as being within Flood Zone 1, which is land which has a less than 1 in 1,000 annual probability of river flooding. Policy ESD6 of the Local Plan and the Framework states that a Flood Risk Assessment is required for proposals of 1 hectare or more in in Flood Zone 1. The site exceeds 1 hectare and the Flood Risk Assessment which accompanied the earlier scheme has been submitted alongside this application.
- 8.59. Policy ESD7 of the Cherwell Local Plan Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the Cherwell District.
- 8.60. The Environment Agency no longer provides comments on this type of application. The submitted Flood Risk Assessment states that the proposal would use SuDs to ensure that the rate of surface water run-off would not exceed the green field rate and that the hard standing would not be impermeable. OCC as the Local Lead Flood Authority have raised not objection to the application subject to full details of the surface water drainage for the site being secured through condition.
- 8.61. Concerns have been raised with the applicant regarding the use of the proposed sewerage treatment plant to treat sewerage including a lack of details regarding this and also the lack of details on the feasibility of connecting to mains drainage which should be the first option explored as outlined in the Planning Practice Guidance. OCC raises no objection to this but require an inspection chamber to be built. As with the previous application very limited details are provided of this respect. Whilst it is noted that the EA have noted this is not desirable in the absence of objections from the relevant statutory bodies and given this was considered an acceptable arrangement in the earlier application, this arrangement is considered to remain acceptable however full details of this would need to be secured through planning conditions.

Ecology

- 8.62. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity, and providing net gains in biodiversity where possible, contributing to the Government's aim to halt the overall decline in biodiversity.
- 8.63. Paragraph 118 of the NPPF seeks to "...conserve and enhance biodiversity by applying, amongst others, the following principles:

- *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused*
 - *Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted*
 - *Opportunities to incorporate biodiversity in and around developments should be encouraged”*
- 8.64. Policy ESD10 seeks to protect and enhance biodiversity and the natural environment, by achieving a net gain in biodiversity, through supporting developments which incorporate features to encourage biodiversity.
- 8.65. The site is an open agricultural field currently comprising rough grass land and scrub. The application is accompanied by an Ecological Appraisal which concludes the site is of moderate ecological value.
- 8.66. The Council’s Ecologist has reviewed the submission and initially requested further information in the potential impact of the development on badgers and further clarification was also sought regarding the grassland habitat which the applicant states is semi-improved.
- 8.67. Further work has been undertaken in relation as evidence of badgers using the site was found, and the ecologist raised concerns that the proposed bunding may impact on this. The applicant therefore undertook further survey work of the site including access to the adjacent motorway verge and revealed no clear evidence of badger setts. The Council’s Ecologist is now satisfied that the proposal would be acceptable in relation to its impact on badger subject to suitable mitigation includes access through the fence as discussed above.
- 8.68. The Council’s ecologist is now generally satisfied that other matters subject to appropriate conditions. The site is of moderate ecological value having both grassland and scrub and the surveying ecologist recommends that boundary vegetation on site should remain untouched to retain its value. The proposed planting is generally appropriate to strengthen boundary vegetation. However this is little information regarding how the site will be managed or used and the use of parts of the site for animals or domestic activities could harm the value of the site. Therefore the ecologist has recommended that a Landscape and Habitat Management Plan (LEMP) to cover these points which could be dealt with by condition.
- 8.69. The initial ecological appraisal stated the suitability of the Northern part of the site to support reptiles. Whilst the areas of hard standing proposed do not extend as far as this the Northern part of the site will be accessible to residents and particularly the presence of domestic pets such as dogs may be an issue. It would seem reasonable to assume therefore that should reptiles be present there would be impacts on their habitat and likely individuals from both people and pets. A reptile survey is required with mitigation measures to be put in place unless it can be shown that this northern area will not be impacted at all (e.g. inaccessible). This could be dealt with by condition.
- 8.70. The Council’s ecologist has also recommended conditions regarding the lighting of the site and bird nesting mitigation. Overall the Councils Ecologist considers that subject to conditions the ecological impacts of the development can be made acceptable through the use of planning conditions.

Heritage Impact

- 8.71. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken. Paragraph 132 of the NPPF states that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.”* Paragraph 134 of the NPPF states that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*
- 8.72. In the earlier application a third party noted a Heritage Statement should have been submitted given the proximity of the site to a Grade II listed barn at Field Farm to the north west of the site. However, the site is approximately 350 metres from this heritage asset and an agricultural field separates these two entities. Furthermore, the site is visually separated from the listed building by existing buildings and landscaping. Overall, given this separation, officers consider that the proposed development on the site, including structures no more than single storey in scale, would not materially alter the way this barn is appreciated or experienced in a rural setting, and that a Heritage Statement is not necessary in this instance. Thus, it is considered that the proposal would not cause harm to the significance and setting of this Grade II listed barn.

Other matters

- 8.73. Concerns have been raised in relation to the primary school at Chesterton being near capacity and that there would be no more places at the school as a result of this proposal. It is worth noting however, that if the proposal were for 9 dwellings instead of 9 traveller pitches, this would fall below the threshold in the PPG for contributions towards schooling. It is therefore considered unreasonable to justify the refusal of the planning application on such grounds.
- 8.74. Concerns have been raised by third parties in relation to the matter of electricity supply, but this is a matter for the utility companies. Concerns have also been raised in relation to the matter of water supply however the applicant has stated that the site is already served by water and electricity. Full details of this could be secured through conditions.
- 8.75. Third parties have noted that the proposal would set a precedent for housing outside the village. However, each case is assessed on its own merits and the policy context is different for such application.
- 8.76. It is noted by third parties that if planning permission is to be granted, the site would not be well managed and the use of the site will exceed what has actually been granted. However, this is not relevant to the determination of this planning application as consideration needs to be given to what is proposed in this planning application.
- 8.77. Whilst a number of issues have been raised by third parties, the following are either not supported by an evidence or are private interests and are therefore not capable of carry any significant weight in determining the planning application:
- Fear and increase in crime to surrounding properties as a result of the proposal;

- Would create anti-social behaviour;
- Loss of private view; and
- Devaluation of property

8.78. The Council's leisure officer has requested contributions towards sports provision and community hall provision. However there is no planning policy basis for this and it is considered that given the scale of the proposal it would not be reasonable or necessary to request this particularly as the Council does not pursue such contributions on site under 10 dwellings.

8.79. In the earlier application the issue of air quality was also considered due to the proximity of the site to the M40. This included modelling of the site and concluded that the air quality would be acceptable for residential accommodation. The findings of this are still considered to be relevant to the current application and the Environmental Protection Officer has not raised concerns in this regard.

9. PLANNING BALANCE AND CONCLUSION

9.1. The proposal seeks permission for the change of use of existing agricultural land to a residential travellers caravan site comprising 8.No pitches. The site is located approximately 1.1KM from the category A village of Chesterton and approximately 3KM from edge of Bicester and benefits from suitable access to the local and wider highway network so can be considered under Policy BSC6 of the Local Plan. However it is noted that Chesterton is one of the Category A settlements which has fewer facilities for residents and has lost its more regular bus service in recent years since the adoption of the Local Plan.

9.2. In assessing the sustainability and suitability of the site the criteria set out within Local Plan Policy BSC6 is relevant in determining the most suitable locations for gypsy and traveller sites.

9.3. Criterion (a) considers access to GP and other health services, the nearest NHS GP surgery to the site would be in Bicester approximately 4.8km from the site. In order to access this service given, the infrequent nature of the bus service, they are likely to rely on the private car which weighs against the proposal.

9.4. Criterion (b) considers access to schools; the nearest primary school is located at Chesterton and given the nature of the roads, without footpaths or lighting, is likely to be travelled by the private car as opposed to alternative modes of transport. Given this it is considered by officers that the site has relatively poor access to education which would weigh against the proposal when assessed against the sustainability and suitability criteria.

9.5. Criterion (c) seeks to avoid areas at risk of flooding. The site is not identified on the Environment Agency's mapping as subject to flooding. A suitable drainage scheme could be controlled through condition. The proposal is considered acceptable in this regard.

9.6. Criterion (d) considers the suitability of the site in relation to access to the existing highway network; in this respect the proposal is considered to be appropriately located without undue harm caused to highway safety.

9.7. Criterion (e) considers the potential for noise and disturbance. The site is considered acceptable in regard to the impact on neighbouring uses. However the noise environment of the site and the impact on future residents is considered to result in

significant adverse impacts on the health and quality of life for future residents even with the proposed mitigation measures in place. This weighs heavily against the proposal.

- 9.8. Criterion (f) seeks to ensure harm to the historic and natural environment is limited.. The proposal would not adversely impact on any heritage assets or the ecology of the site. However there would be significant harm to the rural character and appearance of the site and locality in the immediate vicinity of the site. This harm weighs against the development.
- 9.9. Criterion (g) seeks to ensure that proposals provide for a satisfactory living environment. In this case due to the noise environment of the site this is not considered to be achieved. This weighs heavily against the proposal.
- 9.10. Criterion (h) seeks to ensure that efficient and effective use of land is made. In this case the current proposal would result in the development of a green field site. The agricultural land is rated moderate to good (grade 3) however, it is considered that the amount of agricultural land lost and the quality of the land would not be a significant loss.
- 9.11. Criterion (i) considers the likely deliverability of the proposal, including whether utilities can be provided on the site. The applicant's agent states that water and electricity already serves the site. It is not proposed to connect to mains drainage however this has not been justified. Nevertheless it is considered that a pre-commencement condition could be used to secure the foul drainage arrangements for the site.
- 9.12. Criterion (j) looks at the existing level of local provision for gypsy and travellers across the Cherwell District. Officers acknowledge that the issue of general need is unclear based on the new definition of traveller/gypsy. Whilst there is conflict in the figures outlined in the Annual Monitoring Report officers considered that the most robust position to take regarding this is to use the Development Plan figures which show there is a significant shortfall in pitches across the district (1.1 years supply – 18 pitch shortfall). The benefits of the proposal in providing additional pitches to meet a general unmet need therefore carry significant weight in favour of granting permission.
- 9.13. Criterion (k) considers the availability of alternative sites for the applicant. In this case no alternative sites are allocated in the Local Plan. The application is not supported by any information about individuals that are interested in occupying the site if it is approved however there is a significant identified need for pitches which this application goes some way towards addressing and significant weight is attached to this.
- 9.14. In conclusion, the site is located within 3KM of a Category A village, however, Chesterton is not one of the most sustainable Category A villages within the district and offers limited services for the future residents of the site. Furthermore it only has very limited public transport linkages to a wider range of services. A wide ranges of services are provided in Bicester however they a further away from the site and the only likely way of reaching them is in the private car. Furthermore the PPTS states that new sites in the countryside should be strictly limited
- 9.15. The site comprises 8 pitches and is not considered to dominate the nearest settled community and officers consider that there is a significant unmet need for gypsy and traveller pitches in Cherwell which should carry substantial weight in support of the application albeit this is somewhat tempered by the evidence in the GTAA. The

lack of alternative provision is also a matter that weighs heavily in support of the proposal.

- 9.16. However the proposal would lead to significant harm to the rural character and appearance of the countryside and would result in a poor quality of living environment for future occupants of the site given the noise environment of the site. In this case the cumulative impacts of the poor geographical sustainability of the site, the harm to the rural character and appearance of the site and the poor quality living environment for future residents in relation to noise is considered to significantly outweigh the benefits of the scheme. It is therefore recommended that planning permission be refused.

10. RECOMMENDATION

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

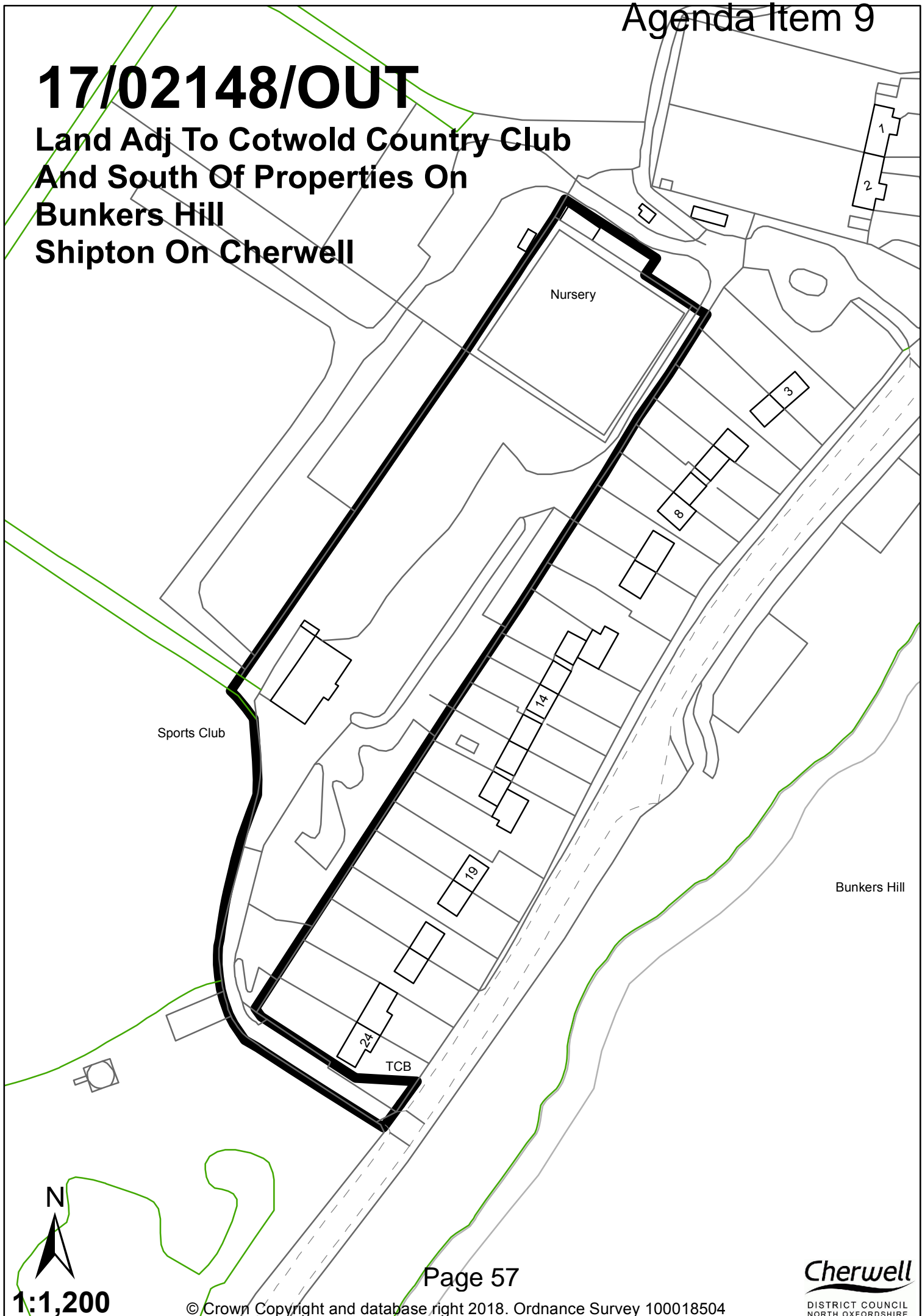
1. The proposed development, by virtue of its poor access to services and facilities, reliance on the private car to access services and facilities, detrimental impact on the rural character and appearance of the area and poor living environment for future residents in relation to noise, is considered to represent an unsustainable form of development. The harm is not considered to be outweighed by the benefits of the scheme. The proposal is therefore considered to be contrary to Policies ESD1, BSC6, ESD13 and ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C8 Cherwell Local Plan 1996 and advice in the National Planning Policy Framework and Planning Policy for Travellers Sites (2015).

CASE OFFICER: James Kirkham

TEL: 01295 221896

17/02148/OUT

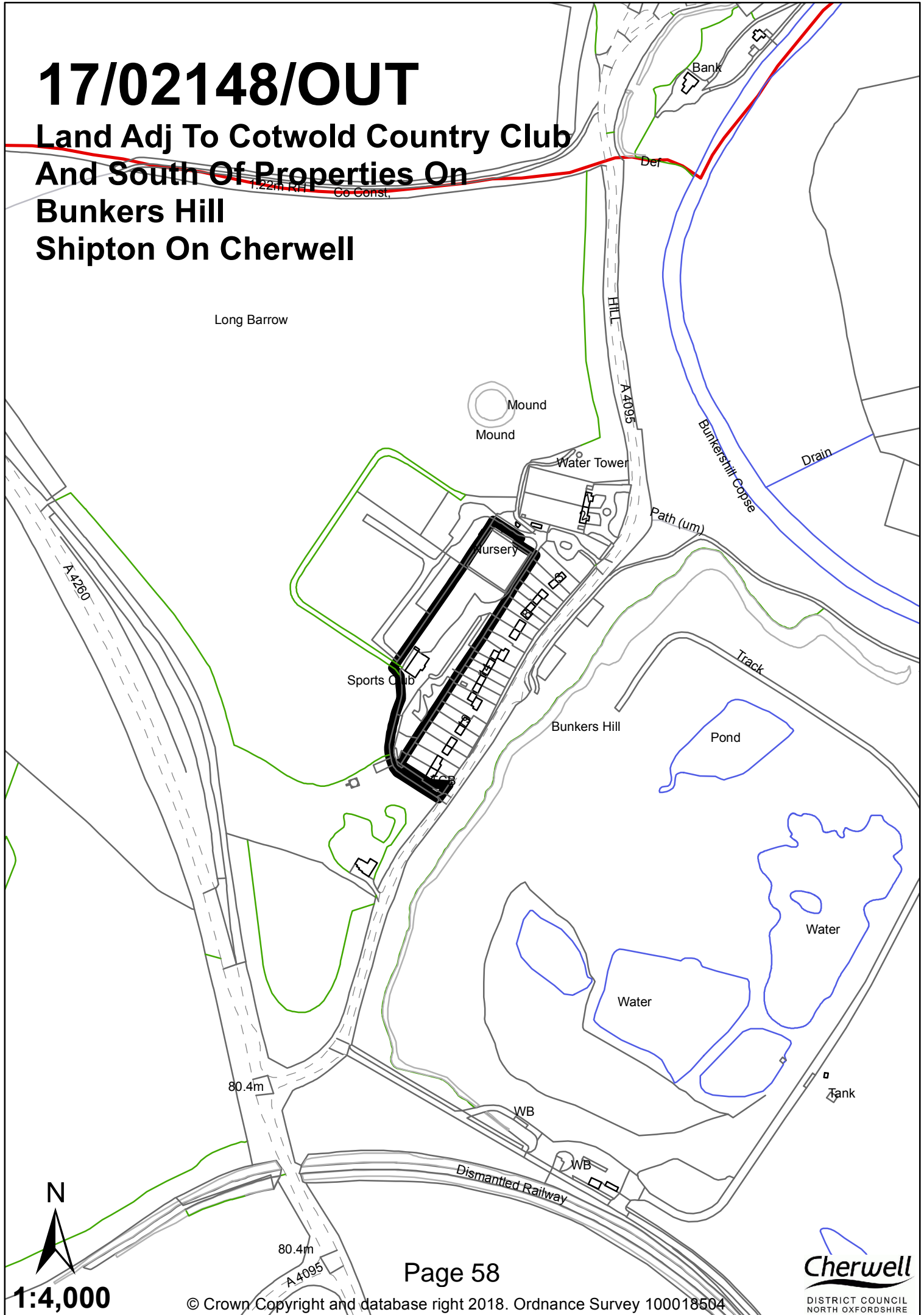
Land Adj To Cotwold Country Club
And South Of Properties On
Bunkers Hill
Shipton On Cherwell



N
1:1,200

17/02148/OUT

Land Adj To Cotwold Country Club And South Of Properties On Bunkers Hill Shipton On Cherwell



**Land Adj To Cotswold Country Club And South Of
Properties On
Bunkers Hill
Shipton On Cherwell**

17/02148/OUT

Applicant: Keble Homes Limited

Proposal: OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10 no. dwellings and access improvements

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Major development (10 units or over)

Expiry Date: 8 February 2018 **Committee Date:** 15 March 2018

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

1.1 The site is located to the rear of a row of dwellings which front onto the A4095 and comprises an area of hardstanding, former Club building and a disused bowling green and associated changing rooms and maintenance shed. Access to the highway is via a narrow track onto the A4095 at the western end of the site. The site is bounded to the north and west by countryside and to the east by an established nursery/garden centre.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. Outline consent is sought for the demolition of the Club building and those associated with the bowling green and the erection of ten dwellings. Improvements to the access are also proposed.

2.2. The only matters to be considered under this application are the principle, means of access and scale. Appearance, landscaping and layout are reserved for subsequent approval.

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>
04/02441/F	Demolition of an existing clubhouse and the erection of a new clubhouse	Application Permitted

14/01565/OUT	Outline - Development of eight houses and access improvements	Application Refused
14/02132/OUT	Outline - Development of eight houses and access improvements.	Application Permitted
17/00079/SO	Screening opinion to 17/02148/OUT - OUTLINE - Demolition of existing club house, bowling club pavilion and ancillary store. Erection of 10no. dwellings and access improvements (further to outline planning permission 14/02132/OUT, dated 8th April 2016) and having a lesser proposed cumulative floor area than that permission.	Screening Opinion not requesting EIA

3.2. Planning permission was refused in December 2014 under application 14/01565/OUT for the development of eight houses and access improvements. The application was refused as the development was considered to represent development within the countryside which could not be justified on the basis of an identified need. It was considered to constitute unsustainable, new build residential development in a rural location which is divorced from established centres of population, not well served by public transport and is reliant on the use of the private car. The development was considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car.

3.3. In addition planning permission was refused under application 12/01271/F in 2012 and dismissed at appeal in September 2013 on a neighbouring site for the demolition of existing car repair buildings and construction of 3 dwellings. The Planning Inspector considered that the development comprised unsustainable development in open countryside contrary to national and local policy.

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 26.02.2018, although comments received after this date and before finalising this report have also been taken into account.

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

- Development uses land collectively owned by shareholders
- Ignores benefits for residents previously agreed
- Detrimental to residents of Bunkers Hill
- Parking and visitor parking inadequate
- Concerns about opportunities for further development in the future

- Unsustainable location
- Additional dwellings and impact on services
- Ecological impacts
- Private water supply sustainable for existing dwellings but not for an additional 10
- Traffic issues and highway safety
- Under flight path for Oxford Airport
- In open countryside
- Contrary to Policy H18 of the Cherwell Local Plan 1996
- Noise arising from increase in number of units

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. SHIPTON ON CHERWELL AND THRUPP PARISH COUNCIL: **Objects** as they consider it to be an overdevelopment of the site with inadequate infrastructure and amenities to support it in terms of potential traffic generation, provision for separated pedestrian access etc.

STATUTORY CONSULTEES

6.3. LOCAL HIGHWAY AUTHORITY: **Object** for the following reasons:

- The applicant has not proposed visibility plays at the access. These should be informed by 85th percentile AADT wet weather speed surveys conducted at a point near the access on the mainline A4095 (Bunkers Hill).
- The applicant has not demonstrated that the land that is necessary to be developed on in order to widen the bell-mouth to the access road from the A4095 is within their control.
- The existing access road has a hedge-to-hedge width of 3.5m. This is not sufficient to allow two vehicles to pass each other safely.
- Forward visibility is inadequate at two points on the access road for motorists heading south-east out of the development.

If permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement, and depending on whether the applicant intends to offer some or all of the proposed access road to the development for adoption, a S38 agreement to mitigate the impact of the development plus planning conditions and informatives relating to access details, visibility plays, road construction, vehicle tracking and drainage.

6.4. OCC DRAINAGE: **No comment to date**

6.5. OXFORDSHIRE COUNTY COUNCIL:

Education - **No objection**

Archaeology – **No objection** subject to conditions relating to the preparation of an Archaeological Written Scheme of Investigation and the carrying out of a staged programme of archaeological evaluation and mitigation.

Minerals and Waste – **Comments** that the application site is in close proximity to an operational quarry (Shipton-on-Cherwell quarry). This should be taken into consideration in the siting and design of the proposed dwellings and any appropriate mitigation measures put in place, in particular regarding noise, to ensure that the operation of the quarry is not prejudiced by the proposed development.

6.6. ENVIRONMENT AGENCY: **Comment** that whilst they are unable to make a detail assessment the environmental risks in this area relate to foul drainage/wastewater. New development should be connected to the public mains where possible. Proliferation of individual treatment plants can cause deterioration in local water quality contrary to the principles of the EU Water Framework Directive¹.

6.7. THAMES WATER: **Comment** that with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

The developer is expected to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

With regard to water infrastructure capacity there are no objections to the planning application.

6.8. NATURAL ENGLAND: **No comment to date:**

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

NON-STATUTORY CONSULTTEES

6.10. CDC PLANNING POLICY: **No comment to date**

6.11. CDC BUSINESS SUPPORT: **No comment to date**

6.12. CDC ECOLOGY: **Comment** that the Preliminary Ecological Appraisal submitted was undertaken at a sub-optimal time of year to assess grassland habitat, however despite this and given that the area is a former bowling green the assessment is considered to be appropriate. The habitats on site comprised of hard standing, short ephemeral vegetation and poor semi-improved grassland with hedgerows present on the boundaries of the site. The main building in the south of the site was found to have low bat roosting potential, and no evidence of bats were found. However there were several gaps and crevices present which could provide roosting locations for crevice-dwelling species in the future, in particular given the good quality bat foraging habitat nearby. Therefore although the roosting potential is low, an updated

inspection of the potential roosting features within the building by a suitably qualified ecologist should be undertaken immediately prior to demolition work as a precaution.

There is some suitable habitat comprising the grassland and scrub around the boundaries of the site, and storage materials on site which could provide refuges for reptiles such as grass snake and slow worm. Given records of reptiles within the local area and habitats present, ground clearance works should be undertaken with care and in line with an ecological method statement, as a precautionary measure. The usual methods include strimming of the grassland in two stages, and careful removal of refugia, to avoid killing/injury of reptiles.

In line with previous comments on the previous application 14/02132/OUT, it is also recommended that in line with the NPPF to achieve a net gain for biodiversity on site, the new dwellings should, where possible, include provision for swift nesting within the buildings fabric using swift bricks. The applicant should liaise with the Cherwell Swift Project Co-ordinator to gain advice on appropriate locations and clustering of nest provisions etc. The existing hedgerows should be retained on site, buffered from development and enhanced through native species planting. The existing buildings and any removal of suitable vegetation should also be undertaken outside of the nesting bird season (generally March to August inclusive).

Conditions are recommended relating to the submission of a protected species method statement for bats, reptiles and nesting birds; timing of works for nesting birds; provision of habitat boxes; and use of native species.

- 6.13. CDC ENVIRONMENTAL PROTECTION: **No objections** with regard to noise, air quality, odour, light but the land may be contaminated as a result of its former use. Standard contaminated land conditions are recommended.
- 6.14. CDC WASTE AND RECYCLING: **No comment to date**
- 6.15. CDC RECREATION AND LEISURE: **Comment** that:

Sports Facilities Provision:

Off-site contribution towards enhancing the outdoor sports facilities at Stratfield Brake Sports Ground (more specific information to be provided as the new district sports studies emerge). Based on 10 residential dwellings x 2.39 persons x £476.75 per person = £11,394.33

Off-site contribution towards enhancing the indoor sports facilities at Kidlington Leisure Centre (more specific information to be provided as the new district sports studies emerge). Based on 10 dwellings x 2.39 persons x £321.49 = £7,683.61

Community Halls Provision:

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

Unit	Contribution
1 bed	£107.14
2 bed	£154.69
3 bed	£240.80
4+ bed	£331.15

Public Art:

For residential development of less than 25 units and non-residential development of less than 100m² developers are expected to explore artistic additions to the development by seeking to employ local artists and crafts people in the construction

of features within the site such as signage, gates and door furniture which contribute to the public realm. No financial contribution will be required.

- 6.16. CDC LANDSCAPE SERVICES: **Comment** that an unequipped LAP of 400m² and informal play space is required.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC10: Protection of open space outdoor sport and recreation uses
- ESD1: Mitigating and adapting to climate change
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local landscape protection and enhancement
- ESD15 : The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C8: Sporadic 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:

- Planning policy and principle of the development
- Impact on the visual amenities of the area
- Highway safety
- Impact on neighbouring properties amenity
- Ecology
- Other issues

Planning policy and principle of the development

- 8.2. The Development Plan for Cherwell District comprises the Cherwell Local Plan 2011-2031 and saved policies in the Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.3. With specific regard to housing proposals the NPPF, in paragraph 49, further advises that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.' To achieve sustainable development, the NPPF sets out the economic, social and environmental roles of planning including contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (para 7). It also provides (para 17) a set of core planning principles.
- 8.4. The NPPF does not change the statutory status of the development as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise. (para 12)
- 8.5. The site in question is not allocated for development in any adopted or draft plan currently forming or proposed to form part of the Development Plan.
- 8.6. The site is located to the north of a single row of 24 dwellings isolated from any settlement. It is considered to represent sporadic development in the countryside and this opinion is supported by the Inspector for the appeal on the adjacent site (12/01271/F).
- 8.7. Saved Policy H18 of the Cherwell Local Plan 1996 restricts new dwellings beyond the built up limits of settlements in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet an identified and specific housing need that cannot be met elsewhere. Quite clearly the development proposed fails to comply with this policy and in doing so also potentially conflicts with Policy C8 which seeks to prevent sporadic development in the open countryside, which includes new housing development, in the interests of sustainability and to protect the character and amenity of the countryside.
- 8.8. The NPPF is a material consideration in respect of the assessment of this proposal. The NPPF at paragraph 14 states 'At the heart of the National planning policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking'.....For decision taking this means:
 - Approve development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;

- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole, or
- Specific policies in this framework indicate development should be restricted

8.9 The Cherwell Local Plan 2011-2031 and the saved policies within the Cherwell Local Plan 1996 are considered up-to-date. The NPPF advises that proposed development that conflicts with the Development Plan should be refused unless other material considerations indicate otherwise.

8.10 Paragraph 49 of the NPPF states 'housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. The Council can currently demonstrate a five year housing land supply and the enhanced presumption in favour of sustainable development set out in the NPPF does not apply. Therefore the test in this case is whether there is conflict with the Development Plan, and if so, whether there are other material considerations that outweigh that conflict such that the proposal can be considered sustainable development.

8.11 Paragraph 55 of the NPPF states that to promote sustainable development housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. Whilst the proposed development will lead to an increase in the number of dwellings and residents at Bunkers Hill the lack of local services is such that, while there is a bus service nearby, residents would be mainly reliant on cars for trips to day-to-day services and facilities, including employment, education, medical services and shopping. It is unlikely that 10 additional dwellings would generate additional services in Bunkers Hill. It is therefore considered to be an unsustainable location contrary to Paragraph 55.

8.12 Another material consideration is the extant outline planning permission for 8 dwellings on the site granted, under application 14/02132/OUT, in April 2016. Officers recommended refusal of the scheme as it was considered to represent development within the countryside and constituted unsustainable, new build residential development in a rural location divorced from established centres of population, not well served by public transport and reliant on the use of the private car. It was considered to be contrary to saved Policies H18 and C8, of the Cherwell Local Plan 1996, Policy Villages 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained in the National Planning Policy Framework. Members however considered that the public benefits put forward as part of the application outweighed the adverse impacts of the development and the application was approved.

8.13 The benefits put forward in the legal agreement were as follows:

- Contribution towards off-site provision of affordable housing - £40,000
- LAP and commuted sum towards maintenance
- Sewage treatment facility and 20 yr service contract
- New mains fed water supply
- Provision of a community building and £10,000 towards maintenance
- Demolition of the obsolete water tower

- 8.14 At the time Members considered the proposal the Cherwell Local Plan 2011-2031 had not been adopted. Prior to the issuing of the decision, caused by a delay in completing the legal agreement, the Cherwell Local Plan 2011-2031 was adopted. It was not considered necessary to report the application back to Members following the policy change as they considered that the benefits offered significantly and demonstrably outweighed the harm the development would cause. However it is now necessary to consider the proposed development in the light of the adopted Cherwell Local Plan.
- 8.15 The development now proposed comprises the demolition of the existing buildings on the site and the erection of 10 dwellings on the site. The benefits put forward by the applicant to support the proposal are as follows:
- Provision of a LAP on the site without commuted sum for maintenance as a Management Company will be set up to look after open space on the site
 - Contribution towards Shipton-on-Cherwell Millennium Hall
 - Contribution to OCC towards increasing frequency of buses on A4260
 - New bus stop flag and timetable signage on the A4260
 - Contribution towards the cost of administering a Traffic Regulation Order to enable the relocation of the existing 40mph/derestricted speed limit on the A4095 Bunkers Hill from its current location immediately south of the proposed access to a point 50m southwards.
 - Sewage treatment facility and 20 yr service contract
 - New mains fed water supply
 - Demolition of water tower
- 8.16 The indicative drawings and the planning statement suggest that the dwellings are to be considerably smaller than the eight approved under application 14/02132/OUT. However it is considered that whilst there is a reduction in floor area with the current scheme additional dwellings could result in more residents and more vehicle movements in an unsustainable location.
- 8.17 The applicant has offered to meet most of the benefits of the previous scheme set out in the legal agreement but without the contributions towards off-site affordable dwellings, contribution towards maintenance of the LAP, or the provision of a community building on the site. However they have advised that they are willing to contribute towards increasing frequency of buses on A4260, a new bus stop flag and timetable signage on the A4260 and towards the cost of administering a Traffic Regulation Order to enable the relocation of the existing 40mph/derestricted speed limit on the A4095 Bunkers Hill from its current location immediately south of the proposed access to a point 50m southwards. They have advised that a Management Company will be set up to maintain the open space within the site.
- 8.18 The contribution towards affordable housing was not required previously as the development fell below the threshold of 11 units or more. However the applicant offered this sum to give more weight to the public benefits of the development to try to outweigh the harm that the development would cause. Members took this public benefit into consideration when determining the application. The current proposal, with 10 units, still falls below the threshold where the Council could seek any affordable dwellings on the site or off-site contributions towards their provision.
- 8.19 The previously proposed community building on the site was offered by the applicant to serve “multiple purposes encouraging the residents of the existing and proposed dwellings to reduce the amount of vehicular movements and to increase the sustainability of the community”. The proposal was that the building would be used as a home office/business centre with desks and IT facilities and during the evenings and at weekends the building would be used for meetings/parties/youth

club/local events. The applicant's agent has now stated that a facility such as this is not needed and is not justified for c. 30 houses, nor viable going forwards. Officers consider that this view is reasonable however Members took this public benefit into consideration when weighing up the benefits of the previous application and judged that along with the other benefits offered as a package the harm caused was outweighed and granted planning permission.

8.20 The Council's Recreation and Leisure Team are now seeking contributions towards off-site sports and recreation facilities at Stratfield Brake and Kidlington Leisure Centre. These were not sought under the previous application. Justification for the contributions sought for enhancing the outdoor sport facilities at Stratfield Brake (in the region of £11,394.33) and for enhancing the indoor sports facilities at Kidlington Leisure Centre (in the region of £7,683.6) is set out in the emerging Sports Studies that the Council is currently preparing, supported by the Council's policies on health and well-being. The adopted Developer Contributions Supplementary Planning Document sets out at paragraphs 4.108 and 4.126 that where the development falls below the threshold, financial contributions will be sought for either off-site provision or the improvement/upgrading of existing facilities where appropriate schemes have been identified. However it is not clear whether the requirement for the contributions is compliant with the Community Infrastructure Levy Regulations 2010 and in particular paragraph 123 which restricts the seeking of planning obligations where there have already been five or more planning obligations entered into with the authority providing for the provision or funding of the same infrastructure project or type of infrastructure.

8.21 The applicant's agent has written in support of the application the following points:

- a. The Council has approved a scheme for 8 houses here. This is extant, and a significant material consideration of considerable weight
- b. The contributions highlighted above are also a material consideration of significant weight, to be examined in the planning balance
- c. We have bought more clarity to various items across the application compared to the extant permission, particularly on deliverability and land required to achieve that
- d. At present the Council has a significantly higher housing target than in 2016 due to Oxford's Unmet Housing Need's impact on Cherwell. The supply and delivery of 10 no. units here is a small, but vital contribution to that wider target, much of which is predicated on large sites, some in the Green belt.
- e. At the time of the last decision by planning committee, Oxford Parkway Station had not opened. That is now open and is located conveniently from the site, and can be accessed directly via public transport close by on the A4260. Plus Tackley Station is only 8mins/2.8 miles away. The opening of Parkway is a considerable benefit to this site in terms of wider accessibility, notwithstanding the excellent public transport services already available on the A4260

8.22 Officers consider that with the material change in policy, the increased number of units and the reduction in public benefits offered by the scheme planning permission should not be granted. Given the previous approval on the site, which could still be taken forward with the submission of a Reserved Matters Application until April 2019, Members will need to consider whether the benefits set out above at paragraph 8.15, along with the comments made by the applicant's agent regarding Oxford Parkway Station and the increased need for housing, are sufficient to outweigh the harm that the development would cause to the aims of both national

and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car.

Impact on visual amenities of area

8.23 The proposed development will not have a significant impact on the visual amenities of the area. It is well screened in public views due to the location of the existing dwellings and the vegetation in the surrounding vicinity. There is a footpath to the north west of the site but this is some distance from the application site and views into the site will not be significant.

Highway safety

8.24 The Highway Authority has recommended refusal of the application on the grounds that:

- The visibility splays at the junction with A4095 are not adequate;
- The land necessary to widen the access may not be within the applicants' control;
- The existing access road has insufficient width to allow two vehicles to pass each other safely; and
- Forward visibility for motorists travelling south-east out of the development is inadequate at two points on the access road

8.25 The applicant has now carried out a speed survey and submitted Transport Statement along with revised plans showing the land in their control (outlined in blue on drawing No. 392/17/PL1002A) and further comments are awaited from the Highway Authority.

8.26 Notwithstanding the objection there is an extant consent on the site for the erection of 8 dwellings which utilised the existing access road and an improved access similar to that now proposed. This is a material consideration in assessing the impact of the development on highway safety.

Impact on the living amenities of neighbouring dwellings

8.27 The proposed development is in outline with appearance, landscaping and layout reserved for consideration at a later date. However, it is considered that if permission were to be granted a layout could be produced that did not result in any unacceptable overlooking of private amenity space or habitable room windows, loss of light or overshadowing of the existing properties. The location of the proposed access into the site and the use for up to 10 dwellings will not result in a significant level of disturbance to the neighbouring properties adjoining the access.

Ecology

8.28 Paragraph 99 of Circular 06/05 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". Likewise Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that: "every public authority must in exercising its functions, have regard...to the purpose of conserving (including restoring/enhancing) biodiversity".

8.29 The Council's Ecologist has advised that the Preliminary Ecological Appraisal survey was undertaken at a sub-optimal time of year to assess grassland habitat, however despite this and given that the area is a former bowling green the assessment is

considered to be appropriate. The habitats on site comprised of hard standing, short ephemeral vegetation and poor semi-improved grassland with hedgerows present on the boundaries of the site. The main building in the south of the site was found to have low bat roosting potential, and no evidence of bats was found. However there were several gaps and crevices present which could provide roosting locations for crevice-dwelling species in the future. Therefore although the roosting potential is low, it is recommended that an updated inspection of the potential roosting features within the building, by a suitably qualified ecologist, is undertaken immediately prior to demolition work as a precaution.

- 8.30 There is some suitable habitat comprising the grassland and scrub around the boundaries of the site, and storage materials on site which could provide refuges for reptiles such as grass snake and slow worm. Given records of reptiles within the local area and habitats present, it is recommended that the ground clearance works are undertaken in line with an ecological method statement.
- 8.31 In line with previous comments on the previous application (14/02132/OUT), it is also recommended that to achieve a net gain for biodiversity on site, the new dwellings should, where possible, include provision for swift nesting within the buildings fabric using swift bricks. The retention of the existing hedgerows on site, buffered from development and enhanced through native species planting is recommended. This is indicated on drawing No. 392/17/PL1002 accompanying the application. It is further recommended that the existing buildings and any removal of suitable vegetation should also be undertaken outside of the nesting bird season.

Other matters

- 8.32 As set out above the applicant for the current application has advised that they will improve the access to the site (and to the rear of the dwellings in Bunkers Hill), provide an improved water supply, sewerage system and LAP, make a contribution towards the Millennium Hall at Shipton-on-Cherwell, demolish an obsolete water tower as well as make a contribution towards public transport improvements if planning permission is granted.

- Improvements to the junction with the highway and access road

The improvements to the access, as indicated on drawing no. 392/17/PL1002A, will undoubtedly improve the existing situation. The access is currently well below the required standards with poor visibility to the north east and the width of the existing track is very narrow with no passing places. However as part of any new development this would need to be upgraded to ensure that the scheme met the necessary highway safety standards resulting from increased traffic generation. The permission for the replacement of the clubhouse in 2005 (04/02551/F) did not however require works to the access and junction with the highway.

- Improvements to the water supply

The existing dwellings and clubhouse at Bunkers Hill are served by a private distribution system which at the time of the previous consent involved mains water being piped to a holding tank at the northern end of the site and then pumped to the individual properties. The site was originally served by a mains fed water tower which is no longer used as it became contaminated. The overflow tank for the water tower was then used to hold the mains water prior to distribution to the individual properties. This also became contaminated and the Management Company approached Thames Water about the individual properties being directly connected to the mains. A temporary tank was fitted and a Bunkers Hill resident has advised that this is no longer used as contamination

was found in the tank whenever Thames water had a problem with the main at Shipton. The 27 properties are now supplied by a direct connection to a 50 mm pipe from Shipton-on-Cherwell that runs through the old Shipton quarry connected to booster pumps at Bunkers Hill. It is not known whether the existing piped supply is sufficient to serve a further 10 dwellings but it is likely that the supply will need to be upgraded.

In my opinion it is not necessary to allow development in an unsustainable location to pay for the connection of the existing dwellings directly to mains water but it is desirable for the residents of those properties. The Council's Environmental Health Department has not been informed of any contamination issues with the existing supply.

- Sewage disposal facilities

The existing on-site sewage treatment plans and facility is relatively old and the applicant is offering that if permission is granted a new treatment plant will be funded and installed to serve all of the Bunkers Hill properties. Whilst the existing residents may welcome the replacement of the facility it is not a matter that will be of wider public benefit and the existing residents occupy the dwellings in the knowledge that they have a private treatment facility to maintain.

- Demolition of the water tower

The water tower is in a state of disrepair and it will require attention in the future to either demolish or make safe. However it is not prominent in public views as it is surrounded by mature trees which screen it and it does not significantly detract from the visual amenities of the area. Its demolition is not considered to be of great benefit to the wider public.

8.33 Whilst the foregoing are benefits, and therefore material to the consideration of the application, they do not outweigh the harm arising from the provision of housing isolated from any settlement.

9. PLANNING BALANCE AND CONCLUSION

9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

9.2. Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. Whilst there will be an economic benefit provided by the construction of the proposed dwellings, sourcing materials through local building suppliers and future maintenance by local tradespeople along with the use of local services and facilities by future residents which will help to support services and shops etc. it should be noted that employment opportunities within the village and the immediate area are very limited. In sustainability terms therefore, the long term economic benefits of the development are tempered.

9.3 Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. Whilst the applicant is offering to provide benefits for the existing residents in Bunkers Hill (such as an improved sewerage system, water supply and access) it has been acknowledged in a previous appeal decision for housing on an adjacent site that it is a relatively

unsustainable location to accommodate additional housing growth. This reduces the weight that can be afforded to the social benefits of the scheme.

- 9.4 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built environment. These issues have been covered in the sections above. The development is considered to result in development in the countryside which is prejudicial to the aims of both national and local policy to protect the countryside and focus development in areas that will contribute to the general aims of reducing the need to travel by private car.

10. CONCLUSION

- 10.1 It is considered that the proposal comprises development within the countryside and the presumption in favour set out in the NPPF does not apply as the construction of 10 dwellings in this location is unsustainable. In your officer's opinion the package of public benefits offered by the applicant does not outweigh the harm to the aims of established national and local policies to protect the countryside and focus development in areas that will contribute to the general aims of reducing the need to travel by private car.

- 10.2 The development is therefore contrary to the Saved Policies within the Cherwell Local Plan 1996, the Cherwell Local Plan 2011-2031 and government guidance within the NPPF.

11. RECOMMENDATION

That permission is refused, for the following reason:

1. The proposal represents development within the countryside where there is no proven need for agriculture or other existing undertaking and the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need, it constitutes unsustainable, new build residential development in a rural location which is divorced from established centres of population, not well served by public transport and is reliant on the use of the private car. The development is considered to be prejudicial to the aims of both national and local policy to focus development in areas that will contribute to the general aims of reducing the need to travel by private car. The proposal is, therefore, contrary to Saved Policies H18 and C8, of the Cherwell Local Plan 1996, Policy Villages 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained in the National Planning Policy Framework.

CASE OFFICER: Shona King

TEL: 01295 221643

17/02233/F

Land East Of Evenlode Crescent
And South Of Langford Lane
Kidlington

El Sub Sta

LANGFORD LANE

72.6m

EVENLODE CRESCENT

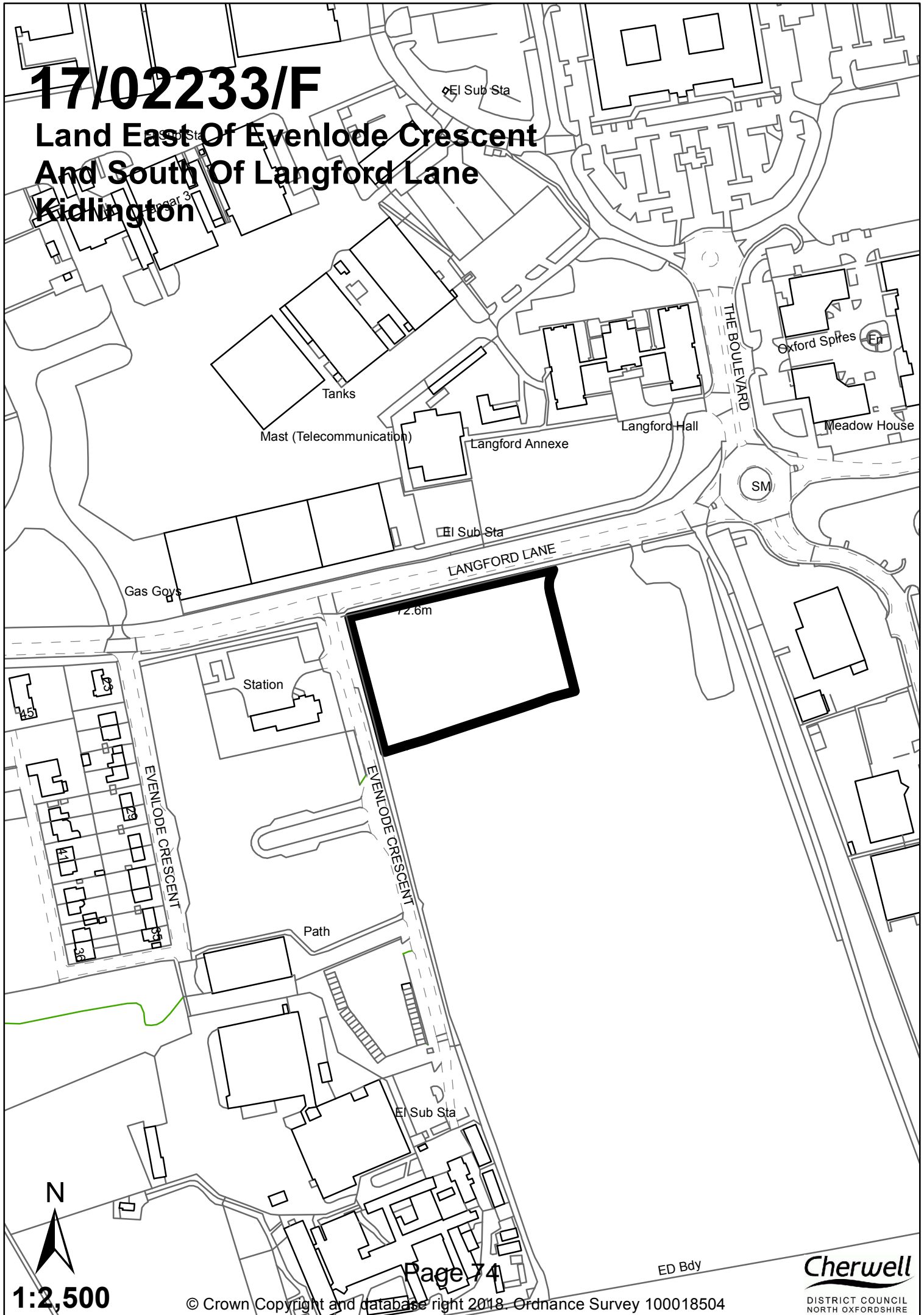
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1:700

17/02233/F

Land East Of Evenlode Crescent And South Of Langford Lane Kidlington



1:2,500

Applicant:	Oxford Technology Park Limited	
Proposal:	Hotel (Class C1) and ancillary restaurant (Class A3) including associated works, comprising the provision of parking spaces and landscaping	
Ward:	Kidlington West	
Councillors:	Cllr Alan Mackenzie-Wintle Cllr Sandra Rhodes Cllr Nigel Simpson	
Reason for Referral:	Major Development (floorspace created over 1000sqm)	
Expiry Date:	8 February 2018	Committee Date: 15 March 2018
Recommendation:	Approve	

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site, on the northern edge of Kidlington, is a 0.81 hectare rectangular piece of relatively flat land, located on the southern side of Langford Lane. The site forms part of a larger agricultural field. To the west of this field are the South Central Ambulance Service Resource Centre and Campsfield House Immigration Removal Centre. To the north, on the opposite side of Langford Lane, are buildings/hangers serving London Oxford Airport and to the east is the Oxford Motor Park which is home to a number of car dealerships. The southern boundary of the agricultural field abuts a large agricultural field which separates the application site and Campsfield House from the northern edge of Begbroke.
- 1.2. The site is part of larger site which is the subject of outline planning permission for a technology park comprising 40,362sqm of office, research and development and storage and ancillary space, subject to a number of parameters and restrictions as set out in conditions and a planning obligation associated with the consent.
- 1.3. The application site lies inside the Oxford Green Belt. The development site is ecologically sensitive with a number of protected species having been identified within the vicinity; it has also been assessed as a possible UKBAP grassland habitat and is within 2km of the Rushy Meadows SSSI. The land falls within a mineral consultation area and is potentially contaminated.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks approval for a 4 storey building on the site comprising 101 guest rooms as well as a full-service restaurant with 150 covers. The building would measure a maximum 16.4m in height (15.35m to the outer parapet). The proposed building would be located towards the north of the site and run adjacent to the highway boundary, and would roughly form an 'L-shape'. The proposed building

would be constructed from a mixture of materials, but predominantly grey fibre cement cladding and grey powder coated insulated cladding panels under single ply flat roofing behind parapet walls. The proposed hotel use would be spread across all of the floors, whilst the restaurant would be solely at ground floor level.

- 2.2. Vehicular access to the site will be taken from the main access into the site from Langford Lane. A parking area comprising 134 spaces is proposed to the south and west of the building. This area would also include a delivery bay and cycle parking stands. A swale is proposed to the front of the site and soft landscaping works are proposed on the site.
- 2.3. A screening opinion (ref: 17/00083/SO) issued by Cherwell District Council in November 2017 concluded that an Environment Statement was not required for this application. Nevertheless the application is supported by a number of technical documents and assessments including:
 - Flood Risk Assessment
 - Air Quality Assessment
 - Landscape and Visual Impact Assessment
 - Noise Assessment
 - Design and Access Statement
 - Transport Statement
 - Planning and Needs Assessments
 - Addendum Statement relating to Green Belt matters

3. RELEVANT PLANNING HISTORY

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

- 14/02067/OUT (OUTLINE) - New build Technology Park comprising 40,362 sq.m. of office, research and development, laboratory, storage and ancillary space - APPROVED on 10th October 2016. It was estimated by the applicants at this stage that the technology park would create between 770 and 1,500 jobs. The application was considered to constitute inappropriate development in the Green Belt, however the applicants were able to demonstrate very special circumstances (VSC) that overcame the harm to the Oxford Green Belt. The applicants' business need focussed VSC case had two principal strands:
 - the proposed limited review of the Green Belt boundary as set out in Policy Kidlington 1 of the Cherwell Local Plan Part 1 that would quite possibly result in the application site losing its Green Belt designation (the fact that it is part of the search area also, it was argued, confirms the locational advantages of the site); and
 - the economic benefits of releasing land for a high value employment use in this part of the District where there is an acknowledged need, given the proximity to Oxford. It was also argued that there was an immediate need to release the land. It was argued that there was a strong interest from potential occupiers of the site and that delaying

the scheme until after the Green Belt Review is ratified through Local Plan Part 2 would risk losing potential occupiers and could jeopardise the confidence of the financial support.

- 17/00559/F - Variation of conditions 1, 2, 3, 5, 7, 9 and 21 of 14/02067/OUT to enable proper phasing of the development - APPROVED on 5th June 2017. Permission was granted to revise the wording of the outline planning conditions to enable the development to come forward in phases and details to be submitted relevant to different phases of development rather than applying site wide.
- 17/01542/REM - Reserved Matters to 17/00559/F - Phase 1 of Oxford Technology Park including details of siting, design, layout and external appearances of units referred to as 1 and 3 - APPROVED on 24th November 2017. The reserved matters application related to part of the site to the east of the current application site and involved Units 1 and 3.

4. PRE-APPLICATION DISCUSSIONS

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

- 17/00099/PREAPP - Pre-application advice was requested in respect of a technical point with regard to the class use of unit 2 within outline planning application 14/02067/OUT - Verbal advice was provided regarding what information should be submitted as part of a planning application to support the case for a hotel at the site.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 29.01.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. An objection has been received from a third party and this is summarised as follows:

- Unsuitable location for the development as staff and customers should be able to get to the site safely from the nearby settlements and this means creating new walking and cycling routes to the site.

5.3. A number of businesses that operate within the Cherwell District have submitted letters of support, including Blenheim Palace, Ozo Innovations, Blackmore Precision Engineering, and Essentra Components. Their comments are summarised as follows:

- There is a significant shortage of hotel bed space in the area and this is needed to serve the tourist destinations near the site;
- Would provide facilities to support existing and proposed businesses – business accommodation in the area for remote staff;
- Kidlington is in desperate need for the hotel proposed in order to enhance its economic position and be a viable location that can match other destinations;
- There are no local facilities in Kidlington to attract high quality businesses and this will attract businesses to the OTP;

- Customers complain about the absence of local facilities that they are able to stay at when they visit the premises;
- This would offer further employment opportunities to the locality;
- Well located being next to an airport.

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

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. KIDLINGTON PARISH COUNCIL: **No objections.**

6.3. BEGBROKE PARISH COUNCIL: **No objections**, but there will be consequences in terms of traffic movement from this and the Technology Park that will impact Begbroke and the A44. Section 106 contributions are requested towards the provision of a signalised pedestrian road crossing on the A44 in Begbroke.

STATUTORY CONSULTEES

6.4. ENVIRONMENT AGENCY: **No objections.**

6.5. OCC HIGHWAYS: **Object** to the development for the following reasons:

- Insufficient provision of cycle parking – does not meet NPPF in terms of providing opportunities for sustainable travel.
- Further details required to ensure that the highway dedication area secured under the S278 works associated with the outline consent for the Technology Park is not encroached upon by any construction.

6.6. However if the Local Planning Authority is minded to grant permission, than OCC Highways request a linking agreement to the S106 Agreement dated 30 September 2016 entered into in respect of the existing outline consent for the Technology Park, to secure the same contributions and highway works that form part of that development. Conditions are also requested requiring a Travel Plan and Construction Traffic Management Plan to be submitted and approved, the cycle parking to be provided, and the approved SuDS Management and Maintenance Plan for the Technology Park to be updated to include maintenance responsibilities for each element across the site.

6.7. NATURAL ENGLAND: **No objections.**

6.8. THAMES WATER: **No objections** but recommends a Grampian style condition requiring the submission and approval of a drainage strategy detailing any on and off site drainage works required to address the current inability of the existing waste water infrastructure to accommodate the needs of the proposed hotel. A condition requiring approval of a piling method statement is also recommended.

6.9. As regards surface water drainage, Thames Water advise that it is the responsibility of the applicant/developer to make proper provision for drainage to ground, watercourses or a suitable sewer. A number of informatives are recommended

regarding discharging to a public sewer, arrangements for supplying water to the site, and the proximity of water mains to the development.

NON-STATUTORY CONSULTEES

- 6.10. CDC ARBORICULTURE: **No comments received.**
- 6.11. BBO WILDLIFE TRUST: **No comments received.**
- 6.12. CDC BUILDING CONTROL: **No objections.**
- 6.13. CDC ECOLOGY: **No objections** subject to conditions.
- 6.14. OCC ECONOMY & SKILLS: **Object** to the proposal. The proposals are contrary to the Cherwell Local Plan Policy Kidlington 1 which allocates the site for accommodating High Value Employment Needs. This application would replace an office building of 4116 sqm GIA with a 101 bed hotel and an ancillary restaurant of 492 sqm. This would result in the creation of a lower number of skilled jobs than the already permitted use.
- 6.15. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions.
- 6.16. CDC LICENSING: **No comments received.**
- 6.17. LONDON OXFORD AIRPORT: express **strong support** for the application on the grounds it will create “an appropriately designed sustainable “gateway” economic destination to the north of Kidlington” that will support the delivery of the high value employment to be accommodated at the proposed Technology Park. It is also considered that the hotel would support the business and training operations at the airport and assist in establishing a “first class aviation business hub destination”.
- 6.18. As regards safeguarding the aerodrome from development that would compromise the safety of its operations, the Airport has confirmed no objections subject to a number of observations regarding minimising bird activity (i.e. through appropriate landscaping), avoiding light pollution, and the need to liaise with the Airport if it is proposed to use cranes during the construction of the development.
- 6.19. CDC PLANNING POLICY: **No objections** provided the applicant is able to demonstrate a very special circumstances case involving the delivery of high value employment uses, and subject to the satisfactory completion of the sequential test.

Policy Officers advise that whilst the proposal is inconsistent with the aims/objectives of Policy Kidlington 1 (which identifies the site for high value employment use), the Local Plan as a whole and the Kidlington Framework Masterplan support economic growth, including tourism related development, and the Masterplan in particular highlights the potential for hotels to act as supporting uses contributing towards the economic strategy for Kidlington.

It is recognised that the hotel has the potential to support the Technology Park and business including at the airport, and tourism through the provision of accommodation for visitors for destinations such as Blenheim Palace and Oxford.

Whilst the proposal would result in the loss of part of an existing approved employment site, Policy Officers note that: *only a small proportion of the employment uses proposed in the earlier application (14/02067/OUT) would be lost to the proposed hotel use and employment development will still be provided. In line with the NPPF (para 160) if, under current economic conditions, evidence is*

provided that a hotel on a small part of the site would contribute towards site viability and delivery of the site this should be a consideration.

As a hotel use is a main town centre use, Policy Officers advise that a sequential test is required under Policy SLE2 of the Local Plan. This should be proportionate and consider alternative sites in Kidlington.

Finally, Policy Officers advise that: *Although phasing may apply, the hotel and restaurant must be delivered in conjunction with the employment proposals which should provide for the identified high value employment needs.*

6.20. THAMES VALLEY POLICE DESIGN ADVISER: **No comments received.**

6.21. CDC URBAN DESIGN: **No comments received.**

6.22. CDC LANDSCAPES: **No objections** but recommends a number of amendments to the submitted landscaping scheme, along with details of an establishment and maintenance schedule.

6.23. CDC WASTE & RECYCLING: **No comments received.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1 - Presumption in Favour of Sustainable Development
- SLE1 - Employment Development
- SLE2 - Securing Dynamic Town Centres
- SLE3 - Supporting Tourism Growth
- SLE4 - Improved Transport and Connections
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy and Allowable Solutions
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD14 - Oxford Green Belt
- ESD15 - The Character of the Built and Historic Environment
- Kidlington 1 - Accommodating High Value Employment Need

- Kidlington 2 - Strengthening Growth Across the Rural Areas
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- T5 - Proposals for new hotels, motels, guesthouses and restaurants in the countryside
- C8 - Sporadic development in the open countryside
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution
- ENV12 - Contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Kidlington Masterplan Part 1 (2016)
- CDC Employment Land Review (2012)
- North Oxfordshire Tourism Study & Tourism Development Action Plan 2015-2020
- Cherwell Tourism Development Study (2008)

8. APPRAISAL

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

- Principle of the Development
- Principle of the Development in the Oxford Green Belt
- Design, and Impact on the Character of the Area
- Residential Amenity and Environmental Pollution
- Accessibility and Highways Safety
- Ecological Impact
- Flooding Risk and Drainage
- Sustainability and Energy Efficiency
- Other Matters

Principle of the Development

8.2. Paragraph 11 of the NPPF makes clear that: *planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.* Paragraph 12 goes on to state that: *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.* The NPPF is one such material consideration, and given it sets out the Government's policy and approach to how the planning system should operate in England, it should be afforded considerable weight in decision making.

8.3. Paragraph 14 of the NPPF contains a presumption in favour of sustainable development. It sets out that: *where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*

- *specific policies in this Framework indicate development should be restricted*

- 8.4. The application site is in the Oxford Green Belt, and so the development must be assessed against Green Belt policy. This is considered in the following section of this report. However, notwithstanding Green Belt policy, the site is outside the built limits of Kidlington and is technically open countryside for the purposes of applying the relevant Policies of the Development Plan.
- 8.5. In considering the principle of a hotel use in this location, there are two aspects of planning policy that must be considered. First the loss of part of the existing (approved) employment use on the site, and second the appropriateness of locating a main town centre use in this out of centre location.

Loss of Approved Employment Use

- 8.6. Policy SLE1 of the CLP 2031 Part 1 states that: *in cases where planning permission is required existing employment sites should be retained in employment use unless the following criteria are met.* There then follows a list of criteria including that the site has been appropriately marketed for employment use, that the applicant can demonstrate there are valid reasons why the site is not viable for employment use, and that the proposal would not have the effect of limiting the amount of land available for employment. The application site is considered to be an existing employment site because Paragraph B.48 which immediately precedes the Policy makes clear that: *the policy applies to sites which have planning permission for employment uses.* The site benefits from outline permission for development as a high value employment technology park, and reserved matters approval has recently been granted for the first phase of that development.
- 8.7. In addition to Policy SLE1, Policy Kidlington 1 is relevant. This identifies the application site as being within an area to be the subject of a small scale local review of the Oxford Green Belt, to accommodate the need for high value employment development that has been identified in the Development Plan. This review is to be undertaken as part of the preparatory work for Local Plan Part 2, and as such whilst Policy Kidlington 1 does not allocate land for employment development *per se*, it does indicate the broad area within which the Green Belt review will take place.
- 8.8. As noted earlier in this report (paragraph 3.1), the Council resolved to approve the outline application for development of the technology park in advance on the Green Belt review, on the grounds that it was persuaded there was an immediate need and demand for land to be released for high value employment uses in the Kidlington area, and that delaying releasing the land would risk losing investment and confidence in the land coming forward. Furthermore, considering the limited extent of the area of search identified in Policy Kidlington 1, it is unlikely there would be a more suitable or alternative site that could be brought forward for employment development as part of the work on Local Plan Part 2.
- 8.9. The proposed hotel use is not a B Class employment use as defined in Policy SLE1 (and approved under the outline consent for the Technology Park), and whilst generating some employment it is not a high value employment use as envisaged by Policy Kidlington 1. As such, and as acknowledged by the Council's Planning Policy officers, there is a degree of inconsistency and conflict with Policies SLE1 and Kidlington 1 of the CLP 2031 Part 1. This weighs against the proposal.

8.10. The applicant has submitted a number of assessments and evidence in support of the application. These will not be repeated at length here, but in summary the applicant's case is as follows:

- Hotel development is identified as "economic development" in the NPPF
- Hotels are an expected feature of modern large scale employment destinations and form a crucial element of the mix and range of services expected to be present on a modern technology park (e.g. Oxford Business Park, Oxford Science Park, Milton Park)
- There are presently no amenity facilities to attract high value employment occupiers in Kidlington and Cherwell District Council has already recognised the need for hotel development in the Kidlington area
- A hotel will act as a catalyst to attract occupiers to the Technology Park. The complimentary function of the proposed hotel will be a major locational advantage and draw for high tech, high quality companies
- A hotel will deliver wider economic benefits including providing a facility that could serve the adjacent airport and commercial development

8.11. Officers acknowledge that hotel development, being a main town centre use, is included in the definition of "employment development" at Annex 2 to the NPPF. Nevertheless Policy Kidlington 1 makes no reference to the provision of a hotel in this location, and the supporting text to Policy Kidlington 1 is very clear that the Policy is intended to support the development of a high value employment area that makes an important contribution to the District's wider economic strategy and meets the identified need for additional employment land at Kidlington. As such limited weight is given to this particular argument.

8.12. Turning to the argument that a hotel will act as a catalyst to attract occupiers to the Technology Park, Officers initially had serious reservations about this argument given it was being made so soon after the Council had decided to grant permission for the Technology Park, in large part because it had been persuaded that there was an immediate need and demand for the land to be released for employment development that would otherwise be lost. Therefore Officers requested further evidence from the applicant regarding the current interest in the Technology Park, and in particular evidence that the lack of a hotel was a determinative factor in potential occupiers not committing to the site. In summary, the applicant responded as follows:

The critical commercial requirement for the hotel is set out clearly by the agent, Bidwells, acting for the applicant, which is included at Appendix 1 of the Addendum Statement. It is the case that if the hotel facility is not provided, lettings will not be able to be completed... It is quite clear from a review of successful technology parks in the immediate vicinity that hotel development is a critical commercial component. There is a Premier Inn hotel at Oxford Business Park, and a Marriott is under construction at Milton Park. These are two direct competitors to OTP for occupiers. When taking an informed business decision about where to locate, it is common-sense that an occupier will choose a location that provides amenity facilities that will support its operation.

8.13. The applicant has further advised that whilst they are unable to release details of potential occupiers who have expressed an interest in Oxford Technology Park for commercial sensitivity reasons, there is a real latent interest and the crucial factor in securing occupiers is the lack of a hotel.

- 8.14. The proposed hotel would result in only a small loss of the existing approved employment site, and the Council's Planning Policy Officers have advised that: *In line with the NPPF (para 160) if, under current economic conditions, evidence is provided that a hotel on a small part of the site would contribute towards site viability and delivery of the site this should be a consideration.*
- 8.15. Therefore, on the first matter of the loss of approved employment use, Officers consider this could be acceptable in principle but only if the need for, and economic benefits deriving from, the proposed hotel in this location can be demonstrated.

Proposed Hotel Use

- 8.16. As already noted, Policy Kidlington 1 does not make reference to the provision of a hotel in this location and so the proposal is inconsistent with Policy Kidlington 1 to some extent. Whilst Policy SLE3 does provide broad support for new or improved tourism facilities in sustainable locations, and in particular with a view to increasing overnight stays and visitor numbers within the District, this is subject to the caveat that this is where proposals "accord with other policies in the Plan".
- 8.17. Saved Policy T5 of the CLP 1996 states that proposals for hotel development beyond the built limits of a settlement: *will generally only be approved when such proposals would:*

- *Be largely accommodated within existing buildings which are suitable for conversion or for such use; or*
- *Totally replace an existing commercial use on an existing acceptably located commercial site.*

- 8.18. The application proposal does not meet the first criteria, but could be considered to meet the second criteria given the application site is part of an existing approved employment site.

- 8.19. The Kidlington Masterplan which was adopted in December 2016 (after the CLP 2031 Part 1 which was adopted in July 2015) identifies the application site as being within a "focus for growth" area, and in close proximity to the northern gateway to the village. One of the key themes of the Masterplan is "supporting future economic success" (Theme 5), and it is stated that:

Alongside the small scale Green Belt review informing the Local Plan Part 2, the following should be considered in an overarching economic strategy for Kidlington's employment growth areas:

- *The quantum of development and size/type of premises that are required and where these are best located.*
- *Potential ways to create a more cohesive employment area with a joined up identity and marketing strategy.*
- *The potential for a business centre with shared support services, meeting and conference space.*
- *The potential for supporting uses such as small scale convenience/food & drink, hotels and other related infrastructure which can offer a better place for employees to work and serve the wider community in north Kidlington (however these should not be to the detriment of the Village Centre).*

Locations towards Oxford Road should be explored where they would form part of the 'gateway' to Kidlington from the north.

- 8.20. This is developed further in the Masterplan, with the Masterplan identifying that: *The locational advantages presented by proximity to Oxford Parkway station and Oxford's Northern Gateway development area together with improved east-west rail links and connections to Oxford could give rise to longer term opportunities for employment development. These opportunities would be strategic issues for consideration through the partial review of the Local Plan or a wider Local Plan review. Consideration could be given to mixed use development such as offices, conference centre and a larger hotel to reinforce the high value employment areas.*
- 8.21. The Masterplan has the status of being an SPD and so is a material consideration that can be afforded significant weight. That there is a broader recognised need for a hotel development in the Kidlington area is also acknowledged in the North Oxfordshire Tourism Study & Tourism Development Action Plan 2015-2020, and the various letters in support of the application proposal that have been received from existing businesses and tourist attractions in the area.
- 8.22. Therefore, on the basis of the available evidence, Officers are satisfied that there is a clear and demonstrable need for a hotel of the type proposed in this application to be provided in the Kidlington area, and that such a facility would strengthen and support the wider economic health and future business and tourism growth of the area. This weighs in favour of the proposal.
- 8.23. Having established that there is a case for the provision of a hotel in the Kidlington area, and that this would support the broader economic growth strategy of the Development Plan, it is now necessary to consider whether the application site is the most appropriate location. Hotels are a "Main Town Centre Use" as defined in Annex 2 to the NPPF. As such Policy SLE2 applies. This states that:

Retail and other 'Main Town Centre Uses' will be directed towards the town centres of Banbury and Bicester and the village centre of Kidlington...the Council will apply the sequential test as set out in the NPPF as follows:

- *Proposals for retail and other Main Town Centre Uses not in these town centres should be in 'edge of centre' locations.*
- *Only if suitable sites are not available in edge of centre locations should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.*

- 8.24. Policy SLE2 also requires an impact assessment for proposals over 350sqm in the rural areas, which includes Kidlington. However these will only be required "in accordance with requirements in the NPPF". Paragraph 26 of the NPPF states that:

When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).

Annex 2 to the NPPF goes on to list hotels as “culture and tourism development” within the broader scope of Main Town Centre Uses, distinct from retail, leisure and office development. On the basis that the proposal is for “culture and tourism development” and not retail, leisure and office development, an Impact Assessment is not required.

- 8.25. It could be argued that the restaurant element of the hotel is a retail or leisure use that would exceed the 350sqm threshold in Policy SLE2 (being shown as 492sqm on the submitted plans). However in this case Officers are satisfied that the restaurant is an essential component of the offer of the hotel, and the hotel could not function as such without the restaurant facility. Whilst it is accepted there will be an element of independent use of the restaurant by non-residents of the hotel, the primary function of the restaurant is to serve the needs of the residents of the hotel. As such, and given it would not be appropriate or reasonable to seek to physically separate the restaurant from the hotel, the restaurant is considered to function ancillary to the primary use of the building as a hotel. This being the case, Officers are satisfied that the development as a whole does not constitute retail, leisure or office development such that an Impact Assessment would be required.
- 8.26. Turning to the sequential test, the application site is not in the village centre of Kidlington, and having regard to the definition of “edge of centre” in Annex 2 to the NPPF, should be treated as an out of centre location. The applicant has submitted a Sequential Test in support of the planning application, and this considers a number of alternative sites within Kidlington including the Co-op car park, various vacant units on High Street, the Skoda Garage site on Oxford Road, and other sites identified for potential redevelopment in the Kidlington Masterplan. However for various reasons these sites are not considered suitable or available to accommodate the size and format of hotel that is being proposed. Officers consider the sites considered by the applicant in their Sequential Test are reasonable, and having regard to the guidance in the NPPF and the PPG on demonstrating flexibility and proportionality in applying the Sequential Test, Officers are satisfied that there are no sequentially preferable sites within or on the edge of the village centre.
- 8.27. As noted above (Paragraph 8.19), Policy SLE2 states that: *When considering edge of centre and out of centre proposals, preference will be given to accessible sites that are well connected to the town centre.* There are bus stops within easy walking distance of the site providing connections to the town centre, and improvements to the bus service are being secured as part of the Technology Park development. The site is also within walking and cycling distance of the village centre, and the Kidlington Masterplan identifies several options for further improvements to transport connections between the Langford Lane employment area and the village centre.
- 8.28. Kidlington is surrounded on all sides by the Oxford Green Belt, and as such the availability of alternative sites beyond the built limits of the village capable of accommodating the proposed hotel (or a similar sized operation) is extremely limited. In this context the reasoning put forward in the Masterplan for supporting the broad principle of a hotel to the north of Kidlington (i.e. to complement and support the economic development of the area), and the fact the application site is already identified for development (both as a site with planning permission to be developed and as being within the northern gateway focus for growth in the Masterplan) are key factors that weigh heavily in favour of the hotel being provided in this location.
- 8.29. In conclusion on this issue then, it is the case that the proposed hotel would result in the loss of a small part of an existing (approved) employment site, and would to some extent be inconsistent with the aims of Policy Kidlington 1 which looks to support the delivery of high value employment use on the application site. This weighs against the proposal. However there is a clear and demonstrable need for a

hotel in the Kidlington area, and on the basis of the available evidence its provision would strengthen and support the business and tourism offer in the area, consistent with the economic growth strategy for the District. Its provision would also support the delivery of the remainder of the approved Technology Park. This is a material consideration which weighs considerably in favour of the proposal.

- 8.30. A sequential test has been submitted which demonstrates there are no other sequentially preferable sites within or on the edge of the village centre. Therefore, having regard to the economic vision contained in the Kidlington Masterplan and the broader rationale behind Policy Kidlington 1, along with the constraint of the Oxford Green Belt to developing alternative sites beyond the built limits of the village, it is considered that the principle of a hotel in this location, on part of an approved employment site, is acceptable in this instance.

Principle of the Development in the Oxford Green Belt

- 8.31. The site is in the Oxford Green Belt and so the development is assessed against Green Belt policy. Paragraph 89 of the NPPF states that: *“A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.”* The proposed hotel does not fall within one of the exceptions listed under Paragraph 89 of the NPPF and is therefore inappropriate development.
- 8.32. Paragraph 87 notes that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF states that: *“When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”*
- 8.33. Policy ESD14 of the Cherwell Local Plan Part 1 notes that within the Green Belt, 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.
- 8.34. The proposed hotel is a large 4 storey building with considerable footprint, bulk and massing. It will undoubtedly urbanise the site, and will cause harm to the openness and visual amenity of the Green Belt in this location. It will also conflict with the purposes of including land in the Green Belt as listed at Paragraph 80 of the NPPF, in particular the purposes of checking the unrestricted sprawl of large built-up areas and assisting in safeguarding the countryside from encroachment. When considered with the harm to the Green Belt by reason of inappropriate, Officers consider the cumulative harm to the Green Belt is high and this weighs heavily against the proposal. Therefore, in order for the proposal to be supported, “very special circumstances” (VSC) must be demonstrated.
- 8.35. A key consideration in this case is that the site already benefits from planning permission to be developed for employment use. The scale, massing, footprint and general appearance of the proposed hotel building is comparable to that of the employment buildings already approved under the outline consent and reserved matters for the Technology Park. That consent is still capable of being implemented, and there is no evidence to suggest that development will not take place on the wider site in the form already approved. This is considered to amount to a VSC which justifies the general built form of the hotel and its impact on openness (the impact on visual amenity will be considered in the following section of this report).
- 8.36. Turning to the proposed use, as noted at Paragraph 3.1 of this report and the preceding section, the permission for the Technology Park was itself granted on

VSC, on the basis that the Council was persuaded that there was an immediate need and demand for the release of additional employment land in advance of the partial review of the Green Belt envisaged under Policy Kidlington 1. However Officers are satisfied, for the reasons expanded on in the preceding section of this report (Paragraphs 8.6 to 8.30), that the proposed hotel is also justified in this location for similar reasons i.e. there is a clear and demonstrable need for a hotel of this type to support business and tourism growth in the Kidlington area, and there are no sequentially preferable sites identified within the built limits of Kidlington to accommodate it. Although perhaps not conclusive in its own right, the applicant's evidence also suggests that the provision of a hotel will support and promote the delivery of the remainder of the approved Technology Park, so helping to realise the aims of Kidlington Village 1 and the broader economic strategy of the Development Plan for the area.

- 8.37. If the proposed hotel was not accepted on this site, it is highly likely further Green Belt release would have to be considered for such a facility to be provided in the Kidlington area. Conversely, the proposed hotel results in the loss of only 1 unit from the approved Technology Park, with 7 remaining to be delivered.
- 8.38. All in all the extant permission to develop the site, the clear and demonstrable need and demand for a hotel of this type in the Kidlington area, the lack of alternative sites that are currently available having regard to the constraint of the Oxford Green Belt, the generally supportive commentary in the Kidlington Masterplan regarding the provision of a hotel to the north of Kidlington in association with the development of high value employment uses, and the wider benefits to tourism and business growth in the District, are considered to amount to a VSC case that should be afforded considerable weight.
- 8.39. In conclusion on the matter of Green Belt, Officers are satisfied that a VSC case exists that outweighs the harm caused to the Green Belt by reason of inappropriateness and the associated harm to openness, visual amenities, and the purposes of including land within the Green Belt. The proposal is therefore acceptable in this regard.

Design, and Impact on the Character of the Area

- 8.40. 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.
- 8.41. Policy ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided. Policy ESD13 also states that: "*Proposals will not be permitted if they would:*
- *Cause undue visual intrusion into the open countryside;*
 - *Cause undue harm to important natural landscape features and topography;*
 - *Be inconsistent with local character;*
 - *Impact on areas judged to have a high level of tranquillity;*
 - *Harm the setting of settlements, buildings, structures or other landmark features; or*
 - *Harm the historic value of the landscape."*

- 8.42. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*
- 8.43. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.44. The site is not within close proximity to a Conservation Area, the nearest being the Oxford Canal Conservation Area over 300 metres away, nor is it close to any listed buildings, the nearest being located over 850 metres away within Thrupp. Given these separation distances, the amount of built development between these heritage assets and the site and the scale of the proposed development when considered alongside the approved office building immediately to the east, it is considered that the proposed development would not cause harm to the significance or setting of any Conservation Area or any listed buildings.
- 8.45. The application site is largely flat and is not within a sensitive landscape. The site is surrounded on its north, east and west side by other development, including the relatively high hangers at Oxford Airport.
- 8.46. The proposed hotel building would be 4 storey and of considerable height, scale and massing. It would be prominent in views from Langford Lane and in the surrounding landscape. However it would be in place of Unit 2 approved on the site under the outline consent (ref: 14/02067/OUT). Units 1 and 3 immediately to the west have recently received reserved matters approval (ref: 17/01542/REM), and the proposed hotel building is broadly similar in height, bulk and massing to Units 1 and 3. Similar buildings for Units 1, 2 and 3 were displayed in the indicative plans at the outline stage and Officers raised no concerns with the layout, mass, scale and appearance of such buildings. In fact the case officer’s report went on to note that the indicative plans show that it is possible to design a scheme which would not look out of context with the surrounding built environment.
- 8.47. Officers consider that the layout and scale of the proposed hotel building is acceptable given the above and it would not appear out of character given the scale, height and massing of the other buildings approved on the Technology Park and the relatively large hangers to the north of the site.
- 8.48. In terms of the appearance of the hotel building, it would be typical of its type utilising modern construction materials and doing little to reinforce the locally distinctive character and rural heritage of the area. That said there is an eclectic mix of buildings in the surrounding area in terms of design, a number of which have a relatively functional appearance with the use of simplistic materials, including the hangers to the north of the site and the car showrooms to the east of the site. The general aesthetics of the building would be similar to that approved on the adjacent commercial buildings within the Technology Park (Units 1 and 3). Given this and that Officers raised no serious concerns at the outline stage in relation to the appearance of commercial units on this site, it is considered that the appearance of the proposed hotel building would not be out of keeping with the current and emerging modern commercial character of the area.
- 8.49. In relation to landscaping, the Council’s Landscape Officer has commented on the submitted landscaping scheme and has made a number of recommendations to improve the landscaping so that it provides a contextually appropriate high quality setting for the development that mitigates and softens the visual impact of the

development on key visual receptors in the area. A revised landscaping scheme that addresses the Landscape Officer's comments will therefore be secured by condition.

- 8.50. Thus, subject to conditions, it is considered that the proposal would not detrimentally affect the visual amenities of the locality.

Residential Amenity and Environmental Pollution

- 8.51. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph 17 of the NPPF notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.52. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 8.53. The nearest residential properties to the site are approximately 130 metres away to the west on Evenlode Crescent. As a result, Officers consider that the proposal would not cause undue harm to any residential properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect.
- 8.54. Turning to the potential impacts resulting from the operation of a hotel use on the site, the Council's Environmental Protection Officer (EPO) has raised no objections to the proposal subject to conditions.
- 8.55. On the matter of odour, there are no details of the extraction equipment available for the restaurant, and the EPO has requested full details of a scheme for treating cooking fumes and odours before their emission to the atmosphere so as to render them innocuous to nearby residents and businesses. This matter can be conditioned should permission be granted.
- 8.56. Regarding noise, the EPO is satisfied with the noise report for the site, but as the plant for the restaurant and hotel has not been selected, the EPO has requested that a condition is attached which states that all mechanical plant should be selected and installed so as to comply with the noise levels recommend in the noise report submitted with the application. This matter can also be conditioned should permission be granted.
- 8.57. The EPO has also recommended that a Construction Environment Management Plan (CEMP) is required. Such details have now been submitted to the Local Planning Authority, however comments have not been received from the Council's EPO on this matter. Officers consider that if development is carried out in accordance with an approved CEMP, the construction of the proposal would not adversely affect nearby residential properties in terms of noise pollution.
- 8.58. In relation to lighting, no details of the external lighting scheme for the site have been provided and the Council's EPO has requested full details of lighting to ensure that these do not cause a nuisance to the neighbouring properties. This matter can be conditioned should permission be granted.
- 8.59. Finally, in relation to air quality, the EPO has raised no concerns regarding this matter and has welcomed the use of electric vehicle charging points.

Accessibility and Highways Safety

- 8.60. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”* Likewise, Paragraph 32 of the NPPF states that planning decisions should take account of whether *“safe and suitable access to the site can be achieved for all people”*, and Paragraph 35 states that developments should *“create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians.”*
- 8.61. Policy SLE4 states that: *all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling.*
- 8.62. A transport statement, PBA ref 41667/5502, dated August 2017, has been supplied with the application. This demonstrates, using TRICS survey trip rates for B1(a), hotel and restaurant uses, that the peak time traffic impact of the proposed hotel is likely to be no greater than the proposed office building that was shown on this site on the indicative plan under the outline planning application (ref: 14/02067/OUT). The Local Highways Authority (LHA) consider the assessment to be robust (the B1(a) trip rate is the same as put forward for the original outline application, and the hotel trip rate is fair). In addition the LHA has stated that no discount has been made to take account of shared trips to both the hotel and the restaurant, some of which would inevitably take place.
- 8.63. In relation to car parking, The LHA has stated that the proposals would provide 133 car parking spaces including six disabled spaces (not 134 as stated in the application as one is in front of the condenser enclosure so would not be usable as it may be required for access). Four electric vehicle charging points are provided. A parking accumulation survey has been provided which seeks to demonstrate that this is adequate. The LHA estimate that it would be adequate on the basis that 133 spaces would provide for one space per bedroom, plus 32 spaces for the non-resident restaurant customers and staff.
- 8.64. The restaurant is said to provide 150 covers. The LHA note that assuming this all to be in tables for two, this would be 75 tables. The application states that 33% of Premier Inn residents dine out in the local area, therefore 66 room occupancies would eat in (assuming full occupancy). That would leave 9 tables to be filled from guests outside. The LHA state that this is a crude calculation as it implies each table is occupied all evening by the same couple/individual, whereas in practice there would be turnover. The LHA has noted that in practice more families could come in from outside as early diners but many of the hotel guests would not have arrived by then, and hotel guests leaving to dine elsewhere are likely to drive away from this location. In other words, the LHA consider that this would balance out.
- 8.65. The application says there would be no requirement for coaches, but the LHA has stated that a hotel could well have a coach party staying over. If, on occasion, overnight parking was required for a coach, the LHA consider that this could be managed by cordoning off spaces in the car park.
- 8.66. Regarding cycle parking, the LHA has raised objections on this matter and have stated that the amount of cycle stands proposed is inadequate. The initial plans displayed only four cycle stands and the LHA recommend cycle parking for hotels is 1 stand per 10 beds and one stand per 12 staff. The LHA said they would expect to see no less than 14 secure, covered cycle stands. Since these comments were received from the LHA, the applicant’s agent has provided an amended site layout

and this displays 20 cycle parking spaces. The Local Highways Authority has been reconsulted since the receipt of this information, but no formal response has yet been received from the LHA. Nonetheless, officers are satisfied that these amended details overcome this concern in relation to cycle parking provision.

- 8.67. Regarding the access, this will be taken off the private access road into the Technology Park. The junction of this access road with Langford Lane will be created in accordance with a S278 agreement, for which plans are approved. The S278 agreement requires dedication of land abutting the highway boundary on Langford Lane, for the widening of Langford Lane and construction of a footway/cycleway with associated embankment. These highway improvement works are required to be implemented under the terms of the S106 Planning Obligation entered into in respect of the outline consent for the Technology Park.
- 8.68. The LHA has stated that although the building line does not appear to extend into the dedication area, the proposed drainage and/or construction below ground could potentially impact on this area. The LHA has noted that this would not be acceptable and further details will be required to demonstrate that no development will take place within the agreed dedication area. This has constituted a reason for the LHA to object to the proposal.
- 8.69. Since this response from the LHA, the applicant's agent has stated that no development will take place within this agreed dedication area. Again, whilst the LHA has been notified about this, Officers have not received a formal response on this matter from the LHA. However, given the information provided by the applicant's agent and in the absence of evidence to the contrary, this is considered to overcome the concerns raised by the LHA.
- 8.70. The proposed hotel would be developed on the site of, and instead of, one of the units approved under the outline consent for the Technology Park. The applicants have made clear that they see the hotel as being an integral part of the offer on the Technology Park, and to that extent it should be viewed as an amendment to the existing approved scheme as opposed to a stand alone proposal. Therefore, in order to secure the same improvements to the highway network and access, along with improvements to public transport, footpath and cycle links deemed necessary to make the development as a whole acceptable in planning terms, a linking agreement is required tying the development of the hotel to the obligations contained in the current S106 Agreement. This is particularly important in the hotel is delivered first in advance of any of the commercial units, to ensure the necessary highway and transport improvements are in place to make the development acceptable in highway safety and sustainable transport terms.
- 8.71. Thus, subject to conditions and a linking agreement, it is considered that the proposal would not have an adverse impact upon the safe and efficient operation of the highway network and would be acceptable in sustainable transport terms.

Ecological Impact

- 8.72. 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.”

- 8.73. Paragraph 109 of the NPPF states that: *“The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible.”*
- 8.74. Policy ESD10 of the Cherwell Local Plan Part 1 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out in the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that: *“Every public authority must in exercising its functions, must have regard... to the purpose of conserving (including restoring / enhancing) biodiversity.”*
- 8.75. An Ecology Statement has been submitted alongside the application and concludes that the proposal is unlikely to have a significantly different impact when compared to the Unit 2 that was displayed on the indicative plan alongside the outline application for the technology park (ref: 14/02067/OUT). The Council’s Ecologist is in agreement with this assessment.
- 8.76. However, the Ecologist has stated that the proposals will result in a smaller area of species-rich grassland within the landscaping scheme. The Ecologist has recommended that the proposed tree and native shrub planting and swale creation are similar to that shown under a soft landscape plan submitted under the outline application at the site. A landscaping plan attached as a condition could adequately deal with this matter should permission be granted.
- 8.77. The applicant’s agent has provided an Ecological Enhancement Management Plan, but this does not wholly relate to the building proposed under this application, but rather the indicative plan submitted under the outline application for the Technology Park (ref: 14/02067/OUT). Thus, it is considered that a revised Management Plan and method statement for enhancing tree or shrub planting and areas of species rich grassland should be conditioned.
- 8.78. The site has been cleared of vegetation, but the Council’s Ecologist has stated that if any further scrub vegetation does require cutting back or removal, this should be undertaken outside nesting bird season.
- 8.79. The existing mature hedgerow on the western boundary of the site is recognised as a feature of high ecological value, providing a wildlife corridor within the local area, and the Council’s Ecologist has stated that this hedgerow should be retained and protected within the landscaping scheme.
- 8.80. The Council’s Ecologist has noted that a proposed external lighting scheme, in particular along the western boundary hedgerow, should be kept to the minimum necessary to avoid impacting on a suitable bat foraging and commuting habitat and a buffer retained along this hedgerow. A detailed lighting scheme can be required as a condition should permission be granted.
- 8.81. Thus, subject to suitably worded conditions, it is considered that the proposal would not cause adverse harm to protected species.

Flooding Risk and Drainage

- 8.82. Policy ESD6 of the Cherwell Local Plan Part 1 states that site specific flood risk assessments will be required to accompany development proposals of 1 hectare or more located in flood zone 1.

- 8.83. Policy ESD7 of the Cherwell Local Plan Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage. This is with the aim to manage and reduce flood risk in the District.
- 8.84. The site lies within Flood Zone 1, which is land which has a less than 1 in 1,000 annual probability of river flooding and the site area is less than 1 hectare. Given this and that the area is not in one which is known to experience flooding problems, a Flood Risk Assessment is not required for such development, but one has been submitted alongside the application nonetheless. This concludes that the proposed development will be designed so that it does not increase the risk of flooding on or off site, and in particular so that surface water run-off from the development site will be dealt with via infiltration drainage. This will be achieved through flow attenuation and the use of SuDS techniques (permeable paving and infiltration soakaways).
- 8.85. The County Council, as Lead Local Flood Authority, has considered the matter of surface water drainage and comments have been provided in the LHA response to the application. The LHA has not objected to the proposal, but has stated that: *“The SuDS Management and Maintenance Plan submitted to discharge the condition on the permission for the Oxford Technology Park (ref. GL12076 dated February 2017), must be updated to include maintenance responsibility for each element of the SuDS proposed for the site. A plan showing locations of the SuDS, and access for maintenance should be included. Any health and safety considerations to be observed or any relevant Designer Risk Assessment must be included in the Plan.”* Subject to securing these details via a planning condition, Officers are therefore satisfied that the development can be made acceptable in flood risk and surface water drainage terms.
- 8.86. Turning to the matter of waste water disposal, Thames Water has suggested that there are deficiencies with the existing waste water infrastructure which mean it cannot accommodate the additional flows from the proposed hotel without improvements. A Grampian style condition has been requested, to secure submission and approval of a drainage strategy detailing the on and off site works required to accommodate the waste water flows from the development.
- 8.87. The applicant has responded by stating that a foul water connection has already been secured as part of the wider Technology Park development, and the proposed hotel will utilise this connection, using the same pump rate as have already been agreed with Thames Water for the development as a whole. Further comment from Thames Water is awaited, but on the basis that the proposed hotel would be brought forward in place of one of the approved employment units, Officers consider this is most likely acceptable and a Grampian style condition is not necessary.

Sustainability and Energy Efficiency

- 8.88. Policy ESD1 of the Cherwell Local Plan Part 1 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the Cherwell Local Plan Part 1 seeks to achieve carbon emission reductions. Policy ESD3 of the Cherwell Local Plan Part 1 encourages sustainable construction and states that all non-residential development will be expected to meet at least BREEAM ‘Very Good’ with immediate effect. Policy ESD4 of the Cherwell Local Plan Part 1 states decentralised energy systems are encouraged in all new developments and that all applications for non-domestic developments above 1000m² floor space will require a feasibility assessment for decentralised energy systems. Policy ESD5 of the Cherwell Local Plan Part 1 states that a feasibility assessment of the potential for significant on site renewable energy provision will be required for all applications for non-domestic developments above 1000m² floor space. Policy ESD5 goes on to note that where feasibility assessments demonstrate

that on site renewable energy provision is deliverable and viable, this will be required as part of the development unless an alternative solution would deliver the same or increase benefit.

- 8.89. A BREEAM Assessment report has been submitted alongside the planning application which sets out how sustainability will be built into the proposal so that it achieves a BREEAM 'Very Good' rating. This considers a "base" scenario and an "extras" scenario" (in the event that the "base" scenario is not enough to achieve a Very Good rating), and the report concludes that a Very Good rating is achievable without major re-design. Officers have no reason to doubt the conclusions of the Assessment, and are satisfied that the proposal is therefore in accordance with Policies ESD1-5 in this respect.

Other Matters

- 8.90. London Oxford Airport has made a number of comments in relation to safeguarding the operational safety of the aerodrome, the majority of which it is appropriate to include as informatives on the decision notice. With regard to the comment that a Bird Management Plan is required, the applicant's agent has noted that a Bird Management Plan was approved for the wider Technology Park under 16/00533/DISC and works will be carried out in accordance with the approved details. This can be required as a condition of granting permission for the hotel.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraphs 7 and 8 states that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be sought in isolation, but to achieve sustainable development "economic, social and environmental gains should be sought jointly and simultaneously through the planning system".
- 9.2. The proposed hotel would not strictly accord with Policies SLE1 and Kidlington 1 of the CLP 2031 Part 1 in that it would result in the loss of part of an existing (approved) employment site, and would not itself constitute high value employment development as envisaged by Kidlington 1. The proposal would also constitute inappropriate development in the Green Belt with associated harm to the openness of the Green Belt and the purposes of including land within the Green Belt. The proposal would therefore result in environmental, and some economic, harm and this weighs against granting permission.
- 9.3. However, as expanded on in this report, there is a clear and demonstrable need and demand for a hotel of this type in the Kidlington area, and the evidence suggests that the provision of a hotel would strengthen and support the growth of high value business and tourism in the area, consistent with the aims and objectives of the Council's broader economic growth strategy for Kidlington and the District. Officers are satisfied that there is not a sequentially preferable site to accommodate the proposed hotel within the built limits of Kidlington, and due to the constraint of the Oxford Green Belt, locating the hotel on a site which is already identified and approved for development is an environmentally preferable solution.
- 9.4. The proposal can be made acceptable in other respects (e.g. highway safety and sustainable transport, ecology, visual impact, drainage, noise etc.). The combined economic and social benefits of the scheme, and the somewhat neutral environmental impact compared to the impact of the approved Technology Park scheme, are considered to demonstrably outweigh the conflict with the relevant Development Plan polices and amount to Very Special Circumstances sufficient to

overcome the harm to the Oxford Green Belt. Therefore Officers consider the planning balance lies in favour of the proposal and the recommendation is to grant planning permission, subject to conditions and subject to a legal agreement linking the development to the obligations contained in the S106 Legal Agreement entered into in respect of the wider Technology Park.

10. RECOMMENDATION

That permission is **granted**, subject to:

- a) Legal agreement linking the development to the obligations contained in the existing S106 Agreement entered into in respect of the wider Technology Park
- b) Conditions to secure the following (full text to be included in the Written Updates following discussion on the wording with the applicant's agent):
 1. Time Limit
 2. Approved Plans
 3. In accordance with Construction Traffic Management Plan
 4. In accordance with Bird Management Plan

Prior to Commencement

5. Revised SuDS Management and Maintenance Plan
6. Method Statement for Enhancing Biodiversity
7. Phasing Plan (hotel and wider Technology Park)

Stage Conditions

8. Schedule of all external materials and finishes
9. Revised Landscaping Scheme
10. Landscape Management and Maintenance Plan
11. Landscaping implementation
12. External lighting scheme

Pre-occupation Conditions

13. Surface water drainage to be implemented
14. Mechanical plant to be installed in accordance with Noise Report
15. Scheme for treating cooking fumes and odours from restaurant
16. Travel Plan
17. Parking laid out and made available for use
18. Cycle parking installed and made available for use

CASE OFFICER: Stuart Howden

TEL: 01295 221815

Cherwell District Council

Planning Committee

15 March 2018

Appeals Progress Report

Report of Interim Director of Planning and Regeneration

This report is public

Purpose of Report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **17/02203/F – 17 The Camellias, Banbury, OX16 1YT.** Appeal by Mr Partridge against the refusal of planning permission for the erection of 2 bedroom, 2 storey dwelling and division of existing double garage to provide a single garage and for the new dwelling.

17/02292/F – Beyways, East End, Hook Norton, OX15 5LG. Appeal by Mrs Lewis against the refusal of planning permission for the erection of a new dwelling.

17/02428/F – 2 Hudson Street, Bicester, OX26 2EP. Appeal by J+R Homes against the refusal of planning permission for 2 No. one bed flats.

17/02465/F – OS Parcel 6091 East of Duiker House, Fencott. Appeal by Mr Ancil against the refusal of planning permission for the erection of 1 No single storey dwelling and ancillary garage workshop.

2.2 Forthcoming Public Inquires and Hearings between 12 April and 24 May 2018.

Planning Hearing commencing Tuesday 20 March 2018 at 10am River Cherwell Meeting Room, Cherwell District Council, Bodicote House, White Post Road, OX15 4AA. Appeal by Mr Bell against the refusal of planning permission or the conversion of an agricultural barn into a single dwelling and demolition of outbuildings. Winwood, Noke, Oxford, OX3 9TT. 17/01555/F.

2.3 Results

Inspectors appointed by the Secretary of State have:

- 1) Allowed the appeal by Daejan enterprises Limited against the refusal of prior approval for change of use from B1 (office) to C3 (dwelling) to provide 9 residential units 30 Crouch Street, Banbury, OX16 9PR. 16/02378/O56 (Delegated).**

The application sought prior approval for the change of use of an office building into 9 flats (Class C3).

The main issue was whether the proposal was permitted development given that the plans submitted in the prior approval application had included operational development, whereas Class O does not allow for operational development. The Inspector adapted this to a consideration of “the necessity for some operational development to implement the change of use.”

The Inspector noted that there was no dispute between the main parties that some operational development would be required to fully implement the change of use, and the Inspector agreed that the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) does not make provision for operational development as part of the change of use permissible under Class O, whereas operational development is expressly permitted (in principle) under other Classes.

The Council’s view was that if some Classes of the GPDO introduced in 2013/14 allowed for operational development and some did not, it was logical to conclude that those that did not mention operational development did not allow for it, and therefore any proposal including operational development in the plans required to be submitted pursuant to that proposal rendered it not permitted development.

This question had been considered by Planning Inspectors previously. One had agreed with the Council’s position; one had disagreed. Another discussed the issue but did not conclude clearly on the question, dismissing that appeal on other grounds.

In the present case, the appellant contended that there were no provisions or limitations within Class O to state that where operational development was included the principal of the change of use was not permissible.

The Inspector commented that (1) the Government's planning practice guidance (PPG) did not specify the order in which permission should be secured (i.e. prior approval for change of use; planning permission for physical alterations); and (2) operational development was "not listed as a disqualifying factor under Paragraph O.1 of Class O.

He therefore allowed the appeal, concluding that "an application for a proposed change of use under Class O should not be disqualified on the basis that some operational development is required" even though "some operational development, which will require separate planning permission, will be required to implement it" and that it was merely at the appellant's own risk as to when it sought permission for the external alterations.

The Inspector did not explain why some Classes of the GPDO expressly allow for external alterations as well as a change of use and others do not. The Inspector did not engage with the question as to the status of any permission under Class O should the external alterations required to facilitate the change of use be inappropriate and considered unacceptable. It is unfortunate that these questions went unanswered, and consequently this is a somewhat unhelpful decision.

2) Dismissed the appeal by Mr and Mr Smith against the refusal of planning permission for outline consent for development of two houses including associated parking and amenity space. Land South West of Ridgeway House Adj to The Ridgeway, Bloxham. 17/00718/OUT (Delegated).

This appeal related to the refusal of outline planning permission for the development of part of an agricultural field to provide two houses including associated parking and amenity space. Access was the was the only matter that was not deferred to the reserved matters stage.

The Inspector considered that the main issues were the principle of development and the impact on the character and appearance of the area.

The appeal site is currently an agricultural field currently used for grazing, east of the village of Bloxham, accessed from The Ridgeway.

With regard to the principle of development, the Inspector considered that whilst there were no defined settlement boundaries the site was located outside of the built-limits of Bloxham, as it was not contiguous with any other development and that the appeal site represented a clear and distinct transition from residential and recreational land uses to open and expansive countryside. The Inspector concluded that the development would therefore be contrary to saved Policy H18 of the Cherwell Local Plan 1996, Policy BL2 of the Bloxham Neighbourhood Plan, and Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1, which requires residential development to be located in the most sustainable locations. The Inspector also found that the proposals would also fail to comply with Paragraph 17 of the NPPF which requires development to take account of the different roles and character of different areas, and to recognise the intrinsic character and beauty of the countryside.

With regard to the impact on the character and appearance of the area, the Inspector considered that the site would be remote from the built-up area and would be unrelated to the settlement pattern and would appear as an urbanising intrusion along The Ridgeway and into open countryside. Whilst noting that associated amenity areas and domestic activity could be screened through the imposition of appropriate conditions, the Inspector considered that given the harm caused by its location, the development would be detrimental to the rural setting of the settlement, and have an adverse effect on the character and appearance of the area.

The Inspector highlights that planning should be genuinely plan-led, as advocated by the NPPF, and concluded that the proposed development would be contrary to the Development Plan and there were no material considerations of sufficient weight to outweigh the harm identified in this instance. The appeal was therefore dismissed.

3) Dismissed the appeal by Mrs Muckelberg against the refusal of planning permission for the change of use from amenity land to domestic use and dropped kerb. 6 Little Green, Bloxham, OX15 4QB. 17/01344/F (Delegated).

The main issues raised by the Inspector were the character and appearance of the Bloxham Conservation Area and the safety of highway users.

The Inspector paid special attention to the Bloxham Conservation Area Appraisal and agreed that the change of use of the land and subsequent parking of the car on the land would be contrary to the appraisal. It was concluded that a parked vehicle would diminish the visual impact on the grassed area in relation to the cottages, and would have a negative effect on the appearance of Little Green.

The Inspector acknowledged there may be minor benefits to congestion along Little Green with the removal of one parked car from the roadside but this benefit would not be sufficient to warrant allowing the appeal.

The Inspector reasoned that, from a highways safety perspective, there would not be any undue potential danger to highway users as a result of reversing into/out of the proposed parking space.

Based on the assessment above, the Inspector dismissed the appeal.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

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

Option 1: To accept the position statement.

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

5.0 Implications

Financial and Resource Implications

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

Comments checked by:

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

Legal Implications

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

Comments checked by:

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

Risk Management

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

Comments checked by:

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

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clark

Document Information

Appendix No	Title
None	
Background Papers	
None	
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