

Committee: Planning Committee

Date: Thursday 24 May 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 Maurice Billington
Councillor Phil Chapman	Councillor Colin Clarke
Councillor Ian Corkin	Councillor Surinder Dhesi
Councillor Chris Heath	Councillor Simon Holland
Councillor Mike Kerford-Byrnes	Councillor Alan MacKenzie-Wintle
Councillor Richard Mould	Councillor Cassi Perry
Councillor D M Pickford	Councillor Lynn Pratt
Councillor G A Reynolds	Councillor Les Sibley

Substitutes

Councillor Mike Bishop	Councillor John Donaldson
Councillor Timothy Hallchurch MBE	Councillor Tony Ilott
Councillor Tony Mephram	Councillor Barry Richards
Councillor Nicholas Turner	Councillor Douglas Webb
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 - 18)

To confirm as a correct record the Minutes of the meetings of the Committee held on 12 April 2018 and 15 May 2018.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

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|-----|---|---------------------|
| 7. | Park Farm Agricultural Barn, New Street, Deddington
(Pages 21 - 33) | 18/00098/F |
| 8. | Park Farm Agricultural Barn, New Street, Deddington
(Pages 34 - 42) | 18/00099/LB |
| 9. | Land Adj To Cotswold Country Club And South Of Properties On, Bunkers Hill, Shipton On Cherwell (Pages 43 - 60) | 17/02148/OUT |
| 10. | OS Parcel 9100 Adjoining And East Of Last House Adjoining And North Of, Berry Hill Road, Adderbury (Pages 61 - 94) | 17/02394/OUT |
| 11. | Woodpiece Road, Upper Arcott (Pages 95 - 101) | 17/02569/F |
| 12. | Symmetry Park, Aylesbury Road A41, Ambrosden
(Pages 102 - 137) | 18/00091/F |
| 13. | The Oxfordshire Inn, Meadow Walk, Heathfield, Kidlington, OX5 3FG
(Pages 138 - 152) | 18/00302/F |
| 14. | Land To The North West Of Old Farm House Adjoining Orchard Piece, Mollington (Pages 153 - 165) | 18/00473/F |

Review and Monitoring Reports

15. **Graven Hill: MOD Bicester Sites D & E, Ambrosden Road Upper Arcott, Deed of Variation to Section 106 Legal Agreement** (Pages 166 - 174)

Report of the Interim Director Planning and Regeneration

Purpose of Report

The purpose of this report is twofold:

- (a) To inform Planning Committee of the proposed amendments to the signed Section 106 Agreement, set out in the report below and as part of a draft Deed of Variation, relating to the outline planning permission approved under 16/01802/OUT and relating to the development at Graven Hill.
- (b) To seek delegated authority from Planning Committee for Officer's to continue any required negotiation and arrange for the Deed of Variation to be signed by all parties.

Recommendations

The meeting is recommended:

- 1.1 To note the proposed amendments to the Section 106 Agreement explained as detailed in the report.
- 1.2 To agree the proposed amendments to the Section 106 Agreement set out in the report and to form a draft Deed of Variation to the signed Section 106 Agreement.
- 1.3 To agree authority be delegated to Officers for the final negotiation of the detailed Deed of Variation and signing by all parties.

16. Appeals Progress Report (Pages 175 - 182)

Report of Interim Director of 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 16 May 2018

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 12 April 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 Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle
Councillor Richard Mould
Councillor D M Pickford
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Barry Richards

Substitute Members: Councillor Maurice Billington
Councillor Barry Wood

Apologies for absence: Councillor Alastair Milne-Home
Councillor Nigel Simpson
Councillor Les Sibley

Officers: Bob Duxbury, Joint Majors Manager
James Kirkham, Principal Planning Officer
Stuart Howden, Principal Planning Officer
Bob Neville, Senior Planning Officer
Nat Stock, Minors Team Leader
Amy Jones, Trainee Solicitor
Aaron Hetherington, Democratic and Elections Officer

179 Declarations of Interest

7. Fringford Cottage, Main Street, Fringford, Bicester, OX27 8DP.

Councillor Alan MacKenzie-Wintle, Declaration, as his Business partner is a friend of the applicant.

9. Yarnton Nurseries, Sandy Lane, Yarnton, Kidlington, OX5 1PA.

Councillor Maurice Billington, Declaration, as the applicants had given him a prize for his charity dinner.

12. Park Farm Agricultural Barn, New Street, Deddington.

Councillor James Macnamara, Declaration, as he had received emails from the architect who has also carried out work on his property.

Councillor Mike Kerford-Byrnes, Declaration, as he had made an independent visit to the application site.

13. Park Farm Agricultural Barn, New Street, Deddington.

Councillor James Macnamara, Declaration, as he had received emails from the architect who has also carried out work on his property.

Councillor Mike Kerford-Byrnes, Declaration, as he had made an independent visit to the application site.

14. Unit 5, Chalker Way, Banbury, OX16 4XD.

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

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

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

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

15. Land to the rear of The Methodist Church, The Fairway, Banbury.

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

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

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

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

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

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

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

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

Councillor Richard Mould, Declaration, as a member of the Executive and therefore 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.

180 **Requests to Address the Meeting**

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

181 **Urgent Business**

There were no items of urgent business.

182 **Minutes**

The Minutes of the meeting held on 15 March 2018 were agreed as a correct record and signed by the Chairman.

183 **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.
2. The Chairman advised that he had agreed to amend the running order of the meeting to enable an number of councillors to attend further council meetings that evening.

184 **Fringford Cottage, Main Street, Fringford, Bicester, OX27 8DP**

The Committee considered application 18/00249/OUT for a residential development of up to 10 dwellings at Fringford Cottage, Main Street, Fringford, Bicester, OX27 8DP for Mr Stuart Wright.

Ginny Hope, a neighbour to the application site and David McCullagh addressed the committee in objection to the application.

Sinead Turnball, agent for the applicant, addressed the committee in support of the application.

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

Resolved

That application 18/00249/OUT be refused for the following reasons:

1. The development proposed, by reason of its scale and relative sustainability of Fringford, and taking into account Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable development that which would undermine the housing strategy in the Cherwell Local Plan Part 1 which seeks to distribute new housing to the most sustainable locations having regard to such matters as public services and facilities, transport and employment. Consequently the proposal is unacceptable in principle and contrary to Policies ESD1, Villages 1 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. The development proposed, by virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village and its visual impact on the rural character and appearance of the locality, would cause unacceptable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. It would also result in 'less than substantial' harm to the setting of the adjacent listed buildings and the harm stemming from the proposals are not considered to be outweighed by any public benefits. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C8 and C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
3. The submitted Drainage Strategy is inadequate and does not provide sufficient information to demonstrate that a drainage strategy based on Sustainable Urban Drainage Systems has been explored for the site. The proposal is therefore contrary to Policy ESD7 of the Cherwell Local Plan and advice in the Written Ministerial Statement on Sustainable Drainage Systems (Dec 2014).
4. The development proposed, by virtue of the proposed access roads close proximity to Bakery Cottage and the likely level of vehicle movements, is considered to detrimentally impact on the amenity of Bakery Cottage in terms of noise and disturbance. The proposal would therefore be contrary to Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and advice in the National Planning Policy Framework.
5. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the

interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC10 and BSC11 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

185

The Nursery Furtherafield, Evenley Road, Mixbury, Brackley, NN13 5YR

The Committee considered application 17/02429/F for the erection of glasshouses at The Nursery Furtherafield, Evenley Road, Mixbury, Brackley, NN13 5YR for Absolute Taste Limited.

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

Resolved

That application 17/02429/F be approved, subject to:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, drawing numbers V17-152-SLP02 A, V17-152-P01 Rev A, V17-152-P02, V17-152-P03 Rev A
3. Prior to the commencement of the development hereby approved, a detailed scheme for the surface water drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, and prior to the first use of the building hereby permitted the approved surface water drainage scheme shall be carried out in accordance with the approved details.
4. Prior to the first use of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include details of new landscaping to the boundaries of the site and shall include:-
 - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
 - b) details of the existing trees and hedgerows to be retained as well as those to be felled
 - c) A management and maintenance scheme for the establishing the landscaping. Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the first use of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
6. Unless otherwise agreed in writing by the local planning authority, any lighting on the inside or outside of the glasshouses hereby permitted shall only operate between the hours of 0800 and 1800.

186 **Park Farm Agricultural Barn, New Street, Deddington**

The Committee considered application 18/00098/F for the conversion of an existing barn and associated out-building/stables to residential use, raise the roof of out-building/stables by 860mm and a new single storey extension to rear with living roof at Park Farm Agricultural Barn, New Street, Deddington for Mr & Mrs Bryn Williams.

Councillor Kerford-Brynes proposed that consideration of application 18/00098/F be deferred to allow a formal site visit. Councillor Billington seconded the proposal.

Resolved

That consideration of application 18/00098/F be deferred to allow a formal site visit.

187 **Park Farm Agricultural Barn, New Street, Deddington**

The Committee considered application 18/00099/LB for the conversion of an existing barn and associated out-building/stables to residential use, raise the roof of out-building/stables by 860mm and a new single storey extension to the rear with a living roof at Park Farm Agricultural Barn, New Street, Deddington for Mr & Mrs Bryn Williams.

Councillor Kerford-Byrnes proposed that consideration of application 18/00099/LB be deferred to allow a formal site visit. Councillor Billington seconded the proposal.

Resolved

That consideration of application 18/00099/LB be deferred to allow a formal site visit

Unit 5, Chalker Way, Banbury, OX16 4XD

The Committee considered application 18/00108/F for full planning permission for 30,007.5 sqm of logistics floor space, within Class B8 of the Town and Country Planning Use Classes Order 1987, including ancillary Class B1 (a) Offices (929 sqm), service yard and access to Chalker Way at Unit 5, Chalker Way, Banbury, OX16 4XD for DB Symmetry Ltd.

Peter Frampton, the applicant's agent, addressed the committee in support of the application.

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

Resolved

That application 18/00108/F be approved, subject to:

- (i) authority delegated to the Interim Director Planning and Regeneration to issue the consent upon the provision of an appropriate legal undertaking.
- (ii) the following conditions:
 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Site location plan(dwg. No. 6235-001)
 - Site layout plan (dwg no 6235-002)
 - Proposed elevations (dwg no 6235-004)
 - Site layout plan external finishes (dwg no 6235-003)
 - Proposed context elevation (dwg no 6235-006)
 - Design and access statement (Dec 2011) and addendum document (April 2012)
 - Architectural design statement (prepared AJA)
 - Landscape and Visual Assessment addendum (prepared by Aspect dated Dec2017, re 6421.LVIA Addendum 004)
 - Transport Assessment Technical Note (ref C07009C)
 - Flood Risk Assessment Technical Note (ref C07009C)
 3. The drainage strategy for the site shall be in general accordance with the FRA prepared by Peter Brett Associates dated Dec 2011 and the details approved by the Council under application ref.no. 16/00354/DISC on 6 October 2016 and all works shall be complete prior to the occupation of the building
 4. The flood storage area and associated landscaping, ground re-profiling, and ecological enhancement shall be undertaken in accordance with the details approved by the Council under application

16/00167/DISC on 27 June 2016 ,and planting plans dwg no 4995/ASPOO1-11Rev C/D referred to in Frampton's letter dated 17 January 2018 with respect to conditions 3 and 8 of the Outline Planning permission 14/00180/OUT, and all relevant works shall be complete prior to the occupation of the building

5. The strategy for the translocation of reptiles, including the identification of receptor sites, the management scheme, landscaping and the arrangements for implementation. shall be undertaken in accordance with the 'Revised Reptile Mitigation Method Statement (Phase 2 Development) (February 2016 - Ref EDP1419_07f)' approved under application 15/00512/DISC on 29 February 2016
6. The development shall be implemented in accordance with the land contamination strategy set out in the Land Contamination Report, in accordance with the 'Desk Study and Ground Investigation at Overthorpe Road, Banbury - Combined Report (Hydrock Ref: R/11237/003 - March 2013)' submitted in application reference no 15/00062/DISC approved on 23 January 2017
7. The development shall be undertaken in accordance with the Archaeological Written Scheme of Investigation, in accordance with the documents titled "Project specification for an archaeological excavation and recording action" - 8th January 2016 (revised 25/5/16) ORB16-150exc; and "Spital Farm, Overthorpe Road, Banbury, Oxfordshire - An Archaeological Evaluation for Kennet Properties" - SFB04-60 (October 2008) submitted in application reference no 15/00062/DISC and approved by the Council on 23 January 2017
8. Landscape management and tree planting shall be undertaken in accordance with the Landscape Management Plan Ref No 4995.LMP.005.VF(March 2016) submitted as part of application 16/00167/DISC approved by the Council on 27 June 2016
9. No development shall commence until an up to date (no more than one year old) badger, otter, bat roost and reptile survey has been submitted to and approved in writing by the Local Planning Authority. The survey reports shall include full details of the precautionary, mitigation, translocation, and compensation measures that are required to be implemented as a result of the findings.
10. Construction Traffic Management shall be undertaken in accordance with the Construction Traffic Management Plan (CTMP) for Phase 2 of the development, including full details of wheel washing facilities, a restriction on construction and delivery traffic during construction and a route to the development site. In accordance with the 'Central M40 (Units 5, 6, 7 and 8) Construction Traffic Management Plan (dated February 2016)' submitted under application ref no 15/00512/DISC and approved by the Council on 29 February 2016.
11. The development hereby approved shall be the subject of the Travel Plan for Phase 2 of the development, in accordance with the 'Travel Plan - Units 5, 6, 7 and 8 (March 2016)' document submitted under

application ref.no. 16/00131/DISC and approved by the Council on 29 April 2016.

12. The existing public footpath on the site shall be protected and fenced as set out in the covering letter from Frampton's dated 5th August 2014 and the Heras Fencing details submitted in respect of S/2011/1620/MAO and received 04 February 2014 as submitted under application ref no 14/00035/DISC and approved by the Council on 9 December 2014.
13. The building 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.
14. The new public footpath to be provided shall be built in accordance with e details submitted under ref no 14/00259/DISC and approved by the Council on 16 October 2014
15. The proposed means of access shall be provided prior to the first occupation of the building hereby approved in accordance with the details submitted under application ref no 15/00178/DISC and approved by the Council on 3 August 2015
16. The ecological enhancement measures relevant to this site proposed in submitted in application ref.no.16/00505/DISC and approved by the Council on 21 November 2016 shall be implemented prior to its first occupation
17. No external lighting shall be installed until details of all external lighting, security lighting and floodlighting including the design, position, orientation and any screening of the lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.
18. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with the approved drawings. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.
19. The existing areas shown for parking, turning and/or loading and unloading on the approved plan(s) shall be permanently set aside and reserved for that purpose unless otherwise agreed in writing by the Local Planning Authority.

16/00313/CDC at Land to the rear of The Methodist Church, The Fairway, Banbury for Cherwell District Council.

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

Resolved

That the Local Planning Authority considers that the details submitted pursuant to Condition 5 of planning permission 16/00313/CDC are acceptable, and as such that the said conditions be discharged.

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British Waterways Site, Langford Lane, Kidlington

The Committee considered application 17/01556/F for the redevelopment of a site comprising the erection of 10 residential dwellings (Use Class C3); formation of new boaters car park; conversion of existing outbuildings to form ancillary accommodation to residential properties, new ELSAN facilities for boaters and storage for boaters and the demolition of outbuildings and structures associated with the CEMEX operations as identified on the plans; together with two new vehicular accesses and associated landscaping and parking at British Waterways Site, Langford Lane, Kidlington for H2O Urban & Canal & River Trust.

Adrian Cudmore and Alexander Gullis addressed the committee in objection to the application.

Philip Smith, the agent for the applicant, addressed the committee in support to the application.

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

Resolved

That application 17/01556/F be approved, subject to:

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 submitted with the application;
 - Planning Statement submitted with the application;
 - Heritage Appraisal by Canal & Rivers Trust dated July 2017 submitted with the application;
 - Heritage Impact Assessment and Justification Statement submitted with the application;
 - Transport Report by H2O Urban submitted with the application;

- Drawing Number 22074-STL-P_001 submitted with the application;
 - Drawing Numbers: 22074-STL-P_005 Revision B; 22074-STL-P_006 Revision A; 22074-STL-P_010 Revision A; 22074-STL-P_011 Revision A; 22074-STL-P_020 Revision A; 22074-STL-P_021 Revision A; 22074-STL-P_022 Revision A; 22074-STL-P_023 Revision A; 22074-STL-P_030 Revision A; 22074-STL-P_035 Revision A; 22074-STL-P_040 Revision A; 22074-STL-P_041 Revision A; 22074-STL-XX-XX-DR-L-ZZZZ-09001 Revision PL04; 22074-STL-XX-XX-DR-L-ZZZZ-09401 Revision PL04; 22074-STL-XX-XX-DR-L-ZZZZ-09402 Revision PL04; 22074-STL-XX-XX-DR-L-ZZZZ-09403 Revision PL04; and 22074-stl-XX-XX-SP-L-4080-SP002 Revision PL04 received from the applicant's agent by e-mail on 7th November 2017; and
 - Design and Access Statement by Stride Treglown dated July 2017 received from the applicant's agent by e-mail on 7th November 2017.
3. Prior to the commencement of the development hereby approved above slab level, samples of the materials to be used in the construction of the external walls, roofs and outbuildings (including brick sample panels for the dwellings, to demonstrate brick type, colour, texture, face bond and pointing), shall be submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
 4. Prior to the commencement of the development hereby approved above slab level, full details of the doors, windows and rooflights hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors, windows and rooflights shall be installed within the building in accordance with the approved details.
 5. Prior to the demolition of the British Waterways Building adjoining the south east boundary wall of the site, a method statement for the demolition of the British Waterways building shall be submitted to and approved in writing by the local planning authority. The method statement shall include details of how the boundary wall is to be retained. The development shall be carried out in accordance with the approved details.
 6. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway and the parking and manoeuvring areas (including, position, layout, construction, drainage and vision splays) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.
 7. A surface water drainage scheme for the site will need to be submitted with a planning application. This will be based on sustainable drainage principles and an assessment of the hydrological and hydro-

geological context of the development. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of the development, or such other timetable as has been submitted to and agreed in writing by the Local Planning Authority.

8. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.
9. Notwithstanding the pedestrian access shown in plan 22074-STL-XX-XX-DR-L-ZZZZ-09001 Revision PL04 received from the applicant's agent on , full details of the path to Langford Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plan.
10. Prior to the first occupation of the development hereby approved, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter and upon occupation the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.
11. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
12. Prior to the commencement of the development hereby approved, and notwithstanding the soft landscaping details within Drawing Numbers: 22074-STL-XX-XX-SP-L-4080-SP001-Outline Soft Landscape Specification Revision PL04 dated 26th October 2017 and 2074-STL-XX-XX-DR-L-ZZZZ-09140 Revision PL04 received from the applicant's agent by e-mail on 7th November 2017, a soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

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

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
14. Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.
15. Prior to the commencement of the development hereby approved, a plan showing full details of the existing and proposed site levels, including a cross section of the swale 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.
16. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.
17. Prior to the commencement of development hereby approved above slab level, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting scheme shall be carried out in accordance with the approved details.
18. If the demolition of the buildings hereby approved does not commence by June 31st 2018. A revised bat survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on bats. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

19. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building, the bat and bird boxes shall be installed on the site in accordance with the approved details.
20. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
21. If contamination is found by undertaking the work carried out under condition 20, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
22. If remedial works have been identified in condition 21, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 21. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
23. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
24. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

25. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the site without the prior express planning consent of the Local Planning Authority.

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Yarnton Nurseries, Sandy Lane, Yarnton, Kidlington, OX5 1PA

The Committee considered application 17/02207/F for the replacement of existing staff buildings and polytunnel on the south western corner of the main garden centre building by a new single storey building to provide staff facilities (toilets/canteen/meeting rooms), new concession space/cafe/customer toilets/outdoor space; replacement of existing polytunnel at north of main garden centre building by a new single storey building; replacement of existing toilet block on south eastern corner of main garden centre building by a new single storey building to provide additional retail space; single storey extension of existing customer toilet block in the external central area of the main garden centre building at Yarnton Nurseries, Sandy Lane, Yarnton, Kidlington, OX5 1PA for Yarnton Nurseries LLP.

Robert Marley, the applicant, addressed the committee in support of the application.

Councillor Pickford proposed that application 17/02207/F be approved, subject to conditions to be delegated to officers. Councillor MacKenzie-Wintle seconded the proposal.

Resolved

That application 17/02207/F be approved, subject to:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - o Application form submitted with the application;
 - o Design and Access Statement
 - o Drawing numbers 303/100 Rev 0, 303/101 Rev 2, 303/102 Rev 3, 303/103 Rev 0, 303/105 Rev 11, 303/106 Rev 12, 303/107 Rev 1, 303/109 Rev 1, 303/110 Rev 5, 303/111, Rev 6, 303/113 Rev 2, 303/114 Rev 1, 303/131 Rev 3, 303/132 Rev 2, 303/133 Rev 0, 303/134 Rev 0, 303/135 Rev 1, 303/137 Rev 0, 303/138 Rev 0 and 303/146 Rev 2.
2. Prior to the first use of the buildings hereby permitted the biodiversity enhancements as outlined in section 6 (page 18) of Ecologybydesign November 2017 (Project Code) shall be undertaken in full.

3. The materials to be used for the external walls and roof of the extensions hereby approved shall match in terms of colour, type and texture of those used on the existing adjoining building.

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The Cabin, Willowbrook Farm, Hampton Gay, Kidlington, OX5 2QQ

The Committee considered application 17/02430/F, a retrospective application for the continued siting of a temporary agricultural dwelling as a permanent agricultural dwelling for the principal farm worker at The Cabin, Willowbrook Farm, Hampton Gay, Kidlington, OX5 2QQ for Mr & Mrs Lutfi & Ruby Radwan.

Peter Treloar and Graham Dunn, addressed the committee in objection to the application.

Lutfi Radwan, the applicant, addressed the committee in support of the application.

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

Resolved

That application 17/02430/F be approved, subject to the following conditions:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Plan, Supporting Statement dated December 2017,
2. The dwelling hereby approved shall be,
 - (a) occupied only by a person solely or mainly employed, or last solely or mainly employed, in connection with agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990) at Willowbrook Farm, Hampton Gay, Kidlington including any dependants of such a person residing with him or her or a widow or widower of such a person; and
 - (b) used solely as ancillary accommodation to the existing dwellinghouse, currently known as Willowbrook Farm, Hampton Gay, Kidlington, and as such shall not be sold, leased, let, sub-let or used as an independent dwelling unit.
3. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the grant of further specific planning permission from the Local Planning Authority.

4. Within three months of the date of this permission, full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, and such means of enclosure shall be erected fully in accordance with the approved details and no later than three months following the date of that approval in writing.

193 **Appeals Progress Report**

The Interim Director of 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 7.16 pm

Chairman:

Date:

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 15 May 2018 at 7.35pm

Present: Councillor David Hughes (Chairman)

Councillor Andrew Beere
Councillor Maurice Billington
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor Chris Heath
Councillor Richard Mould
Councillor Cassi Perry
Councillor D M Pickford
Councillor Lynn Pratt
Councillor G A Reynolds
Councillor Les Sibley

Apologies for
absence: Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Alan MacKenzie-Wintle
Councillor James Macnamara

1 Appointment of Chairman for the Municipal Year 2018/2019

Resolved

That Councillor David Hughes be appointed Chairman of Planning Committee
for the municipal year 2018/2019.

2 Appointment of Vice-Chairman for the Municipal Year 2018/2019

Resolved

That Councillor James Macnamara be appointed Vice-Chairman of Planning
Committee for the municipal year 2018/2019.

The meeting ended at 7.37 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

24 May 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.

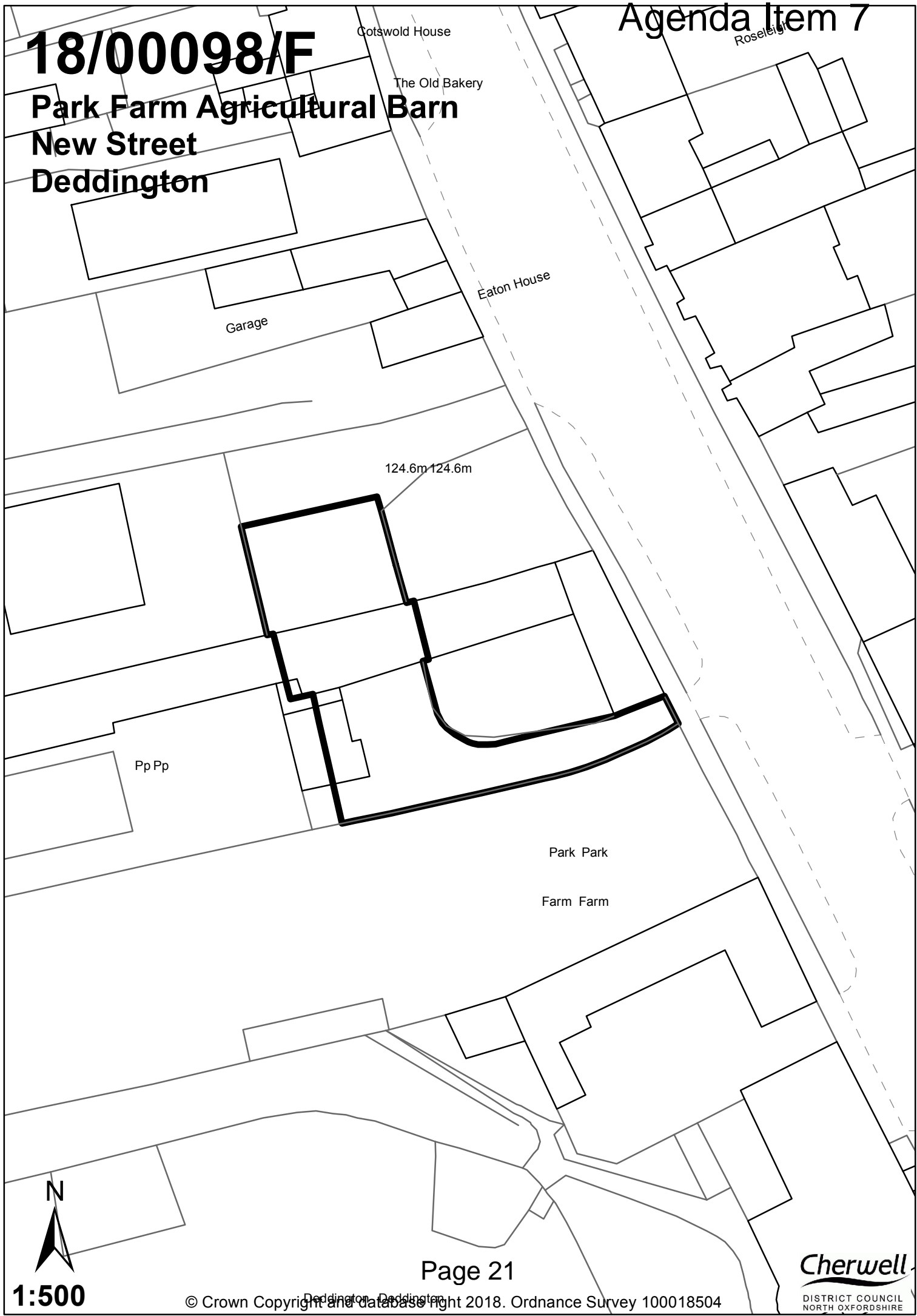
Background Papers

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	Park Farm Agricultural Barn New Street Deddington	18/00098/F	Deddington	Refusal	Bob Neville
8	Park Farm Agricultural Barn New Street Deddington	18/00099/LB	Deddington	Refusal	Bob Neville
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	OS Parcel 9100 Adjoining And East Of Last House Adjoining And North Of Berry Hill Road Adderbury	17/02394/OUT	Adderbury, Bloxham And Bodicote	Refusal	Caroline Ford
11	Woodpiece Road Upper Arncott	17/02569/F	Launton And Otmoor	Approval	George Smith
12	Symmetry Park Aylesbury Road A41 Ambrosden	18/00091/F	Bicester South And Ambrosden	Approval	Linda Griffiths
13	The Oxfordshire Inn Meadow Walk Heathfield Kidlington OX5 3FG	18/00302/F	Launton And Otmoor	Refusal	James Kirkham
14	Land To The North West Of Old Farm House Adjoining Orchard Piece Mollington	18/00473/F	Cropredy, Sibfords And Wroxton	Approval	Matthew Chadwick

18/00098/F

Park Farm Agricultural Barn
New Street
Deddington



1:500

Deddington



Applicant: Mr & Mrs Bryn Williams

Proposal: Conversion of existing barn and associated out-building/stables to residential use. Raise roof of out-building/stables by 860mm.
New single storey extension to rear with living roof

Ward: Deddington

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

Reason for Referral: The applicant is one of the Ward Councillors

Expiry Date: 14 March 2018 **Committee Date:** 24 May 2018

Recommendation: Refusal

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an existing stone barn with natural slate roof, which is part of a wider complex of buildings in a linear arrangement, and which is considered to have previously formed part of Park Farm. Land levels drop across the site from east to west down from the access into the site. To the west of the barn are adjoining stables and previously converted buildings now in residential use. Attached to the south of the main barn is a single storey outbuilding which is of stone and red brick construction again under a natural slate roof. Whilst only single storey this outbuilding is on two levels, given the topography of the site, with only the top (eastern) section falling within the application's site boundary.
- 1.2. To the east of the barn are again adjoining buildings which have been converted to residential use, with grade II listed Park Farm House further to the east fronting on to New Street (A4260), one of the main routes through the village of Deddington. Adjacent to the south is a residential property and walled garden, whilst to the north there an agricultural building with residential properties beyond. The proposed site is accessed via an existing vehicular access off New Street which also serves Park Farm House and other previously converted building.
- 1.3. In terms of site constraints, the application building is a grade II listed building (curtilage listed by association to Park Farm House) and sits within the Deddington Conservation Area, which is considered of archaeological interest. The southern boundary wall is a grade II listed structure in its own right with further grade II listed buildings to the south, including Deddington Manor. There are records of protected and notable species (including Eurasian Badger and Common Swift) within the vicinity of the site. The site also sits within a buffer zone surrounding an area of potentially contaminated land north of the site; and further an area where the geology is known to contain naturally occurring elevated levels of Arsenic, Nickel and Chromium; as seen in many areas across the district.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for alterations, extension to and conversion of the existing stone barn and outbuilding to form a 5-Bedroom residential property, with an integral garage, residential garden and associated parking and turning. An associated application for listed building consent, to consider potential direct impacts on the listed building, has also been submitted and is being dealt with under ref. 18/00099/LB.
- 2.2. Alterations to the main barn would include: the introduction of a new floor to provide first accommodation 4 no. bedrooms, all with en suite bathroom; new openings through the historic fabric of the building to provide access through to the outbuilding and new window openings in the northern elevation; the introduction of 4no double-pane rooflights to the northern roofslope; the introduction of 2no new small rooflights in the southern roofslope; the glazed infilling of the main barn opening in the southern elevation and the erection of a single storey flat-roofed extension across the main barn opening on the northern elevation with glazing above. The extension would be constructed in Hornton stone under a living green sedum roof.
- 2.3. With regards to the proposed alterations to the outbuilding, these would include: The raising of the overall roof height by ~0.8m; the introduction of a new floor to provide first accommodation play-room and bedroom with ensuite; the introduction of 3no new rooflights in the eastern roofslope; glazed door with Juliet balcony to the southern elevation; alterations to the eastern elevation, including the enclosing of existing opening and creation of new garage door/entrance, glazed section and front door; infilled using a timber frame construction, clad in horizontal weather boarding.
- 2.4. During the course of the application and following a site meeting with the applicant and his architect, revised plans were received making minor amendments to the proposed development. Officers had raised concerns as to the acceptability of the proposals as originally submitted. Unfortunately these revised plans have not sufficiently addressed the concerns of officers to the extent that the application could be considered acceptable by officers. However, accepting amended plans has resulted in the application going beyond its original determination target; through the need for the appropriate consideration and re-consultation of the amendments and to allow for the applications to be presented to planning committee.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
CHN.635/91	Alterations to existing accesses vehicular and pedestrian. Conversion of existing agricultural barns into dwellings - 3 No. new houses proposed.	Application permitted
96/00518/F & 96/00519/LB	Renewal of CHN.635/91. Alterations to existing accesses vehicular and pedestrian. Conversion of existing agricultural barns into dwellings - 3 No. new houses proposed.	Applications permitted
01/00597/F & 01/00598/LB	Renewal of 96/00518/F alterations to existing vehicular and pedestrian accesses. Conversion of agricultural barns into dwellings - 3 No. new houses proposed.	Applications permitted

04/00010/F &	Repair and internal alterations to existing	Applications
04/00014/LB	house and conversion of existing stables to	permitted
	1 No. dwelling.	

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No relevant pre-application discussions have taken place with regard to this specific proposal.
- 4.2. The Council responded to a previous pre-application enquiry (different applicant) with regard to developing the site for residential purposes (two dwellings) under ref. 16/00195/PREAPP. This advised that whilst the principle of developing the site for residential use had previously been considered acceptable and could be supported going forward, at a lesser scale (single unit), it was considered that the scheme for two dwelling units, as submitted with the enquiry, would constitute over-development of the site that would have a detrimental impact on the character, appearance and significance of the grade II curtilage listed barns and setting of the grade II listed Park Farmhouse and would not be supported.

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 30.03.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No objections have been raised by third parties as a result of the publicity process; six letters of support have been received.
- 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. DEDDINGTON PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to conditions.

NON-STATUTORY CONSULTEES

- 6.4. BUILDING CONTROL: **No objections**, proposals will also need to comply with relevant Building Control Regulations.
- 6.5. DESIGN AND CONSERVATION: **Objects**. The proposals do not respect the special architectural or historic interest of the curtilage listed barn or the setting of the listed

farm complex, and do not preserve or enhance the special architectural or historic interest of the Conservation Area.

6.6. ECOLOGY: **No objections**, subject to conditions.

6.7. ENVIRONMENTAL PROTECTION: **No objections**, subject to conditions

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD 1: Presumption in favour of sustainable development
- Villages 1: Village categorisation
- ESD 3: Sustainable Construction
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 15: The character of the built and historic environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H21: Conversion of buildings in settlements
- C21: Proposals for re-use of a listed building
- C28: Layout, design and external appearance of new development
- C30: Design control
- ENV12: Development on contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Deddington conservation Area Appraisal
- Deddington Neighbourhood Plan (Pre-submission version) (DNP)

The neighbourhood plan for Deddington, which also covers the villages of Clifton and Hempton, is still at an early stage. A pre-submission version of the plan has been accepted by the Parish Council and has been submitted to Cherwell District Council as part of the consultation process. Given the early

stages of the plan, in accordance with Paragraph 216 of the NPPF, no significant weight can be given to it as a material consideration at this time.

- Historic England - Adapting Traditional Farm Buildings: Best practice guidelines for adaptive reuse (2017).
- Cherwell District Council's informal guidance - Design Guide for the conversion of farm building (2002)

8. APPRAISAL

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

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

Principle of development:

8.2. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

8.3. Paragraph 6 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. Paragraph 7 states that, 'there are three dimensions to sustainable development: economic, social and environmental'. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time. In the context of this proposal this would include conserving and enhancing the historic environment.

8.4. Policy PSD1 contained within the CLP 2031 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.

8.5. The NPPF does not change the statutory status of the development plan 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). Cherwell District Council can demonstrate a 5.5 year housing land supply and therefore the policies controlling the supply of housing in the development plan can be considered up to date and given full weight in determining applications.

8.6. The principle of residential development within Deddington is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Deddington is recognised as a Category A village in the Cherwell Local Plan Part 1. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement.

- 8.7. Saved Policy H21 of the Cherwell Local Plan 1996 states that: *“Within settlements the conversion of suitable buildings to dwellings will be favourably considered unless conversion to a residential use would be detrimental to the special character and interest of a building of architectural and historic significance.”*
- 8.8. Whilst the principle of converting the existing agricultural buildings to a residential use could be considered acceptable in terms of the sustainability of the site’s location – and as can be seen from the planning history of the site has previously been considered acceptable by the Council, there are significant concerns relating to a number of elements of the proposals (discussed further below), which are considered harmful to the historic and architectural significance of the grade II listed barn and its setting within the Deddington Conservation Area.
- 8.9. Officers consider that the proposals would result in significant harm to the special character and interest of the building’s architectural and historic significance and further detrimentally impacting on the historic farm setting within the Conservation Area, and as such the development, as submitted, is not considered to represent a sustainable form of development and is unacceptable in principle.

Design, and impact on the character of the area:

- 8.10. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.11. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness. And further in the context of this current application requires new development to: *‘Conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG’.*
- 8.12. Saved Policy C21 of the CLP 1996 states that: *‘Sympathetic consideration will be given to proposals for the re-use of an unused listed building provided the use is compatible with its character, architectural integrity and setting and does not conflict with other policies in this plan. In exceptional circumstances other policies may be set aside in order to secure the retention and re-use of such a building’.*
- 8.13. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.14. The site is within the Deddington Conservation Area, which was first designated as such in 1988, reviewed in 2012. Conservation areas are designated by the Council under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; with the aim to manage new development within such areas to ensure that the character or appearance of the Conservation Area, and the special architectural or historic interest which it may possess, is preserved and where possible enhanced.
- 8.15. Furthermore Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy ESD 15 of the CLP 2031 further echoes this aim and advice.
- 8.16. As noted above, the site is within the Deddington Conservation Area, a Designated Heritage Asset. The NPPF (Para. 126) advises that Local Planning Authorities should positively set out strategies for the conservation and enjoyment of the historic environment, and should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. It further

states that in developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and
- opportunities to draw on the contribution made by the historic environment to the character of a place.

8.17. Policy ESD 15 of the CLP is consistent with the advice and guidance within the NPPF with regard to the conservation of the historic environment and looks for development to:

- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness;
- Conserve, sustain and enhance designated and non-designated Heritage Assets, including their settings, ensuring that new development is sensitively sited and integrated;
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.

8.18. The site is part of a complex of buildings that would have previously formed part of Park Farm and its use, whilst currently unused, would have been agricultural in nature. From review of historical maps and literature (as noted in the Conservation Officer's comments) the linear form of the agricultural buildings at the site has changed very little over the years; with records dating back to the early 1800s.

8.19. The proposals would make a number of significant alterations to both the main barn and the outbuilding which projects away from the main barn to the south (these are detailed above). Officers appreciate and support the applicants' desire to bring the building back into use and provide a large family home through a change from agricultural to residential use, and the benefits that this would bring; not only to the applicants personally, but also potentially to the historic building securing its mid to long term future. However, this needs to be balanced against what can be realistically achieved ensuring the preservation of the historic building and any features that it may have as a designated Heritage Asset and its setting within the designated Deddington Conservation Area.

8.20. Historic England considers that traditional farm buildings are among the most ubiquitous of historic building types in the countryside, stating that: *'they are not only fundamental to its sense of place and local distinctiveness, but also represent a major economic asset in terms of their capacity to accommodate new uses. The restructuring of farming and other economic and demographic changes in the countryside provide both threats and opportunities in terms of retaining the historic interest of this building stock and its contribution to the wider landscape'*.

8.21. A number of the proposed alterations and the garden room extension are not considered sympathetic to the context and fail to reflect or reinforce the character or architectural/historic interest of these Grade II listed agricultural buildings and the wider farmyard setting.

8.22. The Council's Conservation Officer objects to the proposals considering them detrimental to the character and appearance of the building and having little regard to the historic and architectural interest of the former agricultural buildings, causing

harm to the Heritage Asset, the historic farm complex and its setting within the Conservation Area; an opinion shared by the case officer.

- 8.23. Of particular concern is the proposed garden room/utility room extension to the northern elevation. This proposed extension not only compromises one of the primary and most significant features of the existing barn, its cart door openings through the building, it would also extend the building in a direction contrary to the predominantly linear nature of the building. This would appear as an incongruous addition which, notwithstanding the proposed green Sedum roof, would be visible from the public domain, with views experience from the north-east.
- 8.24. CDC informal farm building conversion guidance advises that accommodation should aim to be contained wholly within the existing buildings and in the rare cases where extensions are proposed they should be of traditional form such as simple lean-to out-shots. It would be highly unusual to have an outshot across the midstreys (main cart door opening) which was a clear opening front to back; it would also be odd to have an outshot near a midstreys due to the turning circles of carts and the need to open the large doors. The opportunity to extend this barn has already been taken on its south elevation, leaving the north elevation simple and free from appendages, which is one of the key features that contributes to the character of the building and its setting within the Conservation Area.
- 8.25. The current proposals also include the raising of the roof of the subservient outbuilding (increasing not only the ridge height increased but also the eaves height) and alterations to its eastern and southern elevations, not only increasing its prominence within the site, but also changing its general character and appearance from that which would have appeared as a simple cart-shed/store set against and ancillary to the main barn.
- 8.26. A number of other overly domestic features included within the scheme further compound the harm that would be caused, detracting from the agricultural character and nature of the buildings and the wider site. These include: the proposed Juliet balcony, new full height window openings and the introduction of a significant number of rooflights into the roofs of both outbuilding and main barn.
- 8.27. For these reasons, the proposals would be out of keeping with the form and character of the building, would result in demonstrable harm to its significance as a designated Heritage Asset and would also detrimentally impact on its setting within the designated Deddington Conservation Area. The proposals therefore demonstrate clear conflict with the Development Plan policies identified above.

Residential amenity:

- 8.28. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.29. The proposals would have adequate indoor and outdoor amenity that would allow for a good standard of living for potential future occupants of the proposed dwelling and therefore could be considered acceptable in this regard.
- 8.30. There are a number of residential properties surrounding the site that have the potential to be affected by the proposed development, including: Eaton house some 26m to the north, walled garden and stable block some 28m to the south; Park Farm Stables adjacent and Park Farm House ~26m to the east of the outbuilding.
- 8.31. Given the context of the site, the nature and design of the proposed development and its relationship with surrounding properties, and various separation distances, it is considered that the proposals would not result in any significant impact on the

amenity of surrounding residential properties to any greater extent than is currently the situation. The proposals are therefore considered acceptable in terms of residential amenity.

Highway safety:

- 8.32. The LHA has assessed the proposals and raises no objection, subject to a condition requiring details of parking provision within the site for four parking spaces. Officers see no reason not to agree with the opinion of the LHA, and consider that the requirements of the LHA could be secured through an appropriate planning condition attached to any such permission should the Council resolve to grant planning permission.
- 8.33. The site is served by an existing access which would not be affected by the proposed development. It is considered that whilst parking for four vehicles is not shown within the current submission, that this could be achieved and that there would be sufficient space for manoeuvring that vehicles could enter and leave the site in a forward manner.
- 8.34. Officers consider that the proposals would not result in any significant impacts on the safety and convenience of highway users and could be considered acceptable in terms of highway safety.

Ecology and Biodiversity:

- 8.35. The NPPF - Conserving and enhancing the natural environment, requires 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 commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (Para. 109), these aims are reflected in the provisions of Policy ESD 10 of the CLP 2031.
- 8.36. Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to which 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.
- 8.37. Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
- 8.38. In respect to the application site, a Bat Survey Report prepared by Windrush Ecology has been submitted with the application. This report indicates that there was no evidence of roosting bats being found and there was little bat roosting potential. The report did, however, identify three Swallow nests as being present within the outbuilding.

- 8.39. The Council's Ecologist has reviewed the report and its findings and recommendations and considers it is largely acceptable, subject to any work being carried out in accordance with the details of the report, and at a time during the year outside of bird nesting season. The Ecologist further suggests alternative mitigation measures to those identified within the report with regard to potential bird nesting opportunities and it is considered that these could be secured through appropriate conditions attached to any such permission, should such be granted.
- 8.40. It is thus considered that art.12(1) of the EC Habitats Directive has been duly considered in that, notwithstanding the proposed development, the welfare of any protected species found to be present at the site and surrounding land could be safeguarded subject to appropriate conditions attached to any such permission. It is therefore considered that the proposal is acceptable in this respect having regard to the Policy ESD 10 of the CLP and Government guidance in the NPPF - Conserving and enhancing the natural environment.

Other matters:

- 8.41. The site is part of a former working farm and within an area identified as having potential for land contamination associated with such historical uses. Whilst the potential for land contamination to affect the proposed development is considered to be low, it is considered that due regard for this potential would need to be had during the construction phase, and if during development, contamination is found to be present at the site, that no further development should be carried out until full details of a remediation strategy detailing how the unsuspected contamination would be dealt with has been submitted to and approved in writing by the Local Planning Authority.
- 8.42. It is considered that these details could again be secured through an appropriate condition attached to any such permission, to ensure that risks from land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks in accordance with saved Policy ENV12 of the CLP 1996 and Government guidance contained within the NPPF.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. 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 NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 9.3. While the change of use of the building to residential use in this location could be considered acceptable in terms of the sustainability of the location and would be acceptable in terms of highway safety and residential amenity, the proposals represent an inappropriate form of development which, by virtue of the additions and alterations proposed, would cause *less than substantial* harm to the historic environment in this location.
- 9.4. Officers do not consider that there is a public benefit of this proposal that would outweigh the harm to the character, appearance and significance of the Grade II

Listed Building and its setting within the surrounding Conservation Area, which is clear, significant and demonstrable. It is to be noted that the Council has previously granted permission for schemes that would not cause the same level of harm.

- 9.5. The proposals are therefore considered contrary to the above mentioned policies and as such the application is therefore recommended for refusal for the reason set out below.

10. RECOMMENDATION

That permission is refused, for the following reason:

1. The proposals, by virtue of their siting, scale and design, would result in incongruous additions to this simple arrangement of traditional buildings of agricultural character and would result in significant and demonstrable harm to the special character and historic significance of the listed building, the setting of adjacent grade II listed building and the setting of the surrounding Deddington Conservation Area. The less than substantial harm caused is clear, significant and demonstrable and is not outweighed by the proposal's benefits. The proposals therefore conflict with saved Policies H21, C21, C28 and C30 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES:

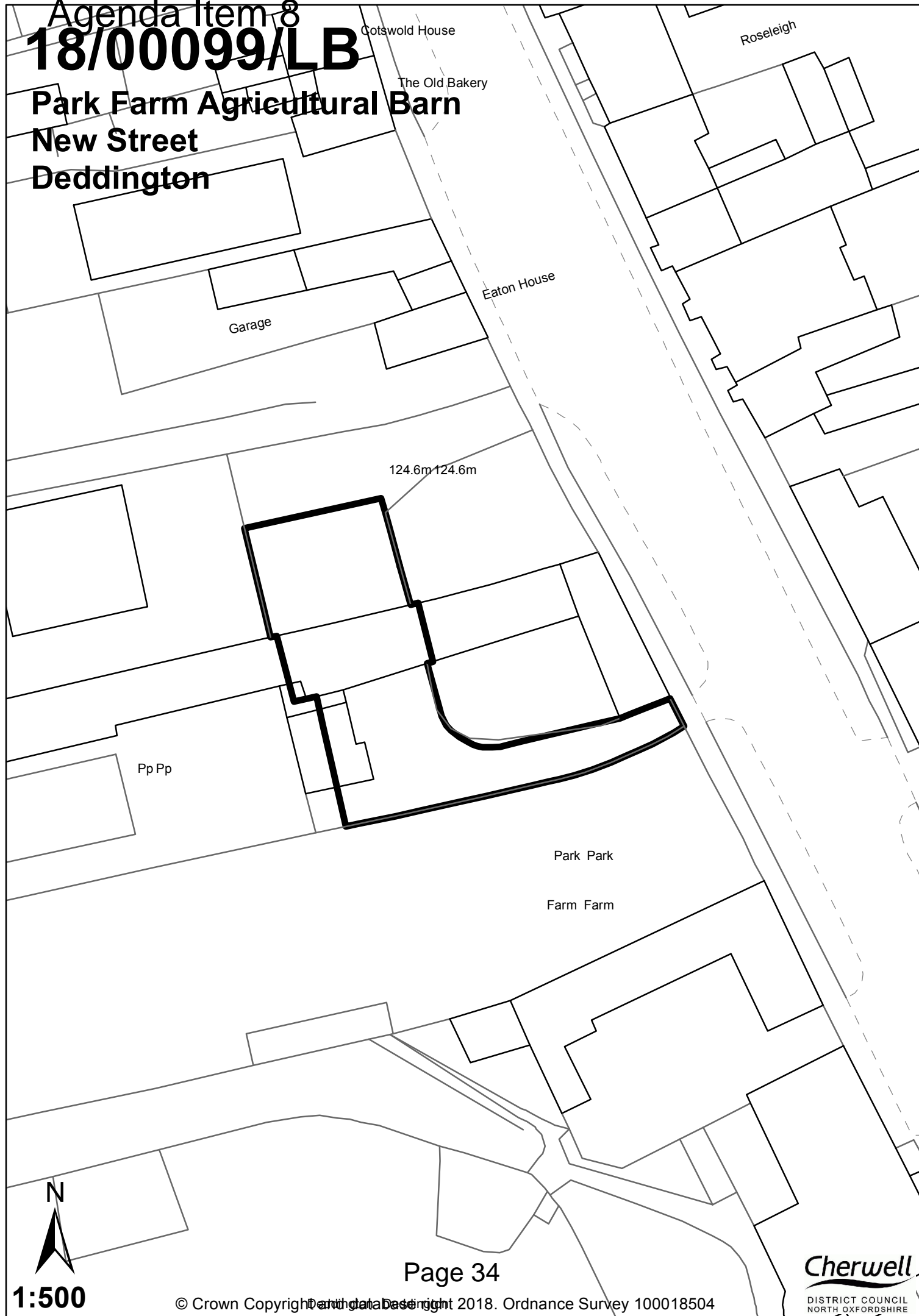
1. For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: Application form, Planning Statement/Heritage Asset Assessment, Windrush Ecology - Bat Survey Report (dated November 2017), and drawings numbered: 981-1, 981-2A, 981-3D, 981-4B, 981-5B and 981-6B, initially submitted with the application; and further revised drawings numbered: 981-3E, 981-4D, 981-5D and 981-6D, received during the application (21/03/2018).

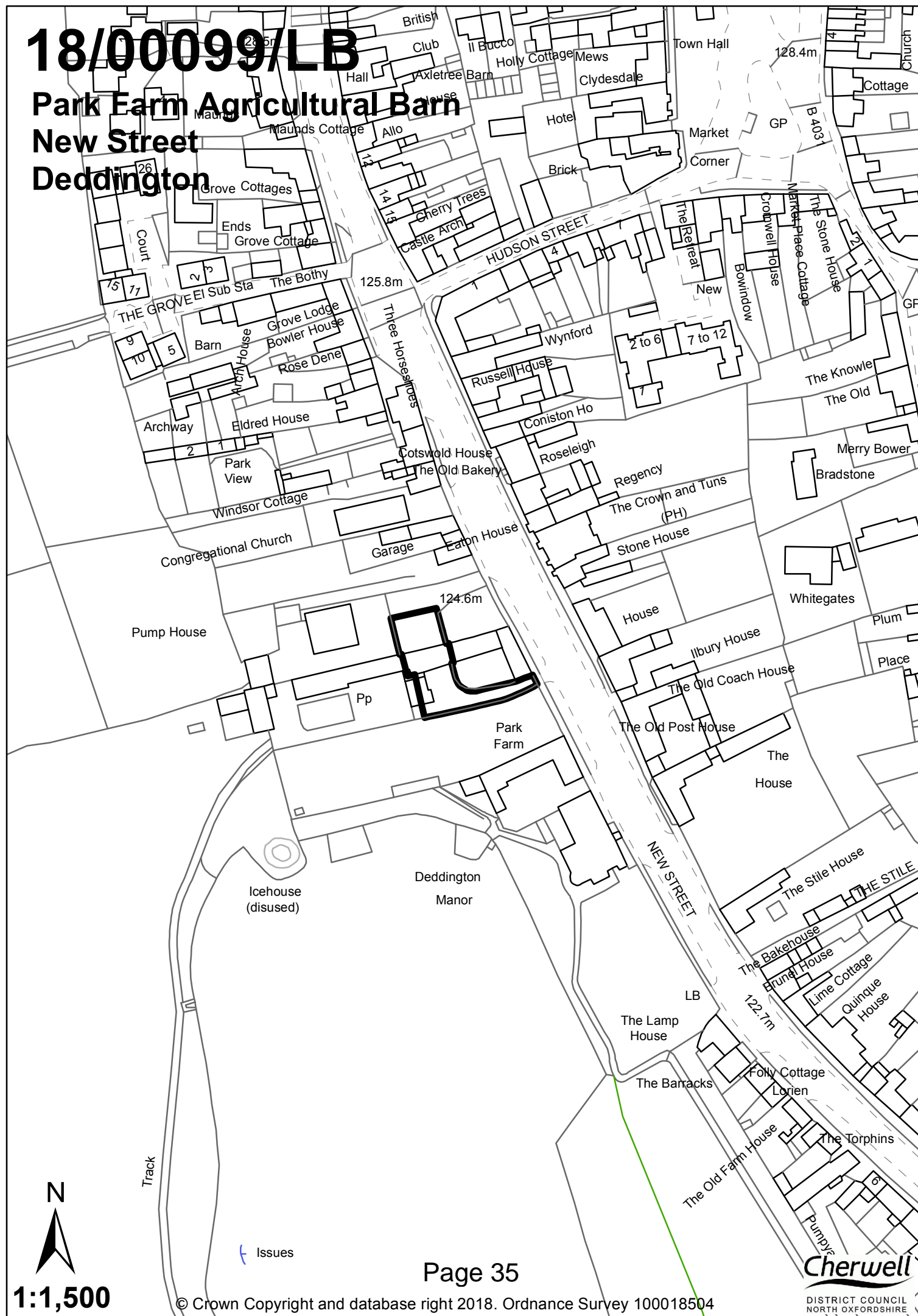
CASE OFFICER: Bob Neville

TEL: 01295 221875

Agenda Item 8
18/00099/LB

Park Farm Agricultural Barn
New Street
Deddington





Applicant: Mr & Mrs Bryn Williams

Proposal: Conversion of existing barn and associated out-building/stables to residential use. Raise roof of out-building/stables by 860mm. New single storey extension to rear with living roof

Ward: Deddington

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

Reason for Referral: The applicant is one of the Ward Councillors

Expiry Date: 14 March 2018 **Committee Date:** 24 May 2018

Recommendation: Refusal

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an existing stone barn with natural slate roof, which is part of a wider complex of buildings in a linear arrangement, and which is considered to have previously formed part of Park Farm. Land levels drop across the site from east to west down from the access into the site. To the west of the barn are adjoining stables and previously converted buildings now in residential use. Attached to the south of the main barn is a single storey outbuilding which is of stone and red brick construction again under a natural slate roof. Whilst only single storey this outbuilding is on two levels, given the topography of the site, with only the top (eastern) section falling within the application's site boundary.
- 1.2. To the east of the barn are again adjoining buildings which have been converted to residential use, with grade II listed Park Farm House further to the east fronting on to New Street (A4260), one of the main routes through the village of Deddington. Adjacent to the south is a residential property and walled garden, whilst to the north there an agricultural building with residential properties beyond. The proposed site is accessed via an existing vehicular access off New Street which also serves Park Farm House and other previously converted building.
- 1.3. In terms of site constraints, the application building is a grade II listed building (curtilage listed by association to Park Farm House) and sits within the Deddington Conservation Area, which is considered of archaeological interest. The southern boundary wall is a grade II listed structure in its own right with further grade II listed buildings to the south, including Deddington Manor. There are records of protected and notable species (including Eurasian Badger and Common Swift) within the vicinity of the site. The site also sits within a buffer zone surrounding an area of potentially contaminated land north of the site; and further an area where the geology is known to contain naturally occurring elevated levels of Arsenic, Nickel and Chromium; as seen in many areas across the district.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks listed building consent for works associated with the alterations and extension to and conversion of the existing stone barn and outbuilding to form a 5-bedroom residential property, with integral garage, residential garden and associated parking. An associated application for planning permission has also been submitted and is being dealt with under ref. 18/00098/F.
- 2.2. Alterations to the main barn would include: the introduction of a new floor to provide first accommodation 4 no. bedrooms, all with en suite bathroom; new openings through the historic fabric of the building to provide access through to the outbuilding and new window openings in the northern elevation; the introduction of 4no double-pane rooflights to the northern roofslope; the introduction of 2no new small rooflights in the southern roofslope; the glazed infilling of the main barn opening in the southern elevation and the erection of a single storey flat-roofed extension across the main barn opening on the northern elevation with glazing above. The extension would be constructed in Hornton stone under a living green sedum roof.
- 2.3. With regards to the proposed alterations to the outbuilding, these would include: The raising of the overall roof height by ~0.8m; the introduction of a new floor to provide first accommodation play-room and bedroom with ensuite; the introduction of 3no new rooflights in the eastern roofslope; glazed door with Juliet balcony to the southern elevation; alterations to the eastern elevation, including the enclosing of existing opening and creation of new garage door/entrance, glazed section and front door; infilled using a timber frame construction, clad in horizontal weather boarding.
- 2.4. During the course of the application and following a site meeting with the applicant and his architect, revised plans were received, making minor amendments to the proposed development. Officers had raised concerns as to the acceptability of the proposals as originally submitted. Unfortunately these revised plans have not sufficiently addressed the concerns of officers to the extent that the application could be considered acceptable by officers. However, accepting amended plans has resulted in the application going beyond its original determination target; through the need for the appropriate consideration and re-consultation of the amendments and to allow for the applications to be presented to planning committee.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
CHN.635/91	Alterations to existing accesses vehicular and pedestrian. Conversion of existing agricultural barns into dwellings - 3 No. new houses proposed.	Application permitted
96/00518/F & 96/00519/LB	Renewal of CHN.635/91. Alterations to existing accesses vehicular and pedestrian. Conversion of existing agricultural barns into dwellings - 3 No. new houses proposed.	Applications permitted
01/00597/F & 01/00598/LB	Renewal of 96/00518/F alterations to existing vehicular and pedestrian accesses. Conversion of agricultural barns into dwellings - 3 No. new houses proposed.	Applications permitted

04/00010/F & 04/00014/LB	Repair and internal alterations to existing house and conversion of existing stables to 1 No. dwelling.	Applications permitted
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4. PRE-APPLICATION DISCUSSIONS

- 4.1. No relevant pre-application discussions have taken place with regard to this specific proposal.
- 4.2. The Council responded to a previous pre-application enquiry (different applicant) with regard to developing the site for residential purposes (two dwellings) under ref. 16/00195/PREAPP. This advised that whilst the principle of developing the site for residential use had previously been considered acceptable and could be supported going forward, at a lesser scale (single unit), it was considered that the scheme for two dwelling units, as submitted with the enquiry, would constitute over-development of the site that would have a detrimental impact on the character, appearance and significance of the grade II curtilage listed barns and setting of the grade II listed Park Farmhouse and would not be supported.

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 30.03.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No objections have been raised by third parties as a result of the publicity process; six letters of support have been received.
- 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. DEDDINGTON PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

- 6.3. None.

NON-STATUTORY CONSULTEES

- 6.4. DESIGN AND CONSERVATION: **Objects.** The proposals do not respect the special architectural or historic interest of the curtilage listed barn or the setting of the listed farm complex, and do not preserve or enhance the special architectural or historic interest of the Conservation Area.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18: Development affecting a listed building
- C21: Proposals for the reuse of a listed building
- C28: Layout, design and external appearance of new development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Deddington Conservation Area Appraisal 2012
- Deddington Neighbourhood Plan (Pre-submission version) (DNP)

The neighbourhood plan for Deddington, which also covers the villages of Clifton and Hempton, is still at an early stage. A pre-submission version of the plan has been accepted by the Parish Council and has been submitted to Cherwell District Council as part of the consultation process. Given the early stages of the plan, in accordance with Paragraph 216 of the NPPF, no significant weight can be given to it as a material consideration at this time.

- Historic England - Adapting Traditional Farm Buildings: Best practice guidelines for adaptive reuse (2017).
- Cherwell District Council’s informal guidance - Design Guide for the conversion of farm building (2002)

8. APPRAISAL

8.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building(s).

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

8.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 129 of the NPPF states that: *Local planning authorities should identify*

and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.

- 8.4. The site is part of a complex of buildings that would have previously formed part of Park Farm, and its use, whilst currently unused, would have been agricultural in its nature. From review of historical maps and literature (as noted in the Conservation Officer's comments) the linear form of the agricultural buildings at the site has change very little over the years; with records dating back to the early 1800s.
- 8.5. The proposals would make a number of significant alterations to both the main barn and the outbuilding which projects away from the main barn to the south (these are detailed above). Officers appreciate and support the applicants' desire to bring the building back into use and provide a large family home through a change from agricultural to residential use, and the benefits that this would bring; not only to the applicants personally, but also potentially to the historic building securing its mid- to long term future. However, this needs to be balanced against what can be realistically achieved ensuring the preservation of the historic building and any features that it may have as a designated Heritage Asset and its setting within the designated Deddington Conservation Area.
- 8.6. Historic England considers that traditional farm buildings are among the most ubiquitous of historic building types in the countryside, stating that: *'they are not only fundamental to its sense of place and local distinctiveness, but also represent a major economic asset in terms of their capacity to accommodate new uses. The restructuring of farming and other economic and demographic changes in the countryside provide both threats and opportunities in terms of retaining the historic interest of this building stock and its contribution to the wider landscape'*.
- 8.7. A number of the proposed alterations and the garden room extension are not considered sympathetic to the context and fail to reflect or reinforce the character or architectural/historic interest of these Grade II listed agricultural buildings and the wider farmyard setting.
- 8.8. The Council's Conservation Officer objects to the proposals considering them detrimental to the character and appearance of the building and having little regard to the historic and architectural interest of the former agricultural buildings, causing harm to the Heritage Asset, the historic farm complex and its setting within the Conservation Area; an opinion shared by the case officer.
- 8.9. Of particular concern is the proposed garden room/utility room extension to the northern elevation. This proposed extension not only compromises one of the primary and most significant features of the existing barn, its cart door openings through the building, it would also extends the building in a direction contrary to the predominantly linear nature of the building. This would appear as an incongruous addition, which notwithstanding the proposed green Sedum roof would be visible from the public domain, with views experience from the north-east.
- 8.10. CDC informal farm building conversion guidance advises that accommodation should aim to be contained wholly within the existing buildings and in the rare cases where extensions are proposed they should be of traditional form such as simple lean-to out-shots. It would be highly unusual to have an outshot across the midstreys (main cart door opening) which was a clear opening front to back; it would also be odd to have an outshot near a midstreys due to the turning circles of carts and the need to open the large doors. The opportunity to extend this barn has already been taken on its south elevation, leaving the north elevation simple and free from appendages, which is one of the key features that contributes to the character of the building and its setting within the Conservation Area.
- 8.11. The current proposals also include the raising of the roof of the subservient outbuilding (increasing not only the ridge height increased but also the eaves height)

and alterations to its eastern and southern elevations, not only increasing its prominence within the site, but also changing its general character and appearance from that which would have appeared as a simple cart-shed/store set against and ancillary to the main barn.

- 8.12. A number of other overly domestic features included within the scheme further compound the harm that would be caused, detracting from the agricultural character and nature of the buildings and the wider site. These include: the proposed Juliet balcony, new full height window openings and the introduction of a significant number of rooflights into the roofs of both outbuilding and main barn.
- 8.13. Paragraph 132 of the NPPF states that: *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm loss should require clear and convincing justification'*. Policy ESD15 of the CLP 2031 echoes this guidance.
- 8.14. Paragraphs 133 and 134 of the NPPF both require the decision maker to weigh the level of potential harm against the public benefits of the proposal. In this case the harm caused is considered to be less than substantial. Where the proposal will lead to a less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.15. In this instance whilst the proposals would see a currently vacant building being brought back into use and also provide the applicant with a residential property to meet his family needs, the public benefit of the proposals is not such that it would outweigh the significant harm to the architectural and historic interest of the listed building, identified above. It is to be noted that the Council has previously granted permission for schemes that would not cause the same level of harm.
- 8.16. It is considered that the proposals would cause harm to the grade II listed building and setting of other adjacent grade II listed buildings and boundary wall and the proposals are therefore considered to be contrary to the provisions and aims of both local and national policy guidance with regards to the conservation and enhancement of the historic environment.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application this would include conserving and enhancing the historic environment.
- 9.2. It is considered that proposals would result an inappropriate form of development which, by virtue of the additions and alterations proposed, would cause *less than substantial* harm to the historic environment in this location. Officers do not consider that there is a public benefit of this proposal that would outweigh the harm to the character, appearance and significance of the Grade II Listed Building, its setting within the Deddington Conservation Area and the setting of adjacent grade II listed buildings and structures.
- 9.3. The proposals are therefore considered contrary to the above mentioned policies and as such the application is therefore recommended for refusal for the reason set out below.

10. RECOMMENDATION

That permission is refused, for the following reason:

1. The proposals by reason of their siting, scale and design, cumulatively represent an awkward and inappropriate form of development that would result in significant and demonstrable harm to the special character and historic significance of the listed building and its setting within the Deddington Conservation Area. The less than substantial harm caused is clear, significant and demonstrable and is not outweighed by the proposal's benefits. The proposals therefore conflict with saved Policies C18, C21 and C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES:

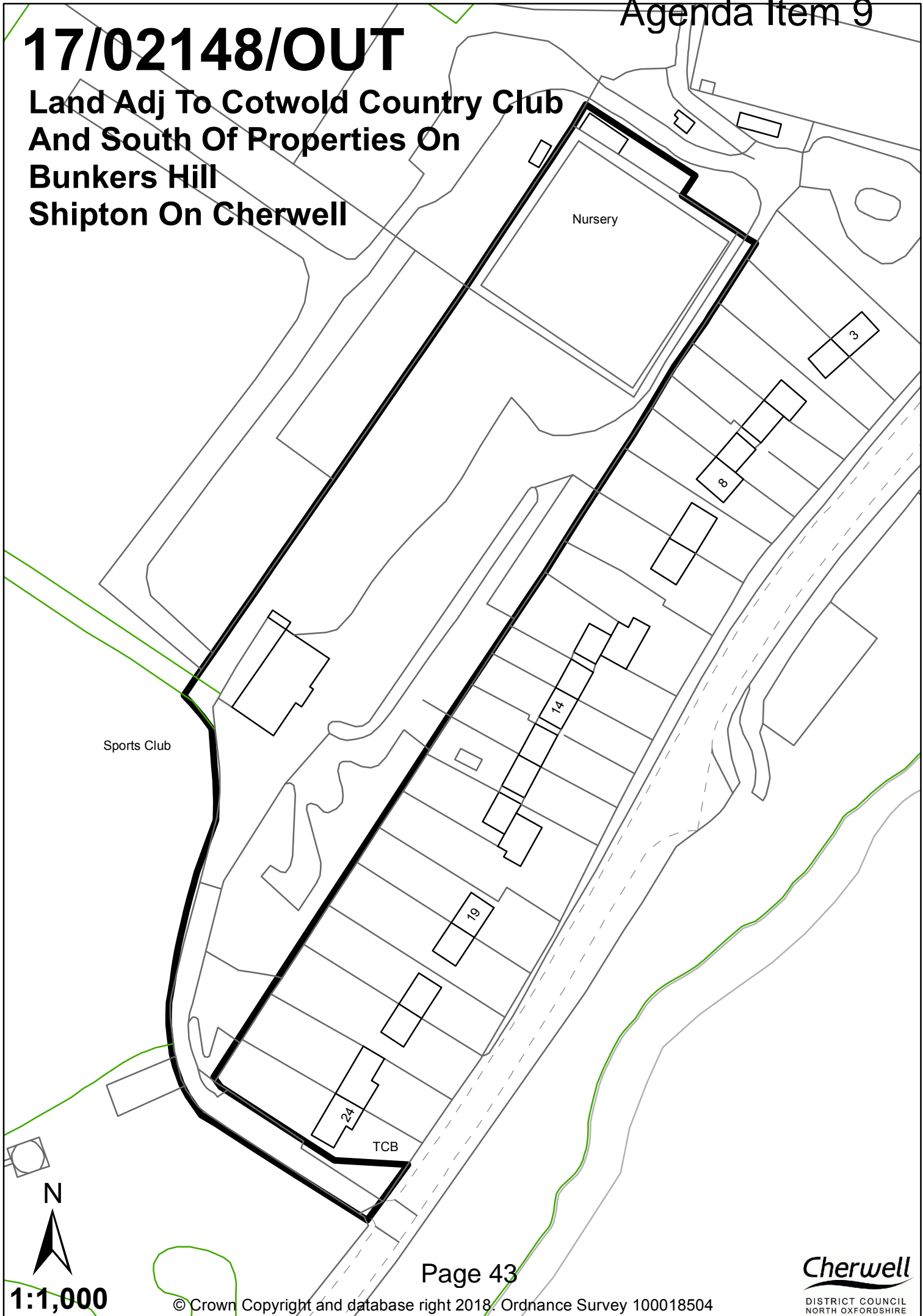
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CASE OFFICER: Bob Neville

TEL: 01295 221875

17/02148/OUT

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



17/02148/OUT

Land Adj To Cotwold Country Club And South Of Properties On

Bunkers Hill Shipton On Cherwell

Long Barrow

1.22m RH Co Const.

Mound
Mound

Water Tower

Nursery

Sports Club

Bunkers Hill

Pond

Water

Water

Tank

WB

WB

Dismantled Railway

80.4m

A4095



1:4,000

Page 44

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**Land Adj To Cotwold 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:** 28 May 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.
- 2.3. The application was deferred from the Planning Committee Meeting on 15 March 2018 for the applicants to discuss the development with Bunkers Hill Management Company and the provision on –site of a community building.

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: **Objects** for the following reasons:

The proposed access road is not of sufficient width to allow a refuse vehicle to pass a car safely. No passing bays have been proposed by the applicant.

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 splays, 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: **Comments** 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: **Comments** 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: **Comments** 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: **Comments** as follows -

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: **Comments** 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. While 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 and the proposal as now submitted.

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 current 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/de-restricted 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
- Contributions towards off-site indoor and outdoor sports facilities
- In lieu of the provision of a community building on the site to be managed by BHMC, the applicant is offering to give BHMC £70,000 to be spent by them on local improvements

8.16 The indicative drawings and the applicant's 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 or 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 would be set up to maintain the open space within the site and have agreed to contribute towards off-site sports facilities and towards Shipton on Cherwell Millennium Hall.

8.18 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, not wanted by the residents of Bunkers Hill and is not justified for c. 30 houses, nor viable going forwards. Officers consider that this view is reasonable particularly with the agreement to provide a contribution towards the nearby Shipton on Cherwell Millennium Hall. The payment of £70,000 to BHMC towards local improvements is not considered to be necessary to make the development acceptable in planning terms.

8.19 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 £7,683.60) 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.

8.20 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. Members took this public benefit into consideration when weighing up the benefits of the previous application for 8 dwellings and judged that along with the other benefits offered as a package the harm caused was outweighed by those benefits and granted planning permission.

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

- 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 brought 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 The additional requirements from OCC for public transport improvements would mitigate to a limited extent the fact that the development is in an unsustainable location. The contributions towards off-site sports (indoor and outdoor) along with the contribution towards off-site community facilities (rather than an on-site community building potentially used by fewer people) also offer wider public benefits. However, the application includes two additional dwellings and is therefore

a different proposal to that approved under 14/02132/OUT. In your officers opinion, while a contribution towards affordable housing is not required, due to the number of units proposed, for the package of benefits to be comparable to 14/02132/OUT some provision for affordable housing should be made. It has been suggested to the applicant that this could be either by way of an off-site contribution or by providing two of the units as 'starter homes'.

8.23 In response to this the applicant's agent has commented that a contribution towards or provision of affordable housing on the site is not required and that:

- Across the contributions from CDC Leisure (Stratfield Brake, Kidlington Leisure Centre and Shipton Hall); the County (Public transport, new bus stop and legal costs) we are looking at just over £36,000 new contributions NOT sought in 2014/2016.
- The extant permission is for 8no very large properties – cumulatively larger than the 10 we propose today. Under the CIL regime the scheme for 10 on the table would attract a much smaller CIL bill than the extant permission for 8, yet under the s106 we show an increase in overall spend since 2016. Plus, as a builder/developer my client has been more realistic with costs for on-site works, which have all gone up, not just due to inflation but increased requirements (inc the 20year service plan for the Klargestor).
- A comparable or even enhanced package of infrastructure and financial contributions is proposed to that the subject of 14/02430/OUT.

8.24 Officers consider that with the material change in policy, the increased number of units and the reduction in public benefits offered by the scheme (with the omission of the affordable housing contribution), 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

8.25 The proposed development would 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 would not be significant.

Highway safety

8.26 The Local Highway Authority (LHA) has recommended refusal of the application on the grounds that the access road into the development is proposed to be a 4.1m wide access lane with no footways or passing bays for motorists or refuges for pedestrians. The LHA has advised that the road is not wide enough to allow a car to pass a refuse vehicle safely and the narrow carriageway could lead to motorists that are exiting the development having to reverse long distances to allow oncoming motor traffic to pass.

- 8.27 The applicant has carried out a speed survey and submitted a Transport Statement along with revised plans showing the land in their control (outlined in blue on drawing No. 392/17/PL1002A) and the LHA is satisfied that subject to planning conditions being adhered to and a Traffic Regulation Order (TRO) being implemented, adequate visibility splays can be provided in both directions.
- 8.28 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.
- 8.29 The applicant's agent has advised that a passing place can be provided along the access drive, at the entrance to the sewage treatment plant/water pumping station. Commenting on this amendment, the LHA considers that this location would be sufficient to provide safe passage along the access road. A turning area within the site for an 11.6m refuse vehicle would still be required due to the length of the access road. It is possible for this to be provided within the red line area.

Impact on the living amenities of neighbouring dwellings

- 8.30 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

- 8.31 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".
- 8.32 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.
- 8.33 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.

- 8.34 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

- 8.35 As set out above the applicant for the current application has advised that they would 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 and off-site sports facilities if planning permission is granted. These proposed benefits will now be considered in turn:

- Improvements to the junction with the highway and access road

The improvements to the access, as indicated on drawing no. 392/17/PL1002A, would 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. It would therefore make the development acceptable, rather than constitute a net benefit. 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.

- Public transport improvements

The s106 agreement for the previous outline consent did not seek contributions towards public transport improvements. Contributions towards increase in frequency of the bus service, provision of a bus stop flag sign and timetable information as well as a contribution towards relocating the 30mph sign 50m to the south have been requested following the consultation response from Oxfordshire County Council.

The contributions are directly related to the development because the bus stops on the A4260 are one of the few amenities that residents would be able to access on foot without walking on the mainline carriageway of two strategic distributor roads. The development is located in an area with no other amenities or services. Therefore, this bus service would be the only means that residents who did not have the use of a car would be able to get to and from the development safely. In addition the timetable information and flagpole will make the bus stop on the north bound side of the A4260 more easily identifiable and make the information more accessible. It is in accordance with the policy set out in paragraph 23 of Oxfordshire County Council's bus strategy for connector transit routes, which is to "protect and improve the commercial viability (of connector transit services) through infrastructure and service enhancements such as improving bus stops and hubs." The relocation of the speed limit sign would reduce traffic speeds on this road in the vicinity of the proposed development, thereby reducing the likelihood of collisions brought about by excessive vehicle speeds. Therefore, this

TRO, if applied successfully, would help provide safe and suitable access to the development in accordance with the National Planning Policy Framework.

- 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. The proposed works should therefore carry no weight in the determination of this application.

- 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. The proposed works should therefore carry no weight in the determination of this application.

- 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. The proposed demolition should therefore carry no weight in the determination of this application.

- Millennium Hall at Shipton-on-Cherwell

Rather than providing a community building on the site, which in reality is only likely to be used by residents of Bunkers Hill, a contribution is sought towards enabling the existing hall in Shipton on Cherwell to accommodate the increase in capacity.

- Local Area of Play (LAP)

A LAP is required to be provided on site along with a contribution for maintenance by the Council/Parish Council. The applicant's agent has stated that whilst the LAP will be provided it will be maintained by a management company set up as part of the development. The Council would normally elect to manage such spaces and so this matter would require further discussion. This contribution is required to make the development acceptable, rather than constituting a net benefit.

- Off-site sports facilities

Contributions towards off-site sports facilities are sought to improve facilities at Stratfield Brake and Kidlington Leisure Centre in line with the emerging Sports Studies that the Council is currently preparing, supported by the Council's policies on health and well-being. This contribution is required to make the development acceptable, rather than constituting a net benefit.

- 8.36 Whilst the majority of the foregoing are benefits, and therefore material to the consideration of the application, others are not, and some of the benefits would in reality merely make the development acceptable rather than provide net benefit. Officers remain to be convinced that they outweigh the harm arising from the provision of housing isolated from any settlement. However given the extant consent on the site Members will need to consider whether the benefits set out above at paragraph 8.15, are sufficient to outweigh the harm.

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) and for those using Shipton on Cherwell Millennium Hall along with the sports facilities at Stratfield Brake and Kidlington Leisure Centre, 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 in your officers' view 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 The proposal comprises development within the countryside in an unsustainable location, and therefore the presumption in favour set out in the NPPF does not apply. Notwithstanding the extant approval for 8 dwellings, in your officers' 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. As such it is considered that the development is 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:

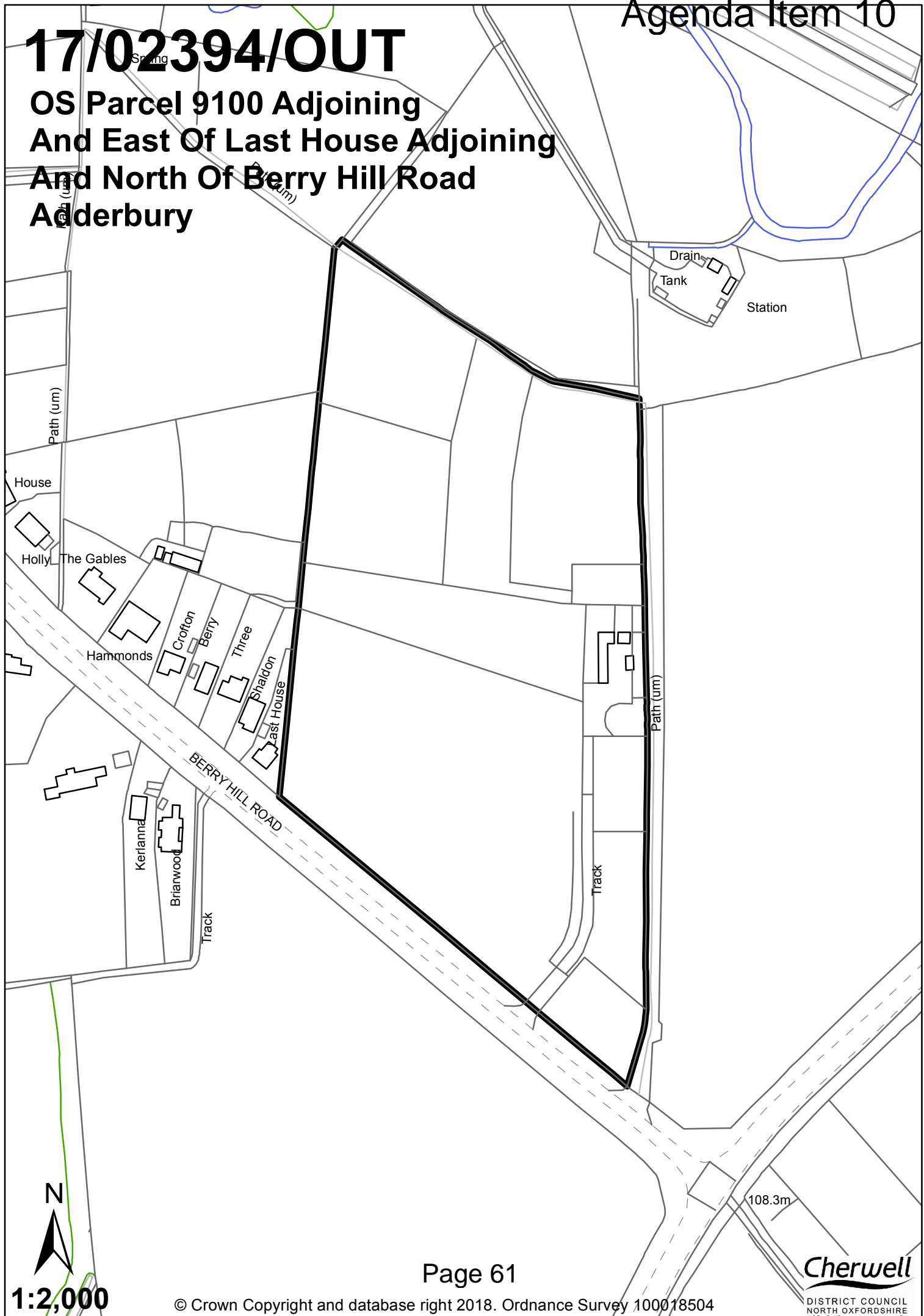
1. The proposal represents development within the countryside where there is no proven need for agriculture or other existing undertaking and the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need, it constitutes unsustainable, new build residential development in a rural location which is divorced from established centres of population, not well served by public transport where residents would be reliant on the use of the private car. The proposal therefore results in an environmentally and socially unsustainable form of development. 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

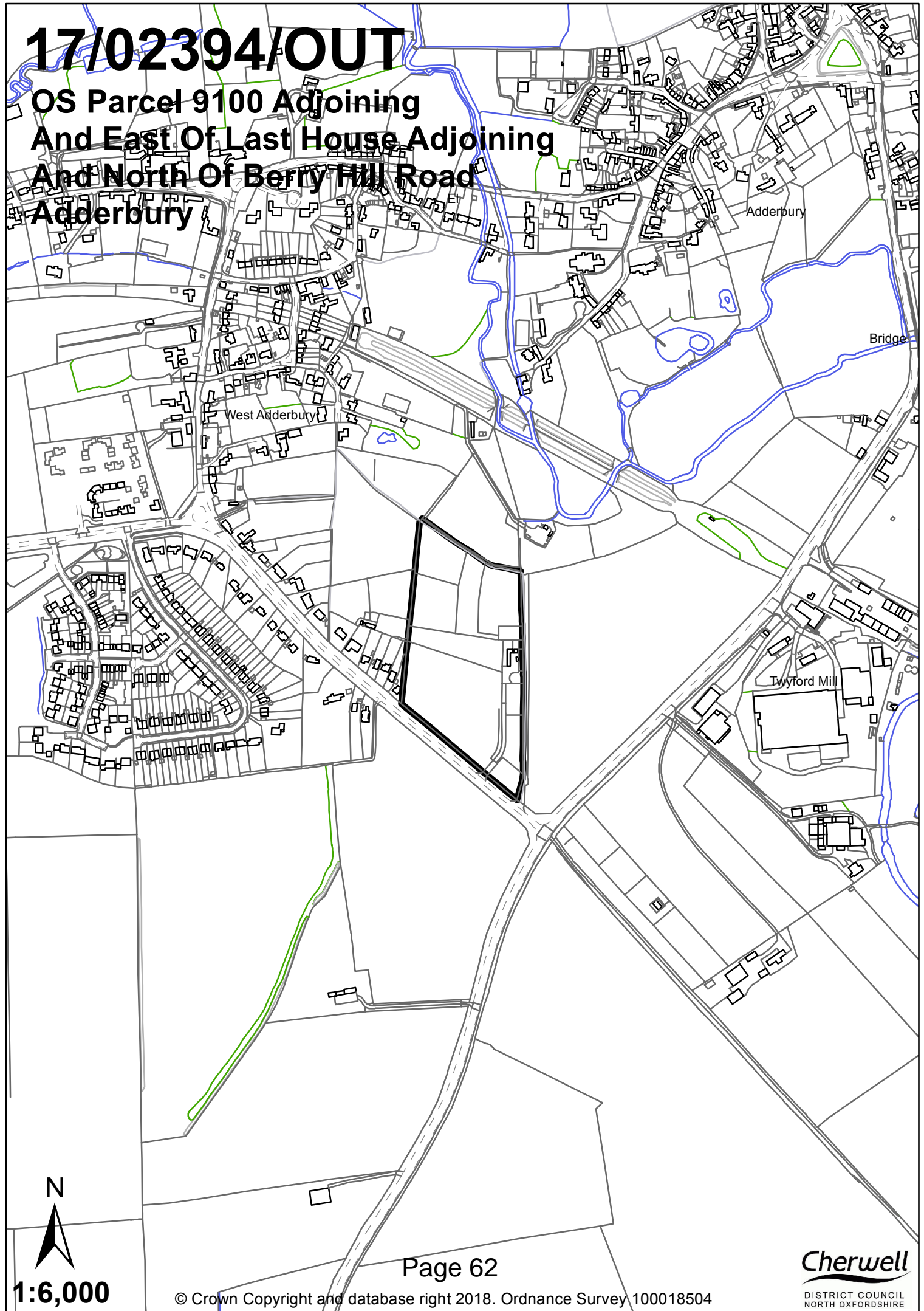
17/02394/OUT

**OS Parcel 9100 Adjoining
And East Of Last House Adjoining
And North Of Berry Hill Road
Alderbury**



17/02394/OUT

**OS Parcel 9100 Adjoining
And East Of Last House Adjoining
And North Of Berry Hill Road
Adderbury**



1:6,000

Applicant: Hollins Strategic Land LLP

Proposal: Outline planning permission for up to 55 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road.

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Cllr Andrew McHugh

Reason for Referral: Major development

Expiry Date: 2 March 2018 **Committee Date:** 24 May 2018

Recommendation: Refusal

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is to the south of the village of Adderbury to the north side of Berry Hill Road, close to the A4095 but separated from it by a field and a public right of way. The land extends to 4ha in area and is currently agricultural land surrounded by field hedgerows and trees. To the eastern side of the site is a stable and haybarn and part of the land is currently used for associated equestrian purposes. To the south and east of the site are agricultural fields, to the west is residential development in the form of a ribbon of detached houses set back from Berry Hill Road and to the north is further agricultural land with a sewerage treatment works close to the northern boundary of the site.
- 1.2. In terms of recorded site constraints, the site has some potential for naturally occurring contamination, there are ecological records nearby and a public right of way runs along the northern edge of the site (and to the eastern side but outside of the site). In terms of heritage assets, the Adderbury Conservation area boundary is approximately 180m to the north of the site and there are views available from Berry Hill Road towards the Grade I listed Church of St Mary. Otherwise there are naturally occurring constraints including the topography of the land, which slopes to the north and the field boundaries of hedgerows/ trees.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks outline planning permission for a residential development of up to 55 dwellings (as amended – to be explained later). All matters are reserved for later approval apart from access which requires consideration now. The application is accompanied by a raft of information including technical assessments and an

indicative layout to demonstrate that the development applied for can be accommodated.

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>
02/01009/F	Erection of stable and hay barn and a menage and track to existing access	Application Permitted
05/01468/F	1 No. bungalow with associated access and re-site existing stables	Application Refused
06/00712/OUT	OUTLINE application for 5 No. detached dwellings, two terraces of 6 No. dwellings for affordable housing. New access, screened parking and amenity area.	Application Refused
06/00005/SO	Screening Opinion - Residential Development - 06/00712/OUT	Screening Opinion not requesting EIA
17/00089/SO	Screening opinion to 17/02394/OUT - Outline planning permission for up to 60 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road	Screening Opinion not requesting EIA

3.2. Application 06/00712/OUT was the subject of a planning appeal, which was subsequently dismissed. The reasons for the appeal being dismissed were predominately due to the Inspector finding that the development would have a significant adverse impact on the character and appearance of the area and would conflict with policies which aim to control residential development within the countryside and that the proposed houses would be provided in an unsustainable location.

3.3. More detailed reasoning from this appeal decision is referred to where relevant in the following appraisal.

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 (amend as appropriate). The final date for comments was 23.03.2018, 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 (39 in total) are summarised as follows:

- Strongly object – there are a number of sites currently under construction. New developments are destroying the village and 180 new homes have been approved in the past 5 years in the village
- This does not comply with the Neighbourhood Plan in particular the site lies outside of the settlement boundary within the open countryside where there is a presumption in favour of local landscape protection and enhancement.
- This does not comply with Local Plan Policies
- The site was rejected in the 2014 Strategic Housing Land Availability Assessment.
- There has been previous refusals on this site including one dismissed at appeal and those reasons for refusal have not been overcome
- The site falls outside the natural boundary of the village and will result in development beyond the built up limits of the village
- The site provides an attractive rural gateway to the village and the development would be detrimental to the visual amenities of the area, detract from the rural landscape and would destroy a view of the church and conservation area
- The development is out of keeping with the character of Berry Hill Road being substantial properties set back from the road
- The proposed development will result in excessive urbanisation of what is currently open countryside, destroying the rural nature of this entrance to the village.
- The location is unsustainable and is remote from the village centre and local school and it is at the extremity of an already sprawling village. Future occupiers would be reliant on private cars for commuting and shopping. Nearby rights of way are unpaved and unlit and not suitable for providing regular access to village facilities. This would result in a development that significantly compromises the principles of sustainable development.
- The village has a small convenience store some distance from the shop but there is no post office and other local shops are destination retailers.
- The lower part of the field is often subject to noxious smells in the summer months from the adjacent water works
- The school would be put under further pressure
- The roads have difficulty in coping with the current traffic levels and would be put under further pressure
- Berry Hill Road is substandard in construction and is of a rural nature. It is in a poor state mainly due to the increased heavy traffic associated with the nearby developments. This has increased noise and pollution. There are no footways along Berry Hill Road.
- There will be an increased risk of accident

- The proposed 2m wide footpath is of urban proportions and unsuitable for a rural setting. Concern over the suitability of the position of the crossing point and safety for pedestrians. The path and crossing extend into the conservation area and in front of listed buildings. The urban character of this proposal would cause a significant negative impact on the character and appearance of this area.
- The area is important for local wildlife and the site adjoins other fields that provide a valuable habitat and corridor for wildlife.
- The proposal would increase demand on the Horton Hospital which is facing cuts and could have a negative impact on the service available.
- The land is likely to be contaminated.
- There is a risk of increased flooding if surface water is not appropriately dealt with.
- The site lies a few hundred metres from pre-historic remains and therefore an archaeological field evaluation should be undertaken.
- The reduction in dwelling numbers proposed does not alter the previous comments made.
- Adderbury Parish Council has recently undertaken traffic surveys to inform its view on the traffic problems within Adderbury. There were significant variations between the application figures and the Parish's traffic survey. Should a more detailed traffic assessment be carried out as it is suggested that there is a problem. This development would add to the cumulative build-up of traffic on Berry Hill Road, Horn Hill Road and through the village.
- The Heritage Statement failed to address the prehistoric findings found on the site to the west of the site. An archaeological survey should be required due to its proximity to known prehistoric finds in close proximity.
- A pedestrian refuge on the Oxford Road would cause substantial visibility problems. This feature is also unlikely to reduce the speed of vehicles along the road. Encouraging pedestrians to cross this road is highly irresponsible.
- The connection at Horn Hill Road is unclear and there is no mention of the impact of this on the setting of the listed buildings and the conservation area.

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

6. RESPONSE TO CONSULTATION

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

PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. **Adderbury Parish Council** – Objection for the following reasons:

- There is no requirement in Cherwell District Council's Local Plan for further development in the rural areas such as Adderbury and Cherwell District Council (CDC) has demonstrated a 5.6 year housing land supply.
- The site is outside the village built up settlement area and is in open countryside, therefore development is contrary to CDC policies as well as the emerging Adderbury Neighbourhood Plan.
- A proposal of 60 houses is over development of the site.
- This area is designated as being of High Landscape Value and housing would detract from the rural landscape. This is an important open and rural area on the approach to the village and it would be detrimental to the approach to the village from the south.
- Development on this site would detract from important views of the Church and the original and historic centre of the village, being detrimental to the visual amenities of the site. The importance of views of the Church has been stated elsewhere by Historic England and the same points apply here.
- It would be detrimental to the amenity value of a number of footpaths and bridleways which cross this part of the parish.
- The proposed design does not reflect the character of the existing dwellings along Berry Hill Road and might encourage further applications for development in land adjacent to this, behind the other Berry Hill Road properties.
- This is not a sustainable site being some distance from the main village facilities and having no good footpaths or cycle ways to reach the centre, pedestrians would have to walk along very busy roads or use cars.
- A gasometer was removed for this site around 40 years ago, therefore the ground could be polluted.
- If Cherwell District Council is minded to approve this application, Adderbury Parish Council would request that there is a provision for community benefit and the Parish Council's requests are attached.

CHERWELL DISTRICT COUNCIL

- 6.3. **Investment and Growth Team** – On a development of 60 units, 21 of these must be for affordable housing in line with the 35% for developments in rural villages in Cherwell as stated in the adopted Cherwell Local Plan Part 1 Policy BSC3. An indicative mix is provided, which represents a 70/30 split between affordable rented units and shared ownership units. Affordable housing should be indistinguishable in terms of external design from the market housing and be integrated throughout the site. Advice is provided regarding clustering; the percentage of dwellings required to be accessible and adaptable and that all should be built to the Government's Nationally Described Space Standard. Parking requirements are also provided.

Second response – The revised application has reduced the number of units to 53 and so the number of affordable units would be reduced proportionately (and given the now increase in numbers, the required number would be increased further).

6.4. **Recreation and Leisure** – contributions are sought towards off-site outdoor sports facilities, towards offsite indoor sports facilities, towards community halls and towards public art.

6.5. **Ecology** – (first response) The Extended Phase 1 habitat survey was undertaken at an appropriate time of year and in line with appropriate methodology. Overall the site is considered to have low-moderate ecological value with the northern most area of the site which is to be retained of the highest value. The retention as public space as well as creation of an area of species rich grassland managed for ecological enhancement is likely to result in some conflicts. The hedgerow boundaries and a number of mature trees are of high ecological value and provide wildlife corridors and they should be retained. A biodiversity impact assessment calculation should be provided prior to the determination of the application to inform if a biodiversity gain is expected within the site which must be sought in line with the NPPF and local plan policy ESD10. At present the proposals appear to be a borderline loss/ gain. There has been a recently recorded great crested newt record which was not picked up during the ecological assessment and so there is potential for GCN to be present on site. However, the concern is reduced given the northern part of the site is to be retained and enhanced and therefore the distance between the ponds and the area proposed for housing. If works to the north of the site are required, then further GCN surveys are required. The two trees with bat roosting potential are present in the hedgerow along the northern boundary of the site and these are proposed to be retained, however surveys would be required if these trees are to be felled. A pre-commencement badger check will be required and the inclusion of habitat boxes for bats, birds and invertebrates within the built environment are supported. Lighting should be kept to a minimum particularly along hedgerows.

Second response – The habitat survey is appropriate in scale and depth. The recommendations made are sufficient to protect and accommodate current ecological interest on site. A BIA metric has also been submitted to help assess whether there would be an overall gain for biodiversity from the proposals. This was discussed and agreed with a previous Ecologist, including an illustrative masterplan. Whilst this would be addressed as part of a reserved matters application, the areas of habitats proposed will need to be accommodated and this would involve some areas to be fenced off to achieve a better quality of created habitat. A net loss to biodiversity was still the result and a net gain should be achieved. It is important that further biodiversity enhancements are included on site both within the green spaces and the built environment.

6.6. **Design and Conservation** – The proposed site lies outside the Adderbury Conservation area but the appraisal is of relevance in understanding the development of the settlement. It is clear from an analysis of the settlement where areas of modern development have disrupted the defined historic settlement pattern and this proposed development would exacerbate this trend. It would be seen as positive for the development to replicate earlier patterns of modern development. There are concerns with the principle of development on this land as it forms a non-traditional extension to the settlement pattern. In addition, there are concerns with the proposed layout which shows suburban layout with non-linear streets.

In addition to the impact on the general settlement pattern of Adderbury, the proposed development would block views of the Grade I listed Church of St Marys from across open countryside. The impact would be significant from Berry Hill Road but also compromise the setting of both the church and village from the public footpaths surrounding the site. The Adderbury Conservation Area appraisal describes the significance of the church and it is a prominent feature within the settlement and is visible from a number of locations. A previous appeal was

dismissed partially due to the impact on an attractive view of the village church. The proposed development would cause harm to the setting of the grade I listed building and compromise the visual relationship between the church, village and surrounding countryside. There is not considered to be sufficient public benefit to outweigh this harm.

Second response – The development would stand alone in the landscape and is a non-traditional extension to the settlement. The additional information provided confirms this. The proposed layout is suburban and does not follow any historic, traditional or local parameters. The development is located at some distance from the conservation area and will not really impact on its setting but it remains a poorly considered urban extension which does not integrate well with the remainder of the settlement.

The heritage statement describes the view of the church spire as incidental and identifies that it is not one of the key views outlined in the conservation area appraisal. However, as Historic England point out, the church spire was designed to be seen from significant distances in the landscape to reinforce the social and community significance of the religious building. The illustrative layout shows view lines leading through to the church however due to the suburban nature of the layout of the site these appear incidental rather than funnelled. There is little sense of the significance of the church that is usually seen in more traditional and historical settlement layouts.

- 6.7. **Landscape Services** – Further assessment within the LVIA is required as there are no viewpoints taken from any points beyond the boundary of the site. The assessment is required to produce a greater depth of analysis and the impact upon the conservation area must be assessed. There is no indication of heights of the proposed dwellings. There is no surface water attenuation shown. The site is located in open countryside and the LVIA needs to examine this. In 2007, a Planning Inspector concluded that development on the site would have a significant adverse impact on the character and appearance of the area. A comprehensive LVIA should examine this.

Second response – The viewpoints assessed in the LVIA are critiqued. It is concluded that whilst the development has limited visibility in the wider landscape, there are many reasons why it is undesirable:

- The site is surrounded by open countryside apart from one dwelling adjacent at one corner. Last House and the dwelling opposite mark the end of the built up area of Adderbury. As you turn off Oxford Road, it is not clear where the village of Adderbury starts. The site is an important green open space on the edge of the settlement that makes a significant contribution to the character and appearance of Adderbury.
- The proposed development is out on a limb visually and intrudes into open countryside.
- The existing settlement pattern along Berry Hill Road is one of low density large detached houses with long drives and large gardens. This development does not follow that pattern and is out of character with it. The urban form will not integrate into the existing settlement pattern.
- The site allows an attractive view of the church which would mostly be lost; it would only be available as a fleeting glimpse from Berry Hill Road.

- The hedge along Berry Hill Road is a weak screen being thin at the base, gappy and leggy. It is like a line of weak trees which would require works that would make it less effective as a screen. Reinforcing this would be difficult as planting in the shade of other trees is not effective. Sections will be removed for visibility splays and provision of a footpath link. The remainder is likely to be reduced in height, weakening the screen.
- The development would result in Adderbury village starting as soon as you turn off Oxford Road which would negatively affect the setting of the village.
- The DAS does not include principles that inform the detailed landscape design.
- The play area should be located within the development so that it is overlooked.

6.8. **Planning Policy – Objection.**

- Adderbury is a Category A village, one of the more sustainable villages in the District (Policy Villages 1).
- Policy Villages 2 provides for a total of 750 homes to be delivered at the Category A villages on new sites of 10 or more dwellings (in addition to the rural allowance for small site ‘windfalls’ and planning permissions as at 31 March 2014).
- The proposal would assist in meeting overall Policy Villages 2 housing requirements and could contribute to the provision of affordable housing.
- The 2017 AMR (December 2017) shows there are 86 dwellings, out of the 750 allocated for the rural areas, remaining to be identified. The AMR also demonstrates that the District presently has a 5.5 year housing supply for the period 2017-2022 (commencing 1 April 2017). However, this will increase to 5.7 for the period 2018 to 2023 (commencing April 2018).
- For the period 2011 to 2017 there have been 144 recorded housing completions in the village.
- For the period 1 April 2014 (the date from which the 750 dwelling allocation in Policy Villages 2 applies) to 31 March 2017 there were 94 recorded housing completions in Adderbury.
- There is therefore no pressing need to release additional greenfield land at this time.
- The consultation period for the Adderbury Neighbourhood Plan (Submission Plan) concluded on 24 November 2017 and Adderbury Parish Council is currently preparing a list of minor modifications prior to submitting the plan for examination. The application site is not allocated for development within the Neighbourhood Plan and the Neighbourhood Plan has limited weight as a material planning consideration prior to adoption.
- The draft Housing and Economic Land Availability Assessment (HELAA) dated August 2017 identifies the application site as HELAA012 and concludes that this site would be unsuitable for development.

- Although the application site is not located within the designated Adderbury Conservation Area, Adderbury is an historic village and development is required by Policy ESD 15 to complement and enhance the character of its context through sensitive siting, layout and high quality design and to respect traditional patterns of development. It also requires development to conserve, sustain and enhance heritage assets. The advice of the Design and Conservation team should therefore be sought.
- In conclusion, Adderbury is a sustainable village and Policy Villages 2 does make provision for some development to take place in such settlements. However, the draft HELAA suggests that this is an unsuitable site for development. The merits of providing additional housing (including affordable homes) need to be considered alongside issues such as the loss of open countryside, the impact on the existing settlement pattern and the impact on heritage assets.

6.9. **Arboriculture** – It is proposed that the majority of trees on site are retained. The only trees for refusal are of low value and this category of trees should not normally pose a constraint for development. The section of hawthorn hedge is currently unmanaged and its removal will not have a significant impact on views into the site. The applicant will need to produce an arboricultural method statement with details of the proposed protective fencing and a finalised tree protection plan. Based on the illustrative masterplan there appears to be plenty of space for the planting of trees on site and details of this and tree planting pits will be required. No objections are raised subject to a number of recommended planning conditions being imposed.

6.10. **Environmental Protection** – There is a sewage pumping station, previously a sewage works until 1999 located 50m to the north east of the site. There is the potential for odour, nuisance and residual contamination to affect the development at this close proximity and there is insufficient information as part of the application to provide assurances that the risk is acceptable and any potential risks have been mitigated.

In response to queries from the applicant, further advice was provided as follows: the position that no dwelling would be closer than 150m from the pumping station is noted and this provides more separation distance than the 50m referred to and this reduces risk. Whilst the prevailing wind is south west this means the pumping station is upwind of the development for the greatest proportion of time. Non prevailing conditions are often accompanied by temperature inversions and atmospheric conditions most likely to prevent odour dispersion. A favourable prevailing wind direction does not therefore necessarily prevent nuisance. If it is assumed that the pumping station operates to standards expected of a 1999 design and construction and the former sewage works were decommissioned to minimise residual nuisance or contamination, the risk of odour nuisance should be minimal but in the absence of contamination from the sewerage undertaker, further advice cannot be confirmed.

Second response – In respect of noise, a condition to require a construction environment management plan should be imposed to require details to ensure that construction works do not adversely affect residential properties nearby. The full contaminated land conditions should be imposed. In respect of air quality, a condition is recommended to require the provision of ducting to allow for the future installation of EV charging infrastructure

OXFORDSHIRE COUNTY COUNCIL

6.11. **Transport** – (first response) Objection for the following main reasons:

- Feasibility of the footway between development site and Horn Hill Road must be demonstrated. This footway is regarded as an essential provision for a development site with relatively poor sustainability credentials and so its delivery must be established.
- Quantification of existing traffic levels is not presented in the Transport Statement. The impact within the immediate proposed development area is only considered. The trip rates derived and the resultant trip generation estimates are acceptable. No further impact or distribution assessments have been carried out on the surrounding highway network (such as the Berry Hill Road/ A4260 Oxford Road junction). A junction assessment to evaluate the impact will be required.
- The accident analysis presented in the Transport Statement is deficient. More comprehensive information should be provided with regard to the accident history of the Berry Hill Road/ A4260 junction.
- Provisions for vision splays require revision as they must be based on Design Manual for Roads and Bridges standards not Manual for Streets. The requirement for a highway trees to be felled for the vision splay also needs to be checked.
- Further drainage information is required. Whilst there is no objection in principle to the drainage proposals, the preferred option stated is to use SuDS infiltration to ground as a means of disposal of surface water at the site in accordance with the SuDS hierarchy. However this is unproven through soakage testing as a workable solution. The viability of this option needs to be proven by carrying out infiltration testing at the site to standard BRE 365. The alternative option to discharge to the off-site watercourse would involve transiting third party land and the applicant would be required to confirm the offsite surface water arrangements and right to cross third party land and consents. This issue is considered too critical to be left to be dealt with by a condition of planning permission.
- A number of S106 contributions are requested and justification provided. A number of planning conditions are also recommended.

Additional comments:

- OCC supports plans to provide a new crossing point with a pedestrian refuge, dropped kerbs and tactile paving on the A4260 Oxford Road, as well as a new footway on the northern side of Berry Hill Road from the site access to the junction with Horn Hill Road and extending south-east of the site access and around the corner on the A4260 Oxford Road. However, the safety of the crossing must be assessed. There is no mention of any potential public rights of way that may be connected to or near to the proposed site.
- Clarity over the use of the northern part of the site was required.
- The TS presents various pieces of evidence to establish a preferred maximum walking distance of 2km, however this is a maximum distance and so is unlikely to represent accessibility to all pedestrians on a regular basis. This is also reliant on the provision of the footway between the development site and Horn Hill Road. The accessibility of the site is considered poor for the following reasons:

- Most of the facilities in Adderbury are within the acceptable maximum walking distance only, which is unlikely to represent accessibility to all pedestrians on a regular basis.
- Bus services do not represent a commuter standard frequency.
- Access to the rail network is via Banbury train station which requires both walk and bus journeys.
- Travel Plan Statement and a Travel Information Pack will be required. Both these elements could be the subject of a planning condition.
- A speed survey would be needed on the A4260 and this may lead to re-positioning of the proposed pedestrian crossing to achieve required visibility.

Second response – Continued objection:

- Feasibility of the footway link between the development site and the existing pedestrian network is still not demonstrated. Whilst some of the footway appears that it can be accommodated on highway land, the extent of highway land does not reach as far as the intended tie in with the existing footway on Horn Hill Road. Further clarification is required.
- Further examination of personal injury accident data is required. Whilst the second submission uses the personal injury accident analysis from OCC, it fails to acknowledge the potential significance of the fact that all three of the incidents involved the same turning movement and this requires further examination especially in connection with the proposed pedestrian facility at the junction.
- Turning count data needs to be checked and verified. The surveyed flows appear considering lower than automatic link counts taken to the north in October 2017. It is difficult to compare the flows and this requires further examination. Once traffic flow data has been confirmed, the traffic analysis can be confirmed.
- Visibility splay amendments are required and consistent plans submitted. The plan in the TA and the separately submitted access plan must be consistent. The potential tree within vision splay still needs to be confirmed. The vision splays continue to be based on Manual for Streets and not DMRB. DMRB is required.
- The pedestrian refuge is acceptable in principle but it will need to be a minimum size and meet a number of other technical requirements.
- Further drainage information required. The additional information does not address the comments raised previously by OCC.

Third Response – Continued objection due to the need for further drainage information and this does not address comments previously raised. In respect of the other outstanding matters:

- The further response presents further insight into the personal inquiry accident analysis and this is accepted.
- The plan provided shows the extent of highway land on Berry Hill Road, which demonstrates that there is sufficient highway land to provide the

footway link between the proposed site access and the existing footway network on Horn Hill Road and this is accepted.

- The further plan demonstrates that adequate visibility splays can be provided without being interrupted by trees and this is accepted. The plan also shows DMRB compliant visibility splays and this is also accepted.
- The information provides adequate explanation of the dimensions of the proposed pedestrian refuge and this is accepted.

6.12. **Education** – No objection subject to S106 contributions towards nursery and primary education (expanding the provision at Christopher Rawlins CE (VA) Primary School) and secondary education (expanding secondary provision at The Warriner School).

Second response – No objection subject to S106 contributions as set out and for the same purposes as reported in the initial response (these contributions would need checking with OCC given the slight increase in dwelling number back to 55 dwellings).

6.13. **Archaeology** – in response to local concerns raised, the following advice was provided:

This site is located 500m south east of the important remains mentioned in this letter. Although these important features are likely to extend beyond the excavated area it is unlikely that they would extend this far. An archaeological evaluation was undertaken immediately east of this proposed site for the Deddington Transfer Main in 1992 which did not record any trace of archaeological features.

Lidar images also show that the site is located on the edge of the slope heading down from the south to the north.

As such we do not feel that there is a likelihood of archaeological deposits being present on this site and did not recommend any archaeological investigations.

OTHER EXTERNAL CONSULTEES

6.14. **Historic England** – the proposals raise concern owing to the obscuring of views of St Mary's Church spire. The Church, within East Adderbury, is clearly observed from Berry Hill Road and would be seen even more clearly within the application site. As a historical waymarker, the visibility of the church spire is an important part of the significance of the church as an historic landscape feature, reflecting the social importance of religion in the middle ages and the way that communities used churches to mark their presence in the landscape. Development along Berry Hill Road would inevitably obscure these views; causing a degree of harm to the significance of the grade I listed building. The site is not allocated for housing (or any other development purpose) in the Adopted Cherwell Local Plan 1996 but Adderbury is a category A village, where minor development will be considered subject to criteria being met. One such criteria of Policy Villages 2 includes whether significant adverse impact on heritage could be avoided. The draft Housing and Economic Land Availability Assessment sets out that the application site is not suitable for development, one reason being the impact on the setting of the church. The NPPF requires that any harm must have clear and convincing justification and that this must be weighed against the public benefits of the application. The proposal puts forward a site for housing, which would cause harm to a Grade I listed building and the historical landscape character of the area. Whilst new housing,

including affordable housing is proposed, the obscuring of views across to St Mary's and harm to the historic landscape character are not justified.

Second response – Further information has been submitted in support of the application, including a heritage statement and amended indicative layouts. The amended layout acknowledges and establishes the importance of views of the church from Berry Hill Road, which is welcomed and it is also acknowledged that allowing public access to proposed green space in the north of the site would enable new, clear views of the church which would allow for a better appreciation of the building in the landscape. However the additional information and amended layout do not fully address the concerns. The amended masterplan suggests 2 channelled views of the church from the access points to the proposed estate but the separation gap between dwellings appears too close to ensure that these views are clear. Furthermore, the views are over landscaped areas or front gardens, which would potentially be planted with trees or filled with paraphernalia and provides little certainty of views being maintained over the long term. In order to minimise the harm to the significance of the church, the layout of the scheme needs to be further amended to provide clear sufficiently broad and permanent views from Berry Hill Road towards St Mary's.

- 6.15. **Thames Water** – Thames Water have identified an inability of the existing waste water infrastructure to accommodate the needs of the application. Thames Water recommend a planning condition to require a drainage strategy prior to the commencement of development. In respect of surface water drainage, it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. The advice could form part of a planning note. In respect of water supply infrastructure, the advice is that the existing has insufficient capacity to meet the additional demands for the proposed development and Thames Water recommend a planning condition be imposed to require impact studies of the existing water supply infrastructure and details of any additional capacity.

Second response – the second response identifies that there is no objection with regard to sewerage infrastructure capacity. The same advice is provided in respect of surface water drainage. In respect of water infrastructure, an informative is recommended relating to water pressure.

- 6.16. **Oxfordshire Clinical Commissioning Group** – Primary medical care in the North Oxfordshire locality is mostly at capacity and further housing growth will require additional or expanded infrastructure to be in place. A developer contribution is required and this would be used towards enhancing existing primary care medical infrastructure to meet the needs of a growing population.

Second response – the contribution is revised to reflect the reduced number of homes proposed. The justification remains the same.

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. Also part of the Development Plan are Neighbourhood Plans once they are adopted. The

relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC8 – Securing Health and Wellbeing
- BSC9 – Public Services and Utilities
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- 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
- ESD17 – Green Infrastructure
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth across the Rural Areas
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New Dwellings in the Countryside
- C8 – Sporadic development in the open countryside
- C27 – Development in Villages to respect historic settlement pattern
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- C33 – Protection of important gaps of undeveloped land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Draft Adderbury Neighbourhood Plan Referendum version – 2014 – 2031
- Adderbury Conservation Area Appraisal
- Annual Monitoring Report (December 2017)
- Draft Housing and Economic Land Availability Assessment (2017)

8. APPRAISAL

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

- Principle of Development;
- Landscape and Visual Impact;

- Design and layout;
- Impact on Heritage Assets;
- Housing Mix/Affordable Housing;
- Effect on Neighbouring Amenity;
- Transport and Sustainability of the site;
- Flood Risk and drainage;
- Trees, Landscaping and open space;
- Ecological Implications;
- Environmental Matters;
- Sustainability and Energy Efficiency;
- Planning Obligations;
- Local Finance Considerations

Principle of the Development

- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.3. The Development Plan for Cherwell includes the Cherwell Local Plan 2011-2031 (adopted in July 2015), the saved policies of the Cherwell Local Plan 1996 and two adopted Neighbourhood Plans (Bloxham and Hook Norton). Adderbury Parish Council has prepared a Neighbourhood Development Plan for the Parish of Adderbury, which has been subject to public consultation and has been examined by an Independent Examiner who has recommended that the Plan proceed to Public Referendum with a number of required modifications. The Lead Member for Planning has approved the Plan with the proposed modifications and the referendum is scheduled for the 21 June 2018. Once a Neighbourhood Plan has been examined, there is a statutory duty under S70 of the Town and Country Planning Act 1990 which requires that in dealing with applications a Local Planning Authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application. Whilst the Neighbourhood Plan is not yet adopted, it is notable that the Framework is clear (at paragraph 198) that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted.
- 8.4. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and is not previously developed other than the current stables. The site sits outside the built up limits of the village beyond the defined Adderbury Settlement Boundary as set out in the Draft Adderbury Neighbourhood Plan Referendum version – 2014 – 2031.

Adopted Cherwell Local Plan

- 8.5. The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. Policy ESD1 identifies that in mitigating the impact of development within the district on climate change, growth will be distributed to the most sustainable locations as defined in the Plan and to deliver development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.6. In recognising that there is a need within the rural areas to meet local and Cherwell wide housing needs, the Local Plan at Policy BSC1 identifies 2,350 homes for the

'Rest of the District'. Of these, 1,600 homes are allocated by Policy Villages 5 at Former RAF Upper Heyford leaving 750 homes identified for development elsewhere. Policy Villages 2 provides for these 750 homes to be delivered at Category A villages. The intention is to protect and enhance the services, facilities, landscapes and the natural and historic built environments of the villages and rural areas whilst recognising the need for some development. Policy Villages 2 advises that these sites would be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable and through the determination of applications for planning permission. A number of criteria are listed and these must be considered through the determination of a planning application.

- 8.7. The rural housing strategy is guided by Policy Villages 1 and 2 of the Cherwell Local Plan Part 1 and saved Policy H18 of the Cherwell Local Plan 1996. Policy Villages 1 provides a categorisation of the District's villages to ensure that unplanned, small scale development within villages is directed towards those villages that are best able to accommodate limited growth. Category A villages are those identified as being the most sustainable in the hierarchy of villages in the District and this is why these are where planned development to meet District housing requirements to help meet local needs should be directed as defined by Policy Villages 2, subject to a detailed assessment as to the proportionate impact of development proposed upon the settlement in question. Adderbury is classified as a category A village by Policy Villages 1. The current proposal does not however comply with the type of development identified as being appropriate within the built up limits of category A villages due to the site being outside the village and not representing minor development, being over 10 dwellings.
- 8.8. Saved Policy H18 of the Cherwell Local Plan 1996 restricts development outside the built up limits of settlements except in a number of circumstances; none of which are applicable to this current application. The proposals therefore conflict with Policy H18.
- 8.9. In the circumstances, it is appropriate to consider this proposal against Policy Villages 2. The Council's Annual Monitoring report (December 2017) confirms that of the 750 dwellings identified under Policy Villages 2 to be delivered at Category A villages across the Plan period until 2031, sites for only 86 dwellings remain to be identified. Recent appeal decisions received by the Council, including one at Finmere (16/01209/OUT refers) confirms that an overprovision of the rural housing allocation at an early stage in the plan period could prejudice the sustainable growth strategy set out in the Development Plan and leave limited ability to respond to later changes in housing need in individual settlements without fundamentally compromising the overall sustainability strategy contained in the Local Plan. Furthermore, whilst 750 dwellings is not to be regarded as an upper limit, significant deviation from this may result in unconstrained growth in less sustainable locations which would conflict with the housing strategy of the Development Plan. Significant progress has been made on the housing allocation under Policy Villages 2.

National Policy

- 8.10. The National Planning Policy Framework confirms that there is a presumption in favour of sustainable development. For decision making this means approving proposals that accord with the development plan without delay. The Framework advises that there are three dimensions to Sustainable Development; economic, social and environmental. With regard to housing, the Framework supports the need to boost significantly the supply of housing to meet the full, objectively assessed need for housing. It requires Local Planning Authorities to identify and update annually a supply of specific, deliverable sites sufficient to provide five years' worth

of housing against the housing requirements, with an additional buffer of 5% to ensure choice and competition in the market for land.

- 8.11. The Council's 2017 Annual Monitoring Report (AMR) confirms that the District can demonstrate a 5.7 year housing land supply (for the period 2018-2023) with a 5% buffer. In these circumstances, the presumption in favour of sustainable development as set out in the NPPF must be applied in this context.

Principle of residential development at Adderbury

- 8.12. Adderbury is one of the largest category A villages in the District in terms of size and it is one of the more sustainable in terms of the range of facilities it provides as well as the transport connections available. The village has however been subject to a number of large developments approved since 31 March 2014 (3 sites for 120 dwellings), however a further 65 dwellings were approved in January 2014 giving an overall total of 185 dwellings in the village either under construction or recently completed. Recent appeal decisions received by the Council have also confirmed that if disproportionate numbers of dwellings are permitted in any one settlement, then other settlements where housing sites have yet to be identified may not be able to meet their needs, including affordable housing needs, without undermining the local plan strategy.
- 8.13. As set out above, the Adderbury Neighbourhood Plan is at Post Examination Stage and the version currently available is the referendum version. It includes policies that are material to the consideration of this application. In particular it includes Policy AD1, which refers to the Adderbury Settlement Boundary which is defined on the policies map. The policy states, in its modified form, that *'development proposals will not be supported outside the Adderbury Settlement Boundary unless it is demonstrated they will enhance, or at least not harm, local landscape character. New isolated homes in the countryside will not be supported except in special circumstances described in paragraph 55 of the Framework. Proposals for the provision of affordable housing on rural exception sites immediately adjacent to the Adderbury Settlement Boundary will be supported where they meet an identified local need and relate well to the built form of the existing settlement'*.
- 8.14. The supporting statement of the Neighbourhood Plan confirms that in respect of proposals located outside the boundary, the policy is to operate alongside Local Plan Policy ESD13 to ensure that they are compatible with the objective of that policy of protecting and enhancing the local landscape. Reference is also made to the scale of recently completed housing schemes and of the schemes that will be built out over the coming years such that the District Council does not consider it desirable or necessary for any additional major contribution from Adderbury to meeting the needs of Local Plan Policy Villages 2 in the plan period by way of new greenfield development on the edge of the village. Reference is made to the impact that these schemes have had upon the character of the village. The Plan does however confirm that in the event of the District's housing supply strategy having to change before the end of the plan period, then its implications will be considered by the Parish and District Council's and the Neighbourhood Plan may be reviewed to plan for that eventuality.
- 8.15. In the Examiners report of the Neighbourhood Plan, the Examiner, in respect of Policy AD1, concluded that the policy is in general conformity with the strategic Policies of the Adopted Cherwell Local Plan Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies. It also seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The Examiner also noted the number of new dwellings already permitted in Adderbury acknowledging that the

contribution from these sites amounts to a significant boost to the supply of housing. It was concluded that the Policy, with some proposed modifications, met the required Basic Conditions and Policy AD1 therefore forms part of the Draft Adderbury Neighbourhood Plan Referendum version – 2014 – 2031.

- 8.16. Whilst Adderbury is one of more sustainable settlements in the District, given the range of facilities and services it provides as well as its public transport provision, the village has already accommodated a significant proportion of the number of dwellings allocated by Policy Villages 2. Additional development at the village is likely to undermine the ability of other settlements to meet their needs and undermine the Local Plan's housing strategy. In addition, the District is in an advanced position regarding providing for new rural housing with a limited number of dwellings left. The early delivery of all of the rural housing provision could also prejudice the sustainable growth strategy of the Local Plan. In light of the number of dwellings already approved in the village and the Council's ability to demonstrate a five year supply of deliverable housing sites, there is no overriding need for the proposal on housing delivery grounds. The proposal would therefore conflict with the Council's rural housing strategy contained within Policy ESD1 and Policy Villages 1 and 2 of the Cherwell Local Plan Part 1 and Saved Policy H18 of the 1996 Local Plan. In addition, the site sits outside of the Adderbury Settlement Boundary, which is defined to protect and enhance local landscape character. The specific circumstances of the site needs consideration in terms of the impact of development on this particular site and its suitability to accommodate development as well as whether it meets the criteria of Policy Villages 2.

Landscape and Visual Impact

- 8.17. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is expected not to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures. Policy Villages 2 requires that consideration be given to whether significant landscape impacts could be avoided and whether development would contribute in enhancing the built environment.
- 8.18. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. Policy C8 seeks to limit sporadic development beyond the built limits of settlements. Policy C27 expects that development proposals in villages will respect their historic settlement pattern.
- 8.19. As referred to above, Policy AD1 of the Draft Adderbury Neighbourhood Plan Referendum version – 2014 – 2031 provides for a settlement boundary, outside of which, development will not be supported unless it is demonstrated that it will enhance or at least not harm, local landscape character.
- 8.20. The Framework highlights that the protection and enhancement of the natural, built and historic environment is part of the environmental role of sustainable development and one of the core planning principles also refers to recognising the intrinsic character and beauty of the countryside. The Framework also emphasises the importance of development responding to character and history with good design being a key aspect of sustainable development.
- 8.21. The site has been considered through the Council's Draft Housing and Economic Land Availability Assessment (August 2017). This concluded that the site is not suitable for development as *'the site adjoins the built-up limits of the village however the site is remote from the services and facilities. The site is considered to be*

unsuitable and there is a low density and linear development form on the northern side of the road at this gateway to the village. More intensive development in this location would be detrimental to the character of the village and represent a significant intrusion into the open countryside (harming its character and appearance). Development would harm the setting of the church. The topography of the north western part of the site also makes development challenging’.

- 8.22. In addition, and as referred to above, there has been a previous appeal on this site, which dismissed a scheme for residential development (06/00712/OUT). This was a smaller scheme, but the Appeal Inspector's conclusions in respect to the site and its character are material to the consideration of this application. In particular, the Inspector concluded that the appeal site represents a particularly pleasant part of the open countryside and which makes a significant contribution to the character and appearance of this part of Adderbury. It was also identified that the appeal site allows an attractive view of the village church. The development proposed was found to be harmful to the character and appearance of the area and would result in an unsustainable development.
- 8.23. The application included a Landscape and Visual Impact Assessment and during the course of the application, an addendum has been provided to respond to the Landscape Officer's initial concerns raised. The original LVIA concluded that the proposed development would not cause undue harm to the landscape, landscape character or visual amenity of the surrounding area and wider countryside. The Landscape Officer advised that the LVIA did not consider wider views beyond the site boundary and that the depth of the analysis needed to be expanded. The addendum to the LVIA considered and analysed a wider range of viewpoints from a greater distance from the site. This document has been reconsidered by the Landscape Officer who has critiqued the viewpoints analysed and considers that for some views, the landscape effects have been underestimated. Nevertheless, it is agreed that the wider landscape impacts would be limited but the localised impact of development on this site is considered unacceptable.
- 8.24. Officers would agree that the wider landscape effects are limited, however, given the identified localised impact, it is necessary to consider this matter further. The main core of Adderbury is to the north of the application site and, as explained in the Adderbury Conservation Area Appraisal, the historic character of the village has an east-west axis with a strong linear structure, defined by strong building lines. It describes that the series of linear streets are linked by winding lanes. Berry Hill Road runs to the south of the application site, with residential properties directly to the west of the application site. The properties on either side of Berry Hill Road, are predominantly large detached units, set back from the roadside, with wide verges giving a low density, linear, ribbon form of development.
- 8.25. The site itself sits adjacent to 'Last House' at the eastern end of Berry Hill Road. The land is greenfield and other than a small area of stabling, it is open and retains a strong rural character. The site is visually part of the open countryside and is an important open space at the edge of the village in contributing to the rural setting of the village. A number of public rights of way run within proximity of the site and clear views of the site would be gained by users who would appreciate the rural setting of the village.
- 8.26. The proposed development would involve a large scale development on the land. The indicative layout demonstrates a number of dwellings fronting towards Berry Hill Road (albeit set behind the existing hedgerow) with the remaining proposed dwellings arranged extending northwards on the site, covering approximately half of the site area, with the northern most area of land left undeveloped as public open space. The development would be accessed by a formal access road positioned at

the existing access point which would loop round to provide access to all proposed dwellings. The supporting information suggests that the retention of the southern hedgerow would be beneficial in avoiding unacceptable impacts upon the street scene. It is described as a substantial tree belt, which limits views across the site. The hedgerow is however described by the Landscape Officers as a weak screen being thin at the base, gappy and leggy. It certainly allows views through onto the land and views towards the village beyond.

8.27. As described above, the site is considered to be an important part of the open countryside and this has also previously been recognised by an Inspector considering an appeal for residential development on this site. Its development would result in the loss of this rural character and change the setting of the village, extending the village towards the A4260. Any development on the site would intrude into the open countryside and be harmful to the rural setting of the village. The development proposed under this application, for up to 55 dwellings, would conflict with the settlement pattern in this part of Adderbury, with this being a large in depth proposal which conflicts with the linear arrangement of dwellings along Berry Hill Road. In the previous appeal decision on the site (06/00712/OUT), which proposed a linear row of dwellings and then two rows of houses perpendicular to the road, the Inspector identified that the proposal would have an orientation unlike any other development within the area. It was concluded that such an arrangement would be at odds with the prevailing development pattern. The current proposal is a significantly more in depth development than the appeal scheme. The urban form proposed will not therefore integrate into the existing settlement pattern and would represent a significant intrusion into the countryside. It would result in significant urbanisation and be prominent in views from Berry Hill Road and from nearby public rights of way. Whilst the Landscape Strategy in the LVIA identifies the retention and enhancement of the site boundaries, this would aid in screening development behind a tree belt. This is not considered to be sufficient to overcome unacceptable development and in itself, would further emphasise the difference between the application site and the rest of the development along Berry Hill Road, which is not set behind a screen.

8.28. The proposed development on the application site would result in a significant urbanisation of an important open rural field adjacent to the edge of Adderbury, visually intruding into the landscape and which would be harmful to the localised landscape and character and rural setting of the village. Given the conclusion reached, the proposed development would conflict with Policy AD1 of the Draft Adderbury Neighbourhood Plan Referendum version – 2014 – 2031, Policies ESD13 and Villages 2 of the Cherwell Local Plan Part 1, Policies C8, C27 and C28 of the Cherwell Local Plan 1996 and advice in the NPPF which seeks to protect the intrinsic character of the countryside.

Design and Layout

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

8.30. The application is in outline with all matters reserved except for access. The application is accompanied by an indicative layout, which has been amended through the course of the application to attempt to address Officer concerns. This will be explained below. It is expected that an indicative layout and design and

access statement would demonstrate that the development proposed can be appropriately accommodated and which sets appropriate design principles so that future detailed proposals can be achieved.

- 8.31. Officers have considered the design and access statement (DAS) and the indicative layout. Whilst the DAS sets some appropriate overarching principles, the nearby adjacent modern development has been the basis for the proposals on the application site. The Council's Emerging Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principle routes and adjacent to areas of the public open space, the use of traditional building materials and detailing and form that respond to the local vernacular. Indeed the submitted heritage assessment identifies that in the Adderbury conservation area, there is a limited palette of building materials, and the use of local ironstone for many buildings creates a sense of architectural and visual harmony within the conservation area. It also identifies the strong linear structure of the village.
- 8.32. In response to criticisms raised in relation to the submitted indicative layout, a second layout, with a reduced number of dwellings (53) was submitted and discussed further with the applicant. This led to a third indicative layout being submitted increasing the number of dwellings back to 55. The latest indicative layout has incorporated a greater number of linked dwellings and has attempted to demonstrate more vernacular detailing (i.e. reducing the number of front gable projections and details and removing any indication of hipped roofs). However, the layout still remains a fundamentally suburban scheme conflicting with the adjacent settlement pattern and it is difficult to see in what alternative form a scheme for 55 dwellings could be accommodated in a way that would be considered appropriate. In addition, the play area is proposed in the open space to the north of the site rather than being incorporated into the development as would normally be expected so that it is overlooked. The Design and Access Statement does not provide sufficient certainty or an acceptable basis that a well detailed scheme could be achieved. In addition, it is likely to be necessary to recommend a planning condition to restrict the parameters of where development could occur on the site if this application were being recommended for approval so as to control development not being provided across the whole site.
- 8.33. As referred to above, access is a matter for approval as part of this application. The initial access was positioned to the western side of the southern boundary and Officers raised some concern with the position due to the way that site frontage could be achieved. In response to this comment, the applicant moved the site access to the eastern side of the southern boundary, in the same position as the access to the current stable uses. Officers consider that this also raises questions as to whether an appropriate frontage can be achieved taking into account the current indicative layout. In addition, the access provided at the far end of the site away from the village results in the increase in the concern regarding urbanisation.
- 8.34. As explained in the assessment above relating to landscape impact, the nature of the development proposed, for 55 dwellings would conflict with and be harmful to the settlement pattern in this area of the village. Officers do not consider that a future scheme could be appropriately accommodated on the site that is both locally distinctive and in keeping with the character of this area of the village or that would enhance the built environment. The indicative layouts submitted reinforce Officer concerns that development on this site would be unacceptable.
- 8.35. Given the above, Officers consider that the proposal conflicts with Policies ESD15 and Villages 2 of the Cherwell Local Plan Part 1, Saved Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government Guidance in the NPPF.

Impact on Heritage Assets

- 8.36. Section 12 of the NPPF sets out Planning Guidance relating to the historic environment including archaeology. The development would be expected to preserve the significance of designated heritage assets within proximity. It is also provided at paragraph 131 that Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. The NPPF sets out the tests to be applied where harm to heritage assets is identified. Policy ESD15 of the Cherwell Local Plan 2011-2031 also refers to heritage assets expecting development to conserve, sustain and enhance designated and non-designated heritage assets. One of the criteria of Policy Villages 2 requires consideration as to whether development would avoid significant adverse impact on heritage. Policy C33 of the Cherwell Local Plan 1996 states that the Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value. In addition, there is a legal requirement, under S66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 for a Local Planning Authority to have regard to the desirability of preserving a listed building or its setting. S72 of the same Act requires that within a conservation area, the development of land or buildings shall preserve or enhance the character and appearance of that area.
- 8.37. The site is not within the conservation area and there are no heritage assets on the site itself. The Adderbury Conservation Area sits to the north and west of the site. Adderbury also has a number of listed buildings and most of these are too far away from the site to be impacted. However the Grade I listed Church of St Mary is to the north of the site and there are views from the south towards the church both from the site and the surrounding road and footpath networks. In the previous appeal on the site (06/00712/OUT), the Inspector identified that the appeal site allows an attractive view of the village church and it was concluded that the siting of the proposed dwellings would result in the loss of an important view towards the church.
- 8.38. The application was not initially accompanied by a Heritage Statement or any assessment of how the development proposed would impact upon the setting of the listed Church as an important heritage asset or how design choices would be made in the future in mitigation. Subsequently a heritage statement was prepared, which concluded that the site does not make a contribution to the significance of the listed church as the site has no historic or visual relationship with the asset. It advises that there are views of the church spire from within the proposal site but these are not clearly visible from the south along Berry Hill Road, as the substantial boundary distorts the view. The view is expressed that the views of the listed church from the south will be improved and the provision of public open space with a play area will provide access to views of the church which are not currently accessible to members of the public.
- 8.39. Contrary to the view expressed above, there are views available from Berry Hill Road towards the village and the spire of the Church of St Mary. As per the advice of Historic England, views of the Church of St Mary from surrounding public vantage points, including roads and footpaths, are an important part of the significance of the church as a historic landscape feature. The church spire was designed to be seen from some distance in the landscape as well as at closer quarters. This visibility reflects the social importance of religion in the middle ages and the manner in which communities used the highly prominent architectural church spire to mark their presence in the landscape.

- 8.40. Development on the site would, by its nature, obscure and change the rural setting of views of the church from the south and Berry Hill Road. This would cause harm, albeit less than substantial harm. The NPPF requires that where less than substantial harm is identified to the significance of a designated heritage asset, that this harm should be weighed against the public benefits of the proposal. In this case and given the other identified harms, it is not considered that any public benefits which may arise, would be significant to outweigh the harm identified.
- 8.41. In addition to the Heritage Statement and as part of the amended indicative layout (which reduced the number of proposed dwellings to 53), a plan was provided, demonstrating how long views to the Church of St Mary from Berry Hill Road could be provided for as well as the achievement of new publicly accessible views to the Church. Historic England welcomed the acknowledgement of the views of the church and the provision of a new area of open space to give new, clear views of the church allowing for better appreciation. However concerns were expressed that despite the channelled views that could be provided, the separation gap between dwellings would not allow these views to be clear and that these views would be over landscaped areas or front gardens, which would potentially be planted with trees or filled with paraphernalia that would therefore provide little certainty of the views being maintained in the long term.
- 8.42. The layout is, at this stage indicative and so it is possible that the advice of Historic England could be taken into account as part of the negotiation of layout at the reserved matters stage. However, the latest indicative layout (for 55 dwellings) amended to take account of Officer comments around local distinctiveness, appears to lose the importance of channelled views towards the church. Officers are not convinced that even if there were public benefits that might go towards outweighing the harm to significance as discussed above, that sufficient certainty is provided within the current application documentation that would allow a future scheme to be designed to avoid impacts to the listed Heritage asset.
- 8.43. The application proposes to provide a footway west along Berry Hill Road to link into the village network close to the junction with Horn Hill Road. There has been some concern raised that this proposal would be harmful to the character of the conservation area in this location and to the setting of nearby listed buildings due to the urbanisation this would involve. An application from 2015 for development of 5 houses to the south of Little Shotover and East of Cherry Cottage on Horn Hill Road (15/01384/OUT), concluded in the Officer report that the change in order to access that site would have a detrimental urbanising impact on the rural character and appearance of this area of the village which is recognised as an important green space and as a gateway to the historic village in the conservation area appraisal. In dismissing a planning appeal for this scheme, the Inspector identified the change in the informal rural character of the access and its likely increased prominence which was found to be detrimental to the character and appearance of the conservation area at this important gateway. In this case, it is possible that should development have been concluded to be acceptable on this site, the position of the footway could have been negotiated in respect of its position and how it connects into the surrounding highway network or, if there were no alternative, whether there would be a more sympathetic finish available that could maintain character. As such, whilst the concern is noted and Officers agree that in its current form there would be some detrimental impact to this part of the conservation area, this matter does not warrant its own reason for refusal as it is a matter that could be negotiated as to an appropriate alternative.
- 8.44. Archaeology is not recorded as a constraint and the Oxfordshire County Council response has not commented in respect of archaeological matters other than to confirm when queried that it does not require additional assessment. It is concluded

that this matter is not therefore likely to be a constraint for the purpose of this proposal.

- 8.45. Based upon the assessment above, Officers consider that there would be harm to the setting of the grade I listed Church of St Mary as a heritage asset. This harm is less than substantial but would not be outweighed by a public benefit. The proposal would therefore not preserve or enhance the setting of the designated heritage asset and the land is an important undeveloped gap in maintaining the proper rural setting for the listed building. As such, the proposal would conflict with Policy ESD15 and Policy Villages 2 of the Cherwell Local Plan Part 1, Saved Policy C33 of the Cherwell Local Plan 1996 and Government Guidance in the NPPF.

Housing Mix/ Affordable Housing

- 8.46. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the Local Plan requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities. Policy BSC3 requires development within locations such as at Adderbury to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/ social rent and shared ownership.
- 8.47. The Planning Statement accompanying the application confirms that a mix of housing is proposed and confirms that at least 35% affordable housing can be provided and this can be secured through the S106 agreement. The provision of an appropriate mix of housing to meet need is positive and in addition the provision of affordable housing is a particular benefit of the scheme and this would carry some weight in favour of the proposal.

Effect on Neighbour amenity

- 8.48. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the Core Principle of the Framework, which confirms the need for a good standard of amenity for all existing and future occupants of land and buildings to be secured.
- 8.49. Given the land adjoins only one dwelling (Last House) on Berry Hill Road, care would be required in the future design of a scheme in order to ensure that the residential amenity of this property would not be harmed. Given the size of the site, it is highly likely that a scheme could be accommodated without causing undue harm to the amenity of this property and any others that might be impacted.

Highway Safety and Sustainability of the site

- 8.50. The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car. It is also clear that applications should be accompanied by a Transport statement if it would generate significant amounts of movement. This is reflected in Policy SLE4 of the Local Plan. Policy SLE4 and Villages 2, both emphasise the need for consideration to be given to whether safe and suitable access can be achieved.
- 8.51. The application is accompanied by a Transport Statement and two responses, which have been provided through the course of the application to address comments received by the Highway Authority objecting to the application.

- 8.52. In respect of traffic impact the Highway Authority are currently considering the submitted information, including the data provided of the junction and the impact there.
- 8.53. The proposal includes a proposal to increase connections to the site, by way of a footway along Berry Hill Road in both directions from the site access, west towards the village to connect into existing pedestrian infrastructure and east towards the A4260 along with a proposed crossing point. The Highway Authority is content with these proposals following confirmation of their feasibility. Notwithstanding the comments above regarding the footway leading into the village and its potential impact, the provision of new links would be important in encouraging the use of sustainable modes of transport. The applicant has also explained that their view with regard to the site is that the land would be opened up to public access, improving connections with rights of way and within proximity to good bus service connections. It is noteworthy however that the site is relatively distant from the core of the village where the facilities and services are provided and I agree with the Highway Authority (and the Inspector for 06/00712/OUT) that the site is poorly located and would therefore lead to an increase in car borne commuting. This would compromise the principles of sustainable development. The Highway Authority has sought contributions towards transport improvements and these would be pursued should this site have been recommended for approval.
- 8.54. The Highway Authority has also confirmed that adequate visibility splays can be provided in respect to the site access arrangements. There are a number of public rights of way that run within proximity and within the site. It is not expected that these would be adversely impacted providing they are protected during construction and the Highway Authority have sought contributions for their improvement.
- 8.55. There are some current outstanding matters in respect to a response which is expected from the Highway Authority. Whilst technical highway safety matters may be overcome, the development site is not considered to be well-located to services and facilities and therefore this would compromise the principles of sustainable development. There would therefore be conflict with Government guidance in the NPPF and Policies Villages 2 and SLE4 of the Cherwell Local Plan Part 1.

Flood Risk and Drainage

- 8.56. A flood risk assessment and drainage management strategy is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework, given the site extends to over 1ha in area and is predominantly in Flood Zone 1. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District.
- 8.57. The FRA concludes that the site is unlikely to be affected by flood risk and that development could therefore be appropriately accommodated without raising the risk of flooding. A drainage strategy is also submitted, which concludes that based on the ground conditions, infiltration would be an appropriate solution for site drainage in line with Sustainable Urban Drainage System principles. However, further soakaway testing is described as being required and if this were to identify that this will not offer a feasible surface water management solution, then the next method would be to discharge to a water course with the Sor Brook being 80m north of the site. If this option needed to be progressed, then further design work to confirm feasibility and discharge rates would be required.
- 8.58. Oxfordshire County Council as Lead Local Flood Authority has objected on drainage grounds because whilst the overall drainage proposal would be acceptable, the

infiltration option is unproven through soakage testing as a workable solution. The alternative option appears to involve discharging surface water to the offsite watercourse would involve transiting third party land but no confirmation as to offsite water arrangements and the right to cross third party land is provided. The advice is that this matter is too critical to be left to be dealt with via a planning condition. A condition is often used to secure additional drainage information but it is important that the overall strategy is a workable solution that could result in an acceptable detailed scheme. No additional information has been provided by the applicant and therefore the OCC objection remains and in the circumstances this matter should be a reason for refusal of this application as it has not been demonstrated that the requirements of the above mentioned policies can be met.

- 8.59. Of relevance to this conclusion is that in considering the previous appeal on this site (06/00712/OUT), the Inspector concluded when considering the evidence in that case, that the flooding implications of that proposal could be adequately addressed by the imposition of a condition.

Trees, Landscaping and Open Space

- 8.60. Policy ESD10 of the Local Plan refers to the protection and enhancement of ecology and the natural environment. It requires the protection of trees amongst other ecological requirements. Policy ESD13 also encourages the protection of trees and retention of landscape features. Policy BSC11 sets out the Council's requirements for local outdoor space provision and play space.
- 8.61. In respect of the existing trees and hedgerows, these form the field boundaries of the site. An Arboricultural report has been submitted with the application and this concluded that no significant trees would require removal to facilitate the new access arrangement. In fact, the site access position has now been moved being taken from the existing access point to the site so, this impact is likely to be limited (although the arboricultural report has not been updated). Otherwise, the report suggests the need for management and enhancement of the southern hedgerow to improve the hedgerows quality and long term value. The report also identifies the root protection area of trees and has not identified any indirect negative impacts to trees by way of providing the development proposed.
- 8.62. The Arboricultural report also advises that the site provides an opportunity to undertake new tree planting throughout the site as part of a soft landscaping scheme. Landscaping is a matter reserved for later approval, however it is clear to see how this can be achieved as the whole of the northern part of the site is set aside as public open space. Policy BSC3 requires the provision of approximately 0.36ha of open space for a development of the scale proposed. The site provides approximately 1.7ha which is sufficient to meet the open space requirements. The incorporation of street trees within the built up area would need careful consideration given the need for views towards the listed church to be provided.
- 8.63. In respect of play space, the site is required to provide a Local Equipped Area of Play and a Local Area of Play (or a combined facility) as required by Policy BSC3. This is currently shown within the area of open space but the location has been raised as a concern by the Landscape Officer as mentioned. As the layout provided is indicative only, the play facility can be changed in the future as it is not fixed, albeit if it were moved into the area of the site shown for built development, then this may impact upon the number of units that could be provided.
- 8.64. The site does not exceed the threshold for the onsite provision of formal outdoor sports facilities or for allotments. There is a requirement for contributions towards offsite sports facilities.

Ecological implications

- 8.65. The Framework sets out that Planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and provide net gains in biodiversity where possible. Policy ESD10 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out at Section 40 of 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”.
- 8.66. The application is supported by an Extended Phase 1 Habitat Survey. This concludes that the site has some potential for ecological interest including reptiles and great crested newt, birds, bats, badgers and invertebrates. The survey makes a number of recommendations to avoid harm to and to enhance ecology across the site. This includes further surveys, native planting, avoiding the bird nesting season, bird and bat boxes, insect houses and retention of an area of the site with higher ecological value and its management and maintenance to enhance the range of habitats identified. The Council’s Ecologist advises that the survey is of appropriate scale and depth and that the recommendations made are sufficient to protect and accommodate current interest on site.
- 8.67. In relation to net biodiversity gain, a calculation has been provided using the Warwickshire, Coventry and Solihull Biodiversity Impact Assessment Calculator. After discussion between the Council’s Ecologist and the Applicant’s Ecologist, an agreed calculation has been provided. This shows an overall minor net biodiversity loss. The Council’s Ecologist has suggested that a scheme of enhancements both within the green spaces and the built environment should be included. However, given that the calculation has been agreed and there are opportunities for further enhancements at the reserved matters stage when landscaping details would be available, it is considered that there is the opportunity to secure a net biodiversity gain. It is however noted that advice has been provided that this would involve some areas being fenced off from public access to achieve a better quality of created habitat. Therefore, whilst it is unfortunate that the calculation does not demonstrate a net gain and this carries some weight against the proposal, it is not considered that in the circumstances that this should be a reason for refusal of the application.

Environmental Matters

- 8.68. The application is accompanied by a contaminated land desk study. This identifies that there is a low to moderate risk for ground gas and contamination across the site and that there may be a need for remedial action. Intrusive investigation is recommended to further assess potential risks. Given this conclusion, planning conditions could be recommended to require further contaminated land assessment and to secure appropriate mitigation if this application were to be recommended for approval.
- 8.69. The Environmental Protection Team have advised that there is a sewage pumping station, previously a sewage works until 1999, located 50m to the NE of the site. There is potential for odour, nuisance and residual contamination to affect the development at this close proximity. It is advised that there is insufficient information to provide assurances that the risk is acceptable and any potential risks have been mitigated. In response, the applicant’s agent provided additional information confirming that due to the proposed open space in the north of the site, the pumping station would be around 150m from the nearest proposed dwelling. They advise that this combined with the intervening topography and landscaping means there is little prospect of any nuisance. In response, the Environmental Protection Officer advised

that if the pumping station operated to standards expected of the age of the station and the formal sewage works were decommissioned to minimise residual nuisance or contamination, then the risk of odour nuisance should be minimal. In the circumstances, no comments were received from the Sewerage Undertaker raising concerns in respect of nuisance; no further information was sought as the risk is likely to be limited.

- 8.70. A Utility Statement has been submitted confirming that the utilities infrastructure within the vicinity of the site appears to be capable of supporting new mains and services to serve the proposed residential development. There is existing electric, gas, water and telecoms services immediately adjoining the site and these should have sufficient capacity to serve the development and the proposal should not place any undue stress on the delivery of these services to the wider community.

Sustainability and Energy Efficiency

- 8.71. The Cherwell Local Plan includes a number of energy policies in order to seek development which mitigates and adapts to the future predicted climate change. This relates to locating development in sustainable locations as well as seeking to reduce energy use, making use of renewable energy and sustainable construction techniques as well as achieving reductions in water use. Mitigating and adapting to climate change in order to move to a low carbon economy is a key part of the environmental role of sustainable development set out in the Framework.
- 8.72. The application is not accompanied by a Sustainability or Energy Statement but sustainability is important with regard to how development adapts to future climate change. This is a matter that it is considered could be addressed by the imposition of a planning condition if the application were to be recommended for approval.

Planning Obligations

- 8.73. Notwithstanding Officer's recommendation of refusal, should Members resolve to approve the application, a S106 Legal agreement would be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the Local Plan can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision of affordable housing. The Authority is also required to ensure that any contributions sought meet the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):
- Necessary to make the development acceptable in planning terms;
 - Directly relate to the development; and
 - Fairly and reasonable related in scale and kind to the development
- 8.74. The following are sought through this application but Officers have not entered into negotiations with the applicant in respect of these matters due to the recommendation (all matters would be updated to reflect the increased number of dwellings to 55):
- Affordable housing – 35% overall, with the split of 70% affordable/ social rent and 30% intermediate together with arrangements for its provision
 - Play provision in the form of a LEAP and LAP or a combined facility

- Open space provisions to include the laying out and regulation of such areas and arrangements for the long term management of maintenance including the provision of commuted sums towards surface water drainage features, public open space, hedgerows and play areas.
- Contribution towards the enhancement of public transport services serving the site to pump prime bus services on the A4260.
- Contribution towards the provision of two sets of bus stop pole and premium route standard flags and a bus shelter, plus a commuted sum for long term maintenance.
- Contribution towards access mitigation measures on local public rights of way to the east and north of the site (Footpaths 13, 6, 5 and 24 and bridleway 9). This would fund surface improvement, signing and furniture along the routes.
- An obligation to enter into a S278 Agreement prior to the commencement of the development.
- Contribution towards Nursery and Primary education to be used towards expanding nursery and primary provision at Christopher Rawlins CE (VA) Primary School.
- Contribution towards Secondary education to be used towards expanding secondary provision at The Warriner School.
- Contribution towards providing increased outdoor tennis provision within the locality of Adderbury/ Banbury
- Contribution towards creating additional or enhanced existing indoor tennis provision within the locality of Adderbury/ Banbury
- Contribution towards helping the local community hall accommodate an increase in capacity
- Contributions towards public art
- Contribution towards the improvement of local primary medical care facilities as existing facilities in the North Oxfordshire locality are mostly at capacity and further housing growth will require additional or expanded infrastructure to be in place. The CCG have requested to be part of discussions in respect of negotiating obligations and this would be undertaken should this matter have proceeded to this stage. The contribution would need to be revised based upon a slightly increased number of dwellings proposed to 55.
- The requirement for an apprenticeship and skills training plan to secure apprenticeships.
- Contributions towards waste and recycling bins

Justification for the requested planning obligations and full details of contributions are available on the file.

8.75. Adderbury Parish Council has prepared a list of requests to secure community benefit. These matters would need to be considered against the statutory tests for the request of planning obligations as set out at paragraph 8.70.

- 8.76. Given that there is no legal agreement in place to secure the above referenced matters (notwithstanding the applicant may be prepared to enter into such an agreement), it is necessary for a refusal reason to be imposed as there is no certainty that the infrastructure necessary to make the development acceptable in planning terms will be secured.

Local Finance Considerations

- 8.77. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. This can include payments under the New Homes Bonus. The scheme has the potential to generate New Homes Bonus for the Council under current arrangements once the homes are occupied together with additional payments for the affordable units. However, Officers recommend that such funding is given no weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms and Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The overall purpose of the Planning system is to seek to achieve sustainable development as set out within the Framework. The three dimensions of sustainable development must be considered, in order to balance the benefits against the harm in order to come to a decision on the acceptability of a scheme.
- 9.2. The proposed development would be located adjacent to a Category A settlement, however the village has already accommodated a significant proportion of the rural housing allowance and additional housing would prejudice a balanced distribution of rural housing growth as required by the Cherwell Local Plan Part 1 and therefore undermine its housing strategy. In addition, the Local Planning Authority can currently demonstrate a five year housing land supply therefore there is no pressing need for further development. The site itself is positioned some distance from the main services and facilities within the village and therefore future occupiers are likely to be reliant on the private car, which conflicts with Government Guidance in the NPPF and Policies ESD1, Villages 1 and Villages 2, which seek to guide rural housing development to locations which reduce the need to travel and reduce the impact on climate change.
- 9.3. The proposal would result in significant environmental harm in proposing development on an important open site on the edge of the village, intruding into the open countryside and being harmful to the rural setting of the village causing localised landscape harm. The development would have a poorly integrated relationship with the existing character of Berry Hill Road by virtue of its scale and suburban character and this, combined with the localised landscape harm would fail to reinforce local distinctiveness. In addition, the design and access statement and indicative layout indicate a suburban form of development that does not follow any historic, traditional and local parameters and therefore it is difficult to see how a locally distinctive development could be achieved.
- 9.4. The site affords positive views across the landscape towards the grade I listed Church of St Mary. The development of the site would change the rural setting of this part of the village and obscure views of the church. Whilst it is possible that some views could be achieved and negotiated through a reserved matters application, there would nevertheless be harm and there are not considered to be public benefits that would outweigh this less than substantial harm.

- 9.5. The development would however contribute affordable housing and this as well as the construction of dwellings would bring some economic and social benefits and the applicant has advised that the site is deliverable within the next five years. However, these benefits are not considered to outweigh the significant environmental harm identified. On this basis and combined with the reasons set out through this appraisal as well as the identified conflict with the policies of the Development Plan, Officers conclude that the proposal does not constitute sustainable development recommend the application for refusal.

10. RECOMMENDATION

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

1. The development proposed, by reason of its scale and siting beyond the built up limits of the village, in open countryside and taking into account the number of dwellings already permitted in Adderbury as well as Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable development which would undermine the housing strategy and prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan Part 1. The site itself is in an unsustainable location on the edge of the village, distant from local services and facilities and would result in a development where future occupiers would be highly reliant on the private car for day to day needs. The proposal is therefore unacceptable in principle and contrary to Policies ESD1, SLE4 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
2. The development proposed, by virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village (beyond the Adderbury Settlement Boundary as defined in the Draft Adderbury Neighbourhood Plan Referendum version – 2014 – 2031) causing significant urbanisation and its visual impact on the rural character and appearance of the locality, would cause unacceptable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. It would also result in 'less than substantial' harm to the setting of the Church of St Mary and the harm stemming from the proposals are not considered to be outweighed by any public benefits. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C8, C27, C28 and C33 of the Cherwell Local Plan 1996, Policy AD1 of the Draft Adderbury Neighbourhood Plan Referendum version – 2014 – 2031 and Government guidance contained within the National Planning Policy Framework.
3. The Design and Access Statement and indicative layout submitted as part of the application fails to provide sufficient acceptable detail in respect of the design principles set as a basis for the future detailed consideration of the development proposed. This includes the siting, form, appearance, materials and detailing of the proposed new dwellings. The Local Planning Authority is therefore unable to determine whether the development proposed could be satisfactorily accommodated on the site in a manner that would respect its context, enhance the built environment and properly respond to local distinctiveness. The proposal therefore fails to accord with the requirements of Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C27, C28 and C30 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Framework.
4. The submitted Drainage Strategy does not provide sufficient certainty to

demonstrate that a drainage strategy based on Sustainable Urban Drainage Systems can be appropriately accommodated to deal with the sustainable discharge of surface water. The proposal is therefore contrary to Policy ESD7 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, BSC2, BSC9, BSC11 and ESD7 of the adopted Cherwell Local Plan 2011-2031 and the advice within the National Planning Policy Framework.

CASE OFFICER: Caroline Ford

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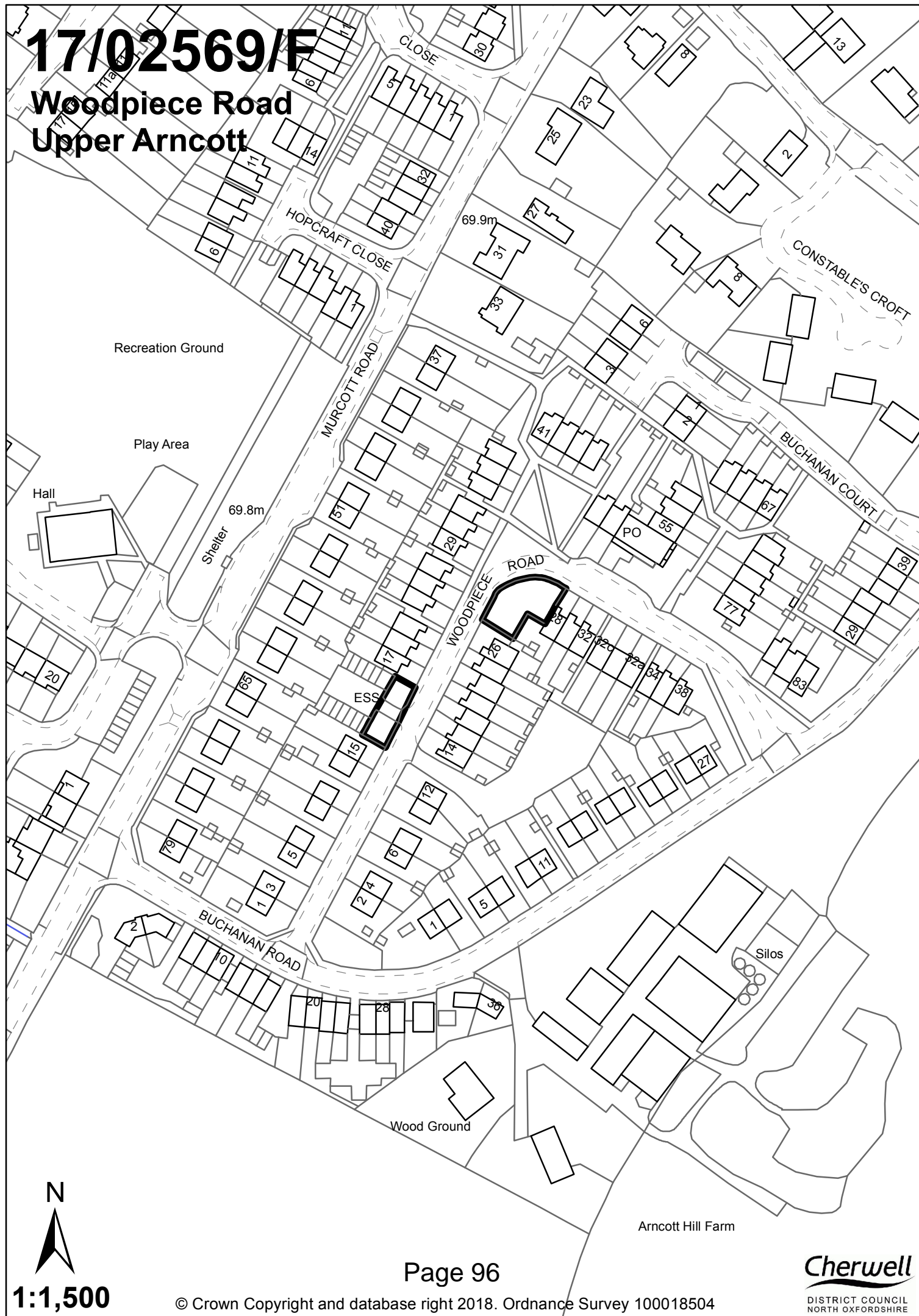
17/02569/F

Woodpiece Road
Upper Arncott



17/02569/F

Woodpiece Road
Upper Arncott



1:1,500

Applicant: Cherwell District Council - FAO Stuart Parkhurst

Proposal: Change of use of land for the creation of car parking spaces

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: *CDC Application*

Expiry Date: 3 April 2018 **Committee Date:** 25 May 2018

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to two separate 'red-line' site areas, but both are located on Woodpiece Road, Upper Arcott. The applicant refers to the site furthest to the north as Plot 3 and the site furthest to the south as Plot 4/5. Plot 3 is located on a corner between No's 26 and 28 Woodpiece Road which currently consists of an area of grassed land. Plot 4/5 is located on 2 smaller sections of grassed land which are intersected by the access to the garages to the west, located between 16 and 17 Woodpiece Road.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant proposes to create additional parking on Woodpiece Road, with 6no parking spaces proposed at Plots 4/5 and 8no parking spaces (including a disabled bay) at Plot 3.
- 2.2. Following comments raised by Officers, amendments were received at Plot 3 which showed two access points with intervening planting along the northern (roadside) boundary.

3. RELEVANT PLANNING HISTORY

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

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site 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

02.05.2018, 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:

- Impact on green, open character. Neighbours will be able to see the parking area from their property.
- Impact on vision, cars will still park on corner of road.
- Impact on property value.

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

OTHER CONSULTEES

6.3. OCC HIGHWAYS: **No objections (in relation to the amended plans)**

The Highway Officer had raised objections to the scheme as originally submitted, with the matter of concern being the lowering of the kerb around the whole of the bend at Plot 3, removing the protection for pedestrians using this footway, resulting in a detriment to safety. The Officer recommended a two point access to either end of this site, with low level planting which would omit the need for fencing which would be likely to inhibit vision when entering or leaving the parking area. The applicant amended the plan in accordance with the Officers comments, who subsequently withdrew the objection. The Highway Officer has requested conditions for details of the access and parking/manoeuvring areas to be submitted.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

7.3. Other Material Planning Considerations

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

8. APPRAISAL

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

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

Design and impact on the character of the area

- 8.2. 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.
- 8.3. 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.”*
- 8.4. 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.
- 8.5. The proposal involves the change of use of two areas of existing green land for residential parking on a primarily residential street. The greenery adjacent to properties on Woodpiece Road contributes to the relatively pleasant and semi-rural character of the area where, in addition to the application site, there are at least three other pieces of grassed land on this road. Given the relatively small area to be surfaced at Plots 4/5 and its location adjacent to garages/other areas of hardstanding, this part of the proposal is not considered to result any significant harm to the character and appearance of the area.
- 8.6. The creation of hardstanding/parking on the grassed area on the corner (Plot 3) is considered somewhat unfortunate and would cause some visual harm. That said, Officers are of the view that, subject to landscaping to the front boundary of the site to provide visual relief, the open and green character of the area would not be fundamentally undermined or significantly altered by the addition of this area of hardstanding, particularly as larger areas of green space are left. Subject to a condition to require this landscaping to the front boundary, it is considered that the proposal would not unacceptably impact on the visual amenities of locality.

Residential Amenity

- 8.7. Given the nature of the proposal, I consider that it would not have an undue impact upon neighbour amenity with regard to loss of light, outlook or privacy.

Highways Safety

- 8.8. 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”.*
- 8.9. The Local Highway Authority (LHA) has not raised any objections to the proposal following the receipt of amendments to the access point at Plot 3. This parking area now features 2 access points to each side which is considered to retain protection to pedestrians using the footpath. The LHA has also suggested conditions which require details of the access and parking/manoeuvring areas. Officers see no reason to disagree with these conditions and recommend they are attached to any consent given, along with a landscaping scheme to ensure that planting is carried out to a height that does not restrict vision splays.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. For the reasons set out in this report, the proposal would not cause detrimental harm to the character and appearance of the area or highway safety. The proposal is therefore compliant with the policies outlined in section 7 of this report. Overall, the proposal is considered to have no adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and drawings numbered A.51,069a, A.51,070a, ACP5-02 Rev 02 and ACP4/5-01 Rev 02.

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

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

Reason - In the interests of highway safety and to comply with Government

guidance contained within the National Planning Policy Framework.

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

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

5. Prior to the first use of any parking bay shown on Plot 3, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority, detailing the proposed tree/shrub planting including their species, number, sizes and positions. The landscaping scheme shall be implemented in accordance with the approved details and retained as such thereafter.

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

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

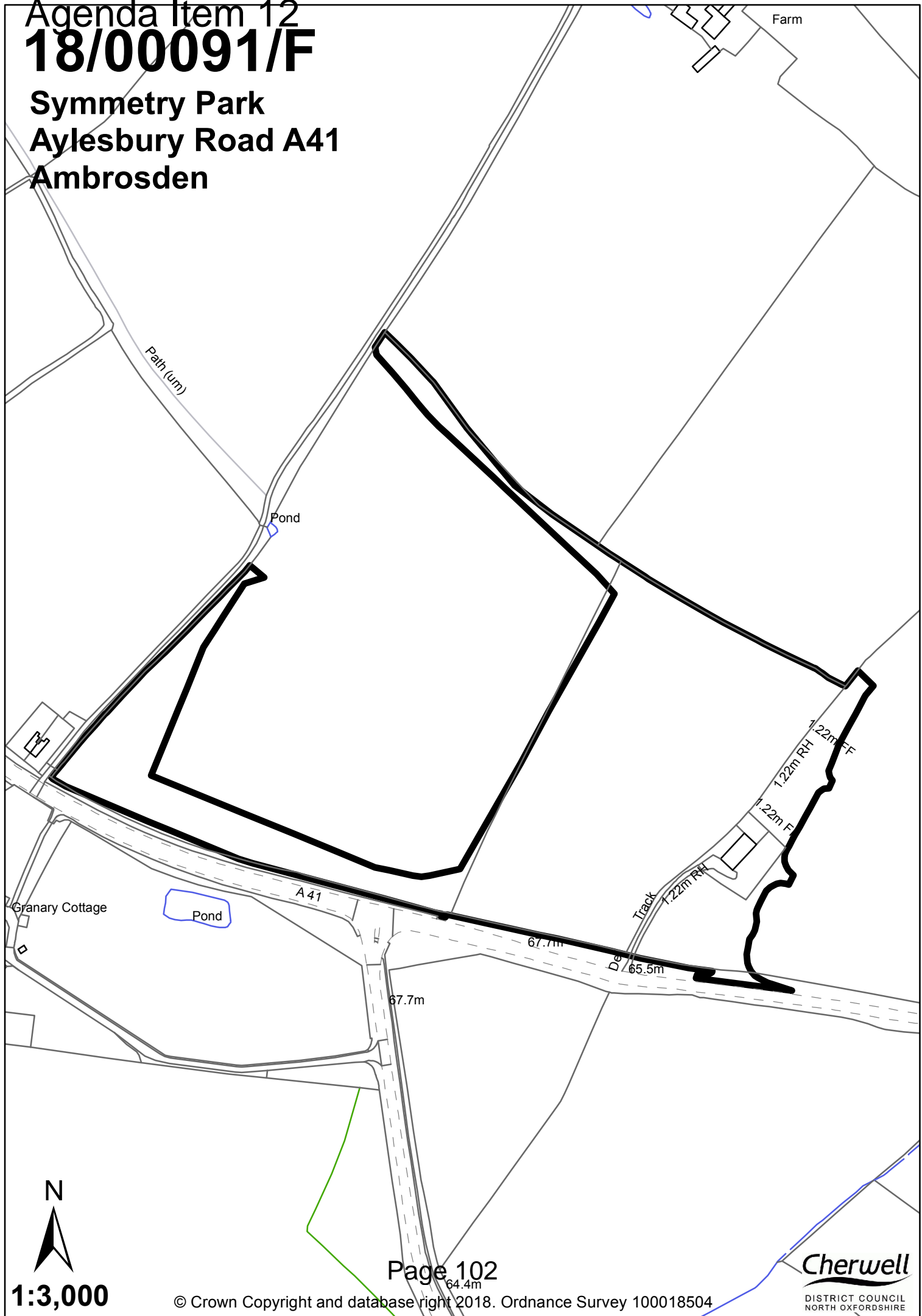
Reason - In the interests of highway safety and the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: George Smith

TEL: 01295 221899

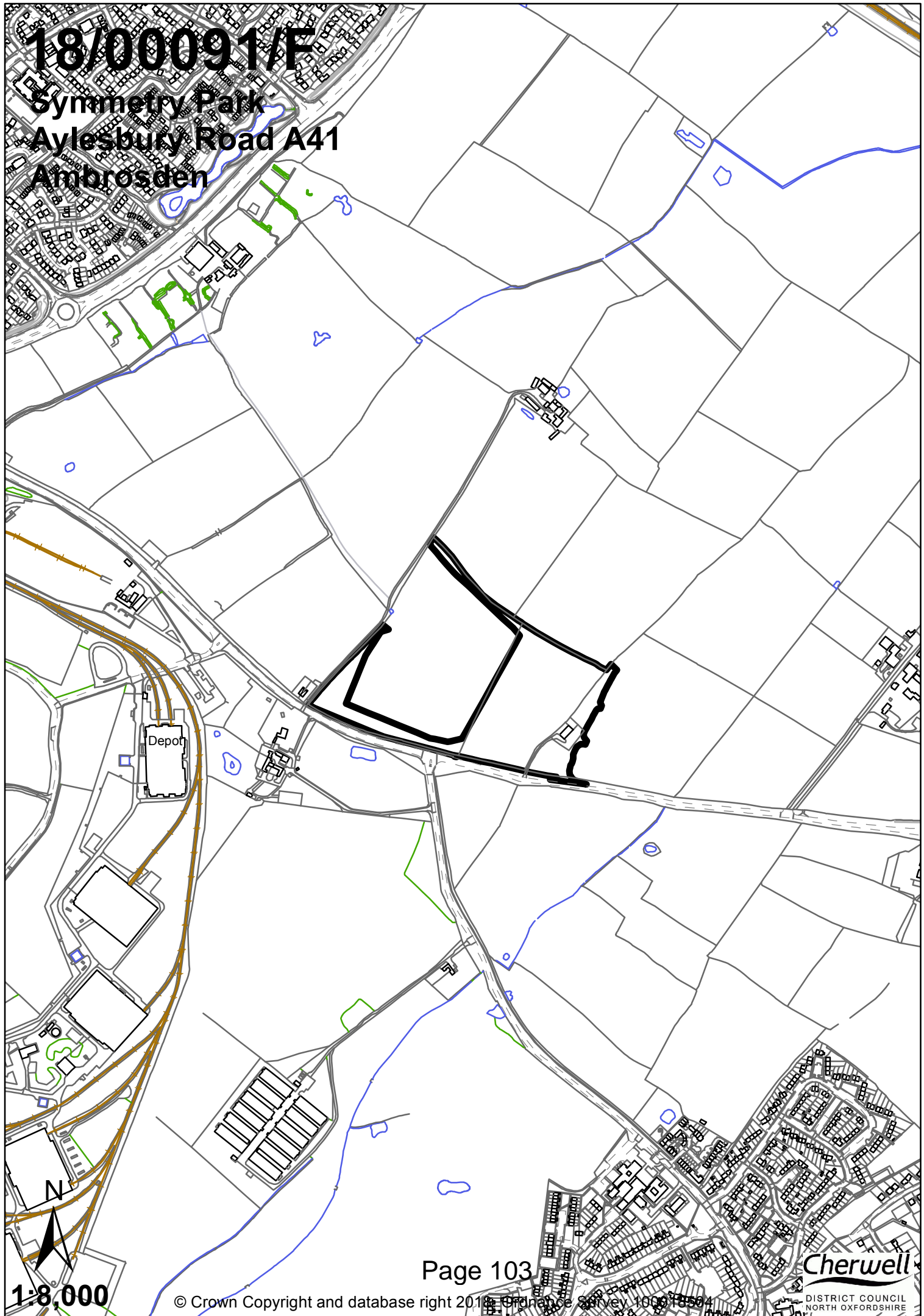
Agenda Item 12 18/00091/F

Symmetry Park
Aylesbury Road A41
Ambrosden



18/00091/F

Symmetry Park
Aylesbury Road A41
Ambrosden



Applicant: Db Symmetry (Bicester Reid) Ltd

Proposal: 14,200 sq m of logistics floor space, within class B8, including ancillary class B1 (a) offices (929 sq m), erection of security gatehouse, security fence, sprinkler tank and pump house, with an access road and associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private sewage treatment plant

Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson
Cllr Dan Sames
Cllr Lucinda Wing

Reason for Referral: Major

Expiry Date: 18 April 2018 **Committee Date:** 24 May 2018

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located approximately 3.2km to the south east of Bicester town centre and 0.5km north of the village of Ambrosden and sits immediately adjacent to the A41. The site currently stands in open countryside, but will become part of the wider South East strategic allocation when this is finally built out. The application site is part of a larger B8 site and is currently agricultural land. The site was previously accessed via a track directly from the A41. The site is well defined along its boundaries to the north and south by existing hedgerows and the A41. The site forms part of the wider Bicester 12 allocation for mixed use development within the adopted Cherwell Local Plan 2011-2031. Immediately adjacent to the site to the east are 2 newly constructed B8 buildings which were granted consent in 2017 (16/00861/HYBRID) refers.
- 1.2. The application site extends to 5.47 hectares and has frontage to the A41 along the whole of its southern boundary. Further to the west along the A41 is a pair of two storey semi-detached cottages, known as Wretchwick Farm Cottages, and approximately 400m to the north of the site is Little Wretchwick Farm and associated farm buildings. Open agricultural land currently lies to the north of the site although this will eventually come forward for development as part of the strategic allocation under Policy Bicester 12. To the south of the site on the opposite side of the A41 are two Grade II Listed Buildings and Graven Hill is situated to the south west of the site.
- 1.3. Access to the M40 from the site is via the A41.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. In November 2016 outline planning permission was granted for the erection of B8 buildings on this site as part of a Hybrid application which also gave detailed planning permission for the erection of two smaller B8 units on part of the site (16/00861/HYBRID) refers. This application seeks full planning permission for the erection of a single B8 building of 15,155 square metres of logistics floor space with ancillary B1(a) offices. The application cannot be submitted as a reserved matter because the proposed building falls outside the approved parameter plans agreed at the outline stage. The proposed building measures 172m long and 85m wide and is proposed to be orientated side on to the A41 with the servicing at the rear and the car parking to the front. The design and appearance of the building will be similar to those already erected on the adjacent site. The proposed building differs from the previously approved parameter plans by being slightly larger in terms of footprint and 2.5m taller.
- 2.2. Vehicular access is proposed via the newly created access to the A41 which currently serves the adjacent new B8 units which lies just to the east of the Ambrosden turn. The offices are indicated to the front of the building overlooking the car park. The landscape buffer to the A41 is retained although it is reduced in width from the original outline proposal.
- 2.3. This unit is proposed to be constructed speculatively to promote the best prospect of securing early occupation. The application proposals include the construction of earth bunding with a scheme for landscape planting to the whole Zone 2 southern boundary/A41 frontage and to the western boundary adjacent to Wretchwick Farm cottages, as originally proposed within the Hybrid application.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
15/02316/OUT	Outline - Proposed development of up to 69,677sqm (750,000 sq feet) of logistics floorspace, within Class B8 of the Town and Country Planning use classes order of 1987, with ancillary Class B1(A) Offices, together with associated site infrastructure including lorry parking, landscaping and sustainable drainage with details of means of access included for approval.	Appeal lodged against non-determination but later withdrawn
16/00861/HYBRID	HYBRID – full planning permission for 18,394 sqm of logistics floor space within Class B*, access to A41 and outline planning permission for up to 44,314 sqm of logistics floor space within B8.	Application permitted
17/00055/DISC	Discharge of condition 21 (Geoenvironmental Ground Investigation) of 16/00861/HYBRID	Application Permitted

17/00235/DISC	Discharge of condition 13 (means of construction and drainage for the access between land and the highway) of 16/00861/HYBRID	Application Permitted
17/00264/DISC	Partial Discharge condition 40 (archaeological programme) of 16/00861/HYBRID	Application Permitted
17/00527/DISC	Discharge of condition 8 (Retained tree) of 16/00861/HYBRID	Application Permitted
17/02229/ADV	2 No fascia signs	Application Permitted
17/02369/F	Erection of sprinkler tank and pump house	Application Permitted
18/00009/SO	Screening opinion to 18/00091/F - 14,200 sq m of logistics floor space, within class B8 , including ancillary class B1 (a) offices (929 sq m), erection of security gatehouse, security fence, sprinkler tank and pump house, with an access road and associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private sewage treatment plant	ES submitted

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 08.03.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. 23 letters of objection have been received. The comments raised by third parties are summarised as follows:

- This increases the height of the structure from 15.5m to 18m. The developer is continuing to show scant regard for the original determination. Note that outline permission has been granted but this application by virtue of the increase in massing, volume, height, orientation and closeness to the boundary has a deleterious highways and visual impact, with significant encroachment into the landscape buffer at its narrowest point
- Extant enforcement complaints about the existing should be resolved before this application is determined
- Development is moved outside the agreed boundaries
- Towering ugly warehouses on the approach into Bicester. Had high hopes when Bicester was designated an eco-town but this is incredibly disappointing
- Currently a greenfield site which is a haven for wildlife
- Application overstates the number of jobs that will be created for B8 warehousing, however the construction of warehouses with a height of 18m indicates the purpose of these buildings is more suited to high bay warehousing
- Application does not give thought to the type of jobs that will be created. A small number of white collar salaried jobs, but the majority will be blue collar paying minimum wage. Professionals in the town will continue to commute to Oxford, London, Banbury and Milton Keynes
- Noise and disturbance from 24/7 operation
- No public transport links anywhere near the site, the nearest bus stop being in Ambrosden
- BREEAM very good is not the sustainability standard that should be set, should be BREEAM excellent
- Increased traffic and turning movements on A41
- The application is supported by documentation previously submitted in relation to 16/00861/HYBRID most of which is therefore out of date, erroneous and misleading and should be updated
- The traffic modelling should be updated in line with comments from OCC in respect of recent applications in Ambrosden and the Ploughley Road junction which shows severe congestion from 2023
- The submitted drawings are confusing and inconsistent. The section A-B wooded buffer zone refers to a location adjacent a building which does not form part of this application
- Fencing details are dominant and unsympathetic and damaging to the street scene and should be positioned inside the existing field hedge, not outside. No details of security gates
- Drawing 4036-B09-015 PO1 suggests the building will include a number of significant skylights which are not referred to in the proposals. This could give rise to significant light pollution and should be omitted

- Visual impact assessment is misleading as the scale of the recently constructed building is significantly more harmful than suggested and light pollution is not considered
- TA is dated 2015 and does not reflect the new proposal
- CMP is not fit for purpose as it conflicts with the footprint of Unit B
- Biodiversity report does not reflect current drawings
- FRA and drainage strategy have not been updated
- Framework Travel Plan is out of date and relies on services that no longer exist
- Object to increased height to 18m. Whilst I welcome the additional economic activity these buildings bring to Bicester, due attention needs to be paid to the residents of the cottages at Wretchwick and the further development of houses proposed nearby. The increase in height is unnecessary and an overdevelopment of the site

Langford Village Community Association object as follows:

- Increase in height from 15.5m to 18m which directly contradicts condition 26
- Footprint of Unit B also exceeds the outline consent by 360 square metres. This is a contentious site for Bicester residents and we consider any breach should NOT be allowed
- Proposed changes would greatly add to the visual impact of Unit B due to the increased height and reduction in landscape screening
- LVCA do support the link and green corridor between the A41 and Bicester 12
- The solar panels have not yet been completed on the first phase

CPRE Cherwell South District comment in summary as follows:

- Assumed the remainder of the warehouses would be similar to those already constructed. Never had a response from CDC as to why photovoltaic panels have not been installed. Expect a condition for reduction in energy as required by Bicester eco-town principles to be required
- Current warehouses are a massive, dominant eyesore and the developer has the audacity to plan this 2.5m higher and object in the strongest possible manner
- As these are speculative constructions there is no need to make this set any taller than the first. Having seen how intrusive the first lot are, these should be smaller. Buildings of this height will never be screened by trees
- In terms of sustainability, why has the applicant not taken the advice of their own consultants and designed modern systems, such as PV panels and ground source heat pumps into the proposal which can be incorporated relatively easily. CDC cannot be so cavalier in their attitude to 'global warming' and should not pass this

new application without seeing the designs changed to include the 'renewable energy' systems identified by their own consultants included

- Noted that the amount of original screening has been reduced
- Astounded by OCC's attitude regarding the acceptability of the access from the site onto the already congested and increasingly busy A41. A further serious accident occurred in the last week near the proposed development site entrance

Officer Note: Applicant's Agent responds to each of the third party responses as follows:

- *Details submitted with the previous Hybrid application in respect of the TA and FRA remain valid and have been discharged by condition. There has been no material change.*
- *Unit proposed is in keeping with the design of the first phase. Due to the irregular shape of the site and in order to respond effectively to current business requirements in the Bicester area, the unit marginally varies the approved parameter plan of the hybrid in the south east corner*
- *Material issues are built development equating to 360sqm outside approved parameter plan and increased building height of 2.5m to 18m. The proposal projects a maximum of 10m into the area of land identified as structural planting, green corridors and amenity space, retaining the minimum depth of 13m, some 3m more than Unit A1. The revised layout safeguards a substantial landscape buffer to the road with the SE corner of the unit sitting a considerable distance, 20.6m from the A41 and 17.3m from the edge of the footpath.*
- *ES concludes that there are no additional significant effects as a result of the proposed development and landscape officer as a consultee has not raised any concerns*
- *Not aware of enforcement complaints*
- *ES concludes the proposed development will not give rise to any significant environmental effects. TRICS assesses the potential transport impacts from commercial development on Gross Floor Area and the floor area proposed is still within the scope agreed and increase height has no impact on transport.*
- *The detailed landscape drawings are accurate for the development*
- *Fencing details are included and are consistent with those approved for A1 and A2.*
- *ES concludes no significant environmental effects*

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

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. **Bicester Town Council** – no objection to this application but would request that in keeping with the ethos of the garden town, that solar panels are included as part of the design. The sewage treatment plant is welcomed and we would hope that other properties in the area would be approached for connection to the plant.

6.3. **Piddington Parish Council** – objects as follows:

- Whilst an outline has been approved, this application differs substantially and will have a significant visual impact on the area and considerable impact on A41 both visually and from increased traffic
- Supports and fully endorses the views expressed by OCC on the earlier application and believes that work to resolve the impact of increased traffic on the roads in the area is crucial, and would look for full mitigation measures to be completed should the application be approved
- Serious concerns about the visual impact of the proposal and agrees with Ambrosden Parish Council that the constructed building is significantly more harmful than was suggested both during daylight hours and even more at night due to light pollution which is not considered in this application. The proposed building will be taller and closer to the A41 than the recently constructed buildings
- Transportation report does not reflect the larger building and therefore greater capacity of goods and transport movements
- Appendix C – scoping report dated 2015 is out of date and does not reflect the larger building
- Appendix D – bus timetables are out of date and therefore not sustainable unless the applicant provides a subsidy to reinstate the buses
- Appendix F – traffic survey outputs are now 2.8 years out of date and should be repeated

6.4. **Ambrosden Parish Council** – objects as follows:

- Increase in height of build to 19m and proximity to boundary has a deleterious highways and visual impact with significant encroachment into landscape buffer at its narrowest point
- Closeness of build to A41, in particular Unit B which is only 13m to the boundary but 19m tall
- Lack of landscaping, particularly adjacent to Unit B
- Failure of the bund to continue along the whole frontage
- Outline included silos to screen the lorries, parking and exterior lighting to the western side of the lorry bays. These have been deleted from this proposal, increasing the risk of noise, light and visual pollution
- Light pollution
- Orientation of Units C1 and C2 which will funnel noise and light pollution towards Wretchwick End Cottages and the surrounding area

- In two of the most recent planning applications in Ambrosden the Highways department has advised that the junction of Ploughley Road to the A41 will soon be at capacity and not able to accommodate any additional traffic movements. As this is a full planning application, the developer of this major employment site should be required to find a solution and fund enhancements to this road junction. The Parish Council would support the creation of a roundabout or traffic lights. The application does not propose any improvements to the A41 Ploughley Road junction. The County Council have recently raised objections to two applications in Ambrosden
- Information submitted relates to the Hybrid application and is therefore out of date, erroneous and in many cases misleading
- Concerned that the application does not contain any proposals to address the large number of enforcement complaints. Application includes photographs of signage within the site which was erected without planning permission and details of signage is not included in this application
- Some of the application drawings are inconsistent and misleading
- Fencing details are dominant and unsympathetic and damaging to the street scene and should be inside the hedge not outside
- Application is accompanied by a visual impact assessment, the existing 15.5m building provides a baseline for assessment. The visual impact assessment is woefully misleading, the scale of the recently constructed building is significantly more harmful than suggested and does not include light pollution
- Transport report dates from 2015 and is out of date for a number of reasons

Ambrosden Parish Council has commissioned an independent Transportation Report by Paul Basham Associates to assess the current application in the light of OCC comments in relation to applications 16/02611/OUT and 16/02370/F, where OCC considered that the junction of the A41 and Ploughley Road will shortly be at capacity. The report also highlights that this application has been accompanied by highways reports utilising out of date datasets, and makes no allowance of the permitted growth in Bicester since 2014. The report is summarised as follows:

- The current proposals breach a number of conditions, most notably the development of 360m² outside the approved parameters plan and height of 18m. Although industry standard practice is to base the calculation of trip generation on GFA, the increased volume of space could result in additional trips being generated
- The present application is accompanied by a short Technical Note that relies on the same TA submitted in 2016. However, since that time several substantial residential planning applications have been submitted within the area of Ambrosden
- 16/02611/OUT – whilst refused, OCC only removed their objection once the applicant proposed a highways improvement scheme to mitigate the impact of the development at the A41/Ploughley Road junction
- 16/02370/F – was approved and a contribution towards a larger improvement scheme agreed

- From the review of these two applications it is evident that the local highway authority perceived grounds to request contributions/mitigation. It is strongly recommended that a similar contribution to the improvement of the Ploughley Road/A41 junction be requested from the developer to ensure the future safety and operation of the local road network in the vicinity of Ambrosden.

Comments on the above have been given by OCC. Whilst the application does propose to develop on 360sqm of floorspace outside of the permitted parameters plan, the overall floor area of Unit B in the current application is actually less than the floor area set out for unit B in the approved indicative site masterplan. Also as noted in the technical note, the industry standard practice is to base the calculation on GFA rather than the overall volume of the building. The additional roof height is unlikely to have any significant impact on trip generation. This, coupled with the reduction in GFA for the proposed development leads us to consider that the trip generation of the proposed development would be within that of the previously assessed outline application.

In terms of the cumulative impact on the local highway network of two recent planning applications for residential developments in the Ambrosden area, these concerns were raised in the context of Symmetry Park development being permitted.

The TA for the original Hybrid application has been resubmitted with the current application along with a 'Transport assessment Technical Note' which identifies the main differences between the current application and the approved outline. The signed Sec 106 Agreement for the hybrid application which is to be linked to the current application, included an obligation to pay an index linked contribution of £210, 742.56 towards the delivery of the south eastern perimeter road or similar scheme that would bring relief to the A41. Therefore the development is contributing towards a highway improvement scheme that will provide mitigation for the development's traffic impacts and will provide relief on the A41 which is a concern raised. To request further contributions on a development that has no greater impact than the approved scheme would not be reasonable.

STATUTORY CONSULTEES

- 6.5. **Thames Water** – in respect to sewerage infrastructure capacity have no objection and recommend an informative be attached to any permission relating to water pressure and the fact that there are large water mains crossing the proposed development. Thames water will not allow any building within 5m of them and will require 24 hours access for maintenance purposes. A condition is recommended in respect of piling.
- 6.6. **Environment Agency** – due to increased workload prioritisation we are unable to make a detailed assessment of this application. We have checked the environmental constraints and advise that the environmental risks in this area relate to pollution prevention, foul drainage/waste water and other consents.
- 6.7. **Natural England** – no comments on the application. In terms of green infrastructure, the proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaption and biodiversity enhancement. Natural England would encourage the incorporation of green infrastructure into this development.

NON-STATUTORY CONSULTEES

- 6.8. **Arboricultural Officer** – since this scheme is in the countryside, the planting should reflect its surroundings, so only native species should be used, so change the 3,439 *Alnus cordata*. There is a substantial expenditure on 39 *Pinus sylvestris* at £18,000, these will get overtaken by the woodland whip planting around them, only 4 oak trees proposed. No need to plant fastigiated trees as there is ample room for large broadleaf trees which will increase the canopy over and be more natural. Tree pit specification needs to be amended. Item 3 refers to making tree pit big enough for rootball, it should be at least 200mm larger in order to ensure that backfill can be firmed in by foot. Watering frequency should be set at every two weeks during the growing season for the first two years.
- 6.9. **BBOWT** – no comments received
- 6.10. **Business Support Unit** – no comments received
- 6.11. **Ecology Officer** – no comments received
- 6.12. **Environmental Protection Officer** – no comments to make relating to noise, contaminated land, air quality, odour or light.
- 6.13. **Landscape Services Manager** – EDP View 1/Landscape Mitigation Measures indicates the existing unit of zone 1 with intervening mature trees and hedgeline. The building of the unit in Zone 2 will provide, combined with unit/zone 1, an accumulation of visual and landscape harm. With comparison of this effect against unit B site landscape proposals it is apparent that the northern boundary does have enough landscape mitigation as indicated on the illustrative Landscape and Ecology (December 2017). However, the detailed landscape proposals, refer to Phase 2 – Soft Landscape Scheme (Sheet 2 of 7), do not indicate the same quantity of tree planting (and therefore landscape mitigation). I encourage EDP to revise the drawing to include additional native trees to the northern boundary. I recommend *Acer campestre* and *Betula pendula*.

Following the receipt of amended plans, Landscape Services Manager advises that the northern boundary of Unit B is now sufficiently well-treed for the future landscape mitigation of the northern elevation.

- 6.14. **Planning Policy** – no comments received
- 6.15. **OCC – Strategic Comments** – objection. No tracking drawings have been submitted showing how the required large vehicles can access the service yards. FRA does not consider increased volumes of runoff that will inevitably be produced by the development in excess of the greenfield situation. A concern has been raised by County Drainage Engineers about the capacity and condition of drainage infrastructure along the route to the final discharge point downstream. If despite OCC's objection permission is granted then OCC require all relevant planning conditions from the extant permission (16/00861/HYBRID) must be applied and the S106 agreement must be linked to the current application.
- 6.16. **OCC – Transport** – object as follows:
- No tracking drawings showing how the required large vehicles can access the service yards, turn and exit from the access road. This is needed to show how manoeuvres can be undertaken safely
 - Provision of 36 cycle spaces is below the minimum level required under the county council's cycle parking standards

- Recommend that the location of the cycle parking is reviewed so that the provision is closer to the main entrance to the building and that access to the cycle stores is segregated from vehicular movements within the car park
- Recommend that a footway is provided along the southern side of the new section of access road in order to provide a more direct route along pedestrian desire lines and limit the instances in which pedestrians will need to cross the access road
- The site benefits from an extant outline planning permission for B1/B8 development. A full application has been submitted due to a proposed increase in building height and the built development extending outside of the approved outline plan area. These variations will not alter the transport or traffic impacts of the development which have been assessed under application 16/00861/HYBRID
- Should permission be granted, the conditions and obligations applied under 16/00861/HYBRID must apply to the current application. This approach is also proposed in the Planning Statement accompanying the application.

Update – following the receipt of amended plans, OCC now raise no objections in transport terms.

6.17. OCC – Drainage – object as follows:

- The FRA does not consider increased volumes of runoff that will inevitably be produced by the development in excess of the greenfield existing situation as required by Standard ‘S4’ of the Defra non-Statutory Technical Standards. The drainage technical note accompanying this application on page 6 states that it is not practical to provide control of volumes at the site. Flood risk downstream will therefore increase.
- Concern about the capacity of the north-western ditch to accept flows from Zone 2 and carry them away, especially as it appears the drained developed area of Zone 2 is larger than the natural catchment that would drain to the outfall. Therefore an additional concern was raised about the capacity and condition of the infrastructure along the route to the final discharge point downstream

Update – following the receipt of amended plans, OCC as drainage authority maintain their objection. A further response from OCC is still awaited in this respect and a verbal update will be given at the meeting.

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
- SLE4: Improved transport and connections
- BSC2: Effective and efficient use of land
- 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: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure
- Bicester 12: South east Bicester
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C31 – Compatibility of proposals
- TR10 – Heavy goods vehicles
- ENV1 – development likely to cause detrimental levels of pollution

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Bicester One Shared vision
- Planning Obligations SPD (February 2018)
- Design and Layout of Employment Sites – A Guide SPG 1996
- Cherwell Economic development Strategy 2011-2016
- Cherwell Annual Monitoring Report

8. APPRAISAL

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

- Relevant Planning History
- Environmental Statement
- Planning Policy and Principle of Development
- Transport, Access and Highway Safety
- Employment
- Landscape and Public Rights of Way
- Archaeological and Historic Environment
- Design, Layout and Appearance
- Ecology
- Flood Risk and Drainage
- Sustainability
- Planning Obligation

8.2. Relevant Planning History

8.3. This application is part of a wider strategic allocation in the adopted Cherwell Local Plan 2011-2031 for mixed use development (Policy Bicester 12). This part of the site has been brought forward separately and in advance of the remainder of the allocation. An initial outline application submitted for B8 on this area of the site was submitted in December 2015 by the same applicant (15/02316/OUT refers). Following Officer concern regarding the quantum of development proposed and the height and scale of the buildings proposed, an appeal was lodged against non-determination. This appeal was subsequently withdrawn following the issuing of consent relating to a subsequent Hybrid application (16/00861/HYBRID refers).

8.4. The hybrid application sought to overcome the concerns raised in respect of the original outline application as follows and permission was granted in November 2016. Development has begun on site and the first two units have been constructed.

- An overall reduction in the quantum of development
- Increase in the provision of additional landscaping along the boundaries of the development
- A reduction in the proposed height of the units from 18m to 15.5m to ridge and Unit A1 a maximum of 14.6m to ridge
- Reduction on impact on the residential amenities of neighbouring properties by reduced height and increased distance of buildings from them
- Three clear development parcels in zone 2 where details are submitted in outline only providing commercially realistic blocks
- Identification of footpath/cycle links to the wider Bicester 12 development along northern and western boundaries
- Commitment to the provision of integrated Green Infrastructure corridors with the wider Bicester 12 development together with enhanced on-site ecological benefits as a result of the additional perimeter landscaping
- Revisions to the access to A41 following discussions with OCC
- Unit A1 flipped so that the service yard is on A41 frontage to provide optimum solution in landscape terms to address the 'Gateway' entrance to Bicester sought by CDC planning officers
- Incorporation of landscape bund on land along the northern boundary
- Drainage issues resolved
- Commitment to provide mature planting along A41 landscape bund

8.5. An outline application is currently under consideration for the vast majority of the remainder of the Policy Bicester 12 allocation by Redrow Homes and Wates Developments (16/01268/OUT refers). That application is the subject of on-going negotiations and is unlikely to be presented to Committee until August/September 2018.

8.6. Environmental Statement

- 8.7. The application is accompanied by an Environmental Statement (ES). The ES identifies significant impacts of the development on the environment and the locality and the mitigation considered necessary to make the development acceptable.
- 8.8. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 3 requires that local authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless an EIA has been carried out in respect of that development.
- 8.9. The information in the ES and consultation responses received has been taken into account in considering this application and preparing this report. The ES has concluded that there will be no significant environmental effects that arise from the proposed development when assessed against the baseline established by planning permission (16/00861/HYBRID).

8.10. Planning Policy and the Principle of Development

- 8.11. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan Part 1 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the local planning authority shall have regard to the provisions of the development plan so far as is material to the application and to any other material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 also requires that if regard is to be had to the development plan for the purpose of any determination to be made under the 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.
- 8.12. The adopted Cherwell Local Plan 2011-2031 includes strategic allocation Policy Bicester 12 (SE Bicester) which consists of 155 hectares of agricultural land. It identifies SE Bicester as a mixed use site for employment and residential development of up to 1500 new homes and supporting infrastructure. This policy specifies that approximately 40 hectares shall be for employment use. This application seeks to part of that allocation for B8 employment use. The policy is comprehensive in its requirements and the consideration of this proposal against the requirements of Policy Bicester 12 will be carried through the assessment of this application.
- 8.13. The Development Plan also includes a number of other relevant policies to this application, including those related to sustainable development, transport, flood risk and sustainable drainage, sustainable construction, ecology, landscape and visual impact, environment and design. These policies are all considered in more detail within the appraisal below.
- 8.14. The adopted Cherwell Local Plan 1996 includes a number of policies saved by the adopted Cherwell Local Plan 2011-2031, most of which relate to detailed matters such as design and layout. The policies of the adopted Cherwell Local Plan 1996 are considered in more detail in the appraisal below.
- 8.15. As previously discussed, the principle of development on this site for B8 purposes has already been established by the granting of the outline and detailed planning permissions under the hybrid application (16/00861/HYBRID) refers. This is a material consideration in respect of this proposal which seeks to construct a building outside the already agreed parameter plans.

- 8.16. The purpose of the planning system is to contribute to the achievement of sustainable development. The National Planning Policy Framework (NPPF) sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; 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 (paragraph 70). It also provides (paragraph 17) a set of core planning principles.
- 8.17. 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 planning and decision taking. It sets out three dimensions to sustainable development, those being economic, social and environmental. These are considered further below.
- 8.18. In relation to the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth. In respect of this application proposal, the development is likely to encourage new businesses into the District, to provide jobs locally during the construction phase; and in the longer term will deliver and secure the provision of new jobs within Bicester and seek to help address the issues of the significant out-commuting in Bicester at present. Objections have been raised by third parties that the B8 building will only predominantly provide jobs for blue collar workers rather than the much needed white collar professional positions. The provision of new businesses will help improve the local economy through business rates and local expenditure within the town centre etc.
- 8.19. The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing a supply of housing and employment opportunities to meet the needs of present and future generations. A high quality built environment and accessibility to local services, housing and the town centre for employees is required as part of this function. This application proposal will provide local jobs and potentially attract new businesses to Bicester and the development will provide new footpath/cycle links to the edge of the development site for connection into the remainder of Bicester 12 and then on towards the town centre.
- 8.20. In terms of environmental, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Objections from third parties have been received regarding the landscape and visual impact of the development and the effect on wildlife and biodiversity. The development does provide landscaping belts to the perimeter of the site and green infrastructure corridors to link with the wider Bicester 12 development.
- 8.21. Transport, Access and Highway Safety**
- 8.22. The Transport Assessment for the original Hybrid application has been submitted with this current proposal alongside a 'Transport Assessment Technical Note' produced by 'Hydrock' which identifies the differences between the current application and the approved. The original TA based the traffic generation figures on the worst case scenario and the higher quantum of development that was submitted in respect of the first withdrawn outline application. The proposed development therefore remains within the accepted quantum of acceptable development in this respect. This has been assessed by OCC as Highway Authority who find this to be acceptable. A new vehicular access which has already been constructed as an un-signalised priority junction on the A41 approximately 250m east of the Ploughley Road junction will serve this development and the remainder of Phase 2 when that comes forward.

- 8.23. Ambrosden Parish Council has instructed Paul Basham Associates to assess the application in terms of the impact of the proposed development on the local road network, given the changes to their considered baseline situation since the previous application; these being the cumulative impact of new residential developments in Ambrosden and the requirements for improvements to the local network if they were to be considered acceptable by OCC. OCC have commented stating that while the original Transport Assessment had not been updated to take account of the permitted development of 85 dwellings at Blackthorn Road Ambrosden, the assessment of that application took account of the traffic generation of the permitted Symmetry Park. This is therefore not considered to be an issue in respect of this proposal.
- 8.24. Policy Bicester 12 requires that 'the development is well integrated, with improved, sustainable connections between the existing development and new development on this site' and also that 'new footpaths and cycle-ways should be provided for that link to existing networks in the wider area'. The unilateral undertaking linked to the extant permission for the site includes an obligation to provide 3m wide shared use pedestrian and cycle paths, to link into the wider Bicester 12 site, at the point of occupation of any unit in the Zone 2 area of the hybrid application site (in which the current application site is located). The location of these paths was agreed through the UU.
- 8.25. The application plans submitted include the provision of one of the paths in the agreed location, running north to south alongside the western boundary of the site. The second link is still shown indicatively on the remainder of the site and will come forward when that is developed. OCC raised a concern that no footway was shown along the south side of the new section of access road to the north of the building and therefore that pedestrians would have to cross the access road twice in order to access the wider Symmetry Park development sites to the west; and furthermore that no tactile crossing point was shown. The amended drawings now include the provision of a tactile crossing and this is welcomed by OCC.
- 8.26. In terms of cycle parking provision, the submission showed a total of 36 spaces which is below the minimum level required under OCC's Cycle Parking standards. For the combined B8 and B1 floor area proposed a minimum of 35 covered staff cycle parking spaces and 16 short-stay visitor spaces are required. Furthermore, the cycle shelters are shown located within the car park to the front of the building and around 60m from the main entrance to the building. Cyclists would therefore have to pass by the main entrance to the building and potentially through the car park to reach the shelters. The County Council's standards require cycle parking to be located in a convenient location and in close proximity to the main entrance of the building. The updated site plan (drawing number 4036-B09-008 revision P15) and indicative master plan (4036-B09-001 revision P20) show the provision of 52 cycle parking spaces as required and relocated closer to the building. This is now considered to be acceptable. The provision of 102 car parking spaces (including 7 disabled and 6 spaces for electric vehicles) is acceptable. The initial layout plan did not include tracking for HGV's. Subsequent vehicle tracking drawings demonstrate that the largest vehicles expected to require access to the site will be able to access, turn and exit the site safely in a forward gear.
- 8.27. The B8 floor area for the proposed development is above the threshold for the requirement of a specific travel plan for the proposed development. A Framework Travel Plan has been produced and implemented for the wider Symmetry Park site. This overarching travel plan will act as the basis for the individual travel plan which is required for the proposed development. The provision of a site-specific travel plan must be secured through a planning condition. A monitoring fee will also be

necessary which is included within the original Section 106 relating to the Hybrid application.

- 8.28. Having regard to the above therefore, the proposal is considered acceptable in highway terms and therefore in accordance with local plan policies and the NPPF in this respect.

8.29. Employment

- 8.30. Paragraph 17 of the NPPF sets out the core planning principles that should underpin both plan making and decision taking. Of particular relevance to this application in terms of employment use is to:

- 8.31. 'Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth....'

- 8.32. Section 1 of the NPPF – Building a strong competitive economy, advises at paragraph 18 that 'government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and meeting the twin challenges of global competition and of a low carbon future'.

- 8.33. Paragraph 19 advises 'the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'.

- 8.34. Paragraph 20 advises 'to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st Century'.

- 8.35. Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 sets out that new development sites have been identified to promote growth and increase the amount of employment land in the District in accordance with the requirements of the NPPF above, for commerce, engineering and manufacturing. This growth is focussed more at Bicester in order to match the growth in housing and make the town more sustainable. This policy also reflects the urban focus within the plan and to ensure that housing and employment are located in the same place.

- 8.36. Policy SLE1 also refers to the Council's flexible approach to employment generation with a number of strategic sites allocated for a mix of uses. At Bicester, there are 6 strategic sites where strategic employment uses are identified. Policy Bicester 12 is one of those strategic allocations for mixed use development, identifying approximately 40 hectares for employment use within a mix of B1, B2 and B8 uses, although it identifies B8 as the primary employment use. This land has been allocated taking account of the economic evidence base, matching growth in housing and to cater for company demand whilst ensuring a sufficient employment land supply. It emphasises that careful consideration must be given to locating housing and employment in close proximity to avoid harmful impacts upon the residential amenity of neighbouring properties. The identification of sites to meet the anticipated economic needs is in line with the guidance within the NPPF.

- 8.37. The Cherwell Local Plan is supported by a suite of evidence, including that relating to Economic development and the council has an Economic Development Strategy.

The Economic Analysis Study (August 2012) identifies the existing baseline conditions within the District which shows that the District has high economic activity but low growth with a relatively resilient economy. In terms of growth, the district appears to be underperforming, particularly in higher value sectors and it is identified that there is scope to improve economic competitiveness. The document sets aspirations for the type of new development that will be encouraged drawing on the district's advantages of being very accessible and part of the Oxfordshire economy. The commercial property market in Bicester over the last decade has not effectively operated to satisfy the needs of expanding businesses and inward investors which has delayed the implementation of the council's adopted economic development strategy and created a latent demand amongst a range of Bicester businesses. Neither has the construction of commercial premises matched the growth in the number of homes or the rate of household formation that has occurred and continues to occur in Bicester.

- 8.38. The Council's most recent Annual Monitoring Report (AMR) December 2017 (reported to the Executive in January 2017) identifies that there has recently been a considerable gain in employment floorspace with over 103,000 sqm completed and at 31st March 2017 there was over 408,000 sqm (net) of employment floorspace with planning permission but not constructed. The AMR states that in Bicester there have been net gains across the different B use class except for B1a which has a net loss of over 19,500 sqm of employment floorspace. Overall, there is a significant commitment of over 261,000 sqm of employment floorspace at Bicester, predominantly in B8 use class with B2 uses. Planning permissions have been given at a number of strategic allocations which are the main contributors to the employment commitments at Bicester, these being, graven Hill (Bicester 2), North West Bicester (Bicester 1), South East Bicester (Bicester 12) and land north of Skimmingdish Lane (Bicester 11). In terms of this site, Bicester 12, the first 2 units – A1 and A2 which gained consent under the hybrid application have now been constructed and taken up by new businesses, bringing new jobs to the area.
- 8.39. The Oxfordshire Local Enterprise Partnership (OxLEP) and partners have agreed, through the City Deal and Strategic Economic Plan to deliver significant levels of economic growth and delivering more apprenticeships. Oxfordshire has made progress through programmes including Oxfordshire Business Support, the Oxfordshire Apprentice Programme, Opportunities to Inspire which builds links between employers and education across Oxfordshire in order to inspire the future workforce, and Invest in Oxfordshire. Community Employments Plans (CEPs) provide an opportunity to more closely align the new jobs created from a major development, the local labour market and skills providers. Oxfordshire in general and Cherwell District in particular, are currently experiencing a large increase in construction to provide new homes and jobs in the area. However, there is a shortage of skilled construction workers to support the growth and the trend has generally been that apprenticeships are decreasing. The adopted Cherwell Local Plan 2011-2031 notes that relatively large numbers of people in Cherwell are without qualifications and basic skills and the level of education and training needs improving. The Plan contains five strategic objectives for developing a sustainable economy. Strategic Objective (SO3) aims, amongst other things, to support an increase in skills and innovation. Furthermore, paragraph B14 of the Plan states that the council will support proposals to strengthen the skills base of the local economy which will include the promotion of local training providers.
- 8.40. A number of objections received have raised concerns regarding the numbers and types of jobs that will be created by a B8 building. It should be noted that there is an extant outline planning consent for the erection of a B8 unit on this site which is a material consideration in respect of this proposal. It should also be noted that this site forms part of a strategic allocation for B1, B2 and B8 purposes, of which B8

should be the predominant use. The proposal is therefore in accordance with planning policy in this respect. In respect of the hybrid application, a Prologis Technical Note September 2011 submitted with that application revealed that, in consequence of the technical and administrative changes in the logistics sector that whilst the number of warehouse staff has fallen, there has generally been an increase in job opportunities in respect of administrative and support staff, managerial roles and IT, customer service, sales and engineering roles.

8.41. It is therefore considered that the application proposal will create a number of flexible and needed jobs in a sustainable location and that it will also be likely to help to boost the local economy generally by attracting new business to the area. This however is a speculative proposal, unlike Phase 1 where Unit A1 had an occupier already lined up at the time of determining the application.

8.42. The application proposal is therefore considered to be consistent with the principle of Policy Bicester 12 and the site has an important role to play in the delivery of new employment to the area, to secure economic growth and to support the growth in housing.

8.43. Landscape and Public Rights of Way

8.44. Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 relates to local landscape protection and enhancement and therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire district. Policy ESD13 states that: 'development will be expected to respect and enhance local landscape character...and proposals will not be permitted if they would....cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character....harm the setting of settlements, buildings, structures or other landmark features, or, harm the historic value of the landscape'.

8.45. Paragraph 113 of the NPPF states that Local Planning authorities should set criteria based policies against which proposals for any development should be judged. The NPPF also advises that the open countryside should be protected for its own sake.

8.46. Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: 'contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmark features or views...and to ensure new development is sensitively designed and integrated in accordance with advice within the NPPF and NPPG'. The Council's Countryside Design Summary identifies the site as being located within the Clay Vale of Otmoor which is characterised by generally flat low-lying land crossed by the meandering Rivers Ray and Cherwell, which drain into the Thames at Oxford.

8.47. The Environmental Statement submitted with the Hybrid application included a Landscape and Visual Impact assessment which has considered the effects of the proposed development on the landscape character of the area. The site itself is generally flat as is the countryside immediately around, however, just to the east of the application site the land rises quite steeply towards the village of Blackthorn. A number of public rights of way pass immediately adjacent or close to the site. An existing public right of way which passes along Blackthorn Hill offers views down towards the site. The landscape and visual impact from the proposed increase in building height of 2.5m may give rise to a significant effect and this has therefore been considered by the ES submitted with this application.

- 8.48. The application has been assessed by the Council's Landscape and Arboricultural Officers who raise no objection in principle but offer more specific advice in terms of the planting proposals. During the consideration of the hybrid application, concerns were raised in terms of the landscape impact of the development and lack of adequate mitigation in terms of landscaping. Numerous discussions and meetings were held with the applicant and agent to discuss the way forward. The outline planning permission granted for this part of the site included specific parameter plans which related to the height of the proposed buildings together with the extent of the built development and the extent and form of the structural landscape buffers around the site. The approved parameter plans showed a minimum landscape belt of 20m from the south east corner of the building and the edge of the site and 52m at the south west corner of the building to the edge of the site with the A41. This indicative landscape scheme also showed the provision of a bund to provide greater screening from the A41. This submission now proposes only 12m and 37m respectively. This is quite a considerable reduction in the overall area available for substantial planting. The planting buffer includes raised earth bunding and tree planting along the boundary with the A41 and to the Zone 2 western boundary to Wretchwick Cottages. These bunds will create planted screening to the building and compliment the landscaping recently completed along the Zone 1 southern boundary.
- 8.49. In terms of views of the site, these are actually relatively contained from the immediate locality and once the remainder of Bicester 12 comes forward for development will not appear as isolated as it does at present. The proposed building will be clearly visible from the A41 and when travelling from Ambrosden along the Ploughley Road towards the A41, however, again, once the remainder of the units are constructed and Bicester 12 is built out, they will be seen against a back drop of other buildings. Having regard to this I do not consider that the reduced landscape buffer to the A41 will be so significant in terms of visual impact and reduced mitigation here to justify refusal of the proposal.
- 8.50. Consideration of these changes must also be made having regard to the comments of the Landscape officer, who raises no objection, together with the need to ensure that the strategic sites are delivered in a timely manner to secure the economic future of the district and to attract new business to the area. Whilst the changes are regrettable, it is considered that on balance, a reason for refusal based on lack of landscaping and visual impact could therefore not be justified in this instance. In terms of the increased height of the building, again, this is regrettable, but I consider it would be difficult to justify at appeal that the increased height proposed, albeit quite significant at 2.5m, would be so discernible over and above that of the approved development great to cause such significant harm to justify refusal of this application.
- 8.51. To conclude therefore, having regard to the above, whilst the development will be visible, it would not be possible to hide buildings of such a scale easily, it is considered that the buffer remaining is sufficient to successfully and acceptably mitigate the visual and landscape impact of the development. The proposal is therefore considered to be in accordance with Policies Bicester 12, ESD13 and ESD15 of the adopted Cherwell Local plan 2011-2031 and government guidance within the NPPF in this respect.
- 8.52. Archaeological and Historic Environment**
- 8.53. In terms of archaeology, the application is accompanied by a Written Scheme of Investigation which was prepared pursuant to the granting of the hybrid planning permission for the development of the site. A desk based assessment, a walkover survey and subsequent archaeological geophysical surveys were undertaken in

2015, followed by an archaeological evaluation in April 2016. There are also a number of listed buildings within proximity of the site.

- 8.54. Saved Policies C18 and C25 of the adopted Cherwell Local Plan 1996 are relevant to the proposal in terms of seeking to protect the setting of listed buildings and scheduled ancient monuments. Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 also seeks to protect such heritage assets and requires appropriate information and assessments to be included within an application submission to enable an assessment of the potential impact of a development upon them to be made.
- 8.55. Section 12 of the NPPF sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable resource which should be preserved in a manner appropriate to their significance.
- 8.56. The site is located in an area of archaeological potential along the line of the Roman Road from Alchester to Verulamium. Roman settlement has also been recorded 900m south west of the proposed site. Bronze Age barrows have been identified from aerial photographs 1km to the south west and west of the site. Further barrows have been recorded north of the site. The proposal must also be assessed in terms of the Scheduled Ancient Monument (SAM) a deserted medieval village located approximately 0.7km to the north west of the site. It is as a result of the SAM and the need to protect its setting that this part of the Bicester 12 allocation was considered most appropriate for employment purposes.
- 8.57. In terms of the impact of the proposal on the nearby listed buildings, the closest are those on the opposite side of the A41 behind an existing tree screen. It is considered that the increase in footprint of the building and height will not have any greater impact on the setting of these buildings than the approved proposal and is therefore considered acceptable in this respect and in accordance with the policies within the development plan and the NPPF.

8.58. Design, layout and appearance

- 8.59. Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that ‘good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people’.
- 8.60. The application proposal is at a key entry into Bicester along the A41 from Aylesbury and the east as well as nearby villages such as Ambrosden and Blackthorn and it is therefore important that the proposed development provides an appropriate ‘gateway setting’ both in terms of its design, scale and positioning of the buildings, parking and service areas and choice of materials.
- 8.61. Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the development. The adopted Cherwell local plan 1996 contains saved policy C28 which states that ‘control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development’. Policy ESD15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation

and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement.

- 8.62. A Design and Access Statement has been included in the application documentation. The application design proposals for the Unit B building and the site layout have been developed from the outline approved indicative masterplan layout and parameters plan following further analysis of the logistics market sector requirements. The proposal seeks to increase the floor area of the building as well as increase the height from 15.5 to 18m. The proposed unit will incorporate a barrel-vaulted roof design to reduce the visual massing as much as possible with an associated clear height to haunch of 15m. The materials proposed are similar to those used on the recently constructed units A1 and A2.
- 8.63. The orientation and layout of the building has been designed in order to create a 'gateway' setting for the main access road onto the A41, with the offices fronting this elevation. The service area is located at the rear of the unit and will be secured by a gatehouse. Site security will be achieved by the erection of a 2.4m high colour coated paladin fence with anti-climb mesh fencing.
- 8.64. The car parking and access road will be surfaced with block paving with parking bays surfaced in a flexible bituminous material, to help alleviate a large expanse of black-top and to help control surface water run-off rates.
- 8.65. It is considered that the proposed building as submitted is acceptable in visual and design terms and because of the landscaping proposed to the A41 would not cause significant harm to the locality and is therefore in accordance with Policies Bicester 12 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and the NPPF which requires new development to be visually attractive and appropriate in terms of its context.
- 8.66. **Ecology**
- 8.67. The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural and local environment by minimising impacts of biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 8.68. Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 seeks to achieve biodiversity net gain through development by the protection and enhancement of biodiversity and the natural environment. The supporting text also requires all developments around Bicester to carry out surveys for the brown hairstreak butterfly as well as a consideration of the site's value as a wildlife corridor and the contribution it makes to ecological networks.
- 8.69. The ES submitted with the hybrid application included an ecological assessment of the site which found that the habitats within the site are generally of minimal ecological value, reflecting its agricultural use. This application is accompanied by a pre-commencement ecological walkover survey which was conducted on 13th February 2017 by a suitably qualified ecologist which confirmed that there had been no significant material changes to the type, extent or quality of habitats present within the site since the baseline assessment in 2015.
- 8.70. In terms of biodiversity enhancement, the proposed landscape proposals, and buffer planting will provide suitable areas for biodiversity net gain and it is therefore

considered that the proposal is in accordance with Policies Bicester 12 and ESD10 of the adopted Cherwell Local Plan 2011-2031 and the NPPF in this respect.

8.71. Flood Risk and Drainage

- 8.72. The application site is located entirely within Flood Zone 1. The NPPF – Meeting the challenge of climate change, flooding and coastal change advises that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of the flood risk, coastal change and water supply and demand considerations.
- 8.73. Policy ESD6 of the adopted Cherwell Local plan requires that flood risk assessments are included with development proposals such as the application site which should assess all sources of flood risk and demonstrate that there will be no increase in flood risk as a result of the development.
- 8.74. Policy ESD7 of the adopted Cherwell Local Plan 2011-2031 sets out the Council's approach to Sustainable Drainage Systems (SuDS) to ensure new developments are better adapted to predicted impacts of climate change in the South East which include more intense rainfall events and in order to prevent surface water run-off from increasing flood risk. Policy ESD7 is supported by the Flood and Water management Act 2010 which presumes that SuDS will be used for all new developments which seek to manage surface water as close to its source as possible. The policy states that 'all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.
- 8.75. The Environment Agency were consulted on the application but advised that due to increased workload prioritisation are unable to provide comments. The FRA and drainage strategy has been assessed by OCC as Lead Flood Authority. Field drains surround the site as a whole and the field drains to the north and west of the site appear to flow northwards towards the River Ray. An objection was received from OCC in respect of this submission on the grounds that the results of the soakage testing at the site demonstrate that SuDS infiltration will not be a viable solution. SuDS proposals include underground attenuation, a swale and a full retention hydrocarbon interceptor. It is advised that further details are required as the components are only very briefly described.
- 8.76. The FRA for the site (Peter Brett/32765-4001/December 2015) considered increased run-off rates produced by the development and provided mitigation for these increased rates. However, it did not consider increased 'volumes' of run-off that will inevitably be produced by the development in excess of the greenfield existing situation. This consideration is a requirement of Standard 'S4' of the Defra Non-Statutory Technical Standards. Policy ESD6 of the Cherwell local Plan also refers to this requirement and the policy appears to be more rigidly defined than the National Technical Standards in this respect. The drainage technical note accompanying this application on page 6 states that it is not practicable to provide controlled volumes at the site. Flood risk downstream will therefore increase. A discharge rate based on QBAR may be appropriate in this situation, where post and pre-development volumes of run-off generation cannot be exactly matched.
- 8.77. Condition 28 of the permission for the Hybrid application (16/00861/HYBRID) set out that the drainage scheme for the outline area for the site must demonstrate compliance with the Defra Non-Statutory Standards, however, this submission does not comply with this requirement and therefore OCC object to the proposal on this ground.

- 8.78. OCC also raise an objection about the capacity of the north-western ditch to accept the flows from Zone 2 and carry them away, especially so as it appears the drained developed area of Zone 2 is larger than the natural catchment that would drain to the outfall. Therefore an additional concern is raised about the capacity and condition of the infrastructure along the route to the final discharge point downstream. A SuDS management and Maintenance Plan is also required.
- 8.79. Following from the objections above, the applicant responded through the submission of a Technical Note 'Drainage Statement' prepared by Hydrock (c-08601-C Rev D), however, having assessed it, OCC remained of the view that the objection had not been resolved as OCC's objection concerned the 'volume' of surface water to be discharged from the development to the adjacent north-western field drain and also the capacity of the field drain (and downstream infrastructure) to receive this.
- 8.80. Previous responses from OCC (drainage) noted that the original FRA for this site did not address the need to control the volumes of surface water generated by the development. New development constructed on greenfield land results in an increase in the volume of surface water run-off generated as well as increasing run-off rates to flow to the watercourse. Without the provision of mitigation for both factors – 'rates and volumes', flood risk downstream can increase.
- 8.81. OCC (drainage) considers that the rate that does not 'adversely affect flood risk' referred to in NSTC Standard 'S6' is the greenfield 'QBAR' rate or 21/s/ha whichever is the greater. The proposal for discharge does not reflect this rate or comply with the Defra standards. This is therefore a reason for objection. OCC advised that the allowable discharge rate for Zone 2 is 2.9 litres per second per hectare which would translate to an allowable discharge rate for Unit B of approximately 8 l/s (2.66 ha). Discharging the surface water at this 'QBAR' rate to the field drain will ensure that the development mimics the greenfield response and would remove OCC's objection about the increase to flood risk downstream and alleviate concerns raised about the downstream infrastructure's capacity to receive the run-off from the site.
- 8.82. Following on from the above, confirmation is awaited from OCC as to whether the concerns above have yet been successfully addressed.

8.83. **Sustainability**

- 8.84. All applications for non-residential development are required in paragraph B.185 of the Cherwell Local Plan Part 1 2011-2031 to submit an energy statement demonstrating compliance with Policy ESD2 which will be demonstrated through the application of policies ESD3, ESD4 and ESD5. Policy ESD3 requires that non-residential developments should demonstrate that they have been designed to meet BREEAM 'very good' standard. Policy SED4 requires all applications for non-domestic development above 1000 sqm to be accompanied by a feasibility assessment for District Heating/Combined Heat and Power. Policy ESD5 requires that all such development proposals should also be accompanied by a feasibility assessment for on-site renewable energy provision.
- 8.85. The NPPF – 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 94 that 'local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations'.
- 8.86. Paragraph 96 advises that in determining planning applications, local planning authorities should expect new development to: (i) comply with adopted local plan policies on local requirements for decentralised energy supply unless it can be

demonstrated by the applicant having regard to the type of development involved in its design, that this is not feasible or viable; and (ii) take account of landform, layout and building orientation, massing and landscaping to minimise energy consumption.

- 8.87. The application is accompanied by an energy statement produced by Peter Brett Associates on behalf of the applicant in respect of the hybrid which confirms that the buildings were to be constructed to BREEAM 'very good' standard. It is proposed that this will also apply to this particular unit. A condition was imposed on the original hybrid application which requires the submission of an energy strategy to be submitted and approved. It is suggested that a similar condition is imposed in respect of this application.

8.88. Planning Obligation

- 8.89. The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. Policy INF1 of the adopted Cherwell local Plan states that: 'development proposals will be required to demonstrate that infrastructure requirements can be met, including the provision of transport infrastructure and improvements. Contributions can be secured via a Section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010.

- 8.90. The original Hybrid permission was the subject of a legal agreement to secure highway contributions and the monitoring and implementation of travel plans for each of the units, and a unilateral undertaking relating to the provision of footpath/cycle links through the site and into the remaining Bicester 12 development. This application will need to be the subject of a Deed of Variation of the original agreement that was entered into with the hybrid proposal.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The Council is committed to B8 development on this site through the strategic allocation of the site for mixed use development, including B1, B2 and B8 development in the adopted Cherwell Local Plan and Policy Bicester 12, together with the granting of outline planning permission on this part of the site for B8 use through the hybrid application (16/00861/HYBRID) refers. The consideration of this application therefore must only consider whether the slightly larger building footprint and therefore reduced landscape buffer and increased height are so significant to justify a refusal in this case.
- 9.2. Having regard to the above, it is considered that, on balance, the proposal will not have such significant visual and landscape impact over and above that of the approval scheme to justify refusal. The proposal is therefore considered to be in accordance with the Development Plan and Government advice within the NPPF.

10. RECOMMENDATION

That permission is granted, subject to (i) the applicant entering into an appropriate legal agreement and (ii) 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 condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, FRA dated December 2015 prepared by Peter Brett Associates and additional technical notes prepared by Hydrock dated march 2018 revision D.; Archaeological Evaluation Report MK 050/16 by CFA Archaeology Ltd; Design and Access Statement dated January 2018 by PHP Architects; Planning Statement dated January 2018; Biodiversity Method Statement and Management Plan dated March 2017 EDP2606-20d, Energy Statement dated September 2016 by Peter Brett Associates, Phase II Ground Investigation report dated May 2016 16.02.026; Environmental Statement dated January 2018 PF/9932; Transport Assessment dated April 2016 by Peter Brett Associates; Framework Travel Plan dated December 2016 by Peter Brett Associates and drawing numbers: 4036-B09-011 rev PO3 - Location Plan; 4036-B09-000 Rev PO5 Red Line Plan; 4036-B09-014 rev PO8- Parking details; 4036-B09-001 rev P20-Indicative site masterplan; 4036-B09-013 rev PO8-Fencing details; 4036-B09-008 rev P15-Site layout plan; EDP-2606-123i; 124k; 125i; 126i; 127j; 129c and 128i Soft Landscape Scheme sheets 1-7; 4036-B09-020 Rev PO6 Site Sections; EDP2606/50L illustrative ecology and landscape plan; 4036-B09-006 Rev PO6; 4036-B09-009 Rev P05-elevations and sections; 4036-B09-012 Rev P01-Gatehouse details; 4036-B09-015 Rev P01-Roof plan; 4036-B09-016 Rev P04-Parameter line comparison plan; 4036-B09-017 P03-Sprinkler installation; 4036-015 rev P20-Parameters plan; Drainage Plans by Hydrock: SYM-HYD-XX-XX-DR-C-0001 Rev P3; 0002 rev P3; 0003 Rev P2; 0004 Rev P1; 0005 Rev P3; 0006 Rev P1; 0007 Rev P1; 0120 rev P2; 0105 rev T2 and 0104 Rev T2 and vehicle tracking shhets 0009 P2; 0010 P3 and 0011.

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

- 3 Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

- 5 Prior to the first occupation of the development hereby approved, a landscape

management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the landscape management plan shall be carried out in accordance with the approved details.

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

- 6 All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and, following the completed planting of the landscaping scheme, shall be distributed throughout the completed planting areas.

Reason - To ensure the protection and conservation of the on-site top soil as a viable growing medium for the approved landscaping scheme and in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7 The existing hedgerow along the northern and southern boundaries of the site shall be retained and properly maintained, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 8 No development shall take place [on any phase], including any works of demolition until a Construction Traffic Management Plan has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a) The CTMP must be appropriately titled, include the site and planning permission number;
- b) The routeing of HGVs, construction traffic and delivery vehicles to and from the site and signed to the necessary standard/requirement, this includes means of access into the site;
 - details of and approval of any road closures needed during construction
 - details of any traffic management needed during construction
 - details of appropriate signing to accord with the necessary standards/requirements for pedestrians during construction works, including any footpath diversions
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development, including site compound;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - a regime for inspection and maintenance of all signing, barriers etc
 - contact details of the Project manager and Site Supervisor

use of appropriately trained, certified and qualified banksmen for guiding vehicles/unloading etc

details of parking for all those involved on the site

f) Wheel washing facilities/ road sweeping - to prevent mud etc, in vehicle tyres/wheels from migrating onto the adjacent highway;

g) Measures to control the emission of dust and dirt during construction;

h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;

i) Delivery, demolition and construction working hours which must be outside network peak and school peak hours;

j)

The approved Construction Traffic Management Plan shall be adhered to throughout the construction period for the development.

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

- 9 Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall incorporate site specific details of the means of regulating the use of private cars related to the development in favour of other modes of transport and the means of implementation and methods of monitoring. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

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

- 10 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. This scheme shall include.....(see OCC)

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Government Guidance within the National Planning Policy Framework.

- 11 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to surface water infrastructure, and the programme for the works), has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason - The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 12 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk assessment (FRA)(May 2016/32765/3006/Peter Brett), Drainage Design Statement (April 2016/32765/2006/001/Peter Brett), technical note 32765-2004-TN002 and the following mitigation measures detailed within the FRA statement:
- a) Limiting the surface water run-off generated by the 1 in 100 year critical storm to 5 litres per second so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site
 - b) Provision of underground storage tank and swale as shown on drawing number 32765-2006-001 Rev B
 - c) Provision of flood storage as shown on drawing number 32765-2006-001 rev B
 - d) Hydrocarbon interceptor and wastewater treatment centre as detailed in the Drainage design Statement (April 2016/32765/2006/001 Peter Brett) and technical note 32765-2004-TN002.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the local planning authority.

Reason - To protect the development from increased risk of flooding and in order to comply with Government guidance contained within the National Planning Policy Framework.

- 13 Prior to the formation of the first slab level, a scheme for sustainable urban drainage (SUDS) shall be submitted to and approved in writing by the local planning authority in accordance with a SUDS maintenance and Management Plan for the development in Zone 1 in accordance with the approved Flood Risk assessment (FRA) (May 2016/32765/3006/Peter Brett), Drainage Design Statement (April 2016/32765/2006/001/Peter Brett), technical note 32765-2004-TN002. This shall include a comprehensive maintenance schedule; a site plan showing the location of SUDS features and details; maintenance areas, location of outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan. A health and safety plan will be provided where risks are involved in any maintenance activity. The scheme shall be implemented in accordance with the approved details.

Reason - To ensure satisfactory drainage of the site and to avoid flooding and in order to comply with Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance within the national Planning Policy Framework.

- 14 No goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 15 Prior to the commencement of the development full details of the green infrastructure and footpath/cycle links from this site into the adjoining Bicester 12 site and to the A41 footpath shall be submitted to and approved in writing by the Local Planning Authority. This route shall be provided in accordance with the details so approved prior to the first occupation of the building hereby approved.

Reason - In the interests of sustainability and integration with the remainder of

Bicester 12 and by ensuring suitable footpath/cycle connections and to conserve and enhance biodiversity and habitat connections through green infrastructure links in accordance with policy C2 of the Adopted Cherwell Local Plan 1996, Policies ESD10 and Bicester 12 of the adopted Cherwell Local Plan 2011-2031 and Government Guidance with the National Planning policy Framework.

- 16 Cumulative noise output from any mechanical ventilation or fixed plant associated with the development shall be noise attenuated or mitigated so that it achieves the following levels at 1m from the nearest receptors (listed below):
- a) Daytime (0.700-23.00)
 - i) Wretchwick Farm Cottages and Wretchwick Farm: 43dB LAeq
 - ii) Little Wretchwick Farm: 34dB LAeq
 - b) Night time (23.00-07.00)
 - i) Wretchwick Farm Cottages and Wretchwick farm: 31dB LAeq
 - ii) Little Wretchwick Farm: 28dB LAeq

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 17 Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised by this submission.

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

- 18 If contamination is found by undertaking the work carried out under condition 34, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

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

- 19 If remedial works have been identified in condition 20, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 20. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.
- Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
- 20 If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
- Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
- 21 Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation produced by CFA Archaeology and submitted with this application, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.
- Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.
- 22 Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm 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 mitigation scheme.
- Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.
- 23 No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings

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

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

- 24 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity shall be 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.

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

- 25 Prior to the commencement of the development, including any demolition and any works of site clearance, full details of the role, responsibilities and operations to be overseen by a qualified supervising ecologist shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be overseen by the qualified ecologist in accordance with the approved details.

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

- 26 Prior to the first occupation of the building, a strategy shall be submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be provided during construction and by the occupiers of the unit. The strategy shall include details of the number of apprenticeships and training posts, over what period of time they may be employed, where the apprentices may be placed within the company and where the apprentices may be taken from. The strategy will be implemented in accordance with the approved details.

Reason - In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with Government guidance.

- 27 Prior to the commencement of any development on the site, a detailed Energy Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall include:
- o How climate change adaption measures will be incorporated
 - o How the development design will reflect fabric efficiency in its constructions
 - o Increased energy efficiency
 - o Sustainable construction
 - o District heating /combined heat and power feasibility study
 - o Renewable energy

The agreed energy strategy shall ensure that all buildings hereby approved are constructed to at least BREEAM 'Very Good' standard.
The development thereafter shall be carried out in accordance with the agreed strategy.

Reason - In the interests of sustainability and to comply with Policies ESD1-5 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

- 28 All buildings hereby approved shall be constructed to at least BREEAM 'Very Good' standard.

Reason - to ensure sustainable construction and reduce carbon emissions in accordance with Policies ESD 1-5 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

- 29 The building hereby approved shall provide electricity charging points for cars within the site, in accordance with the details hereby approved, prior to the first occupation of the building on the development. The development shall be carried out in accordance with the approved details and thereafter retained and maintained in accordance with the approved plans.

Reason - In the interests of sustainable development, and to comply with Policies ESD1-5 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

PLANNING NOTES

- 1 Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
- 2 The District Council, as local planning authority, in deciding to approve this proposal has taken into account the Environmental Statement submitted with the application and any relevant representations made about the likely environmental effects by the public or consultees.
- 3 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
- 4 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635

268881.

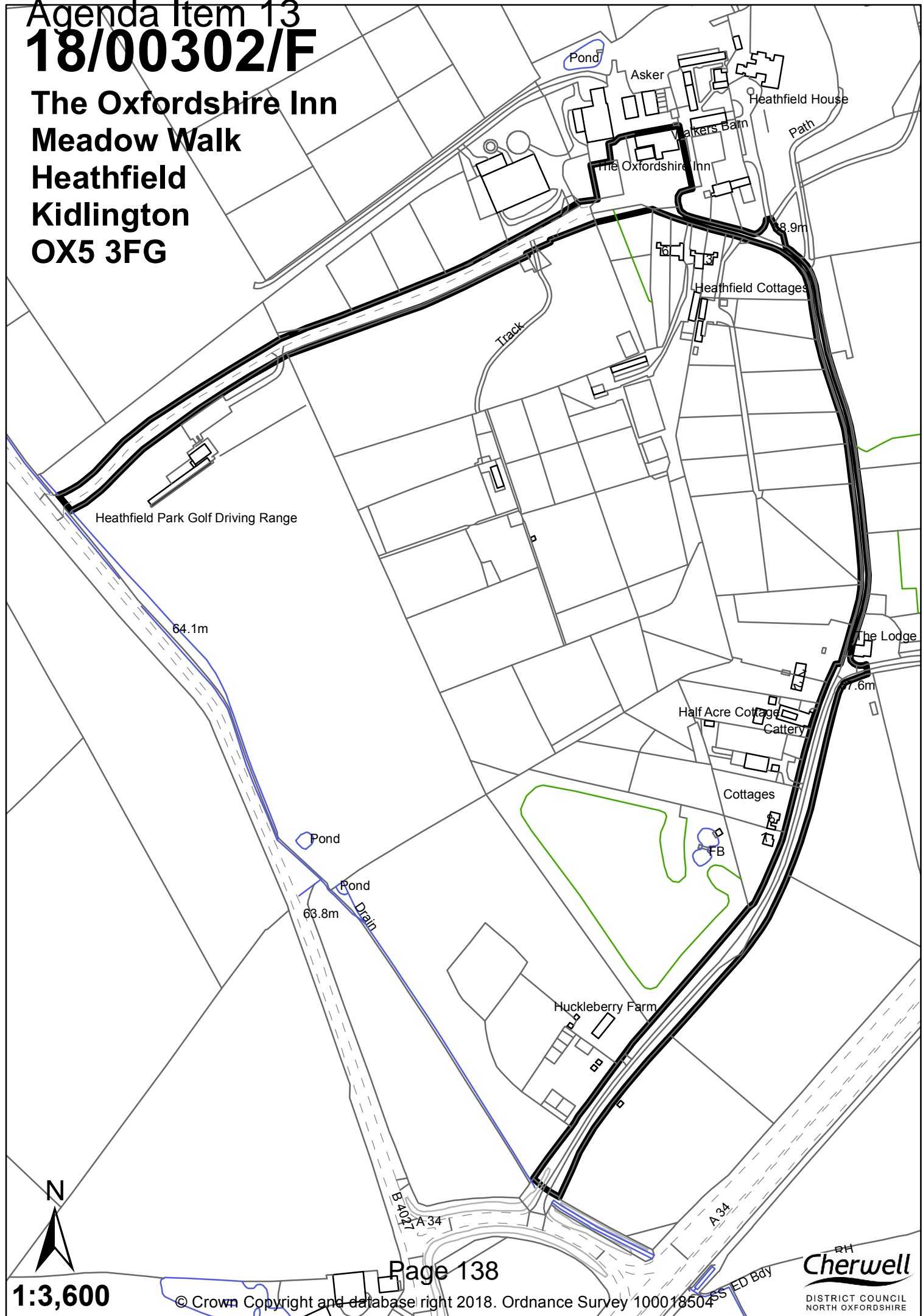
- 5 Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
- 6 Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

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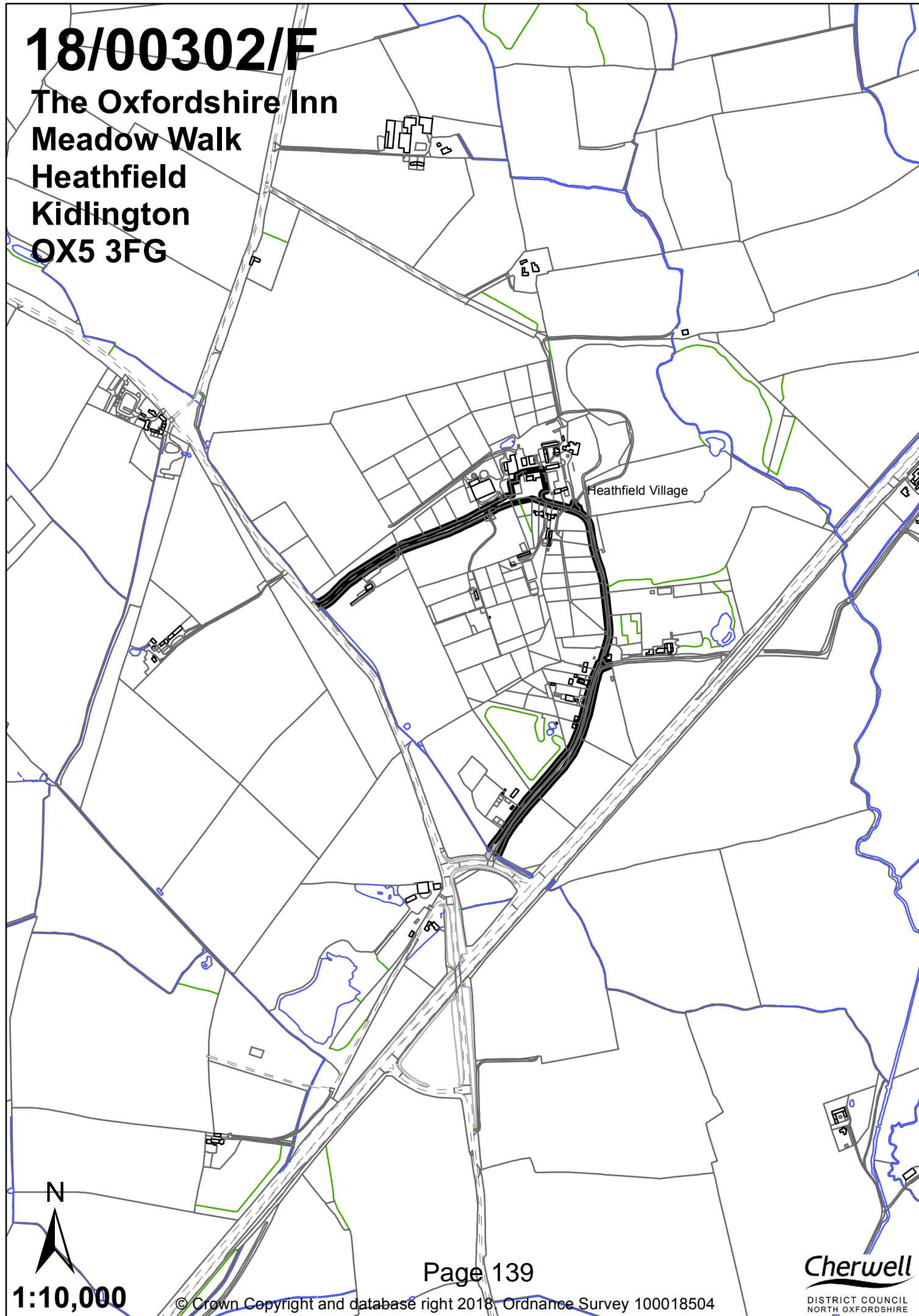
Agenda Item 13 18/00302/F

The Oxfordshire Inn
Meadow Walk
Heathfield
Kidlington
OX5 3FG



18/00302/F

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

**The Oxfordshire Inn
Meadow Walk
Heathfield
Kidlington
OX5 3FG**

18/00302/F

Applicant: Investfront Ltd

Proposal: Conversion of existing building to provide 15no. serviced apartments (use class C1)

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Major planning application

Expiry Date: 6 June 2018

Committee Date: 24 May 2018

Recommendation: Refusal

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in Heathfield, which is located approximately 2km to the south east of Bletchington. The A34 dual carriageway exists approximately 0.6 km to the east of the site. Heathfield comprises of a number of residential properties and recreational uses in a loose knit settlement structure with clusters of buildings beyond which there is no strong pattern of development to the area. The road serving Heathfield is a loop road but is not part of the adopted highway.
- 1.2. The application site itself is occupied by the former Oxfordshire Inn. This is now closed but formerly contained a bar, restaurant facilities, a conference suite (Blenheim Suite) and ancillary hotel facilities including a hotel reception and office. The hotel accommodation associated with the building is currently undergoing conversion to residential dwellings.
- 1.3. The existing building has a functional appearance and is not of any significant architectural merit. The building consists of a number of single storey buildings of varying height with pitched roofs. The building fronts onto a large expanse of hardstanding which previously provided communal unmarked parking for guests, visitors and employees of the hotel.
- 1.4. A horse livery exists to the north and north-west of the site (Heathfield Park) and residential development exists to the west and south of the site.
- 1.5. The site and surrounding area is located within the Oxford Green Belt.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application seeks permission to convert the existing building into 15 serviced apartments. The application states that it would provide short term self-

contained accommodation with a maximum occupancy period of up to 3 months to serve a business and leisure market.

- 2.2. This would be undertaken within the envelope of the existing building. A number of new windows would be added to the external elevations of the building along with a number of roof lights. It would include the creation of a first floor of accommodation in the taller part of the building and the replacement of the roof on the single storey rear element of the building albeit there would be no increase in ridge or eaves height.
- 2.3. A parking area would be created in the existing parking area to the front of the building. Cycle stores would be provided to the north-west and west of the building and a new bin store would be provided to the south west of the site adjacent to the road. These would be provided in timber clad pitched roofed buildings. It is also proposed to change the use of part of the land to the south west of the building to amenity gardens to provide some outdoor space for the occupants of the serviced apartments.

3. RELEVANT PLANNING HISTORY

- 3.1. The site has a long and very complicated history with various planning decisions relating to different parts of the Heathfield Village complex. It is understood that many of the historic documents including plans have been lost and therefore the history of the site is difficult to outline with a high degree of certainty.
- 3.2. In the 1980's 4 applications relating to the application site and surrounding land, were called in by the Secretary of State and were subsequently approved. These sought to create a number of rural leisure uses. These were:

87/00131/S – Use of agricultural land for leisure purposes and erection of ancillary buildings – Approved

88/00503/S – Change of use of dairy to function room with bar, toilets and restaurant facilities - Approved

89/00518/S – 60 bedroom house (outline) – Approved

89/00397/S– Change of use of existing farm buildings in connection with leisure uses – Approved

- 3.3. It is understood that the permission relating to the current application site, The Oxforshire Inn, is 88/00503/S. This allowed the building to be used as a function room with bar, toilets and restaurant. It is understood that many of the uses originally permitted for the Heathfield Village complex were not implemented and the timeframe to submit reserved matters has now lapsed.

- 3.4. The other applications most relevant to the current application site are:

01/00378/F - Redevelopment of existing A3 use incorporating external alterations to adjoining ancillary accommodation and the addition of an entrance porch, staff room and wet room - Approved 06.06.01.

04/00776/F - Change of use of building to casino in association with the licensed premises, including additional parking area - Refused 04.06.04.

05/00383/F - Retrospective - Reconstruction of function room roof - Approved 20.04.05.

16/01109/F - Redevelopment of site (hotel function room) to provide for 8No. two bedroom dwellings. This was refused for the following reasons:

1. The proposal constitutes additional residential development within the countryside, outside of the built limits, where national and local planning policies seek to limit new residential development in the interests of sustainability. The proposal is therefore contrary to ESD1 and Policy Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of the Cherwell Local Plan 1996, and government guidance contained within the national Planning Policy Framework.

2. The proposal would lead to the loss of an existing local facility which provides a service to the surrounding rural communities. The applicant has failed to adequately justify the loss of the existing local facility, the Oxfordshire Inn, or demonstrate it is no longer a viable business in the long term. The proposal is therefore contrary to Saved Policy S29 of the Cherwell Local Plan 1996 and advice in chapters 3 and 8 of the National Planning Policy Framework.

3. The proposed development is considered to be inappropriate development in the Oxford Green Belt and would be harmful to the openness and visual amenities of the Oxford Green Belt, contrary to Policy ESD14 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

4. The proposed development by reason of the high density, urban layout, form, scale, detailing, appearance and inadequate parking provision is considered to represent poor design that fails to integrate well with the rural character, qualities and setting of the site or create a locally distinctive development, contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031, Policies C28 and C30 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

5. The proposed dwellings, particularly those on plots 5, 7 and 8, would fail to have adequate levels of outdoor space to provide a good standard of amenity for future residents. The proposal would therefore be contrary to Policy ESD15 of the Cherwell Local Plan (2011-2031 Part 1), Saved Policy C30 of the Cherwell Local Plan (1996) and advice within National Planning Policy Framework.

3.5. The subsequently appeal was dismissed. The inspector agreed with all the above reasons forwarded by the Council.

3.6. There are also a number of planning applications for a new leisure building on the area of land proposed to be used for amenity space, the latest being refused planning consent in 2008 as it constituted inappropriate development in the Green Belt (08/01736/OUT refers).

3.7. Numerous other applications have been submitted for the adjoining uses and land around the application site including renewals of the outline consent for the 60 bedroom hotel. It is agreed that the large scale application proposals for hotel development at the site were never fully implemented and have now lapsed. The buildings that form the hotel rooms which are located to the north-east of the application site appear to have developed on an incremental basis and include the following permissions. Following these consents, the owner submitted an application in 2008 to provide an additional 50 bedrooms (08/01343/F). This was on the basis that the hotel was not large enough to be viable and to make full use of the large function room, bar and restaurant. The applicant considered that the rooms were essential to ensure the viability of the business which had lost money over the 3 previous financial years. The application went to appeal and was dismissed on 4th

January 2011. The Inspector concluded that the new buildings would harm the Green Belt and whilst giving 'some weight' to the viability arguments forwarded by the appellant the appeal was dismissed as it was not considered to amount to very special circumstances which would outweigh the harm to the Green Belt.

- 3.8. Subsequently the hotel accommodation immediately to the north east of the site was granted permission for a change of use to residential dwellings on two occasions. 15/02077/F is currently in the process of being implemented.
- 3.9. The area of land which is currently proposed for amenity gardens to the west of the application site has also been subject to a number of applications. 02/00282/OUT and 05/00789/OUT allowed for erection of a replacement building on this site for leisure purposes. These were never implemented and the existing building was demolished and the wider permission for wider site for leisure purposes expired. The same building was then subsequently refused planning permission under 08/01736/OUT due to the change in circumstances and the fact that the development constituted inappropriate development in the Green Belt.

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 19.04.2018, 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:
- The submitted parking layout conflicts with the parking and access arrangements for the adjacent hotel accommodation conversion.
 - Drainage details appear incorrect as there is no mains drainage to the site.
 - Impact on operation and overlooking to equestrian use to the north of the site
 - The new parking layout and bin store blocks some access to the adjacent equestrian use.
- 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.

STATUTORY CONSULTEES

- 6.2. OCC HIGHWAYS: **No objections.** The County has offered no objection to the previous planning applications for the conversion of this site to residential use and does not therefore object to this scheme. However, the County would draw attention to the unsustainable location, its lack of alternative travel opportunities and the

hostile walking and cycling environment. The development site is in a very unsustainable location. The site is remote from services being some 2km from Bletchingdon Village, where a school and bus stops are available. Local retail facilities and other amenities are available further afield in Kidlington. The road to Bletchingdon has no footpath and carries fast moving motorised traffic with poor forward sightlines. This is not a good environment for walking or cycling. Occupiers of this development would therefore be largely dependent on car transport for their travel needs. The proposal is contrary to National Planning Policy Framework standards in that it fails to reduce the need to travel and maximise trips by sustainable modes.

- 6.3. The proposals would also be contrary to Local Transport Plan 4 Policy 17, which states:

“Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport”

- 6.4. The planning application documents do not present any quantification of the likely level of trip making associated with the existing permitted or proposed use. It is not therefore possible to accurately assess the impact of these development proposals on the surrounding road network. The application form indicates an increase in gross internal floorspace as a result of the development, which implies an intensification of use. However, trip generation is likely to be low and unlikely to have an adverse effect on the surrounding road network.
- 6.5. Bletchingdon Footpath 134/13 appears to connect to the development at its southwestern extremity. Although the proposed conversion of the building will not affect the path, care should be taken to ensure that the amenity garden area and associated fencing and planting has provision for the path to start in the corner. A gate and sign should be installed if there is not one there already. A site assessment may be needed to confirm the exact position of the path.
- 6.6. Drainage - These proposals involve conversion of an existing building into flats and will not increase the amount of hardstanding at the site.
- 6.7. THAMES WATER: **No objections.** The existing waste and water infrastructure have capacity to accommodate this development.

NON-STATUTORY CONSULTEES

- 6.8. CDC ECOLOGY: **No objection** but recommends bio-diversity enhancement conditions.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

PSD1: Presumption in Favour of Sustainable Development

Villages 1: Village Categorisation

SLE2: Main Town Centre Uses

SLE 3: Supporting Tourism Growth

BSC 2: The Effective and Efficient Use of Land

ESD 1: Mitigating and Adapting to Climate Change

ESD 3: Sustainable Construction

ESD 7: Sustainable Drainage Systems (SuDS)

ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

ESD 14: Oxford Green Belt

ESD 15: The Character of the built and historic environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

S29: Local Services

T5: Proposals for new hotels, motels, guesthouses and restaurants in the countryside

T7: Conversion of buildings beyond retained settlements to self-catering holiday accommodation

C8: Sporadic development in the open countryside

C28: Layout, design and external appearance of new development

C30: Design of new residential development

7.3. Other Material Planning Considerations

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

8. APPRAISAL

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

- Principle of development
- Loss of community use
- Green Belt
- Design, and impact on the character of the area
- Residential amenity
- Highways
- Other matters

Principle

- 8.2. The current application seeks permission to convert the building to 15no serviced apartments. The applicant states that they would be rented out for short term lets to serve the business and leisure markets in the area. They would provide self-contained and self-catering accommodation and, according to the submitted statements, would be rented for periods of time ranging from a single night to up to 3 months in length. There would appear to be very limited shared services/facilities available to residents with the only areas of shared accommodation being a small reception area with vending machines and a disabled toilet.

- 8.3. The applicant states that the proposal is a Class C1 use, which is described in the use classes order as, *'use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided'*.
- 8.4. However, the difference between the use forming a Class C1 use (hotel), a Class C3 use (dwellinghouse) and a sui generis use (outside of a use class – in effect a use class of its own) is very finely balanced. Ultimately the use class within which the development falls would be determined by the management of the units and would be a matter of fact and degree depending on a number of factors including (i) how the development is used, (ii) the level of services provided to occupants and (iii) the length and stability of the occupation of the units. Based on the information provided officers consider it is more likely to be a Class C3 or sui generis use given they appear to be self-contained with little in the way of services.
- 8.5. Notwithstanding officers' uncertainty regarding the use class of the development it is clear that the building would provide self-contained accommodation and essentially provide all the facilities to provide day to day living and operate independently from one another. Therefore it is considered each unit would form its own planning unit and would essentially have a very similar character and use to a dwelling house.
- 8.6. The NPPF requires that the sequential approach is applied to new tourism development including hotels. This is echoed in Policy SLE2 of the Local Plan 2015. This means that development should be located within town centres and only situated in edge of centre or out of town locations if more accessible and centrally located site are not available.
- 8.7. While the proposed development would not form a traditional hotel model it is likely to serve a transient business and leisure demand and therefore would be similar in terms of its locational requirements. Furthermore the scale of development is substantial in its rural context with 15 self-contained units consisting of 4 x studio units, 8 x 1 bed units and 3 x 2 bed units.
- 8.8. The applicant has not provided a sequential analysis of other more geographically sustainable sites within the application documents to demonstrate whether more centrally located or accessible locations have been considered to provide a similar form of development. However, given the site's isolated location, away from any services or facilities, other more accessible sites are likely to be more suitable for the development.
- 8.9. Policy ESD1 of the Cherwell Local Plan 2015 state that measures will be taken to mitigate the impact of development within the district on climate change including distributing growth to the most sustainable locations and delivering development which reduces the need to travel. Policy SLE3 states that the Council will support proposals for new tourist facilities in sustainable locations to increase overnight stays and visitor numbers within the district (my emphasis).
- 8.10. The sustainability credentials of Heathfield are very poor and other than the existing application property, The Oxfordshire Inn, there are no services or facilities to meet the day to day needs of future occupants of the proposed development. There is no public transport serving Heathfield and in the recently determined appeal on the site for 8 new dwellings the inspector stated that that the dwellings would be isolated from services and not in a sustainable location (16/01109/F refers). Given the scale of the proposed conversion and the type of use proposed (i.e. self-contained units), they are likely to operate in a similar manner to a traditional dwelling other than the duration of tenure and similar geographical sustainability concerns exist regarding the current development particularly given the scale of the development proposed.

- 8.11. While the development proposed would have some economic benefits associated with ongoing employment opportunities associated with the day to day operation of the proposed use, this is not considered to outweigh the harm deriving from the poor geographical sustainability credentials of the site.
- 8.12. The applicant also seeks to argue that the proposed use would generate less vehicle movements than the existing authorised use of the development. This was an argument forwarded by the applicant in the recent appeal and the Inspector considered this did not outweigh the harm caused by the unsustainable location of the development. The same is considered to be the case in the current case and furthermore it is considered that such claimed benefits contradict the applicants' case, which argues the existing use of the building is no longer viable (discussed further below). If this argument were to be accepted then the use would no longer operate and there would no trips associated with the existing use. This argument is therefore considered to hold little weight in the planning balance.
- 8.13. Saved Policy T5 and T7 of the 1996 Local Plan are also of relevance. Policy T5 states beyond the built up limits of settlements new hotels and guest houses will only be approved when such proposals are largely accommodated within existing buildings which are suitable for conversions or totally replace an existing commercial use on an existing acceptable commercial site. While the proposal can be regarded to gain some support from this policy the policy is now dated. Officers consider it is only capable of carrying limited weight in decision making as the policy is not considered to fully comply with the NPPF which requires that new tourist development including hotels are subject to the sequential test in the interest of reducing the need to travel and maintaining strong and vibrant town centres.
- 8.14. In addition the proposal is not considered to gain support from Policy T7. This policy allows for the conversion of buildings to self-contained holiday accommodation however as the existing building is not considered to be worthy of retention for its inherent design quality or contribution to the character and appearance of the countryside so would not gain support from this policy.
- 8.15. Overall given the scale and nature of development proposed it is considered that the principle of changing the use of the building to 15 self-contained apartments would not be acceptable. The development would conflict with Policy ESD1, Policy SLE2 and SLE3 of the Cherwell Local Plan 2015 and advice in the NPPF in that it has not followed the sequential approach to site selection and the proposed development would be a scale and nature which would not encourage sustainable forms of growth which reduces the need to travel.

Loss of Facility

- 8.16. In the recent appeal on the site the Planning Inspector agreed with the Council that the existing use of the building can be regarded as a local community facility for the purposes of the Development Plan and NPPF given its planning history and the fact it includes a bar and restaurant. As such Policy S29 of the 1996 Plan is relevant and states that the loss of existing village services, such as pubs and shops, which serve the basic needs of the local community will not normally be permitted. The supporting text recognises that if the facility has been proven to be not financially viable in the long term then it would be difficult to resist such a loss of a facility. The NPPF has similar underlying aims but with the emphasis on promoting a strong rural economy including the retention of local services including public houses. It also seeks to guard against the loss of valued facilities and services.
- 8.17. The Inspector considered that there was a lack of information to demonstrate that the loss of the facility was justified and found that it had not been demonstrated that the Sunday lunch trade alongside other initiatives could not make a viable business.

- 8.18. The current application has been supported by a Viability Study of the Oxfordshire Inn prepared by a surveyor who specialises in licenced premises. This argues that the property is not particularly attractive or in an attractive setting. It also lacks outdoor space and alongside these factors the layout of the building neither suits the public house trade or alternative uses such as a wedding venue well. The building is not in good condition and requires significant investment to provide an attractive venue. The loss of the hotels rooms has removed a principal source of trade and there are high levels of competition in the area. Furthermore given the location of the site it lacks passing trade. Overall the report concludes the site would be commercially unviable to continue in its authorised use.
- 8.19. Officers continue to have some reservations regarding the robustness of this information and note that the existing use and building have never been marketed to see if there was a business willing to take the enterprise. However, this information has been provided by an appropriately qualified person and therefore does weigh in favour of the proposal.
- 8.20. Furthermore it is noted that the NPPF refers to 'valued facilities' and in this case there have been no objections received from the local community in relation to the loss of the facility.
- 8.21. On balance, given this additional information and the lack of objection to the loss of the facility, it is considered that the loss of the community facility has now been adequately demonstrated given the specific circumstances of the case.

Green Belt

- 8.22. The site is located in the Oxford Green Belt and therefore development is heavily restricted. Both national policy and Local Plan Policy ESD14 seeks to protect the essential characteristics of the Green Belt which are their openness and their permanence.
- 8.23. Paragraph 87 of the NPPF advises that 'inappropriate development' in the Green Belt is by definition harmful and should not be approved except in 'very special circumstances'. Paragraph 88 of the NPPF goes on to state that any harm to the Green Belt should be given substantial weight in determining applications. It goes on to state that '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.
- 8.24. Paragraph 89 and 90 of the NPPF states local planning authorities should regard the development in the Green Belt as 'inappropriate development' apart from in a number of exceptions. The most relevant exceptions the current application can be considered under are discussed below:

The reuse of building providing the buildings are of permanent and substantial construction and preserve openness and do not conflict with the purposes of including the land in the Green Belt

- 8.25. The proposed development would reuse the existing building which is of permanent and substantial construction. The proposed works would largely be internal works to subdivide the existing space and the provision of the new windows, doors and roof lights would preserve the openness of the Green Belt. It is therefore considered that the conversion of the building itself would not amount to inappropriate development in the Green Belt. The works to the parts of the site such as the creation of revised parking area and bin and cycle store and provision of amenity space are considered below.

'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development'.

- 8.26. The parking area around the building is already laid to hard standing and given its close and associational connection would the main building it is considered to lie within the curtilage of the building and can therefore be considered to constitute previously developed land. The proposed use would utilise the existing area of hard standing for parking and therefore the impact of this element on development is considered to perverse the openness of the Green Belt.
- 8.27. The two bike stores are situated within this area of hard standing area. The bike store located close to the building would have a limited impact on openness given its size and visual relationship with the existing building. However, the other cycle store would be more detached from the existing built form and would result in the spread of built development across the site.
- 8.28. The land proposed for the new amenity space and bin store is more complex. It does not appear to have an historical connected use with the Oxfordshire Inn and the planning history for this area of land appears to suggest that it was last use for an agricultural building (see paragraph 3.9). Therefore this area of land would not constitute previously developed land (PDL) as land and buildings in agricultural use are excluded from the definition of PDL in the NPPF. As such the change of use of this land to amenity space to serve the flats and the bin store is considered to constitute inappropriate development as it would not fall under any exceptions in the NPPF. The proposed use of the land for amenity land would result in the domestication of this land with the likely inclusion of tables, chair, clothes drying lines and play equipment associated with the use which would also detrimentally impact on the openness of the Green Belt. The provision of a bin store in this location would also harm the openness of the Green Belt given its size, the fact that it would extend the visual extent of built development on the site and be detached from the main building.
- 8.29. Therefore, overall, when taken as a whole the proposal is considered to constitute inappropriate development in the Green Belt and would also be harmful the openness of the Green Belt. The NPPF required substantial weight to this harm and it should not be approved except in 'very special circumstances'.
- 8.30. The applicant has not forwarded any very special circumstances in this case however the following benefits are considered to weigh in favour of the application:
- Reuse of an existing building.
 - Reuse of brownfield land
 - Economic benefits from development including construction, operation and expenditure from occupants in the local economy.
- 8.31. While these matters do weigh in favour of the development they are not considered to constitute 'very special circumstances' which clearly outweigh the harm to the Green Belt. This matter therefore weighs heavily against the development in considering the planning balance.

Design and impact on locality

- 8.32. Policy ESD15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive

siting, layout and high quality design. This includes a requirement for new development to respect the traditional pattern of plots and the form, scale and massing of buildings. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and integrating development into existing streets and spaces and configuring buildings to create clearly defined active frontages.

- 8.33. Saved Policy C28 and C30 of the 1996 Local Plan seek to ensure the layout, scale and design of development is of a high standard. The NPPF advises that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. It goes on to state that good design should contribute positively to making places better for people. Paragraph 17 states planning should seek to secure high quality development which takes account of the different roles and character of different areas.
- 8.34. The surrounding area has a strong rural character and appearance. The area is characterised by small isolated groups of buildings, many with a rural appearance and form, in a very loose knit settlement arrangement, set within a wider open countryside setting. No one building form or style dominates; however, generally buildings are located on generous plots which provide a distinctive character to the area. While the buildings in the locality do not have a strong unifying appearance they retain a strong and organic rural character and appearance.
- 8.35. The alterations to the building itself are considered to be acceptable and would be in keeping with the existing form and style of the building. Details of the new roof material could be secured by condition. The alterations to the parking area, provision of amenity area and provision of bin and cycle stores are also largely considered to be acceptable in terms of the impact on the character and appearance of the locality. The area where officers do have concerns is the provision of the bin store to the front of the site adjacent to the amenity area. This would accommodate 30 wheeled bins and would be approximately 3.8 metres by 6.5 metres and clad in timber. This would be forward of the remainder of the development in the locality and it is given its siting, size and design is considered it would appear isolated, incongruous and out of keeping with the character and appearance of the area.

Residential amenity

- 8.36. Both the core planning principles of the NPPF and Policy ESD15 of the Local Plan Part 1 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings.
- 8.37. The main issue in this case is considered to be the relationship of the proposed use with Heathfield Park to the north of the site. This is a large equestrian facility which includes stabling, indoor arena, paddocks, polo field, paddocking and grooms accommodation. The owner of this site has stated that the site can accommodate 50 plus horses at any one time. It exists immediately to the north of the application site and a number of the windows in the application property exist immediately on the boundary and face directly towards the stabling and grooms accommodation.
- 8.38. The existing windows facing on to this neighbouring site serve a former events room, main restaurant and toilets. However, many of these appear to be obscurely glazed. The current application would result in a further four ground floor windows in this elevation facing directly onto the neighbouring land. The nature and sensitivity of the use in the application building would change from a commercial use to essentially a residential use as part of the application. The windows facing over the neighbouring property would serve main living spaces and bedrooms in the apartments. Given the transient nature of the users of the proposed use it is

considered that they would be likely to accept a lesser degree of amenity than a conventional dwelling house (use class C3). However, given that they would serve be self-contained accommodation where people may spend a significant amount of time it is still considered important to provide a good standard of amenity for future residents.

- 8.39. Officers have concerns that, given that the above relationship and the fact the windows serving the accommodation would be immediately on boundary of this property, there is significant potential for future disturbance between the uses. It is also considered that the level of overlooking between the proposed uses would result in unacceptable levels of amenity. It is therefore considered that the proposal would conflict with Policy ESD15 in this regard.
- 8.40. The use of the small outdoor amenity space to the west of the site is considered to be acceptable to serve the development in light of the nature of use proposed.

Highways

- 8.41. The highway authority (LHA) has been consulted and, while raising no objections to the application, notes the site is located in an unsustainable location and that there is a lack of alternative travel opportunities and poor walking and cycle connections. These concerns are discussed in the principle section of this report.
- 8.42. The LHA has raised no objection to the application in relation to the use of the access and does not consider the proposal would have a significant impact on the highway network. It is proposed development would provide 26 parking spaces which is considered to be sufficient to serve the development. Officers agree with this assessment.
- 8.43. A public right of way exists to the west of the site however this appears to be outside of the application site and would not be impacted upon by the development.

Other matters

- 8.44. The application form states that the use will dispose of foul sewage to the main sewer. Thames Water has confirmed that the existing facilities have capacity for this.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The application site is located in a geographically unsustainable location where access to services and facilities is limited and opportunities to travel other than by private car are limited. The scale of the development is considerable for its rural context and these matters would lead to environmental harm contrary to Policy ESD1 of the Local Plan and advice in the NPPF which seek to guide development which reduces the need to travel. The use is considered to be closely related to a hotel use and a sequential approach to site selection has not been taken as required by Policy SLE2 and the NPPF. In addition the proposal, when assessed as a whole, would represent inappropriate development in the Green Belt which is by definition harmful and also harm to the openness of the Green Belt. The NPPF requires that significant weight be attached to this harm and it should only be granted in very special circumstances. The proposed development would lead to future

environmental harm through leading to poor living environments for future occupants of the proposal and existing users of the adjacent equestrian site.

- 9.3. In terms of the benefits of the scheme the proposal would include the re-use of building and use of partially previously developed land. The proposal would also result in some economic benefits associated with conversion, operation of use and tourism.
- 9.4. Overall it is considered that the environmental harm stemming from the proposal clearly and significantly outweighs the benefits of the scheme. It is therefore recommended that planning permission be refused

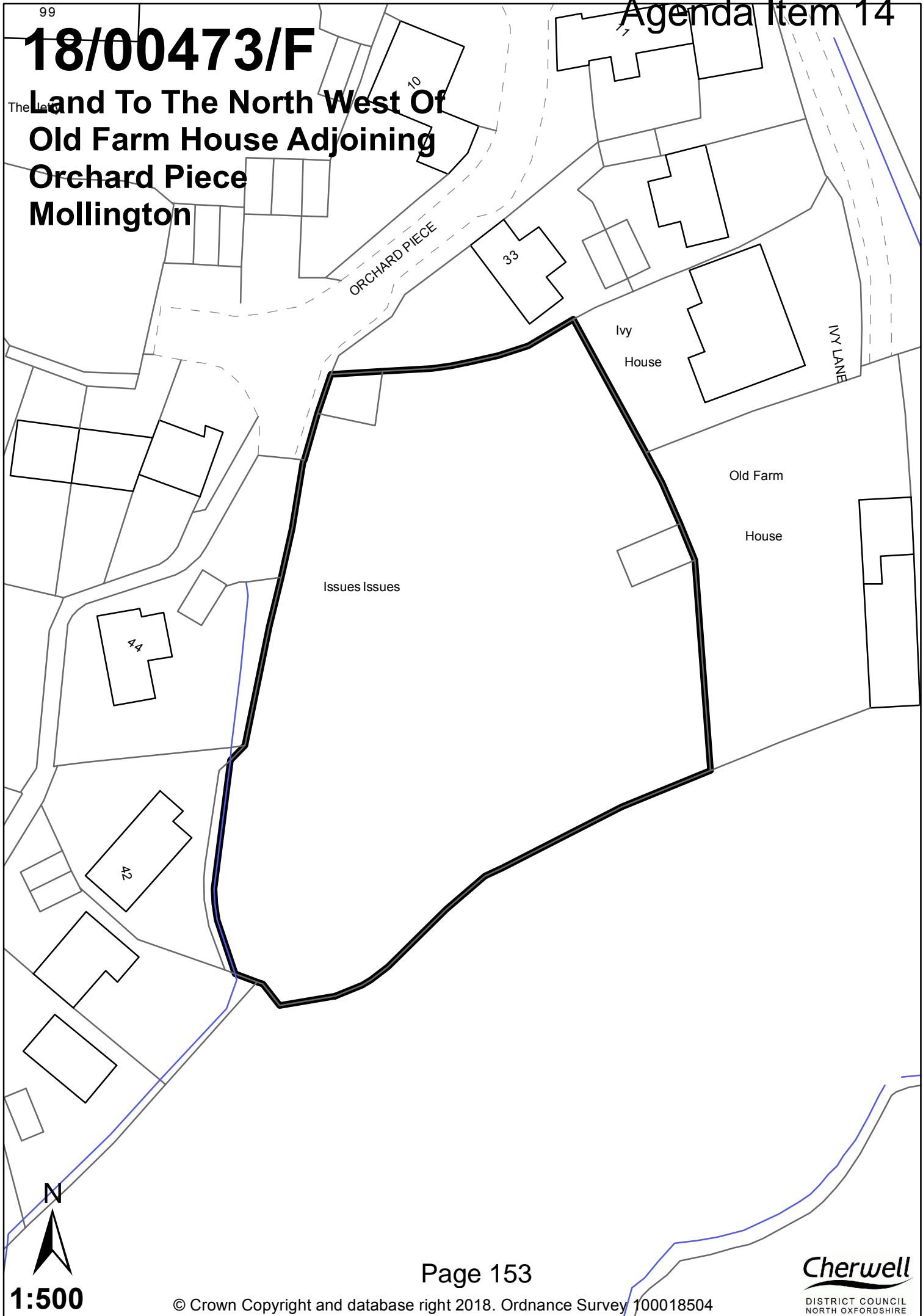
10. RECOMMENDATION

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

1. The proposed development, by virtue of its use and scale, would lead to the creation of serviced apartments in a geographically and environmentally unsustainable location which is poorly located in related to services, facilities and public transport connections. The proposal would not result in development which seeks to reduce the need to travel and fails to demonstrate a sequential approach to site selection. The development is therefore contrary to Policy ESD1, SLE2 and SLE3 of the Cherwell Local Plan Part 1 (2015) and government guidance in the National Planning Policy Framework which seeks to manage growth in a sustainable manner and reduce the need to travel.
2. The proposed development, by virtue of the creation of the new amenity space and bin and cycle stores, would constitute 'inappropriate development' in the Oxford Green Belt which is by definition harmful. It would also result in harm to the openness of the Green Belt. No very special circumstances exists which clearly outweigh this harm. The development is therefore contrary to Policy ESD14 of the Cherwell Local Plan Part 1 (2015) and government guidance in the National Planning Policy Framework.
3. The proposed development, by virtue of the siting, design and prominent position of the proposed bin store, would detrimentally impact on the rural character and appearance of the area. The development is therefore contrary to Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and government guidance in the National Planning Policy Framework.
4. The proposed development, by virtue of the proposed use of the building and relationship with the adjacent equestrian use to the north of the site, would result in unacceptable levels of amenity for future occupants of the serviced apartments and occupants/users of the adjacent equestrian use. The proposal is therefore contrary to Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and government guidance in the National Planning Policy Framework.

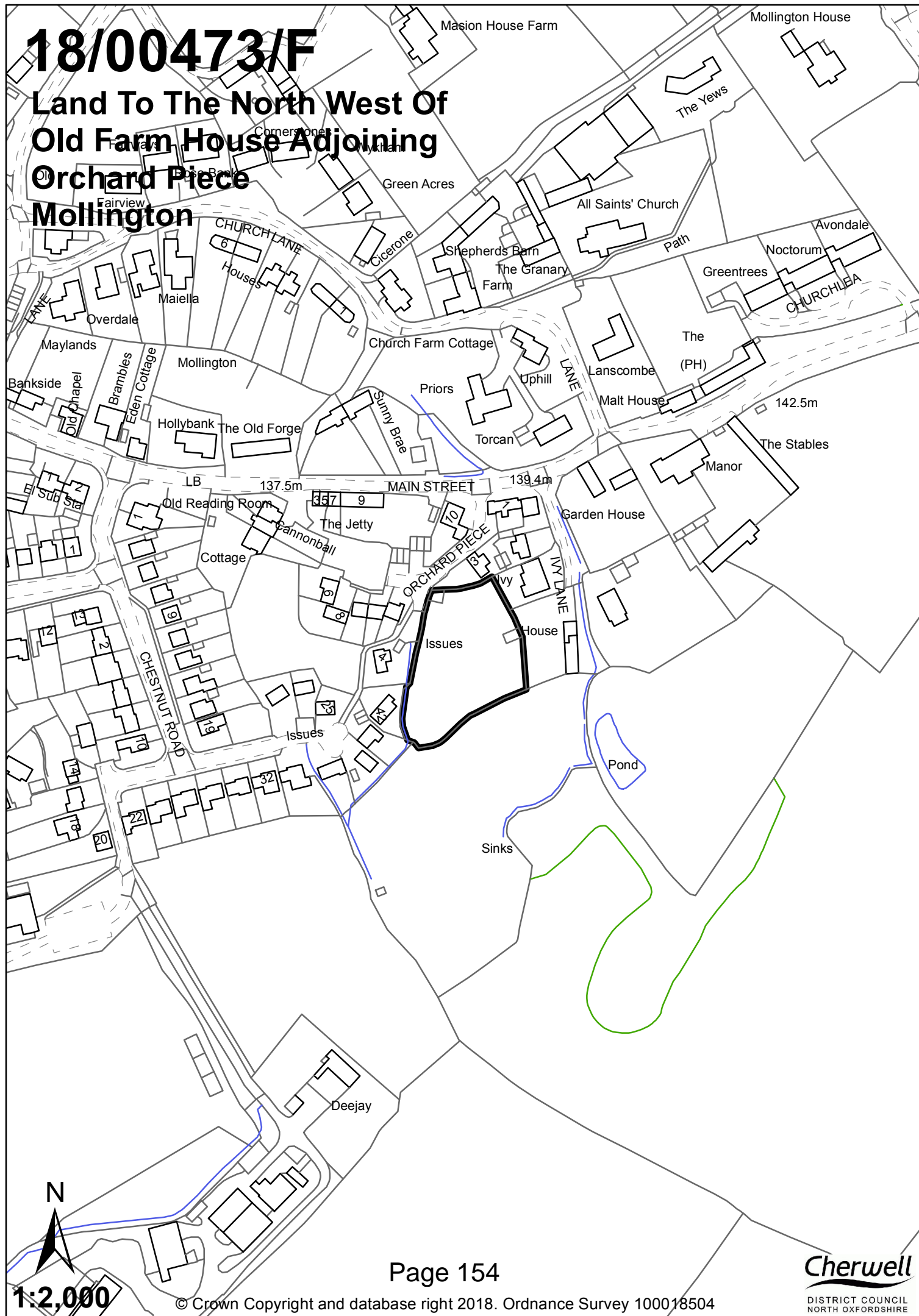
18/00473/F

The Land
**Land To The North West Of
 Old Farm House Adjoining
 Orchard Piece
 Mollington**

**1:500**

18/00473/F

**Land To The North West Of
Old Farm House Adjoining
Orchard Piece
Mollington**



**Land To The North West Of Old Farm House
Adjoining Orchard Piece
Mollington**

18/00473/F

Applicant: Mr Richard Walker

Proposal: Development of site to create 3 dwellings

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr George Reynolds
Cllr Douglas Webb
Cllr Phil Chapman

Reason for Referral: Member call-in due to local interest

Expiry Date: 21 May 2018

Committee Date: 24 May 2018

Recommendation: Approve

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located at the end of the cul-de-sac Orchard Piece in the south of the village of Mollington. Historically, the site formed part of the curtilage of The Old Farmhouse to the east of the site and was used as an orchard. The site still has a number of trees on and has a rural appearance within the village. The site is accessed by a gated entrance onto Orchard Piece. The levels drop from north to south across the site. An outbuilding which was formerly used by The Old Farmhouse still stands on the site.
- 1.2. The site is located in the Mollington Conservation Area and The Old Farm House to the east of the site is a Grade II listed building. There are trees covered by a Tree Preservation Order to the immediate north of the site in close proximity to the access to the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought for the erection of three detached dwellings on the site. The dwellings would each be two storeys in height and are proposed to be constructed from ironstone, with slate roofs and timber windows. The access for the development would be taken from the existing access into the site on Orchard Piece. The dwellings would have attached garages finished in timber cladding.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
06/01632/F	Access and fencing	Application Refused

07/00717/F	Five bar timber gate	Application Permitted
14/01450/F	Demolition of existing outbuilding and proposed erection of double garage with log store	Application Permitted

- 3.2. The 2006 application was submitted following an Enforcement Notice had been served by the council. This Notice was served after works had been undertaken on the site, including the erection of fencing and gates over 1m in height adjacent to the highway and over 2m elsewhere and the laying of hardstanding. The applicant appealed against this enforcement notice but the appeal was dismissed by the Inspector. Following this appeal, the fencing and gates were removed from the site but the posts and hardstanding remained. The 2006 application was for the access, hardstanding and fencing and gates. This was refused due to the urbanising impact that it would have on the simple agricultural nature of the land.
- 3.3. The 2007 application sought consent for a simple 5 bar gate, which was approved.
- 3.4. The 2014 application relates to The Old Farm House to the east of the site. This application was granted consent for the demolition of part of the outbuilding and only a full application was submitted for this. The case officer's report does not mention the outbuilding being curtilage listed, despite the building clearly sitting within the curtilage of the listed Old Farm House.

4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
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14/00222/PREAPP	Pre-application advice - 4 new dwellings
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- 4.2. The pre-application enquiry was considered under both the Cherwell Local Plan 1996 and the then-emerging Cherwell Local Plan 2011 – 2031 which was at submission stage. The case officer considered that whilst the proposal may be considered to be minor development, the erection of dwellings on the orchard would cause harm to the conservation area through the loss of an undeveloped gap which provides links to the countryside.

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 03.05.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. At the time of writing this report, 66 letters of objection have been received. The comments raised by third parties are summarised as follows:
- The development would cause harm to the Mollington Conservation Area.
 - The development would create highway safety issues.

- Orchard Piece has parking issues and additional traffic will exacerbate this issue.
- The development would cause harm to the setting of nearby listed buildings.
- The development could flood or cause other dwellings to flood.
- The loss of the orchard would cause harm to local ecology.
- The removal of trees would cause harm to the character of the area.
- The development would not comply with Policy Villages 1.
- The tree survey is inaccurate.
- The development would result in the demolition of a curtilage listed building for which no listed building consent application has been submitted.
- The development will cause harm to the trees protected by Tree Preservation Order to the north of the site.
- Mollington should not be considered to be a service village, as it now has no bus service and is not sustainable.
- The development would result in overlooking of the Old Farm House to the east.
- The development would be overbearing to the listed building.
- The documents refer to four dwellings when only three are proposed.
- The development would destroy an ancient orchard.

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

6. RESPONSE TO CONSULTATION

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

PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. MOLLINGTON PARISH COUNCIL: **Objects.**

- The buildings would cause harm to the character and appearance of the conservation area and the setting of nearby listed buildings. The development would also result in the demolition of a curtilage listed building.
- The development would cause a loss of light and have an overbearing impact on neighbouring dwellings. The loss of the orchard would harm to the rural character of the area.
- The development would not comply with Policy Villages 1 as it is not infill.
- The development would cause a highway safety risk.

- A number of the surveys submitted with the application are out of date. No specific ecological surveys have been submitted and the transport appraisal misses key information.
- The development will increase pollution and remove the green space provided by the orchard.
- The development has no drainage plan and the area is known to flood.
- The development relies on the supply of services from Orchard Piece and no survey of this has been undertaken.
- There is no traffic management plan for construction traffic.
- The condition of Main Street would be worsened by construction traffic.
- There is no evidence of the need for additional housing in the area.

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAY AUTHORITY: **Objects**. The configuration of the access allows only for an extremely limited range of vision to the right on exit. The only through traffic would be to 4 Orchard Piece, however most vehicles will use the turning head. The access is very close to the northern boundary of the site and as a result there is very little scope to remove vegetation to improve visibility. The bin area would also need to be moved closer to the highway as the refuse collection lorry would not enter the private drive.

NON-STATUTORY CONSULTEES

- 6.4. ARBORICULTURE: No comments received.
- 6.5. ARCHAEOLOGY: **No objections**.
- 6.6. CONSERVATION: No comments received.
- 6.7. ECOLOGY: **Objects**. The habitat survey is more than two years old and an updated walkover survey should be undertaken. The report identifies the site as having good potential to support Great Crested Newts and reptiles and recommends a survey to assess presence and impacts.

Great Crested Newts are a European Protected Species and in order to assess the application we need to know what impact there will be on them and all of the proposed mitigation such that we can be confident as to whether or not a licence to carry out the proposals is likely to be granted by Natural England

- 6.8. ENVIRONMENTAL PROTECTION: **No objections**, subject to the inclusion of contaminated land conditions.
- 6.9. LANDSCAPE SERVICES: 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)

- BSC1 – District Wide Housing Distribution
- ESD1 – Mitigating and Adapting to Climate Change
- ESD10 – Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Development proposals affecting a listed building
- C23 – Retention of features contributing to conservation area
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- C33 – Protection of important gaps of undeveloped land

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Mollington Conservation Area Appraisal (2010)
- Cherwell Home Extensions Guidance (2007)
- Historic England – Listed Buildings and Curtilage (2018)

8. APPRAISAL

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

- Principle of development
- Design, impact on the character of the area and heritage assets
- Residential amenity
- Highway safety
- Ecology
- Flood Risk
- Arboriculture

Principle of development

- 8.2. Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused

unless other material considerations indicate otherwise. Cherwell District Council has an up-to date Local Plan which was adopted on 20th July 2015. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites, and therefore the presumption in favour of sustainable development, as advised by the NPPF, will therefore not necessarily need to be applied in this context.

- 8.4. The principle of residential development in Mollington is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Mollington is recognised as a Category B village in the Cherwell Local Plan 2011 – 2031 Part 1. Category B villages are satellite villages which are associated with a larger service centre, with Mollington being associated with Cropredy. Category B villages are considered to be appropriate for minor development due to the benefits of this relationship. Infilling and conversions are also appropriate within the built-limits of the village.
- 8.5. The sustainability of Mollington has been raised by residents during the consultation process. There is no bus service linking the two villages, the village has no school or shop and the public house only opens on occasion. However, this policy is adopted and this is the context under which this application must be considered.
- 8.6. The proposed development is not considered to be infill. In the supporting text of Policy Villages 1, infilling is defined as 'the development of a gap in an otherwise continuous built-up frontage'. Given the size of the application site, its location in the corner of Orchard Piece and the siting of the proposed dwellings, it could not be argued that the development would constitute infilling.
- 8.7. For minor development to be acceptable under Policy Villages 1, the site must be located within the built-limits of the village. Historically, the site was used as an orchard in relation to The Old Farm House to the east of the site. Presently, the site has a rural character. However, the site has a significantly different character to the agricultural fields to the south. When Mollington is viewed on a map, the southern edge of the village has a fairly consistent building line which constitutes the edge of the village, with the exception of the application site which cuts into the village. The application site is surrounded on three sides by residential development, with the exception of the southern boundary with agricultural fields.
- 8.8. The pattern of development in Mollington is that of linear development along Main Street, with some more historic dwellings on the north side of the village and more modern cul-de-sacs to the south. The application site would be an extension to the existing cul-de-sac of Orchard Piece.
- 8.9. In terms of the broad principle of development, taking into account the location of the site at the end of the Orchard Piece, the existing boundaries of residential development of the village and the sites close relationship to existing properties, it is considered that the site is located within the built-limits of Mollington and the principle of minor development on the site is considered to be acceptable, subject to the other material considerations discussed below.

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

- 8.10. 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.

- 8.11. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling. New housing development should provide standards of amenity and privacy acceptable to the Local Planning Authority.
- 8.12. 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."
- 8.13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.14. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.15. The application site is located within the Mollington Conservation Area and in close proximity to The Old Farm House, a grade II listed building. The application site is mentioned in the Mollington Conservation Area Appraisal as an area of undeveloped land which makes a positive contribution to the character and appearance of the area.
- 8.16. The dwellings would be constructed from ironstone under a slate roof and would have timber windows. The dwellings would be relatively large, detached dwellings and this would fit in with the character of the modern development in the south of Mollington. It is therefore considered that the architectural approach for the dwellings is broadly acceptable, but that the development of the site would fail to preserve the character and appearance of the Conservation Area.
- 8.17. There are a number of other areas of the development which are of concern. The development proposes to demolish an outbuilding in the east of the site. A number of neighbours have stated that this building is curtilage listed and therefore listed building consent would also be required for its demolition. Historic England's Advice Note 10 on Listed Buildings and Curtilage gives three key factors to be taken into account in assessing whether a structure is within the curtilage of a listed building. These are:
- the physical layout of the listed building and the structure;
 - their ownership, both historically and at the date of listing; and
 - the use or function of the relevant buildings, again both historically and at the date of listing (these tests were first proposed in the Attorney-General ex rel. Sutcliffe and Others v. Calderdale BC, 1982, as accepted by Debenhams plc v. Westminster CC, 1987).
- 8.18. The outbuilding is located in close proximity to The Old Farm House and historically had been in the same ownership and would also have been at the time of listing and the building would have been used ancillary to the dwelling. From looking at the historic maps of the site from the late 19th century, it originally formed part of a larger

group of outbuildings which would have served the dwelling. Given that the building meets all of the above criteria; it is considered that the building is curtilage listed.

- 8.19. No listed building consent application has been submitted and no appraisal of the significance of the outbuilding or justification for its removal has been undertaken in the submitted reports. It has been suggested that the application is amended so that the outbuilding is included within the garden of either plot 2 or 3 of the development, so that it is retained; however, no amended plans have been received at the time of writing this report.
- 8.20. As detailed in the planning history section of this report, in 2014 planning permission was granted at The Old Farm House to the east of the site for the erection of a new garage and the demolition of the outbuilding. No listed building consent application was submitted at this time and in the case officer's report no mention is made of the outbuilding being curtilage listed and the Conservation Officer did not object to the proposal. However, looking at this application afresh, taking on board the comments made by third parties and considering this present application is being considered under present policy, legislation and guidance and this all shows that the building should be considered to be curtilage listed.
- 8.21. In the absence of any assessment of the significance of the listed building and its unjustified removal, it is considered that the development would cause less than substantial harm to the heritage asset.
- 8.22. It is considered that the development would also cause some harm to the setting of The Old Farm House to the east, by developing on its former orchard which adds to the setting and significance of the listed building. This development would remove the historic orchard from being read as part of curtilage of The Old Farm House as the case has been historically, however it is not considered that this harm is significant enough to justify a reason for refusal in its own right.
- 8.23. Turning to the impact on the character and appearance of the Mollington Conservation Area, as previously stated the application site is mentioned in the Conservation Area Appraisal as an important undeveloped gap which 'contributes to the informal ambience of the village and is representative of the dispersed settlement pattern of the village that predated the mid twentieth century infilling'.
- 8.24. Saved Policy C23 of the Cherwell Local Plan 1996 states that there will be a presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character and appearance of the conservation area.
- 8.25. Saved Policy C33 of the Cherwell Local Plan 1996 states that the council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure or in preserving a view or feature of recognised amenity or historical value.
- 8.26. At present, the site has a sylvan and verdant character which contributes to the rural character of this edge-of-settlement location in the village. The site provides an important link to the countryside and this adds to the character and appearance of the conservation area. The Landscape and Visual Impact Assessment submitted with the application supports this, stating that *'the site forms a soft transition between the built structure of the village and the rolling pasture and woodland immediately to the south'*.
- 8.27. The removal of the orchard and its replacement with three dwellings would have a harmful, urbanising effect on the character of Orchard Piece and would result in the

loss of one of the few remaining green areas within the village that were characteristic of the historic loose settlement of the village, particularly on the south side of Main Street.

- 8.28. It is therefore considered that the development would cause harm to the character and appearance of the Conservation Area and to the curtilage listed building on the site and the development is considered to be unacceptable in this regard.

Residential amenity

- 8.29. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 8.30. The Cherwell Home Extensions Guidance (2007) states that a windowless elevation should normally be at least 14 metres from a window of a neighbour's habitable room to prevent overshadowing and that where the extension has a window at the rear, it should normally be at least 22 metres from a window of a neighbour's habitable room to prevent loss of privacy.
- 8.31. Concerns have been raised by a number of neighbours regarding the impact that the dwelling would have on the amenities of neighbouring occupiers. The proposed dwellings would all be located in some excess of these specified distances, with the exception of plot 3 and Ivy House. This distance would be approximately 21m between habitable rooms and although this does would be less than the 22m distance, given that it is only 1m less it is considered that this would not be harmful enough to justify a reason for refusal in its own right.
- 8.32. Some overlooking of rear gardens would result from the development. However, that is considered to be common relationship within built-up areas and the proposed development would not cause significant harm in this regard. It is therefore considered that the development would not cause in significant harm to the amenities of neighbouring occupiers.

Highway safety

- 8.33. The Highways Liaison Officer has objected to the proposal on the basis that the configuration of the access allows only for an extremely limited range of vision to the right on exit. The only through traffic would be to 4 Orchard Piece. However, most vehicles would use the turning head. At the time of the officer's site visit, there was on-street parking along most of the road which effectively reduces the width of Orchard Piece to a single track. The access is very close to the northern boundary of the site and as a result there is very little scope to remove vegetation to improve visibility. It is therefore considered that the development would fail to provide a safe and suitable access and that such an access could not be accommodated on the site, as is required by the National Planning Policy Framework.

Ecology

- 8.34. The Habitat Survey submitted with the application is dated October 2015 and is therefore over two and a half years old. The Council's Ecology Officer has stated that an up-to-date survey should be undertaken given the time that has lapsed since the survey was done.
- 8.35. The survey identifies that the site has good potential to support Great Crested Newts and reptiles and recommends a survey for these to assess presence and

impacts. No survey has been submitted and as Great Crested Newts are a European Protected Species, a survey would be required in order to ascertain what impact there will be on the protected species and all of the proposed mitigation such that it can be assessed as to whether or not a licence to carry out the proposals is likely to be granted by Natural England. In the absence of this information, it is considered that the development would cause harm to the potential Great Crested Newt population on the site.

Flood Risk

- 8.36. A number of neighbours have raised concerns regarding the risk of flooding to both the site and other neighbouring dwellings as a result of the development. The site lies within Flood Zone 1, which is an area which is shown to be a less than 0.1% chance of flooding in any year. In the event of an approval on the site, a surface water drainage and foul sewage drainage scheme could be conditioned to ensure satisfactory drainage of the site and to avoid flooding of adjacent land. It is therefore considered that the development is acceptable in this regard.

Arboriculture

- 8.37. The Council's Arboricultural Officer has been consulted on the application but has not responded. The site has a number of trees on it which are proposed to be removed as part of the development and there also a number of trees immediately to the north of the access to the site which are protected by a Tree Preservation Order. A tree survey, tree report and tree protection plan have been submitted with the application.
- 8.38. The tree protection plan states that the area of construction for the access road and parking for plot 1 is within tree root protection area for the trees protected by TPO. The plan states that no dig construction and LIS Cellweb method statements shall apply to this area and that this shall be completed before any heavy machinery and construction materials are brought onto site.
- 8.39. It is considered that the tree protection measures are acceptable and would not result in harm to the trees unaffected by the development.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The broad principle of development in this location is considered to be acceptable, given that the application site is located within the built-limits of the village. However, it is considered that the loss of the orchard and the provision of dwellings on the site would cause harm to the character and appearance of the area and the demolition of the curtilage listed outbuilding would result in harm to the significance of this heritage asset. The development would also cause harm safety to the local highway network and to local ecology, given that no survey has been undertaken to assess the presence and impact on Great Crested Newts and reptiles.

10. RECOMMENDATION

That permission is refused, for the following reasons:

1. In the absence of an assessment of its significance or any justification for its removal, the proposed development would cause significant harm to the significance of the curtilage listed outbuilding through its removal and demolition. This would cause less than substantial harm to the listed building and no public benefits would be provided. The proposal would therefore fail to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C18

of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

2. The proposed development would cause significant and demonstrable harm to an important undeveloped gap on Orchard Piece which contributes to the rural character of the conservation area and provides an important visual link to the open countryside to the south. The proposal would cause significant and demonstrable harm to the visual amenities of the locality and the appearance and character of the Mollington Conservation Area and would therefore fail to comply with Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policies C23, C28 and C33 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
3. The access from which it is proposed to serve the development is substandard in vision terms and its use for the purpose proposed would result in a detriment to the safety of other road users. The development would fail to provide a safe and suitable access and would cause a hazard and a detriment to highway safety, contrary to Government guidance contained within the National Planning Policy Framework.
4. In the absence of an ecological survey, it has not been demonstrated that the proposed development would not cause potentially irreversible and significant harm and disturbance to protected species on the site, including Great Crested Newts and reptiles. The development would therefore fail to comply with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

Agenda Item 15

Cherwell District Council

Planning Committee

24 May 2018

**Graven Hill: MOD Bicester Sites D & E
Ambrosden Road Upper Arncott.
Deed of Variation to Section 106 Legal Agreement**

Report of the Interim Director Planning and Regeneration

This report is public

Purpose of Report

The purpose of this report is twofold:

- (a) To inform Planning Committee of the proposed amendments to the signed Section 106 Agreement, set out in the report below and as part of a draft Deed of Variation, relating to the outline planning permission approved under 16/01802/OUT and relating to the development at Graven Hill.
- (b) To seek delegated authority from Planning Committee for Officer's to continue any required negotiation and arrange for the Deed of Variation to be signed by all parties.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the proposed amendments to the Section 106 Agreement explained as detailed in the report.
- 1.2 To agree the proposed amendments to the Section 106 Agreement set out in the report and to form a draft Deed of Variation to the signed Section 106 Agreement.
- 1.3 To agree authority be delegated to Officers for the final negotiation of the detailed Deed of Variation and signing by all parties.

2.0 Introduction

- 2.1 Outline planning permission was originally granted under planning reference 11/01494/OUT and the Section 106 agreement signed on 8 August 2014. A report

detailing the Heads of Terms of the original agreement was presented to Planning Committee on 27 February 2014 and at this meeting it was agreed by Planning Committee for authority to be given to officers for the final negotiations of the Section 106, before it was signed on 8 August 2014.

2.2 The signed Section 106 agreement secures the following items:

- Affordable Housing
- Sports Pitches
- Allotments
- Amenity Space
- Play areas
- Woodland future maintenance
- Public Art
- On site Refuse and Recycling
- Cemetery
- Thames Valley Police
- SUDs and Balancing Ponds
- Primary School
- County Council Financial Contributions
- On site Highway Works
- Off site Highway Works
- County Council Transport Contributions
- Bond

2.3 At the time the agreement was signed it was unclear as to whether the development would come forward as a standard market housing development or as a site which would deliver self-build housing. In order to allow for both scenarios the final signed agreement included a definition at paragraph 9.1 which defines occupation triggers in respect of self-build as being at the point the serviced self-build plot is sold to the self builder. In relation to any standard market housing delivered on the site, occupation triggers would be in the standard sense, at the point the property was complete and ready for occupation.

2.3 Since the original agreement was signed on the 8th August 2014, a Local Development Order has been adopted for the delivery of self-build development at the site and development is well under way on phase 0 and phase 1 of the development. Therefore, it is now clear that the development is intending to deliver a large proportion of self-build and custom build housing at this site.

3.0 Report Details

3.1 The development has now commenced on site, with the development well under way and nearing completion on phase 0 and development under way on phase 1. It has become clear that the development being delivered on the site is a mixture of pure self build housing (a self builder purchasers the serviced plot and erects a dwelling themselves) and custom build housing (an individual who engages a custom build company to carry out and complete the construction of a dwelling for use as their primary residence).

- 3.2 Currently under the existing signed Section 106 Agreement all the self-build and custom build units that are sold are triggering obligations at the point of sale, based on the current definitions within the Section 106 agreement. However, it is likely that actual complete occupations of these plots would take place 12 - 24 months following the sale of the land. Therefore, the obligations secured under the current Section 106 agreement are in some cases being triggered too early. The current Section 106 agreement does not comprise definitions for self-build and custom build and therefore this is one of the main amendments proposed as part of the draft Deed of Variation.

Definitions

- 3.3 The Deed of Variation to the signed S106 agreement at Graven Hill seeks to include the following definitions of Self Builder, Custom Builder and Custom Build Company. This will allow the self build triggers set out at paragraph 9.1 of the Section 106 agreement to relate only to pure self-build units. Custom build units will trigger the obligations at the point the plot is finished and ready for occupation.
- The definition of “Self Builder” in clause 1 shall be deleted and replaced with the following: “ “Self Builder” means an individual or group of individuals who intend to carry out and complete the construction of a Dwelling or Dwellings on Self Build Plots for use as their primary residence and who will become a freehold owner, or owner of a long lease of not less than 99 years duration, of the Self Build Plot and the term “Self Builder” shall be construed accordingly provided that this term shall not include a Custom Builder;”
 - A new definition of “Custom Builder” shall be included in clause 1 after the definition of “Construction Start Date” and shall include the following: “ “Custom Builder” means an individual or group of individuals who engage a Custom Build Company to carry out and complete the construction of a Dwelling or Dwellings for use as their primary residence and who will become a freehold owner, or owner of a long lease of not less than 99 years duration. This could include a fully commissioned home or fitting out a previously constructed shell. The term “Custom Build” shall be construed accordingly.”
 - A new definition of “Custom Build Company” shall be included in clause 1 after the definition of “Custom Builder” with the following: “ “Custom Build Company” means the owner, or a company authorised by the Owner, which supplies and erects dwellings for Custom Builders”.
- 3.4 The existing signed Section 106 agreement at page 2 under ‘Definitions’ sets out a definition for “Bond”. This definition is to be amended to allow for a letter of guarantee to be used in place of a bond in the event the owner is a wholly owned company of the District Council. The requirement for a letter of guarantee has been introduced here because the District Council as land owner are unable to put a bond in place with GHVDC as a Council owned company, as the District Council

would be putting a bond in place with themselves. The definition shall therefore read as follows:

- ““Bond” means a bond from a reputable financial institution (*or from the District Council in the event the Owner is a wholly owned company of the District Council*) satisfactory to the County Council or the District Council in the form of or substantially in the form of the drafts appended at Appendix 6 and the term “Replacement Bond” shall mean any Bond given by a subsequent owner to the District Council and the County Council respectively and shall be interpreted in accordance with the meaning of Clause 13 of this Agreement;”

- 3.5 The Proposed amendments to the definitions within the Section 106 Agreement set out within the draft Deed of Variation are considered acceptable and meet the requirements of paragraph 204 of the National Planning Policy Framework.

Phase 0

- 3.6 The Deed of Variation seeks to introduce a new clause to exclude Phase 0 of the development, from any obligation within the Section 106 agreement. Phase 0 comprises 10 pioneer plots which were identified as plots which could be delivered early as a way of testing the process involved in delivering self-build on the site and applying the Local Development Order.
- 3.7 The Development Company identified that the early delivery of phase 0 was triggering a number of obligations at the point the development commenced on this part of the site. However, with a very small number of units on this phase and due to the self-build nature of these units, with actual occupations of the units potentially taking place 12-24 months after the plot is sold, the required obligations under the current Section 106 agreement, were not considered to be justified at this early stage. The removal of phase 0 from the occupation triggers is therefore considered acceptable.

Schedule 3 (Affordable Housing)

- 3.8 Amend the definitions of “Lifetime Homes Standards” and “Wheel Chair Standard” to ensure reference to up to date standards.

Schedule 4 (Sports Pitches)

- 3.9 Schedule 4 is proposed to be amended to secure the submission of the changing pavilion specification and sports pitch specification before construction on Land Transfer Area 2.
- 3.10 Under the current S106 Agreement these two specifications are required before any construction on the site, but the Development Company do not get the land where the sports pitches are proposed until Land Transfer Area 2 is within their ownership (post summer 2019). Therefore, the amended timing of these specifications coming forward before construction on Land Transfer Area 2 is considered acceptable and more effective.

Schedule 9 (Woodland)

- 3.11 The existing signed Section 106 Agreement secures a Woodland commuted sum for the future management and maintenance of the hill top woodland at Graven Hill which is shown on drawing A-L-040 Rev G.
- 3.12 Following remapping of the woodland area across the site it was found that the original woodland area used to calculate the woodland commuted sum in 2014 was mapped to areas of woodland outside the hilltop which were not intended to be captured by schedule 9. Schedule 9 was to secure management and maintenance of the hilltop woodland only. The new mapping now shown on drawing A-L-040 Rev AB shows the hill top ancient woodland covering an area of 276,400m². Also in addition to this since the woodland commuted sum was calculated in 2014 the contract rates have reduced. Therefore a new calculation has been carried out and reduced the total woodland commuted sum to £2,595,393. Therefore, Schedule 9 is therefore to be amended to remove reference to £6,619,440 and replace it with the revised figure of £2,595,393.
- 3.13 Schedule 9 is also to be amended to introduce a phased approach to submitting the detailed scheme for the layout and maintenance of the woodland and approval by the District Council. This phased approach will ensure the detail of the woodland management and maintenance being provided to the District Council at an appropriate time in the developments delivery. The amendments proposed to Schedule 9 have been discussed with the District Councils Landscape Services Manager who is content with the position set out above.

County Council Obligations

- 3.14 Schedule 15 (Primary School), Schedule 16 (County Council Contributions – Non Transport), Schedule 17 (On Site Highway Works and Schedule 18 (Off Site Highway Works) are all secured obligations with the County Council. The County Council have been involved in the negotiations that have taken place regarding the proposed amendments to the Section 106 Agreement and the preparation of a draft Deed of Variation and the paragraphs below will deal with these County Council matters.

Schedule 15 (Primary School)

- 3.15 The signed Section S106 Agreement current secures the letting of the building contract for the Primary School Works to be in place before the occupation of 150 dwellings. As part of the proposed Deed of Variation negotiations are taking place between Graven Hill Village Development Company (GHVDC) and Oxfordshire County Council and Cherwell District Council in respect of the timing and delivery of the Primary School.
- 3.16 The draft Deed of Variation seeks to introduce a new definition of Primary School Delivery Programme and seeks to secure the primary school delivery in accordance with the approved Primary School Delivery Programme. Discussions are continuing between the Graven Hill Development Company, the County Council and the

District Council to reach an acceptable position for all parties in relation to the primary school provision.

Schedule 16 (County Council Contributions – Non Transport)

- 3.17 The draft Deed of Variation seeks to reduce the commuted sums secured in relation County Council Contributions. This reduction is sought because the original calculations in 2014 were based on the total delivery of 1900 units on the site. Since then the Masterplan has been approved and shows the delivery of 1741 units across the residential phases of Graven Hill. Therefore, reductions are sought within the financial contributions payable to the County Council to represent the reduction in unit numbers to be delivered. The principle of reducing the commuted sums is therefore acceptable in principle. However, discussions are taking place to finalise appropriate reduced figures which represent the approximate 10% reduction in unit numbers.

Schedule 17 (on site highway works)

- 3.18 Schedule 17 of the signed Section 106 Agreement currently secures the on-site highway works which includes the delivery of a spine road, including buses, through Land Transfer Area 1 (before 100 occupations) and a spine road, including buses, through Land Transfer Area 2 (within 18 months of obtaining vacant possession of Land Transfer Area 2).
- 3.19 The draft Deed of Variation seeks to introduce new definitions and new plans to define the following:
- Final Bus Route (Drawing A-L-550 Rev H)
 - Temporary Bus Route Phase 1(a) to be provided before the 61st occupation (drawing A-L-556)
 - Temporary Bus Route Phase 1(b) to be provided before the 176th occupation (Drawing A-L-549 Rev B)
 - Land Transfer Area 1 Phase 1(a) Spine Road to be provided before the 100th occupation (shown pink on drawing A-L-553 Rev D)
 - Land Transfer Area 1 Phase 1(b) Spine Road to be provided before the 176th occupation (shown green on drawing A-L-553 Rev D)
 - Land Transfer Area 1 Spine Road shall comprise of Land Transfer Area Phase 1(a) Spine Road and Land Transfer Area1 Phase 1(b) Spine Road. These new definitions are being introduced to allow for a temporary spine road and bus routes arrangements on the early phases prior to the Land Transfer Area 1 Spine Road being provided and the Land Transfer Area 2 Spine Road being provided.

- 3.20 Positive discussions are taking place between Graven Hill Village Development Company, the County Council and the District Council to finalise the wording in relation to the amendments to Schedule 17. The amendments proposed in relation to the spine road and bus routes delivery on phase 1a and phase 1b are considered acceptable in relation to paragraph 204 of the National Planning Policy Framework.

Schedule 18 (off site highway works)

- 3.21 Schedule 18 of the signed Section 106 Agreement secures the off-site highway works required to mitigate the impact of the development. These works comprise the improvements to the Rodney House roundabout to provide safe vehicle and pedestrian access to the site from the A41/A4421/B4100 junction.
- 3.22 The draft Deed of Variation seeks to introduce new definitions into Schedule 18 to include the following:
- Temporary Off Site Pedestrian and Cyclist Crossing
 - Temporary Crossing Plan shown on drawing 1545 and 1546

This is a temporary crossing arrangement at the Rodney House roundabout for the duration of the off-site highway works and is to be provided prior to the first occupation on the Graven Hill Development. This is to ensure that suitable crossing arrangements are provided for the duration of the works and prior to the crossing provision provided as part of the approved Rodney House roundabout works.

- 3.23 Schedule 18 is also to be amended at paragraph 1.2 to ensure the off-site highway works at Rodney House roundabout are completed prior to the 110th dwelling being occupied on the Graven Hill site. The amended timing to provide the off-site highway works at Rodney House roundabout and the provision for a temporary crossing arrangement is considered acceptable and positive discussions are continuing between Graven Hill Village Development Company, Cherwell District Council and the County Council regarding the detailed wording of Schedule 18.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The proposed amendments to the signed Section 106 Agreement relating to land at Graven Hill, set out in the report above, are considered appropriate to mitigate the impacts of the proposed development in accordance with test within paragraph 204 of the National Planning Policy Framework and the CIL Regulations. This report seeks authority from Planning Committee to agree the changes as set out above and to authorise Officer's to continue further discussion and negotiation as required between Graven Hill Village Development Company, Cherwell District Council and Oxfordshire County Council to finalise the draft Deed of Variation and arrange signing by all parties.

5.0 Alternative Options and Reasons for Rejection

- 5.1 The following alternative option has been identified and rejected for the reasons as set out below.

- 5.2 Alternative Option 1 – To not agree the proposed amendments to be set out in a Deed of Variation to the Section 106 Agreement and explained above. Option 1 has been rejected as continuing to deliver development at Graven Hill in accordance with the signed Section 106 Agreement would lead to occupations at Graven Hill triggering obligations and payments too early in the development. This is due to the self-build nature of the development which triggers obligations at the point the plot is sold and occupations of those self-build plots actually taking place between 12 months and 24 months later.

6.0 Implications

Financial and Resource Implications

- 6.1 There are no financial and resource implications identified.

Comments checked by:

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

Legal Implications

- 6.2 The proposed amendments are necessary to allow custom build on the scheme, to deal with the situation that the Council cannot bond with itself and to allow for the phased transfer of the site from the MOD. Officers consider that the amendments meet the tests in the NPPF and the CIL Regulations. The County Council have agreed the proposed amendments to their schedules. Both Councils' legal teams have been involved in the drafting of the deed of variation."

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,
Nigel.Bell@cherwellandsouthnorthants.gov.uk

Risk Management

- 6.3 There are no risks arising from accepting the recommendation.

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,
Nigel.Bell@cherwellandsouthnorthants.gov.uk

7.0 Decision Information

Wards Affected

Bicester South and Ambrosden

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clark, Lead Member for Planning

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Emily Shaw, Principal Planning Officer
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Cherwell District Council

Planning Committee

24 May 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 **16/00126/UNDEV - 5 Heathfield Cottages, Heathfield.** Appeal by Mrs Hawes against the issuing of enforcement notice for material change of use to stationing of caravan used for separate residential occupation, associated construction of a decking apron around caravan, construction of a car park and erection of fences to delineate the changes of use.

17/00237/ENFC - Land Parcel 2783, Street From Cropredy To Great Bourton, Cropredy. Appeal by Mr Karim against the issuing of enforcement notice for mobile home sited in field.

17/01919/F – 30 Arbury Close, Banbury, OX16 9TE. Appeal by Mrs Fiaz against the refusal of planning permission for change of use of open space to residential and two storey side and part rear extension (revised scheme of 17/00460/F).

17/02011/F - The Stables, The Courtyard, Milton, Banbury, OX15 4SX. Appeal by Mr Smethurst against the refusal of planning permission for the erection of 1 No. three bedroom, 1.5 storey dwelling to land south of the existing house and associated landscaping. Demolition of existing stone boundary wall.

17/02102/F - Removal of condition 10 (dwelling occupancy) of 17/01619/F. Appeal by Mr and Mrs Tustain against the refusal of planning permission for the removal of condition 10 (dwelling occupancy) of 17/01619/F.

17/02366/F – Portway Cottage, Ardley Road, Somerton, OX25 6NN. Appeal by Mr Harris against the refusal of planning permission for change of use from garage/workshop to two bed cottage - Re-submission of 17/00492/F.

17/02416/F – 7 St Peters Crescent, Bicester, OX26 4XA. Appeal by Mr Roe against the refusal of planning permission for side extension to create new dwelling.

17/02546/F - 2A - 4 Broad Street, Banbury, OX16 5BN. Appeal by Excelsior Alpha Ltd against the refusal of planning permission for Conversion of two floors above retail unit for domestic accommodation. Change of use of upper floors from retail to housing. Additional two floors at rear for accommodation – resubmission of 17/01984/F.

17/02556/F - Glen Meadows House, Chacombe Road, Wardington, OX17 2JU. Appeal by Mr and Mrs Henson against the refusal of planning permission for change of use of existing ancillary residential annexe to self-contained dwelling.

2.2 Forthcoming Public Inquires and Hearings between 24 May and 21 June 2018.

None

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Dismissed the appeal by Welland Design & Build Ltd against the refusal of planning permission for the conversion of agricultural buildings to single storey dwelling. Former Agricultural Building Adj To OS Parcel 4108, Blackbull Lane, Fencott. 17/00195/F (Delegated).

The appeal related to the conversion of a disused barn near the junction of Blackbull Lane and the main road running through Fencott. The site has been the subject of a number of previous unsuccessful attempts to redevelop it for housing.

The Inspector considered that the main issues were:

- whether or not the proposal would be inappropriate development in the Green Belt;
- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the area; and
- if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify it.

The Inspector concluded that the proposal amounted to the construction of a new building, and that what was proposed was not the building's re-use, finding this would be the same consideration if a prior notification application was submitted under Part 3 Class Q of the GPDO, which had been the appellant's contended fall-back position. The proposed carport was also concluded to be a new structure. The Inspector concluded that the construction of a dwelling on the site would not amount to infill development along this road frontage, and therefore found the proposal to be inappropriate development in the Green Belt.

The Inspector also concluded that the appeal proposal did not comply with Policy Villages 1, as it would go well beyond the scope of what could be considered to be a conversion of the existing building, and that the proposal therefore did not amount to either of the circumstances where residential development would accord with Policy Villages 1 of the CLP 2031.

The Inspector concluded that the proposed dwelling would not impact on openness, but that the proposed car port would, albeit by a minimal amount, and that the proposal would not harm the character or appearance of the area of the setting of listed buildings close to the site, but that the lack of harm in these respects did not outweigh the harm by reason of inappropriateness and that there were no considerations to outweigh the totality of the harm, and therefore that very special circumstances did not exist. The appeal was therefore dismissed

It is interesting that different conclusions were reached in respect of Noke (decision below) and Fencott, with the two proposals not being entirely dissimilar.

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

The appeal relates to a non-illuminated V sign set back from the roadside, just before the south bound turn for the Wyevale Garden Centre on the A41. The Inspector identified that the impact on the visual amenity of the area was the main issue.

The Local Highways Authority raised no objection to the proposed sign. This was only because they concluded that it would not be visible to traffic travelling along the A41. Officers therefore concluded that as it did not serve the purpose for which it was intended it would cause needless visual harm to the surrounding area.

The Inspector however took the contrary view in that as there were other similar signs, albeit not in the immediate area, it did not cause significant visual harm. The Inspector tried to address the point that the signs were not functional, arguing that because a sign was 'unnecessary' the PPG directed that this was not grounds for the local planning authority to resist an application. Whether the Inspector interpretation of 'unnecessary', in this context, is correct is open to question.

The proposed signage was therefore found to be acceptable and the appeal was allowed.

3) Dismissed the appeal by Dr & Mrs N Brener against the refusal of planning permission for the erection of building to provide an indoor manège. Rookery Barn, 66 Lower End, Piddington, Bicester, OX25 1QD. 17/00133/F (Committee).

This appeal related to refusal of planning permission to construct a building over the existing outdoor manège to make it an indoor manège at Rookery Barn, 66 Lower End, Piddington.

The Inspector considered that the main issues were the effect of the development on the character and appearance of the area and the living conditions of the occupiers of 64 Lower End with regard to whether it would be overbearing.

The appeal site is located in the north of Piddington, which has a linear pattern of development and the depth of development is generally consistent, with the undeveloped open countryside beyond providing a rural and open setting to this part of the village

A stable building exists to the rear of 66 Lower End. The Inspector considered that the addition of a building covering the manège, in addition to the existing stables would result in a significant run of buildings extending beyond the end of the gardens at Lower End into the countryside. The building would be visible from a number of views from the public domain and the Inspector considered that the building would appear as a significant incursion beyond the edge of the settlement and would undermine the linear form of this part of the village which is one of its defining characteristics. The Inspector considered that the landscaping around the manège would mitigate some harm, however this would not be sufficient to outweigh the harm caused by the scheme and the development would be unacceptable with regard to its impact on the character and appearance of the area.

The Inspector recognised that the occupiers of 64 Lower End have a number of openings which look out towards the appeal site, however given the distances between the dwelling and the manège building, there would not be a harmful overbearing impact.

The Inspector considered that the development would cause harm to the character and appearance of the area and the only benefits of the proposal would be private and would not outweigh this harm and thus dismissed the appeal.

4) Dismissed the appeal by Sir Dominic and Lady Cadbury against the refusal of planning permission and listed building consent for alterations and extension to kitchen block abutting the manor house. Manor House, Banbury Road, Shutford, Banbury, OX15 6PF. 16/02572/F and 16/02640/LB (Delegated).

The appeal sought permission/consent for a single storey rear extension to the existing kitchen.

The Inspector considered the main issues to be whether the proposed works would preserve the Grade II* listed building or any features of special architectural or historic interest that it possesses

The Inspector found that the 17th century kitchen block and projecting stair tower were an integral part of the built composition when viewing the relevant elevation, despite their being later additions to the 16th century range. He found the elevation to be of 'exceptional quality and interest, displaying both aesthetically charming composition and a high standard of period detailing'. Despite restoration work and internal alterations, including reconfiguration of the ground floor, the basic form of the kitchen survives – and that this is an unusual example of a mediaeval service arrangement.

In terms of the impacts on the significance of the listed building the Inspector concluded that the single storey modern glass and cut stone extension, whilst of considered design, had an '*uncompromisingly contemporary and unadorned appearance*'. The Inspector felt that this '*would not sit comfortably with the unique appearance of this important and highly sensitive elevation*'. They went on to state that the proposed alterations and loss of historical stonework would result in harmful loss to the listed building and would lead to an undermining of its significance.

The Inspector noted the nature and rarity of Shutford Manor requires a high degree of protection and that the harm to the integrity of the southern elevation of the building, the change in configuration and loss of fabric '*would fail to preserve the special architectural historic interest and significance of this listed building*' and that '*there is no evidence that the viable use of this building would be threatened without this addition*', concluding that public benefits do not always have to be accessible or visible to the public and in the absence of a planning need this proposal would only benefit the applicants.

The Inspector therefore concluded the appeal should be dismissed on these grounds.

5) Dismissed the appeal by Bovis Homes against the refusal of planning permission for the addition of approximately 310m of metal 'field' style railings painted black (Retrospective). Heyford Park Parcel B2A, Camp Road, Upper Heyford. 17/01466/F (Committee)

Retrospective planning permission was sought for metal railings, just under a metre in height, separating residential development from a number of swales running down the western side of a recent constructed housing development on the southern side of Camp Road.

The Inspector considered the main issues to be its impact on the character and appearance of the area, and whether the fence was required for public safety, or the perception of safety, and/or for the demarcation of public and private property.

The Inspector noted that the approved Design Code for the development described the appeal site's surroundings as an 'informal open space', with 'informal footpath routes' and 'spaces between dwellings and frontage areas are to be largely open'. The Inspector found the fence to appear as a solid and eye-catching feature, that interrupts and forms a barrier in what is otherwise an open and spacious green gap, and that it has a harmful effect on the purpose of this space in providing an open setting for the significant number of dwellings on both sides of this space.

The Inspector concluded that the fence had the effect of reducing physical permeability around this area as a result of the restriction to movement along a significant length of the linear park, and that its presence did not support the principle of well-connected spaces, and therefore that it had a harmful effect on the character and appearance of the area, including the significance of the Conservation Area, conflicting with Policies Villages 5 and ESD15 of the CLP 2031.

On the second issue the Inspector concluded that "the position of the fencing between the road and footpath serves little purpose in restricting access to this area for footpath users. Its stated purpose in improving safety for the users of this area is therefore undermined" and that "the fence is not required for public safety, or the perception of safety, and/or for the demarcation of public and private property. In this regard its introduction conflicts with Policy ESD15 of the CLP 2031 which seeks to create high quality multifunctional streets".

Based on this assessment, the Inspector dismissed the appeal.

6) Allowed the appeal by Mr Paul Bell against the refusal of planning permission for the conversion of an agricultural barn into a single dwelling and demolition of outbuildings. Winwood, Noke, Oxford, OX3 9TT. 17/01555/F (Delegated).

The barn, which was the subject of the appeal, received retrospective approval in 2015 as an agricultural building. This appellant has subsequently sought approval to convert the barn into a dwelling.

The Inspector considered that the main issues were:

- whether or not the proposal would be inappropriate development in the Green Belt;
- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposal on the character and appearance of the area; and
- if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify it.

The appeal property has a lengthy planning history, and was erected as a domestic building contrary to the permission for an agricultural building in this location. The Council's position was that the proposed dwelling was in an unsustainable location and was inappropriate development in the Green Belt, it having been shown through enforcement investigation that the building had

been erected from the outset as a dwelling with a fitted kitchen and bathroom, staircase, plastered walls and recessed spotlights.

The Inspector concluded that as the building is of permanent and substantial construction, benefitting from planning permission as an agricultural building, the development constitutes the re-use of an existing building which is not inappropriate development in the Green Belt. She held that its domestic elements were not out of place as facilities to support continued use of the site as a small holding.

By the time of the appeal site visit a number of the domestic facilities that were in place in 2014, when the building was constructed, were no longer there and the Inspector could not be certain as to whether the building was constructed with the intention of residential use or whether it has been in residential use at any time. She concluded that the current use was for storage. The Inspector considered that the development would have a domesticating effect on the Green Belt but this was to be contained in a small area. The removal of the agricultural buildings would increase openness in the Green Belt.

The Inspector concluded that it would be a minor addition to the linear settlement pattern and would not be harmful to the rural character or constitute sporadic development in the countryside or result in undue visual intrusion. The additional journeys arising from use as a small holding to a dwelling were considered to be negligible. The Inspector thus concluded the proposal did not conflict with Policies ESD1 or Villages 1 of the CLP 2031 and allowed 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,
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Legal Implications

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

Comments checked by: Nigel Bell, Team Leader – Planning and Litigation, 01295 221687, Nigel.Bell@cherwellandsouthnorthants.gov.uk

Risk Management

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

Comments checked by: Nigel Bell, Team Leader – Planning and Litigation, 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, Lead Member for Planning

Document Information

Appendix No	Title
None	
Background Papers	
None	
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