

Committee: Planning Committee
Date: Thursday 19 July 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 Alaric Rose	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 - 28)

To confirm as a correct record the Minutes of the meeting of the Committee held on 21 June 2018.

6. Chairman's Announcements

To receive communications from the Chairman.

Planning Applications

7. **OS Parcel 0078 North West Of Quarry Close, Quarry Close, Bloxham**
(Pages 31 - 62) **17/02502/OUT**
8. **Motor Fuel Ltd, Bloxham Service Station, South Newington Road, Bloxham, Banbury, OX15 4QF** (Pages 63 - 70) **18/01112/ADV**
9. **Former SAPA Profiles Office, Southam Road, Banbury, OX16 2SN**
(Pages 71 - 96) **17/02374/F**
10. **Former SAPA Profiles Office, Southam Road, Banbury, OX16 2SN**
(Pages 97 - 113) **17/02375/LB**
11. **Round House, Main Street, Hethe, Bicester, OX27 8ES** (Pages 114 - 125)
18/00608/F
12. **Round House, Main Street, Hethe, Bicester, OX27 8ES** (Pages 126 - 135)
18/00609/LB
13. **Hill House, Windmill Nurseries, London Road, Bicester, OX26 6RA**
(Pages 136 - 142) **18/01030/F**

Review and Monitoring Reports

14. Appeals Progress Report (Pages 143 - 147)

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 11 July 2018

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 21 June 2018 at 4.00 pm

Present: Councillor David Hughes (Chairman)

Councillor Andrew Beere
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Surinder Dhesi
Councillor Chris Heath
Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Richard Mould
Councillor Cassi Perry
Councillor D M Pickford
Councillor Les Sibley

Substitute Members: Councillor Douglas Webb (In place of Councillor G A Reynolds)
Councillor Barry Wood (In place of Councillor Lynn Pratt)

Apologies for absence: Councillor James Macnamara
Councillor Maurice Billington
Councillor Alan MacKenzie-Wintle
Councillor Lynn Pratt
Councillor G A Reynolds

Officers: Paul Seckington, Senior Manager Development Management
Jim Newton, Assistant Director: Planning Policy and Development
Nigel Bell, Interim Legal Services Manager / Deputy Monitoring Officer
Aaron Hetherington, Democratic and Elections Officer

18 Declarations of Interest

7. Part OS Parcels 4200 And 1300 Land Between New Banbury Daventry Road And M40, Street From Banbury To Williamscot, Banbury.

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

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

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

11. OS Parcel 3900 Adjoining Foxhill And West Of Southam Road, Banbury.

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

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

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

14. The Hill, Dover Avenue, Banbury, OX16 0JE.

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

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

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

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

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

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

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

15. Land Adjacent To 1 Creampot Crescent, Cropredy.

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

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

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

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

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

16. Eco Business Centre, Charlotte Avenue, Bicester, OX27 8BL.

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

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

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

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

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

19 **Requests to Address the Meeting**

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

20 **Urgent Business**

There were no items of urgent business.

21 **Minutes**

The Minutes of the meeting held on 24 May 2018 were agreed as a correct record and signed by the Chairman.

22 **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.

23 **Part OS Parcels 4200 And 1300 Land Between New Banbury Daventry Road And M40, Street From Banbury To Williamscot, Banbury**

The Committee considered application 17/01044/F for the development of land to the north east of Junction 11 of the M40 Banbury, to provide a 22,150sqm industrial building (Class B8); two office buildings of 3716sqm

each (Class B1); Motorway Services Area with amenity building, Petrol Filling Station (with canopy, fuel pump islands, ancillary convenience store and food to go outlet) and HGV Parking; creation of a new vehicular accesses off the A361 together with associated alterations to the highway; parking and circulation; landscaping, drainage and associated works at Part OS Parcels 4200 And 1300 Land Between New Banbury Daventry Road And M40 Street From Banbury To Williamscot, Banbury for Monte Blackburn.

Launa Fyfe, a local resident, addressed the committee in objection to the application.

Tom Jeremiah, the applicant's agent, addressed the committee in support of the application.

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

Resolved

That application 17/01044/F be refused for the following reasons:

1. In the absence of a compelling and overriding demonstrable need for a motorway services area on the site, the proposed development would result in the loss of a substantial part of a strategically allocated employment site to an unnecessary alternative and less efficient employment generating use that would jeopardise the long term ability to deliver a sufficient amount and variety of Class B1/B2/B8 development on the site and therefore the jobs needed to support the local economy and support planned housing growth. The proposals are therefore contrary to the requirements of Policies SLE1 and Banbury 15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy TR8 of the Cherwell Local Plan 1996 together with Government guidance set out in the National Planning Policy Framework.
2. Having regard to the cramped nature of the motorway services facility, the disjointed layout of development throughout the site, the poor integration between the motorway services area and the main employment development, the large architecturally bland buildings, the inappropriate and incoherent siting of buildings and general layout to the development, lack of adequate integration of existing trees and hedgerows together with new soft landscaping as well as the poorly defined and unsightly appearance of development as experienced at the entrances to the site as well as from the A361, the proposals result in a congested, poorly designed and illegible form of development that fails to demonstrate a suitably high quality and holistic approach to creating a new commercial district at the rural edge of Banbury as required by Policies Banbury 15 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 as well as Government guidance set out in the National Planning Policy Framework.
3. As a result of the poorly designed internal road and parking layout as well as cramped structure to the proposed motorway services area

having regard in particular to the inappropriate siting of and access to the petrol filling station, awkward positioning and unsuitable arrangements of the lorry, coach and caravan parking as well as the absence of clearly defined and safe walking routes for pedestrians to and from the service building, the motorway services area would constitute a congested and potentially unsafe facility that would be illegible to its various users creating numerous conflicts between them. As a result the proposed motorway services area would not function effectively and the quality of the environment within the site is likely to be very poor which in turn is likely to lead to congestion entering the motorway services area and consequently traffic backing up onto the A361 and the M40 J11 roundabout at peak times to the detriment of users of the highway network. In this respect the proposals are therefore contrary to the requirements of Policies ESD15 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework.

4. The planning application has not been supported by robust assumptions and modelling within the Transport Assessment leading to what is likely to be an under-projection of traffic generation and therefore under estimate of impacts on congestion, queuing and safety on existing roads and junctions. Notwithstanding these significant concerns and taking the Transport Assessment at face value, it is considered that even with the mitigation measures proposed the development would cumulatively give rise to severe congestion at junctions on the M40 J11 roundabout causing significant additional disruption to traffic flows on the highway network as well as consequent safety hazards where queuing cannot be adequately accommodate within the highway. To compound matters, there is significant concern about the potential to deliver a number of the highway mitigation schemes that are proposed by the applicant which involve significant off-site works that both the local highway authority and Highways England have not specifically agreed to and which if not implemented would lead to even greater congestion and safety risks on the road network. The development would therefore have unacceptable impacts on traffic congestion, highway safety, the amenity of road users as well as the local and wider economy particularly given that this would affect the principal vehicular entry into Banbury. In this respect the proposals are contrary to the requirements of Policy TR8 of the Cherwell Local Plan 1996 as well as Policies Banbury 15 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained in the National Planning Policy Framework.
5. Both the proposed primary roundabout access and secondary priority junction have not been demonstrated to be safe and suitable for all road users due to the inadequate visibility splays for the road speeds as well as the lack of adequate assessment of their capacity given their expected use by a significant number of Heavy Goods Vehicles. The proposed development could therefore adversely affect the safety of users of the highway as well as contribute towards additional congestion on the highway network due to the potential inadequate capacity of the accesses proposed. In this respect the proposals are considered to be contrary to the requirements of Policies SLE4 and

Banbury 15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

6. Having regard to the scale and siting of the proposed warehouse building, the prominent siting of the proposed petrol station and motorway services building, the loss of a significant amount of existing boundary vegetation as part of highway works and the 24 hour nature and high intensity of use of a motorway services area, the development would be highly visible from within the surrounding landscape including from numerous public vantage points and would have a substantial adverse effect on local landscape character both in the daytime and night time which does not represent a well-designed approach to the urban edge that sensitively transitions to the countryside contrary to the requirements of Policies Banbury 15, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework and the Planning Practice Guidance.
7. The proposals are considered to result in a net loss of ecological habitat due to the quantity and value of habitat lost both on the application site as well as through associated off-site highway works that are not shown to be adequately mitigated or outweighed by creation of new habitat as part of the development. The proposed development would therefore fail to preserve and enhance biodiversity contrary to the requirements of Policies Banbury 15 and ESD10 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance set out in the National Planning Policy Framework.
8. The planning application has not been accompanied by an Energy Statement to demonstrate whether the buildings proposed within the development are of an energy efficient design and construction in order to minimise carbon emissions and meet BREEAM 'very good' standard and neither is there any proposal (or a robust justification otherwise) for a failure to include provision for significant on-site renewable energy generation or the utilisation of District Heating or Combined Heat and Power. In the absence of these details it must be concluded that the proposals fail to take the opportunities available to deliver sustainable new development contrary to the requirements of Policies Banbury 15, ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan 2011-2031 Part 1.
9. The proposed development would result in increases over and above an existing exceedance of national mean air quality objectives for nitrogen dioxide for residential receptors in Hennef Way within Cherwell District Council's Air Quality Management Area No.1. In the absence of adequate measures to ensure that this increase is satisfactorily mitigated through additional, specific, enforceable and deliverable measures that could be secured as part of the development then it must be concluded that the proposed development would be at odds with both local and national air quality objectives contrary to the requirements of Policy BSC8 of the Cherwell Local Plan 2011-2031 Part 1 and Policy ENV1 of the Cherwell Local Plan 1996 as well as

Government guidance contained in the National Planning Policy Framework.

10. In the absence of the completion of a satisfactory planning obligation, the development cannot adequately secure enhanced bus service provision, off-site pedestrian improvements to promote sustainable access nor mitigate any of its identified severe adverse impacts on the local highway network such that the development would give rise to further severe cumulative congestion beyond that already expected on surrounding roads as well as increased risks to highway safety contrary to the requirements of Policies SLE4 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

24 **Motor Fuel Ltd, Bloxham Service Station, South Newington Road, Bloxham, Banbury, OX15 4QF**

The Committee considered application 18/00814/ADV for 1 x PID internally illuminated, 2 x Banners and 5 x free standing display – Part Retrospective at Motor Fuel Ltd, Bloxham Service Station, South Newington Road, Bloxham, Banbury, OX15 4QF for Motor Fuel Group.

Amanda Baxter, neighbour to the application site, addressed the committee in objection to the application.

Councillor Heath proposed that application 18/00814/ADV be refused as it was contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework and that the totem advertisement, by reason of its height, prominent siting and illumination would result in harm being caused to the amenities of the occupiers. Councillor Clarke seconded the proposal.

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

Resolved

That application 18/00814/ADV be refused for the following reasons:

1. The totem advertisement, by reason of its height, prominent siting and illumination, and the freestanding signs by reason of their prominent location and size would have a negative impact on the visual amenity of the area and the street scene and would cause less than substantial harm to the setting of the nearby Grade II listed building, 'Killowen House', and the Bloxham Conservation Area. The proposal is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

2. The totem advertisement, by reason of its height, prominent siting and illumination would result in harm being caused to the amenities of the occupiers of Killowen House and 1 Hartshill Close. It is therefore contrary to Policy ENV1 of the Cherwell Local Plan 1996, Policy BL9 of the Bloxham Neighbourhood Plan 2015 - 2031 and Government guidance contained within the National Planning Policy Framework.
3. The proposed free-standing signs to the front of the site, by reason of their height and siting in close proximity to the highway, would affect the visibility splays when egressing the site, which would present a risk to highway users. The development would therefore be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

25

Chequer Tree Farm, Ells Lane, Bloxham, OX15 5EE

The Committee considered application 18/00594/F for the conversion of an Office/Mess Room and Store (Former Stable) into Essential Agricultural Worker's Dwelling at Chequer Tree Farm, Ells Lane, Bloxham, OX15 5EE for Clement Wyatt Gardens Limited.

Duncan Chadwick, the applicant's agent, John Wyatt, the applicant and Geoff Mollard, a local resident, addressed the committee in support of the application.

Councillor Heath proposed that application 18/00594/F be refused in accordance with the officer recommendation. Councillor Clarke seconded the proposal. The motion was duly voted on and subsequently fell.

Councillor Webb proposed that application 18/00594/F be approved, subject to conditions with the exact wording delegated to officers. Councillor Pickford seconded the proposal.

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

Resolved

That application 18/00594/F be approved subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Planning Design and Access Statement (dated April 2018), Essential Needs Assessment (dated April 2018) and drawings numbered: CWG001-003, CWG001-004, 02A Proposals and 03 Site Plan.

- 3 Prior to the first occupation of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 4 The dwelling shall be occupied only by a person solely or mainly employed at the horticultural nursery, operating on the land edged in red and blue shown on approved plan CWG001-003, including any dependants of such a person residing with him or her.

26 **Taylor Livock Cowan, Suite F, Kidlington Centre, High Street, Kidlington, OX5 2DL**

The Committee considered application 18/00587/F for the erection of ten residential flats with associated undercroft car parking, cycle storage and bin storage Taylor Livock Cowan, Suite F, Kidlington Centre, High Street, Kidlington, OX5 2DL for Eames London Estates Ltd C/o Taylor Livock Cowan.

Councillor Alaric Rose, addressed the committee as Ward member.

Jennifer Byrne, agent for the applicant, addressed the committee in support to the application.

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

Resolved

That authority be delegated to the Assistant Director of Planning Policy and Development to grant permission for application 18/00587/F, subject to:

- (a) the conditions set out at the end of this report (and any amendments to those conditions as deemed necessary) and;
- (b) the completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following;
 - Outdoor Sports facilities - 10 dwellings - £20,170.03
 - Off-site contribution towards the expansion and/or enhancement of existing indoor sports facilities within the vicinity of Kidlington - £8,349.47
 - Community Hall Facilities – off site contribution of £1,376.79
 - Public Art Provision – whilst no financial contribution is sought it

is recommended that features that contribute to the public realm such as signage, door furniture, security grills infilling the openings to the car park etc are introduced into the scheme.

- Contributions towards off-site informal LAP and open space
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: Design and Access Statement, Planning Statement, Transport Report and Drawing Nos. 1716 101 P3, 102 P2, 103 P2, 104 P1, 105 P1, 106 P3, 117 P2, 118 P1, 119 P2, 120 P1, 121 P2, 130, 131, 132 and 133.
 3. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes
 - Maintenance and management of SUDS features (including details of who will be responsible for maintaining the SUDS & landowner details)
 - Sizing of features – attenuation volume
 - Infiltration tests to be undertaken in accordance with BRE365
 - Detailed drainage layout with pipe numbers (to include direction of flow)
 - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 - Network drainage calculations (to prove that the proposals will work)
 - Phasing plans
 - Flood Risk Assessment
 4. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed in accordance with the approved levels.
 5. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved CTMP. The CTMP should include:
 - a. The CTMP must be appropriately titled, include the site and

- planning permission number.
 - b. Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - c. Details of and approval of any road closures needed during construction.
 - d. Details of and approval of any traffic management needed during construction.
 - e. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - f. Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - g. The erection and maintenance of security hoarding / scaffolding if required.
 - h. A regime to inspect and maintain all signing, barriers etc.
 - i. Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
 - j. The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - k. No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - l. Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - m. A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
 - n. Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - o. Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - p. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
6. No development shall take place until full details of the refuse bin storage for the site, including compound enclosure details, has been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwellings, the refuse bin storage area shall be provided in accordance with the approved details and thereafter be retained as such for the storage of refuse bins.
7. No development shall take place until a plan showing a car parking allocation for 8 spaces to be accommodated within the site to include layout, surface details, and drainage, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, and

prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

8. Prior to the commencement of the development above slab level, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.
9. Prior to the commencement of the development above slab level, samples of the material to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
10. Prior to the commencement of the development above slab level, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
11. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

27 **OS Parcel 3900 Adjoining Foxhill And West Of Southam Road, Banbury**

The Committee considered application 18/00273/OUT, an outline application for the development of up to 90 residential units (Use Class C3), Class A Uses, Class D1 Use and associated access, landscaping / open space, parking and related works at OS Parcel 3900 Adjoining Foxhill And West Of Southam Road, Banbury for Pandora Trading Limited And Sanctuary Affordable Housing Ltd.

Simon Hawley, the applicant's agent, addressed the committee in support of the application.

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

Resolved

That authority be delegated to the Assistant Director of Planning Policy and Development to grant permission for application 18/00273/OUT, subject to:

- a) the completion of a satisfactory planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following (and any amendments to those as deemed necessary):

CDC Contributions

- LEAP on site, £108, 761.69 commuted sum; equipped LAP on site, £27, 501.52 commuted sum; 5, 154.3sqm public open space on site, £9.32/sqm commuted sum.
- On-site Green Infrastructure Maintenance Provision based on figures within the Developer Contributions SPD.
- Affordable Housing on site - 30% affordable housing provision, equating to 27 units.
- Off-site outdoor and indoor sports provision, and community hall facilities based on figures within the Developer Contributions SPD.
- On-site Water Feature Maintenance Provision based on figures within the Developer Contributions SPD.
- Waste Collections contributions (£106 per dwelling).

OCC Contributions

- On and off site transport improvements, including provision of highway infrastructure works and public transport links.
- Contributions towards a new primary school, which is due to open in 2020, based upon the amount under the previous application.
- Oxfordshire Clinical Commissioning Group
- £77,760 to support improvement of local primary care infrastructure.

- b) The following conditions (and any amendments to those conditions as deemed necessary);

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. That no development shall be commenced until full details of the access, layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
2. That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
3. That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
4. Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings:

- Drawing Number 0101 (Site Location Plan) submitted with the application;
 - Drawing Number 19294-01-2 Revision A submitted with the application; and
 - Drawing Number 19294 -1 Revision A submitted with the application
5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) for proposed Development West of Southam Road, Banbury, reference 10264, dated December 2017 Revision Final and the following mitigation measure detailed within the FRA: 'Finished floor levels are set at least 300mm above the 1 in 100 year flood level'. 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.
6. The site shall be developed with a mix of housing types/sizes to meet the local housing needs in accordance with the requirements of Policy Banbury 2 and BSC4 of the Cherwell Local Plan (2011-2031) Part 1, details of the mix shall be submitted to and approved in writing to the local planning authority, prior to the commencement of the development.
7. No more than 90 dwellings shall be accommodated on the site.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE RESERVED MATTERS SUBMISSION

8. Prior to or as part of the first reserved matters submission, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement should:
- be structured according to the energy hierarchy in Policy ESD2 of the Cherwell Local Plan (2011-2031) Part 1, with information provided on each element of the hierarchy;
 - inform and be reflected in the reserved matters;
 - include a description of the development, number and type of residential units;
 - Demonstrate sustainable construction methods as per Policy ESD 3 of the Cherwell Local Plan (2011-2031) Part 1;
 - Consider the use of renewable energy to supply the development.

Thereafter, the development shall be carried out in strict accordance with the recommendations and measures contained in the approved Energy Statement.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

9. No development shall take place until a plan showing the existing and proposed levels of the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved levels.
10. No development shall take place until a survey identifying trees to be retained, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved survey.
 - (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
 - (b) If any tree is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
11. No development shall take place until a scheme for the protection of the retained trees has been agreed in writing with the Local Planning Authority. This scheme shall include:
 - (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established to protect retained trees.
 - (b) a British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan
 - (c) the specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
 - (d) details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
 - (e) details of any levels changes within or adjacent to protection zones;
 - (f) details of the surface treatment to be applied within protection zones, including a full specification and method statement;

- (g) the routing of overhead and underground services and provisions for reducing their impact on retained trees; and
 - (h) a specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme.
12. No development shall take place until 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 has been 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.
13. If a potential risk from contamination is identified as a result of the work carried out under condition 12, 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.
14. If contamination is found by undertaking the work carried out under condition 13, 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.
15. No development shall take place until full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, have been submitted to and approved in writing by the Local Planning Authority.

16. No development shall take place until an Archaeological Written Scheme of Investigation, relating to the application site area, has been submitted to and approved in writing by the Local Planning Authority.
17. No development shall take place until a staged programme of archaeological evaluation and mitigation following the approval of the Written Scheme of Investigation referred to in condition 16, has been carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.
18. No development shall take place, including works of site clearance or preparation, until a full assessment of the impacts on biodiversity and protected/notable species in the light of the proposed final landscape and layout plans has been submitted to and approved in writing by the Local Planning Authority. The details must include plans for mitigation, timings, details of ecological supervision and working methods and the results of all updated surveys.
19. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.
20. No development shall take place until a scheme for the provision and management of a minimum 10 metre wide ecological buffer zone alongside the Hanwell Brook has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The ecological buffer zone scheme shall be free from built development including lighting, pathways, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision.
21. No development shall take place, including works of site clearance or preparation, until the site has been 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.
22. No development shall take place until full details of a drainage strategy for the entire site, based on sustainable drainage principles and an assessment of the hydrological and hydrological context of the development detailing all on and off site drainage works required in relation to the development, has been submitted to and approved in writing by the Local Planning Authority.

23. No development shall take place until, 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, has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.
24. No development shall commence on site for the development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route to the development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.
25. No development shall take place, including any works of site clearance, until a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect biodiversity as well as residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.
26. Prior to the commencement of the development, details of the proposed street lighting scheme to be installed, which shall include column height, luminaire type, positions, aiming angles and cowl and deflectors to direct light sources, to demonstrate that there is no light spillage from the site, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the approved details. Once installed the lighting scheme shall be inspected by a qualified lighting engineer and certified as being correctly installed prior to its first use.
27. Prior to the commencement of development, provision of ducting to allow for future installation of EV charging infrastructure in order to make resident parking places EV ready for future demand, shall be submitted to and approved in writing by the Local Planning Authority. The details and location of such provision should take into consideration the availability of electrical supply and should therefore be designed making reference to information held by the local distribution network operator. The development shall be carried out in accordance with the details so approved.

28. 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.
29. The construction of the development hereby approved shall be carried out during daylight hours only; ceasing one hour before sunset and not commencing until one hour after sunrise.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE OCCUPATION

30. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. 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.
31. Prior to the first occupation of the development, the approved means of access as detailed on drawing nos. 19294-01 Revision A and 19294-01-2 Revision A shall be constructed and retained thereafter in accordance with the approved details and all ancillary works specified shall be undertaken and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.
32. That prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.
33. Unless otherwise agreed in writing by the Local Planning Authority, 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.
34. Except to allow for the means of access and vision splays the existing hedgerow/trees along the Southam Road boundaries of the site shall be retained and properly maintained at a mature height for trees and not less than 3 metres for hedgerows, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Park Farm Agricultural Barn, New Street, Deddington

The committee considered application 18/00971/F for the conversion of an existing barn and associated out-building/stables to residential use and to 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 And Mrs Bryn Williams.

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

Resolved

That delegated authority be given to the Assistant Director for Planning Policy and Development to grant permission for application 18/00971/F subject to:

- (a) no new material planning considerations being raised during the remainder of the consultation period, and
- (b) subject to the following conditions (and any amendments to those conditions as deemed necessary):
 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: 981-2A; 981-3F; 981-4E; 981-5E and 981-6E.
 3. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
 4. Prior to the commencement of the development hereby approved, samples of the weatherboarding to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
 5. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
 6. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and

drainage) of the turning area and four parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.

7. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
8. If a potential risk from contamination is identified as a result of the work carried out under condition 8, 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.
9. If contamination is found by undertaking the work carried out under condition 9, 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.
10. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 10. 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.

11. 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.
12. 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.
13. 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.

29

Park Farm Agricultural Barn, New Street, Deddington

The Committee considered application 18/00972/LB, listed building consent, for the conversion of an existing barn and associated out-building/stables to residential use and raise the roof of out-building/stables by 860mm and a new single storey extension to rear with living roof Park Farm Agricultural Barn, New Street, Deddington for Mr And Mrs Bryn Williams.

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

Resolved

That delegated authority be given to the Assistant Director for Planning Policy and Development to grant permission for application 18/00972/LB subject to:

- (a) no new material planning considerations being raised during the remainder of the consultation period, and
- (b) subject to the following conditions (and any amendments to those conditions as deemed necessary):
 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: 981-2A; 981-3F; 981-4E; 981-5E and 981-6E.

3. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.
4. Prior to the commencement of the development hereby approved, samples of the weatherboarding to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
5. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

30

The Hill, Dover Avenue, Banbury, OX16 0JE

The Committee considered application 18/00952/CDC for the variation of Condition 2 (plans) of 17/00197/CDC - Minor amendments to design of scheme The Hill Dover Avenue, Banbury, OX16 0JE for Cherwell District Council (Build! Department).

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

Resolved

That delegated authority be given to the Assistant Director for Planning Policy and Development to grant permission for application 18/00952/CDC, subject to:

- (a) no new material planning considerations being raised during the remainder of the consultation period, and
- (b) the following conditions (and any amendments to those conditions as deemed necessary):
 1. The development to which this permission relates shall be begun not later than 22 March 2020.
 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: WG673 – 001; WG673 – 003

Rev B; WG673 – 004 Rev B; WG673 – 005 Rev B and WG673 – 006 Rev A.

3. Prior to the commencement of the development hereby approved, samples of the brick, render and composite cladding to be used for the external walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
4. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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

5. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and car parking spaces to be provided within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.
6. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.
7. Prior to the commencement of the development hereby approved, a Construction Management Plan (CMP) for the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted CMP shall include the following:

- Details of the routing of construction traffic and delivery vehicles and associated signage.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of the parking of site related vehicles (construction workers, traffic and delivery vehicles etc.) to be accommodated within the site.
- Details of the arrangements for keeping local residents informed of site deliveries and other highway related impacts of the construction phase of development.

Thereafter, the CMP shall be implemented in accordance with the approved details and shall be adhered to throughout the construction phase of development.

8. Prior to the installation of any external lighting required in association with the approved development, full details of the siting, design and technical specification of the lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed and retained in accordance with the approved details.
9. Prior to the installation of any external extraction or air conditioning equipment or any other fixed plant associated with the approved development, full details of the siting, design and technical specification of the plant and equipment shall be submitted and approved by the Local Planning Authority. Thereafter, the plant and equipment shall be installed and retained in accordance with the approved details.
10. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of lead 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.
11. If contamination is found by undertaking the work carried out under condition 10, 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.

12. If remedial works have been identified in Condition 11 the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under Condition 11. 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.
13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

31

Land Adjacent To 1 Creampot Crescent, Cropredy

The committee considered application 18/00613/F for the variation of Condition 2 (plans) of previously approved application 14/01908/F to make a minor material amendment to the floor plans, elevations and position of the building on the site at Land Adjacent to 1 Creampot Crescent, Cropredy for Cherwell District Council.

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

Resolved

That application 18/00613/F be approved, subject to the following conditions:

1. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the application form and the following plans and documents: Cambridge Swift Nesting System detail and drawings numbered: 17108-01A, 17108-02 and 17108-03.
2. Retained Tree
 - a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
 - b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

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

3. The means of access shall be constructed and retained in accordance with the details approved under application 15/00160/DISC.
4. Prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the details approved under application 15/00160/DISC and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
5. The means of boundary enclosure shall be erected prior to the first occupation of the dwelling, in full accordance with the details approved under application 15/00160/DISC.

32

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

The committee considered application 18/00070/NMA for the Non-Material Amendment to 17/00573/CDC - Changes to bin store door arrangement, additional ventilation louvre added to east elevation, structural cross bracing added to south elevation and finish of sinusoidal cladding both anodised (GF) and PPC to match (FF) at Eco Business Centre, Charlotte Avenue, Bicester, OX27 8BL for Cherwell District Council.

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

Resolved

That application 18/00070/NMA be approved, subject to the following:

- (1) Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendment described to 17/00573/CDC in accordance with the application form and drawing numbers 08930 AT-XX-XX-DR-A PL100 Rev A (Ground Floor Plan), 08930 AT-XX-XX-DR-A PL101 Rev A (First Floor Plan), 08930 AT-XX-XX-DR-A PL102 Rev A (Second Floor Plan), 08930 PL110 Rev A (Refuse Store), 08930 AT-XX-XX-DR-A PL610 Rev F (North Elevations), 08930 AT-XX-XX-DR-A PL620 Rev F (South Elevations) and 08930 AT-XX-XX-DR-A PL630 Rev G (East Elevations). The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of planning permission 17/00573/CDC. These conditions must be adhered to so as to ensure that the development is lawful.

33

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.

34 **Performance in Determining Planning Applications**

The Assistant Director of Planning Policy and Development submitted a report which detailed the Council's performance in determining planning applications for the Government's targets on Speed and Quality, as well as general performance figures.

Resolved

- (1) That the report be noted.

35 **Exclusion of Public and Press**

Resolved

That, in accordance with Section 100A (4) of Local Government Act 1972, the press and public be excluded from the meeting for the following item of business, on the grounds that they could involve the likely disclosure of exempt information as defined in paragraph 5 of Schedule 12A of that Act

36 **OS Parcel 4846 South East of Launton Road and North East of Sewage Works, Blackthorn Road, Launton - Variation of Resolution**

The Assistant Director for Planning Policy and Development submitted an exempt report relating to the outline planning application ref. 17/01173/OUT.

Resolved

- (1) As set out in the exempt minutes.

The meeting ended at 6.38 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

19 July 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.

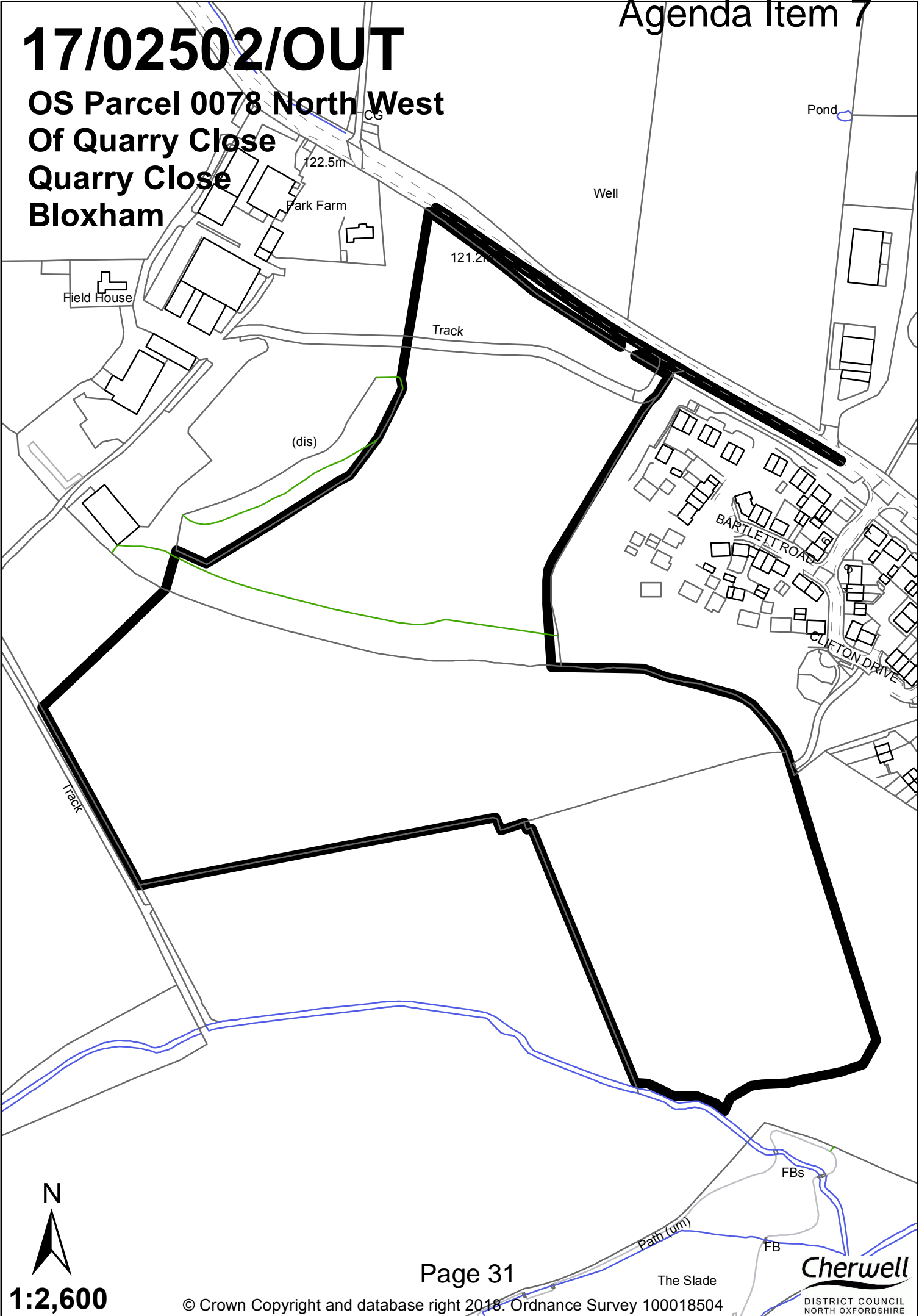
Background Papers

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	OS Parcel 0078 North West Of Quarry Close Quarry Close Bloxham	17/02502/OUT	Adderbury, Bloxham And Bodicote	Refusal	James Kirkham
8	Motor Fuel Ltd Bloxham Service Station South Newington Road Bloxham Banbury OX15 4QF	18/01112/ADV	Adderbury, Bloxham And Bodicote	Approval	Matthew Chadwick
9	Former SAPA Profiles Office Southam Road Banbury OX16 2SN	17/02374/F	Banbury Hardwick	Approval	Linda Griffiths
10	Former SAPA Profiles Office Southam Road Banbury OX16 2SN	17/02375/LB	Banbury Hardwick	Approval	Linda Griffiths
11	Round House Main Street Hethe Bicester OX27 8ES	18/00608/F	Fringford And Heyfords	Approval	George Smith
12	Round House Main Street Hethe Bicester OX27 8ES	18/00609/LB	Fringford And Heyfords	Approval	George Smith
13	Hill House Windmill Nurseries London Road Bicester OX26 6RA	18/01030/F	Launton And Otmoor	Approval	John Gale

17/02502/OUT

OS Parcel 0078 North West Of Quarry Close Quarry Close Bloxham



Pond

Well

122.5m

121.2m

Track

(dis)

BARTLETT ROAD

CLIFTON DRIVE

Field House

Park Farm

Track

FBs

Path (tm)

FB

The Slade

Cherwell

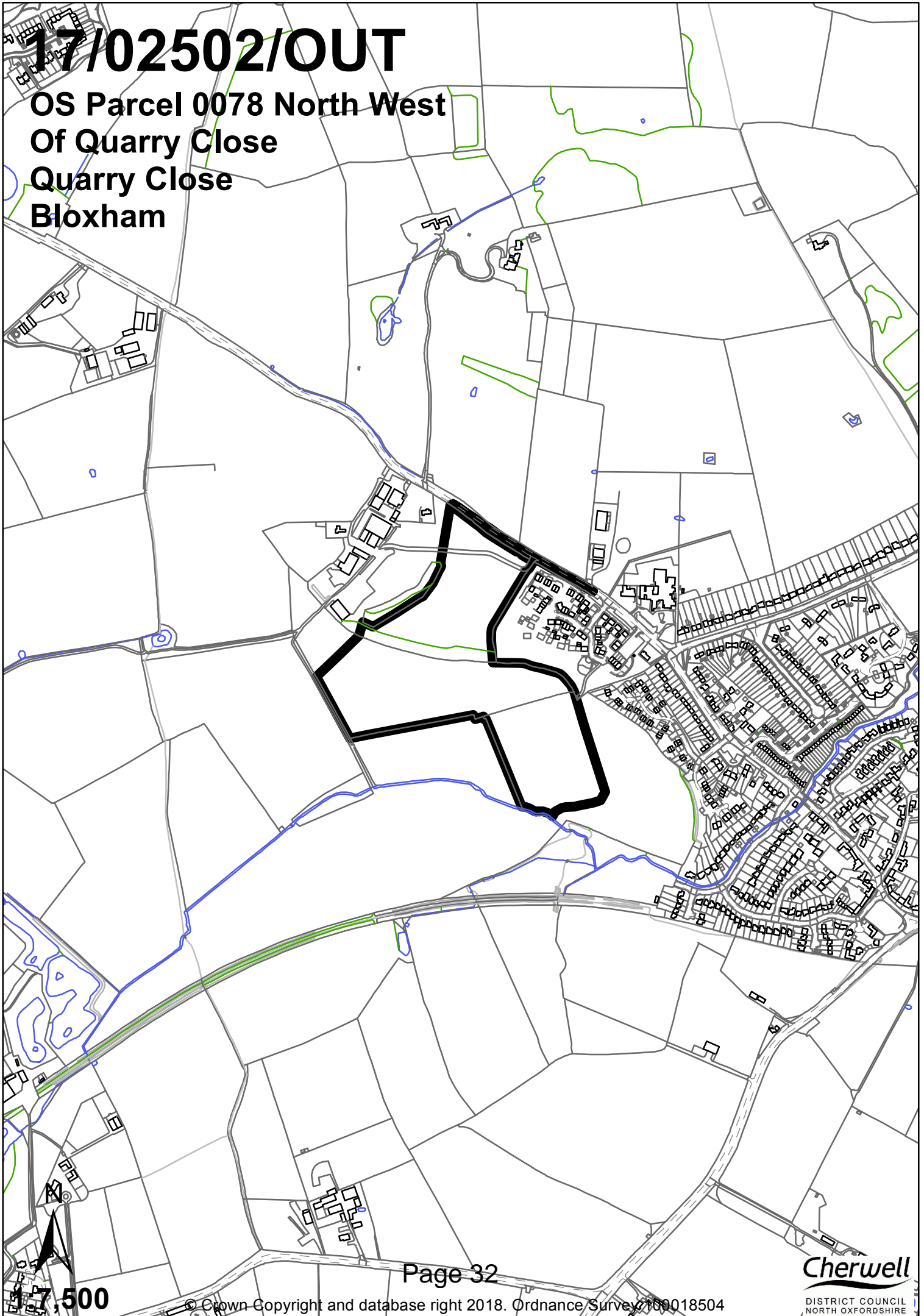
DISTRICT COUNCIL
NORTH OXFORDSHIRE



1:2,600

17/02502/OUT

OS Parcel 0078 North West
Of Quarry Close
Quarry Close
Bloxham



Applicant:	Mr Geoffrey Coles		
Proposal:	Outline planning permission for up to 136 dwellings (including 35% affordable housing), landscaping, public open space and green infrastructure including children's equipped and local play areas, surface water flood attenuation, vehicular access from Tadmarton Road, land for recreational purposes and associated ancillary works. Outline with all Matters Reserved with the exception of the principal vehicular access from Tadmarton Road		
Ward:	Adderbury, Bloxham And Bodicote		
Councillors:	Cllr Mike Bishop Cllr Chris Heath Cllr Andrew Mchugh		
Reason for Referral:	Major application		
Expiry Date:	15 March 2018	Committee Date:	19 th July 2018
Recommendation:	Refusal		

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

The application is reported to the Planning Committee, as it is a major application and it also has significant public interest.

Proposal

Outline permission is sought for up to 136 dwellings (and associated infrastructure). All matters are reserved except for access, which is proposed from Tadmarton Road. The site is north west of Quarry Close, Bloxham

Consultations

The following statutory consultees have raised objections to the application:

- Bloxham Parish Council, OCC Highways, OCC Education, OCC Archaeology; and Environment Agency

The following non-statutory consultees have raised objections to the application:

- CDC Planning Policy, CDC Landscape, CDC Ecology, Bodicote Parish Council, Milton Parish Council, and Milcombe Parish Council

59 Letters of objection have been received

Planning Policy

The application site is located beyond the built up area of Bloxham. It is situated with a high priority area of archaeological interest and is also within a minerals consultation area.

There are records of numerous notable and protected species within 250m of the site and The Slade Nature Reserve abuts the southern boundary of the site. A small area of the southernmost part of the site is lies within Flood Zone 2 and 3.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Principle of Development;
- Landscape and Visual Impact;
- Design and layout;
- Highways
- Archaeology
- Flood Risk and drainage
- Biodiversity and Ecology
- Affordable Housing and Housing Mix
- Effect on Neighbouring amenity
- Open Space
- School places
- Other environmental matters
- Energy efficiency
- Infrastructure and Planning Obligations
- Local Finance Considerations

The report looks into the key planning issues in detail, and officers conclude that the proposal is unacceptable against the relevant policies for the following reasons:

1. Unnecessary housing development beyond the built up area contrary to the development plan
2. Adverse visual harm
3. Impact on traffic
4. Impact on archaeology
5. Impact on biodiversity
6. Flooding
7. Education facilities
8. Lack of signed legal agreement

RECOMMENDATION - REFUSE

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of 3 agricultural fields situated to the west of Bloxham to the south of Tadmarton Road. The northern field of the site is laid to grass and is separated from the remainder of the site by a landscaping belt. The land in the northern field drops from the level of the road by appropriately 3 metre and then rises again towards the landscape belt. The site to the south of the landscape belt

then falls from a point of 123 AOD at the highest point in the west of the site to a level of 113.3 to the south east of the site.

- 1.2. Park Farm exists immediately to the west of the site and is on higher land than the main body of the northern field and the new Miller Homes site adjoins the eastern boundary of the site and is currently under construction.
- 1.3. The site is situated with a high priority area of archaeological interest and is also within a minerals consultation area. There are records of numerous notable and protected species within 250m of the site and The Slade Nature Reserve abuts the southern boundary of the site. A small area of the southernmost part of the site lies within Flood Zone 2 and 3.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application seeks permission to develop the site for up to 136 dwellings. All matters of appearance, landscaping, layout and scale are reserved for future applications. The only matter for detailed consideration is the location of the principal access to the site from Tadmarton Road. The remainder of the access details, relating to the site layout would be subject to future reserved matters applications.
- 2.2. The application has been accompanied by a Primary Development Framework and Design and Access Statement which shows a residential developable area of 4.55ha. This is contained largely within the northern and central areas of the site with the provision of a link road through the central landscape belt. The southernmost part of the site would be laid out to public open space and balancing pond and would sit alongside the public open space which is being provided as part of the adjacent new residential development. It is proposed that the development would provide 35% affordable housing.

3. RELEVANT PLANNING HISTORY

3.1. Application site

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
17/00094/SO	Screening opinion to 17/02502/OUT - Outline planning permission for up to 150 dwellings (including 35% affordable housing), landscaping, public open space and green infrastructure including children's equipped and local play areas, surface water flood attenuation, vehicular access from Tadmarton Road, land for recreational purposes and outdoor learning and associated ancillary works. Outline with all Matters Reserved with the exception of the principal vehicular access from Tadmarton Road	Screening Opinion not requesting EIA

3.2. Neighbouring site to the east (Miller Homes site)

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
-------------------------	-----------------	-----------------

13/00496/OUT Outline - Erection of up to 60 dwellings with Appeal
access from Tadmarton Road, associated allowed
amenity space, community parkland and
additional parking for Bloxham Primary
School

The above application was refused by the Council. The main issue for consideration was whether in the absence of a 5 year land supply the adverse impacts on the character and appearance of the countryside would demonstrably outweigh the benefits of the proposal. It was concluded that whilst the proposal would have an urbanising impact on the site views of the site would be localised and would be limited from public view points . It was also considered the school buildings and agricultural buildings opposite the site were considered to help balance the transition into the village and limit the intrusion into the open countryside. A number of issues relating to planning obligations were also discussed including a lack of school places but not objections were raised by the County. On balance in the absence of 5yrs the need for housing and affordable housing, together with the other benefits of the scheme, outweighed the negative impacts of the scheme.

14/01634/REM Reserved Matters to Outline Application Permitted
13/00496/OUT - Erection of up to 60
dwellings with access from Tadmarton
Road, associated amenity space,
community parkland and additional parking
for Bloxham Primary School

15/01764/F Variation of Conditions 2, 3, 4, 5, 6 and 7 of Permitted
14/01634/REM

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 28.06.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. 59 representations in objection has been received. The comments raised by third parties are summarised as follows:

- Conflict with development plan housing strategy including neighbourhood plan. The planning system is plan led.
- Harmful extension to the village.
- Design of new housing not in keeping with village

- Already significant growth in the village in recent year ruining its identity.
- Bloxham has taken its share of growth.
- No need for further housing. Existing site are not selling well.
- Affordable homes won't be affordable.
- Road safety, parking congestion and increase in traffic
- Lack of public transport.
- Insufficient infrastructure to support development including education, shops, doctors and community uses which are already at capacity.
- Flooding
- Air pollution.
- Noise and disturbance
- Impact on protected species and wildlife including The Slade wildlife area.
- Inadequate consultation.
- Lack of employment opportunities in Bloxham.
- The government consultation on housing need has reduced the housing requirements for Oxfordshire.
- If approved off-site indoor sports contribution should be used for the swimming pool and changing rooms at Warriner School to allow it to be opened up to the community all year round.

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. **BLOXHAM PARISH COUNCIL: Object.** It is contrary to the Local Plan Part 1 which allows for development in villages within built up limits and categorises Bloxham as a service village where minor development, infill and conversion could be permitted. This is a major development and clearly beyond the built limits of Bloxham. It is contrary to all the criteria of Policy Villages 2. In addition, we understand that the total rural allocation to 2031 for villages is almost achieved. We would point out that since 2007 Bloxham has had some 313 dwellings approved and built out.

6.3. The proposal does not correspond with other Local Plan themes and policies including: ESD10 Protection and Enhancement of Biodiversity and the Natural Environment, ESD 13 Local Landscape Protection and Enhancement, and SO12, SO13 and B87.

- 6.4. The proposed development is contrary to policies of Bloxham Neighbourhood Development Plan; particularly, BL1 and BL2:BL1 Development of approximately 85 dwellings is supported to the south of Milton Road as shown on Map 1 subject to compliance with the other policies of this Plan. BL2 In addition to the major development set out in Policy BL1 the following sustainable development will also be permitted: conversion, infilling and minor development within the existing built up limits provided that such additional developments are small in scale typically, but not exclusively, five dwellings or fewer. At referendum in November 2016 Bloxham's Neighbourhood Development Plan had 97% approval.
- 6.5. This application does not conform to BNDP policies BL3, BL7, BL9 and BL11. It will cause adverse harm to amenities for existing residents by exacerbating existing traffic congestion, putting further pressure on the availability of school places and increasing pollution levels that are already close to or beyond the recommended limit as CDC reported in their Air Quality Assessment for Bloxham 2017.
- 6.6. CDC can demonstrate a 5 year housing land supply.
- 6.7. NPPF establishes as a core planning principle that planning should be genuinely plan led. This development is contrary to core policies in Cherwell's adopted Local Plan and Bloxham's NDP and with an undisputed 5 year housing land supply, approval of this proposal would conflict with this core planning principle.
- 6.8. The reports presented with this application show numerous significant omissions and factual errors including:
- The Air Quality report does not reference the latest report for 2017 which notes: "Monitoring has been undertaken in Bloxham and indicates there is an exceedance of the nitrogen dioxide annual mean objective at relevant receptors (49.5 µg/m3)."
 - The Preliminary Ecology Appraisal, notes in the Executive Summary: "2. There are no statutory designated sites within 2km of the site boundary nor any non-statutory designated sites within 1 km." This statement ignores the Slade Nature Reserve which borders the proposed site and has been managed as a nature reserve for more than 50 years. Bloxham Parish Council are in the process of applying for formal designation of the Slade as a nature reserve.
 - The plans show and the Design and Access statement refers to land for potential use by Bloxham Primary School for playing pitches and outdoor learning purposes: the school has not asked for nor been approached about land for these purposes.
 - The Transport Assessment report proposes an assisted pedestrian crossing on Tadmarton Rd though this has been considered and discounted as viable in this location as part of the discussions in connection with the adjacent Woodlands site currently being built out.
 - For surface and foul water drainage to the Woodlands development adjacent to this site, Thames Water are providing gravity feed drainage into Brookside Way via the country park. None of this appears to be shown in the accompanying documentation. Instead in the Flood Drainage Assessment at 4.4, a piped gravity feed system for 25 houses is shown discharging into a manhole yet to be constructed on Tadmarton Road and the remaining properties are shown to be connected via a pumped solution into this proposed gravity feed solution.

- 6.9. The Parish Council have also provided a S106 allocation document which outlines the projects the parish would wish to see S106 monies allocated.

STATUTORY CONSULTEES

- 6.10. NATURAL ENGLAND: **No comments**
- 6.11. THAMES WATER: **No objections subject to conditions.** The existing foul water network and existing water supply is insufficient to meet the needs to the development. Full details of the mitigation will need to be provided as planning conditions.
- 6.12. OCC HIGHWAYS: **Objects.** The development is expected to contribute a significant amount of traffic to the mini roundabout junction of the A361 and Barford Road, which is forecast to operate well over capacity in the assessment year, contributing to a severe cumulative impact and in itself causing a severe impact in terms of delay per vehicle. The trip generation and study area are acceptable. The Milcombe turning off the A361 immediately to the south of Bloxham, and the junction of Milton Road and Barford Road have now been included and have been modelled using PICADY. At the junction of Milton Road and Barford Road, the right turn from Milton Road is showing as over capacity in the 2022 base scenario, and experiences a slight increase in queueing as a result of the development, but in my view this could not be classed as severe. The junction of Bloxham Road and the A361 (Milcombe turn) has ample capacity.
- 6.13. The TA has sought to address the technical objections. The traffic count data has now been provided and fresh traffic counts have been carried out, which show considerable variation from day to day. An average of counts over three days has been used, which is acceptable. The site south of Milton Road has now been added in to the committed development.
- 6.14. The junction of the A361 and Barford Road has now been modelled. The results show that the junction is expected to be significantly over capacity in the 2022 base scenario. The development would add 8 vehicles to the queue on the A361 south in the am peak (up to 58 vehicles), with an increase in the maximum average delay per vehicle of 54 seconds (231 seconds to 285 seconds). This represents a severe impact on top of an already severe future situation. No physical mitigation is proposed, and it should be noted that mitigation solutions have previously been sought at this junction but none found feasible due to the physical constraints of the site. Therefore it is doubtful that the impact could be mitigated by increasing the capacity of the junction. The TA suggests that the impact could be mitigated by the improvement to bus frequency, but any increase in public transport modal share is unlikely to make a sufficient difference to the traffic impact.
- 6.15. Air quality: The TA still makes no mention of Air Quality. It is noted an amended Air Quality Assessment has been provided which the Local Planning Authority's environmental protection officer may provide comments on. The modelled congestion impact on the junction of the A361 and Barford Road may have an impact on air quality.
- 6.16. Vehicular access: Traffic speed data has been provided, and a revised access plan has been provided showing traffic cushions and the relocation of the start of the 30mph. This is sufficient as an indicative plan, and details could be requested as a condition. The traffic calming would be subject to statutory consultation which OCC would carry out alongside the S278 process.

- 6.17. The access has been changed to incorporate access to the adjacent agricultural property. It is now proposed to close up the adjacent agricultural access and instead take access to the adjacent farm through the development. The junction with Tadmarton Road has been amended to provide suitable geometry for agricultural vehicles and looks acceptable. However, no details are provided of the internal road layout leading to the agricultural access on the site's northeastern boundary. This would pass through residential development, and the road layout must be designed sensitively to provide a suitable environment for pedestrians of all ages whilst catering for HGVs, tractors and trailers. Although the site layout is a reserved matter, the route should be shown indicatively on the Development Framework plan. It is recommended that details of this route, including vehicle tracking, are required by condition prior to the submission of reserved matters, to ensure that it is properly taken account of in the layout.
- 6.18. Pedestrian access: No further information has been supplied regarding the footway link along Tadmarton Road. However, it is likely that a solution could be found regarding the ditch. To ensure that the footway is provided in a timely manner to be available for new residents, the S278 scheme must be agreed prior to commencement
- 6.19. The applicant has amended the crossing proposal from a signalised crossing to a zebra crossing and stated that a safety audit will be carried out, which will inform whether the crossing can be safely provided in the position shown.
- 6.20. Pedestrian and cycle connectivity: The applicant's transport consultant has discussed some ideas with OCC for improvements to the walking route between the development and the village centre. It is recommended that further discussions take place with a view to agreeing a S278 scheme to be implemented by the developer as an obligation. The updated development framework plan provided now shows fewer connection points to the adjacent site, but does include the connection to the southern corner highlighted in my previous response. To improve connectivity to this connection point it is suggested that a path is created on the eastern site boundary across the 'existing wet ground in former workings'. This connection should be secured via the S106 agreement.
- 6.21. Public Rights of Way - The updated TA is silent regarding OCC's request for a contribution to secure links to the nearby public right of way. No connection point is shown on the framework plan. Nevertheless, we continue to seek this contribution in the event that permission is granted.
- 6.22. Public transport - The updated transport assessment indicates that the developer is willing to make the contribution requested to improve the Banbury to Bloxham bus service.
- 6.23. Travel plan - A revised Travel Plan has been submitted which is acceptable to OCC. Nevertheless it is recommended that a condition is applied requiring the plan to be updated prior to commencement and implemented in accordance with the approved details.
- 6.24. Drainage – The updated FRA addresses the previous comments of OCC Drainage. This includes
- An updated outline plan has been provided which shows potential locations for Permeable Paving at the site. The permeable paving and the attenuation pond can provide a treatment train approach for the site.

- The Attenuation Pond will be located within Flood Zone 1, outside zones of high and medium flood risk.
 - The outfall from the pond will discharge via a swale to the watercourse, being located away from the high and medium risk flood area.
 - Infiltration testing has been carried out at the site and these results demonstrate relatively poor rates of infiltration. Infiltration will not be the primary SuDS technique for the disposal of surface water at the site.
 - The Applicant will match the developed 100 year + CC allowance peak runoff rate to QBAR greenfield rate. To comply with the Non Statutory Technical standards the developed annual peak rate will be required not to exceed the peak greenfield for the same rainfall event.
- 6.25. It should be confirmed the seasonal high groundwater level in the location of the attenuation pond to ensure its capacity can be maintained. A flood route exceedance plan will be required to be produced for this development. As well as the consideration of the modelled events, there should be a qualitative examination of what would happen if any part of the drainage/SuDS system fails, to demonstrate that flood water will have flow routes through the site without endangering property and where possible maintaining emergency access/egress routes. This should be supported by a flood exceedance route plan, secured by a planning condition.
- 6.26. It will also be a requirement for a SuDS Management and Maintenance Plan to be provided for the site, secured by a planning condition.
- 6.27. If permission is granted request conditions and S106 to secure a S278 agreement to the highway works and financial contributions towards public transport improvements, travel plan monitoring and public rights of way enhancements.
- 6.28. OCC EDUCATION: **Objects** due to lack of primary school capacity, without a feasible solution to mitigate the impact of this proposed development. Bloxham CE Primary School recently expanded to 2-form entry: 60 places per year group; 420 places in total for Reception–Year 6. As of January 2018, Bloxham CE Primary School has 411 children on rol. Four of the seven-year groups are already at or above capacity. This proposed development would be expected to generate 41 additional primary pupils, significantly more than there are currently spare places available. The school therefore does not have sufficient capacity to meet the needs expected to be generated by the proposed development.
- 6.29. It is not considered feasible or viable to further expand Bloxham CE Primary School, as its current site area is only sufficient for a 2-form entry school. To expand to a 3-form entry primary school would require additional site area being provided for the school, adjacent to its current site. Moreover, to enable the school to grow in an increment that is supportive of effective and efficient provision of education, significant additional accommodation for the school would be required, and to fund this would require a much larger scale of housing growth than proposed in this application or which would be compatible with the Cherwell Local Plan or Bloxham Neighbourhood Plan.
- 6.30. Housing already permitted in the village is expected to mean that:
- Children moving in already of primary age are likely to have to travel to another school, with the consequent travel costs and inconvenience to parents;

- The school may have to turn away younger siblings of out-of-catchment children who were able to get in while local demand was lower, with the consequent loss of amenity to existing residents;
 - In the smaller villages surrounding Bloxham, which have historically fed to Bloxham CE Primary School, it is likely that some children will need to attend a different primary school, this being made possible by the expansion of that school. (In many cases these villages already lie within shared catchment areas for both schools.)
- 6.31. Further significant housing development in the short-medium term would increase the risk that even some children living within the village, applying on time for a school place, may not be able to secure a place at the school. This would be detrimental to community cohesion and sustainability. On these grounds, the county council's Education Sufficiency and Access team considers that development of the scale proposed would not meet the definition of sustainable development, and objects to the proposal.
- 6.32. Notwithstanding the objection if the development is permitted financial contributions are sought in respect of the forward funded expansion of Hook Norton and Adderbury schools which would have capacity to accommodate the growth from the development.
- 6.33. Also seek contributions to nursery early years and childcare contribution. Contributions towards secondary education and SEN provision not being pursued due to the CIL Regulations.
- 6.34. OCC ARCHEOLOGY: **Objects.** The field evaluation is insufficient to establish the significance of the roman building discovered to the northern part of the site. The report also contains a number of omissions to provide a robust analysis of the site.
- 6.35. OCC MINERALS AND WASTE: **No objections.**
- 6.36. HIGHWAYS ENGLAND: **No objection.**
- 6.37. ENVIRONMENT AGENCY: **Objects** on the basis of an inadequate flood risk assessment. The FRA does not adequately assess the impact of climate change on fluvial (river) flooding. As climate change has not been calculated the design flood level is unknown so there is no certainty that the development (for example the attenuation feature) is not located within the 1:100 (1% Annual Exceedance Probability) flood with an allowance for climate change. Modelling should be undertaken to demonstrate climate change has been assess and a design flood level is available to inform the layout. The attenuation pond to manage surface water could be at risk of fluvial or groundwater flood risk which could compromise its ability to deal with surface water. The FRA should also consider exceedance events. Additionally footpaths are proposed near the main river and the design flood level is required so any land reprofiling could be managed at detailed stage. Given the scale of the development it would be expected that the modelling carried out should be submitted as the consequence of flooding may be more severe.

NON-STATUTORY CONSULTEES

- 6.38. CDC PLANNING POLICY: **Objects.** AMR shows a 5 year land supply and significant progress on Villages 2. There have been 156 housing completions in the village between 2011-2017 and 84 between 2014 and 2017. Proposal not supported by BNP and is not allocated. No pressing housing need for additional land to be

release at this time and the benefits of the scheme are not considered to outweigh the harm.

- 6.39. CDC LANDSCAPE: **Objects.** The LVIA underestimates the impact of the development from the rights of way to the west of the site. The development encroaches into the rural character of this attractive landscape: a landscape once deemed to be AOHLV in the CLP 1996, but now rescinded in the current Cherwell Local Plan ESD 13 in favour of seeking to 'conserve and enhance the distinctive and highly valued local character of the entire District'. This development is therefore deemed to be harmful to this sensitive landscape and therefore inappropriate for this location, given its limited capacity to accept the scale of this development. At least 50% of the application site is in the workings of an old quarry, which is therefore a distinct sub-landscape character to the 'R2b Rolling Arable Landscape with Strong Field Pattern'. The quarry bottom levels and the northern and south embankments, along with existing structural vegetation on the western boundary and the watercourse provide physical containment against the rolling arable landscape to the west and south.
- 6.40. The dwellings will be very prominent from Tadmarton Road, This road is a 'gate way' entrance to Bloxham and the accumulated harmful visual impacts and effects of this proposed development when combined with the existing Miller Homes development (Quarry Close) on this rural approach deems the development to be inappropriate in this location. A lack of detail is also provided on how the levels will work on the site.
- 6.41. CDC ECOLOGY: **Objects.** Further surveys for protected species will be required prior to determination of the application. These include bat activity surveys of the site, a bat roost survey of the oak tree (T1), a reptile survey and great crested newt surveys of the on-site pond and ponds within 500m of the site. The results of the surveys would be used to inform the layout of the proposed development and appropriate mitigation measures. A Biodiversity Impact Assessment (BIA) should also be undertaken prior to determination
- 6.42. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions on constructuin environmental management plan, contaminated land and air quality.
- 6.43. CDC STRATEGIC HOUSING: **No objection** subject to a legal agreement to secure appropriate level of affordable housing.
- 6.44. CDC RECREATION AND LEISURE: **Comment.** Request onsite contributions for indoor sport facilities, community facilities and public art in line with the Developer Contributions SPD. Also request on-site sports provision of 0.38ha and a changing facility however further investigating this now the slope of the site is apparent.
- 6.45. CDC WASTE AND RECYLING: **No objection** subject to provision of bins.
- 6.46. CDC TREE OFFICER: **No objection.** If approved the screening would need to consist of a combination of semi mature trees and transplant stock. It is important that sufficient space is created within the development to allow medium sized trees to mature.
- 6.47. CDC BUILDING CONTROL: **No objections.** Radon protection will be required and no surface water to main drainage.
- 6.48. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: **Comment.** Primary medical care in North Oxfordshire is mostly at capacity, and further housing growth will require additional or expanded infrastructure to be in place. OCCG therefore object

to this application pending agreement of appropriate contributions to primary care infrastructure of £129,600.

6.49. SPORT ENGLAND: **No comment.**

6.50. HISTORIC ENGLAND: **No comments.**

6.51. BODICOTE PARISH COUNCIL: **Object.** Contrary to Local and Neighbourhood Plan and Council can demonstrate 5 year land supply.

6.52. MILTON PARISH COUNCIL: **Object.** Contrary to Local and Neighbourhood Plan and Council can demonstrate 5 year land supply. Furthermore infrastructure is inadequate to serve the development.

6.53. MILCOMBE PARISH COUNCIL: **Object** on the same grounds as Bloxham PC. If approved request Section 106 funds of £5000 for a new bus shelter. The Parish Council makes this request because currently residents of Milcombe use the school, dentist, doctors, shops and other services, however with an increase in the population in Bloxham this will have a knock-on effect and Milcombe residents unable to drive, will have to consider using public transport to make their way to other areas of the District for these services. Also request Section 106 funds to improve the play equipment in the Milcombe village play 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:

BLOXHAM NEIGHBOURHOOD PLAN

- BL2 – New housing in Bloxham
- BL3 – Connectivity
- BL4 – Parking
- BL6 – Adaption to Climate Change
- BL7 – Flood Risk
- BL8 – Housing that adopted to Demographic Change
- BL9 – Amenity of Existing Residents
- BL11 – Rural Character of the Village
- BL12 – Importance of space, street scene and views
- BL17 – Important recreation spaces

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Annual Monitoring Report (December 2017)
- Developer Contributions Supplementary Planning Document (SPD) (February 2018)
- Draft Cherwell Design Guide SPD

8. APPRAISAL

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

- Principle of Development;
- Landscape and Visual Impact;
- Design and layout;
- Highways
- Archaeology
- Flood Risk and drainage
- Biodiversity and Ecology
- Affordable Housing and Housing Mix
- Effect on Neighbouring amenity
- Open Space
- School places

- Other environmental matters
- Energy efficiency
- Infrastructure and 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. The Council can demonstrate a 5.4 year housing land supply (Annual Monitoring Report 2017, updated 2018) and the application is therefore assessed in that context with the housing policies in the Development Plan being considered up to date and carrying full weight in planning decisions. The Development Plan for Cherwell includes the Cherwell Local Plan 2011-2031 (adopted in July 2015) (CLP Part 1), the saved policies of the Cherwell Local Plan 1996 and the Bloxham Neighbourhood Plan 2015-2031 (BNP). The site is not allocated for development in any adopted or emerging policy.
- 8.3. The Cherwell Local Plan 2011-2031 Part 1 (2015) seeks to allocate sufficient land to meet district wide housing needs focusing strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns and limiting the growth elsewhere. This is supported by Policy ESD1 which states that to mitigate the impact of development 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.
- 8.4. 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 BL1 and BL2 of the BNP also seeks to guide new housing development in the neighbourhood plan area. Policy Villages 1 provides a categorisation of the District's villages to ensure that unplanned, small scale development is directed towards those villages that are best able to accommodate limited growth. Bloxham is a Category A village, which are the most sustainable villages in the District. Category A settlements vary relatively significantly in size and service provision but Bloxham is considered to be one of the most sustainable villages in the district with a wide range of services and facilities.
- 8.5. Policy Villages 1 of the Cherwell Local Plan and Policy BL2 of the BNP states that new dwellings in the form of conversion, infilling and minor development, will be supported within the existing built up limits of the village. By virtue of its undeveloped nature and relationship with the surrounding built and natural environment the site is considered to lie outside the built up limits of the village and so would not conform with the strategy in these policies.
- 8.6. 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 Saved Policy H18. Furthermore the only major development the BNP allows for is under Policy BL1 on Milton Road. This current proposal would result in further major development outside the housing strategy in the BNP so is also in conflict with this.
- 8.7. Therefore the current proposal falls to be considered against Policy Villages 2 of the Cherwell Local Plan Part 1. This allows for 750 dwellings to be delivered at Category A villages over the plan period. The intention is to protect and enhance the services,

facilities of villages and the natural and historic built environments of the villages whilst recognising the need for some development in the most sustainable rural locations. Policy Villages 2 advises that these sites would be identified through a number of means including through the determination of applications. A number of criteria are listed and these must be considered through the determination of planning applications.

- 8.8. The Council's Annual Monitoring Report (AMR) (December 2017) confirms that significant progress also already been made on the housing allocation under Policy Villages 2 and that of the 750 dwellings allocated 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), confirm 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, recent appeal decisions confirm that whilst the 750 dwellings is not to be regarded as an upper limit, significant deviation from that figure may result in unconstrained growth in less sustainable locations which would conflict with the sustainable housing strategy of the Development Plan. Therefore significant progress has been made on the housing allocation under Policy Villages 2 and it is in this context the application is assessed and officers consider that the weight that should be given the benefits of new dwellings is reduced and there is no overriding need for new large scale rural housing sites at the current time.
- 8.9. Based on the figures presented in the AMR the current proposal for up to 136 dwellings would take the remainder of the Policy Villages 2 allocation up and result in an exceedance of this allocation by some margin. This would all be at a single settlement and happen at a relatively earlier part of the plan period. Bloxham has already seen a relatively significant level of growth during the plan period with planning consent granted for 220 dwellings from major new housing developments (13/00496/OUT, 12/00926/OUT and 14/01017/OUT) in the plan period. This further adds to the concerns regarding the proposal.
- 8.10. Amongst other matters Policy Villages 2 also requires an assessment of whether the site itself is well located to services and facilities. Policy BL3 of the BNP also requires proposals to promote and improve low-carbon connectivity via new and existing paths and cycle routes so new residents have safe pedestrian/cycle access to village services. In the case of the application site, with the exception of the primary school, the site is some distance from the services and facilities of the village. The proposal is poorly integrated with the existing village and the only links proposed are along the Tadmarton Road and one link in the proposed open space to the south of the site. However, it is not clear from the information submitted whether this would be achievable as it relies on making connections to the open space of the adjacent site which is not in the control of the applicant. Therefore future occupants of the site may need to go all the way the entrance of the site on Tadmarton Road to access services and facilities of the village. In this case the regular bus stops on the A361 and the shop at the petrol filling station are approximately 1km from the entrance to the site and the facilities in the centre of the village are approximately 1.1km from the entrance. These distances do not take account of the distances the residents would have to walk through the site which could be considerable given the poor integration discussed above. The relationship and distance to the village's services and facilities therefore further weighs against the proposal.

- 8.11. Overall, whilst Bloxham is one of more sustainable rural settlements in the District, the village has already accommodated significant growth during the plan period. The Council is in an advanced position regarding providing for new rural housing under Policy Villages 2 with a limited number of dwellings left. The proposal would result in an exceedance of this allocation early in the plan period and the early delivery of all of the rural housing provision could also prejudice the sustainable growth strategy of the Local Plan. This is all set within the context of the Council's ability to demonstrate a five year supply of deliverable housing sites and therefore it is not considered there is any overriding need for the proposal on housing delivery grounds. Further weighing against the development is the poor integration of the development and access to services and facility. The principle of this scale of growth is therefore considered to conflict with the Council's rural housing strategy contained within Policies ESD1, and Villages 1 and 2 of the CLP Part 1, Policies BL1 and BL2 of the BNP and Saved Policy H18 of the 1996 Local Plan all which to guide development in the most sustainable manner within the district.

Landscape and Visual Impact

- 8.12. Policy ESD13 of the CLP Part 1 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. Policy BL12 of the BNP states that development should not result in harm to the rural or heritage character of the village and should make a positive contribution to the character and historic form of the village. It goes onto state development should not impact on key features of views from, and the tranquillity of, public rights of way. BL17 states that public rights of way will be protected. 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.
- 8.13. The NPPF 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 NPPF also emphasises the importance of development responding to character and history with good design being a key aspect of sustainable development.
- 8.14. The application is supported by a Landscape and Visual Impact Assessment. The site is not located in any national or local landscape designation. However, that does not mean it is not attractive landscape. The Oxfordshire Wildlife and Landscape Study (OWL) identifies the site as being within the Upstanding Village Farmlands area whose characteristics include steep-sided, undulating landform, well defined geometric patterns of medium sized fields enclosed by prominent hedgerows; and a stone settlement pattern of compact, nucleated villages with little dispersal in the wider countryside. Within the Cherwell District Landscape Assessment (1995) the site is located in the Ironstone Hills and Valleys area which is characterised by the complex topography, style of vernacular buildings, unspoilt villages in tranquil countryside which is remote and isolated. At a smaller level the majority of the site is identified in a rolling arable landscape with strong field patterns, dense hedges providing a good landscape structure and small copses punctuating views. However, the northern field the application site is in the workings

of an old quarry, which is therefore a distinct sub-landscape character which is not contained in the landscape appraisals. In this field the centre of the field is on lower ground with the land rising to the northern, southern and western boundaries. The existing structural vegetation on the western and southern boundary provides some physical containment against the rolling arable landscape to the west and south.

- 8.15. The northern part of the site is situated adjacent to the new housing development which is currently under construction. However, the site clearly forms part of the wider rural agricultural setting of the and positively contributes to this. Views of this part of the site are available from Tadmarton Road and also to the north as the land rises. The central and southern parts of the site are more isolated from the existing built form of the village being separated by the central landscape belt across the site and the proposed country park which is being delivered as part of the adjacent new development. Given the topography of the site and landscaping features views of this part of the site are more open to the west of the site from the public rights of way and there are also views available from the edge of the Slade Nature Reserve to the south and the proposed country park to the east.
- 8.16. The proposed development would have a strong urbanising impact on the character of the site and would result in the loss of the pastoral and arable agricultural fields which currently characterise the site and setting of the village. It would also result in the loss a number of landscape characteristics of the site including the section of hedgerow to accommodate the access and cutting back of vegetation to accommodate the footpath and visibility. The proposal would also result in a loss of a section of the central landscaping belt to accommodate access between the different parts of the site. Furthermore, given the levels changes across the site the topography of the site would need to be significantly altered to allow development of the site for residential purposes. The impact of the development on the landscape character would be exacerbated by the levels changes on the site and the more remote location of the central and southern areas of the site from the existing built form.
- 8.17. In terms of the visual impacts of the site the most prominent public views would be experienced from Tadmarton Road, the public rights of way to the west of the site and some views in closer proximity to the south of the site. The development of the site would be poorly related to the existing settlement form and the southern parts of the site would have a detached relationship with the existing settlement. This would result in a significantly deeper extent of development at the edge of the village than the existing built form and this would exacerbate the visual impacts and incongruous form of development.
- 8.18. The development would be very prominent from Tadmarton Road and whilst the roadside hedgerow would provide some limited screening to the development the proposed development would still be clearly visible and adversely impact on the rural character and appearance of the area and agricultural setting of the village. Open fields exist on the opposite side of the road to the north of the site and the proposed development would result in a harmful, unbalanced and incongruous intrusion into the open countryside. This site is a 'gate way' entrance to Bloxham and the accumulated visual effects of this proposed development when combined with the existing Miller Homes development (Quarry Close) on this rural approach would be harmful to the setting of the village. The topography of the site also means that the development to the south of the landscaping belt would be higher than the northern part of the site which would increase the prominence of development on this part of the site which would sit above the height of much of the development in the northern field and the dwellings under construction to the east (which are set more than 3 metres lower than the existing land immediately to the south of the

landscape belt). This would make the proposals particularly prominent in views from the surroundings.

- 8.19. There would also be exposed views, particularly of the central and southern fields, from the public right of way which forms part of the Bloxham Circular Walk to the west of the site. This is located approximately 250 metres from the site. This route offers very attractive views back to the village and church and surrounding countryside. Whilst the existing built development of the village is visible it is generally situated on lower ground or well contained by topography and vegetation. The topography of the application site however means these fields slope away from the village into a small valley and there would be very exposed views of the site from these locations. The proposed development would adversely impact on these sensitive view points and result in visual harm to users of the rights of way by virtue of the urbanising impact of the development and poor relationship with the settlement. The landscape officer considers the LVIA underestimates this visual effect. The applicant has proposed some new landscaping to the western boundary. However, this would take a number of years to establish and the proposed development would still be highly visible.
- 8.20. The proposed development would also be visible in views to the south of the site from The Slade nature reserve and from the new country park to the east. A board walk exists to the northern boundary of The Slade and filtered views of the proposal will be visible from there particularly in winter months and given the elevated position of the proposed residential development it would be significantly more prominent than existing development and development under construction result in further harm.
- 8.21. Overall the proposed development would result in a significant urbanisation of an open field which positively contributes to the rural character and appearance of the area. Given its depth and siting it would be poorly related to the existing built form of the village and would harm the landscape characteristic of the site and would be visually intrusive and harmful to the rural setting of the village. It would therefore conflict with Policies BL11 and BL12 of the BNP, Policies ESD13, ESD15 and Villages 2 of the CLP Part 1, Saved Policies C8 and C28 of the Cherwell Local Plan 1996 and advice in the NPPF.

Design and Layout

- 8.22. Policy ESD15 provides guidance regarding impact of development 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. Policy BL11 of the BNP seeks to ensure all new development respects the local character and the historic and natural assets of the areas with the design and materials chosen to preserve or enhance the rural heritage, landscape and sense of place. It goes on to state that density should be reflective of the locality and should not usually exceed 30 dwelling per hectare, should be locally distinctive, use green spaces to soften the street scene and take opportunity to create new open space to retain the rural character. The National Planning Policy Framework is clear that good design is a key aspect of sustainable development.
- 8.23. The application is made in outline with all matters reserved except for the principal access from Tadmarton Road. The application is accompanied by an indicative layout, which has been amended through the course of the application to attempt to address Officers concerns. It is expected that an indicative layout and design and access statement should demonstrate that the development proposed can be

appropriately accommodated and which sets appropriate design principles so that future detailed proposals can be achieved.

- 8.24. The scheme has been amended to reduce the overall number of dwellings from 150 dwellings on the site to up to 136 dwellings. This has reduced the density of the developable areas to 30 dwelling per hectare in accordance with Policy BL11 of the BNP. However, officers remain concerned regarding the indicative layout and design proposals that the applicant has put forward within their Design and Access Statement. 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 principal routes and adjacent to areas of the public open space, the use of traditional building materials and detailing and form that responds to the local vernacular. The layout presented appears very geometric and suburban in character with the public open space not being integrated into the scheme to help create a rural character but rather located around the left over edges of the development.
- 8.25. The use of continuous and linked properties is limited and overall the layout appears disjointed not creating any hierarchy of spaces or a rural character. This is not aided by the fact that the central landscaping belt essentially separates the site and creates a pinch point in the development. The position of the principal access into the site also results in there being little opportunity to address the existing road, proposed access road into the site and provide a positive relationship with the adjacent new development which the development does not address. Furthermore the amended framework plan does not appear to adequately address the proposal to accommodate the existing farm access through the residential part of the development and would impact this would have on the layout and road layouts as it would need to accommodate farm machinery.
- 8.26. The Design and Access Statement also does not give Officers sufficient confidence that the layout and design of a future scheme would respect the rural character and locally distinctive design elements and materials of the village. Furthermore, whilst it is indicated that of the scale of the building is predominantly 2 storeys with some 2.5 storey and 3 storey buildings, officers have concerns that the taller buildings are situated on some of the more exposed areas of the site which would increase their visual prominence from views outside of the site.
- 8.27. As outlined earlier the integration with the existing development in the village is also very poor given the detached relationship of the scheme with the existing built form of the village and very limited opportunities for linkages and connections resulting in poor permeability with the remainder of the village. It would therefore essentially operate as a large scale, standalone development on the edge of the village with poor levels permeability through the site and into the village.
- 8.28. Overall officers do not consider that it has been demonstrated that the level of development proposed 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. Furthermore it does not demonstrate a well-integrated development. The indicative layouts submitted reinforce Officers' concerns that development on this site would be unacceptable. 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, Policies BL11, BL12 and BL17 of the Bloxham Neighbourhood Plan and Government Guidance in the NPPF.

Highways

- 8.29. Policy SLE4 of the Cherwell Local Plan Part 1 states that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. The NPPF has a similar trust. Policy BL9 states that additional traffic from development should be mitigated and not adversely affect the highway network.
- 8.30. The current application seeks to create a new junction on Tadmarton Road to serve the development. This would be situated to the north west of the existing agricultural access which would be closed. It would be 6.75 metres wide and include footways both site and a pedestrian island in the centre. It is also proposed to move the 30mph speed limit to the west of the site, provide speed cushions along the Tadmarton Road and provide a new footpath to the southern side of Tadmarton Road which would extend to the access with the neighbouring development which is required to provide a footway up to this point linking to the village. The applicant is also proposing to provide a contribution to fund the introduction of a pedestrian crossing on Tadmarton Road to the east of the site. The exact details of this would need to be agreed with highway authority but it is indicated this is likely to be a zebra crossing. The applicant is also proposing a travel plan to encourage a shift to alternative forms of transport.
- 8.31. The Highway Authority (LHA) originally objected to the application as it did not consider the submission provided a robust basis to assess the highway impacts of the development. Therefore the applicant has submitted additional information including adding further junctions to the study area, undertaking further traffic count surveys at peak hours (0745-0845 and 1700-1800) and modelling of the junctions to take account of growth, committed development and the impacts of the proposed development at 2022. The modelling predicts the ratio of flow to capacity, associated queue length and length of delay at each junction.
- 8.32. The LHA has assessed this information and is satisfied that the proposal would not lead to a severe impact on the majority of the junctions that have been assessed. However, the LHA has objected to the application as it considers that the impact on the A361 and Barford Road mini-roundabout would be severe. Even without the development this junction is expected to be significantly over capacity in the assessment year of 2022 with the South Newington road arm predicted to have a queue of 49.9 vehicles (with a ratio of flow to capacity (RFC) of 1.13). This is predicted to result in estimated delay of 231 seconds. With the traffic flows associated with the development the capacity issues worse with a RFC of 1.15, the queue length increasing to 58.5 vehicles and the delay increasing to 285 seconds. The development is therefore predicted to add 8.6 vehicles to the queue length and increase the delay by 54 seconds. The Church Street arm of the junction is also predicted to be approaching capacity in the AM peak hour. The applicant argues that there is significant variation of flows in this junction and a contribution to the bus service would encourage modal shift from private car to bus which would help off-set this impact. However, the LHA considers that the proposal represents a severe impact on top of an already severe future situation. No physical mitigation is proposed, and it should be noted that mitigation solutions have previously been sought at this junction but none found feasible due to the physical constraints of the site. Therefore it is unlikely that the impact could be mitigated by increasing the capacity of the junction. It is also considered that any increase in public transport modal share is unlikely to make a sufficient difference to the traffic impact. Overall it is considered that the proposal would have a significant impact on congestion at that junction, contributing to a cumulative severe impact contrary to Policy SLE4 and advice in the NPPF.
- 8.33. It is also noted that the right turn from Milton Road on the junction between Barford Road and Milton Road is also shown to be over capacity at 2022 without the

development. However, the 0.5 vehicle increase in queue length and further 6 second delay as a result of the development is not considered to result in a severe impact.

- 8.34. In terms of the detailed arrangements of the access the LHA is satisfied adequate visibility can be provided and would seek to secure the relocation of the 30mph speed restriction and traffic calming measures through conditions and a legal agreement. Likewise they would require the footway connection along Tadmarton Road and the pedestrian crossing to be secured. The LHA has also noted that the walking distanced to local amenity are stretched from this site and no analysis is provided of the quality of walking and cycling links to improve these connections. These concerns have already been discussed elsewhere in the report. The detailed internal road layout of the site and parking arrangements would be subject to future reserved matters application so are therefore not for consideration in this application.
- 8.35. In terms of the bus service there is an approximately hourly service running between Chipping Norton and Banbury on Monday to Saturday (488 service) but no late evening or Sunday service. Therefore a request for a contribution to increase the frequency of the bus service has been made by the County which is considered to be justified if the development were to be supported.
- 8.36. Overall the proposal is considered to result in a severe impact to congestion at the A361 and Barford Road mini-roundabout. The development would add to the traffic flow at this junction and contribute to a severe impact and it is not considered that any mitigation has been demonstrated to be feasible. The proposal is therefore contrary to Policy SLE4 of the Cherwell Local Plan and advice in the NPPF.

Flood Risk and Drainage

- 8.37. BL7 of the BNP requires a flood risk assessment be submitted with applications to ensure appropriate flood risk management and ensure proposals do not increase flood risk elsewhere. This is in line with Policy ESD6 and ESD7 of the Cherwell Local Plan which also require the use of sustainable urban drainage systems. Policy BL7 of the BNP also states where pumped drainage is employed, design features which help to ensure that property flooding will not occur in the event of a temporary failure must be incorporated.
- 8.38. The application site is located predominantly in Flood Zone 1 with a small part of the south of the site in Flood Zone 2 and 3 however this area is not shown for development in the preliminary framework development plan. Therefore all the residential development is situated in Flood Zone 1 in accordance with a sequential approach to flood risk for the site. The Lead Local Flood Authority (LLFA) and Environment Agency (EA) had originally raised concerns regarding the proposal and further information in this regard has therefore been submitted.
- 8.39. The use of infiltration techniques as a primary SuDs technique to be used at the site has been discounted as infiltration testing demonstrated that infiltration rates are relatively poor. The applicant therefore seeks to limit the discharge rates of surface water from the site to pre-development rates (allowing for climate change) with the use of permeable paving and an attenuation basin to manage run-off from the developed areas. The development framework plan appears to show the attenuation basin in the open space to the south within the public space. This would have a controlled discharge to the water course to the south (Bloxxham Brook). There may also be some localised land rising required in the northern area of the site to allow a gravitational fall towards the watercourse.

- 8.40. There is a ditch on the northern boundary adjacent to Tadmarton Road and it would need to be culverted to provide the new access and footpath to the village. There has been some history of the road flooding at this location however the LLFA are confident a drainage solution could be provided for this which would not exacerbate the issue. The LLFA now raises no objection to the outline application provided that full details of the flood risk and drainage matter, including management and maintenance and flood exceedance plan, are conditioned to be provided alongside a reserved matters application.
- 8.41. However, the EA has maintained their objection to the application as the current Flood Risk Assessment does adequately assess the impact of climate change on river flooding. Therefore they do not consider that the applicant has demonstrated that elements, such as the proposed attenuation feature to the south of the site, would not be located within the 1:100 flood areas when an allowance for climate change has been added. They therefore consider that the applicant has not demonstrated that the attenuation pond would not be at risk of flooding from the river to the south which would compromise the ability of the attenuation feature to manage surface water from the development. Additionally the EA notes that they need to know the design flood level so that any land raising (re-profiling) proposed that could be within the 1:100 flood area with an allowance for climate change, could be managed at detailed design (associated with construction of paths and the attenuation feature). The proposal therefore does not comply with the relevant policies in this regard.
- 8.42. In relation to water supply and the foul water network, Thames Water has stated that the existing infrastructure does not have the ability to accommodate the development. They have therefore stated that further details of the works required to accommodate the new development would need to be secured by planning condition including details of the upgrading to the systems which would be undertaken by Thames Water.

Archaeology

- 8.43. Policy ESD15 of the Cherwell Local Plan Part 1 states that development should: "Conserve, sustain and enhance designated and non-designated 'heritage assets' including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and PPG." Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage assets should be taken into account in determining applications having regard to the scale of any harm or loss and the significance of the heritage assets. Paragraph 128 requires applicants to describe the significant of heritage assets affected by their proposal.
- 8.44. The site is located in an area of archaeological interest with an area of a Roman Cemetery and settlement site being excavated in the 1920s and 30s. However there is no formal report for this excavation so the extent and significance of the cemetery are unknown. The application was originally submitted with a desk based assessment which the County Archaeologist ('CA') considered to be insufficient and requested a field evaluation be undertaken to further understand this constraint.
- 8.45. A programme of field evaluation has now been undertaken. However, the CA has maintained his objection to the application. The principle concern relates to the discovery of the remains of a Roman building at the northern part of the proposed site near the proposed access. Given the amount of site investigation undertaken the extent of this building and its form are not fully understood and without this is not possible to fully assess the significance of this heritage asset. The CA has stated that it may be that this building is a fairly straightforward single structure but it is

equally possible, especially given the pottery finds from the site and the material recovered from earlier excavations, that this is a small part of a larger complex of buildings which could be a possible villa site. This needs to be understood before the significance of the asset can be understood and whether or not it would require physical preservation which could impact on the developable area of the site.

- 8.46. The CA also considers that the submitted report does not provide a robust basis to assist in understanding the significance of the heritage asset and has a number of omissions and errors which add to the concerns.
- 8.47. Overall, therefore, it is considered that the application does not provide a robust understanding of the significance of the heritage assets which it would impact upon and it is therefore not possible to robustly weigh the harm to the heritage against the benefits. This could impact on the developable area. The proposal therefore conflicts with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

Biodiversity and Ecology

- 8.48. The NPPF 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 NPPF and seeks to ensure the protection and enhancement of biodiversity. The Council 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”.
- 8.49. The application is accompanied by a Preliminary Ecological Appraisal and Phase 2 Ecology Surveys report which were undertaken at an appropriate time of year. Whilst the Council’s Ecologist largely agrees with these, further surveys for protected species and a full Biodiversity Impact Assessment (BIA) based on these findings to show a net gain in biodiversity are required prior to favourable determination of the application.
- 8.50. The site contains suitable habitat for a number of protected species including great crested newt and reptiles including the central pond and waterbodies in the local and terrestrial habitat. There are also known records of grass snake and common lizard within the local area of the site. A mature oak in the western site boundary hedgerow was identified as having moderate bat roosting potential and evidence of a potential barn owl roost or nest was found in two trees by the stream bank. Whilst unclear from the submission it is understood these trees fall outside of the red line boundary however the development has potential to cause disturbance should barn owls be present in these trees at the time of construction, and further survey works of the trees is required.
- 8.51. The Council’s Ecologist has therefore advised in light of the potential impact of the development on protected species, further survey is required prior to favourable determination of the application in line with ODPM circular 2005/06 and the Habitats and Species Regulations (2017). These include bat activity surveys of the site, a bat roost survey of the oak tree (T1), a reptile survey and great crested newt surveys of the on-site pond and ponds within 500m of the site. The results of the surveys would be used to inform the layout of the proposed development and appropriate mitigation measures. Therefore at the current time there is insufficient information to fully understand the impact of the development on biodiversity and protected species and the proposal is considered unacceptable in this regard.

Affordable Housing and Housing Mix

- 8.52. 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 BL8 of the BNP regards that at least 20% of market homes are provided to take account of demographic change. This alongside the detailed housing mix would be detailed at reserved matters stage.
- 8.53. Policy BSC3 requires development within locations such as at Bloxham to provide 35% affordable housing on site and provides detail on the mix that should be sought between affordable/ social rent and shared ownership.
- 8.54. 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

- 8.55. 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. This is echoed by Policy BL9 of the BNP. Given the size of the site and distance to neighbouring properties, it is highly likely that a scheme could be accommodated without causing demonstrable harm to the amenity of the neighbouring properties.

Open Space

- 8.56. Policy BSC10 and BSC11 of the CLP Part 1 sets out the Council's requirements for the provision of outdoor space, play space and recreation. This would result in the application requiring approximate 0.93ha of general green space, 0.38ha of outdoor sports provision and the requirement for a local area of play (LAP), a local equipped area of plan (LEAP) and a neighbourhood equipped area of play (NEAP).
- 8.57. The site makes adequate provision in space terms for the amount of open space required. However, there are concerns whether suitable provision for outdoor sports provision could be made on site given the arrangement of the open space and the fact that it is situated on sloping land which would not be suitable for playing provision. Discussions are ongoing with the Council's recreation officer regarding this matter and it may be that an off-site contribution for outdoor sports would be most appropriate to find improvements to existing facilities. However, without a legal agreement to secure the open space outlined above the proposal does not comply with the relevant development plan policies to make adequate provision for outdoor recreation and open space to serve and mitigate the impacts of the development.

School Places

- 8.58. Policy INF1 of the CLP Part 1 states that development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of adequate school places. Policy Villages 2 also requires the necessary infrastructure for new development is provided. The Bloxham Neighbourhood Plan has a strong

focus on provided sufficient amount of 'in village' school places in the interests of sustainability and community cohesion. Policy BL9 of the BNP requires that new housing should ensure that sufficient supply of local primary school places are available to meet the needs of existing and new residents. The NPPF and the 'Planning for Schools Development: Statement' both have a strong emphasis on providing adequate school places.

- 8.59. The County Council education team has been consulted and has objected to the application. The existing school has a capacity of 420 pupils in total (60 per year group). It currently has 411 children on the roll and four of the seven groups are already at or over capacity. The proposed development is expected to generate 41 additional primary pupils. This is significantly in excess of the spare capacity of the school and therefore the school does not have sufficient capacity to meet the needs generated by the proposed development. This would likely result in children of school age moving into the village needing go to other schools in the area, the school needing to turn away younger siblings of existing out of catchments pupils, and children from the surrounding smaller villages traditionally attending Bloxham needing to attend different schools. They have also indicated that in the short to medium term it would increase the risk that some children living in the village, applying on time for a school place, not being able to be offered a place at the village school.
- 8.60. Given the constraints of the site it is currently not feasible or viable to expand the school as its current site area is only sufficient for a 2-form entry school. To expand the school to a 3 form entry would require an additional area being provided for the school adjacent to the current site which is not being proposed. Furthermore in order to expand the school to a 3 form entry is in an effective or efficient manner it would require significant more housing growth than would be compatible with the Development Plan and this is not considered feasible.
- 8.61. Overall given the scale of the development and the above issues the proposal is not considered to provide suitable infrastructure to support the development in the form of school places and would conflict with the development plan. This matter therefore weighs heavily against the proposal.

Other Environmental Matters

- 8.62. The application has been submitted with an Odour Report given the proximity of the site to the existing mixed arable and pastoral farm to the west of the site. The Council's Environmental Protection Officer has reviewed this and has no objection on that basis.
- 8.63. The proposed development also has the potential to impact on air quality of the village. This has been a concern in the village as some monitoring in the past in the village has indicated an exceedance of Nitrogen Dioxide in one part of the village. As such an Air Quality Assessment has been undertaken for the development and submitted with the application including looking at the impact of the traffic associated with the development and its impact on air quality. The Environmental Protection Officer raised no objection to the original submission on this basis subject to conditions and comments are awaited on the revised AQA which takes into account the further highways work undertaken.

Energy Efficiency

- 8.64. 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. Policy BL6 of the BNP requires all housing to be designed for a maximum of 110 litre/person/day water usage.

- 8.65. 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.

Infrastructure and Planning Obligations

- 8.66. 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 CLP 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 for affordable housing and proposals to reduce the transport impacts of the development. 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

- 8.67. 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.

- 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 NEAP, 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, trees and play areas.
- Contribution towards the enhancement of public transport services £812 per dwelling.
- Travel Plan Monitoring - £1240
- Contribution towards new connections and improvement to local public rights of way - £40,000
- 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 and Bloxham nursery places.
- Contribution to off-site indoor sports facilities (sports hall and swimming pools) (as per the 2018 SPD) - £113,552.76
- Contribution towards helping the local community hall accommodate an increase in capacity
- 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. They have indicated they would be seeking a contribution of £360 per person.
- The requirement for an apprenticeship and skills training plan to secure apprenticeships.
- Contributions towards waste and recycling bins
- Bio-diversity off-setting

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

8.68. Bloxham 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 8.66.

8.69. 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

8.70. 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. It is also important that the planning system is genuinely plan led.

- 9.2. The proposed development would lead to the provision of additional dwellings including a policy compliant level of affordable housing. The social and economic benefits associated with the weigh in favour of the proposal.
- 9.3. The Council can demonstrate a 5 year supply of housing and therefore the application is assessed in that context. The proposal is located in the rural area of the district where the Council's rural housing strategy is more restrained given the urban focus of the plan to reduce the need to travel. It would be situated at a Category A settlement in a village which has already accommodated significant growth in the plan period. Furthermore significant progress has already been made on the housing allocation under PV2 at an early stage of the plan period and the proposal is also likely to result in an exceedance of the housing allocation under PV2. The proposal would therefore undermine the Council's more restricted rural housing strategy and reduce the flexibility of other settlements to meet their housing needs over the remainder of the plan period and result in a more balanced distribution of growth. This would be at a relatively early stage of the plan period. It would also conflict with the housing strategy in the BNP which seeks to limit new growth to the major development site supported under Policy BNP 1 and to the new development contained to the built up limits of the village. This conflict with the housing strategy in the Development Plan weight very heavily against the proposal.
- 9.4. Further weighing against the proposal is the poor integration with the existing village and access to main services and facilities. The proposal would also result in significant environmental harm by virtue of its adverse landscape and visual impacts and poor relationship with the built form of the village. In addition, the design and access statement and indicative layout indicate a suburban form of development that does not follow demonstrate how a locally distinctive development of this scale could be achieved. The proposal also provides inadequate information in respect of the development impacts on flood risk, archaeology and biodiversity and the full impacts of these cannot be fully assessed at the current time.
- 9.5. The proposal would also fail to provide sufficient infrastructure to provide a sustainable form of development. This includes the provision of adequate school places to serve the development. Finally the proposal would result in a severe traffic impact to the A361 and Barford Road roundabout which it has not been demonstrated can be mitigated.
- 9.6. Overall, the proposal is considered to conflict with the Development Plan in a number of respects, which is the starting point for decisions, and there are not considered to be any material considerations which would outweigh this conflict. The proposal when viewed as a whole is therefore considered to constitute an unsustainable form of development and it is recommended that planning permission be refused.

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 Bloxham as well as Cherwell District Council's ability to demonstrate an up-to-date five year housing land supply and progress towards the Policy Villages 2 allocation, 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 is poorly integrated into the existing village and poorly situated in relation to many local services and facilities. The proposal is therefore unacceptable in principle and contrary to Councils housing strategy outlined in Policies ESD1, and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Policy BL1, BL2 and BL3 of the Bloxham Neighbourhood plan 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 significant urbanisation of the site 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. Furthermore 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. The Local Planning Authority is therefore unable to determine whether the development proposed would respect its context and properly respond to local distinctiveness. 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 and C28 of the Cherwell Local Plan 1996, Policies BL11, BL12 and BL17 of the Bloxham Neighbourhood Plan and Government guidance contained within the National Planning Policy Framework.
3. The traffic from the proposed development would contribute a significant amount of traffic to the mini roundabout junction of the A361 and Barford Road. This is forecast to operate well over capacity in the future years and the proposal would contribute to a severe cumulative impact and in itself cause a severe impact in terms of delay per vehicle. The proposed development is therefore contrary to Policy SLE4 of the Cherwell Local Plan Part 1 (2015), Policy BL9 of the Bloxham Neighbourhood Plan and advice in the NPPF.
4. The application affects underground heritage and does not provide a robust understanding of the significance of the heritage assets which it would impact upon. It is therefore not possible to robustly weigh the harm to the heritage against the benefits or determine whether any harm can be fully mitigated. The proposal therefore conflicts with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
5. The submission includes inadequate information to fully assess the impacts of the development on protected species and biodiversity. The proposal has therefore not demonstrated that the proposal can be satisfactorily accommodated on site in this respect whilst also achieving a net gain in biodiversity. The proposed development would therefore fail to preserve and enhance biodiversity contrary to the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1, Government guidance set out in the National Planning Policy Framework, Circular 06/05 and the Habitats and Species Regulations (2017)
6. The submitted Flood Risk Assessment does not provide a robust consideration of the fluvial flooding risks relating to the site by making an appropriate allowance for climate change. The FRA is therefore not acceptable and contrary to Policy ESD6 of the Cherwell Local Plan Part 1 (2015), Policy BL7 of the Bloxham Neighbourhood Plan and advice in the NPPF.

7. The proposed development would fail to mitigate the impacts of the development on local primary school provision in the village which is already near capacity resulting in an unsustainable form of development. The proposed development is therefore contrary to Policy INF1 of the Cherwell Local Plan Part 1 (2015), BL9 of the Bloxham Neighbourhood Plan and advice in the NPPF.

8. 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, will be provided to comply with the Development Plan. This would be contrary to Policy INF1, PSD1, BSC3, BSC10, BSC11 and BSC12 of the adopted Cherwell Local Plan 2011-2031, the Development Contributions SPD (2018) and the advice within the National Planning Policy Framework.

CASE OFFICER: James Kirkham

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18/01112/ADV

Motor Fuel Ltd

Bloxham Service Station

Killowen House Killowen House

South Newington Road

Bloxham

Banbury

OX15 4QF

The Cottages

LB LB

Shelter Shelter

Surgery

115.7m

Garage Garage

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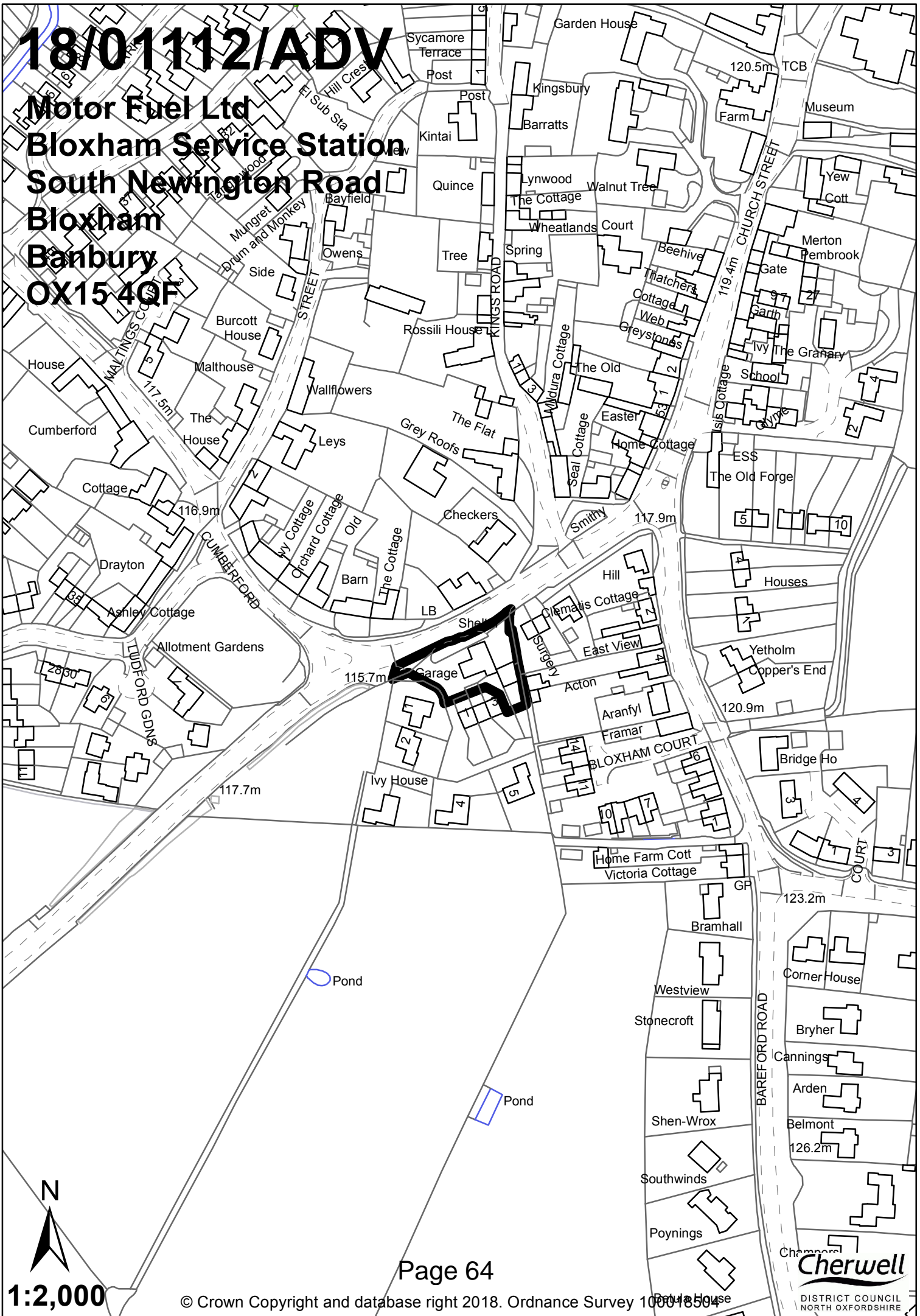


Ivy House Ivy House

1:400

18/01112/ADV

**Motor Fuel Ltd
Bloxham Service Station
South Newington Road
Bloxham
Banbury
OX15 4QF**



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Bloxham Service Station
South Newington Road
Bloxham
Banbury
OX15 4QF**

18/01112/ADV

Applicant: Motor Fuel Group

Proposal: 1 x 5.0m PID - Price Identification Sign with limited illumination for price display digits, 2 x Free standing posters - Retrospective

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Cllr Andrew Mchugh

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

Expiry Date: 16 August 2018 **Committee Date:** 19 July 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

The application is reported to the Planning Committee as it has been called in by a Councillor

Proposal

Advertisement consent is sought for the erection of two poster boards and a non-illuminated totem pole sign (with the exception of the fuel pricing and this shall be reduced to the minimum illuminance between the hours of 9pm and 6am) at Bloxham Garage

Consultations

No statutory or non-statutory consultees have raised objections to the application
Two neighbour letters have been received objecting to the application

Planning Policy

The application site is located within Bloxham Conservation Area, near to Listed Buildings and residential properties. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Impact on Amenity
- Impact on Public Safety

The report looks into the key issues in detail, and officers conclude that the proposal is acceptable against the relevant policies

RECOMMENDATION – GRANT ADVERTISEMENT CONSENT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located in the south of the village of Bloxham on the east side of South Newington Road (A361). The site is used as a petrol station, currently run by Motor Fuel Ltd.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. Advertisement consent is sought for the erection of 3 signs across the site. Two poster boards are proposed, with one to be located to the south of the entrance and the other in close proximity to the pumps on the forecourt. A totem sign is proposed to be located in the same location as the existing unauthorised 6.5m totem sign; however the new sign would be 5m in height. It had been proposed that the sign would be fully illuminated during the hours of 6am to 9pm, however following discussions with the applicant's agent it has been agreed that the sign will not be illuminated, with the exception of the fuel pricing and this shall be reduced to the minimum illuminance between the hours of 9pm and 6am.

2.2. This application has been submitted alongside an application for canopy lighting (18/01113/F relates).

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>
02/00432/ADV	1 No. double sided free standing internally illuminated display unit (retrospective)	Application Refused
18/00814/ADV	1 x PID internally illuminated, 2 x Banners and 5 x free standing display - Retrospective	Application Refused

3.2. The 2002 application was refused by the Council for two reasons: harm to the visual amenity of the area; and that the sign would be a distraction to motorists on the A361. This decision was appealed. The Inspector considered that the modern appearance of the sign and its full illumination would cause harm to the amenities of the area and the appeal was dismissed.

3.3. The 2018 application was refused by the Council for three reasons: harm to the visual amenities of the area, harm to the amenities of neighbours and harm to the safety of the highway network.

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 will be 02.08.2018. Any comments received after the publication of this report shall be included as a written update.

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

- The free-standing signs are poorly designed and have a detrimental impact on the visual amenity of the area.
- The totem sign causes harm to the setting of the nearby listed building and conservation area.
- The totem sign is a distraction to motorists.
- The totem sign would cause harm to the amenities of neighbours.

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. BLOXHAM PARISH COUNCIL: No comments received.

STATUTORY CONSULTEES

6.3. LOCAL HIGHWAYS AUTHORITY: **No objections.** The freestanding signs would be set back within the site and totem sign would allow sufficient clearance for visibility when egressing the site.

NON-STATUTORY CONSULTEES

6.4. CONSERVATION: No comments received.

6.5. ENVIRONMENTAL PROTECTION: The height is acceptable. The hours of illumination should be 9pm to 7am and the lighting should be at the minimum possible intensity (comments made before amendments to the application).

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
- ENV1 – Development likely to cause detrimental levels of pollution

BLOXHAM NEIGHBOURHOOD PLAN 2015 - 2031

- BL9 – Policy on Regard for the Amenity of Existing Residents

7.3. Other Material Planning Considerations

- The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) – “The Advertisement Regulations”
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

- 8.1. Regulation 3 of the Advertisement Regulations limits the Local Planning Authority’s powers in respect of advertisement applications to the consideration of amenity and public safety. Therefore these are the key issues for consideration in this case.

Amenity

- 8.2. Regulation 3(2a) of the Advertisement Regulations states that: *factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest.*
- 8.3. Paragraph 67 of the NPPF recognises that: *poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.* However it goes on to state that: *only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment.*
- 8.4. Advertisement consent is sought for the erection of two free-standing signs and the totem sign to the front of the site. The site is located in a sensitive area, on the edge of Bloxham in an area that is predominately residential in its character. The area to the west of the site is agricultural and adds to the rural character of the area. The site abuts the Bloxham Conservation Area and there is a Grade II listed building on the opposite side of the road.
- 8.5. The proposed totem sign is 5m in height, 1.5m lower than the unauthorised sign located on the site at present. Following negotiations with the applicant’s agent, it has been agreed that the sign will not be illuminated, with the exception of fuel pricing display digits. The reduced height of the sign, alongside the limited illumination of the sign would make the sign appropriate for this sensitive location and it is therefore considered that the sign would not cause harm to the setting of

the nearby listed building, the conservation area or the amenities of neighbouring occupiers.

Public Safety

- 8.6. Regulation 3(2b) of the Advertisement Regulations makes clear that factors relevant to public safety include the safety of persons using the transport network, including the potential for an advertisement to obscure views of transport signage or equipment, and the potential for an advertisement to hinder the operation of any device used for security purposes.
- 8.7. The Highways Authority have offered no objections to the signage and consider the free-standing signs and the totem sign would not cause harm to the safety of the highway network.
- 8.8. Notwithstanding the above, the totem sign would be located on land that is owned by the Highway Authority and the applicant will need to apply to the County Council for this signage.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. Following the amendments to the application, with only the fuel pricing display digits to be illuminated (and to be reduced to the minimum illumination levels between the hours of 9pm and 6am) and the reduced height of the totem sign, it is considered that the proposed development would not cause harm to the amenities of neighbours, the setting of the nearby listed building or conservation area or the wider visual amenities of the area or the safety of the local highway network and is deemed to be acceptable subject to the conditions set out below.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant advertisement consent, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

1. This consent to display advertisements shall expire at the end of 5 years, beginning on the date this consent was granted.

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

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: 'Location and Block Plan'; 'Site Layout'; 'Proposed Site Elevations'; 'Proposed Posters' and 'Proposed Signage Specification'.

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. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

4. No advertisement shall be sited or displayed so as to—

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

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

5. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

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

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

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

Reason - To comply with the provisions of Regulation 14 of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended).

8. The totem sign hereby approved shall not be illuminated with the exception of the price display digit sections and between the hours of 9pm and 6am the illumination levels will be reduced to the minimum level allowable.

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

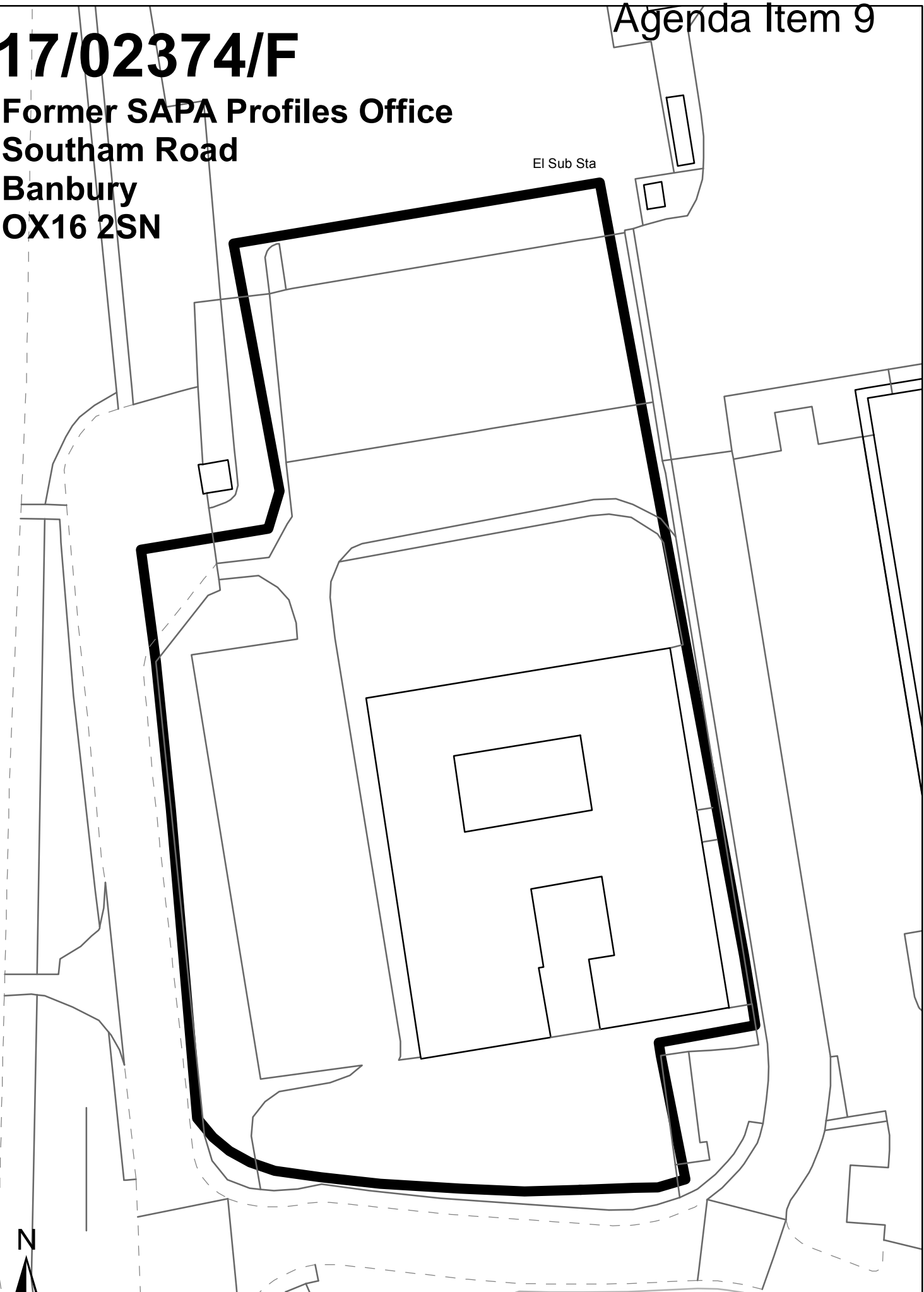
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17/02374/F

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OX16 2SN**

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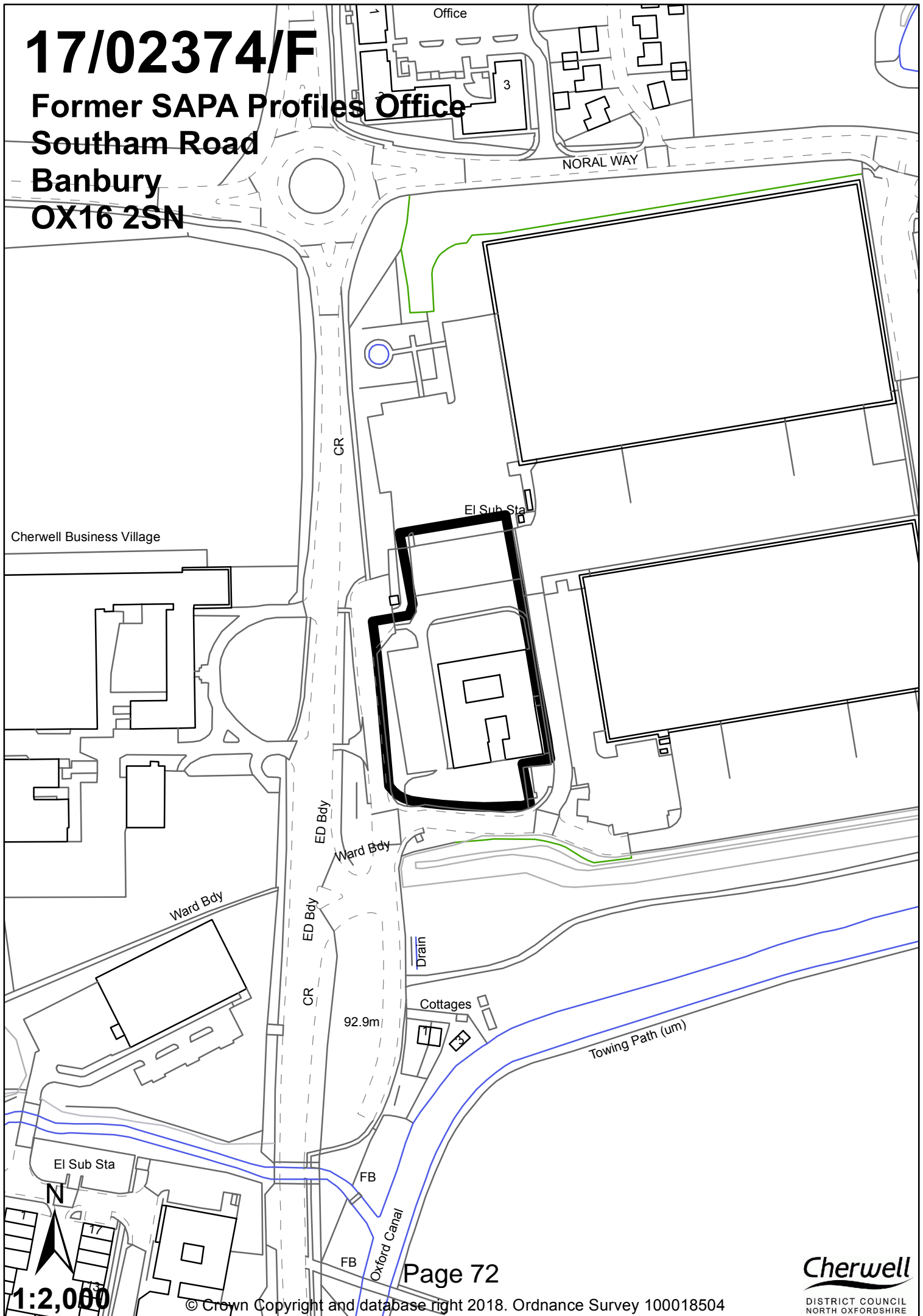


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Ward Bdy

17/02374/F

Former SAPA Profiles Office
Southam Road
Banbury
OX16 2SN



**Former SAPA Profiles Office
Southam Road
Banbury
OX16 2SN**

17/02374/F

Applicant: Honeydew Developments Ltd

Proposal: Extension and conversion of former SAPA office building into a new destination hotel together with supporting facilities

Ward: Banbury Hardwick

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

Reason for Referral: **Major**

Expiry Date: 6 March 2018 **Committee Date:** 19 July 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

The application is reported to the Planning Committee as it is a major application

Proposal

Planning permission is sought for the extension and conversion of former SAPA office building on Southam Road Banbury into a new destination hotel together with supporting facilities

Consultations

The only statutory consultee to raise objections to the application are the Environment Agency

No non-statutory consultees have raised objections to the application

No third party letters have been received

Planning Policy

The application site is located within the built up area of Banbury at the northern edge of the town and consists of a Grade II listed building. Top the south of the site is the canal and a Grade II* listed farmhouse to the north. Three large B8 warehouses are to the rear of the site.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Principle of development
- Heritage Assets
- Loss of Employment
- Design and Layout
- Access and Parking
- Landscape and Visual Impact

- Biodiversity
- Flooding and Drainage

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable against the relevant policies, subject to the removal of the objection by the Environment Agency and receipt of satisfactory amended plans in relation to proposed internal columns

RECOMMENDATION – APPROVE, SUBJECT TO ENVIRONMENT AGENCY REMOVING THEIR OBJECTION, RECEIPT OF SATISFACTORY AMENDED PLANS AND SUBJECT TO CONDITIONS

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located approximately 2.5km from Banbury town centre on the northern edge of the town. The site was previously occupied by SAPA profiles and was originally the home of the Northern Aluminium Company. The original rolling mill buildings have been removed and the remainder of the site has now been re-developed with 3 large B8 units which are occupied by 'The Entertainer' and 'Amazon'.
- 1.2. The site is bounded by employment uses to the east, the Oxford canal to the south, Southam Road to the west and Noral Way to the north with the Hardwick Business Park and the new strategic residential development currently under construction by Bellway beyond.
- 1.3. There are three residential cottages to the south west of the site adjacent to the canal and Southam Road, and Hardwick Farmhouse, a Grade II* Listed Building to the north.
- 1.4. The application site is accessed off the Southam Road via a dedicated service road which also provides access to the cottages to the south of the application site. The offices have been empty since 2008 when the last occupier Alcan moved out.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application relates to the retained Grade II Listed office building which was constructed in 1936-37 in Art Deco Style. It still retains many of the original features. This proposal seeks consent to convert and extend the existing office building to a hotel with associated facilities including a spa, swimming pool and restaurant. The offices are proposed to be extended by the construction of a two storey structure above the existing offices and the erection of two free standing buildings to accommodate the spa and pool and restaurant, linked to the building by walkways.
- 2.2. The roof extension has been designed as a lightweight flat roofed structure and the restaurant and spa facilities will be constructed in a red brick to match the existing office building. The proposal also includes internal alterations to secure the future use of the building as proposed. This includes the removal of some partition walls,

erection of new internal walls, new staircase to the new floors, renewal of toilet facilities and insertion of customer and service lifts. External alterations include the provision of access ramps to the front and rear, works of general repair, decluttering and reinstatement. All rooms and spaces identified as being of significance within the building are to be retained. These include the entrance foyer, front and rear staircases, panelled room at first floor, central rooflight above the main stairs, central spine corridor to the ground floor and first floors and the board room and director's office.

- 2.3. An application for listed building consent is also for consideration on this agenda (17/02375/LB) refers.

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>
15/01685/F	Installation of a Peak Power Generation Plant and associated development	Application Refused and dismissed at appeal
16/00645/F	Installation of a Peak Power Generation Plant and associated development	Application Refused
17/02375/LB	Extension and conversion of former SAPA office building into a new destination hotel together with supporting facilities.	Pending Consideration
17/00088/SO	Screening opinion to 17/02374/F - proposed conversion and extension of former SAPA office building into a new destination hotel together with supporting facilities	EIA Not Required
10/01575/OUT	Re-development of former factory site for employment uses (Use classes B1, B2 and B8) with associated car parking, servicing and landscaping	Application Permitted
11/01527/F	Works of repair, refurbishment and alteration to Grade II listed office building, relocation of gates and refurbishment of lodge house	Application Permitted
11/01528/LB	Works of repair, refurbishment and alteration to Grade II listed office building, relocation of gates and refurbishment of lodge house	Application Permitted

4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
17/00121/PREAPP	Proposed Extension and Conversion of former SAPA office building into a new destination hotel together with supporting facilities.

- 4.2. The principle of the use of the building as a hotel with associated facilities was considered acceptable in that it will ensure that this historic building is returned to beneficial economic use. However, this will be dependent upon the completion of the necessary sequential tests and the submission of appropriate assessments regarding the impact upon the historical integrity of the listed building and its preservation. The roof extension, whilst acceptable in principle was considered to be too big.

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 11.05.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. **Banbury Town Council** – No objection

STATUTORY CONSULTEES

- 6.3. **Environment Agency** – object as the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which it is located. Following discussions with the applicant's agent and the submission of additional information, revised comments are awaited.
- 6.4. **Thames Water** – No objection but suggest a condition regarding piling on the site and two informatives in respect of water pressure and water main crossing the site.
- 6.5. **Canal and River Trust** – advise that the issues relevant to this proposal are as follows:
- Impact on the character, appearance and heritage of the waterway corridor
 - Increased use of the towpath

- Impact on the structural integrity and water quality of the canal due to the drainage proposals
- Impact on the biodiversity of the waterway corridor

On the basis of the information available, they advise that suitable worded conditions and a legal agreement are necessary to address these matters. The comments can be read in detail in the application documentation and are discussed in more detail in the appraisal below.

NON-STATUTORY CONSULTTEES

- 6.6. **Arboriculture** – no comments received
- 6.7. **Banbury Civic Society** – no comments received
- 6.8. **Banbury Historical Association** – no comments received
- 6.9. **Building Control** – no adverse comments
- 6.10. **Business Support Unit** – no comments received
- 6.11. **Conservation Officer** – in respect of the initial submission raises concerns which are summarised as follows:
- Principle of change of use is a good use for the building, however there are concerns about the inefficient use of space and therefore the need for such a large extension
 - Works to the building must ensure that its historical integrity are retained
 - No objections to the glazing over of the courtyards
 - Decorative skylight above staircase must be retained in situ
 - Decorative mouldings to first floor offices must be preserved
 - Details of works to windows and doors are required
 - Significant concerns with the size of the roof extension
 - No adequate financial justification for the level of accommodation required
 - No structural survey to demonstrate that the building is capable of taking the roof extension
 - No objections to the health spa and café buildings

Further comments received on 5th July 2018 in respect of the amended plans and additional documentation are summarised below:

- Whilst the size of the roof extension has been reduced, remain concerned about its size
- The group business model has been imposed on the building rather than working with the constraints and opportunities of this building and the size of the roof extension has not been properly justified

- Proposed extensions and in particular the roof extension have a negative impact on the setting of the listed building
- Little detail within the application about the proposed repair and retention of historic fabric, but these can be dealt with by condition
- Concerns with the location of some of the supporting columns within the areas of significance, in particular where they will damage ceiling cornices as well as disrupting the sense of space
- Concerned about how the fabric of the building will be preserved during construction and the lack of detail submitted
- In terms of harm versus public benefit the additional harm to the setting is considered to be less than substantial
- Level of harm during construction is not yet clear and a full detailed method statement will be necessary

6.12. **Landscape Services** – no objection. The landscape scheme has a strong, bold, simple framework which is very suitable for this development. Polished Aluminium bollards and seats should be proposed rather than timber.

6.13. **Planning Policy** – proposals will be in general accordance with planning policy subject to the views of the Conservation Team, the receipt of a satisfactory sequential test and the applicant satisfactorily demonstrating that the requirements of Policy SLE1 and C21 have been met. On this basis there would be no planning policy objection. The comments can be read in full on the application file and are discussed in more detail in the appraisal below.

6.14. **Ecology Officer** – no objections subject to recommended conditions regarding a mitigation strategy for bats, protection of nesting birds and Construction Environmental management Plan. The comments can be read in detail on the application file and are discussed in more detail in the appraisal below.

6.15. **OCC – Transport** – no objection subject to the imposition of a number of conditions. The comments can be read in full in the application documentation.

6.16. **OCC – Drainage** – objected to the original submission on the ground that the applicant had not provided a full surface water drainage strategy in accordance with the NPPF. Following the submission of a draft drainage strategy and supporting documents, the objection has been removed. A condition is recommended regarding drainage should the application be approved.

6.17. **OCC – Economy and Skills** – recommend a condition requiring the applicant to prepare and implement a Community Employment Plan (CEP).

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though

many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1 – Presumption in favour of sustainable development
- SLE1 – Employment development
- SLE2 – Securing dynamic town centres
- SLE3 – Supporting tourism growth
- SLE4 – Improved transport and connections
- ESD6 – Sustainable flood risk management
- ESD7 – Sustainable drainage systems
- ESD10 – Protection and enhancement of biodiversity and the natural environment
- ESD15 – Character of the built and historic environment
- ESD16 – The Oxford Canal

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR1 – Transportation funding
- T2 – Proposals for hotels in settlements
- C18 – Development proposals affecting a listed building
- C21 – Re-use of listed buildings
- C28 – Layout, design and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford canal
- C32 – Provision of facilities for disabled people

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Banbury Master Plan SPD

8. APPRAISAL

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

- Principle of development
- Heritage Assets
- Loss of Employment
- Design and Layout
- Access and Parking
- Landscape and Visual Impact
- Biodiversity
- Flooding and Drainage

8.2. Principle of Development

8.3. The purpose of the planning system is to contribute to the achievement of sustainable development. The 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.

- 8.4. The site is an existing employment site which has been used for such purposes since the 1930s, being occupied until 2008 by the Northern Aluminium Company, later known as SAPA. The original Northern Aluminium Grade II Listed offices remain on site although the old rolling mills were demolished in 2009. This application relates to the original offices. The remainder of the site has already been re-developed for B8 purposes. These 3 large buildings are now occupied. It was hoped that the offices would be occupied in conjunction with one of the B8 buildings but this did not happen and they remain vacant.
- 8.5. The NPPF further advises that a sequential test should be applied for main town uses such as leisure and tourism uses and only if suitable sites are not available should out of centre sites be considered, and preference should be given to accessible sites that are well connected to the town centre. The Planning Practice guidance also advises on the sequential test.
- 8.6. The Local Plan is consistent with the NPPF in that it requires a town centre first approach that directs retail and other town centre uses, as defined by the NPPF, towards town centres and encourages the growth of such centres and aims to support Banbury town centre's viability and vitality. Where this is not possible the Council will apply a sequential test. The NPPF defines hotels as a 'main town centre' use.
- 8.7. Policy SLE2 of the adopted Cherwell Local Plan 2011-2031 'Securing Dynamic Town Centres' seeks to ensure that Banbury's role is strengthened in terms of achieving economic growth, as a destination for visitors and serving its rural hinterlands. This policy further requires a sequential test. Policy Banbury 7 is also of relevance in seeking to strengthen Banbury town centre.
- 8.8. As this is outside the town centre, a sequential test is necessary, but one did not initially accompany the application submission. A sequential test has subsequently been received which has assessed Banbury town centre and the surrounding area, identifying that there are currently no similar potential sites for a hotel development of this nature available at this time.
- 8.9. Policy SLE3 of the adopted Cherwell Local Plan 2011-2031 seeks to support tourism growth and advises that new or improved tourist facilities in sustainable locations, where they accord with other policies in the plan, will be supported. The council will support new tourism and high quality accommodation provision that can demonstrate direct benefit for the local 'visitor' economy. Tourism can also support local services and facilities, provide employment, provide regeneration and help preserve the natural and historic environment.
- 8.10. The application is accompanied by a statement written by the applicant advising that the new hotel will offer rooms, suites, health spa facilities and banqueting rooms that are currently not available in and around Banbury. The banqueting suites will provide capacity for up to 500 persons and venues for weddings and other events. The restaurant facility will also be available to non-residents. Furthermore the submission identifies that the district is lacking in terms of high end hotels with these facilities available and that this proposal will therefore meet that need.
- 8.11. The development plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and adopted Cherwell Local Plan Part 1 2011-2031. Section 72(2) of the Town and Country Planning Act provides that in dealing

with applications for planning permission, the local planning authority shall have regards to the provisions of the development plan so far as is material to the application and to any other material considerations. Section 38 of the Planning and Compulsory Purchase Act requires that if regard is to be had under the planning acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the NPPF.

8.12. Heritage Assets

- 8.13. The SAPA premises were originally occupied by the Northern Aluminium Company which produced the majority of the aviation grade aluminium during WWII. The original rolling mills were constructed in 1931. The site is therefore considered to be of great importance in respect of Banbury's historic heritage. The office building was constructed in 1936-7 in Art Deco style, using aluminium as one of the main materials for the windows, doors, internal staircase, skirting boards and other internal features and still contains many of the original features. The quality of the design and the extensive use of aluminium in both internal and external decorative detail are integral to the overall design and function of the building. The main building is constructed in red brick, faced in part with stone. The original aluminium double front doors, flanked by aluminium lanterns are glazed with art Deco decoration in aluminium, while the glazed panels above the doors also contain a design in aluminium that incorporates the company logo. These are considered to be of historic significance and it is important that these features are protected, renovated and retained as part of the conversion.
- 8.14. The original site gates and gatehouse are also of historic interest and the memorial garden commemorates those members of staff who lost their lives during WWII. The office building was designed by the noted Oxford Architect Gilbert Gardner and was built in two phases. It became a Grade II Listed Building along with the gates, gatehouse and memorial garden in 2008. There have been few significant changes to the office building and its external appearance remains much as it was on completion in 1937.
- 8.15. The original gatehouse building and Site Gates were recently renovated as part of the proposals to re-develop the site for B8 purposes and are also important heritage assets being Grade II Listed. The memorial garden, just to the north-west of the site is also Grade II Listed and commemorates those members of staff lost during WWII. It remains extremely important to Banbury residents and ex-employees of the site who still visit the memorial garden, including Remembrance Day. The Oxford Canal Conservation Area runs alongside the site. Whilst these assets are not within the application site, the proposal must be assessed having regard to these important Heritage Assets.
- 8.16. In terms of the interior of the office building, immediately inside the double front doors is an aluminium revolving door. A double staircase in aluminium, with tubular handrail and vertical balusters separated at intervals by horizontals, rises to the first floor and is lit from above by a skylight with an Art Deco cube pattern in aluminium. The same balustrade continues around the landing. These are considered to be of significant historical importance and will be retained in situ within the proposed conversion. Internally there have been some modifications to the original plan form where changes in function and fashion have resulted in the removal of partitions to create open-plan offices on the north side of the building. This large open plan space will be utilised as a function room for the hotel, linking to the proposed new café building. It is proposed to glaze over an internal courtyard to create additional space adjacent to the function room. This is considered acceptable as it will not adversely impact on the historical integrity of the listed building.

- 8.17. 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.
- 8.18. Section 12 of the NPPF – 'Conserving and enhancing the historic environment' sets out the planning guidance regarding heritage assets and advises that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including the contribution made to their setting (paragraph 128). The application is accompanied by a Historic Building Survey and Heritage assessment produced by Prospect Archaeology on behalf of the applicant. The Heritage Assessment considered the historic significance of the surviving building and considers and evaluates the impacts of the proposed development on heritage assets; in particular the office building, entrance gates and memorial garden as well as the Oxford Canal Conservation Area. The report identifies the core areas of significance at ground floor and first floor levels. This has been assessed by the Conservation Officer who agrees that the areas identified are correct. These areas will be retained as part of the proposal.
- 8.19. In terms of its historic significance, the Northern Aluminium Company was the first modern industrial company to be based in Banbury and made a considerable contribution to the development of the town. Its significance lies in the special role it played during the Second World War, as well as in its intrinsic architectural qualities.
- 8.20. 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.
- 8.21. Paragraph 129 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 necessary expertise'*.
- 8.22. Paragraph 131 advises that in determining applications that local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - The positive contribution that conservation heritage assets can make to sustainable communities, including their economic viability
 - The desirability of new development making a positive contribution to local character and distinctiveness
- 8.23. Paragraph 132 states: '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. Substantial harm to or loss of a Grade II Listed building should be exceptional.'

- 8.24. The NPPF at paragraphs 133 and 134 go on to say that where a development will lead to substantial harm, this harm should be outweighed against the public benefits of the proposal.
- 8.25. The setting of a listed building can often form an essential part of its character and due regard must therefore be given to the desirability of preserving the setting of such buildings, resisting development that would adversely affect it. It is acknowledged that the setting of the existing offices is against large B8 buildings, however, this site has been historically an employment site with associated rolling mills and it was therefore considered that the redevelopment of the site for B8 purposes would not cause significant harm to the setting of the listed offices. It is important however that any additions or extensions do not detract from or dominate the office building. Whilst it is acknowledged that the new health spa and café buildings are quite significant additions, and will have an impact on the character and setting of this designated heritage asset, it is considered that the approach taken in terms of erecting new linked buildings set away from the office building; is the correct one and are therefore on balance acceptable in terms of the setting of the building.
- 8.26. Saved Policy C21 of the adopted Cherwell Local Plan 1996 advises that 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. It further advises however, that this would only apply where the change of use would not involve substantial alterations to the fabric or the setting of the listed building and that the structural limitations of the building should be respected.
- 8.27. The proposal must therefore be assessed in terms of its impact upon the fabric of the Grade II listed offices. The application is accompanied by a Listed Building Structural Report and accompanying structural information which seek to demonstrate that the existing building is capable of taking the additional load of the two storey roof extension which will be supported by constructing new columns which will be placed internally within the building. It is vital that these new columns are placed where they will not adversely impact on the areas of significance and important historic fabric. Following discussions with the Conservation Officer, a revised submission is awaited in respect of a number of columns which need to be re-positioned. The areas of significance and historic fabric identified will be retained as part of the proposals. Conditions are also recommended in this respect.
- 8.28. The Conservation Officer has assessed the proposal and considers the general principle of a hotel use and proposed extensions to be acceptable but raises concerns about the inefficient use of space within the building and therefore the corresponding requirement for the two story roof extension. The key concern relates to the visual impact of the two storey addition which she considers fundamentally alters the proportions of the building and unbalances the architectural form of the Art Deco structure and in the absence of any real justification for this level of accommodation considers it to be unacceptable.
- 8.29. The applicant's agent has sought to address these concerns. The latest plans indicate a structure constructed of a lightweight material and a reduction in the height of the two storey roof extension by 0.5m. A written statement submitted by the applicant also seeks to demonstrate why the extensions and proposed floorspace are required in terms of ensuring that the hotel is viable. As mentioned above, Saved Policy C21 and the NPPF consider the re-use of listed buildings. As previously advised, this Grade II listed building is of significance to Banbury's history and has been vacant since 2008, as a result of which the building is slowly deteriorating. It is therefore important that a new use is found for the building before it deteriorates further. It is accepted that this extension is large, however, in

accordance with the NPPF, the harm in this case is considered on balance, to be outweighed by the benefit of bringing the building back into economic beneficial use.

- 8.30. An assessment of the whole of the extensions proposed, that is, the roof, café and health spa buildings, indicate that the original office building will be more than double in size. This is a large increase and will have a significant impact on the character of this designated heritage asset. Saved Policy C18 of the adopted Cherwell Local Plan 1996 seeks to preserve listed buildings and their settings and advises that consent will normally only be granted for alterations or extensions to listed buildings which are minor and sympathetic to the architectural and historic character of the building. The proposal, due to its scale of change is contrary to that policy. As previously discussed however, the level of harm to the building must be considered against the public benefit of securing a future for the building. In this case, on balance, it is considered that the level of harm to the listed building and its setting will be less than substantial and is therefore acceptable.
- 8.31. It should also be noted that the character of a listed building is determined by the detail of its structure as well as its appearance. The building is a showcase to the use of aluminium and the applicant was advised during pre-application discussions that the external and historic fabric must be protected during construction and preserved as part of the proposals and that this must also be expressed in terms of the proposed extensions. The roof extension has been designed as a lightweight structure, similar to that on the Tate Modern in London and in this respect is considered to an appropriate approach. The application submission is currently not clear about the level of harm to the historic fixtures and fittings, (including door panels, skirting, panelling, light fittings, door furniture etc) but it is considered that this can be minimized and mitigated through conditions. A full detailed method statement will also be required detailing how the historic fabric will be protected during the works.
- 8.32. Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 states that proposals will not be permitted if they would harm the setting of settlements, buildings, structure or other landmark features, or harm the historic value of a landscape and policy ESD15 of that plan states that proposals should conserve, sustain and enhance designated and non-designated heritage assets, including buildings, features, archaeology, conservation areas and their settings, and to ensure that new development is sensitively sited and integrated and include information on heritage assets sufficient to assess the potential impact of the proposal on their significance.
- 8.33. The site is located to the north of the Oxford Canal, which is a designated conservation area. The proposals must therefore be assessed in terms of their impact upon the setting of this adjacent conservation area. The office building and the proposed extensions are situated some distance from the canal corridor and it is therefore considered that, whilst the proposals will be visible, in particular the proposed roof extension, the visual impact from the canal will be limited and therefore it is not considered that the proposals will cause harm to the setting of the adjacent Oxford canal conservation area. The Canal and River Trust have raised some concerns regarding the proposed Spa building and the blank elevation proposed, which might be visible from the canal, and advise that if visible it would benefit from added interest to this elevation.
- 8.34. The Canal and River Trust also consider that the proposal is likely to result in increased use of the towpath by visitors to the hotel and employees who might use it as a means of travel to work, either on foot or by cycle from the surrounding areas. A request for section 106 contributions has been requested for upgrading works to the section of towpath between the town centre and the site. The towpath is not lit and it is considered that significant increased usage for access to the site by

employees is unlikely to occur as there is no direct access to the canal towpath from the site, and therefore that section 106 contributions cannot be justified in this instance.

- 8.35. Having regard to the above, it is acknowledged that the proposed extensions and alterations to the building are significant, however, they will ensure that this currently vacant designated heritage asset is returned to an economic beneficial use. The proposal is therefore on balance acceptable and considered to be in accordance with the policies in the development plan and the advice within the NPPF.

8.36. Loss of Employment

- 8.37. Policy SLE1 of the adopted Cherwell Local Plan seeks to protect and retain existing employment sites, such as the application site. Policy SLE1 advises that existing employment sites should be retained for employment use (normally a use within a B use class) unless the following criteria are met:

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

- 8.38. When assessing any proposal, regard must also be had to whether the applicant can demonstrate that there are planning objectives that would outweigh the value of retaining the site in employment use. In this case, the offices have been vacant since 2008 with little interest in taking them for offices, this has been as a result of the amount of work required to bring the office building up to modern day standards and the layout which is not so suited to modern day working. It is considered that as the building has been vacant for some time, and the fact that the remainder of the site has already been re-developed for employment purposes, that the loss of this building as offices would not have the effect of limiting employment land. Furthermore, the use of the site as a hotel and associated uses will generate a number of jobs in its own right.

- 8.39. Having regard to the above therefore, it is considered that the requirements of Policy SLE1 have been met.

8.40. Design and Layout

- 8.41. 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’.

- 8.42. The NPPF advises at paragraph 58 that planning policies should aim to ensure that developments achieve a number of results including the establishment of a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It is considered that the proposed scheme as discussed below has been designed in accordance with the requirements of the NPPF in this respect.

- 8.43. The original office building is of two storeys with a flat roof. The original plan appears to have been H-shaped, with two linked blocks. The infill to the north side is in the same style as the rest of the building. The building is in a key location at the front of this employment site and is clearly visible from the Southam Road. It is therefore important that the proposed development is appropriately and well-designed both in terms of its design, scale, parking and servicing and choice of materials.
- 8.44. 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 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 which should be demonstrated in the Design and Access Statement. A Design and Access Statement has been included in the application documentation.
- 8.45. The existing building is of insufficient size in its own right to accommodate all of the facilities required by this development. The existing listed building will be at the heart of the development containing all of the bedroom suites and the proposed restaurant and health spa facilities are to be located in adjacent new buildings which will be linked by single storey walkways. The existing building as stated above is proposed to be extended by the erection of a two storey roof extension.
- 8.46. The two storey roof extension will be set in and back from the main facades to help reduce its impact on the listed building. The original extension has also been reduced in height by 0.5m in response to concerns about its size and massing and therefore impact on the character and appearance of this listed building. At pre-application discussions the applicant was asked to consider a single storey roof extension only, but they advise that this would make the hotel unviable as the quantum of required accommodation would not be met in respect of the business model put forward. The applicant owns the property. The roof extension is proposed to be constructed using a lightweight silicon glazed wall material which will reduce the load on the existing structure and also reduce its visual impact in respect of the listed building. The extension is similar to other proposals on buildings such as the Tate Modern and is considered to be an appropriate design solution here.
- 8.47. The proposed restaurant and health spa extensions have been designed as a pair of wings set away from the building to ensure that the form of the listed building can still be seen as a single unit. These buildings are attached to the office building by pedestrian walkways. In light of the history of the site and the extensive use of aluminium, the proposed extensions have been designed to follow this tradition, but utilising aluminium more innovatively, with areas of cladding on the restaurant building although the spa building will be constructed wholly in brick.
- 8.48. An existing enclosed and overgrown courtyard located centrally within the building is proposed to be enclosed by the erection of a glazed roof. The courtyard is not considered to be of any particular historic significance and this is considered acceptable. This new enclosed area will be linked to the main building through the proposed banqueting suite.
- 8.49. Having regard to the above, the proposals are considered on balance to be in accordance with the requirements of the NPPF, Policy ESD15 of the adopted

Cherwell Local Plan 2011-2031 and saved policies C18, C21 and C28 of the adopted Cherwell Local Plan 1996 in terms of design and layout.

8.50. Access and Parking

- 8.51. Strategic Objective 13 of the adopted Cherwell Local Plan 2011-2031 aims to reduce the dependency on the private car as a mode of travel and increase opportunities for travelling by other modes. Policy ESD1 sets out an aim to mitigate the impact of the development on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce the dependence on private cars. Policy SLE4 also has similar objectives. The transport impacts of the development must be considered against these policies and requirements in Section 4 of the NPPF.
- 8.52. It is proposed to create a new vehicular entrance point to the southern part of the site from the existing access road that serves current commercial premises adjacent, and also provides to provide an exit from the site using the existing access in the north-western corner of the site. This access road is not a highway, but can be accessed from the existing priority junction to the east of and serving the A423 Southam Road. This junction is already equipped with a north-bound ghost island right-turn lane, a splitter island, and a south-bound deceleration lane on the eastern side of the A423 Southam Road. The existing private road has a footway on its eastern side with a width of 2m which can be accessed directly from the A423 Southam Road.
- 8.53. In terms of access for non-motorised users, on its western side, the A423 Southam Road has a shared use pedestrian and cycling facility from its roundabout junction with the A422 Hennef Way and Ruscote Avenue, to its roundabout junction with Noral way and Dukes Meadow Drive. On its eastern side, there is a continuous footway of 1.8m in width which connects to the existing footway on the private access road which leads directly to the site. There is therefore a continuous walking and cycling route from Banbury town centre to the site. The site is served by existing bus stops and a bus that provides 5 journeys per day Monday to Friday.
- 8.54. The application is accompanied by a Transport Assessment which has been assessed by OCC as the Highway Authority and is satisfactory. The proposed change from B1 to C1 hotel and support services will result in a reduction in single occupancy journeys at the AM and PM peaks in comparison. The residual cumulative traffic impacts of the site therefore will not be severe.
- 8.55. In terms of parking provision, OCC's current parking standards stipulate that 1 car parking space should be provided per bedroom. A total of 95 spaces are shown which is therefore acceptable. In terms of cycle parking, the Homes and Communities Agency's (HCA) Employment Density Guide of 2015 advises that practitioners should assume a level of employment of 1 person per bedroom for a luxury hotel. OCC's current cycle parking standards, which are minimum standards, stipulate that 1 cycle parking space should be provided for every 12 employees at a hotel site plus 1 stand for every 10 bedrooms for visitors. The applicant has provided 4 Sheffield Stands which are acceptable in this location as it is likely that given its proximity to the M40 and the likely market for the hotel that the majority of guests will access the hotel by car. To encourage employees to cycle to work, OCC recommend that the cycle parking is sheltered and placed in a secure location.
- 8.56. Having regard to the above, it is considered that the proposal accords with the policies in the development plan and the NPPF in respect of traffic generation, access, car parking provision and highway safety.

8.57. Landscape and Visual Impact

- 8.58. 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. The policy also goes on to state that proposals will not be permitted that cause undue harm to important natural landscape features, are inconsistent with local character, or harm the setting of settlements, buildings, structures or other landmark features.
- 8.59. Policy ESD15 of the adopted Cherwell local Plan 2011-2031 states that new development proposals, amongst other things, should contribute positively to an areas character and identity by reinforcing local distinctiveness and respecting the character of conservation areas and their setting; conserve, sustain and enhance designated and non-designated heritage assets (as defined in the NPPF).
- 8.60. The application is accompanied by a Landscape and Visual Impact Assessment which has considered the potential impacts on the locality. The assessment concludes that there will be no significant adverse impact of the proposals on the adjacent Oxford Canal Conservation area or the locality in general.
- 8.61. The submission includes a landscaping proposal. The existing tree and hedge screen to the Southam Road will be retained. There are currently a number of fruit trees adjacent to the office building but these will be removed to accommodate the restaurant building. An existing mature beech tree was originally proposed to be removed but this will now be retained. A new area will be landscaped between the existing office building and the proposed restaurant. The landscaping scheme has been assessed by the Council's Landscape Officer who considers it to be acceptable.
- 8.62. Having regard to the location of the site and its relationship with the existing built form, it is considered that the development proposed is unlikely to cause harm to the character and appearance of the open countryside or the immediate locality and is therefore acceptable, in accordance with the development plan and Government guidance within the NPPF.

8.63. Biodiversity

- 8.64. The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, 'the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity wherever possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures'.
- 8.65. Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that 'every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity. Local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in regulation 9(5) of the Conservation Regulations 2010, which states that a 'competent authority' in exercising their functions, must have regard to the requirement of the Habitats directive within the whole territory of the member states to prohibit the deterioration or destruction of their breeding sites or resting places.
- 8.66. Paragraphs 192 and 193 of the NPPF advise 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 requirement which should be proportionate to the nature and scale of the development proposals. One of these requirements is the submission of appropriate protected surveys. The presence of protected species is a material consideration.

- 8.67. The Council's Ecologist has assessed the submission, including the Bat assessment Report dated November 2017. Evidence of bats was present within the disused building during the initial inspection including a dead pipistrelle in the sink on the ground floor, and a small number of droppings in various locations within the building. The emergence surveys were undertaken at the appropriate time of year and found a common pipistrelle roost under a window sill. However, there are many other potential roosting features on the existing building, including gaps in the brickwork, under lead flashing and internally within the space above the ceiling.
- 8.68. Given that the activity surveys only provide a snapshot of information during the summer roosting period, it is possible that further roosts are present in the building which are being used at other times of the year and which may not be recorded. It is therefore recommended that a bat mitigation strategy is provided which should also include precautionary checks by a licensed ecologist prior to works commencing. As stated in the report a derogation licence will be required from Natural England. The outline mitigation strategy submitted is largely acceptable but will need to include timings of works to avoid periods when bats are most likely to be present included. Updated bat surveys may also be required depending on when the works would take place.
- 8.69. The application proposes 5 x Schwegler 1FE bat boxes inbuilt into the proposed health spa building which is welcome, however, the lighting scheme will need to be appropriately designed not to have any adverse impact on the bat boxes and to ensure that their flight lines are not impacted along the western and southern site boundaries.
- 8.70. Bats were recorded commuting and foraging along the western boundary of the site, as such the western boundary tree line should be retained and remain as a suitably dark corridor for bats in order to retain this route and foraging habitat. A greater diversity of native species should be proposed to replace some of the non-native varieties and to ensure no net loss of biodiversity within the development. The proposed green sedum roofs proposed on the spa and café buildings are welcomed as biodiversity enhancement.
- 8.71. The original application proposed the removal of the fruit trees, Western red Cedar and Copper Beech. The Copper Beech is a mature tree of amenity value as well as ecological value, and the revised proposals now show this to be retained.
- 8.72. The waterways have a rich biodiversity, with many areas benefitting from SSSI, SAC, SLINC or CWS designations. Developments can have an adverse impact on the ecology of the waterways.
- 8.73. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided and details of pollution preventions measures should be provided. Works must also be carried out at appropriate times to avoid adverse impacts on habitats. A Construction and Environmental Management Plan will be necessary.
- 8.74. It is thus considered that the requirements of the Habitats Directive, the NPPF and Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 have been duly considered and are in accordance with the advice therein.

8.75. **Flooding and Drainage**

- 8.76. The application site is located within Flood Zones 2 and 3. The Flood Risk Assessment and drainage information has been assessed by the Environment Agency who has objected to the proposal. The Planning practice Guidance classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the application falls within Flood Zone 3b (functional floodplain) in accordance with the Environment Agency flood risk mapping where water has to flow or be stored in times of flood. The conclusions of the applicant's flood risk assessment also show the site to lie within the functional flood plain. The development type proposed is classified as 'more vulnerable' and advice in the PPG advises that this type of development is not compatible with this Flood Zone.
- 8.77. In order to overcome their objection the Environment Agency advise that where possible the applicant should propose an alternative location for this development outside Flood Zone 3b, or alternatively provide their own modelling and or site specific details such as a topographical survey which show that the development does not fall within Flood Zone 3b.
- 8.78. The NPPF – Meeting the challenge of climate change, flooding and coastal change, advises at paragraph 100 that '*inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere*'. It goes on to advise also that a sequential, risk-based approach should be taken to the location of development to avoid where possible flood risk to people and property. The aim of the sequential test is to steer new development to areas with the lowest probability of flooding and therefore development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Paragraph 104 of the NPPF advises however that, applications for minor development or changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments.
- 8.79. 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 flood risk as a result of the development. The FRA and drainage strategy have also been assessed by OCC as Lead Flood Authority. OCC originally objected on drainage grounds because the applicant had not provided a full surface water drainage strategy that demonstrated that the surface water run-off volumes and rates that could arise because of the proposed change of land use to that of a hotel and spa, could be accommodated on site. The draft surface water drainage strategy and accompanying suite of documents, submitted on 19th March 2018 to support it have enabled the objection to be removed.
- 8.80. The applicant's agents have met with the Environment Agency to understand the issues and to clarify what might be necessary to support the proposed development in this location. Work in terms of flood risk on the site was previously undertaken in respect of the B8 redevelopment of the site and a flood corridor created south of the site adjacent to the canal. As this is a listed building, the floor levels within the office building cannot be raised, but flood risk had been considered within the design; all sleeping accommodation is located at first floor level or above.

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. At the heart of the NPPF is a presumption in favour of sustainable development and in the context of this application this would include bringing this building which is in a sustainable location back into beneficial economic use.
- 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 the 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.
- 9.3. As stated above, this building has been vacant since 2008 and is slowly deteriorating. On balance, it is concluded that the proposed extensions and alterations will cause less than substantial harm to the historic fabric and the character and setting of the listed building and will enable the building to be brought back into beneficial use. The proposals are thus considered to be sustainable development in accordance with the above mentioned policies and the advice given within the NPPF.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant permission, subject to:

- (a) the removal of the objection by the Environment Agency;
- (b) receipt of satisfactory amended plans in relation to proposed internal columns, and;
- (c) the conditions set out below (and any amendments to those conditions as deemed necessary)

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: XXXXXXXXXX to be inserted XXXXXXXXXX

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 No development shall take place until samples of the materials to be used in the construction of the roof of the development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development

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

- 4 No development shall take place until a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) has been constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials on the existing office building 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.

- 5 Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

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.

- 6 Prior to the commencement of the development hereby approved, full details of the external lighting which shall include measures to ensure that all bat habitats and boxes are protected and that flight lines along the western and southern boundaries of the site are not adversely impacted, 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 to protect habitats of importance to biodiversity and to comply with Policies ESD10 and 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.

- 7 Prior to the commencement of the development hereby approved, full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, shall be erected, in accordance with the approved details, prior to the hotel being first brought into use.

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

- 8 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.

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

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

- 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. The scheme shall also include:
- o Discharge Rates
 - o Discharge Volumes
 - o Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
 - o Sizing of features - attenuation volume
 - o Infiltration in accordance with BRE365
 - o Detailed drainage layout with pipe numbers
 - o SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
 - o Network drainage calculations
 - o Phasing
 - o No private drainage into the public highway drainage system.

Reason - In the interests of highway safety in accordance with the National Planning Policy Framework.

- 11 Prior to the commencement of development, a full construction traffic management plan (CTMP) will be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, construction shall only commence in accordance with the approved details.

Reason - In the interests of highway safety in accordance with the National Planning Policy Framework.

- 12 Prior to the commencement of development, a travel plan statement will be submitted to and approved in writing by the Local Planning Authority. Thereafter,

	<p>and prior to the first occupation of the development, construction shall only commence in accordance with the approved details.</p> <p>Reason - In the interests of maximising the opportunities for travel by sustainable modes of transport in accordance with the National Planning Policy Framework.</p>
13	<p>Prior to the commencement of development, a plan showing the proposed cycle parking facilities for the site should be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the site, construction shall only commence in accordance with the approved details.</p> <p>Reason - In the interests of maximising the opportunities for travel by sustainable modes of transport in accordance with the National Planning Policy Framework.</p>
14	<p>That prior to the commencement of any development full design details of doors, windows, lintels, rainwater goods, mortar, replacement lintels, and heating pipe runs shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.</p> <p>Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy C18 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.</p>
15	<p>All works of making good shall be carried out in materials and detailed to match the adjoining existing fabric except where shown otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy C18 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.</p> <p>Note: Condition F4 must be used with caution as 'adjoining' may not be historic (e.g. gypsum plaster) and you may therefore be encouraging the use of non-historic materials. Plans should set out what materials exist and what are to be used and then an assessment made by the officer as to whether the proposals are acceptable.</p>
16	<p>Prior to the commencement of the development hereby approved, full details of the method of any mechanical ventilation the proposed within the main hotel building; shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the hotel, the mechanical ventilation shall be installed, brought into use and retained in accordance with the approved details.</p> <p>Reason - In order to safeguard the historic fabric of the listed building in accordance with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Policy C18 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.</p>
17	<p>Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for bats, which shall include timing of works, and the location, design and timing of any alternative</p>

roosts to be provided, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

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.

- 18 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.

- 19 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
- a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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.

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

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

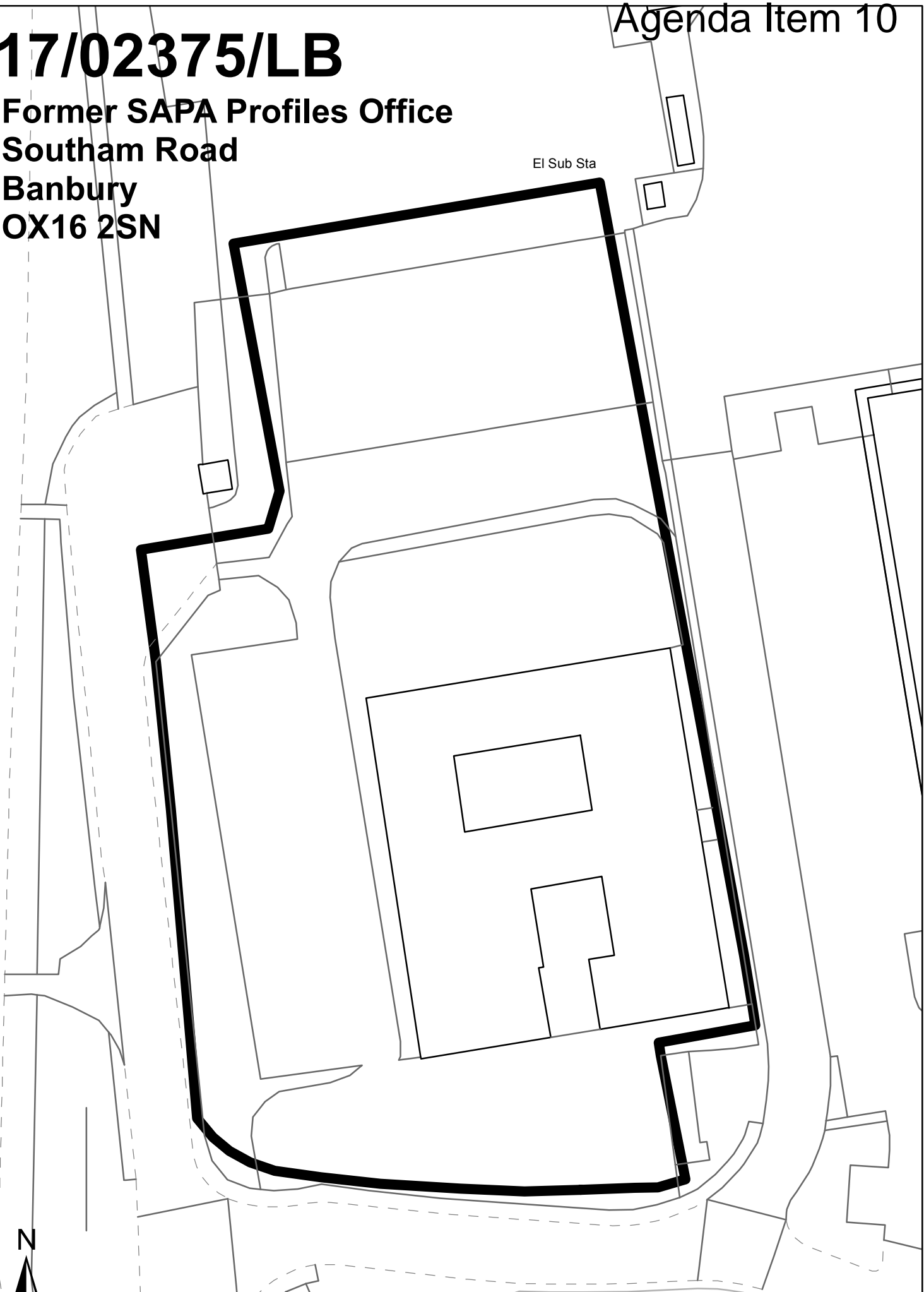
CASE OFFICER: Linda Griffiths

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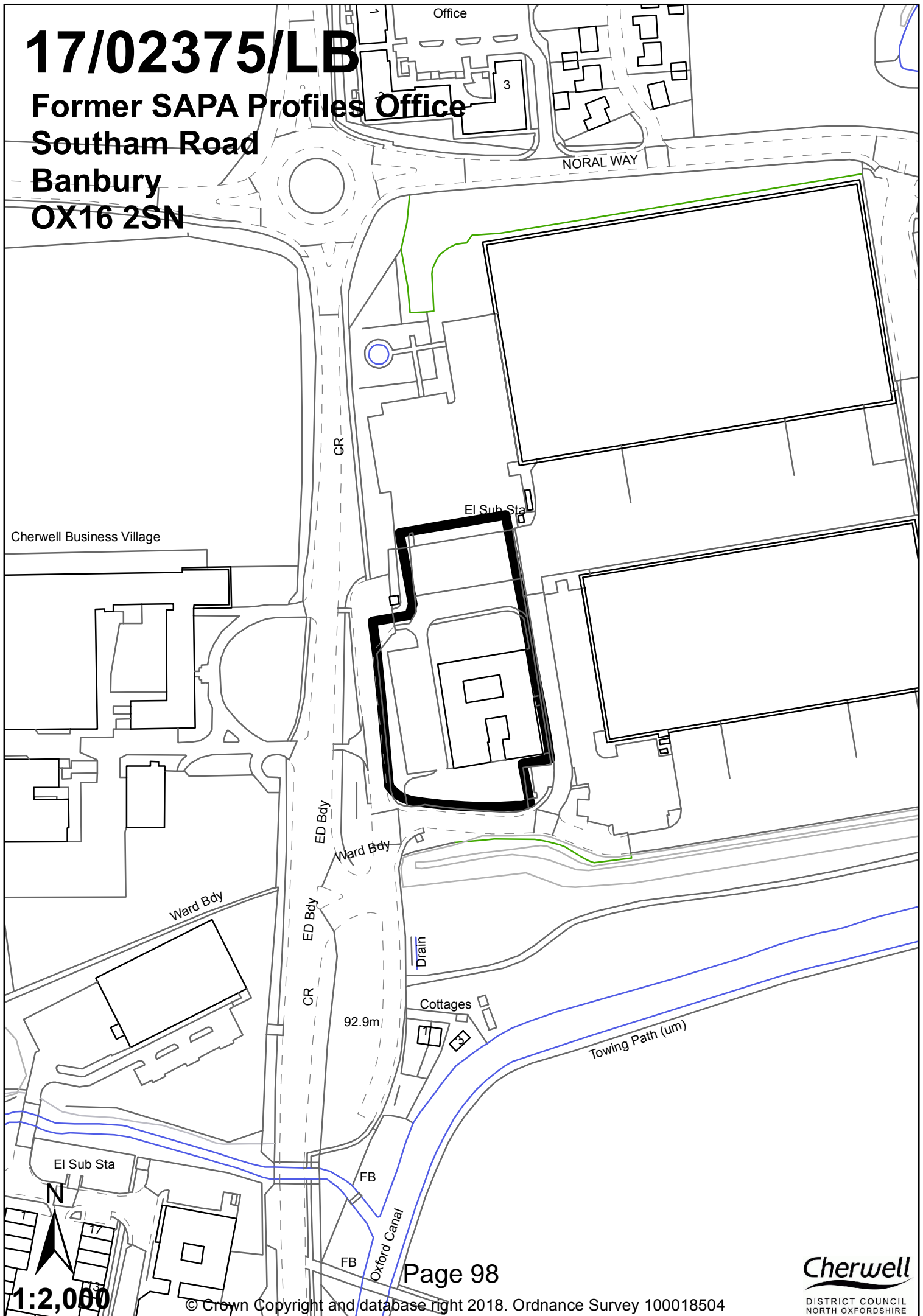


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**Former SAPA Profiles Office
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17/02375/LB

Applicant: Honeydew Developments Ltd

Proposal: Extension and conversion of former SAPA office building into a new destination hotel together with supporting facilities.

Ward: Banbury Hardwick

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

Reason for Referral: **Major**

Expiry Date: 30 January 2018 **Committee Date:** 19 July 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

The application is reported to the Planning Committee, as it is a major application

Proposal

Listed building consent is sought for the extension and conversion of former SAPA office building on Southam Road Banbury into a new destination hotel together with supporting facilities

Consultations

No statutory or non-statutory consultees have raised objections to the application
No third party letters have been received

Planning Policy

The application site is located within the built up area of Banbury at the northern edge of the town and consists of a Grade II listed building. To the south of the site is the canal and a Grade II* listed farmhouse to the north. Three large B8 warehouses are to the rear of the site.

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Principle of development
- Impact on Designated Heritage Assets
- Justification

The report looks into the key issues in detail, and officers conclude that the proposal is acceptable against the relevant policies, subject to the removal of the objection by the Environment Agency and receipt of satisfactory amended plans in relation to proposed internal columns

**RECOMMENDATION – APPROVE, SUBJECT TO ENVIRONMENT AGENCY
REMOVING THEIR OBJECTION, RECEIPT OF SATISFACTORY AMENDED PLANS
AND SUBJECT TO CONDITIONS**

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located approximately 2.5km from Banbury town centre on the northern edge of the town. The site was previously occupied by SAPA Profiles and was originally the home of the Northern Aluminium Company. The original rolling mill buildings have been removed and the remainder of the site has now been re-developed with 3 number large B8 units which are currently occupied by 'The Entertainer' and 'Amazon'.
- 1.2. The site is bounded by employment uses to the east, the Oxford canal to the south, Southam Road to the west and Noral Way to the north with the Hardwick Business Park and the new strategic residential development currently under construction by Bellway beyond.
- 1.3. There are three residential cottages to the south west of the site adjacent to the canal and Southam Road, and Hardwick farmhouse, a Grade II* Listed Building to the north.
- 1.4. The application site is accessed off the Southam Road via a dedicated service road which also provides access to the cottages to the south of the application site. The offices have been empty since 2008 when the last occupier Alcan moved out.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application relates to the retained Grade II listed office building which was constructed in 1936-7 in Art deco style. The proposed development will comprise a hotel with café/restaurant and spa facilities. The existing listed building will be at the heart of the development containing all of the bedroom suites together with administrative spaces and some elements of the health spa. In addition, one of the banqueting suites will be in the main building at ground floor level. Two new annexe buildings will link to the main building and will contain the café/restaurant facilities together with a second banqueting suite above. A second annex will contain a swimming pool and health spa. The existing building will be extended upwards by the addition of a further two storeys.
- 2.2. The roof extension has been designed as a lightweight flat roofed structure and the restaurant and spa facilities will be constructed in red brick with elements of aluminium cladding to match the existing office building. The proposal also includes internal alterations, including the removal of some partition walls, erection of new internal walls, new staircase to the new floors, renewal of toilet facilities and insertion of customer and service lifts. External alterations include the provision of access ramps to the front and rear, works of general repair, decluttering and reinstatement. All rooms and spaces within the building identified as being of significance are stated to be retained. These include the entrance foyer, front and

rear staircases, panelled room at first floor, central rooflight above the main stairs, central spine corridor to the ground floor and first floors, board room and directors office.

- 2.3. An application for planning permission is also for consideration on this agenda (17/02374/F) refers.

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>
10/01575/OUT	Re-development of former factory site for employment uses (Use classes B1, B2 and B8) with associated car parking, servicing and landscaping	Application Permitted
11/01527/F	Works of repair, refurbishment and alteration to Grade II listed office building, relocation of gates and refurbishment of lodge house	Application Permitted
11/01528/LB	Works of repair, refurbishment and alteration to Grade II listed office building, relocation of gates and refurbishment of lodge house	Application Permitted
17/02374/F	Extension and conversion of former SAPA office building into a new destination hotel together with supporting facilities	Pending Decision
17/00088/SO	Screening opinion to 17/02374/F - proposed conversion and extension of former SAPA office building into a new destination hotel together with supporting facilities	EIA Not required
15/01685/F	Installation of a Peak Power Generation Plant and associated development	Application Refused and dismissed at appeal
16/00645/F	Installation of a Peak Power Generation Plant and associated development	Application Refused

4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
17/00121/PREAPP	Proposed Extension and Conversion of former SAPA office building into a new destination hotel together with supporting facilities.

- 4.2. The principle of the use of the building as a hotel with associated facilities was considered acceptable in that it will ensure that this historic building is returned to beneficial economic use. However, this will be dependent upon the completion of the necessary sequential tests and the submission of appropriate assessments regarding the impact upon the historical integrity of the listed building and its preservation. The roof extension, whilst acceptable in principle was considered to be too large.

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 10.05.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No comments have been raised by third parties

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses relevant to this listed building application 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. **Banbury Town Council** – no objection

STATUTORY CONSULTEES

- 6.3. **Canal and River Trust** – advise that the issues relevant to this proposal are as follows:

- Impact on the character, appearance and heritage of the waterway corridor
- Increased use of towpath
- Impact on the structural integrity and water quality of the canal due to the drainage proposals
- Impact on biodiversity of the waterway corridor

On the basis of the information available, it is advised that suitable worded conditions and a legal agreement are necessary to address these matters. The comments can be read in detail in the application documentation and are discussed in more detail below.

NON-STATUTORY CONSULTEES

- 6.4. **Banbury Civic Society** – no comments received

6.5. **Banbury Historical Association** – no comments received

6.6. **Conservation Officer** – in respect of the initial submission raises concerns which are summarised as follows:

- Principle of change of use is a good use for the building, however there are concerns about the inefficient use of space and therefore the need for such a large extension
- Works to the building must ensure that its historical integrity is retained
- No objections to the glazing over the courtyards
- Decorative skylight above the staircase must be retained in situ
- Decorative mouldings to the first floor offices must be preserved
- Details of the works to windows and doors are required
- Significant concerns with the size of the roof extension
- No adequate financial justification for the level of accommodation required
- No structural survey to demonstrate that the building is capable of taking the roof extension
- No objection to the health spa and café buildings

Further comments received on 5th July 2018 in respect of the amended plans and additional documentation are summarised below:

- Whilst the size of the roof extension has been reduced, remain concerned about its size
- The group business model has been imposed on this building rather than working with the constraints and opportunities, the size of the roof extension has therefore not been justified
- Proposed extensions and in particular the roof extension will have a negative impact on the setting of the listed building
- Little detail within the application about the proposed repair and retention of historic fabric, but these can be dealt with by condition
- Concerns with the location of some of the supporting columns within the areas of significance, in particular where they will damage ceiling cornices as well as disrupting the sense of place
- Concerned about how the fabric of the building will be preserved during construction and the lack of detail submitted
- In terms of harm versus public benefit the additional harm to the setting is considered to be less than substantial
- Level of harm during construction is not yet clear and a full detailed method statement will be necessary

6.7. **Planning Policy** – proposals will be in general accordance with planning policy subject to the views of the Conservation Team, the receipt of a satisfactory sequential test and the applicant satisfactorily demonstrating that the requirements of Policy SLE1 and C21 have been met. On this basis there would be no planning policy objection. The comments can be read in full on the application file.

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
- ESD16 – The Oxford canal

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Development proposals affecting a listed building
- C21 – Re-use of Listed Buildings
- C28 – Layout, design and external appearance of new development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Banbury Master Plan SPD

8. APPRAISAL

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

- Principle of development
- Impact on Designated Heritage Assets
- Justification

8.2. Principle of Development

8.3. The purpose of the planning system is to contribute to the achievement of sustainable development. The 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.

8.4. Impact on Designated Heritage Assets

- 8.5. The key issues in respect of this application are the impact of the proposed extensions and alterations on the historic significance and setting of the Grade II Listed Offices and the adjacent Oxford Canal Conservation Area.
- 8.6. The SAPA premises were originally occupied by the Northern Aluminium Company which produced the majority of the aviation grade aluminium during WWII. The original rolling mills were constructed in 1931. The site is considered to be of great importance in respect of Banbury's historic heritage. The office building was constructed in 1936-7 in Art Deco style, using aluminium as one of the main materials for the windows, doors, internal staircase, skirting boards and other internal features. It still contains many of the original features. The quality of the design and the extensive use of aluminium in both internal and external decorative detail are integral to the overall design and function of the building. The building is constructed in red brick and faced part in stone. The original aluminium double front doors, flanked by aluminium lanterns are glazed with Art Deco decoration in aluminium, while glazed panels above the doors also contain a design in aluminium that incorporates the company logo. These are all considered to be of historic significance which must be protected, retained and repaired as required as part of the development proposals.
- 8.7. The original site gates and gatehouse are also of historic interest and the memorial garden commemorates those members of staff who lost their lives during WWII. The office building was designed by the noted Oxford Architect Gilbert Gardner and was built in two phases. It became a grade II listed building along with the gates, gatehouse and memorial garden in 2008. There have been few significant changes to the office building and its external appearance remains much as it was on its completion in 1937.
- 8.8. The original gatehouse building and site gates were recently renovated and the gates re-instated as part of the proposals to re-develop the site for B8 purposes. Planning and listed building consents were also granted in 2011 for the repair and alterations to the office building. Whilst these consents have now lapsed, the applicant was advised prior to the submission of the applications to have regard to these in terms of understanding what would be acceptable and required in terms of repair and alterations to the building. The memorial garden just to the north west of the site is also a designated heritage asset. The Oxford canal conservation area runs just to the south of the site. The proposals must also be assessed having regard to the setting of these designated heritage assets.
- 8.9. In terms of the interior of the office building, immediately inside the double front doors is an aluminium revolving door. A double staircase in aluminium, with tubular handrail and vertical balusters separated at intervals by horizontals, rises to the first floor and is lit from above by a skylight with Art Deco cube pattern in aluminium. The same balustrade continues around the landing. These are all considered to be of significant historical importance and will be retained in situ within the proposed conversion. Internally there have been some modifications over the years to the original plan form where changes in function and fashion have resulted in the removal of partitions to create open-plan offices on the north side of the building. The large open plan space will be utilised as a banqueting suite for the hotel, and incorporating a link to the new café building. It is proposed to glaze over an internal courtyard to create additional space adjacent to the banqueting suite and this is also considered acceptable as it will not adversely impact on the historical integrity of the building.
- 8.10. 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.

- 8.11. Section 12 of the NPPF – Conserving and enhancing the historic environment sets out the planning guidance regarding heritage assets and advises that in determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage asset affected, including the contribution made to their setting (paragraph 128). The application is accompanied by a Historic Building survey and Heritage Assessment produced by Prospect Archaeology on behalf of the applicant. The Heritage Assessment considers the historic significance of the surviving office building and considers and evaluates the impacts of the proposed development on heritage assets; in particular the office building, entrance gates and memorial garden as well as the Oxford Canal Conservation Area. The report identifies the core areas of significance at ground and first floor levels. This has been assessed by the Conservation Officer who agrees that the areas identified are correct. These areas will be retained as part of the proposal.
- 8.12. In terms of its historical significance, the Northern Aluminium Company was the first modern industrial company to be based in Banbury and made a considerable contribution to the development of the town. Its significance lies in the special role it played during the Second World War, as well as in its intrinsic architectural qualities.
- 8.13. 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. This is achieved through policies in the development plan, these are discussed below.
- 8.14. Paragraph 129 states that ‘Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by the proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and necessary expertise’.
- 8.15. Paragraph 131 advises that in determining applications, local planning authorities should take account of:
 - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation
 - The positive contribution that conservation heritage assets can make to sustainable communities, including their economic viability
 - The desirability of new development making a positive contribution to local character and distinctiveness
- 8.16. Paragraph 132 states: ‘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. Substantial harm to or loss of a Grade II listed building should be exceptional.’

- 8.17. The NPPF at paragraphs 133 and 134 go on to say that where a development will lead to substantial harm, this harm should be outweighed by the public benefits of the proposal.
- 8.18. The setting of a listed building can often form an essential part of its character and due regard must therefore be given to the desirability of preserving the setting of such buildings, resisting development that would adversely affect it. It is acknowledged that the setting of the existing offices is against large B8 buildings, however, this site has been historically an employment site with associated rolling mill buildings and it was therefore considered that the re-development of the site for B8 purposes would not cause significant harm to the setting of the listed offices. It is important however that any additions or extensions do not detract from or dominate the office building. Whilst it is acknowledged that the new health spa and café buildings are quite significant additions, and will have an impact on the character and setting of this designated heritage asset, it is considered that the approach taken in terms of erecting new linked buildings set away from the office building; is the correct one and are therefore on balance acceptable in terms of the setting of the building.
- 8.19. Saved Policy C21 of the adopted Cherwell Local Plan 1996 advises that 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. It is further advised however that this would only apply where the change of use would not involve substantial alterations to the fabric or setting of the listed building and that the structural limitations of the building should be respected.
- 8.20. The proposal must therefore be assessed in terms of its impact upon the fabric of the Grade II listed offices. The application is accompanied by a Listed Building Structural report and accompanying structural information which seek to demonstrate that the existing building is capable of taking the additional load of the two storey roof extension which will be constructed from lightweight material incorporating a steel skeletal frame, timber and cold rolled metal joists and plywood boarding supported by the construction of additional columns which will be placed internally within the building. It is vital that these new columns are placed where they will not adversely impact on the areas of significance and important historic fabric. Following discussions with the Conservation Officer, a revised submission is awaited in respect of a number of columns which need to be re-positioned. The areas of significance identified within the building will be retained as part of the proposals. Conditions are recommended in this respect.
- 8.21. The Conservation Officer has assessed the proposal and considers the general principle of the change of use of the building to a hotel with the proposed annex extensions to be acceptable but raises concerns about the inefficient use of space in the building and therefore the corresponding requirement for the two storey roof extension. The key concern relates to the visual impact of this two storey addition which she considers fundamentally alters the proportions of the building and unbalances the architectural form of the Art Deco structure and in the absence of justification for the level of accommodation required considers this to be unacceptable.
- 8.22. The applicant's agent has sought to address these concerns. The latest plans indicate a structure constructed of a lightweight material and a reduction in its height by 0.5m. A written statement submitted by the applicant seeks to demonstrate why the extensions and proposed floorspace are required in terms of ensuring that the hotel is viable. As mentioned above, Saved Policy C21 and the NPPF consider the re-use of listed buildings. This is a listed building which as previously advised is considered important to the history of Banbury and which has been vacant since

2008, as a result of which the building is slowly deteriorating. It is therefore important that a new use is found for the building before deteriorates further. It is accepted that the roof extension is large, however, in accordance with the NPPF the harm in this case is considered on balance to be outweighed by the benefit of bringing the site back into use.

- 8.23. An assessment of the whole of the proposed extensions, that is, the roof extension, restaurant and health spa buildings indicates that the original office building will be more than doubled in size. This is a large increase and will have a significant impact of the character of this designated heritage asset. Saved Policy C18 of the adopted Cherwell Local Plan 1996 seeks to preserve listed buildings and their settings and advises that consent will normally only be granted for alterations or extensions to listed buildings which are minor and sympathetic to the architectural and historic character of the building. The proposal, due to its scale of change is contrary to that policy. As previously discussed however, the level of harm to the building must be considered against the public benefit of securing the future of the building. In this case, on balance, it is considered that the level of harm to the listed building and its setting will be less than substantial and is therefore acceptable.
- 8.24. It should be noted that the character of a listed building is determined by the detail of its structure as well as its appearance. This building is a showcase to the use of aluminium and the applicant was advised during pre-application discussions that the external and internal historic fabric must be protected during construction and preserved as part of the proposals, and that this must also be expressed in terms of the proposed extensions. The roof extension has been designed as a lightweight structure, similar to that on the Tate Modern and in this respect is considered to be an appropriate approach. The application submission is currently not clear about the level of harm to the historic fixtures and fittings (including door panels, skirting, panelling, light fittings, door furniture etc), but it is considered that this can be minimised and mitigated through conditions. A full detailed method statement will also be required detailing how the historic fabric will be protected during the works.
- 8.25. Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 states that proposals will not be permitted if they would harm the setting of settlements, buildings, structure or other landmark features, or harm the historic value of a landscape and Policy ESD15 of that plan states that proposals should conserve, sustain and enhance designated and non-designated heritage assets, including buildings, features, archaeology, conservation areas and their settings, and to ensure that new development is sensitively sited and integrated and include information on heritage assets, sufficient to assess the potential impact of the proposal on their significance.
- 8.26. The site is located to the north of the Oxford canal, which is a designated conservation area. The proposals must therefore be assessed in terms of their impact upon the setting of this adjacent conservation area. The office building and proposed extensions are situated some distance from the canal corridor and it is therefore considered that, whilst the proposals will be visible, in particular the proposed roof extension, the visual impact from the canal will be limited and therefore it is not considered that the proposals will cause harm to the setting of the adjacent Oxford canal conservation area. The Canal and River Trust have raised some concerns regarding the proposed health spa building and the blank elevation proposed, which might be visible from the canal, and advise that if visible it would benefit from added interest to this elevation.
- 8.27. Having regard to the above, it is considered that the proposed extensions and alterations to the building as proposed are significant, however, they will ensure that this vacant designated heritage asset is returned to an economic beneficial use and

the proposal is therefore on balance in accordance with the policies in the development plan and the advice within the NPPF.

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. 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. As stated above, this building has been vacant since 2008 and is slowly deteriorating. On balance, it is concluded that the proposed extensions and alterations will cause less than substantial harm to the historic fabric and character and the setting of the listed building and will enable the building to be brought back in to economic beneficial use. The proposals are thus considered to be in accordance with the above mentioned policies and the advice within the NPPF.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant permission, subject to:

- (a) the removal of the objection by the Environment Agency;
- (b) receipt of satisfactory amended plans in relation to proposed internal columns, and;
- (c) the conditions set out below (and any amendments to those conditions as deemed necessary)

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

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 [, Design and Access Statement] and drawings numbered: [insert]

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

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

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 Prior to the commencement of the development hereby approved, in accordance with condition 3 above a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m2 in size) shall be constructed on

site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 8 All work of demolition of any part of the building shall be carried out by hand methods only and without the use of machinery.

Reason - To safeguard the preservation and retention of all parts of the existing historic building(s) and to comply with Policy C18 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9 All works of making good shall be carried out in materials and detailed to match the existing fabric except where shown otherwise on the approved drawings.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy C18 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

- 10 That any remedial stonework necessary for the repair or making good of the cills and walls shall be carried out in stone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building unless otherwise approved in writing by the Local Planning Authority prior to the works commencing.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in National Planning Policy Framework, Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Saved Policy C18 of the adopted Cherwell Local Plan.

- 11 The construction of the new development shall be carried out in such a manner as to ensure that the existing building is preserved and not structurally or superficially altered in any way whatsoever, and the said building shall be structurally supported and weatherproofed at all times during the construction period in accordance with established building practice.

Reason - To safeguard the preservation and retention of the existing historic building to comply with Government advice in National Planning Policy Framework, Policy ESD15 of the adopted Cherwell Local Plan and Saved Policy C18 of the adopted Cherwell Local Plan.

- 12 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in National Planning Policy Framework, Planning for the Historic Environment, Policy C18 of the adopted Cherwell Local Plan and Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031.

- 13 That full design details of the replacement windows and works to the revolving doors and new side doors to the main entrance to a scale of 1:20, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in National Planning Policy Framework, Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Saved Policy C18 of the adopted Cherwell Local Plan.

- 14 That the proposed replacement windows shall be of exactly the same design, appearance and size as the existing historical original windows.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in National Planning Policy Framework, Policy ESD15 of the adopted Cherwell local Plan 2011-2031 and Saved Policy C18 of the adopted Cherwell Local Plan.

- 15 All new works and works of making good shall be carried out in materials and detailed to match the original fabric.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in National Planning Policy Framework, Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Saved Policy C18 of the adopted Cherwell Local Plan.

- 16 That prior to the commencement of any development on the site, full construction details of the proposed disabled ramps and design details of the proposed railings, to a scale of 1:20, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in National Planning Policy Framework, Policy ESd15 of the adopted Cherwell Local Plan 2011-2031 and Saved Policy C18 of the adopted Cherwell Local Plan.

- 17 That prior to the commencement of any development on the site, a method statement produced by a specialist contractor detailing the repair of the existing fabric, such as the cracked stone cills in-situ, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved works.
- Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in National Planning Policy Framework, Policy ESD15 of the adopted Cherwell local Plan 2011-2031 and Saved Policy C18 of the adopted Cherwell Local Plan.
- 18 That prior to the commencement of any internal works, full details and a method statement relating to the insertion of the lifts as shown on the plans shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved works.
- Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in National Planning Policy Framework, Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policy C18 of the adopted Cherwell Local Plan.
- 19 That prior to the commencement of any development, full details and a method statement produced by a specialist contractor, of the repairs to the damaged plaster, replacement of damaged cornices and general repairs to the interior and exterior of the building shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the agreed works and details.
- Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in National Planning Policy Framework, Policy ESD15 of the adopted Cherwell local Plan 2011-2031 and saved Policy C18 of the adopted Cherwell Local Plan.
- 20 Prior to the commencement of any development on the site, full details of the proposed glazed canopy, including any proposed adaptations to the structure of any fixings to the listed building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details
- Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Government advice in National Planning Policy Framework, Policy ESD15 of the adopted Cherwell local Plan 2011-2031 and saved Policy C18 of the adopted Cherwell Local Plan.
- 21 That prior to the commencement of any works, a full detailed method statement and schedule of works produced by a specialist construction engineer and listed building contractor, setting out precisely how the existing fabric will be protected during the development, and in particular, the proposed roof extension shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the method statement approved.
- Reason - To ensure that the completed development is in keeping with and

conserves the special character of the existing historic building and to comply with Government advice in National Planning Policy Framework, Policy ESD15 of the adopted Cherwell local Plan 2011-2031 and saved Policy C18 of the adopted Cherwell Local Plan.

CASE OFFICER: Linda Griffiths

TEL: 01295 227998

Agenda Item 11
18/00608/F

**Round House
Main Street
Hethe
Bicester
OX27 8ES**

Cottage on the Green

Cottage on the Green

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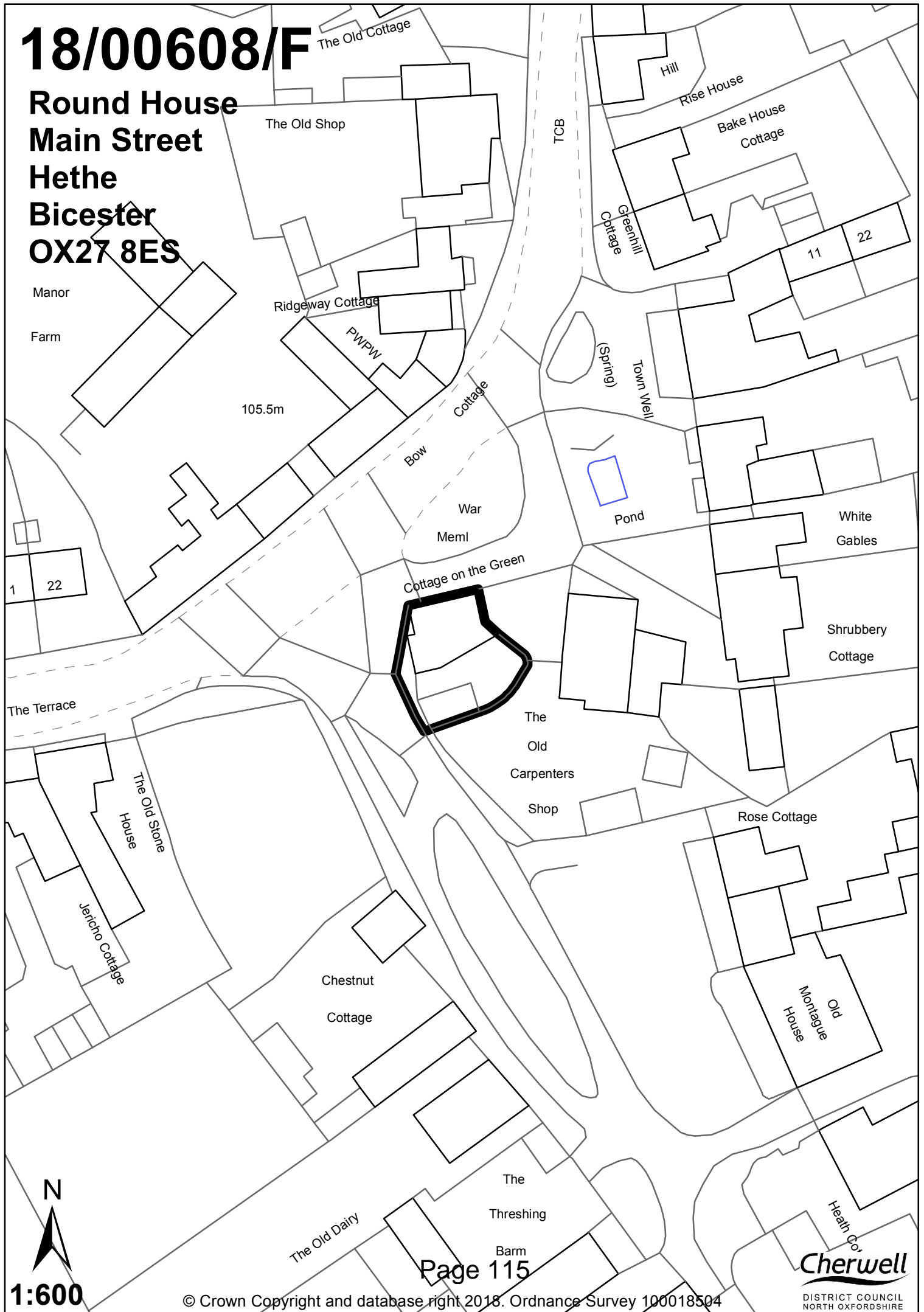
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18/00608/F

**Round House
Main Street
Hethe
Bicester
OX27 8ES**

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

**Round House
Main Street
Hethe
Bicester
OX27 8ES**

18/00608/F

Applicant: Mr & Mrs Roach

Proposal: Conversion of existing outbuilding to Kitchen/Diner and the construction of a glazed link from the existing house to the conversion. Internal alterations to the existing house.

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: *Called in by Councillor Wood*

Expiry Date: 20 July 2018 **Committee Date:** 19 July 2018

Recommendation: Approve, subject to conditions

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

The application is reported to the Planning Committee, as it has been called in by Councillor Wood.

Proposal

Planning permission is sought to convert an outbuilding to a kitchen/diner and the erection of a glazed link to connect it to the house, at Round House, Main Street, Hethe

Consultations

- Statutory consultees have raised no objections to the application subject to the imposition of conditions.
- Hethe Parish Council have objected to the application.
- CDC Conservation support the principle but raise objections to elements of the scheme.
- One letter of support received from a neighbour

Planning Policy

The application property is a Grade II listed building and the site is located within Hethe Conservation Area. The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application are:

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

- Ecology

The report looks into the key planning issues in detail, and officers conclude that the proposals are acceptable, subject to conditions. The scheme meets the requirements of relevant CDC policies.

RECOMMENDATION – GRANT PERMISSION SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The site forms a detached dwelling constructed of stone under a thatched roof, located in a corner plot towards the centre of the village, adjacent to the village green. The building lies within an area that is mainly rural in character. The building is listed grade II and is within the designated Hethe Conservation Area. To the south of the dwelling is an outbuilding, constructed in brick under a slate roof. A brick wall connects the two buildings, separating the residential curtilage from the road.
- 1.2. Whilst the outbuilding does have the appearance of a garage building, with doors that open onto the road, the applicant states that this has never been used for vehicles and is referred to in both the application description and the Design and Access Statement as an outbuilding.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning consent to erect a glazed link which would join the main house to the outbuilding, which is proposed to be converted into a kitchen. Furthermore the boundary wall is proposed to be raised in height by 0.6m and finished with once weathered masonry coping. The glazed link would be made of glass with aluminium. Furthermore the applicant proposes to erect a bike store to the east of the outbuilding whilst replacing/repairing openings to the outbuilding. An existing door to the main dwelling will also be filled in with recessed stone.

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>
00/00028/LB	Removal and rebuilding of front porch. Internal alterations to building including removal of stud wall to kitchen and removal and rebuild brick wall to w.c.	Application Permitted
05/00073/TCA	Thin and prune crown by 1 metre on 1 No. Apple Tree	Application Permitted
09/01849/LB	Single storey rear extension. Remove flat	Application

	ceiling bed to expose trussed roof in bedroom. Replace existing porch door with stable door (as amended by drawing No. 2825(SK)03(C) received on 25.02.10)	Permitted
10/00193/DISC	Clearance of condition no.3, no.5, no.10 & no.11 of 09/01849/LB	Application Permitted
12/01760/F and 12/01731/LB	Remove oil contaminated stone work, soil, cellar floor, cellar brickwork. Demolish some non contaminated above ground walls to allow excavation for concrete foundations to support temporary towers & steel needles. Build new cellar concrete retaining wall, floor, and block work chimney base. Build up new masonry. Remove & reinstate existing timber dining room floor & brick garden wall	Applications Permitted
13/00060/TCA	T1 x Apple - Fell	Application Permitted
17/00222/TCA	T1, T2 x Horse Chestnut - Fell.	Application Withdrawn
17/02084/F and 17/02085/LB	Conversion of existing outbuilding to living accommodation and the construction of a glazed link from the existing house to the conversion.	Applications Withdrawn

4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
17/00131/PREAPP	Conversion of existing outbuilding to living accommodation and the construction of a glazed link from the existing house to the conversion

- 4.2. The Conservation Officer had advised the principle of a linked extension would be acceptable and that the best solution going forward was to raise the wall which bounds the site from the road. Whilst this would alter the junction between the eaves and the wall, would retain the simple form and allow the link to be light and more importantly hidden. The Conservation Officer advised that a simple, light, glazed lean to linked extension would therefore be the least obtrusive form.
- 4.3. On the basis of the Conservation Officer's advice at this time, Officer's recommended that a potential scheme could be submitted which would not cause harm to the historic significance, character and appearance of the Grade II Listed Building in the context of the Conservation Area. However this was subject to details, dependant on the raising of the brick wall not causing an awkward roof

junction and that a lightweight glazed structure can be built to provide an acceptable head height for occupiers and not causing harm to designated heritage assets.

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 04.07.2018, 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
- Simple enhancement to the dwelling with little negative impact, making good use of an existing outbuilding
- 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. HETHE PARISH COUNCIL: **Object** – the glazed link will spoil the original features of the property and together with the garage conversion are not sympathetic additions to the historic character of this traditional stone cottage, being detrimental to its appearance. Furthermore, glass and aluminium do not sit comfortable alongside a listed building and the glazed link will allow light pollution.

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections** – as existing garage appears to be sub-standard and unable to accommodate a modern family car. In addition it would appear that the access off the highway to the garage has no signs of damage or to have been overrun by motor vehicles recently, alluding to the fact that the garage is not used for a motor vehicle.

NON-STATUTORY CONSULTEES

- 6.4. CDC CONSERVATION: **Both in support and in objection**
- 6.5. The Conservation Officer objects to the clear glazed roof with no control over upward light spill, which is considered to cause substantial harm to the tranquillity and dark nature around The Green and consequently the setting of the listed buildings and Conservation Area. Furthermore it was considered that the proposal should introduce a parapet wall, as the proposed return wall is not a sympathetic junction with a curtilage listed wall.
- 6.6. The Conservation Officer also recommended the removal of the proposed rooflights and new opening within the dwelling, which were removed from the scheme.

- 6.7. On other matters – the Conservation Officer is supportive of the link in principle and a shallow pitched roof behind the link is acceptable. The Conservation Officer requests the following conditions to be attached to any consent; joinery details, glazed wall details, glass for the roof details, repairs schedule for the outbuilding, floor sample, roof insulation material details, details of the light within the link, coping details, junction detail, details of the widened opening into the outbuilding, lintel detail to the new opening and step details.
- 6.8. CDC ARBORICULTURE: **No objections** – as the existing structure of the building is not being modified and there doesn't appear to be any conflict between the building and the adjacent trees.
- 6.9. CDC ECOLOGY: **No objections** – as the Bat Survey confirms there are no bats present. It is recommended that any mitigation measures are carried out in accordance with the recommendations within the report.
- 6.10. CDC BUILDING CONTROL: **No objections**

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Listed buildings
- C23 – Features contributing to a conservation area
- C28 – Layout, design and external appearance
- 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:

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

- Residential amenity
- Highway safety
- Ecology

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

- 8.2. Design and impact on the character of the area and designated heritage assets 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.”
- 8.3. ESD15 goes on to say that new development proposals should: “Conserve, sustain and enhance 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.
- 8.4. Saved Policy C23 of the 1996 Local Plan states that there will be a presumption in favour of retaining walls and other features which make a positive contribution to the character and appearance of a conservation area and Policies C28 and C30 seek to 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 existing buildings.
- 8.5. Government guidance contained within the NPPF attaches great importance to the design of the built environment and 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, LPA’s should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Government guidance contained within the NPPF attaches great importance to the design of the built environment and 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, LPA’s should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 8.6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Likewise Section 66 of the same Act 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. Therefore significant weight must be given to these matters in the assessment of this planning application.
- 8.7. Round House is a Grade II Listed Building, which also lies within the designated Hethe Conservation Area and is in close proximity to other designated heritage assets. The Listed Building is considered significant by way of its aesthetic value, i.e. the simple yet characterful form and its thatched roof, and the prominence on the street corner. It is also a good example of local vernacular architecture and building typologies.

- 8.8. The proposal is considered to follow advice given by Officers of the Council through the introduction of a lightweight glazed structure which links the main dwelling to the outbuilding. The scheme introduces a lean-to extension which would not be readily visible from the public domain.
- 8.9. Due to the works approved under application 12/01760/F, a majority of the fabric on the southern elevation of the dwelling where the extension is proposed is not historic and as such where the new opening is proposed for the glazed link to join with the main dwelling, this does not result in harm to the Grade II Listed Building.
- 8.10. The glazed structure is clearly more modern in its design, materials and overall external appearance than that of the Listed Round House and curtilage listed outbuilding. It is considered that this is positive in differentiating between the historic buildings and the new addition. Furthermore, the Conservation Officer advised at pre-app stage that a simple glazed link would be the least obtrusive form of development in this location. As such this element of the proposal is considered acceptable in preserving the significance of the Grade II Listed Building and the designated Hethe Conservation Area.
- 8.11. Whilst I note the Conservation Officer's concerns that the proposal could introduce light spillage onto The Green, which is dark in its nature, Officers consider that the impact of this is limited, particularly as the extension is a lean-to and as such is contained within the site and hidden behind the boundary wall, thus not readily visible from the public domain. Furthermore, existing windows in Round House and other buildings that front onto The Green and Main Street are likely to cause light spillage to a greater extent than the glazed link would. A more solid roof structure would also give the building a more substantial appearance, not appearing lightweight and thus causing demonstrable harm to the character and appearance of the Grade II Listed Building.
- 8.12. Furthermore, the proposal seeks to convert the outbuilding into kitchen accommodation, which is not considered to cause any significant harm to the character and appearance of the wider Conservation Area, with limited alterations proposed. Whilst the proposal does replace the existing 'garage' door which faces out onto The Green, the new door is considered acceptable in this context. Furthermore, the replacement windows and doors that face into the applicants residential amenity space are not considered to cause any significant harm to the Listed Building or character and appearance of the Conservation Area, subject to details.
- 8.13. In regard to impact on trees, the Arboricultural Officer has confirmed that nearby trees are not within 'impact distance' of the proposal, particularly as the existing structure of the nearest building to the trees is not being modified.

Residential amenity

- 8.14. Policy ESD15 of the CLP (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.
- 8.15. Given the nature of the proposal and the location of the site in relation to neighbouring properties, it is not considered that there would be any additional harm caused to adjacent neighbours by way of loss of light, outlook or privacy.

Highway safety

- 8.16. Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to a site can be achieved for all people. However development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. Further, Policy ESD 15 of the Cherwell Local Plan 2031 Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”*
- 8.17. The Highways Liaison Officer has been consulted on this application and has not raised any objections, citing the fact that the ‘garage’ is not large enough for a typical family car and appears to be unused by virtue of the lack of damage to the access over the highway. Therefore, the proposal is considered acceptable in this regard.

Ecology

- 8.18. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.
- 8.19. Paragraph 109 of the NPPF states that: The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible. This requirement is echoed by Policy ESD10 of the CLP 2031 Part 1.
- 8.20. The Ecologist has been consulted on this application, who concurs with the findings of the Bat Survey and as such no further surveys are required. Therefore it is recommended that works are carried out in accord with paragraph 4.2 of this report.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposed development is considered to represent an acceptable and appropriate development, which would not cause undue harm to the character or historic significance of the heritage asset. As such the proposal complies with Policies C23 and C28 of Cherwell Local Plan 1996 (Saved Policies), Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 and the relevant paragraphs of the Framework. The proposal also complies with government guidance and is recommended for approval.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant permission, subject to:

- (a) the conditions set out below (and any amendments to those conditions as deemed necessary)

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Design and Access Statement 357/2018, Initial Bat Survey Report November 2017, the Horizon Treecare Tree Condition Survey 08/01/2018 and drawing no: PL357/2018/01A.

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

3. The development hereby approved shall be carried out in accordance with the recommendations set out in paragraph 4.2 of the Initial Bat Survey Report by Martin Ecology dated November 2017.

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 Part 1 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

4. A brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site to match the brickwork on the existing wall and shall be constructed, inspected and approved in writing by the Local Planning Authority prior to any works to increase the height of the brick boundary wall. Thereafter, the increased height of the wall shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and designated Conservation Area and to comply with Policy ESD15 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.

5. Full design details of the coping for the brick wall shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

To ensure that the completed development is in keeping with and conserves the

special character of the existing historic building and designated Conservation Area and to comply with Policy ESD15 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.

6. Full design details of the joinery and windows/doors including elevations, vertical and horizontal sections, cill and lintel details at a scale of <1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

CASE OFFICER: George Smith

TEL: 01295 221899

Agenda Item 12
18/00609/LB

**Round House
Main Street
Hethe
Bicester
OX27 8ES**

Cottage on the Green

Cottage on the Green

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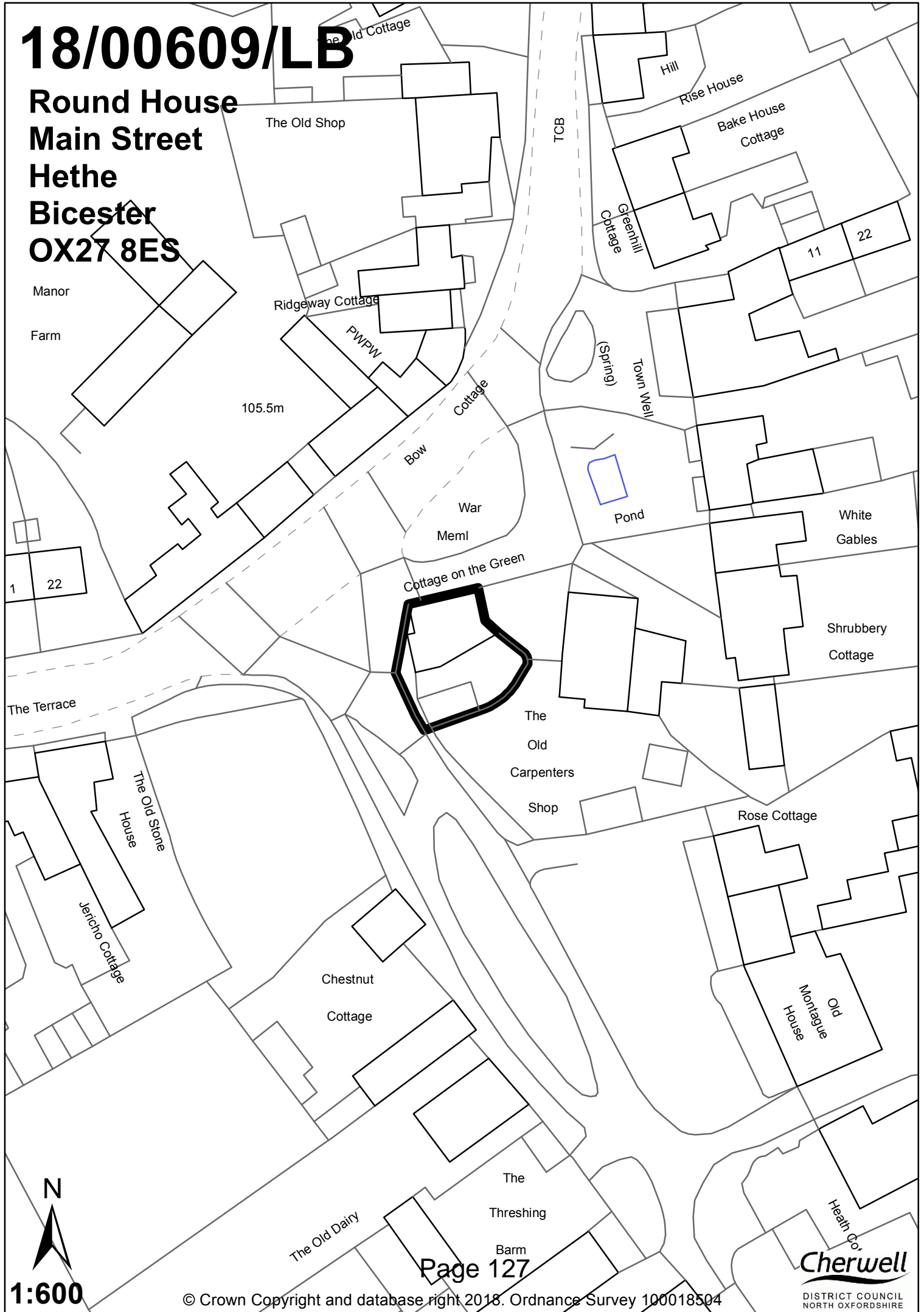


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18/00609/LB

**Round House
Main Street
Hethe
Bicester
OX27 8ES**

Manor
Farm



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**Round House
Main Street
Hethe
Bicester
OX27 8ES**

18/00609/LB

Applicant: Mr & Mrs Roach

Proposal: Conversion of existing outbuilding to Kitchen/Diner and the construction of a glazed link from the existing house to the conversion. Internal alterations to the existing house.

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: Called in by Councillor Wood

Expiry Date: 20 July 2018 **Committee Date:** 19 July 2018

Recommendation: Approve, subject to conditions

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

The application is reported to the Planning Committee, as it has been called in by Councillor Wood.

Proposal

Listed building consent is sought to convert an outbuilding to a kitchen/diner and the erection of a glazed link to connect it to the house, along with some internal alterations, at Round House, Main Street, Hethe

Consultations

- Statutory consultees have raised no objections to the application subject to the imposition of conditions.
- Hethe Parish Council have objected to the application.
- CDC Conservation support the principle but raise objections to elements of the scheme.
- One letter of support received from a neighbour

Planning Policy

The application property is a Grade II listed building and the site is located within Hethe Conservation Area. The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

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

The report looks into the key issues in detail, and officers conclude that the proposals are acceptable, subject to conditions. The scheme meets the requirements of relevant CDC policies.

RECOMMENDATION – GRANT LISTED BUILDING SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The site forms a detached dwelling constructed of stone under a thatched roof, located in a corner plot towards the centre of the village, adjacent to the village green. The building lies within an area that is mainly rural in character. The building is listed grade II and is within the designated Hethe Conservation Area. To the south of the dwelling is an outbuilding, constructed in brick under a slate roof. A brick wall connects the two buildings, separating the residential curtilage from the road.
- 1.2. Whilst the outbuilding does have the appearance of a garage building, with doors that open onto the road, the applicant states that this has never been used for vehicles and is referred to in both the application description and the Design and Access Statement as an outbuilding.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning consent to erect a glazed link which would join the main house to the outbuilding, which is proposed to be converted into a kitchen. Furthermore the boundary wall is proposed to be raised in height by 0.6m and finished with once weathered masonry coping. The glazed link would be made of glass with aluminium.
- 2.2. Internally, the applicant proposes to create a partially glazed stud partition and door.

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>
00/00028/LB	Removal and rebuilding of front porch. Internal alterations to building including removal of stud wall to kitchen and removal and rebuild brick wall to w.c.	Application Permitted
05/00073/TCA	Thin and prune crown by 1 metre on 1 No. Apple Tree	Application Permitted
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stable door (as amended by drawing No. 2825(SK)03(C) received on 25.02.10)

10/00193/DISC	Clearance of condition no.3, no.5, no.10 & no.11 of 09/01849/LB	Application Permitted
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17/02084/F and 17/02085/LB	Conversion of existing outbuilding to living accommodation and the construction of a glazed link from the existing house to the conversion.	Application Withdrawn

4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
17/00131/PREAPP	Conversion of existing outbuilding to living accommodation and the construction of a glazed link from the existing house to the conversion

4.2. The Conservation Officer had advised the principle of a linked extension would be acceptable and that the best solution going forward was to raise the wall which bounds the site from the road. Whilst this would alter the junction between the eaves and the wall, would retain the simple form and allow the link to be light and more importantly hidden. The Conservation Officer advised that a simple, light, glazed lean to linked extension would therefore be the least obtrusive form.

4.3. On the basis of the Conservation Officer's advice at this time, Officer's recommended that a potential scheme could be submitted which would not cause harm to the historic significance, character and appearance of the Grade II Listed Building in the context of the Conservation Area. However this was subject to details, dependant on the raising of the brick wall not causing an awkward roof junction and that a lightweight glazed structure can be built to provide an acceptable head height for occupiers and not causing harm to designated heritage assets.

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- 5.2. The comments raised by third parties are summarised as follows
- Simple enhancement to the dwelling with little negative impact, making good use of an existing outbuilding
- 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. HETHE PARISH COUNCIL: **Object** – the glazed link will spoil the original features of the property and together with the garage conversion are not sympathetic additions to the historic character of this traditional stone cottage, being detrimental to its appearance. Furthermore, glass and aluminium do not sit comfortable alongside a listed building and the glazed link will allow light pollution.

OTHER CONSULTEES

- 6.3. CDC CONSERVATION: **Both in support and in objection**
- 6.4. The Conservation Officer objects to the clear glazed roof with no control over upward light spill, which is considered to cause substantial harm to the tranquillity and dark nature around The Green and consequently the setting of the listed buildings and Conservation Area. Furthermore it was considered that the proposal should introduce a parapet wall, as the proposed return wall is not a sympathetic junction with a curtilage listed wall.
- 6.5. The Conservation Officer also recommended the removal of the proposed rooflights and new opening within the dwelling, which were removed from the scheme.
- 6.6. On other matters – the Conservation Officer is supportive of the link in principle and a shallow pitched roof behind the link is acceptable. The Conservation Officer requests the following conditions to be attached to any consent; joinery details, glazed wall details, glass for the roof details, repairs schedule for the outbuilding, floor sample, roof insulation material details, details of the light within the link, coping details, junction detail, details of the widened opening into the outbuilding, lintel detail to the new opening and step details.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Proposals affecting a listed building
- C23 – Retention of features in a Conservation Area

7.3. Other Material Planning Considerations

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

8. APPRAISAL

- 8.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed building(s).
- 8.2. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 129 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*
- 8.4. Paragraph 132 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm loss should require clear and convincing justification.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

- 8.5. Round House is a Grade II Listed Building, which also lies within the designated Hethe Conservation Area and is in close proximity to other designated heritage assets. The Listed Building is considered significant by way of its aesthetic value, i.e. the simple yet characterful form and its thatched roof, and the prominence on the street corner. It is also a good example of local vernacular architecture and building typologies.
- 8.6. The glazed structure is clearly more modern in its design, materials and overall external appearance than that of the Listed Round House and curtilage listed outbuilding. It is considered that this is positive in differentiating between the historic buildings and the new addition. Furthermore, the Conservation Officer advised at pre-app stage that a simple glazed link would be the least obtrusive form of development in this location. As such this element of the proposal is considered acceptable in preserving the significance of the Grade II Listed Building and the designated Hethe Conservation Area.
- 8.7. Due to the works approved under application 12/01760/F, a majority of the fabric on the southern elevation of the dwelling where the extension is proposed is not historic and as such where the new opening is proposed for the glazed link to join with the main dwelling, this does not result in harm to the Grade II Listed Building. Further details are required, however, for the steps which lead to the glazed link, which can be conditioned.
- 8.8. The Conservation Officer has not raised any objections to the internal works as submitted, but states that additional details are required for the glazed screen to the study. Therefore there are no concerns in this regard, subject to further details.
- 8.9. Furthermore, the proposal seeks to convert the outbuilding into kitchen accommodation, which is not considered to cause any significant harm to the character and appearance of the wider Conservation Area, with limited alterations proposed. Whilst the proposal does replace the existing 'garage' door which faces out onto The Green, the new door is considered acceptable in this context. Furthermore, the replacement windows and doors that face into the applicants residential amenity space are not considered to cause any significant harm to the Listed Building or character and appearance of the Conservation Area, subject to details.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposed development is considered to represent an acceptable and appropriate development, which would not cause undue harm to the character or historic significance of the designated heritage asset. As such the proposal complies with saved Policy C18 of Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 and the relevant paragraphs of the Framework. The proposal also complies with government guidance and is recommended for approval.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant permission, subject to:

- (a) the conditions set out below (and any amendments to those conditions as deemed necessary)

That permission is granted, subject to the following conditions:

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Design and Access Statement 357/2018, Initial Bat Survey Report November 2017, the Horizon Treecare Tree Condition Survey 08/01/2018 and drawing no: PL357/2018/01A.

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.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BY DEVELOPER BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

3. A brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size) shall be constructed on site to match the brickwork on the existing wall and shall be constructed, inspected and approved in writing by the Local Planning Authority prior to any works to increase the height of the brick boundary wall. Thereafter, the increased height of the wall shall be constructed in strict accordance with the approved brick sample panel.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and designated Conservation Area and to comply with Policy ESD15 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. Full design details of the coping for the brick wall shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and designated Conservation Area and to comply with Policy ESD15 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.

5. Full design details of the joinery and windows/doors including elevations, vertical and horizontal sections, cill and lintel details at a scale of <1:20 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

6. Full design details of the steps from the dwelling into the glazed link, including a section drawing shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Full design details of the widened opening into the outbuilding shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Full design details of the glazed stud partition and door to the study shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. Thereafter, the development shall be carried out in accordance with the approved details.

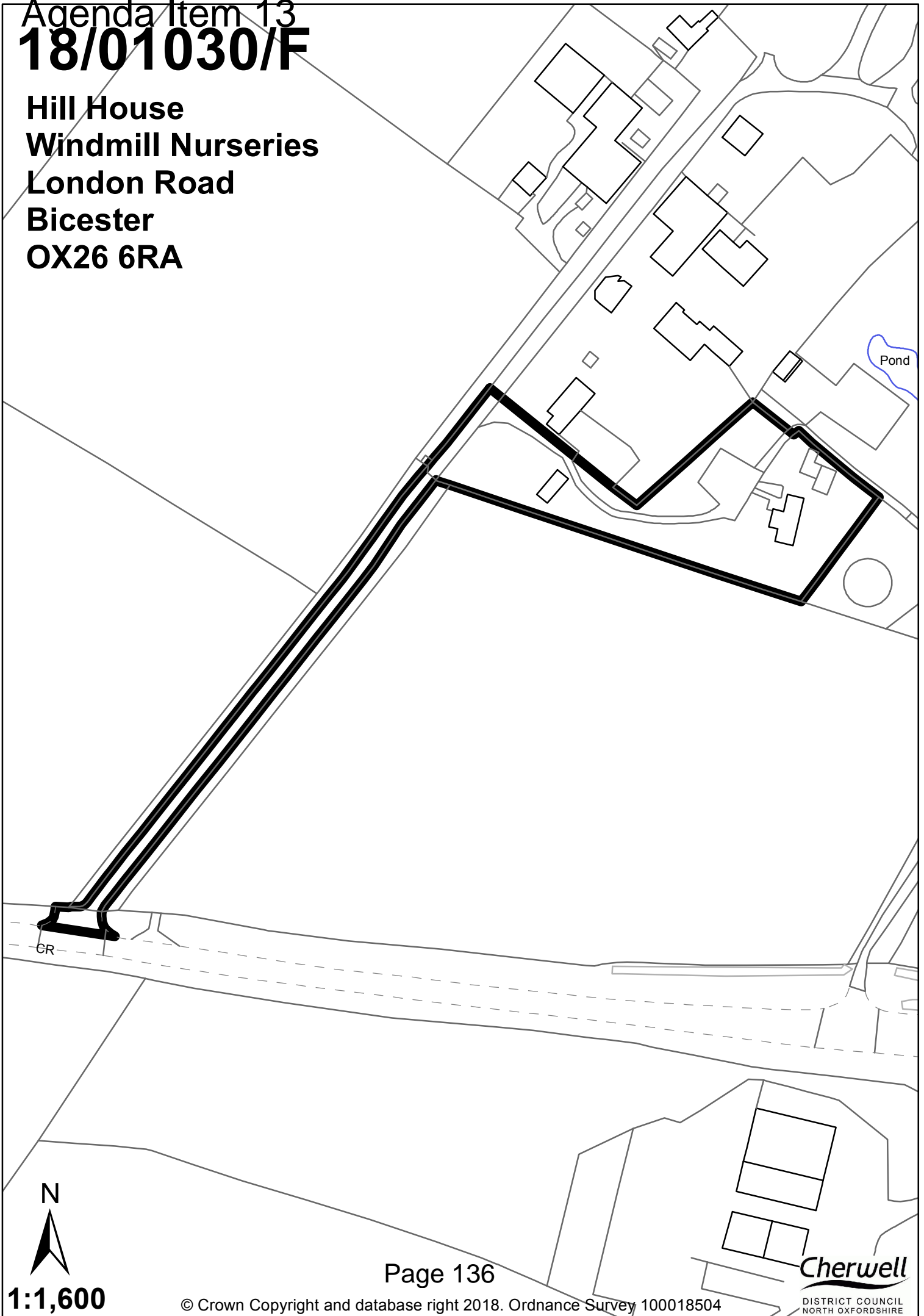
Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. The internal insulation materials for the walls and roof of the outbuilding shall be made of breathable materials.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

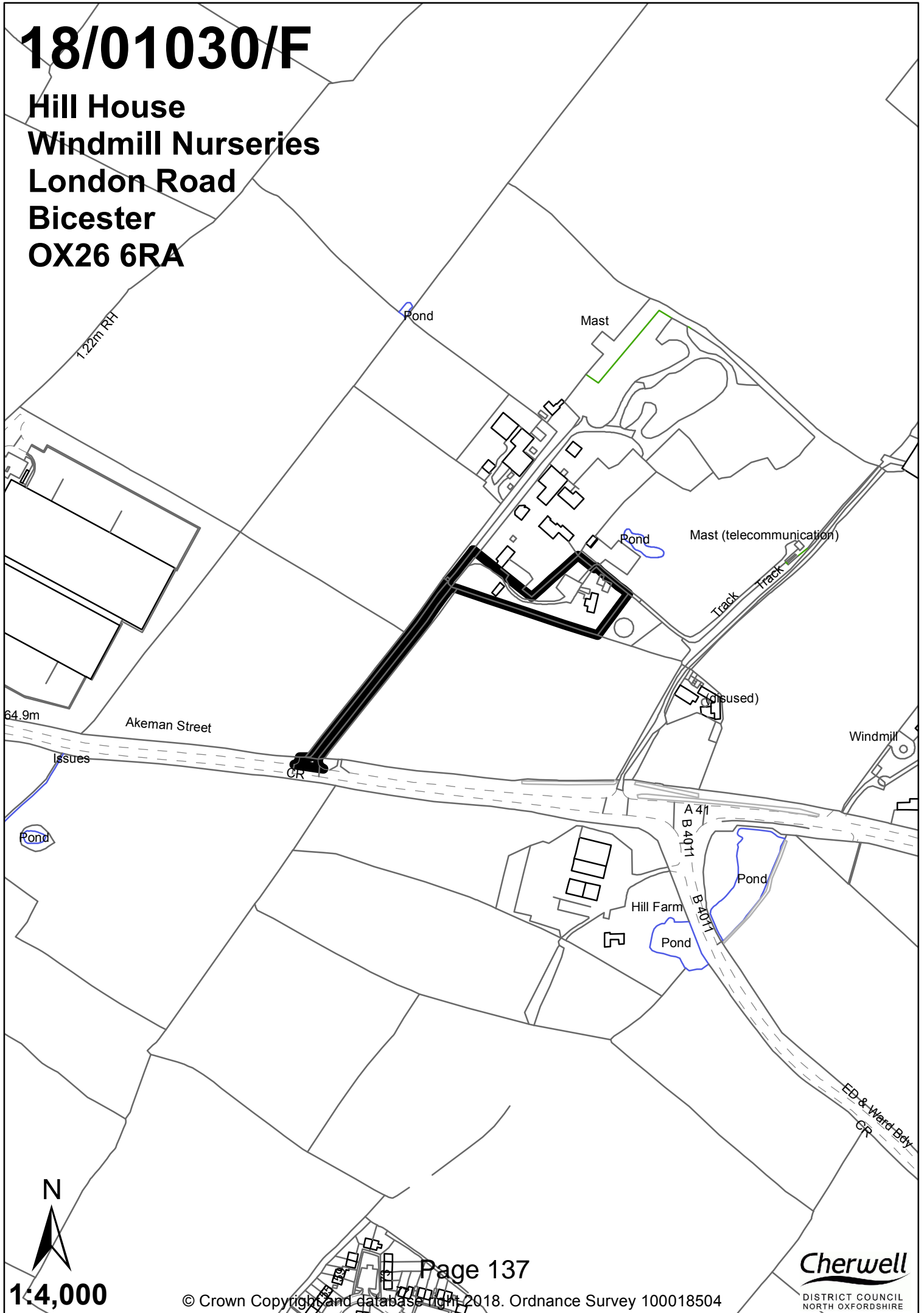
Agenda Item 13
18/01030/F

**Hill House
Windmill Nurseries
London Road
Bicester
OX26 6RA**



18/01030/F

Hill House
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OX26 6RA



Hill House
Windmill Nurseries
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Bicester
OX26 6RA

18/01030/F

Applicant: Mr D Hughes

Proposal: Single and two storey front extension to dwellinghouse and raise roof of annexe building.

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: *Applicant is a councillor*

Expiry Date: 10 August 2018 **Committee Date:** 19 July 2018

Recommendation: Approve

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

The application is reported to the Planning Committee, as the applicant is a Councillor

Proposal

Planning permission is sought for a Single and two storey front extension to dwellinghouse and raise roof of annexe building at Hill House, Windmill Nurseries, London Road, Bicester

Consultations

No statutory or non-statutory consultees have raised objections to the application
No third party letters have been received

Planning Policy

The application site is located just off the A41 beyond the built up area of Bicester. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- Design, and impact on the character of the area
- Residential amenity
- Highway safety/parking provision
- Protected species

The report looks into the key planning issues in detail, and officers conclude that the proposal is acceptable against the relevant policies

RECOMMENDATION – GRANT PERMISSION

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. Hill House is a detached dwelling constructed from reconstituted stone with a concrete tiled roof located. The property is adjacent to a caravan sales/storage business and a scrap business which are operated by the applicant's family. The application site is located just off the A41 to the south east of Bicester.
- 1.2. The dwelling is set well back from the highway, and is largely screened by mature foliage and cannot be readily seen from the public realm.
- 1.3. The dwelling and adjacent detached annexe are not listed or within a conservation area.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks permission for a two-storey extension with single storey lean to projecting off the front elevation of the dwelling. The proposal is slightly smaller than an existing two storey wing. The two storey element would have a depth of 2m and width of 6.3m – the lean to which sits in front of the full width of the two storey extension would project out a further 1m.
- 2.2. As part of this proposal, the applicant also seeks to alter the roof of the annexe building, which is currently made up of a series of shallow sloping roofs. The height of the dual pitched section would increase by 1.35m and the shallow/flat roofed sections by an additional 2.6m.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no relevant recent planning history relating to this property.

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 11th July 2018; any representations received between the time of writing and Committee will be provided as an update.
- 5.2. No comments have been raised by third parties to date.

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. BLACKTHORN PARISH COUNCIL: No comments received

OTHER CONSULTEES

- 6.3. CDC ECOLOGY: 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)

- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

- 7.3. Other Material Planning Considerations

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

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/parking provision
- Protected species

Design and Impact on the Character of the Area

- 8.2. Paragraph 56 of the NPPF makes clear that: *the Government attaches great importance to the design of the built environment*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings*.
- 8.3. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene*.
- 8.4. The dwelling is in an isolated location and as such the impacts of the proposals are largely considered to be to the character and scale of the existing building.
- 8.5. Whilst extensions to the front of properties are normally discouraged, this is normally to protect the uniformity of a streetscene and or an established building line, neither of which are relevant considerations in respect of the application property. As the extension shows subservience to the main body of the dwelling and largely mirrors an existing two storey gable projecting out of the front elevation, the design is considered to be acceptable.
- 8.6. The alterations to the roof of the annexe are also relatively minor and would represent an improvement to the appearance of the existing building by virtue of replacing the flat roofs with a pitched alternative.
- 8.7. On the whole the proposals would result in additional mass to the current buildings, but this is considered to be commensurate with the scale of the original dwelling and annexe. The proposals are therefore considered not to adversely impact on the visual amenity of the area and are thus considered to accord with Policy ESD15 of the CLP 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Residential Amenity

- 8.8. Paragraph 17 of the NPPF includes, as a core planning principle, a requirement that planning should: *always seek to secure...a good standard of amenity for all existing and future occupants of land and buildings*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*.
- 8.9. The buildings are well screened from the surrounding area and are set back 150m from the public highway and 100m from the nearest neighbouring property so have no adverse impact on neighbouring residents amenity.
- 8.10. The proposal therefore accords with Policy ESD15 of the CLP 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

Highway Safety/Parking Provision

- 8.11. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 35 of the NPPF which states that: *developments should be located and designed where practical to...create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians*.

- 8.12. The proposal would have no effect on the existing parking provision, with ample parking for at least 5-6 vehicles on site. The level of parking retained is therefore considered to be commensurate for a dwelling of this size in this location.

Protected species

- 8.13. Although the Council's Ecologist had not responded at the time of writing, given the age of the buildings and the fact that the roofs are currently in good condition it is not anticipated that bats would be making use of the roof space in either building. It is therefore likely that a planning note rather than a condition will suffice in this instance.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. For the reasons set out in this report, the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 14 of the NPPF, permission should therefore be granted.

10. RECOMMENDATION

Delegate to the Assistant Director of Planning Policy and Development to grant permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

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 information contained within the application form and the following approved plans: 6218-LOC; and 6218-04B.

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

CASE OFFICER: John Gale

TEL: 01295 221857

Cherwell District Council

Planning Committee

19th July 2018

Appeals Progress Report

Report of Assistant Director of Planning Policy and Development

This report is public

Purpose of Report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

New Appeals

- 2.1 **17/02131/F - St Georges Catholic Church, Round Close Road, Adderbury.**
Appeal by Mr T Catling - Demolition of existing chapel and erection of 1 dwelling
- 18/00032/F - Stratton Fields Livery Stables, Launton Road, Stratton Audley, Bicester.** Appeal by Mr M Chick - Single yard managers dwelling in connection with existing Stratton Fields Livery Stables
- 18/00249/OUT - Fringford Cottage, Main Street, Fringford, Bicester, OX27 8DP.**
Appeal by Mr Stuart Wright - Residential development of up to 10 dwellings
- 18/00278/F - Land Adj. to West Cottages, Bicester Road, Stratton Audley.**
Appeal by Stonebridge Investments - Erection of detached dwellinghouse including demolition of existing single garage

2.2 Forthcoming Public Inquires and Hearings between 19 July and the 23 August 2018.

Hearing commencing 31st July 2018 at River Cherwell Room, Cherwell District Council, White Post Road, Bodicote, Banbury, OX15 4AA. Appeal by LNT Care Developments Ltd/Greenlight Developments Ltd against the refusal of planning permission for erection of two-storey 64 bed care home for older people (Class C2 Use) with associated new access (off Skimmingdish Lane), parking and landscaping, and new linear park/public open space. 17/01428/F

2.3 Results

Inspectors appointed by the Secretary of State have:

1) Allowed the appeal by Mr M Horgan against the refusal of planning permission for Formation of new track and access (Re-submission of 16/02598/F). Crouch Farm, Bloxham Road, Banbury, OX16 9UN - 17/01617/F (Delegated)

The Inspector identified the main issues in this case as the effect of the proposed development would have on the character and appearance of the area including landscape character

The Council contended that the scale and formal nature of the access was out of keeping with the countryside environment and that the long winding access was contrived. The Council also raised concerns about the necessity of the new access given that there was already an existing adequate vehicular access further to the north.

In short, the Inspector disagreed and found that in the context of an increasing urbanised southern edge to Banbury the proposed access was not harmful to landscape character and that the track sensitively followed field boundaries. As the proposals were not in conflict with identified landscape protection policies (i.e. Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1) and therefore accorded with the development plan as a whole, there was no need to consider the necessity or otherwise of the access/track as a material consideration.

On the basis of the above the appeal was therefore allowed.

2) Dismissed the appeal by Mr Geoffrey Noquet against the refusal of planning permission for change of use from A4 to C3 (ACV Listed). The Pheasant Pluckers Inn, Street Through Burdrop, Burdrop, OX15 5RQ - 17/01981/F (Committee)

The Inspector considered the main issue to be whether it was demonstrated that the public house, as an Asset of Community Value (ACV), could not be financially viable in the long term, and if the change of use accords with the provisions of the development plan and national guidance.

The Inspector noted the long planning history of the site that the local community regarded the Pheasant Pluckers Inn as a much valued facility, providing food,

drink and a community meeting place, whilst also noting that the appellant has maintained for a long time that the premises are not viable as a pub.

The Inspector observed that in previous appeals it had not been demonstrated that the public house would not be viable in the long term. The Council commissioned a report by Bruton Knowles to consider the viability of the public house, the conclusions of which the Inspector gives considerable weight in reaching his opinion with regard to the issue of viability. The Inspector notes the lack of financial information available on the business to assess a realistic value in the current market and its future potential; an issue put forward in the Council's Statement of Case.

The Inspector concluded that on the issue of viability there was evidence to support the Council's case that the appellant has not demonstrated that the lawful use of the premises as a public house cannot be made viable in the long term, despite the pub being shut at the moment, and therefore, that the proposed change of use to a dwelling house would conflict with saved Policy S29 of the 1996 Cherwell Local Plan 1996, Policy BSC12 of the Cherwell Local Plan 2011-2031 Part 1 and the Government guidance in the NPPF to safeguard against the loss of what has been a valued local facility.

When assessing the planning balance the Inspector reasoned that the conflict with the Development Plan suggested that the appeal should not be allowed. However, he also noted that the balance in favour of the development plan policy was marginal; highlighting serious concerns about whether there is enough adult population in 'the Sibfords' to sustain another pub and also that a move towards a 'gastro-pub' may put the appeal site premises in direct competition with the Wykham Arms in Sibford Gower.

The Inspector picked up on the tensions between the community and the appellant, but indicated that given the status of the premises as an ACV, the onus was now on the community to demonstrate that the pub can be viable in the long term and make a considered offer to purchase it.

On balance the Inspector concluded that conflict with the policies of the Development Plan were not outweighed by any other considerations and therefore dismissed the appeal.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

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

Option 1: To accept the position statement.

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

5.0 Implications

Financial and Resource Implications

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

Comments checked by:

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

Legal Implications

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

Comments checked by:

Nigel Bell, Team Leader – Planning & 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 & 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 Clarke

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Paul Seckington, Senior Manager of Development Management
Contact Information	01327 322341 paul.seckington@cherwellandsouthnorthants.gov.uk