

# Public Document Pack



**aCommittee:** Planning Committee

**Date:** Thursday 23 August 2018

**Time:** 4.00 pm

**Venue** Bodicote House, Bodicote, Banbury, OX15 4AA

## **Membership**

<b>Councillor David Hughes (Chairman)</b>	<b>Councillor James Macnamara (Vice-Chairman)</b>
<b>Councillor Andrew Beere</b>	<b>Councillor Maurice Billington</b>
<b>Councillor Phil Chapman</b>	<b>Councillor Colin Clarke</b>
<b>Councillor Ian Corkin</b>	<b>Councillor Surinder Dhesi</b>
<b>Councillor Chris Heath</b>	<b>Councillor Simon Holland</b>
<b>Councillor Mike Kerford-Byrnes</b>	<b>Councillor Alan MacKenzie-Wintle</b>
<b>Councillor Richard Mould</b>	<b>Councillor Cassi Perry</b>
<b>Councillor D M Pickford</b>	<b>Councillor Lynn Pratt</b>
<b>Councillor G A Reynolds</b>	<b>Councillor Les Sibley</b>

## **Substitutes**

<b>Councillor Mike Bishop</b>	<b>Councillor John Broad</b>
<b>Councillor John Donaldson</b>	<b>Councillor Timothy Hallchurch MBE</b>
<b>Councillor Tony Ilott</b>	<b>Councillor Tony Mepham</b>
<b>Councillor Barry Richards</b>	<b>Councillor Nicholas Turner</b>
<b>Councillor Douglas Webb</b>	<b>Councillor Barry Wood</b>
<b>Councillor Sean Woodcock</b>	

## **AGENDA**

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

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

### **3. Requests to Address the Meeting**

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

### **4. Urgent Business**

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

### **5. Minutes (Pages 1 - 13)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 19 July 2018

### **6. Chairman's Announcements**

To receive communications from the Chairman.

## **Planning Applications**

7. **Land North Of Bicester Avenue Garden Centre, Oxford Road, Bicester (Pages 16 - 64)** **17/02534/OUT**
8. **Begbroke Science Park, Begbroke Hill, Begbroke, Kidlington, OX5 1PF (Pages 65 - 82)** **18/00803/OUT**
9. **Land North Of Milton Road, Adderbury, Oxfordshire (Pages 83 - 100)** **18/00220/F**
10. **Kelberg Limited, Northampton Road, Weston On The Green, Bicester, OX25 3TH (Pages 101 - 110)** **18/01157/F**
11. **Land North West Of Fabis House, Rattlecombe Road, Shenington (Pages 111 - 118)** **18/01098/F**
12. **Land North West Of Fabis House, Rattlecombe Road, Shenington (Pages 119 - 129)** **18/01114/F**
13. **Land North West Of Fabis House, Rattlecombe Road, Shenington (Pages 130 - 138)** **18/01115/LB**
14. **The Hill, Dover Avenue, Banbury, OX16 0JE (Pages 139 - 144)** **18/00277/DISC**
15. **Shopmobility, Unit A4, Pioneer Square, Bure Place, Bicester, OX26 6FA (Pages 145 - 152)** **18/00995/F**
16. **Land Adjacent To The South Multi-storey Car Park, Castle Quay South Multi Storey Car Park, Castle Street, Banbury (Pages 153 - 160)** **18/01101/F**

## **Review and Monitoring Reports**

### **17. Appeals Progress Report (Pages 161 - 165)**

Report of Assistant Director Planning Policy and Development.

#### **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](mailto: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 15 August 2018



## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 July 2018 at 4.00 pm

- Present: Councillor David Hughes (Chairman)  
Councillor James Macnamara (Vice-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 Alan MacKenzie-Wintle  
Councillor Richard Mould  
Councillor Cassi Perry  
Councillor Lynn Pratt  
Councillor G A Reynolds  
Councillor Les Sibley
- Substitute Members: Councillor Barry Wood (In place of Councillor D M Pickford)
- Apologies for absence: Councillor Maurice Billington  
Councillor D M Pickford
- Officers: Jim Newton, Assistant Director: Planning Policy and Development  
Paul Seckington, Senior Manager Development Management  
Bob Duxbury, Joint Majors Manager  
John Gale, Planning Officer  
George Smith, Assistant Planning Officer  
Matt Chadwick, Senior Planning Officer  
Nigel Bell, Interim Legal Services Manager / Deputy Monitoring Officer  
Aaron Hetherington, Democratic and Elections Officer

37 **Declarations of Interest**

**9. Former SAPA Profiles Office, Southam Road, Banbury, OX16 2SN.**  
Councillor Andrew Beere, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

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

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

**10. Former SAPA Profiles Office, Southam Road, Banbury, OX16 2SN.**  
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.

**13. Hill House, Windmill Nurseries, London Road, Bicester, OX26 6RA.**  
Councillor David Hughes, Disclosable Pecuniary Interest, as he was the applicant and would therefore leave the chamber for the duration of the item.

38 **Requests to Address the Meeting**

There were no requests to address the Committee.

39 **Urgent Business**

There were no items of urgent business.

40 **Minutes**

The Minutes of the meeting held on 21 June 2018 were agreed as a correct record and signed by the Chairman.

41 **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.

42 **OS Parcel 0078 North West Of Quarry Close, Quarry Close, Bloxham**

The Chairman advised that application 17/02502/OUT had been withdrawn from the planning process by the applicant.

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

The Committee considered a retrospective application 18/01112/ADV for 1 x 5.0m PID - Price Identification Sign with limited illumination for price display digits, 2 x Free standing posters at Motor Fuel Ltd, Bloxham Service Station South Newington Road, Bloxham, Banbury, OX15 4QF for Motor Fuel Group.

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

**Resolved**

That application 18/01112/ADV be approved and the authority be delegated 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.
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'.
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.
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.
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.
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.

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.
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.

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

The Committee considered application 17/02374/F for the extension and conversion of former SAPA office building into a new destination hotel together with supporting facilities at Former SAPA Profiles Office, Southam Road, Banbury, OX16 2SN for Honeydew Developments Ltd.

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

**Resolved**

That authority be delegated 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.
  2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the submitted plans.
  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.

- 4 No development shall take place until a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> 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.
- 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 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.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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, and prior to the first occupation of the development, construction shall only commence in accordance with the approved details.
- 13 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.
- 14 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.
- 15 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.

- 16 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.
- 17 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 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.
- 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.
- 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.
- 20 All species used in the planting proposals associated with the development shall be native species of UK provenance.

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

The Committee considered application 17/02375/LB, listed building consent, for an extension and conversion of former SAPA office building into a new destination hotel together with supporting facilities at Former SAPA Profiles Office, Southam Road, Banbury, OX16 2SN for Honeydew Developments Ltd.

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

**Resolved**

That application 17/02375/LB be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant permission, subject to:

- (d) the removal of the objection by the Environment Agency;
  - (e) receipt of satisfactory amended plans in relation to proposed internal columns, and;
  - (f) 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.
  - 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the submitted plans.
  - 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.
  - 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 1m<sup>2</sup> 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.
  - 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.



- 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.
- 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.
- 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.
- 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.
- 12 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out unless otherwise agreed in writing by the Local Planning Authority.
- 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.
- 14 That the proposed replacement windows shall be of exactly the same design, appearance and size as the existing historical original windows.
- 15 All new works and works of making good shall be carried out in materials and detailed to match the original fabric.
- 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.
- 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.

- 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.
- 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.
- 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
- 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.

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

The Committee considered application 18/00608/F for the conversion of an existing outbuilding to a Kitchen/Diner and the construction of a glazed link from the existing house to the conversion. Internal alterations to the existing house at Round House, Main Street, Hethe, Bicester, OX27 8ES for Mr & Mrs Roach.

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

**Resolved**

That application 18/00608/F be approved and that authority be delegated 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.

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.
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.
4. A brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> 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.
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.
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.

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

The Committee considered application 18/00609/LB, listed building consent for the 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 at Round House, Main Street, Hethe, Bicester, OX27 8ES for Mr & Mrs Roach.

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

**Resolved**

That application 18/00609/LB be approved and that authority be delegated 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 works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.
2. Except where otherwise stipulated by 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.

3. A brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m<sup>2</sup> 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.
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.
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.
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.
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.
9. The internal insulation materials for the walls and roof of the outbuilding shall be made of breathable materials.

The Committee considered application 18/01030/F for single and two storey front extensions to dwelling house and raise roof of annexe building at Hill House, Windmill Nurseries, London Road, Bicester, OX26 6RA for Mr D Hughes.

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

**Resolved**

That application 18/01030/F be approved and that authority be delegated 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.
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.

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**Appeals Progress Report**

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

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 4.42 pm

Chairman:

Date:

# Agenda Annex

## CHERWELL DISTRICT COUNCIL

### PLANNING COMMITTEE

23 August 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**

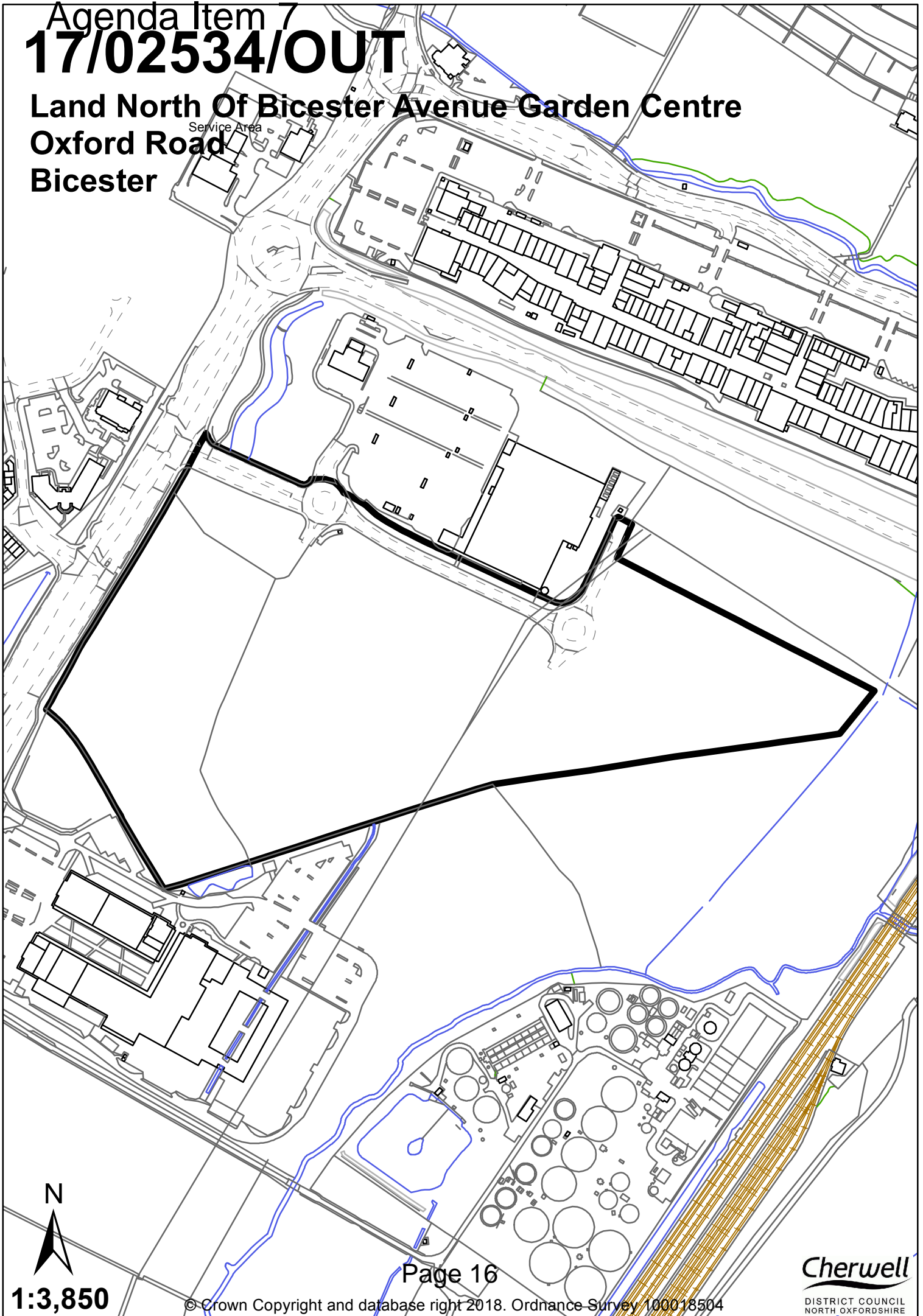
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
7	Land North Of Bicester Avenue Garden Centre Oxford Road Bicester	17/02534/OUT	Bicester South and Ambrosden	Approval	Matthew Parry
8	Begbroke Science Park Begbroke Hill Begbroke Kidlington OX5 1PF	18/00803/OUT	Kidlington West	Approval	Gavin Forrest
9	Land North Of Milton Road Adderbury Oxfordshire	18/00220/F	Adderbury, Bloxham And Bodicote	Approval	Caroline Ford
10	Kelberg Ltd Northampton Road Weston On The Green Bicester OX25 3TH	18/01157/F	Launton And Otmoor	Approval	Shona King
11	Land North West Of Fabis House Rattlecombe Road Shenington	18/01098/F	Cropredy, Sibfords And Wroxton	Approval	Matthew Chadwick
12	Land North West Of Fabis House Rattlecombe Road Shenington	18/01114/F	Cropredy, Sibfords And Wroxton	Refusal	Matthew Chadwick
13	Land North West Of Fabis House Rattlecombe Road Shenington	18/01115/LB	Cropredy, Sibfords And Wroxton	Refusal	Matthew Chadwick
14	The Hill Dover Avenue Banbury OX16 0JE	18/00277/DISC	Banbury Ruscote	Approval	Matthew Chadwick
15	Shopmobility Unit A4 Pioneer Square Bure Place Bicester OX26 6FA	18/00995/F	Bicester East	Approval	Lewis Knox
16	Land Adjacent To The South Multi-storey Car Park Castle Quay South Multi Storey Car Park Castle Street Banbury	18/01101/F	Banbury Grimsbury and Hightown	Approval	George Smith

Agenda Item 7  
**17/02534/OUT**

**Land North Of Bicester Avenue Garden Centre**  
**Oxford Road**  
**Bicester**

Service Area

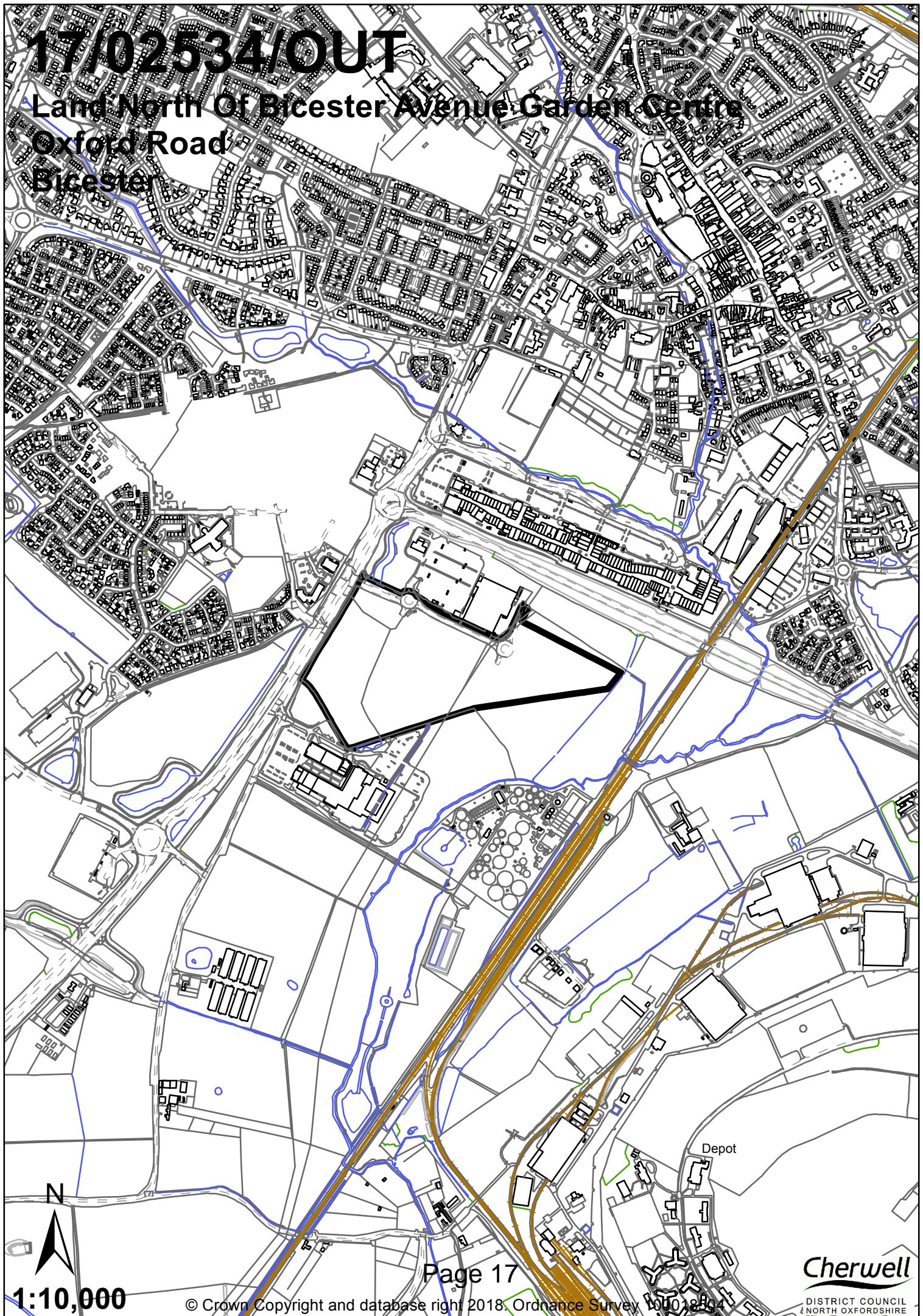


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# 17/02534/OUT

## Land North Of Bicester Avenue Garden Centre Oxford Road Bicester



Depot

**Applicant:** Scenic Land Developments Ltd

**Proposal:** OUTLINE - The construction of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace; associated vehicle parking, landscaping, highways, infrastructure and earthworks

**Ward:** Bicester South And Ambrosden

**Councillors:** Cllr David Anderson  
Cllr Dan Sames  
Cllr Lucinda Wing

**Reason for Referral:** Major Development

**Expiry Date:** 31<sup>st</sup> August 2018      **Committee Date:** 23<sup>rd</sup> August 2018

**Recommendation:** Approval subject to:  
1. Satisfactory completion of a legal agreement;  
2. Resolution of OCC's concerns regarding road junctions;  
3. Resolution by officers of the appropriate financial contribution, if any, towards strategic transport/highway improvements.  
4. Resolution of officers' concerns about impact on biodiversity.

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### **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

The application is reported to the Planning Committee as it proposes major development.

#### **Proposal**

The application seeks outline planning permission (with all matters reserved except for access) for up to 60,000sqm of Class B1(a) and Class B1(b) development together with associated infrastructure and ground works.

#### **Consultations**

The following consultees have raised objections to the application:

- Oxfordshire County Council on highways/transport grounds;
- CDC's ecologist due to likelihood of net harm to biodiversity.

#### **Planning Policy**

The application site forms part of the allocated Bicester 4 site. The eastern edge of the site is within Flood Zones 2 and 3 though no other planning policy or statutory designations affect the site. The land between the application and Langford Brook to the east is part of the functional floodplain.

The application has also been assessed against the relevant policies in the development plan including, principally, Policy Bicester 4 as well as national planning policy contained in the NPPF and national planning guidance in the PPG together with other material considerations.

## **Conclusion**

The key issues on which this application should be assessed are:

- Principle of Proposed Development;
- Access, Parking and Transport;
- Design, Layout and Landscaping;
- Flood Risk and Drainage;
- Ecology;
- Air Quality;
- Compatibility with Surrounding Uses;
- Renewable Energy and Construction Sustainability;
- Planning Obligation(s).

The report looks into the key planning issues in detail and officers have concluded that the proposals should be granted outline planning permission but only in the event that a number of matters are satisfactorily resolved prior to a decision being issued. The reason for reaching this conclusion is summarised below:

The proposals seek to provide Class B1 development on part of a site allocated for such purposes and so the principle of the proposed development is acceptable. The amount of development proposed is considered to be appropriate given the size and shape of the remainder of the allocated site available for development and officers are content that this quantum of development can be accommodated in such a way as to deliver a high quality, attractive business park.

However, OCC as the LHA objects, on the basis that the proposal would result in a severe impact in the form of likely severe congestion at the A41/Lakeview Drive signalised junction as well as the Oxford Road/Middleton Stoney Road/Kinds End roundabout junction even after the currently proposed mitigation. The proposals are also not currently supported by a commitment to make the financial contributions sought by OCC, in particular the £2.96m towards strategic transport improvements that would help alleviate the cumulative impact of local traffic growth which these proposals would contribute towards. The applicant disputes the requirement of this and has not provided a viability appraisal to support a case that the contribution sought by the LHA is not affordable.

Officers also consider that the current proposals would appear to result in a net loss of habitat value and consequently give rise to harm to wildlife which is also contrary to both local and national planning policy. There is not thought to be a good justification for this impact given the size of the site and the potential for appropriate mitigation an enhancement.

Officers have considered the overall benefits of the proposals against the harm having regard to the development plan and other material considerations and have concluded that the proposal can be supported subject to the outstanding issues being resolved together with the satisfactory completion of a suitable planning obligation.

### **RECOMMENDATION – Approval subject to:**

- 1. Satisfactory completion of a legal agreement;**
- 2. Resolution of OCC's concerns regarding impact on existing road junctions;**
- 3. Resolution by officers of the appropriate financial contribution, if any, towards strategic transport/highway improvements.**
- 4. Resolution of officers' concerns about net impact on biodiversity.**
- 5. Imposition of the conditions listed in section 10 of this report.**

**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 main report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1 The application site relates to 13.1 hectares of predominantly arable land that surrounds the existing Tesco superstore adjacent to the A41 in Bicester. The application site forms the majority of the land strategically allocated as Bicester 4 through the Cherwell Local Plan 2011-2031 Part 1 (CLPP1) for the creation of a new office park. The site is generally flat and features a predominantly open boundary to Lakeview Drive, separated by only a line of newly planted trees planted along the verge. Lakeview Drive is a recently constructed private road that provides access to the wider Bicester 4 site and the new Tesco store. A combination of trees, hedgerows and woodland form the western, southern and eastern boundaries together with a network of drainage ditches. An existing ditch passes through the site from Lakeview Drive and feeds a pond just beyond the southern boundary of the site.
- 1.2 To the east of the site lies Langford Brook and beyond this the sewage treatment works. To the south lies Bicester Avenue garden/retail centre. The land between the eastern boundary of the site and Langford Brook is all within the floodplain. With the exception of that there are no relevant statutory or planning policy constraints/designations affecting the site.

### **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The application proposes up to 60,000sqm of Class B1 development to include mostly three and four storey office development (Class B1a) but with potentially up to 15,000sqm of research and development floorspace (Class B1b). The proposed development would be accessed via the existing stubs off the two roundabouts on Lakeview Drive. The application also proposes associated infrastructure, highway works, car parking, landscaping and earthworks. The application is made in outline with only details of access provided. As a result, the Council is restricted to considering the principle of developing the proposed quantum of uses on the site having regard to the parameters set out in the application's supporting documents together with the means of access to the development. The application has been accompanied by an Environmental Statement (ES) and therefore the proposals are for EIA development. The ES is provided to enable adequate assessment of the likely significant environmental effects of the proposed development (both individually and cumulatively) and to set out how these could be mitigated where possible so that the residual impacts are properly understood. The Council must have regard to the ES in making its decision.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 The following planning history is considered relevant to these proposals:



07/01106/OUT - Outline - Construction of a 60000 sqm business park incorporating offices (B1) and hotel (C1), parking for up to 1837 cars, associated highway, infrastructure and earthworks (as amplified by additional information received 15.08.07, addendum to the Flood Risk Assessment received 07.09.07, additional information received 18.10.07 and Archaeological Trench Evaluation received 04.12.07). Permitted 26.10.2010

12/01193/F - Proposed foodstore with associated car parking, petrol filling station with car wash/jet wash, recycling facilities, ancillary plant and equipment, landscaping, access and highway works. Permitted 12.11.2013

#### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1 No formal pre-application discussions have taken place with regard to this proposal though the Council has adopted an EIA scoping opinion relating to the proposed development setting out those aspects of the environment that it considered needed to be addressed within the ES.

#### **5. RESPONSE TO PUBLICITY**

- 5.1 This EIA 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 application has been subject to a second round of public consultation given that updates and amendments to the proposals together with the supporting assessments (including the ES) were submitted in early July.

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

Langford Village Community Association - The Langford Village Community Association broadly welcomes this proposal and therefore in principal supports the Outline Planning Application.

However there are some points we wish to make regarding comments made in the supporting documentation. Briefly the proposal would create 3,307 to 4,300 jobs depending on whether some Research and Development facilities were included in the development. The proposed design would allow for up to 2000 car parking spaces.

Once the development has been completed, it is this potential additional traffic which gives rise for concern. This combined with current developments (such as Graven Hill or Kingsmere) or future developments (such as the new Retail Park and Wretchwick Green) will further exacerbate traffic congestion. This congestion already manifests itself when visitor demand to Bicester Village is high. Following the implementation of the two new roundabouts at the A41 and Bicester Village junctions, peak hour traffic still creates long tailbacks when accessing these two junctions which will increase as Bicester grows. So we would take issue with the wording in the Non-Technical Statement which states that 'The Proposed Development is likely to result in a negligible residual effect on the highway network local to the site'. Once constructed, the new development will add to the cumulative effect of generated traffic along this section of the road network, making traffic congestion worse. We also read that there are proposals for three drive thru's at the Esso Garage site, and one opposite by Tesco's which again will add pressure to the new hamburger roundabout. This will also cause a commensurate decrease in Air Quality also referred to in the ES Non-Technical Summary. Whilst we recognise that 'Measures

to reduce pollutant emissions from road traffic are principally being delivered in the longer term by the introduction (by government) of more stringent emissions standards' there will be a direct link between traffic congestion and worsening air quality.

- 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.

**Bicester Town Council** – Supports the proposals.

**Wendlebury Parish Council** – Raises the following concerns:

The provision for a further 2000 car parking spaces will add greatly to the number of cars using the A41. Many of these vehicles passing the Lakeview section will, therefore, be passing the Wendlebury section of the A41, albeit much faster with fewer breaks in the traffic to allow pedestrians to cross the road in order that they are able to use the bus stops safely. No highway improvements have been considered in recent years to promote the use of public transport within the village of Wendlebury to enable the villagers to access the bus service. It is easy to get on a bus to Oxford, but it is not easy to come back as passengers have to cross the A41 when they get off again. It is also not possible for many people to get to Bicester because they cannot cross the road. The developers of Bicester 4 should be asked through a formal section 106 agreement to fund the necessary Highway improvements to enable safe crossing of the A41 by Wendlebury residents. This access issue needs addressing as a matter of urgency and any further development in the area needs to take account of reducing the isolation of this village.

All traffic from the development should be encouraged to use the main roads and the narrow Wendlebury Road should only be available for local traffic; this must be included in any transport plan to protect the village of Wendlebury from rat-running. The developers EIA statement refers to a travel plan in concept. It is therefore critical that the OCC Highways Authority make use of their powers to establish a section 278 Agreement and planning condition to ensure that this Travel plan that is both robust and enforceable. The Parish Council takes the view with the further development also planned for Bicester 10, the cumulative effect from the increase in traffic from urbanisation of Bicester on the countryside will have a detrimental effect on the rural character of Wendlebury Road and the access to the village of Wendlebury.

**Cherwell District Council (Internal Consultees)**

Landscape Architect

There are no public footpath links between the Bicester Avenue retail park and the proposed development. To be able to walk from the business park to the retail site without recourse to a vehicle is advantageous in terms of health and environmental sustainability etc.

A BS 5837 tree survey is required to ascertain the value of the retained structural vegetation (trees and hedgerows, and the associated root protection zones. This information will inform the design process and influence the layout of the development. In this regard I am concerned about retaining and supporting the site's line of establishing oak trees on the access road to Tesco supermarket; the

hedgerow of the site frontage to the A 41 to be retained and left at its mature height where it exists, and allowed to grow up where it has been cut back (hedgerow reinforcement planting will be required). The existing trees on this boundary should be retained where possible. There is a benefit to road users and site users/visitors (amenity and habitat value) if this hedgerow is retained, protected and enhanced. I am particularly concerned that the Masterplan does not indicate this hedgerow, however the Landscape Strategy in the revised Design and Access Statement states that:

(ii) To retain and protect key mature trees and boundary vegetation on boundaries of the site to maintain visual amenity and landscape character.

This is reassuring, but evidence of retention of the roadside hedgerow is required in the amended masterplan.

With such a potentially diverse landscape it is important that it is established and managed in the appropriate manner. A landscape and maintenance management plan is therefore required.

### Environmental Protection

#### Noise:

Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Details of any plant including noise levels that will be installed on each building should be provided in writing as part of any application for those site. Depending on the levels a noise report may be required.

#### Contaminated Land:

Due to the size and nature of the development the full contaminated land conditions should be applied.

#### Air Quality:

Prior to the commencement of the development hereby permitted, measures to encourage the uptake of low emission transport, 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 measures are in place which support the uptake of low emission technologies now and in the future.

#### Odour:

The development is likely to be affected by odour from the nearby sewage works. I would advise that a full odour report is produced to assess the potential for odour and that any mitigation required to protect the amenity of the future users is installed and in use prior to the first use. This report should be agreed with the LPA and Thames Water.

Light: Full details of external lighting should be supplied to and approved by the LPA prior to the first use.

### Ecologist

Significant concerns have been raised about the potential for net harm to biodiversity due to the amount of habitat lost and the relative lack of scope for new appropriate habitat to be created within the site. Concern has been raised about the loss of the existing ditch within the site that the ES recognises as a high biodiversity value. Whilst the BIA metric identifies land outside the application site that could be used for mitigation and enhancement, the proposals for an orchard do not appear to have been derived from a consideration of the growing conditions, the specific local flora and fauna or the landscape character but rather to achieve an arbitrary net gain figure in the BIA. No reptile or nesting bird surveys have been undertaken despite earlier requests for them to be carried out. f

#### Arboriculture

No concerns about the landscape masterplan but the actual detailed submissions should ensure that final landscape design should be compatible with the local surroundings and with tree stock that are suitable for their location.

#### Oxfordshire County Council

See the consultation response attached as Appendix 1 to this report.

#### Other External Consultees

Natural England – No objections on the basis of impact on statutory nature conservation sites. The Council should make its own assessment in relation to local wildlife sites and protected/priority species and habitats.

Environment Agency – No objection provided development is prevented from taking place within Flood Zone 3b as shown in the applicant's Flood Risk Assessment. Conditions are recommended requiring the development to be carried out in accordance with the Flood Risk Assessment.

Thames Water – No objection with respect to foul drainage. However there is insufficient water supply to meet the additional demands of the development. An appropriately worded condition should be imposed preventing development until impact studies have been undertaken by the developer to understand the new capacity required in the system as well as a suitable connection point.

## **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 (CLPP1)

- Bicester 4 - Bicester Business Park
- SLE1 - Employment Development
- SLE4 - Improved Transport and Connections
- ESD1 - Mitigating and Adapting to Climate Change



- ESD2 - Energy Hierarchy and Allowable Solutions
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- 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
- INF1 - Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- ENV1 - Incompatible development
- ENV12 - Contaminated land

#### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Developer Contributions SPD (February 2018)

### **8. APPRAISAL**

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

- Principle of Proposed Development;
- Access, Parking and Transport;
- Design, Layout and Landscaping;
- Flood Risk and Drainage;
- Ecology;
- Air Quality;
- Compatibility with Surrounding Uses;
- Renewable Energy and Construction Sustainability;
- Planning Obligation(s).

#### Principle of Proposed Development

8.2 The application site corresponds to about 50% of the land allocated through Policy Bicester 4 of the CLPP1 for a new business park. This policy provides for the creation of Class B1(a) development (i.e. offices) on the site to generate approximately 6000 jobs. As part of an outline planning application, the principle of achieving the quantum and type of development proposed on the site must be considered and the Council must be satisfied that what is proposed can be properly accommodated on the site having regard to relevant local and national planning policy. Whilst the application proposes a combination of Use Classes B1(a) and B1(b) which differs from the Class B1(a) only provided for within the allocation policy, officers are satisfied that this is appropriate given that the Class B1(b) floorspace would be restricted to a minor component of the overall mix and the flexibility would assist with the marketability of the development. Moreover, research and development type uses that fall within Class B1(b) are still relatively efficient employment generators that would be functionally compatible with the main office

element and may help Bicester to 'tap into' the knowledge economy given the close proximity to Oxford together with the similar aspirations for the nearby allocated Bicester 10 site.

8.3 The majority of the remaining land within the allocation has been permitted and developed for alternative purposes (i.e. the Tesco superstore and Bicester Village surface water attenuation) in full knowledge of the fact that it would reduce the developable land available to accommodate offices on Bicester 4. Other land outside the application site but within the allocation is subject to significant flood risk constraints that preclude anything other than water compatible uses. The applicant has chosen not to include land within the application site that is subject to flooding despite it being covered by the requirements of the allocation policy. The implications of this will be discussed later in this report.

8.4 As a result, the 60,000sqm of Class B1 development proposed is expected to generate somewhere between 2600 and 4000 jobs dependent on the nature of the future occupants and the extent of Class B1(b) development which typically employs fewer people per square metre. This is clearly some way short of the job numbers expected within Policy Bicester 4 though the ability to achieve the 6000 figure specified in the policy has been compromised by the Tesco and Bicester Village developments on the site as well as the extent of the floodplain. Nevertheless, officers have considered whether there is the potential to make more efficient use of the available land within the application site to accommodate more office floorspace and therefore the predicted employment generation. Officers have noted the significant levels of car parking shown in the indicative masterplan and the generous amenity areas which do suggest that there is some potential for increased building footprints on the site. Furthermore, given the relatively limited landscape sensitivity of the site and the lack of a strongly legible architectural form and scale to surrounding buildings it may well be suitable for some of the buildings to feature additional floors thus potentially increasing employment numbers on the site. However, officers have concluded that whilst the site may be able to develop more efficiently and still be compliant with the requirements of Policy Bicester 4, that is not the same as saying that the proposals are failing to make efficient use of land in the way required by Policy BSC2 of the CLPP1 or recent changes to national planning policy in the NPPF. For this reason officers are satisfied that the proposals in themselves are making a sufficient attempt at achieving the overall objectives for Bicester 4 with respect to the type and quantum of development proposed such that they are considered to be compliant with Policy Bicester 4. As a result, the principle of the proposed development is considered to be acceptable.

#### Access, Parking and Transport

8.5 Policy Bicester 4 requires the provision of safe pedestrian access to the site including facilitating the crossing of the A41 to the north and west as well as the provision of upgraded footpaths and cycleways that link to existing networks to improve connectivity generally. Policy SLE4 of the CLPP1 is broadly reflective of national policy in the NPPF by encouraging maximisation of sustainable modes of travel and resisting development that would have a severe adverse impact on the local road network. National planning policy in the NPPF has recently been updated and there have been minor but potentially relevant changes to its transport policies and is a material consideration. National planning policy requires assessment as to whether there is safe and suitable access for all to a new development, promotion of sustainable transport modes and the mitigation of any significant impacts from the development on the transport network both in terms of capacity and congestion. Any residual cumulative impacts would need to be severe to refuse planning permission in common with the requirements of Policy SLE4. It is within this local and national planning policy context that the proposals need to be considered with respect to the suitability of access to the development and the transport impacts.

- 8.6 Turning first to access, it is worth remembering that the application does not reserve access for later consideration as part of reserved matters. The means of access to the proposed development are therefore to be considered as part of this application. In terms of vehicular access, there are two access points proposed and these are to be taken off existing roundabouts along Lakeview Drive. This road was constructed as part of the development of the Tesco store and there are existing stubs on the roundabouts that new roads into the development can connect off. Oxfordshire County Council (OCC) as the local highway authority has not raised any concerns about the suitability of these two access points and, given that Lakeview Drive and its associated roundabouts were designed to accommodate a larger development than just the Tesco store in any event, there is no reason to be concerned about the specific means of vehicular access proposed to the development. With respect to pedestrian access, there are existing footways into the Bicester 4 site that would be extended along the new access roads into the development. There is also a proposal to provide a pedestrian link to the boundary with the adjacent Bicester Avenue garden/retail centre as required through Policy Bicester 4 though no details are provided of this. There is also an indicative proposal for an additional pedestrian link from the site to the A41 to enable improved access to the new bus stop being provided adjacent to the site within the verge of the southbound carriageway. In the absence of detailed proposals of these, officers recommend that in the event that planning permission is granted there should be a condition imposed seeking the provision of these connections and further details of them. In order to promote access by cycle, widening of the footway/cycleway to 3m along the eastern carriageway of the A41 through to Pioneer Way is proposed so that there is suitable connectivity with new dwellings on the Kingsmere development as well as linkages with the wider town. These works would need to be secured by a planning obligation as part of granting planning permission. Consequently, and having regard to the above, officers are content that the means of access for all users to the proposed development would be appropriate.
- 8.7 Turning next to sustainable travel, it is necessary for development proposals to demonstrate how they have maximised the potential for people to travel to the site by modes other than the private car. The site is within a reasonable walking and cycling distance of a relatively large population base. The site is also in relatively close proximity to Bicester railway station and there is a regular bus service along the A41 such that there are already good opportunities available to make use of alternative modes of travel. Some of the office buildings within the site would however be a longer walk from the railway station and nearest bus stops than OCC typically consider appropriate in order to act as a genuinely attractive alternative to car travel. In order to properly encourage and maximise the opportunities available for use of public transport, OCC consider it necessary for financial contributions to be sought via planning obligations towards improving both bus and rail services (£375,000 and £670,532 respectively) as well as the provision of a bus stop facility within the site. The bus contributions would be towards covering the cost of diverting a number of existing services into the site at regular intervals in the peak morning and evening hours so that there are shorter walking distances for employees/visitors to the new offices and would remove the need for pedestrians to cross the A41. The contributions towards rail improvements would be to help fund East-West Rail Phase 2 in order to improve connections between Bicester, Milton Keynes and Bedford. Similar contributions were secured through a legal agreement as part of granting consent for the previous employment scheme on the site back in 2010.
- 8.8 The applicant rejects the assertion that these contributions are necessary or reasonable and claims that they would prejudice the viability of the development. Your officers share the applicant's concern regarding the necessity for a contribution to be made towards rail improvements. There is no reference to this in Policy

Bicester 4 and there is already a regular rail service to Bicester from nearby towns/cities to enable future staff of these offices that live outside Bicester to have a genuine option of travelling to the development by train. Officers are therefore not minded to pursue a contribution towards this through a planning obligation. At the time of writing this report officers have not reached a conclusion on the merits of seeking to secure a contribution towards enhancing existing bus services though it is noted that Policy Bicester 4 requires good accessibility to public transport services and the accommodation of new bus stops to link the development to the wider town. Accordingly, a contribution is sought from the development by OCC. However, the applicant has pointed out that bus stops would be provided within the verges of the A41 in close proximity to the site which would serve the development and so officers need to establish the circumstances with respect to the availability of a convenient pedestrian crossing of the A41 as part of the Bicester Gateway Retail development to enable access to the bus stop along the northbound carriageway of the A41. Without this it would dissuade travel by bus. Further consideration needs to be given as to whether the proposals would appropriately promote sustainable travel to the development without this contribution and whether it is indeed necessary and viable (either through the amount sought or a lesser sum).

- 8.9 Notwithstanding whether the proposals maximise opportunities for sustainable modes of travel, a significant proportion of the trips to and from the development would be by motor vehicle. A Transport Assessment (TA) has been submitted as part of the planning application and, inter alia, it projects the likely traffic implications of the proposals. The TA has modelled how the projected trip generation would affect traffic flows within the local highway network and at key local junctions. OCC considers the approach to this and the modelling within the TA to be robust. However, this is where the applicant and OCC diverge in their assessment of the impacts of the proposals on the road network. Their disagreement principally stems from the different conclusions on what constitutes the practical capacity of a junction. OCC do not accept that junctions can operate to 100% capacity in practice and that severe congestion would occur before this threshold is reached. Third party expert advice has been sought on this point to help officers further understand the potential impacts and implications and this will be reported to the Committee.
- 8.10 Within the submitted TA, the applicant accepts that congestion and capacity at two junctions would be severely adversely affected by the proposals – these are the A41/Lakeview Drive access into the Bicester 4 together with the mini-roundabout at Oxford Road/Kings End/Middleton Stoney Road. The application proposes direct highway mitigation schemes for these junctions that in the applicant's view would bring the effect on these junctions below the severe threshold. OCC disagree and find that even after the proposed mitigation works the two junctions would be operating above their practical capacity in the peak hours and to a materially worse degree than at present. Additional independent expert advice has been sought on this point and will be reported to the Committee but clearly officers have concerns in this regard given that OCC has raised such a clear objection. If the local planning authority's conclusion were to be that significant highway impacts would arise from the development, and that those significant impacts would not be acceptably mitigated, this would be contrary to national planning policy contained in the NPPF as well as the requirements of Policy SLE4 of the CLPP1. OCC's concern is that the arrangements proposed could see substantial queueing on a number of approach lanes to the aforementioned junctions which not only causes driver delay but increases the risk of drivers performing dangerous manoeuvres in order to pull out of junctions amongst the traffic. Queues along Lakeview Drive for example are projected to reach 42 cars in length during peak times which would back them up some considerable distance past the roundabout that provides access to the Tesco site. This would prevent efficient egress from the Tesco site which could in turn lead

to difficulties entering the site and potentially lead to traffic attempting to enter the Bicester 4 site backing up to the A41 junction.

- 8.11 Officers recognise however that the site is allocated for office development and the proposals are in line with the purposes for which the site is allocated such that they are of strategic importance to the sustainable development of the District. Officers have no reason to believe that acceptable and safe solutions are not reasonably available. However, in the event that officers and Members support OCC's position with respect to the proposals, this requires a commitment from the applicant to revise their approach to considering the capacity thresholds of junctions and would also require them to undertake further traffic modelling. This would take time and the applicant would inevitably incur some additional costs associated with designing and constructing more significant highway mitigation works. However, officers are very much of the view that if severe impacts at these junctions are to occur then this would be essential. Officers' concern is that if planning permission were to be granted without appropriate and safe highway mitigation in place (in the knowledge that these proposals would cause severe capacity and congestion issues on this section of the A41), it could set a difficult precedent for the Council and may make it harder to resist other development proposals in the future where these also give rise to similar issues for the local highway network.
- 8.12 Policy Bicester 4 requires contributions towards improvements to the surrounding local and strategic road networks. To this end, OCC claim that even with acceptable direct highway mitigation schemes for the junctions significantly adversely affected by the proposals, the proposed development would materially contribute towards an overall increase in traffic on surrounding roads. OCC is of the view that these proposals, cumulatively with other committed development in the Local Plan through to 2031, would result in severe congestion on local roads that require strategic intervention rather than small individual schemes associated with each development proposal. OCC is therefore recommending that a financial contribution is sought towards the cost of constructing the South East Perimeter Road (SEPR) that is an identified highway project with their Local Transport Plan 2015-2031. OCC has secured financial contributions towards this from other employment developments over the past couple of years and is seeking to follow the same approach albeit utilising the new formula set out in the Council's adopted Developer Contributions SPD. OCC is therefore seeking a contribution of circa £2.96m from this development via a planning obligation.
- 8.13 The applicant does not consider financial contributions to the SEPR or any other transport improvements to be justified in planning policy terms or against the legal tests for planning obligations of necessity, relevance and proportionality. The applicant also contends that the sum sought by OCC would make the development financially unviable. No evidence has been provided for this however. The applicant's response to OCC's representation is attached as Appendix 2 to this report.
- 8.14 OCC's consultation response on the planning application was received only a few of days prior to the deadline for the writing of reports. As such, officers have had little time to consider the merits of OCC's position and the legitimacy of its request for contributions in this respect. Officers continue to engage with the applicant, and have sought further expert highways advice with the hope that officers can reach a final conclusion on the highway issues in time for the Committee meeting. However, what is clear at present is that the Council is being advised by OCC that the proposals would result in severe traffic capacity and congestion issues at existing A41 junctions and that there is also no commitment to make a financial contribution towards strategic level highway mitigation which might only compound matters. Officers are also cognisant of the potential implications of not seeking strategic

highway contributions from these proposals which could set a precedent for dealing with other similar development proposals in the future and Members should also bear this in mind. It could also see pressure from other developers looking to have their existing planning obligations removed where these require financial contributions towards the SEPR as part of recently granted planning permissions.

8.15 As matters stand, officers have concerns about the implications of the proposals on the local road network such that the proposals would appear to conflict with relevant local and national planning policy in this respect. Officers therefore cannot recommend the application for approval until such a time as OCC's concerns with regards to the impact on existing junctions are resolved unless the independent transport consultants conclude otherwise. Officers also recommend that no planning permission be granted until financial contributions have been secured towards strategic highways/transport schemes as per OCC's latest position but only to the extent that officers find such contributions are well founded in planning policy and do not prevent the development from proceeding due to unviability.

8.16 In conclusion, officers are satisfied the proposed means of access to the development are appropriate but need to explore further whether the proposals are maximising the opportunities for sustainable modes of travel. In addition, and as things stand, officers have significant concerns about the likely impact of the development on the local highway network. Negotiations continue, and additional expert advice has been sought to assist officers in considering the concerns that have been raised by OCC. It should be noted at this point that, while important, the LHA is a consultee and as such does not have powers to direct the planning authority to refuse planning permission. It is the planning authority's responsibility to decide, on balance and taking into account the development plan and other material considerations including viability, whether planning permission should be granted or not.

#### Design, Layout and Landscaping

8.17 Policy Bicester 4 seeks the creation of high quality and distinctive commercial development that provides a strong gateway into the town. It also requires a layout that enables a high degree of integration and connectivity between new and existing development. It also requires structured open spaces and planting that provide a strong landscape setting and support SuDS. Policy ESD15 of the CLPP1 is also material and requires new development to be of a form, scale and appearance that respects its context.

8.18 It is necessary to remember that the application is made in outline and so no detailed plans and drawings have been provided. An indicative masterplan has been submitted to help demonstrate how the proposed development could be accommodated on the site. This is only an example however and does not commit the final development to this approach. A design and access statement has also been submitted which sets out the key overarching principles underpinning how development on the site would take place. A parameters plan has also been submitted though this is definitive given that the ES has been prepared on this basis. It sets out several zones to development on the site and the maximum heights of buildings within those zones. A landscape and visual impact assessment of the proposed development has been undertaken and officers are satisfied that the scale of buildings proposed would be entirely appropriate to the context given the variety of surrounding buildings and land uses together with the lack of sensitivity of the immediate landscape character.

8.19 Officers welcome the proposal to create a landscaped central corridor within the site that would provide for the majority of the surface water attenuation required from the development under Policy ESD7 of the CLPP1. This green infrastructure is within a

prominent and usable part of the site and would help to establish a core character and legibility to the design approach to the business park. This area would also provide an amenity for employees and visitors to the site and is therefore multi-functional.

- 8.20 Officers have carefully considered the quantum of development proposed and found that there is no reason to conclude that 60,000sqm of floorspace together with reasonable levels of associated parking and other infrastructure could not be comfortably accommodated on the site. In this regard the scale of buildings is considered to be visually appropriate and there should be no need for removal of any significant existing landscape features as confirmed within the design and access statement as well as other supporting assessments such that the proposed development is able to respond to the site's landscape constraints. The applicant has also provided sufficient evidence that there is space within the site to incorporate an appropriate surface water drainage scheme. Officers do however have some concerns about the approach proposed in the indicative masterplan and are not convinced that the buildings shown to address the A41 are done so in a sufficiently coherent manner. Officers also have some concerns that there are large areas of car parking that might be better to be broken up and provided with an improved landscape treatment. Officers also have concerns that the public view from Lakeview Drive may be a little too dominated by car parking to each side if the site was developed in the manner shown in the indicative masterplan. Nevertheless, whilst there are concerns about aspects of the approach shown in the indicative masterplan it is necessary to remember that it is provided only for illustrative purposes and is not part of the scheme that would be approved. It does however give officers sufficient confidence that there is a scheme available that would enable 60,000sqm of Class B1(a) and B1(b) floorspace to be provided on the site in a way that is consistent with the design based objectives and requirements of Policy Bicester 4.
- 8.21 Policy Bicester 4 applies to the whole of the site as allocated, not just those parts of the site brought forward for development as part of planning applications. The application site does not cover the entirety of the allocated site and, even discounting those areas developed for the Tesco store and Bicester Village drainage, there are several hectares of land controlled by the applicant between the eastern site boundary and Langford Brook. Policy Bicester 4 requires structural planting and landscape proposals across the site to provide for the enhancement of wildlife corridors and to limit the visual impact of development. Those parts of the allocated site that are outside the application site have been found to be within the functional floodplain and so are not of commercial benefit to the applicant. As a result, no development is proposed on it. However, to leave it outside the scope of the planning application would fail to take the opportunity for enhancement as required by Policy Bicester 4. The land in question is within the applicant's control and there is the scope to use appropriately worded planning conditions and planning obligations to require the submission, approval and implementation of a landscape scheme on this land both in order to improve the quality and character of the landscape as well as to take the opportunities available to deliver wildlife enhancements. Such a condition and planning obligation is recommended to be secured in the event that planning permission is granted.
- 8.22 In short, officers are satisfied that the quantum of development proposed in the way shown in the submitted parameters plan can be accommodated on the site as part of detailed reserved matters proposals in a manner that accords with the requirements within Policy Bicester 4 to deliver a high quality gateway development that respects its context.

#### Flood Risk and Drainage

- 8.23 Policy Bicester 4 acknowledges that part of the site is at high risk of fluvial flooding but requires a sequential approach to be followed so that development is provided within the lower risk flood zones first before considering higher risk zones. This is consistent with national planning policy requirements in the NPPF as well as requirements within Policy ESD6 of the CLPP1. The majority of the application site and therefore the proposed development is located within flood zone 1 and so at low risk of river flooding. Parts of the application site closest to the eastern boundary are however in flood zone 2 and 3. Officers are entirely satisfied that there is no feasible way in which to achieve a reasonable quantum of employment development on the site and thus get close to achieving the job creation objectives of Policy Bicester 4 without development taking place in these higher risk flood zones.
- 8.24 Office development is defined as a 'less vulnerable' use in the flood risk classification table set out in national planning guidance and is not considered to be, in principle, an inappropriate type of development in flood zones 2 and 3 where the sequential approach has been followed. In order to comply with both local and national planning policy, development in such flood zones must however be safe to use for the lifetime of the development and not increase the risk of flooding elsewhere. A Flood Risk Assessment (FRA) has been submitted alongside the planning application and the Environment Agency (EA) is satisfied that it is robust and sets out appropriate measures to ensure that the development is acceptable with respect to flood risk: namely that no operational development takes place within flood zone 3b (the functional floodplain) and that all finished floor levels of buildings are to be set above the projected 1 in 100 year flood event level. Officers are satisfied that the sequential approach has been followed and that the majority of development has been provided in flood zone 1 where possible and so have no reason to disagree with the assessment made by the EA. Officers have therefore concluded that the proposals are acceptable with respect to flood risk subject to a condition requiring the development to be carried out in accordance with the recommendations set out in the FRA.
- 8.25 Policies Bicester 4 and ESD7 of the CLPP1 require a sustainable drainage system (SuDS) to be incorporated into the development. These policies reflect national planning policy in the NPPF with respect to major development proposals. The application is in outline and so detailed landscaping proposals are not provided to demonstrate an actual SuDS scheme. However a drainage strategy has been provided based on ground/soil testing for infiltration potential and calculations to determine the existing surface water discharge rates from the site on which a SuDS scheme must be based so that there is no increased rainwater run-off resulting from the development. OCC's drainage engineers have reviewed the drainage strategy for the proposed development and concluded that there is scope within the site to achieve a suitable SuDS scheme. Conditions are therefore recommended if planning permission is to be granted which require the submission, approval and implementation of a full surface water drainage scheme for the site based on the submitted drainage strategy.
- 8.26 In conclusion, having regard to Policies ESD6, ESD7 and Bicester 4 of the CLPP1 as well as national planning policy and guidance, officers are content that the proposed development would not be unduly at risk of flooding, that the proposals would not increase flood risk elsewhere, and that there is scope as part of reserved matters to produce an appropriate SuDS scheme to ensure that surface water discharge is sufficiently managed on the site and does not increase risk of flash flooding in a storm event.

#### Ecology

- 8.27 Policy ESD10 of the CLPP1 requires the protection and enhancement of biodiversity and the seeking of net gains for biodiversity a part of new development. It also



requires relevant habitat and species surveys to be carried out in support of planning applications where a proposal may affect a site that provides a habitat for protected or priority species. Policy Bicester 4 requires biodiversity to be preserved and enhanced on the site as well as landscape proposals to provide for creating and enhancing wildlife corridors. The Council also has a statutory duty under the Natural Environment and Rural Communities Act 2006 to have appropriate regard to the purposes of conserving biodiversity in carrying out its functions.

- 8.28 A number of species surveys have been undertaken in support of the planning application. The applicant has also carried out a Biodiversity Impact Assessment, a metric used to help determine the potential for net gain or loss of biodiversity overall through changes in habitat on the site.
- 8.29 Officers have a number of concerns about the proposals and their potential implications for wildlife. First, the applicant has not submitted a reptile survey or breeding birds survey as requested by the Council's ecologist. These are protected from various activities under UK law and many native reptiles are listed as priority species as defined within the NPPF. A number of assumptions are made about their potential in the ecological appraisal supporting the planning application but mitigation cannot be considered appropriate until a robust understanding of their potential on the site is available.
- 8.30 The applicant recognises that the proposals would result in the loss of arable land and so would have an impact on the habitat of farmland birds, specifically skylarks. An area of land outside the application site (but on land controlled by the applicant) is proposed as a meadow for skylarks so that this adverse impact is mitigated. However, this land is also proposed for mitigation of impacts on reptiles and amphibians as well as for creating new orchard habitat. Officers are concerned that it may not be able to perform all of these functions sufficiently well in order to mitigate the adverse impacts of the proposed development. The applicant's BIA indicates that land outside of the application site to the east (but controlled by the applicant) is almost certainly needed for habitat creation/enhancement to ensure that there is a net gain for biodiversity as part of the development as required by Policies ESD10 and Bicester 4. However, the Council's ecologist is concerned that the orchard habitat proposed to be created as part of efforts to deliver a net gain is not suitable within the floodplain as fruit trees do not tend to grow well in wet conditions. Even with the successful creation of the orchard it is expected by the applicant's ecologist consultants that there would still only be an exceptionally marginal score of +1. Any reduction in the target conditions of the orchard or other retained/new habitat would make this figure negative within the BIA metric.
- 8.31 The proposals also appear to include the loss of a long ditch as well as a pond, both of which typically make strong contributions to biodiversity and should be mitigated. It is not clear that this is the case within the proposals.
- 8.32 In short, officers have concerns that the proposals would lead to a net decline in biodiversity and that the scheme has therefore not demonstrated that it would deliver the protection and enhancement for biodiversity required by Policy Bicester 4 and ESD10 of the CLPP1. There is no good reason for this to be the case given the area of land available on the site and within the applicant's control in which to provide new habitat and retain existing important habitat. Officers are therefore recommending that the application is resolved to be approved but to delegate to officers to seek resolution of the aforementioned ecological concerns and determine whether the proposals would give rise to net biodiversity gain as required by Policy Bicester 4 as well as avoid/mitigate harm to protected/priority species specifically. Where harm is found to occur despite amendments to the scheme, officers would propose to return the application to Planning Committee so that the proposals can

be reconsidered in the full knowledge of these implications. Notwithstanding this it is within the gift of the Planning Committee to weigh this policy conflict as part of the overall planning balance, when reaching its resolution.

#### Air Quality

- 8.33 The NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and the cumulative impacts from individual sites in local areas. The NPPF further adds that opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. The NPPF goes on to state that planning decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan.
- 8.34 The applicant's ES contains an assessment of the likely air quality implications of the proposed development and the Council's Environmental Protection officers consider this assessment to be reasonable. There is an AQMA (Cherwell No. 4) designated along Queens Avenue which stems from the levels of nitrogen dioxide emitted by motor vehicles along this busy road. The proposals however would be unlikely to significantly increase traffic within the AQMA given the good alternatives to use of the private car, the projected main travel routes of motor vehicles to and from the site avoiding Queens Avenue together with the lack of regular heavy goods vehicles movements associated with office development. As mentioned previously, the proposals also commit to upgrades to the footway/cycleway network as well as the creation of a new bus stop within the verge of the A41 carriageway to ensure alternative modes of travel are encouraged. A condition is also recommended to ensure that electric vehicle charging points are included within the development in accordance with new national planning policy in the NPPF. Taken together officers are satisfied that, once operational, the development would not conflict with the Council's air quality action plan for the AQMA or lead to exceedances of national air pollutant limits or objectives elsewhere.
- 8.35 There is the potential for adverse air quality impacts during the construction stage of the proposed development and these too have been assessed by the applicant in the ES. Officers concur with the conclusions in the ES and recommend that if planning permission is to be granted a condition should be imposed requiring the submission, approval and implementation of a construction management plan that would control construction vehicle routing as well as dust creation on the site. Such a condition should ensure that there is no risk of the objectives for the AQMA being compromised during the construction stage of the development.

#### Compatibility with Surrounding Uses

- 8.36 Policy ENV1 of the CLP 1996 requires new development to be appropriate to its location such that it would not have the potential to significantly prejudice the operations of existing businesses or land uses as a result of either causing environmental nuisance or being unduly sensitive to nearby existing operations that do give rise to environmental effects such as noise, odour, vibration etc. The NPPF makes similar statements in paragraph 182. Policy Bicester 4 recognises the operational characteristics of the nearby sewage treatment works on the opposite side of Langford Brook and the potential for poor quality amenity for occupants of the new office development. Thames Water has set out its concerns about the proposed development and the potential for odour which they are keen to ensure does not give rise to complaints about their existing operations.
- 8.37 It does need to be recognised however that the site is allocated for office development and so the principle of providing offices on the site is established. If

there was a concern about suitability of the site to accommodate the proposed development then this needed to be established at the plan making stage, not now. In any event, given that offices are proposed and these are places of work as opposed to places to live, the occupants are significantly less sensitive to nuisance as it only potentially affects people during working hours rather than at their own homes. Nevertheless, officers recognise the concerns of Thames Water together with the wording in Policy Bicester 4 and therefore recommend that if planning permission is to be granted then a condition should be imposed requiring the submission of an odour report along with each reserved matters application to ensure that where measures are needed to help reduce sensitivity to odour then these are incorporated into the detailed scheme. Subject to this condition, and recognising the compatibility of office development with the other surrounding commercial uses, officers are satisfied that the proposed development is appropriate to the site and would not be likely to prejudice any existing operations in the nearby area in accordance with the requirements of Policy Bicester 4 of the CLPP1 and Policy ENV1 of the CLP 1996.

#### Renewable Energy and Sustainably Construction

- 8.38 Together Policies ESD1-ESD5 of the CLPP1 require new major development to be energy efficient, incorporate sustainable construction measures and utilise renewable energy. Policy Bicester 4 also requires proposals on the site to demonstrate accordance with these policies. Whilst the application is made in outline and so there are no detailed proposals for buildings or other development, an overarching energy strategy for the proposed development has been submitted as part of an addendum to the Environmental Statement.
- 8.39 Officers are satisfied that the commitment in the submitted energy statement is appropriate to deliver significant levels of on-site renewable energy through the use of solar panels and air/ground source heat pumps. In the event that planning permission is granted, a condition is recommended to be imposed requiring details of renewable energy provision as part of each reserved matters application to ensure that each phase of the development accords with the overall energy strategy.
- 8.40 Policy ESD3 requires each new non-domestic building within major developments to achieve BREEAM 'very good' standard to ensure that it is both constructed and designed to operate sustainably. A condition is recommended to be imposed to secure this and to ensure that details are provided as part of each reserved matters application to demonstrate how the buildings proposed in each phase would achieve the BREEAM standard as well as incorporate sustainable construction methods. Subject to these conditions being imposed on a planning permission, officers are satisfied that the proposed development can be suitably sustainable in accordance with the requirements of Policies Bicester 4 and ESD1-ESD5 of the CLPP1.

#### Other Matters

- 8.41 Policy Bicester 4 requires a staged programme of archaeological work to determine the archaeological potential on the site. A field evaluation has been undertaken of the land within the application site that has not previously been subject to investigation. This has not uncovered any deposits of any great significance that might affect whether parts of the site could be developed. OCC's archaeologist has confirmed in writing that there is no objection to the proposals subject to appropriate conditions requiring the development to proceed in accordance with an approved watching brief.
- 8.42 Policy Bicester 4 requires an assessment as to whether the land within the allocated site constitutes best and most versatile agricultural land. This is an odd requirement given that the site is allocated and thus the principle of developing it (and thereby

loss of the agricultural land) is established. Nevertheless, the arable land within the site has been found to be grade 4 as defined in the agricultural land classification and so does not meet the definition of best and most versatile agricultural land as set out in the NPPF.

- 8.43 The Council's recently adopted Developer Contributions SPD sets out a requirement for major developments such as this to utilise the employment of apprentices as part of the construction works. The Council's target is for 3 apprentices per each 1000sqm of development floorspace. Officers would expect the applicant to enter into a planning obligation to commitment them to an Employment Skills and Training Plan for each phase of the development which should seek to achieve the apprenticeship target set out in the SPD.
- 8.44 Officers note the representation from Wendlebury Parish Council and the requests for a pedestrian crossing of the A41 as part of this development. However, given the very limited number of people likely to wish to walk to the development from Wendlebury this is not considered to be proportionate to the impact of the proposals or reasonably necessary to promote sustainable travel. Whilst the proposals would increase vehicular traffic along the A41, as a proportion of the baseline traffic levels this increase would not be significant and so there cannot be considered a reasonable justification for a pedestrian crossing to be provided as part of this development to make crossing of the A41 easier for existing pedestrians.

#### Planning Obligation(s)

- 8.45 Where development would give rise to adverse impacts that require either direct or indirect mitigation in order to be acceptable, planning obligations can be used to secure such mitigation. Planning obligations are subject to both planning policy and statutory tests to ensure that they are used appropriately. In short, planning obligations must be: a) necessary to make the development acceptable in planning terms; b) relevant to the development proposed; and c) reasonable in scale and kind. Having considered relevant local and national planning policy together with the statutory tests set out in the CIL Regulations 2010 (as amended), officers recommend that the following are secured via a planning obligation before planning permission is granted:

#### *Cherwell District Council:*

- Commitment to construction apprenticeships;
- Delivery of landscaping and ecological enhancements on adjacent land together with long term management.

#### *Oxfordshire County Council*

- Direct delivery of the appropriate highway mitigation schemes via S278 agreement with OCC (such schemes and the timing of their implementation to be determined by officers dependent upon alternatives proposed by the applicant through re-modelling of traffic flows);
- £375,000 as a public transport contribution (dependent upon justification and viability);
- Provision of bus stop infrastructure within the site (dependent upon justification for the contributions towards diverting the bus service into the site);
- Strategic highway infrastructure contributions (£2.965m dependent upon justification and viability) towards the cost of developing the South East Perimeter Road;
- Provision of a new bus stop, pedestrian crossing and associated infrastructure along the A41 (if not provided first through the Bicester Gateway Retail development);
- Footway/Cycleway improvements along the A41 through to Pioneer Way;
- £2,040 towards travel plan monitoring.

## 9. PLANNING BALANCE AND CONCLUSION

- 9.1 The application proposes a suitable quantum of Class B1 development on the site which has been allocated for such purposes within the Local Plan and which has the potential to deliver a high quality business park. Whilst the application proposes both Class B1(a) and Class B1(b) development, officers are satisfied that this mix is appropriate and would assist in enabling viability and interest in the development from potential occupiers. However, the current scheme has a number of failings in relation to key aspects of Policy Bicester 4 such that officers cannot currently conclude that the proposals comply with the site allocation policy or other relevant development plan policies such as Policies SLE4, ESD10 and ESD15 of the CLPP1. However, officers are confident that there are resolutions to these shortcomings such that the proposals could achieve due compliance with Policy Bicester 4 and other relevant development plan policies. The starting point for considering planning applications is the development plan and proposals that are in accordance with an up-to-date development plan should normally be approved and those that conflict should normally be refused. The NPPF endorses this approach and the importance of following the plan-led system where such plans are up-to-date. Where the identified highways/transport and ecological concerns associated with the proposals can be satisfactorily resolved, officers are content that the proposals would accord with the development plan and that, in the absence of other material considerations indicating otherwise, planning permission should be granted. Where these impacts cannot or have not been resolved, officers propose that the application should be returned to the Planning Committee for re-determination so that Members can undertake an appropriate assessment and balancing of the issues and impacts of the proposals against the development plan and other material considerations.
- 9.2 In addition to considering the proposed development against the development plan, officers have also had regard to other material considerations as part of applying an overall planning balance. In this respect there are significant benefits associated with the creation of employment development in Bicester to help provide for the new housing and thus contribute towards creating sustainable growth. Officers also recognise that there has been a lack of new office development in Bicester in recent years and that there are benefits to this in helping to diversify the local economy away from the warehousing/distribution sector. There is also the potential for the development to generate business rates for the Council and a local finance consideration such as this can be material. Officers however do not recommend that this is given any real weight given the advice in the Planning Practice Guidance that it must be clearly connected to making the development acceptable in planning terms and *“it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority”*. Whilst there is the potential for social and economic benefits resulting from the proposals, the environmental benefits are currently limited and in fact, due to the unresolved ecological concerns that officers have, are overall probably negative.
- 9.3 Officers recognise that there are benefits associated with the proposed development but also recognise the importance of following the plan-led system and the potential implications (including the potential to set precedents) associated with not resolving the aforementioned highways and ecological concerns. Consequently, officers have concluded that planning permission should only be granted when/if such matters have been satisfactorily resolved and that making this detailed assessment is delegated to officers to undertake.
- 9.4 For the purposes of Regulation 24(1)(c) of the EIA Regulations 2011 (as amended) this report provides a statement of the main reasons and considerations on which the recommendation is based including a description of the main measures to avoid,

reduce and potentially offset the significant adverse environmental effects of the development.

## 10. RECOMMENDATION

That outline planning permission is granted, subject to the following:

- a) Satisfactory resolution of OCC's concerns regarding the impact on local junctions subject to input from the independent transport consultant;
- b) Satisfactory resolution of officers' concerns with regards net biodiversity impact and the impacts on protected/priority species;
- c) Determination as to whether the strategic highway contributions and bus service contributions sought by OCC are justified and, where considered to be necessary, that such contributions are sought to the extent that the development would not prove unviable;
- d) Satisfactorily completion of a legal agreement with Cherwell District Council and Oxfordshire County Council to secure those items listed in paragraph 8.44;

**All of the above to be determined as satisfactory by the Assistant Director of Planning Policy and Development in consultation with the Chairman of Planning Committee. Where such above matters are not considered to be satisfactory, the application is to be referred back to Planning Committee.**

- e) Imposition of the following conditions as summarised below subject to such amendments as deemed appropriate by the Assistant Director of Planning Policy and Development:
  1. Submission and approval of Reserved Matters
  2. Submission and approved of Phasing Plan
  3. Time limit for submission of Reserved Matters
  4. Time limit for implementation
  5. Development in accordance with approved plans/drawings/documents
  6. Submission and approval of existing and proposed ground levels/floor levels per phase
  7. Submission and approval of fire hydrants within each phase
  8. Removal of permitted development rights for above ground utility infrastructure
  9. Development to achieve BREEAM 'very good' standard
  10. Submission and approval of details of renewable energy technology within each phase
  11. Submission and approval of surface water drainage strategy for the whole development
  12. Submission and approval of SuDS scheme for each phase
  13. Development to take place in accordance with the submitted Flood Risk Assessment
  14. Submission and approval of foul drainage scheme for each phase
  15. Undertaken desk study of contamination
  16. Undertake Phase 2 contamination assessment if necessary
  17. Submission and approval of remediation scheme where contamination found
  18. Undertake approved remediation scheme and require verification prior to occupation
  19. Requirement to cease work and submit remediation strategy in the event of finding unexpected contamination
  20. Provision of electric vehicle charging points in each phase

21. Submission and approval of construction management plan for each phase
22. Submission of odour report with each Reserved Matters application
23. Restriction of use to Class B1(a) and Class B1(b) with only up to 15,000sqm GEA able to be used for Class B1(b) purposes
24. Submission and approval of a car park management plan for each phase
25. Submission and approval of pedestrian connections to the A41 and Bicester Avenue Garden Centre
26. Submission and approval of further details of the vehicular access to the development from Lakeview Drive
27. Submission and approval of a revised Framework Travel Plan for the development
28. Submission and approval of a travel plan per phase
29. Submission and approval of a written scheme of investigation
30. Undertaken archaeological evaluation in accordance with the approved written scheme of investigation
31. No removal of hedgerows or site clearance during breeding birds season unless checked by qualified ecologist first
32. Requirement for a protected species check by a qualified ecologist prior to development commencing
33. Biodiversity statement to be submitted as part of each Reserved Matters application relating to a phase
34. Submission and approval of a scheme of landscaping and ecological enhancement together with associated management plan for blue edged land shown on site location plan
35. Submission and approval of a scheme of public art prior to occupation
36. Requirement to undertake impact studies on mains water supply to determine any capacity improvements necessary

CASE OFFICER: Matthew Parry

TEL: 01295 221837

## **COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Cherwell

**Application No:** 17/02534/OUT-2

**Proposal:** OUTLINE - The construction of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace; parking for up to 2,000 cars; and associated highways, infrastructure and earthworks

**Location:** Land North Of Bicester Avenue, Garden Centre, Oxford Road, Bicester.

**Response date:** 07 August 2018

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This report sets out the officer views of Oxfordshire County Council (OCC) on the above proposal. These are set out by individual service area/technical discipline and include details of any planning conditions or informatives that should be attached in the event that permission is granted and any obligations to be secured by way of a S106 agreement. Where considered appropriate, an overarching strategic commentary is also included. If the local County Council member has provided comments on the application these are provided as a separate attachment.

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**Application no: 17/02534/OUT-2**

**Location:** Land North Of Bicester Avenue, Garden Centre, Oxford Road, Bicester.

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### **Strategic Comments**

Further to OCC's consultation response dated 27<sup>th</sup> February 2018, this response addresses the revised transport assessment (TA) submitted by the applicant and confirms the necessary financial contributions required. All points in OCC's previous response continue to apply other than where addressed in the Transport Schedule below.

Whilst the principle of the development with B1(a) office / B1(b) research & development floorspace continues to be supported, there remain a number of outstanding issues with the planning application that are still to be resolved.

The revised TA now assesses the full 60,000 sqm of B1(a)/B1(b) office floor space development and a junction capacity assessment has been carried out for the agreed scenarios. However, there continues to be a transport objection for the following reasons:

- Insufficient local and strategic highway mitigation (contrary to local plan policy)

OCC's drainage objection has been removed as a result of the information provided at Appendix C of the Environmental Statement addendum.

As detailed in OCC's previous response, there remains an outstanding archaeology objection because the site is located in an area of archaeological interest and the results of an archaeological evaluation are required prior to determination of this application. An archaeology submission to address this issue was received 3<sup>rd</sup> August 2018 and is currently being reviewed.

**Officer's Name:** David Flavin

**Officer's Title:** Senior Planning Officer

**Date:** 7<sup>th</sup> August 2018

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**Application no: 17/02534/OUT-2**

**Location:** Land North Of Bicester Avenue, Garden Centre, Oxford Road, Bicester.

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## **General Information and Advice**

### **Recommendations for approval contrary to OCC objection:**

IF within this response an OCC officer has raised an objection but the Local Planning Authority are still minded to recommend approval, OCC would be grateful for notification (via [planningconsultations@oxfordshire.gov.uk](mailto:planningconsultations@oxfordshire.gov.uk)) as to why material consideration outweigh OCC's objections, and given an opportunity to make further representations.

### **Outline applications and contributions**

The number and type of dwellings and/or the floor space may be set by the developer at the time of application, or if not stated in the application, a policy compliant mix will be used for assessment of the impact and mitigation in the form of s106 contributions. These are set out on the first page of this response.

In the case of outline applications, once the unit mix/floor space is confirmed by the developer a matrix (if appropriate) will be applied to assess any increase in contributions payable. The matrix will be based on an assumed policy compliant mix as if not agreed during the s106 negotiations.

Where unit mix is established prior to commencement of development, the matrix sum can be fixed based on the supplied mix (with scope for higher contribution if there is a revised reserved matters approval).

### **Where a S106/Planning Obligation is required:**

- **Index Linked** – in order to maintain the real value of s106 contributions, contributions will be index linked. Base values and the index to be applied are set out in the Schedules to this response.
- **Security of payment for deferred contributions** – An approved **bond** will be required to secure payments where the payment of S106 contributions (in aggregate) have been agreed to be deferred to post implementation and the total County contributions for the development exceed £1m (after indexation).
- **Administration and Monitoring Fee - £10,027**

This is an estimate of the amount required to cover the extra monitoring and administration associated with the S106 agreement. The final amount will be based on the OCC's scale of fees and will be adjusted to take account of the number of obligations and the complexity of the S106 agreement.

- **OCC Legal Fees** The applicant will be required to pay OCC's legal fees in relation to legal agreements. Please note the fees apply whether an s106 agreement is completed or not.

**CIL Regulation 123**

Due to pooling constraints for local authorities set out in Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), OCC may choose not to seek contributions set out in this response during the s106 drafting and negotiation.

That decision is taken either because:

- OCC considers that to do so it would breach the limit of 5 obligations to that infrastructure type or that infrastructure project or
- OCC considers that it is appropriate to reserve the ability to seek contributions to that infrastructure type or that infrastructure project in relation to the impacts of another proposal.

The district planning authority should however, take into account the whole impact of the proposed development on the county infrastructure, and the lack of mitigation in making its decision.

**Application no: 17/02534/OUT-2**

**Location:** Land North Of Bicester Avenue, Garden Centre, Oxford Road, Bicester.

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## Transport Schedule

### Recommendation:

#### **Objection for the following reasons:**

- The proposed development would have a detrimental impact on the existing network which has not been adequately mitigated. The proposals are therefore contrary to Local Plan Policy (including Policy Bicester 4: Bicester Business Park, and Policy SLE 4: Improved Transport and Connections) and the Local Transport Plan.

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions and informatives as detailed below.

#### S106 Contributions

<b>Contribution</b>	<b>Amount £</b>	<b>Price base</b>	<b>Index</b>	<b>Towards (details)</b>
Strategic Highway Infrastructure	£2,965,185.99	TBC	Baxter	The South-East Perimeter Road (western section) or scheme of similar benefit.
Strategic Rail contribution	£670,532	TBC	RPI-x	East West Rail
Public Transport Contribution	£375,000	TBC	RPI-x	Peak hour bus service enhancement
Public transport infrastructure ( <i>if not dealt with under S278/S38 agreement</i> )	(i) £1,000 (ii) £10,000	TBC	Baxter	(i) Provision of bus stop infrastructure within the site and (ii) Bus Shelter including 2 flag poles on Oxford Road.
Travel Plan Monitoring	£2,040	January 2018	RPI-x	Monitoring and review of Travel Plan
<b>Total</b>	<b>£4,023,757.99</b>			

## **Comments:**

The application is accompanied by a TA prepared by Motion which has been amended during the consideration of the application following discussions with the County Council, as Local Highway Authority (LHA).

Vehicular access to the development is proposed to be off Lakeview Drive then A41 Oxford Road. Lakeview Drive also serves as access to the Tesco store and the recently consented development of a McDonalds Restaurant. The operation and layout of the local highway network (particularly the A41 Oxford Road corridor) is undergoing substantial changes arising from improvements relating to Bicester Village and Bicester Gateway developments.

## **Policy Context**

Whilst the TA identifies some policies (National and Local) that are relevant and are in support of the development, OCC remains disappointed that some policies have been disregarded. The application will need to be considered in accordance with the LTP 4 Policy 02, which has not been included.

### Volume 1: Connecting Oxfordshire: LTP 2015-2031

Policy 02 of the LTP states that: *Oxfordshire County Council will manage and, where appropriate, develop the county's road network to reduce congestion and minimise disruption and delays, prioritising strategic routes.*

Under this policy document (particularly in the Bicester Area Strategy), the Plan identifies Bicester as a fast-growing area that shall need a South-East Perimeter Road (SEPR) linking the Eastern Perimeter Route at its junction with Gavray Drive to the A41 (Aylesbury) road and the A41 (Oxford) road. The SEPR as a scheme has been assessed as being required by 2031 to deliver Local Plan Growth, using the Bicester Transport Model (BTM).

The SEPR scheme would ease congestion on the A41, and will therefore directly contribute towards mitigating the cumulative impact of Local Plan growth in Bicester, including this proposed development's impact. This development will therefore be expected to contribute towards the SEPR or a scheme of similar benefit.

## **Traffic generation and distribution**

The TA accompanying the planning application seeks to estimate the amount of traffic that the development would generate and what impact this might have on the surrounding transport network. It is my view that the trip rates proposed in the TA for this development are reasonable for its scale in this type of location.

The TA also predicts how trips shall likely be distributed which is based on census journey to work data. This informs the turns and direction of movements that the development would generate on the key junctions on the highway network. The LHA considers the assignment and distribution to represent a reasonable assessment of trips movement from the site.

## **Junction Capacity Assessment**

The TA report includes junction capacity assessments undertaken to establish the potential net impact of the full development on the highway network as requested by the LHA. As requested, the assessment is now for a full 60,000 sqm of B1(a)/B1(b) office floor space development and junction capacity assessment has been carried out for the agreed scenarios.

On several occasions, the TA refers to junctions having capacity up to an RFC value of 1. This value does not make any allowances for standard error of prediction and, in line with accepted practice, OCC considers that priority junctions and roundabouts with RFC values of over 0.85 are operating above capacity. For signalised junctions, the acceptable threshold is 90% Degree of Saturation.

### *Oxford Road/ Middleton Stoney Road/Kings End Roundabout*

Model results are presented in *Tables 6.1, 6.2 and 6.3* for the baseline traffic with committed development, baseline traffic including development and baseline traffic with the proposed development including mitigation in 2026 respectively.

*Table 6.3* is a summary of the junction modelling results with 60,000 sqm of office development including proposed mitigation. The 2026 with development and mitigation scenario predicts RFC values of 0.91 on the Kings End arm (AM peak) and 0.90 on Oxford Road (PM peak) which are both well over the theoretical operational thresholds. *Para 6.11* of the TA concludes that the junction shall be expected to operate within theoretical capacity to which I disagree, again pointing out that the LHA follows the accepted practice of treating RFC values over 0.85 as being above theoretical threshold for capacities at roundabouts.

To this extent and in consideration that conventional roundabout modelling was used in place of a mini roundabout I do not agree with *para. 6.12* in the TA that claims betterment on one entry yet operation on other arms is seen to deteriorate.

### *A41/Vendee Drive/ Bicester Park and Ride Roundabout*

The LHA officer agrees with the assessment of this roundabout which demonstrates that the junction is expected to operate within theoretical capacity during both the morning and evening peak periods in 2026 with the proposed development in place.

No mitigation is proposed for this roundabout. Whilst *Table 6.8* shows the A41 North approach arm is predicted to go slightly over 0.85 in the PM peak and the A41 South approach noticed to be close to the threshold, the LHA feels that the impact is not significant to justify further action on this roundabout.

### *A41 Corridor (Oxford Road/Lakeview Drive)*

The operation of the above junction has been assessed using LinSig, the industry standard package for signalised junctions. The A41 corridor in the vicinity of the site is covered by 3 signalised junctions in close proximity of each other. *Tables 6.4, 6.5 and 6.6* are summarised results of the operation of each junction with a more detailed assessment on the A41 Oxford Road/Lakeview Drive junction for:

- the baseline traffic with committed development (**Do-Nothing**);
- baseline traffic, committed development including the proposed development;

- and baseline traffic with committed and proposed development as well mitigation (**Do-Something**) in 2026 respectively.

Analysis from the tables referenced above shows that without mitigation, Oxford Road/Lakeview Drive junction is predicted to deteriorate significantly. The Practical Reserve Capacity is shown to plunge into a more negative value indicating that the junction shall typically be suffering from traffic congestion, with queues of vehicles beginning to form. Degree of Saturation (DoS) values on certain arms particularly Oxford Road are observed to be significantly over the theoretical capacity.

Whereas the proposed mitigations appear to present a degree of improvement on the entire junction (as illustrated in *Table 6.6*), Oxford Road/Lakeview Drive junction is predicted to suffer more in the “Do-Something” scenario than the “Do-Nothing”. In the Do-Nothing scenario, the junction is forecast to operate with a DoS of 70.4% and 85.8% in the AM and PM peak hours respectively in 2026. With the development, including the proposed mitigation this rises to 92.9% and 97.7% in the AM and PM peaks respectively. It is without question that the development shall have a detrimental impact on the existing network which has not been adequately mitigated.

The proposed mitigations do not bring the junction operation to a level that LHA sees adequate. The TA suggests that a Degree of Saturation of up to 100% is acceptable, but the Highway Authority does not accept this, and maintains that the threshold of acceptability should be 90%.

I am very concerned about the predicted queues on certain arms of the junction. The modelling exercise (*Table 6.6*) shows queues on Lakeview Drive reaching 42 vehicles from the junction. Lakeview Drives’ distance (90 metres) from the junction to the roundabout with Tesco should be borne in mind when looking at queues of 42 vehicles. Taking a conservative approach that a queueing vehicle takes up to 6 metres, this Lakeview Drive section would accommodate only 15 vehicles before traffic backs up to the Tesco roundabout, effectively stopping any further vehicles from egressing.

With vehicles unable to exit Tesco it is likely that traffic within the site would back up to the extent that vehicles would not be able to get in, with the risk that queueing traffic would back up onto the A41.

Although *para 6.25* of the TA highlights that Lakeview Drive is privately owned and therefore queueing would be accommodated off the public highway, this section of road is shared by Tesco and the consented McDonalds restaurant. It is my opinion that it would be in public’s interest that movement of traffic on Lakeview Drive is not disrupted. Very substantial delays could also be detrimental to road safety as they may well lead to unsafe manoeuvres by impatient drivers.

#### A41/ A4421 – Rodney House Roundabout

A summary of junction modelling results is illustrated in *Table 6.10* of the TA and the LHA finds this analysis acceptable.

## **Pedestrian Infrastructure**

It is acknowledged that the recent highway improvements in the vicinity of the site have provided convenient pedestrian and cycle facilities such as crossing sections and on the A41 and Lakeview Drive.

The design and access statement suggests that the development shall aim to maximise access to all parts of the development, its facilities and services for people who are occupants, visitors and members of staff regardless of disability and as required by local, regional and national policy. A secondary pedestrian access (along the A41) is thereby welcomed. Whilst I agree that the position of this access shall be informed by the internal street layout at subsequent reserved matters applications, the access should be aligned to offer the best practical desire line with the crossing on the A41 towards Pioneer Way.

LHA officers have assessed the pedestrian proposals and accept that the 3-metre widening of the section of shared footpath/cycle way on the eastern side of A41 Oxford Road between Lakeview Drive and Pioneer Way shall improve the site's sustainability particularly for those walking and cycling between the Kingsmere housing development and the proposed site.

## **Parking**

Precise details will be looked at during the reserved matters application stage, it is however anticipated that the site can accommodate the quantum of development sought with sufficient parking provision.

Consideration of the interaction of car parking with other sites in the area e.g. acting as an overspill car parking area for Bicester Village (rather than Bicester Village visitors using the P&R) has still not been made. A robust car parking management plan should be included during reserved matters application stage.

Cycle parking details shall be dealt with at subsequent applications and I believe this shall be provided in accordance with OCC parking standards.

## **Drainage**

The additional drainage information at Appendix C of the ES addendum is sufficient to overcome OCC's drainage objection.

## **Transport Strategy**

Policy Bicester 4 of the Cherwell Local Plan relating to the site requires:

- Contributions to improvements to the surrounding local and strategic road networks.
- Layout that enables a high degree of integration and connectivity between new and existing development particularly the mixed use urban extension at South West Bicester to the west, the garden centre to the south, and, to the north, Bicester town centre and Bicester Village retail outlet.
- Provision for safe pedestrian access from the A41 including facilitating the crossing of the A41 to the north and west, and the provision and upgrading of footpaths and cycleways that link to existing networks to improve connectivity generally and to develop links between this site, nearby development sites and the town centre.



- Good accessibility to public transport services should be provided for, including the accommodation of new bus stops to link the development to the wider town.
- A Transport Assessment and Travel Plan to accompany development proposals.

As indicated at the pre-application stage, the A41 from which the site is accessed is heavily trafficked and will be put under further pressure from Cherwell Local Plan growth allocations, including the allocation on this site (Bicester 4).

This was recognised by Bicester Village in their application for Phase 4 of their development, where they have now delivered major highway improvements at and between the Esso roundabout and Pingle Drive junctions, having also provided a Bicester Park and Ride facility.

The highway improvements on the A41 related to the expansion of Bicester Village have delivered a new bus layby on the northbound side of the A41. The highway works which are related to the construction and use of the permitted Bicester Business Park would also have needed to provide a northbound and southbound bus layby; however, the northbound layby is now delivered and the southbound layby will now be delivered by **16/02505/OUT** – Bicester Gateway (Kingsmere Retail). Should the development proposals in question associated with Bicester 4 come forward first, they must deliver the southbound layby.

Planning consent was granted in November 2013 for the construction of a Tesco food store of 8,135 square metres and petrol filling station on part of the consented office park site (Planning Ref: **12/01193/F**). The S106 Deed of Variation in relation to the consented Tesco store and office park allows for the construction of up to 45,000 square metres of the B1(a)/B1(b) office space being delivered on the remainder of the site, as part of the previous outline planning consent for an office park.

The November 2013 deed of variation to the original Section 106 agreement (dated 26 October 2010 associated with planning permission **07/01106/OUT**) set out appropriate contributions/mitigation schemes required in order to make the development acceptable. *Para 3.36 to 3.38* in the TA that sets out the impact of the previous planning consent is misleading as it does not take account of these obligations. A new Section 106 is anticipated to secure strategic transport contributions through the new application, taking into account the increased scale of the submitted proposals and the present context.

The cumulative impact of Local Plan growth development in Bicester will be severe if appropriate contributions are not secured from all development sites towards the strategic transport infrastructure required to mitigate the increase in transport movements.

The varied Section 106 made provision for a strategic transport contribution; however, this was made prior to the current adopted Cherwell Local Plan, which includes increased growth and additional infrastructure requirements within the plan period, such as a South-East Perimeter Road (SEPR). The SEPR is also now detailed in Oxfordshire County Council's Local Transport Plan 4, as a scheme to

ease congestion on the A41, and will therefore directly contribute towards mitigating this development proposal's impact. The scheme is partly funded, but currently requires contributions to fund the western section proposed. This development will therefore be expected to contribute towards the SEPR or a scheme of similar benefit.

Strategic transport modelling demonstrates the benefits that the SEPR will bring to the A41 /Oxford Road:

- The A41 Oxford Road is a key corridor in Bicester where junctions along its length are impacted significantly as a result of the growth of Bicester, including Bicester 4. The Application Site will increase the proportion of peak hour traffic through this corridor.
- The SEPR has been identified as a key piece of strategic infrastructure that will bring direct relief to the A41 corridor, thereby facilitating improved operation of junctions directly impacted by Bicester 4.
- Modelling has demonstrated the benefits that the SEPR would bring to the A41. In the AM peak:
  - Over 1000 vehicles (pcu's) that would otherwise use the A41 Oxford Rd northbound through Vendee Drive would route via SEPR (eastbound)
  - Around 930 vehicles (pcu's) that would otherwise use A41 Boundary Way and turn left on A41 Oxford Rd southbound past Bicester 4, would route via SEPR (westbound)
  - Therefore, over 1930 vehicles (pcu's) would use the SEPR that would otherwise route along A41 past the Bicester 4 site.

It is acknowledged however that the capacity released on the A41 by the SEPR will itself encourage some traffic that might otherwise choose NOT to use the A41, to divert along the corridor. When taking diverted traffic into account, the net reduction in traffic on the A41 in the vicinity of the Bicester 4 site would be around 1130 pcu's.

Motion suggest that no further strategic transport contributions are required towards the SE Perimeter Road. A contribution towards the SE perimeter road is required, as although it is unlikely to be built by the TA assessment year of 2026, it is required within the Local Plan period before 2031 as a direct result of cumulative growth in Bicester, which includes the Bicester 4 allocation. The scheme has a direct relationship to the development site, as it will relieve congestion on the A41 through Bicester. In addition, as I will go on to outline, the mitigation proposed by Motion along the A41 is not sufficient on its own.

The varied Section 106 also made provision to support rail service improvements, now partly implemented by East West Rail phase one. Oxfordshire County Council continue to support rail improvement schemes, making this sustainable form of travel more attractive and in turn reducing single occupancy car travel. EWR Phase 2 is still to commence which on completion will provide further connectivity enhancements.

## **Bus Service**

Bicester Policy 4 requires that “good accessibility to public transport services should be provided for, including the accommodation of new bus stops to link the development to the wider town”.

### *Bus Stops*

The A41 bus stops will provide frequent access to the site from Oxford, from the Park & Ride site, from Bicester Town Centre and from certain northern suburbs.

The need for a ‘physical’ bus stop was identified and proposed as part of the permitted development through s278 arrangements (a layby or widening plus adjacent hard-standing etc). A bus stop will be required within the business park itself, preferably along Lakeview Drive on a location where there is already hard-standing or a footway. Provision of this infrastructure to be secured through S106 via S278.

Also, as part of the Bicester Gateway Retail Park planning consent it was proposed to include a southbound bus stop adjacent to the site along the A41 Oxford Road as part of the highway improvements. However, to allow for the possibility that that consent is not implemented either wholly or earlier than that consented development, then we will require a commitment from this development to install the same bus stop with associated infrastructure.

Two flag/pole units and a single bus shelter at a cost of around £10,000 will also be required (the northbound stop has already been provided with a shelter, but no flag/pole unit).

### *Bus Service Enhancement*

An agreement was made through the permitted development to fund a bus service onto the site. Demand for travel to/from work on-site can be expected to be almost entirely in the morning and peak hours. Contributions are therefore required to cover the estimated cost of extending a local bus service to/from this site during the main journey to work times – which are assumed to be 0700-1000 and 1600-1900 Mondays to Fridays over a period of 5 years (see calculation below).

Back in 2010 the proposal was to extend a Bicester North to Bicester Village shuttle bus service, through to the Business Park site at peak journey to work times. Now it is more probable that a different local service would be extended, probably the proposed service from Wretchwick Green and/or from Graven Hill, although in principle it could be from a different residential part of Bicester. The payment from this development would ensure that two departures per peak hour were provided from this site.

The provision of a guaranteed on-site bus service at journey-to-work times provides employees with some certainty of departure times, especially after work. The walking distance from the site to the northbound bus stop on the A41 is not only in excess of 400 metres from much of the site, but it also requires both carriageways of the A41

to be crossed on foot. In addition, the arrival times of buses on the main road service from Oxford cannot be predicted with any degree of reliability due to variable traffic congestion.

The Council wishes to encourage the use of modes other than the car for journeys to work in the Bicester area. The provision of an on-site bus service is seen as being a much more attractive proposition than the long walk, across a busy dual carriageway road to a bus stop with a highly variable bus service.

### **CTMP**

A construction traffic management plan is required to ensure the construction traffic is managed and does not harm free flow of traffic during the construction phase; this can be secured by condition.

### **Other Issues**

- 5.17 and 5.18 fail to acknowledge that it is not a reasonable assumption to model the additional 15,000 additional square metres as the development assumption. The 45,000 square meters permitted has planning obligations and contributions associated with it that would not have been taken account of through this methodology and so the full 60,000 square meters proposed is deemed appropriate, as a fresh S106 is to be negotiated.
- Bicester Village Phase 4 is frequently incorrectly referred to as Bicester Gateway Phase 4.
- In the conclusion, Motion also suggest that the mitigation they are proposing is only required once the 45,000 sqm has been built out. This has not been justified earlier in the text and Motion have not accepted carrying over the S106 transport planning obligations and contributions from the permitted development, so this trigger is not considered appropriate for this development. I suggest that further discussions are held between LHA and the applicant as what level of development would trigger the implementation of the proposed mitigation. In the absence of any further detail on this, it will be assumed that all of the mitigation will be required to be delivered prior to the first occupation of the development. This would be stipulated in the S106 agreement.

### **S278 Highway Works:**

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

- The provision of the pedestrian access from A41 Oxford Road would be delivered as part of the Section 278 agreement associated with the proposed highways works. Drawing plan to be agreed with the HA.
- The shared pedestrian/ cycle route on the eastern side of A41 Oxford Road to be widened to 3 metres wide from the junction with Lakeview Drive to Pioneer Way junction.

- A bus stop with a flag pole within the business park, preferably along Lakeview Drive on a location where there is already hard-standing or a footway.
- Bus stop adjacent to the development on the eastern side of the A41 Oxford Road subject to the event that the Bicester Gateway development which the bus stop forms a part of is not implemented

**Notes:**

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

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements. In the event that the proposed highway works requiring carriageway widening along the A41/Oxford Road are agreed as part of S278, these should be carried as per OCC specifications. We would require the surface course in the adjacent area / lane to be replaced with a stepped joint in the layers below as illustrated in drawing **HSD 700/025** via

<https://www.oxfordshire.gov.uk/cms/content/highway-standard-details>

It is also considered that the detail of the highway signage shall be agreed as part of the technical appraisal at the s278 stage.

**Planning Conditions:**

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

**Accesses: Full Details**

Prior to the commencement of the development hereby approved, details of the means of access between the land and the highway on (i) Lakeview Drive and (ii) the pedestrian access from A41 Oxford Road, including position, layout and vision sprints shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the occupation of the development hereby approved, the means of access shall be constructed and retained in accordance with the approved details. *Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework*

**Car Parking**

No buildings shall be occupied until car parking spaces to serve them have been provided according to plans showing parking and the necessary manoeuvring and turning to be submitted and agreed by the Local Planning Authority. Car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter. *Reason - To ensure appropriate levels of car parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework*

### **Cycle Parking Provision**

Prior to the first occupation of the development hereby permitted, a plan showing the number, location and design of cycle parking for the buildings shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shown on the agreed plan shall be provided prior to first occupation of the development. The cycle parking facilities will be permanently retained and maintained for the parking of cycles in connection with the development. *Reason - To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.*

### **Construction Traffic Management Plan**

Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details. *Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.*

### **Drainage**

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (this maybe secured by a Section 106 Agreement)
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS – (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations
- Phasing

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

### **Travel Plan**

The submitted travel plan will be revised in line with comments received and resubmitted to the Local Planning Authority for approval before first occupation.

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

**£2,965,185.99 Strategic Highway Infrastructure Contribution**

**Towards:**

The South-East Perimeter Road (Western Section) or scheme of similar benefit.

**Justification:**

The SEPR is detailed in Oxfordshire County Council's Local Transport Plan 4, as a scheme to ease congestion on the A41, and will therefore directly contribute towards mitigating this development proposal's impact. Other developments around Bicester have agreed to a proportionate contribution towards this strategic infrastructure that will bring direct relief to the A41 corridor for which this proposed development shall benefit.

**Calculation:**

The formula used in the following calculation is taken from the adopted Cherwell Developer Contributions Supplementary Planning Document (Feb 2018) and OCC's emerging Developer Guide. OCC are available to discuss the assumptions used in this calculation further with the applicant.

Strategic transport contribution =

$$(X - Y - Z) \div E$$

Where,

X = Cost of Scheme(s)

Y = Held/Committed funding

Z = LGF Funding/Alternative Funding

E = Expected Growth

**SEPR Western Section**

X = £21.3m (October 2015 cost estimate) for SEPR Western Section

Y = £585,127.83 (estimated held or secured s106 contributions)

Z = £6,239,563 (notional 66.6% match funding)

E = Bic 4 and Bic 10 (phase 2) (estimated 140,000 sqm)

**Total £2,965,185.99**

**£670,532 Strategic Rail Contribution**

**Towards:**

East West Rail

**Justification:**

The extra travel demands arising from this proposal in common with other proposals has led and continues to lead towards the delivery of enhanced rail infrastructure provision, including the East West Rail provision. The extant Section 106 planning obligation for previous proposals at this site made provision to support the enhanced rail infrastructure. Part of the enhancements have been brought forward in advance of individual development growth and as such will be ready to help accommodate the extra transport demands from initial development occupation. The Local Plan Policy SLE 1 recognises the importance of public transport, such as rail infrastructure in supporting employment development in areas of the district, including Bicester. Policy SLE 4 also identifies that new development will be required to provide contributions towards transport impacts of development and recognises that development should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport etc. The local commitment to contribute to the East West Rail improvements includes a requirement for £11.06m to deliver the improvements. The appropriate proportion of that requirement attributable to this development proposal is identified above.

**Calculation:**

The formula used in the following calculation is taken from the adopted Cherwell Developer Contributions Supplementary Planning Document (Feb 2018) and OCC’s emerging Developer Guide. OCC are available to discuss the assumptions used in this calculation further with the applicant.

$$(X - Y - Z) \div E$$

Where,

X = Cost of Scheme(s)

Y = Held/Committed funding

Z = LGF Funding/Alternative Funding

E = Expected Growth

X = £11.06m for Oxfordshire County Council contribution to EWR

Y = £1,691,287 (committed funding)

Z = Notional 66.6% match funding - £6,239,562.86

E = Bic 4 and Bic 10 (phase 2) (estimated 140,000 sqm)

**Total £1,341,064.35**

Divided by two major centres served by EWR Bicester & Oxford  
**= £670,532 contribution towards EWR**

**£375,000 Bus Service Enhancement Towards**

Extending a local bus service into and out of the Business Park during the main journey to work times (which are assumed to be 0700-1000 and 1600-1900 Mondays to Fridays) over a period of 5 years



### **Calculation**

£50 per bus-hour. Six morning arrivals on Mondays to Fridays and six departures in the evening equates to £300 per working day (3 hours am and 3 hours pm) or £75,000 per annum. The cost for five years would be £375,000.

### **Justification**

Much of the Bicester 4 site is far from the main road, particularly the northbound bus stop.

LTP policies in relation to new developments.

Local Plan Policy Bicester 4.

Assumptions in the Transport Assessment.

Demand for travel to/from work on-site can be expected to be almost entirely in the morning and peak hours. Contributions are therefore required to cover the estimated cost of extending a local bus service to/from this site during the main journey to work times. This is requested over a period of 5 years as this is estimated as the length of time for it to become commercially viable.

The provision of a guaranteed on-site bus service at journey-to-work times provides employees with some certainty of departure times, especially after work. The walking distance from the site to the northbound bus stop on the A41 is not only in excess of 400 metres from much of the site, but it also requires both carriageways of the A41 to be crossed on foot. In addition, the arrival times of buses on the main road service from Oxford cannot be predicted with any degree of reliability due to variable traffic congestion.

The Council wishes to encourage the use of modes other than the car for journeys to work in the Bicester area. The provision of an on-site bus service is seen as being a much more attractive proposition than the long walk, across a busy dual carriageway road to a bus stop with a highly variable bus service.

**£11,000 Bus Infrastructure Contribution** indexed from January 2018 using Baxter Index

#### **Towards:**

- (i) Provision of bus stop infrastructure within the site (£1,000) and
- (ii) Bus Shelter including 2 flag poles on Oxford Road (£10,000)

#### **Calculation:**

The £1,000 and £10,000 are the procured costs of the related infrastructures and installation.

**£2,040 Travel Plan Monitoring and Review Fee** indexed from January 2018 using RPI-x

#### **Justification:**

##### **Necessary to make the development Acceptable in Planning Terms**

The travel plan aims to encourage and promote more sustainable modes of transport with the objective of reducing dependence upon private motor car travel and so reducing the environmental impact and traffic congestion. A travel plan is required to

make this development acceptable in planning terms, and is to be secured by condition.

A travel plan is a 'dynamic' document tailored to the needs of businesses and requires an iterative method of re-evaluation and amendment. The county council needs to carry out biennial monitoring over five years of the life of a Travel Plan which includes the following activities:

- review survey data produced by the developer
- compare it to the progress against the targets in the approved travel plan and census or national travel survey data sets
- agree any changes in an updated actions or future targets in an updated travel plan.

Government guidance, 'Good Practice Guidance: Delivering Travel Plans through the Planning Process' states that: 'Monitoring and review are essential to ensure travel plan objectives are being achieved. Monitoring for individual sites should ensure that there is compliance with the plan, assess the effectiveness of the measures and provide opportunity for review...Monitoring must be done over time – it requires action and resources.'

In accordance with this Guidance, it is the view of the county council that without monitoring the travel plan is likely to be ineffective. Therefore, monitoring of the travel plan is required to make the development acceptable in planning terms.

The government's Good Practice Guidance has been archived but has not been superseded with any other guidance on the practicalities of implementing travel plans. The county council's own published guidance: Transport for new developments; Transport Assessments and Travel Plans, also includes the requirement for monitoring.

Further, the Good Practice Guidance states that 'local authorities should consider charging for the monitoring process and publish any agreed fee scales'.

Section 93 of the Local Government Act 2003 gives the power to local authorities to charge for discretionary services. These are services that an authority has the power, but not a duty, to provide. The Travel Plan Monitoring fee is set to cover the estimated cost of carrying out the above activities, and is published in the county council's guidance: 'Transport for new developments; Transport Assessments and Travel Plans'.

As with most non-statutory activities, councils seek to cover their costs as far as possible by way of fees. This is particularly required in the current climate of restricted budgets. Without the fees the council could not provide the resource to carry out the activity, as it is not possible to absorb the work into the general statutory workload. In the case of travel plan monitoring, the work is carried out by a small, dedicated Travel Plans team.

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

### **Directly Related to the Development**

The travel plan is a document which is bespoke to the individual development, reflecting the site's current and predicted travel patterns, opportunities for sustainable travel, and targets for improving the proportion of sustainable travel associated with the site.

Therefore, the monitoring that will be charged for will be specific and relevant to this site alone.

### **Fairly and reasonably related in scale and kind to the development**

The fee charged is for the work required by Oxfordshire County Council to monitor a travel plan related solely to this development site. They are based on an estimate of the officer time required to carry out the following activities:

- review the survey data produced by the developer
- compare it to the progress against the targets in the approved travel plan and census or national travel survey data sets
- agree any changes in an updated actions or future targets in an updated travel plan.

Oxfordshire County Council guidance – ***Transport for new developments: Transport Assessments and Travel Plans*** sets out two levels of fees according to the size of the development. This development falls into the smaller category.

### **Calculation:**

The estimate is based on three monitoring and feedback stages (to be undertaken at years 1, 3 & 5 following first occupation), which would require an expected 51 hours of officer time at £40 per hour. Total £2,040. Please note that this is considered a fair rate, set to include staff salary and overheads alone.

**Officer's Name: Rashid Bbosa**

**Officer's Title: Transport Engineer**

**Date: 06 August 2018**

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PT/CJBG/DP4509

8<sup>th</sup> August 2018

Adrian Colwell  
Executive Director for Place and Growth  
Cherwell and South Northamptonshire Councils

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**BY EMAIL**

Dear Mr Colwell,

**LAND NORTH OF BICESTER AVENUE GARDEN CENTRE, OXFORD ROAD, BICESTER  
OUTLINE PLANNING APPLICATION – BICESTER OFFICE PARK (17/02534/OUT)**

Following our receipt of Oxfordshire County Council's (OCC) response to consultation, dated 7<sup>th</sup> August 2018, we write in response to the specific highways matters raised. A copy of the OCC response is attached to this letter.

***Introduction and Background***


The outline application for the construction of Bicester Office Park was submitted on 15 December 2017, on behalf of the Applicant Seevic Land Developments Ltd. Following pre-application discussions with Cherwell District Council (CDC) earlier in 2017, this scheme is submitted in outline, with the site being allocated in an up to date Local Plan.

Part of the site is the subject of a previous consent for the same quantum of floorspace (CDC Ref: 07/01106/OUT), and the deed of variation to the S106 in respect of the consented Tesco store on Lakeview Drive (CDC Ref: 12/01193/F) allows for construction of up to 45,000 sq.m of B1a/B1b floorspace on the remainder of that site. As set out in our planning submission, the Applicant has subsequently acquired a parcel of adjacent land of circa 3.8 ha, fronting onto Oxford Road, and this forms a natural extension and addition to the remainder of the original site and, when combined, now allows the delivery of the full quantum of office floor space, being 60,000 sq.m of Class B1 space, and the fulfilment of this important strategic policy allocation for employment floorspace across the combined site.

As you are aware, the Applicant has experienced real difficulties in progressing with this scheme, owing to the marginal viability of office development in Bicester and as such it has taken over four years to secure a partner who can commit to the delivery of Bicester Office Park. The recent response from OCC, and request for such significant Section 106 contributions, represents a significant risk to the future of the development and securing much needed high quality office floorspace and in excess of 3,000 important new jobs.

***The OCC response***

OCC in its response to consultation dated 7<sup>th</sup> August 2018 raises, for the first time, the request for the sum of £4,023,757.99 of highways and public transport contribution. A significant proportion of this



amount (£2,965,185.99) is said to be a contribution towards, “*The South East Perimeter Road (western section) or scheme of similar benefit*”. The other items relate to bus and rail improvements and ‘monitoring’ fees.

We note that the OCC response states that:-

*“Due to pooling constraints on local authorities set out in Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended), OCC may choose not to seek contributions set out in this response during the s106 drafting and negotiation.”*

The reason for this statement is that since the introduction of the CIL regulations, OCC is not entitled to seek contributions where five or more such obligations have been sought since April 2010. CDC has no CIL charging schedule, and no plans to introduce one.

### ***The Legal and Policy Tests***

Considering the legitimacy of the requests made in the OCC response, the newly published NPPF (July 2018), at paragraph 56, states that planning obligations must only be sought where they meet all the following tests:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The NPPF, at paragraph 109, then confirms that “*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*”.

In this case, the only lawful basis on which OCC may seek contributions is therefore that they are necessary, directly related to the proposed Bicester Office Park development, and fairly and reasonable related in scale and kind and that the development could not proceed without the mitigation proposed. We again stress the marginal viability of this scheme, and question amongst other things, whether this request for contributions of this scales is fair and/or reasonable.

### ***The South East Perimeter Road (western section)***

In this case, by far the most significant element of the proposed mitigation is the ‘South East Perimeter Road (western section)’ (SEPR) or scheme of similar benefit.’ In the recent Bicester Gateway Retail appeal decision dated August 2016, in respect of land west of Oxford Road (APP/C3105/W/15/3137608), the Inspector concluded (at paragraph 7), inter alia, that :-

*“It would not be right to take account of any mitigation provided by a South East Perimeter Road for which land has been safeguarded in the Graven Hill permission, as there is no currently identified financing of that highway scheme and it is at a relatively early stage in its progress towards implementation.”*

Since then, no further progress has been made with the SEPR, and we understand from statements made by OCC it is ‘on hold’ pending a strategic decision on alternative strategic options. To this end, we are aware of ongoing discussions with key stakeholders and note that at CDC’s 19<sup>th</sup> July 2018 Strategic Delivery Board meeting, any decisions on the SEPR were effectively reliant on decisions relating to the Cambridge-Oxford Expressway and changes to the M40 junction, on which the SEPR relies. No decision has been made on these items, and no funding/programme is in place. As such, the August 2016 Appeal decision continues to be relevant (arguably even more so) and, critically, of utmost importance.



Motion, the Applicant's transportation consultant and advisors, have prepared a detailed Transport Assessment (with updates), this being a robust assessment of the highway network local to the site which includes traffic associated with a number of committed developments including Bicester Gateway Retail Park, Bicester Gateway Office Park, McDonalds Lakeview Drive and Graven Hill. The highway capacity analysis presented in the Transport Assessment does not include for any reduction in vehicle movements on the A41 Oxford Road corridor as a result of the SEPR and therefore the assessment presented in the Transport Assessment is not dependent on the delivery of the SEPR. The Transport Assessment has demonstrated that, subject to the highway mitigation works identified at the junctions between A41 Oxford Road/ Lakeview Drive and at the junction between Oxford Road and Middleton Stoney Road, the development proposals would not result in a material effect in the operation of the highway network local to the site. The proposed highway mitigation works are sufficient to mitigate the effect of the development on the local highway network and are not dependent on the delivery of the SEPR. As such, no further mitigation measures or contribution towards the SEPR are considered necessary or justified in planning terms. Moreover, no alternative scheme (to the SEPR) could conceivably be assessed, costed or factored in to any decision at this stage, nor is there a legal or other basis for pooled or other contributions to such an option.

#### Public Transport Contributions

The response from OCC requests a contribution of £375,000 towards public transport improvements. The submitted Transport Assessment has demonstrated that the site is adequately served by a number of bus services on the A41 Oxford Road including the No. 6, 26, NS5, S5 and X5 services. The existing bus routes provide a frequent connection to local key destinations including Bicester Town Centre (every 10 minutes) and Bicester Village Station (every 5-10 minutes). Whilst a contribution to public transport improvements was secured as part of the previous consent at the site, bus infrastructure and services in the vicinity of the application site have been significantly improved since the time of the previous outline planning permission at the site. At that time there were no bus stops on the A41 Oxford Road in the vicinity of the application site and the nearest bus stops to the site were either located north of Pingle Drive or south of the site in the vicinity of the junction connecting towards Chesterton. Furthermore, at that time, there were 3 to 4 bus services per hour passing the application site on Oxford Road during peak periods. At present there are 8 bus services per hour passing the application site on Oxford Road during peak periods, double the frequency of service at the time of the previous outline planning permission. It is evident that the bus infrastructure and services in the vicinity of the site and are adequate to serve the development and no obligation in this regard is considered necessary or justified in planning terms.

#### Strategic Rail Infrastructure

The response from OCC requests a contribution of £670,532 towards a strategic rail infrastructure. The OCC response does not provide appropriate justification that this contribution is required to mitigate an impact of the development or is necessary or justified in planning terms. The OCC response indicates that the S106 agreement for the previous outline planning permission at the site included a contribution towards strategic rail infrastructure. However, that contribution was limited to the improvements of the railway line between Bicester Village and Oxford. These improvements have subsequently been completed and rail services from Bicester Village Station (previously known as Bicester Town) have been significantly enhanced since the time of the previous outline planning permission. At the time of the previous outline planning permission Bicester Village Station was at the end of a local line connecting to Oxford and provided just 7 trains per day between Bicester and Oxford only. The upgraded services at Bicester Village station now provide 2 trains per hour in each direction connecting between London Marylebone and Oxford. It is evident that the enhancements to train services through Bicester Village station expected as part of the original planning permission have since been implemented and therefore no obligation in this regard is considered necessary or justified in planning terms.



In summary, CDC is being asked to accept a recommendation by OCC which: -

- Has been raised less than a week before the Committee Report is to be finalised for this strategic application, in accordance with the CDC development plan, and which has been before CDC since December 2017 (i.e. circa 35 weeks);
- Affects a key part of the employment land supply, that will support in excess of 3,000 new jobs and has the benefit of previous planning permission;
- Threatens the delivery of this important scheme at a critical stage in securing a developer to implement the scheme;
- Is contrary to the conclusions of rigorous technical work, which identifies that none of the mitigation works requested are required;
- Is patently inconsistent and not reasonably related in scale and kind, for example given the SEPR contribution of circa £350,000 agreed by OCC for Bicester Gateway Office scheme (delivering approximately 15,000 sq.m); and
- On any basis, has no foundation in planning policy or law.

There is no SEPR scheme, or alternative scheme, which could afford mitigation, if required. As accepted by the Bicester Gateway Retail Inspector, no weight can be attached to the potential SEPR scheme. Furthermore, to be required, in order to make the scheme acceptable in planning terms, neither this nor any other scheme in this area could come forward until completion of such a scheme. As there is no costed or programmed scheme, and no indication of what (if any) other 'pooled' contributions have, or may be requested, there is no basis on which to judge whether the circa £3m requested for Bicester Office Park would secure such a scheme, or over what timescale. The request therefore fails to meet any of the CIL tests and is patently unwarranted and unreasonable.

The unreasonableness of the request in relation to the SEPR contribution specifically, is further illustrated by the suggestion that if OCC chooses, it may not seek the contributions requested if this would breach the polling regulations. In essence OCC appears to be saying it reserves the right to choose the 'five best offers' it can secure. This is again patently unreasonable, and again fails all the relevant tests.

There is no basis to conclude, adopting such an approach, that all or any of the contributions would be necessary, related in scale or kind or reasonable, and adopting this approach, no basis to conclude that such mitigation, if actually required, would be in place by the time Bicester Office Park, or other schemes in the vicinity for that matter, are developed.

#### *Alternative Options for CDC*

Possibly anticipating these issues, the OCC response recognises that CDC may take a different view, and of course it is entitled to do so. The Bicester Office Park is a strategically important site to CDC, delivering important and planned-for new jobs not currently available in Bicester. Adopting the OCC approach, neither this, nor any other important schemes along the A41 could come forward before the SEPR, or an unspecified equivalent, have been completed. This has profound implications for the delivery of CDC's strategic policy objectives, beyond just those relating to job creation, and could realistically stall such growth for in excess of 10 years.

For the reasons set out above, we consider that unless OCC is prepared to withdraw these late and unreasonable requests, the only reasonable course of action CDC can take in these circumstances is to disregard the late and ill-conceived response from OCC, and take the application to Committee in August as previously discussed, with a recommendation to grant planning permission.



### ***The Applicant's Alternative Options***

It has taken the Applicant four years to get to this point and, as stressed the viability of delivering Bicester Office Park is marginal. As such, timing is critical, and in this regard it is essential to secure outline consent at the August Committee. There are no sound reasons for further delay, and for the avoidance of doubt, no basis on which the Applicant would be prepared to entertain any contribution of the scale suggested, even if any was justified, on the basis of the marginal viability of the development.

As a consequence, two options are open to the Applicant, being to delay delivery of the Bicester Office Park, potentially indefinitely, pending strategic highway decisions and their funding, or, if notwithstanding the above, CDC resolves to determine the application and refuse on solely highway grounds, to Appeal and enable these matters to be objectively and independently tested. With the latter option, considering the marginal viability of the project (and difficulty in securing a development partner) and the increasing disillusionment of the Applicant with the process, it is likely that the site would simply revert to its existing use. In short, both options would result in missing out on this single opportunity to deliver an office park campus in Bicester and the substantial strategic employment benefits associated with this.

We trust that this letter is helpful in setting out the Applicant's position and we add that it is with the greatest regret that we find ourselves in this position. The views expressed in relation to OCC's further consultation response, received yesterday, are critical in objectively considering the grounds on which this application could be determined and we stress the inappropriateness, both in planning and legal terms, of the requests for contributions made by OCC.

Yours sincerely,

**Chris Goddard**  
Board Director  
DP9 Ltd

**Encs.**

CC:  
Bob Duxbury  
Matthew Parry  
Chris Harris  
John Holmes





# Agenda Item 8 18/00803/OUT

## Begbroke Science Park

## Begbroke Hill

## Begbroke

## Kidlington

## OX5 1PF



1:4,800

# 18/00803/OUT

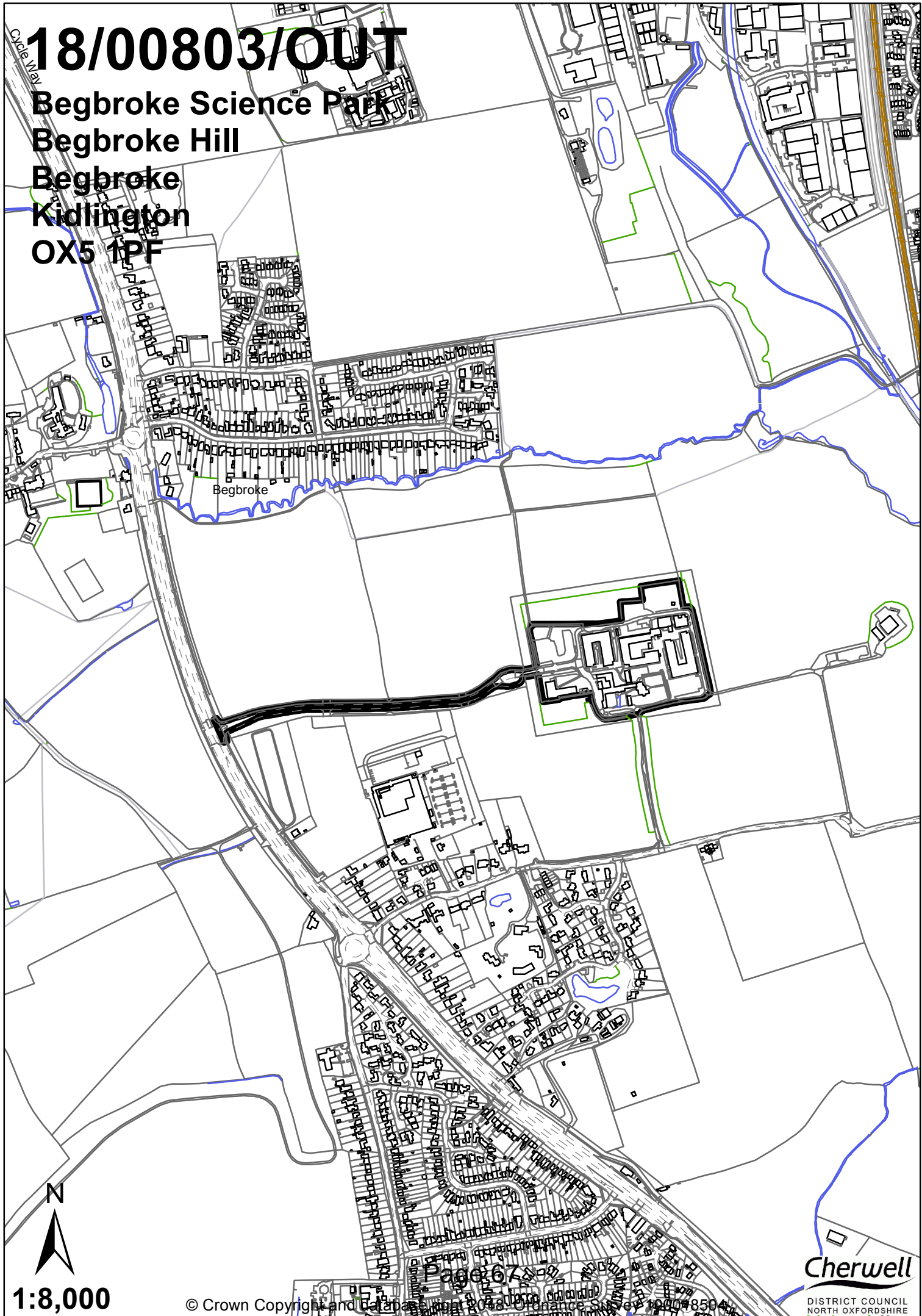
Begbroke Science Park

Begbroke Hill

Begbroke

Kidlington

OX5 1PF



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1:8,000

**Begbroke Science Park  
Begbroke Hill  
Begbroke  
Kidlington  
OX5 1PF**

**18/00803/OUT**

**Applicant:** Chancellor, Masters And Scholars Of The University Of Oxford

**Proposal:** Outline planning permission, with all matters except for access reserved for subsequent approval, for up to 12,500m<sup>2</sup> of B1a / b / c and ancillary D1 floor space, retention of and improvements to the existing vehicular, public transport, pedestrian and cycle access including internal circulation routes; associated car parking including re-disposition of existing car parking; associated hard and soft landscape works; any necessary demolition (unknown at this stage); and associated drainage, infrastructure and ground re-modelling works.

**Ward:** Kidlington West

**Councillors:** Cllr Alan Mackenzie-Wintle  
Cllr Sandra Rhodes  
Cllr Alaric Rose

**Reason for Referral:** Major Development

**Expiry Date:** 7 August 2018                      **Committee Date:** 23 August 2018

## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATIONS**

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

### **Proposal**

Outline Planning Permission, with all matters except for access reserved for subsequent approval, is sought for up to 12500 square metres of B1 floorspace (a,b and c) and ancillary D1 floor space at Begbroke Science Park, Begbroke Hill, Begbroke, which is in close proximity to Kidlington.

### **Consultations**

Objections/Ongoing discussion have been received/are occurring with; OCC Majors (ongoing discussions) CDC Conservation (ongoing discussions), CDC Policy (ongoing discussions) OCC Highways (objections/ongoing discussions)

### **Planning Policy**

The application site is situated within the Oxford Green Belt. The site is situated within the existing bounds of the Begbroke Science Park. The site generally, although within the Green Belt, has been identified under Policy Kidlington 1 of the Cherwell Local Plan, as a site to accommodate High Value Employment needs.

The application is ultimately a renewal of a previously accepted scheme albeit with a further 2500 square metres of floor space being created.

### **Conclusions**

The key issues arising from the amended application details are:

- Principle of Development;
- Landscape and Visual Impact;
- Design and layout;
- Highways
- Biodiversity and Ecology
- Impact on the aims of the Green Belt
- Whether very special circumstances have been demonstrated
- Infrastructure and Planning Obligations
- Design, and impact on the character of the area and impact on designated heritage assets
- Highway safety
- Ecology

The report examines the key points in relation to the proposed development and the relevant Development Plan Policies and other relevant publications

## **RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS**

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

### **MAIN REPORT**

#### **1. APPLICATION SITE AND LOCALITY**

- 1.1 The application site is situated approximately 3 miles north of Oxford, is situated to the west of Kidlington and is within the Oxford Green Belt, east of the A44 and approximately ½ of a mile south of the settlement of Begbroke. The settlement of Yarnton is situated approximately ¼ of a mile south of the development site.
- 1.2 The site is surrounded on all sides by agricultural land. Parker Farm lies to the east, Yarnton garden centre to the south with Woodstock Road to the west.
- 1.3 The application sites comprises of approximately 5.54ha of the existing Begbroke Science Park including the existing vehicular access. The site contains a mixture of buildings of a varying age which are predominantly used for research purposes.
- 1.4 Within the site is a Grade II Listed building referred to as Begbroke Hill Farmhouse. This is located south of the proposed development site. The building lies within its own grounds and is used for office and conference purposes relating to the main use of the Science Park. The site generally is enclosed by a mature and established hedgerow and sporadic tree planting which enclose the overall site on all sides.
- 1.5 The application is allocated for employment development through Policy Kidlington 1 of the Cherwell Local Plan 2011-2031 Part 1.

#### **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The application seeks permission in outline, with all matters reserved except for access. Ultimately, the permission is a renewal of a previously approved outline application (15/00309/OUT) with an addition of 2500 square feet of development.

Application 15/00309/OUT was in itself a renewal of application 01/00662/OUT which set out the long term strategic aims of for the site.

- 2.2 The proposals will retain the overall scale of floor area (14,200m<sup>2</sup>) and will provide 12,500 square metres of mixed use floor space. The uses proposed for the site would fall under D1 and B1 (a, b & c) uses.
- 2.3 The proposals comprise the creation of the floor area as detailed above, within the existing Science Park site; amendment and relocation of the existing parking arrangements within the site; retention of main access point with proposed improvements to existing access, circulation routes and for vehicles, cyclists and pedestrians; associated drainage, infrastructure and ground remodelling and landscaping (both hard and soft).
- 2.4 There is currently no demolition envisaged, however it has been included within the proposal description to cover the potential for demolition/redevelopment of the existing buildings within the red line. If it is necessary it will be the subject of a subsequent reserved matters submission.
- 2.5 The development will be directed towards 3 areas identified as under utilised within the existing site. The areas are located in the north west corner, the south east corner and the north east corner of the site.
- 2.6 The proposals will result in an additional 2500sq metres (further to the floor area approved under 15/00309/OUT) of commercial development floor space. This is said to be required, by the applicant, to meet the increased and current strong demands for floor space since the time of the most recent renewal approval.
- 2.7 As the application is outline, limited information has been submitted in terms of the physical make-up of the proposals. However, this can be addressed through the imposition of conditions and the submission of the reserved matters application.

### 3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
01/00662/OUT	Proposed new research buildings (long term phase of site development).	Application Permitted
01/00664/OUT	Proposed new research buildings (Interim phase of site development)	Application Permitted
01/01872/OUT	Proposed new access road	Application Permitted
08/00899/F	Widening and southern extension of access road, including public highway junctions alterations and associated work	Application Refused
11/00069/F	Access road and all traffic movements junction, landscaping and associated works	Application Permitted

15/00013/SO	Screening Opinion - Proposed Bio-Accelerator building.	Screening Opinion not requesting EIA
15/00309/OUT	Variation of Condition 4 of 01/00662/OUT - Refer to drawing 2198/022C	Application Permitted
15/00017/SO	Screening Opinion - Variation of Condition 4 of 01/00662/OUT - Refer to drawing 2198/022C	Pending Consideration
15/01105/REM	Reserved Matters to 15/00309/OUT - Proposed new research buildings.	Application Permitted
18/00803/OUT	Outline planning permission, with all matters except for access reserved for subsequent approval, for up to 12,500m <sup>2</sup> of B1a / b / c and ancillary D1 floor space, retention of and improvements to the existing vehicular, public transport, pedestrian and cycle access including internal circulation routes; associated car parking including re-disposition of existing car parking; associated hard and soft landscape works; any necessary demolition (unknown at this stage); and associated drainage, infrastructure and ground re-modelling works.	Pending Decision

3.2 Begbroke Science Park has a long history with a significant number of Planning applications of varying types over a significant period of time. The majority of the proposals have been to increase the number and scale of buildings on the site and to complement and expand the existing research and development as well as other uses within the site.

3.3 Application 01/00662/OUT set the original parameters and framework for the site which was approved in April 2014. This application is the primary application in relation to the site and set the strategy. It was subsequently varied under application 15/00309/OUT. This was due to the alteration of the scheme in the period when the land was being acquired. This application also sought to clarify the site area. This approval required that the reserved matters be submitted prior to the 1<sup>st</sup> of May 2017, which was not forthcoming, and therefore that permission has lapsed.

3.4 Application 11/00069/FUL was a separate application which sought the construction of a dedicated access from the A44 to the Science Park, including a signalised junction.

#### **4. PRE-APPLICATION DISCUSSIONS**

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



Application Ref.      Proposal

15/00054/PREAPP    Pre-App enquiry - Proposed new research building and associated facilities

- 4.2 The main issues raised at the pre app stage related to the design (siting, shape and form) and materials; the impact on the setting of the Listed Building and other Heritage assets (the advice was that the building is far enough removed from the development area to ensure its setting was not damaged and that the other agricultural buildings settings have already been compromised and that development will not create further damage) and the traffic impact(the updating of the travel plan was recommended).

**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 12.06.2018, 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 regarding this application.

**6. RESPONSE TO CONSULTATION**

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2 Kidlington Parish Council:** No objections raised regarding this application
- 6.3 Yarnton Parish Council:** No objections or comments received
- 6.4 Begbroke Parish Council:** No objection or comments received

OTHER CONSULTEES

- 6.4 Environment Agency: No objection**
- 6.6 Natural England: No objection**
- 6.7 Thames Water: No objections** or comments relating to waste. **No objections** regarding water connections subject to the imposition of condition
- 6.8 OCC Highways: No objection** subject to the imposition of Conditions, an obligation to enter into a S278 agreement and Section 106 in relation to the creation of bus stops and pedestrian/Cycle link. Discussions are ongoing with the agent regarding the Section 106 agreement and further clarity has been sought from the relevant departments with regards to this. Currently the applicant has raised issues with the level of works/contributions required in relation to the development proposed; and the overlap between these works and the works being considered in relation to the proposed Cherwell Local Plan Partial Review allocations (PR8). Discussions are ongoing and the report will be updated prior to the committee date to reflect discussions and outcomes.



**6.9 OCC Archaeology: No objections** or comments received regarding this application

**6.10 OCC Majors:** Discussions are **ongoing** regarding the consultation response. The original response requested further information regarding drainage, which has now been submitted and is being assessed. Although no formal response has been received to date, the discussion has been positive and it is likely the drainage issues have been addressed. A revised consultation response is likely, however the main points raised in the initial response are as follows.

- The existing access to the site is to be utilised for the proposed long-term development. The capacity assessment of this access junction shows that this is suitable.
- The level of car parking proposed is higher than the level previously permitted. This may make achieving mode share targets set out in the Transport Assessment and Travel Plan more challenging.
- In order to maximise the opportunity for sustainable travel to the site and take advantage of planned improvements to public transport services along the A44, a new pair of bus stops in the vicinity of the site access is required.(See OCC Highways comments)
- A suitably surfaced pedestrian and cycle link between the Begbroke Science Park and the restricted byway at Roundham Bridge is required and must be secured through a Section 106 Agreement. This is in line with requirements set out in the Kidlington Masterplan SPD for improved pedestrian and cycle accessibility between the site and Kidlington and the requirements of Policy SLE 4 of the Local Plan. (See OCC Highways Comments)
- The monitoring period for the recently approved Framework Travel Plan for the site will require extending to take account of the new development.

**6.11 CDC Conservation:** No comments received at the time of writing. A response will be received prior to the application being heard at Planning Committee.

**6.12 CDC Ecology: No objections** raised subject to the imposition of the following conditions;

- **Carry Out in Accordance with Survey:** The development hereby approved shall be carried out in accordance with the recommendations set out in table 6 of the Ecology Report Prepared by BSG, issued on 4<sup>th</sup> May 2018.
- **Landscape and Ecological Management Plan:** Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) to include all biodiversity enhancements proposed within the built environment and green spaces, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details, to the satisfaction of the Local Planning Authority.
- **Lighting Strategy:** Prior to the commencement of the development hereby approved, a lighting strategy which demonstrates how impacts on ecology will be avoided, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

**6.13 CDC Economic Development: No objection.** The consultation response supports the principle of development and states that the potential driving force of Begbroke for the whole district is greater than ever and that the Government recognises the Parks importance in 2014 by awarding Oxford City Deal funding for the extension of the Innovation Centre. The Governments subsequent promotion of a National Industrial Strategy relies upon such enhanced facilities to support innovation, as now being considered in this proposal to create the facilities in which collaboration can thrive. Full support is given to the principles of flexible and adaptable R&D space which will allow enterprises to develop on site.

**6.14 CDC Environmental Protection: No objections** and comments with regards to noise, air quality, odour or light.

**6.15 CDC Landscape Services: No objections** based on the submission of the following information;

1. All plants are to be supplied in accordance with Horticultural Trade Association's National Plant Specification and from a HTA certified nursery.
2. All plants and to be planted in accordance with BS3936. Trees are to be supplied, planted and maintained in accordance with BS8545 (tree pit details are essential!).
3. Delivery and backfilling of all plant material to be in accordance with BS4428/JCLI/CPSE Code of Practice for 'Handling and Establishing Landscape Plants, Parts I, II and III.
4. All excavated areas to be backfilled with either topsoil from site or imported to be BS3882 – General purpose grade. All topsoiled areas to be clear of rocks and rubble larger than 50mm diameter and any other debris that may interfere with the establishment of plants.

**6.16 CDC Planning Policy:** No consultation response received at the time of writing. A response will be received prior to the application being heard at Planning Committee.

**6.17 CDC Arboriculture: No objection** to the proposals subject to a suitable level of mitigation is afforded to the site. Submission of a landscape plan as evidence of this is required. With this, a comprehensive detail of trees to be planted should be presented in order to mitigate the removed vegetation, and visual amenity lost from these trees.

It would be advisable that proposed trees to be planted are of a larger size, species relevant to the current site and in keeping with the original character of the site, so to balance the retained trees on the southern border adjacent to the original/existing buildings.

## **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 – Economic Development
- SLE4 – Improving Transport Connections
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13 – Local Landscape Protection and Enhancement
- ESD14 – Oxford Green Belt
- ESD15 - The Character of the Built and Historic Environment
- Policy Kidlington 1 – Accommodating High Value Employment Needs

## CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

### 7.3 Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Department for Transport Circular 02/2013 (The Strategic Road Network and the Delivery of Sustainable Development)
- Kidlington Masterplan SPD

## **8. APPRAISAL**

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

- Principle of development
- Design, and impact on the character of the area and surrounding Listed Buildings
- Access, Traffic and Transport;
- Design and Layout;
- Landscape and visual impact;
- Ecology;
- Drainage;
- Energy Efficiency/Sustainability;
- Infrastructure/Planning Obligations

8.2 Legislation in the form of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined against the provisions of the development plan for the area unless material considerations indicate otherwise. Current national planning policy within the NPPF (which is a material planning consideration of significant weight) reaffirms this position and confirms that the starting point for proposals that are contrary to an up-to-date Local Plan (i.e. those local planning policies within a development plan document that are consistent with the NPPF) is refusal unless material considerations justify a departure from it. Recent court judgements have concluded that there is no presumption in favour of sustainable development within the NPPF where a proposal conflicts with an up-to-date development plan given that the plan itself will have been prepared against national planning policy and guidance and so must in itself be a sustainable strategy for the area. As a result, significant and specific overall benefits would

need to be demonstrated to justify departing from a development plan that is up-to-date with respect to national policy rather than a generic balancing exercise as part of a presumption in favour of sustainable development.

- 8.3 The adopted Cherwell Local Plan 2011-2031 Part 1 (CLPP1) is the principal development plan document for the District that sets out a strategy and overarching policies to provide for sustainable growth within the District to meet identified need through to 2031. Having been examined and found sound by an independent inspector against national policy (i.e. NPPF) and relevant statutory tests it is considered to be up-to-date. It primarily focuses new growth in the District to Banbury and Bicester whilst limiting it elsewhere in order to provide for the most sustainable form of growth over the plan period. Amongst other things it identifies a number of strategic sites for housing and employment development in and around Banbury so that they are provided in carefully considered proportions in order to deliver a sufficient number and type of jobs to reduce the need for out-commuting from Banbury arising from the new housing which would be unsustainable.
- 8.4 Local Plan Policy PSD1: Presumption in Favour of Sustainable Development states that the council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF. The council and the Planning Authority seek to work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in this Local Plan (or other parts of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 8.5 Planning Policy SLE 1 of the Cherwell Local Plan relates to Employment Development . The policy identifies the main strategy for the authority in relation to employment development based on existing sites and the proposed allocations identified. Employment development will be focused on existing employment sites and employment development on existing sites and will be supported and permitted on the basis that they comply with all relevant policies which are relevant to the proposed development and the site/area. The policy also sets out the criteria for new employment proposals within the rural area, on non allocated sites.
- 8.6 The proposals are considered to comply with both Local Plan Policy PSD1 and SLE1. The proposals are within the bounds of the existing Begbroke Science Park, which is an existing employment site as identified within Policy Kidlington 1. The proposals are in a similar yet larger form to those that have previously and recently received support. SLE1 also states that employment proposals for Kidlington will be supported if they are outside of the Green Belt, unless very special circumstances can be demonstrated. This will be detailed within the report (Section 8.30. onwards). The following assessment in relation to the relevant Local Development Plan Policies and assessment of the proposals compliance with those policies, is detailed below.
- 8.7 Local Development Plan Policy SLE4 relates to the improved transport and connections. This outlines the approach required to improve transport connections and outlines overarching principle for new development to be complied with. This includes ensuring that the development facilitates the use of sustainable modes of transport and walking and cycling. It also outlines that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.

- 8.8 A transport assessment was submitted as part of the application. One of the main considerations in the assessment of the proposals in relation to the policy is whether the proposals have a detrimental impact on the existing access link and junction, as a result in the increase of traffic movements due to the creation of additional floor space. The existing site is accessed from the A44 which is connected by a signal controlled junction. The transport assessment confirms that the proposed access junction for the science park from the A44 was consented to accommodate the level of development approved under the two long-term development permissions, which was approved under application 11/00069/FUL. The TA demonstrates that the trips associated with the proposed development will result in a slightly higher trip rate but will not have a detrimental impact on the operation of the highway network. The TA also demonstrates that the capacity assessment of the junction indicates that there is sufficient capacity to accommodate the increased traffic demand and the access arrangement is therefore considered appropriate. OCC highways do not raise any issue with regards the access or the increased traffic movements.
- 8.9 As proposed in the TA, a construction Traffic Management Plan (CTMP) will be required to minimise the impact of construction related traffic upon the local highway network. This will be secured through the imposition of a condition.
- 8.10 Previously Begbroke Science Park have made efforts in promoting sustainable transport to the site and it is considered that further improvements to improve the mode share of sustainable travel and mitigate the proposed development are required. The Kidlington Masterplan SPD also requires improved pedestrian and cycle connections between Kidlington and Begbroke Science Park. The development site is located on the edge of Kidlington and currently forms part of the site associated with emerging Policy PR8-Land east of the A44 having been put forward as part of the Cherwell Local Plan Part 1-Partial Review.
- 8.11 OCC Highways department have detailed the requirement for pedestrian and cycle improvements to be covered by a Section 106 Agreement. However, the agent for the applicant has responded questioning the level of contributions required and the timing of said improvements given the ongoing partial review which envelopes the site. Discussions are ongoing. Discussions are also ongoing with regards to the need to cover this through a Section 106 or through the imposition of a condition as Oxford University is the land owner.
- 8.12 The submitted TA demonstrates that the appropriate level of car parking proposed for the long term development of BSP is a total of 414 space, including 14 accessible/disabled space. The accumulation in parking has been devised by considering the increased floor area and allowing for a further 6% allowing for circulation and fluctuations in parking demand. This is a significantly higher parking standard for the site than what was approved previously. A higher parking standard in this instance would not usually be supported as it is expected to encourage more vehicle trips. However the council accepts that the level of parking is still lower than the maximum recommended standard set out in the Non-Statutory Cherwell Local Plan 2011 and that traffic impact analysis does not indicate that the development would be expected to lead to significant highways of traffic impacts. Due to this, although not necessarily supporting higher parking standards there are no objections to the level of parking being proposed.
- 8.13 Within the Transport Assessment, information on the mode of share for staff, students and employees of business based at BSP is provided. In short, 43% travelled to work by a sustainable mode whilst 57% use the car. The Travel Plan aims to reduce the car mode share to 54% by 2019 and to 51/ by 2021. As stated earlier, the increase in parking may make this target harder to achieve. Given the success of the University Minibus shuttle service form the Oxford City

Science Area and the City Centre to the site there has been a recommendation that two new bus stops laybys and hard standings, and a financial contribution for the provision for a bus shelter and two bus stop flag and poles is deemed required. This is considered to ensure that the BSP is located within a more convenient walk distance to the nearest bus stops and encourage an increased level of bus travel to/from the site. However, as detailed in section 8.11, discussions are ongoing with regards to the Section 106.

- 8.14 The cycle parking provision is deemed adequate in line with the aim of trying to increase the cycling mode share from 7% to 15% by 2021. Details regarding this and the proposed shower/changing facilities can be covered through the imposition of conditions. Further conditions regarding the turning area/car parking, cycle parking provision, surface drainage, travel plan and the construction traffic management Plan will also be imposed.
- 8.15 Policy ESD 10 of the Local Plan relates to the Protection and Enhancement of Biodiversity and the Natural Environment. This policies main aim is to ensure that any proposed development protects biodiversity features but that development also achieves a net gain for biodiversity.
- 8.16 An Ecology Report and a further report on Great Crested Newt and reptiles were submitted in support of the application. These reports were assessed against the relevant sections of the policy and the proposals. CDC Ecology did not have any major concerns with regard the proposals. However this is on the basis that the mitigation included within the Ecological Assessment is carried out in full. This can be conditioned.
- 8.17 The main way to achieve a net gain in biodiversity is through protection, managing, extending and enhancing existing resources and by creating new resources. However, the proposals as they stand will result in a net loss on site but the proposed restoration of the additional area of grassland does result in a small overall gain in terms of biodiversity. In the opinion of the Local Planning Authority the proposals, subject to the imposition of conditions requesting specific further information, will result in the proposals being in accordance with the relevant section of Policy ESD10. This along with the enhancements proposed on new buildings, and within the built areas, is satisfactory although a further condition relating to how the grassland will be managed in the future should be included in any Landscape and ecological management Plan.
- 8.18 The proposals will include the installation of an invertebrate habitat within the Science Park site; installation of bat and bird boxes on new buildings; retention of hedgerows and trees and a pre-construction badger survey is also proposed.
- 8.19 Policy ESD 13 relates to local landscape protection and enhancement. A Landscape and Visual Appraisal has been submitted and has assessed the proposed development on the surrounding landscape along with the impacts on visual aspects of the Science part and its immediate and further environs. The crux of the aims of Policy ESD13 is that any development will secure the enhancement of the character and appearance of the landscape, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Moreover development shall not create visual intrusion into the open countryside, not cause undue harm to important natural features, be in keeping with the local character, detrimentally impact upon the historic view of the landscape or harm the setting of settlements, buildings, structures or any other landscape features. Further details of the landscape impact will be required at reserved matters stage.

- 8.20 Visual impact is difficult to assess at outline stage given the lack of detail of the proposals. When assessing the impact of the proposals, an understanding of the landscape sensitivity needs to be established. The value of the landscape is made up of a number of individual receptors such as the condition/quality of the landscape generally, scenic quality, conservation interest, recreation value, associations, rarity, perceptual aspects etc.
- 8.21 The site is well developed and well enclosed by mature planting which varies in consistency on the 4 boundaries. The southern edge of the site is especially well planted and relates well to the grounds of the original Begbroke Hill Farm and the existing Begbroke Hill Farm building which is a 2 ½ storey, Grade II Listed building. There are a limited number of further positive landscape features in the site although there are a number of trees towards the south and west of the site with established trees along the eastern boundary. The broad leaved woodland planting around the site ensures that the existing development of BSP is largely obscured. The wider locale is predominantly agricultural land split by natural rather than built boundaries. Given the flat nature of the area, any visual impact is likely to be at short distances.
- 8.22 The visual effects table in the analysis have largely returned negligible/no impact on the residents of Sandy Lane and both residents and road users of Fernhill Road, Begbroke which are between 200-250 metres away. It is acknowledged that the PRoW users will potentially be impacted upon. It is also detailed that the PRoWs to the north of Rowell Brook, Oxford Canal Walk and west of the A44 , near Hall Farm at distance between 175metres – 600 metres will have no or negligible impact upon them as a result of the proposals. The same is true of users of the Oxford-Banbury railway and A44. Evidence relating to the visual effects/impact will be required to be submitted at the reserved matters stage.
- 8.23 The existing site is well developed currently and the proposed development sites visually relate to the existing built form within the site. The site is moderately well contained given the established woodland planting on all boundaries. This, as well as the site being well established and the majority of the development sites having a backdrop of associated building in close proximity, results in your officers considering that the proposals have the potential to only have a negligible impact. However, this is dependent on the size and scale of the proposals.
- 8.24 The Design and Access Statement at Figure 9 on page 19 shows the existing CIE building with a maximum height of 12.4 metres. The viewpoints demonstrated within the Landscape and Visual Appraisal document demonstrates that there would likely be a very limited landscape impact as a result of the development. It is considered a further visual impact assessment should be investigated at the Reserved Matters stage when the precise dimensions of the buildings will be known.
- 8.25 The changes in the landscape are likely to be very localised. The site at present is made up of a number of existing buildings of comparable scale, mass and height and any new development will have the ability to be viewed within the context of the existing built environment whilst being protected by a mature natural boundary. Further explanation is given within the assessment of the development within the Green Belt.
- 8.26 The site contains a Grade II Listed Building, Begbroke Hill Farmhouse. Given the level of development and proximity to the building of that development is doubtful whether there will be any detrimental impact on the setting of the

building. A Heritage Assessment was submitted as part of the application which concluded that neither the setting or the significance of the building will be harmed as a result of the proposal.

- 8.27 Policy ESD 15 relates to the character of the Built and Historic Environment. In this instance the most relevant parts of the policy are in relation to complementing and enhancing the character of its context through sensitive siting, layout and high quality design. Ensuring and delivering high quality design that complements the asset is essential. This can be achieved by contributing positively to an areas character and identity by creating or reinforcing local distinctness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views etc.
- 8.28 Although the response has not yet been received from the CDC Conservation Team, it is envisaged that it will echo comments previously made through Pre application submission. Within this response the general view was that the Listed Building and the former agricultural buildings settings had already been compromised by other contemporary buildings and that the proposals were unlikely to cause further harm.
- 8.29 The Heritage Assessment submitted concluded that the previous developments undertaken since the 1970's have a positive contribution to the significance of the Grade II Listed Farmhouse and that the Farmhouse was already well integrated within the BSP campus setting. The assessment surmised that the proposed development will not have any greater impact than the existing buildings that are located closer and which are adjacent to the Listed Buildings. The parking area proposed to the south of the site is also not considered to impact the significance of the heritage asset.
- 8.30 One of the principal policies in relation to this application is Local Development Plan Policy ESD 14: Oxford Green Belt. The Green Belt washes over the site, therefore any expansion or proposals for development in this location needs to address the Green Belt Policy in the Local Development Plan and the NPPF. Cherwell Local Plan details that the Oxford Green Belt was designed to restrain development pressures which could damage the character of Oxford City and its heritage through increased activity, traffic and the outward sprawl of the urban area. Development proposals within the Green Belt need to be assessed in accordance with government guidance contained within the NPPF. Development in the Green Belt is only permissible if the openness is retained, the other aims are not conflicted or harm the visual amenity of the locale is very minimal.
- 8.31 When assessing development in the Green Belt there is a requirement to assess the development proposals against the relevant sections of the NPPF. One of the main relevant sections of the NPPF which needs to be addressed is impact on the openness of the Green Belt as detailed in paragraph 133. Although the site relates to previously developed land in parts, it is likely that it would have a detrimental impact on the openness of the Green Belt, given the built nature of the proposals and would constitute inappropriate development as defined in paragraph 143 of the NPPF. Due to this development can only be permissible if there are demonstrated very special circumstances.
- 8.32 It is important to ascertain the extent of harm and given that the site is enclosed and within distinguishable boundaries the proposals will not lead to sprawl as defined in the NPPF, especially as it is not considered unrestricted sprawl e.g. would not lead to coalescence of settlements etc. This approach has previously



been accepted by the Local Planning Authority through the approval of similar applications within the same site.

- 8.33 As outlined in section 8.31 there is a requirement for the applicant to demonstrate very special circumstances in this instance. This is not necessarily a single “special” reason but can be a culmination of a number of reasons which are considered together to outweigh the potential damage or failure to comply with another section of Green Belt Policy.
- 8.34 The Science Park, is unique as it enables industry and academic research to work hand in hand as well as allowing commercial, research and third parties to work together. The success of the park is such that all current buildings are now occupied. There are currently waiting lists and one of the more recent buildings, the Accelerator Building was fully committed within 9 months of completion. Due to its overall success, importance and reputation, the Government allocated it £4.2 million in funding under the Oxford City Deal.
- 8.35 As such, the Local Development Plan Part 1 recognises BSP as a facility of national importance, hence Policy Kidlington 1: Accommodating High Value Employment Needs. This policy endeavours to undertake small scale local review of the Green Belt to accommodate identified high value employment needs. In doing so there is acknowledgement, as detailed with the accompanying Planning Statement that BSP is of great importance to the Oxfordshire economy, is one of the universities Key economic assets and can provide the employment and economic benefit sought through Policy Kidlington 1.
- 8.36 Policy Kidlington1 acknowledges that Kidlington, and Begbroke specifically, has an important role to play in the Districts wider employment context and that BSP has the potential to develop further to support the provisions of land for hi-tech university associated business and that can operate as a high value economic base. C.230 of the Cherwell LP acknowledges BSG as a worldwide leader in research and recognizes that the amount of scientific research continues to expand and given the location of the site has carried out the Green Belt review.
- 8.37 It is considered that the applicant has been able to demonstrate a number of special circumstances relating to the site and the proposals which, as well as considering the previous approvals for similar development under the same Local Plan Policies within the same site, allow the Local Planning Authority to look favourably upon the proposals. It is acknowledged that BSP is a key research facility for the university and that the demand for space is significant within the BSP. The Collaboration between academia and industry has clearly generated enormous success for the site itself but in doing so has positive impacts on the more general locale economically and in terms of high value employment.
- 8.38 In November 2017 the Government released a white paper entitled Industrial Strategy: Building a Britain fit for the future, which focussed mainly on building a long term strategy for economic growth. Within this paper it is recognised the importance of the Oxford-Milton Keynes-Cambridge Corridor and the importance of innovation and collaboration in research and identifies the original BSP as a key example of the innovative and technologically advanced economy that the strategy outlines, is seeking to establish. In assessing the application individually there needs to be consideration of the site in the context of the wider locale and as a key player in the Oxford “Knowledge Spine” which also includes Oxford Science Park.

- 8.39 It is acknowledged that there is both a need and a demand for expansion which has been detailed with the “Strategic Case for Renewed Outline Planning Approval at Begbroke Science Park-May 2018”. The document , from the University of Oxford, states *“The launch of a new Government Industrial Strategy, which plays to regional strengths, a step change in the exploitation of academic research, supported by Oxford Science Innovation, and maturing links with key overseas partners, offers major new opportunities for the region and the wider UK that justifies the expansion of Begbroke Science Park and demonstrates “very special circumstances” as required by the Governments National Planning Policy Framework for development in the Green Belt”*
- 8.40 As well as the existing Local Development Plan Policies and the NPPF there are other material planning considerations which should be taken into account. Currently the Cherwell Local Plan Part 1, Partial Review, has been submitted for examination. Although not adopted, the review details the release of 190 hectares of Green Belt Land, including 14.7 hectares at Begbroke Science Park. Under this proposal the existing BSP site, as well as the proposed application sites would be entirely removed from the Green Belt. The Green Belt Study report undertaken concluded that the disposal of this area of land at BSP from the Green Belt would result in low level harm to the Green Belt and its aims as detailed within the NPPF.
- 8.41 Further development, as detailed throughout the report, has long been established and supported by the Local Planning Authority. As detailed in section 2.1, the application can be viewed largely as a renewal of an earlier permission with a further 2500 square metres of floor space to accommodate research and development. Previous approvals were made on the basis of demonstrated “Very Special Circumstances”, namely accommodating and meeting high value employment needs. It is considered that there have been no material changes in site characteristics or policy which would justify departure from this recent stance. Moreover, further associated documents have been released from the Government and the Local Planning Authority, albeit not adopted in cases, which further strengthen the appellants position.
- 8.42 Paragraph 143-145 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight has been given to the potential harm of the Green Belt as a result of this proposal. It is acknowledged that built form will have an impact on the perceived and actual openness of the site and area generally. However, it is considered that the proposed benefits of the proposals outweigh the potential detrimental impacts. The potential for economic, employment and innovative benefits as a bi-product of the development are considerable. There are not any further adverse or harmful impacts envisaged as a result of the proposals, subject to the imposition of conditions and further details being submitted at the Reserved Matters stage. It is considered that the proposals, having being previously supported and still supported by the relevant Local Development Plan policies, recent NPPF alterations and further submitted information which can be considered as material planning considerations, ensure that the support of the application is warranted.

## **9 PLANNING BALANCE AND CONCLUSION**

- 9.1. The proposals have been assessed against the relevant Local Development Plan, Supplementary Planning Guidance and the NPPF. The proposals are considered to demonstrate very special circumstances in terms of providing and responding to high value employment needs and it is considered that the proposals would have a beneficial economic impact on the surrounding locale. The special circumstances

were required to be shown as the development, within the Green belt, would be considered to have a detrimental impact on the openness, both perceived and actual, of the area.

- 9.2. The principle of development is considered acceptable as the proposed enlargement of the proposed footprint, further to the recently expired permissions within the same site, are not considered to cause undue harm to the character and appearance of the surrounding area or the safety of the Local Highway network.

## 10 **RECOMMENDATION**

That permission is granted, subject (i) a legal agreement concerning off-site transport infrastructure and (ii) conditions relating to the points detailed below. The exact conditions and the wording of those conditions are requested to be delegated to the Assistant Director for Planning Policy and Development. The conditions will cover the following;

1. Time Limit for the submission of reserved matters
2. Time limit for the commencement of development
3. Submission of full details of design, layout and external appearance of all buildings
4. Submission of a Landscape Impact Assessment
5. Submission of all details relating to hard and soft landscaping and boundary treatment.
6. Restriction on Height of buildings
7. Restriction on the uses of the buildings
8. Restriction on floor area (external measurement)
9. Submission on the retention of existing trees
10. Submission of details relating to surface water and foul sewage
11. Submission of updated Framework Travel Plan
12. Submission of a Construction Traffic Management Plan
13. Submission of details relating to required bus stops
14. Submission of details relating to cycle links.
15. Submission of parking layout and turning Area
16. Submission of details relating to Cycle Parking Provision
17. Submission in relation to the required Public Art
18. Submission relating to lighting strategy
19. Carry out in accordance with the submitted Ecological Report
20. Submission of landscape and ecological Management Plan

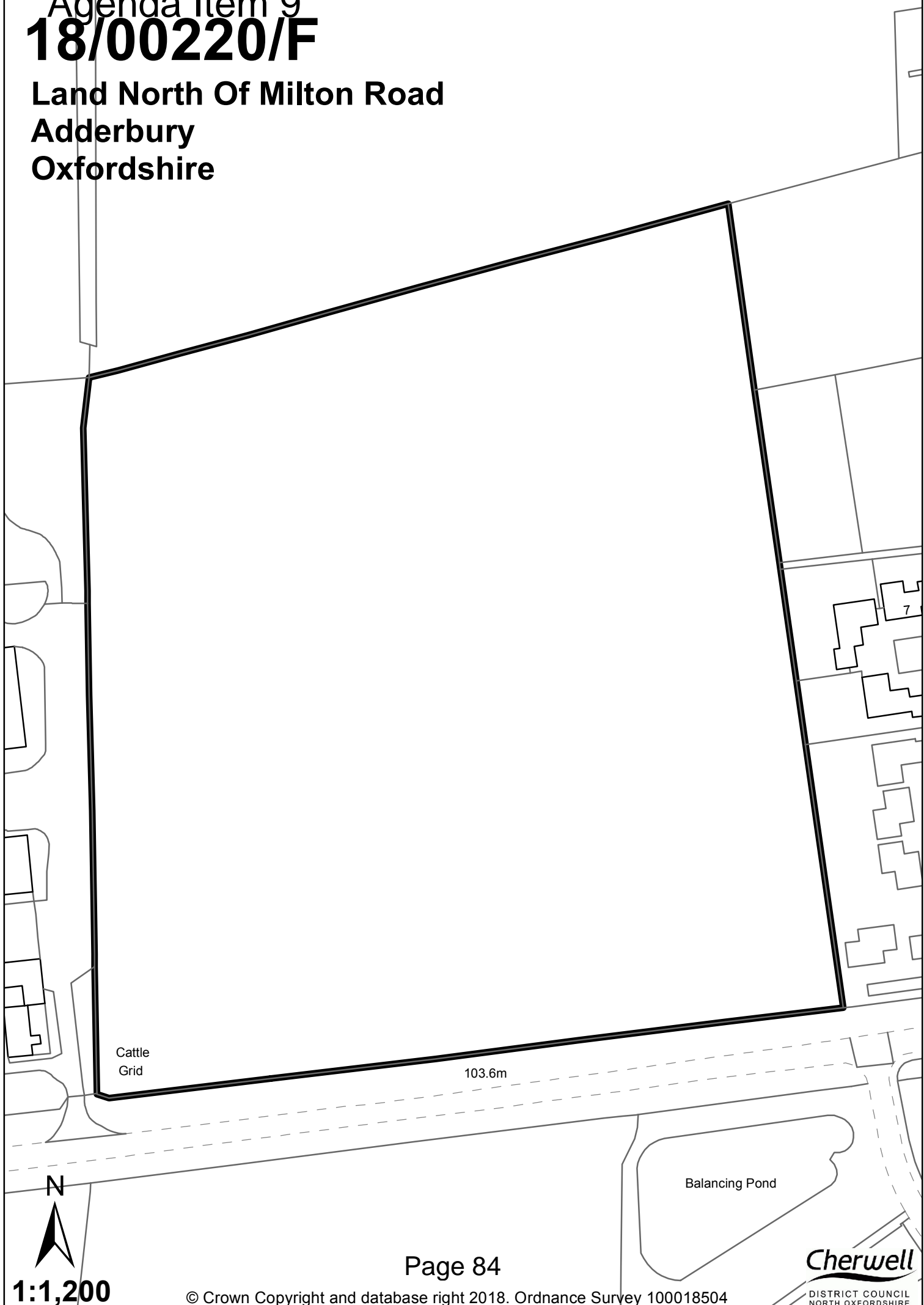
Conditions are likely to change/ be added to prior to the final report. Discussion are ongoing with a number of consultees and the applicant.

CASE OFFICER: Gavin Forrest

TEL: 01295 221599

Agenda Item 9  
**18/00220/F**

**Land North Of Milton Road  
Adderbury  
Oxfordshire**



Cattle  
Grid

103.6m

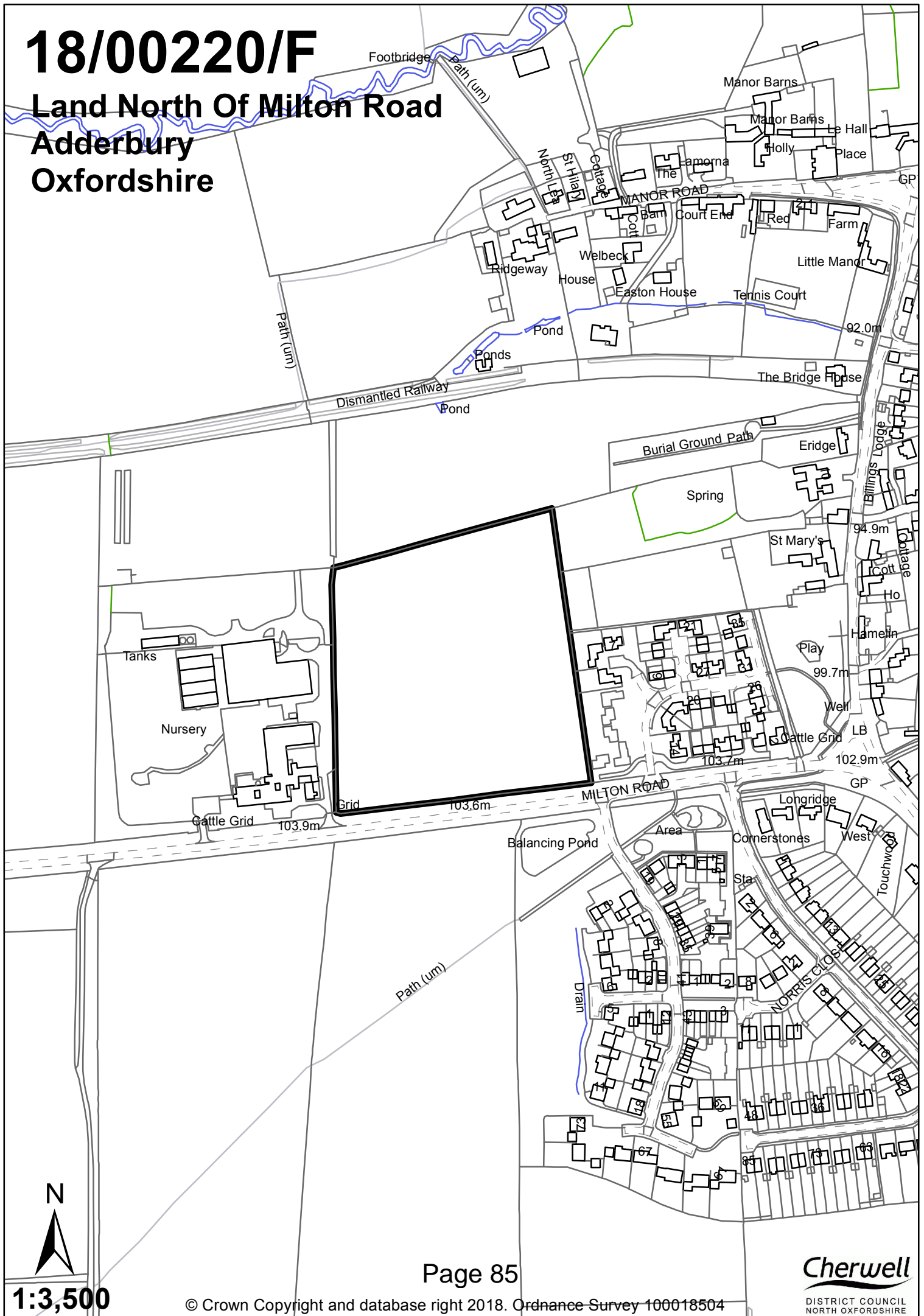
Balancing Pond



**1:1,200**

# 18/00220/F

## Land North Of Milton Road Adderbury Oxfordshire



<b>Applicant:</b>	Adderbury Parish Council		
<b>Proposal:</b>	Change of use of agricultural land to sport/recreation and community use		
<b>Ward:</b>	Adderbury, Bloxham And Bodicote		
<b>Councillors:</b>	Cllr Mike Bishop Cllr Chris Heath Cllr Andrew Mchugh		
<b>Reason for Referral:</b>	Major Application – site area over 1ha		
<b>Expiry Date:</b>	22 June 2018	<b>Committee Date:</b>	23 August 2018
<b>Recommendation:</b>	Approval		

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### **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 to change the use of the agricultural land to sport/recreation and community use. The land is to the North of Milton Road, Adderbury. The proposals include the access to the site from the Milton Road, the provision of parking and landscaping and the general layout of the site.

#### **Consultations**

The following consultees have raised no objections to the application (subject to the imposition of conditions to address some outstanding concerns):

- Adderbury Parish Council
- CDC – Recreation and Leisure, Landscape, Environmental Protection, Planning Policy, Ecology, Conservation
- OCC – Transport, Drainage, Archaeology, Minerals and Waste
- Sport England
- Oxfordshire Playing Fields Association

28 letters have been received, 17 in support, 7 in objection and 4 raising comments

#### **Planning Policy**

The application site is located outside the Adderbury Settlement Boundary but it is allocated for the proposed use. The site has some naturally occurring contamination, is within a minerals consultation area and there are records of notable and protected species within vicinity of the site. The site is close to the edge of the Adderbury Conservation Area and it has potential for archaeology on site. The land slopes from south west to north east.

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 application details are:

- Principle of development
- Landscape impact and site layout
- Neighbouring amenity
- Transport
- Drainage and Flood Risk
- Ecology
- Heritage

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

1. The site is allocated for sports and community uses by Policy AD18 of the Adderbury Neighbourhood Plan subject to a number of criteria
2. The proposal can be accommodated without causing undue harm to the landscape and the development proposed can be accommodated on the site with any refinements secured by condition
3. The proposal can be accommodated without causing serious harm to the amenity of residential properties nearby.
4. The site is within a sustainable location in transport terms. It can be appropriately accessed and there is sufficient space to provide onsite transport infrastructure including parking and connections can be provided to the rest of the village to encourage the use of sustainable modes of transport to access the site.
5. The development would be at low risk from flooding and there are opportunities for surface water management that would ensure that surface water is appropriately dealt with.
6. It is possible to secure a net biodiversity gain providing a calculation accompanies future detailed landscape proposals.
7. There would be no unacceptable impacts upon the setting of the Adderbury Conservation area and impacts upon potential archaeological interest can be further assessed via the provision of information to satisfy planning conditions.

## **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 application site sits to the west of Adderbury and to the north of the Milton Road. The land is currently agricultural surrounded by field hedgerows and is accessed by a field gate to the western side of the southern boundary. To the east of the site is a residential site, currently under construction by Nicholas King Homes, to the west is Ball Colegrave, a horticultural business, to the north is open countryside and to the south is open countryside and a new residential development.
- 1.2. The land gently slopes down from south to north with a maximum drop of approximately 5m across the site. Third party representations have identified that the site is used informally by local residents. In terms of recorded site constraints,

the land is close to the Adderbury Conservation Area boundary, there is potential for archaeology, there are some records of biodiversity in the local area and naturally occurring contaminants are also recorded. The land is also identified within the Adderbury Neighbourhood Plan.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The application seeks full planning permission to change the use of the current agricultural land for sport/ recreation and community use. Following the receipt and validation of the application, additional information has been submitted on two occasions including a site location plan, a Transport Statement, a Travel Plan Statement and a Flood Risk Assessment. As an application for full planning permission, proposals for the site in terms of how it is to be used are required to be considered and in this regard, a plan has been provided to demonstrate a proposed site layout. This demonstrates the site can provide space for sports pitches (two adult football pitches, one of which could be used as two smaller pitches), a MUGA, landscaping and parking (for up to 141 car spaces). Space is also demonstrated for a building (potential for a new village hall/ pavilion type accommodation) that is not part of the current application but the future intention is likely to include a building on the land and so it is important to understand whether sufficient room is available for this for the future.

## **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>
10/00508/F	Change of use from agricultural use to recreational use.	Application Permitted
18/00015/SO	Screening Opinion to 18/00220/F - Change of use of agricultural land to sport/recreation and community use	Screening Opinion not requesting EIA

## **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. Some informal discussions were undertaken with the Parish Council prior to the submission of the application which was generally supportive of the principle of the development.

## **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 06.08.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. 28 third party comments have been received all from the village to three consultations that have been undertaken (some of which are therefore from the same individuals). 17 comments are in support, 4 raise comments and 7 object (including two letters from four Parish Council Members). The comments raised by third parties are summarised as follows:



- The land was secured for the benefit of the whole village. To maximise its potential as a location for amenities for the village, the proposal is supported.
- Adderbury needs these facilities – the village is expanding but the current amenities are poor. Adderbury Park football club will be able to accommodate a fuller range of teams and training facilities.
- The current facilities cause dangerous parking situations on narrow residential roads. There is no meeting place for large groups and this proposal is long overdue and will provide much needed facilities.
- The proposed site will have good access for vehicles and for pedestrians and cyclists.
- The recent referendum in the village was supported by the majority.
- The proposal should just be for change of use at this stage because the village is being consulted on what facilities they wish to see on the land and the eventual layout and details are to be agreed.
- The lack of detail and transparency makes it hard to assess the implications of the proposal. It appears to cater solely for sport and therefore takes no account of those who wish to have a recreation area but who would not use football pitches. Its potential would therefore not be maximised for all in the community.
- It appears that the land would be used by a third party denying the wider public its use.
- The application is not supported sufficiently by detail as to how the scheme will be delivered and funded.
- The site could have potential for archaeology and this has not been adequately assessed. There were records found on land adjoining the site.
- An impact assessment of land drainage proposals on surrounding properties at risk of being flooded should be required. Field drains are referred to but there is no detail.
- Any levelling of the site is also important to be considered and the Parish Council have received assessments suggesting that a comprehensive earthworks operation would be required.
- Concern regarding the detail and amount of parking.
- Concern regarding noise impacts to the nearby residential dwellings on match days. There are now close by residential properties and noise and nuisance will be an issue for local residents. There are a number of properties that are not yet occupied and they may have concerns. The travel statement suggests the land could be used in the evenings until 11pm – this could have a significant impact.
- There are already sports facilities at the Lucy Placket fields and these are centrally located so accessible by all. The site should not be restricted to pitches alone
- Other uses for the site could include a small country park or a burial ground.

- Some concerns with how the proposals are being approached by the Parish Council. It would appear the application has been applied for without addressing all of the issues. Is sufficient parking provided?
- Floodlighting could damage the rural nature of the conservation area and could encourage use of the site until late in the evening disturbing residents.
- No traffic survey data has been provided. The Milton Road is busy and there should be provision for traffic calming and a pedestrian crossing.
- The travel statement now provided has increased concerns about the safety of road users and pedestrians.
- Residents currently use the land and it is of concern that public access will not be allowed for two years after the grass is seeded. Access should continue to be provided.
- The hall is not part of the application and this was seen as desirable. The hall would need to include changing facilities.
- Concern that there is no proven demand for the facilities.
- The construction of the development will cause noise, traffic inconvenience and pollution.
- The Working for Adderbury Community group has progressed work and a vision has been established and provided.
- There should be consideration as to limiting or maintaining the height of any new trees planted, in particular those close to the new neighbouring properties in Henge Close to prevent loss of light and views.
- What is the plan for boundary fencing to neighbouring properties?
- Concern regarding light pollution and the impact this could have on plants growing in the nurseries at Ball Colegrave. Concerns also regarding the impact of straying balls onto their site. The plan submitted is concerning with the proximity of the development and impacts upon security, stray balls and light pollution.
- Ball Colegrave also wish to retain use of the access track and field gate alongside their boundary which is used on a one off annual basis. Ball Colegrave has requested to APC that a secure fence is provided, along with additional planting to screen the fence.

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.

6.2. ADDERBURY PARISH COUNCIL: **supports** the application. This follows a number of consultations and conforms to policy AD18 of the Adderbury Neighbourhood Plan

as well as providing new leisure facilities for the village. In their second and third responses Adderbury Parish Council continues to express their support.

- 6.3. CDC RECREATION AND LEISURE: the team fully **support** the application.
- 6.4. CDC LANDSCAPE TEAM: **No Objection** to the change of use of the land on landscape and visual impact grounds. However, concerns are raised with regard to the layout and the lack of a clear development process. Care needs to be taken to retain existing boundary vegetation, consideration of links to the adjacent housing development, to design the car parking with planting and the position of the building to relate to the sports uses proposed. Resolution of the site layout is important before undertaking any work so that piecemeal development is avoided. In respect of the plan submitted, the advice is that it is poor and lacking in detail and that the parking arrangement can only be indicative. No information about retention of existing vegetation – can the roadside hedge be retained and provide sufficient visibility? No surfaces are shown. There are concerns about proximity of overflow parking adjacent to the hedge due to compaction of roots. There is not much space for a swale. No lighting is indicated and there may need to be some.
- 6.5. CDC ENVIRONMENTAL PROTECTION: **No comments or objections.**
- 6.6. CDC PLANNING POLICY: **No objection** to the use of the land for playing fields, however there is insufficient information to determine whether the full range of proposed uses could be appropriately provided.
- 6.7. CDC ECOLOGY: **No objections** to the change of use on ecological grounds. If the change in the existing access position is part of the application, then any works to the vegetated boundary to the South should take place outside of the bird nesting season and remove as little vegetation as possible. There is also the potential for badgers to use vegetated areas. No further comments were made in respect of the amended documents.
- 6.8. CDC CONSERVATION: The application site lies a short distance to the west of the conservation area. The impact on setting is likely to be minimal providing parking and any buildings are located along the Milton Road. No need for further input at this stage based on the proposed layout plan submitted.
- 6.9. OCC TRANSPORT: Initially provided an **objection** due to the lack of details of the layout and facilities of the site including access and parking. It was confirmed that there was **no objection** to the principle of the change of use but detail is needed to ensure that communal functions can only take place with appropriate access, car parking and footways being available. A full application needs to also include an FRA, a Transport Statement and a Travel Plan Statement. In a second response OCC Transport made the same comments. In a third response OCC have withdrawn their objection advising that the transport statement is comprehensive and is based on detailed assumptions which are robust. 141 parking spaces are shown as being able to be accommodated along with a 2m wide footway link to the footways into the village and an informal crossing point on Milton Road is required to improve connectivity from the site to the south.
- 6.10. In terms of DRAINAGE: OCC advised that the drainage arrangements include SUDs proposals. The drainage design details are at an outline stage of detail with no detailed design proposals submitted. A condition regarding surface water is required. Only a single test pit has been provided, OCC would expect additional test pits to confirm the potential and to inform detailed design. No indication has been provided as to the seasonal high ground water level at the site. It would appear that no design has been undertaken for the car parking areas and the design should

ensure that sufficient subbase for storage of run off is provided so no flooding occurs. A SUDs management and maintenance plan must also be provided. There should also be a qualitative examination of what would happen if any part of the drainage/ SUDs system fails, to demonstrate that floor water will have flow routes through the site without endangering property and where possible maintaining emergency access/ egress routes which should be supported by a flood exceedance plan.

- 6.11. OCC ARCHAEOLOGY: **No objection** subject to the imposition of planning conditions because the site is located in an area of archaeological potential. The plans submitted do not provide detail on the level of ground disturbance involved (i.e. from drainage works) and therefore this development could encounter further aspects of archaeological features recorded on the site immediately east. In a second response, OCC Archaeology made the same comments.
- 6.12. In a third response OCC ARCHAEOLOGY have noted the geophysical survey report that has been submitted with the application which highlights a number of possible archaeological features across the site. These cannot be dated from geophysical survey alone and may be related to the adjacent site. It is also possible that further archaeological features not identified from the geophysical survey could survive on the site. The proposed works, including the drainage scheme, may impact on these features and a programme of archaeological evaluation and mitigation will be required ahead of the commencement of the development. Conditions are required to be imposed and are recommended.
- 6.13. OCC MINERALS AND WASTE: **No comments** as the development would not adversely affect significant mineral resources and there would be no strategic waste planning implications.
- 6.14. SPORT ENGLAND: initially submitted a **holding objection** due to insufficient information being provided. In a second response, Sport England confirmed that they offered their **support** to the application as it is considered to provide new opportunities for sport to meet the needs of current and future generations. Sport England advised that the layout has some built in flexibility for pitch movement to avoid heavy wear and tear on the pitches. This response was provided after some direct contact with the Parish Council regarding their plans around pitch preparation and drainage. In a third response, Sport England continued to express their **support**.
- 6.15. OXFORDSHIRE PLAYING FIELDS ASSOCIATION: **supports** this application for change of use to sports/ recreation and community use.

## 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. Adderbury has a Neighbourhood Plan and this is also 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
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 4 – Meeting the need for open space, sport and recreation

## CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

## Adderbury Neighbourhood Plan 2014-2031

- AD1 – Adderbury Settlement Boundary
- AD2 – Green Infrastructure
- AD3 – Local Green Spaces
- AD4 – Local Open Spaces
- AD18 – New Community Facilities

### 7.3. Other Material Planning Considerations

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

## **8. APPRAISAL**

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

- Principle of development
- Landscape impact and site layout
- Neighbouring amenity
- Transport
- Drainage and Flood Risk
- Ecology
- Heritage

### 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 NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. The Development Plan for Cherwell includes the Cherwell Local Plan Part 1 2011-2031, the saved policies of the Cherwell Local Plan 1996 and any Neighbourhood Plans which have been adopted. Adderbury has a Neighbourhood Plan – 2014 – 2031 and it was adopted on the 16 July 2018 so it forms part of the development plan and it is material to the consideration of this application.
- 8.4. Whilst the land is not allocated for development by the Cherwell Local Plan Part 1, and it sits outside the settlement boundary identified by Policy AD1 of the Neighbourhood Plan, Policy AD18 of the Adderbury Neighbourhood Plan allocates

land off Milton Road, West Adderbury (this site) for sports and community uses. There are a number of criteria to be met in assessing proposals for the land in order for development to be supported and these will be discussed later in this appraisal.

- 8.5. The land itself was transferred to the Parish Council's ownership for the purpose of sports and community uses for the benefit of the local community through a S106 agreement relating to the completed development site at Aynho Road, Adderbury. In addition, S106 agreements from other sites in the locality have sought contributions towards the provision and enhancement of local outdoor sport facilities.
- 8.6. It is also relevant to note that planning permission has previously been granted for the use of the land for recreational use (10/00508/F). The plans accompanying that permission identified a slightly larger area of land because an area of land on the adjacent housing site (currently under construction by Nicholas King Homes) was secured for transfer to the Parish Council. In 2017 planning permission was granted for additional housing on this small area of land, with a contribution secured towards the provision of sports and community facilities specifically on the land subject to the current planning application. That proposal was supported by the Parish Council. That application plan identified the use of the current application site for the provision of two full size football pitches, with the land on the Nicholas King site (now housing), proposed to accommodate a sports pavilion and car parking as well as a landscape buffer.
- 8.7. In addition to the above, the Cherwell Local Plan, in particular Policy BSC10 supports the provision of sufficient quantity and quality of, and convenient access to open space, sport and recreation provision. This includes addressing existing deficiencies in provision through qualitative enhancement of existing provision, improving access to existing facilities or securing new provision. Policy ESD17 also seeks to maintain and enhance the district's green infrastructure network. Policy Villages 4 advises that the Playing Pitch and Green Space Strategy estimated that additional provision is required in the Rural North of the District (which includes Adderbury), including junior pitches, cricket pitches and other amenity/ open space to address existing deficiencies and future predicted shortfalls.
- 8.8. The Adderbury Neighbourhood Plan Policies also defines the green infrastructure network around and within the village (AD2) and it confirms that any development proposals on land within or immediately adjoining the defined network must demonstrate how they maintain or enhance its integrity and green infrastructure value. It also defines local green spaces (AD3) and local open spaces (AD4), which includes the current development site.
- 8.9. Given the above, the general principle of the development in terms of the use of the land for sport/ recreation and community use is considered to be acceptable. The details of the scheme and how the proposal meets the criteria of Policy AD18 of the Adderbury Neighbourhood Plan are therefore important to be considered.
- 8.10. The Parish Council have explained that their intention for the delivery of the site is to prepare the field for sports use by seeding during 2018 so that the pitches will have two or more years to establish before being played on. A project to involve residents is then intended to continue to establish exactly what facilities are required and supported and for detailed plans to be submitted, potentially in the form of a new planning application but for this work to continue whilst the site preparation (including the provision of drainage) is being undertaken. Ongoing management would be required for the first two years of growth and during this time, no public access in using the site for the purposes proposed would be allowed. Contractors would use the existing field gate.

### Landscape impact and site layout

- 8.11. Policy ESD13 of the Cherwell Local Plan advises that development will be expected to respect and enhance local landscape character and a number of criteria are highlighted including that development is expected not to cause visual intrusion into the open countryside, must be consistent with local character and must not harm the setting of settlements, buildings or structures. Policy 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. The Adderbury Settlement Boundary defined by Policy AD1 aims to avoid harm to local landscape character. In the policy wording for the site (AD18), the countryside location of the site is recognised by requiring that buildings are ancillary to the use of the site and designed to have regard to their location. In addition, it requires that the layout and any lighting has regard to the proximity of the adjoining residential and employment uses.
- 8.12. The site is located on the edge of the village and it is an existing agricultural field surrounded by field hedgerows. The development of the site will change the setting of the village and the street scene, by virtue of the provision of a vehicular access and the proposed development on site; however the land is between a new residential site and Ball Colegrave therefore within this context the impact is unlikely to be significant. In terms of access arrangements, Policy AD18 requires vehicular access from the Milton Road, with minimum losses of the boundary hedgerow therefore the provision of an access from this boundary has been accepted in principle. The proposed means of access has been proposed at 6m width with a section of hedgerow loss that accommodates this, the required footpath link to the village and some verge space to create an appropriate access point. The hedge line is relatively dense in this location, but the principle of the access is accepted.
- 8.13. Otherwise, the proposed development includes sports pitches (one of which is sized to be used as two pitches), a cricket pitch, a MUGA and associated parking (including overflow) and turning space as well as landscaping. It is understood that the future plan is to provide a building/ pavilion on the site so space has been identified for where such a building could be accommodated (and as this is not part of the current application, it is not necessary to consider this point of Policy AD18 further in terms of impact upon the countryside location of the site).
- 8.14. The arrangement of the pitches to the north of the site, with other supporting facilities such as the MUGA (and its associated fencing etc), car parking and the building close to the southern boundary of the site, therefore in proximity to the access point and landscaping is acceptable as it ensures that built development has a closer relationship with the village and the new development adjacent to it. The position of the MUGA and a future building to the eastern side of the site is also likely to be the most appropriate location for those features so that they do not appear isolated being close to other built development and for the ease of use of villagers walking/ cycling to the site. However, it is clear that the Parish Council wish to refine their proposals with community input through the period whilst the land is being prepared and in this regard, a planning condition is recommended to secure details of the final layout of the site for the development demonstrated now. No other development is approved and in this regard, a condition is recommended to restrict all other engineering operations/ physical development including a building.
- 8.15. The proposal does not provide details of landscaping, other than the suggestion of new tree planting to part of the eastern boundary. There are however opportunities to provide landscaping as part of the site layout and these can be sought via condition (and this is necessary in order to demonstrate net gains for biodiversity as will be discussed later).

- 8.16. Policy AD18 states that the landscape scheme should contribute to the delivery of Policy AD2 by making provision for ecological connectivity from Milton Road to the proposed local green space off Horn Hill Road in Policy AD3. The Policies map indicates a potential route along the eastern site boundary, which could extend beyond the site boundary to continue offsite to the Local Green Space. Whilst the proposal does not provide for a formal route, the land would be open and there would be opportunities to provide access from the site to the north to allow the link to be provided along the northern boundary. The position of a swale in the north eastern corner is also identified on the proposed plan (albeit the FRA suggests an alternative feature) and the drainage scheme is not yet fully concluded. The proposed change of use of the site for the type of development proposed could accommodate a link to the north in compliance with Policy AD18.
- 8.17. Overall, the proposal as it stands is considered to be acceptable as there would be no significant impact upon visual amenity. In terms of site layout, the development proposed now can be accommodated and any refinements to the positioning can be secured via condition. The proposal complies with the Policies outlined above.

#### Neighbouring amenity

- 8.18. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development. The NPPF advises that places should be created that have a high standard of amenity for existing and future users.
- 8.19. The site is allocated for use for sport/ recreation and community use and therefore the principle of the development is acceptable adjacent to the surrounding uses and it was secured for this purpose. Policy AD18 of the Adderbury Neighbourhood Plan requires that the layout and any lighting have regard to the proximity of the adjoining residential and employment uses. No lighting is proposed as part of the current application, however the layout can be considered now. Generally, it reflects what would be expected, with the pitches arranged at the north of the site, with built infrastructure (including parking, a future building and the MUGA) arranged to the south. This ensures that these elements relate to the village and are accessible. Officers have some concerns regarding the position of the MUGA having visited the site and assessing the proximity to the adjacent properties on the Nicholas King Homes site (these have gardens of approximately 12-14m). Additional planting is shown as being proposed (although no detail is provided of what this could be and this would need to be secured via condition), however to avoid concerns regarding noise and nuisance, a condition is recommended to reconsider the location of the MUGA. There appears to be sufficient space for this to be moved to continue to achieve the same aims for the site. Based on this, it is considered that the proposal can be accommodated without causing serious harm to the amenity of residential properties nearby.
- 8.20. In terms of the neighbour to the west, Ball Colegrave, some concerns have been raised regarding the impact of the use upon their business activities. Concern is raised with regard to lighting, however this does not form part of the current application and its impacts could be considered in the future if this forms part of the plan in the future. Concern is also raised with regard to stray balls – the plan demonstrates that there could be some distance between the features on the site and the boundary and in addition, the boundary itself is a well-established dense treeline that would assist in protecting the site. A condition is however recommended to secure details of boundary fencing, should this form part of the Parish Council's plan in the future (on any area of the site). The continued use of an access track could be discussed with the Parish Council however this is a land ownership issue rather than something needing to be secured through the planning application.



## Transport

- 8.21. The application is accompanied by a Transport Statement. In terms of traffic impact, this has tested two scenarios which are based on assumptions regarding how the site could be used (one at its maximum and a second at a more realistic level). In addition, trip rates are added for a building on the site, however this is not part of the current proposal, therefore the impacts are worse case and likely to be less for the current proposal. This does however mean the results are robust. This has demonstrated that the proposed uses on the site would not have a severe impact on the highway.
- 8.22. Vehicular access is proposed from the Milton Road, 50m west from the edge of the site. In addition, a pedestrian link to the village is required – a pedestrian link is already secured between the existing footway network and the entrance to the adjacent residential development. An extension to this would be required to link to the site access to give access to the site from the village for pedestrians and this is proposed to be 2m wide and to be accommodated on the highway. A drawing of the access arrangement has been provided and tracking has been undertaken to demonstrate that this is suitable.
- 8.23. The application documentation demonstrates that up to 141 parking spaces can be provided (including some within an overflow area and a proportion for disabled users), as well as spaces for minibuses, motorcycles and bicycles. This level of parking has been proposed based upon the potential user demand assumed from the maximum use scenario tested with 53 of these provided less formally as overflow parking. This would ensure no overspill outside of the site.
- 8.24. The application is also accompanied by a Travel Plan, which provides some information regarding how sustainable transport would be encouraged. The measures suggested, including the promotion of sustainable options via the Parish website and by notices at the site seem sensible and proportionate to the development proposed.
- 8.25. Oxfordshire County Council as Highway Authority has confirmed that they have no objections in principle to the change of the use of the site. In terms of the transport statement, it has been confirmed that this is comprehensive and is based on detailed assumptions which are robust. Reference is made to the onsite and offsite infrastructure including the parking, footway link and to the need for an informal crossing point on the Milton Road to improve connectivity from the site to St Mary's Road (in the form of dropped kerbs and tactile paving). This could be picked up through the S278 process, which is also required for the junction and any other required changes on the highway, including a gateway feature and speed limit signs.
- 8.26. Overall, it is considered that the site is within a sustainable location in transport terms. It can be appropriately accessed and there is sufficient space to provide onsite transport infrastructure including parking and connections can be provided to the rest of the village to encourage the use of sustainable modes of transport to access the site.

## Drainage and Flood Risk

- 8.27. A flood risk assessment and drainage management strategy is submitted with the application in line with the requirements of Policy ESD6 of the Local Plan and the Framework, given the site extends to over 1ha in area and is predominantly in Flood Zone 1. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems to manage surface water drainage systems. This is all with the aim to manage and reduce flood risk in the District. A number of comments have

been provided raising concerns that there have been flooding issues in the vicinity in the past. It is important that the proposal provides for an adequate drainage arrangement that does not increase flood risk off site.

- 8.28. The flood risk assessment finds that the site is within flood zone 1 and that the development proposed is classified as water compatible development. The site is at low risk of fluvial flooding from main rivers and from other potential forms of flooding. The FRA has anticipated the total impermeable area proposed (including a building which is not proposed as part of this application) and has found that approximately 3% of the total site would be impermeable. The SUDs techniques proposed include permeable hardstanding and to maximise soft permeable landscaped areas as well as soakaways and pervious paving to manage surface water runoff from roofs and roads at their source. The assessment considers the potential size for a soakaway for a building on the site as well as for any impermeable areas of the access road. In terms of the pitch land, the proposal is for perforated pipe land drainage below ground to maintain a useable pitch surface all year round. Alongside this, an infiltration strip should be provided along the northern boundary. The SUDs proposed have been sized to cope with the 1 in 100 year flood event plus a 40% allowance for climate change. In addition, the proposals result in some betterment of the existing situation as less water would be discharged to the existing drainage ditches and main rivers which would result in a reduction in flood risk overall.
- 8.29. Overall and based upon the assessment submitted, the development would be at low risk from flooding and there are opportunities for surface water management that would result in improvements over the existing green field run off rate. The Drainage Authority has confirmed that the drainage design details are at an outline stage of detail and no detailed designs have been provided. A condition is recommended to request further detail following the grant of planning permission as outlined above. Officers are considering the condition and whether there can be a staged approach to the provision of information to enable the Parish Council to complete elements of the work they wish to early (supported by sufficient information) with other elements following later.

### Ecology

- 8.30. The Framework sets out that Planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and provide net gains in biodiversity where possible. Policy ESD10 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. Policy AD18 of the Adderbury Neighbourhood Plan seeks to secure a net biodiversity gain. The Authority also has a legal duty set out at Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity”.
- 8.31. No ecological assessment has been submitted with the application, however given the nature of the proposal this was not required. The Council’s Ecologist has not objected to the application providing the works to create the access are undertaken outside of the bird nesting season. A net gain calculation has not been provided and therefore it is difficult to judge, at this stage, whether a net biodiversity gain can be achieved in accordance with Policy AD18 of the Adderbury Neighbourhood Plan. The proposal does however involve landscaping and these details have not, at this stage been submitted. As such and in the circumstances of this case whereby the land remains generally open and therefore it is possible to ensure that a net biodiversity gain is achieved, it is considered that a condition can be imposed to secure, alongside a landscaping scheme, a calculation to demonstrate that a net

biodiversity gain will be achieved. This can ensure that the biodiversity elements of Policy AD18 can be achieved.

### Heritage

- 8.32. The site sits close to the Adderbury conservation area boundary. The land is allocated for the proposed use and the development proposed at this stage in terms of changing the use of the land, the provision of an access and the layout of the site would unlikely be harmful to the character and significance of the conservation area in the view of Officers. The Conservation Team have confirmed that providing parking and any buildings are located along the Milton Road, which they are, that there are only likely be minimal impacts therefore the proposal is considered to be acceptable in terms of the impact upon the setting of the conservation area.
- 8.33. The application site has also been identified as being important for archaeology by the OCC Archaeology team. Their advice is that the site is located in an area of archaeological potential 300m to the south east of a possible Roman building. It is noted that a programme of archaeological investigation has recently been undertaken immediately east of the proposed site, which recorded a number of possible prehistoric features including a possible henge site and a Bronze age posthole structure. The post excavation analysis of this site is still underway, but initial results would suggest that these features are of some significance. A geophysical survey has been submitted with the application, and this identified the possibility for archaeological features, including the possibility of the continuation of features found on the site to the east.
- 8.34. In response to the Archaeological survey, OCC have advised that the proposed works, including the drainage scheme, may impact on the potential archaeological features identified (and potentially other features that have not been identified). A programme of archaeological evaluation and mitigation is recommended ahead of the commencement of the development and conditions are therefore recommended. The conditions as worded are recommended and these being imposed should ensure that the importance of these archaeological matters are understood and mitigated for.

### Planning Conditions

- 8.35. Given the intentions of the Parish Council as have been explained earlier in this report, the trigger for compliance with the planning conditions have been considered. Officers have been mindful that pre-commencement conditions can cause delays and therefore should be minimised unless absolutely necessary. As such the timing for the compliance of conditions has been considered, with most proposed to be 'prior to the first use by the public...' or 'Prior to the laying out of the site for pitches...' Only where absolutely necessary have pre-commencement conditions been recommended.

### Other matters

- 8.36. A number of comments have been made raising concerns about the current proposal. The proposal does not include a proposal for flood lights or for a building and a condition is recommended to restrict these features so that they would be subject to a new planning application. A full assessment of these proposals would be undertaken at that time. Concern is also raised in relation to the hours of use of the site. The application does not provide this detail, although the transport statement does test a scenario with potential use until 11pm. This is for the purpose of testing a robust, worst case scenario and is not necessarily what is proposed. A condition to seek a management plan, to include details of hours of use of the site is

recommended. In terms of the use of the site, it is considered that public use of the development proposed should not occur until the required access and footways to it have been provided so as to ensure that the land can be safely accessed and that it does not cause problems (for example parking) elsewhere off site. A condition is recommended to ensure that the use applied for is not commenced until the site has been provided with its access and parking arrangements. Comments have also been raised that the proposal does not reflect what the community wants. The role of the Planning Authority is to consider the proposal put to it.

- 8.37. There is reference within the comments and between correspondence between the Parish Council and Sport England to potential minor re-levelling. No information is provided regarding the work involved and so a condition is recommended to secure information about the extent of levelling if this is required (and this matter will be discussed with the Parish Council in advance of the Committee meeting). The site only has a minor slope and so it is not expected that any such levelling would be significant but the detail of any such work should be understood. In terms of landscaping, it is noted that proposals could be within proximity to neighbouring properties and therefore a management plan would be helpful to understand how this would be maintained.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. As discussed, the principle of the change of use is considered to be acceptable in accordance with Policy AD18 of the Adderbury Neighbourhood Plan, which effectively allocates the land for sports and community uses. There are a number of criteria to consider such a proposal against and these have been assessed through this appraisal. It is considered that the proposal meets the requirements, or information to be sought via planning condition can secure additional detail to ensure that the proposal is accommodated appropriately. Overall, the proposal is considered to be sustainable and can meet the economic, social and environmental roles of sustainable development.

## **10. RECOMMENDATION**

That permission is granted, subject to conditions:

The exact conditions and the wording of those conditions are delegated to the Assistant Director for Planning Policy and Development, the conditions will cover:

1. Time limit – to commence within 3 years
2. Compliance with the approved plans
3. Notwithstanding the submitted layout plan, a plan to be sought with the final layout proposed including a reconsideration of the position of the MUGA and the demonstration of links to the local green space off Horn Hill Road
4. Details of Landscaping, a biodiversity calculation to demonstrate a net gain and a management plan for it
5. Retention of the approved landscape scheme
6. Details of any proposed boundary treatments
7. Details of any proposed change in levels
8. A scheme for surface water drainage to be submitted
9. Full details of the means of access
10. The restriction of the provision of any other means of access and closure of the existing field entrance
11. The protection of vision splays at the entrance
12. Details of the turning area and car parking
13. The provision of the new footpath linking the site to the village prior to the first public use of the site

14. Details of covered cycle parking facilities
15. The requirement for an archaeological written scheme of investigation
16. A staged programme of archaeological evaluation and mitigation
17. Hedgerow works outside of the bird nesting season
18. No public use of the site for the use approved until the site is laid out.
19. A management plan for the site including hours of use
20. A condition to restrict any flood lighting on the site
21. A condition to restrict the provision of a building on the site

Planning note

1. The applicant's attention to the need for a S278 agreement to be highlighted

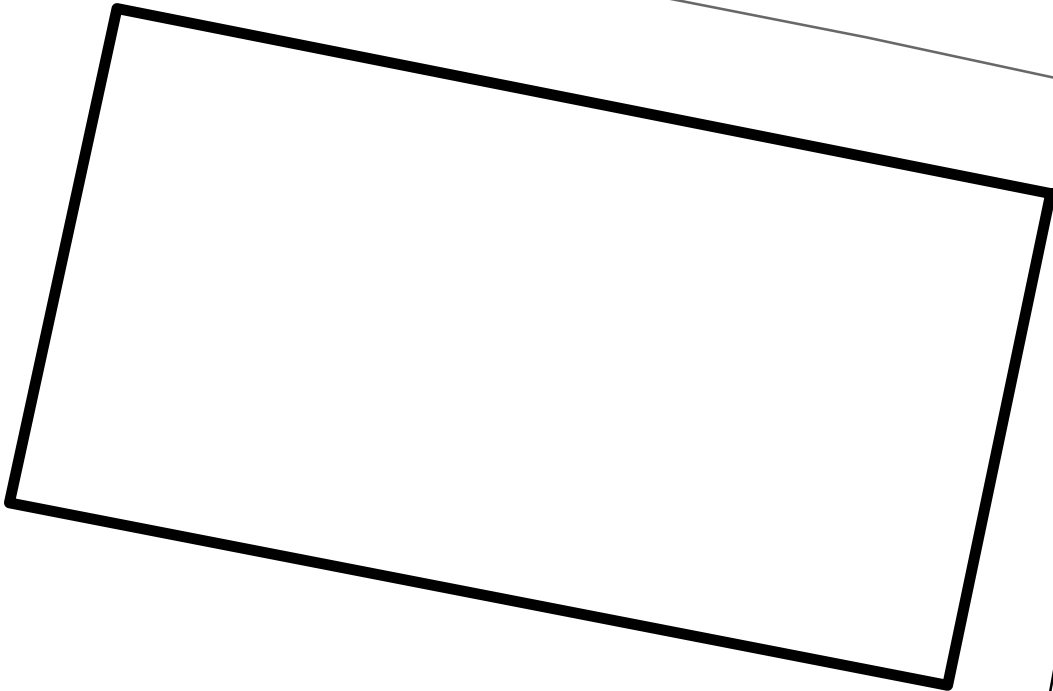
CASE OFFICER: Caroline Ford

TEL: 01295 221823

Agenda Item 10

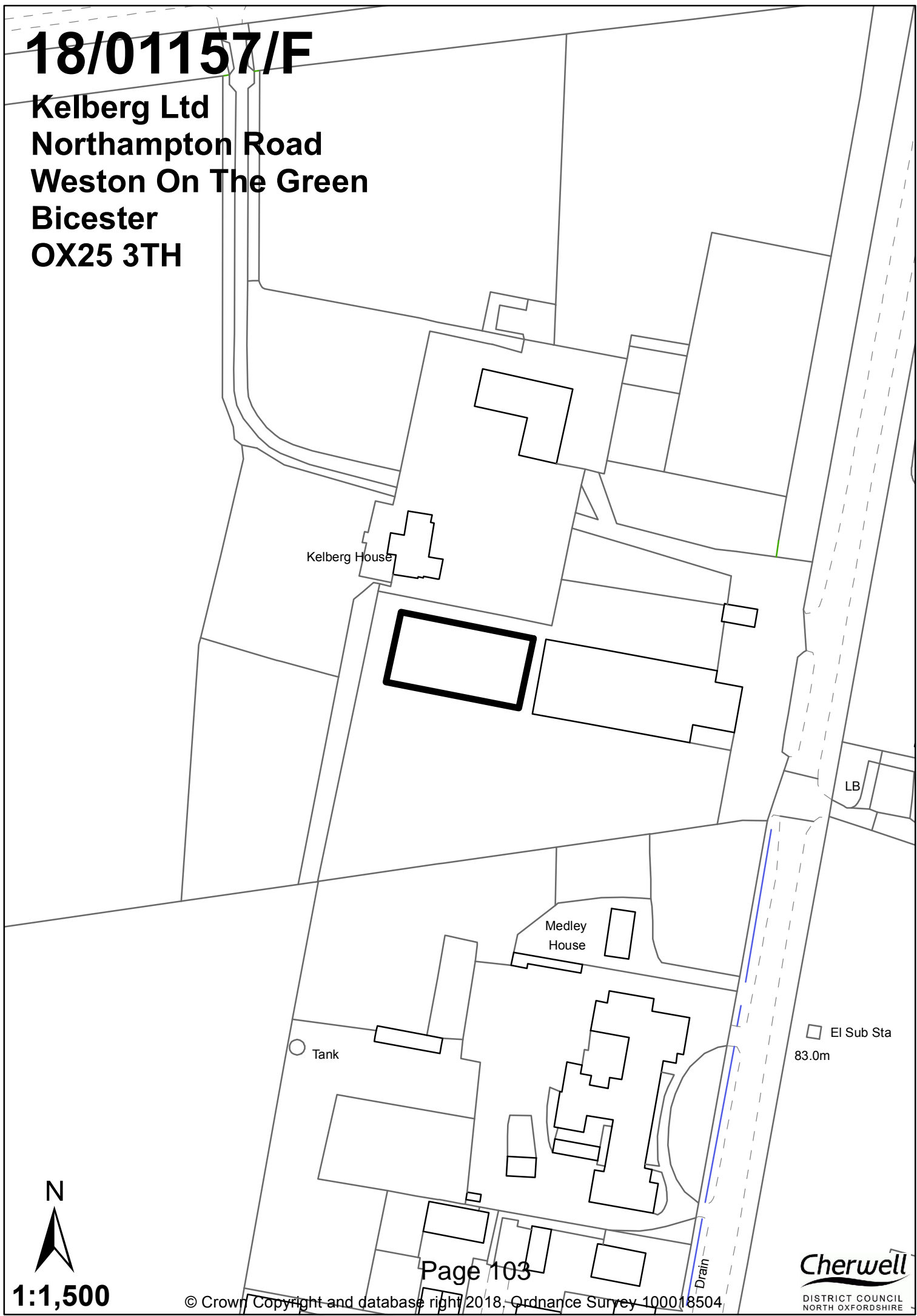
**18/01157/F**

**Kelberg Ltd  
Northampton Road  
Weston On The Green  
Bicester  
OX25 3TH**



# 18/01157/F

**Kelberg Ltd  
Northampton Road  
Weston On The Green  
Bicester  
OX25 3TH**



Kelberg House

Medley House

Tank

Drain

EI Sub Sta  
83.0m

LB



**1:1,500**

**Kelberg Ltd  
Northampton Road  
Weston On The Green  
Bicester  
OX25 3TH**

**18/01157/F**

**Applicant:** Kelberg Trailers And Trucks Ltd

**Proposal:** Erection of detached steel portal framed workshop

**Ward:** Launton And Otmoor

**Councillors:** Cllr Tim Hallchurch  
Cllr Simon Holland  
Cllr David Hughes

**Reason for Referral:** Major Application (floor space created)

**Expiry Date:** 28 September 2018      **Committee Date:** 23 August 2018

**Recommendation:** Approve

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

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

### **Proposal**

Consent is sought for the erection of a detached workshop building immediately to the west of an existing large workshop at the site at Kelberg Ltd Northampton Road Weston on the Green.

### **Consultations**

- The Parish Council has raised concerns but not objected to the application
- The Local Highway Authority has raised no objections to the application
- No objections have been raised by CDC Environmental Protection
- Other non-statutory consultees have not responded to date

### **Planning Policy**

The application site is an existing employment generating site outside the built up limits of the settlement. The site is in close proximity to RAF Weston on the Green. No listed buildings are within close proximity to the site and the site is not within a conservation area. The area has been identified as being potentially contaminated and the Weston Fen SSSI is located within 2KM 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 application are:



- Principle of the Development;
- Visual Amenity;
- Effect on Residential Amenity;
- Highways Safety;
- Impact on RAF Weston on the Green

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. Kelberg Trailers and Trucks Ltd is a relatively large commercial site located on the western side of Northampton Road (B430). Kelberg Ltd has occupied the application site for a considerable amount of time (over 20 years), over which their operations have been extended and evolved. Their current operations consist predominantly of assembling, repairing and servicing trailers. They also fit bodywork to smaller trucks and service their own vehicles. It is noted with the Design and Access Statement submitted by the applicant's agent that Kelberg currently employs 27 people.
- 1.2. The site consists of a two storey office building and attached workshop, which has been recently extended (ref: 17/01223/F). The remainder of the site is covered in hard standing surfaces and used for the storage of trucks, trailers and associated equipment. A high and dense row of trees is located around the perimeter. The site has two access points and a parking area is provided on the frontage.
- 1.3. The surrounding area consists of a collection of commercial units located in the open countryside. There are also a limited number of residential properties and numerous caravans and a gliding club are located on opposite side of Northampton Road. Weston Business Park is located to the south of the site.
- 1.4. No listed buildings are within close proximity to the site and the site is not within a conservation area. The area has been identified as being potentially contaminated and the Weston Fen SSSI is located within 2KM of the site. For all development, it is also necessary to consult the MoD due to the proximity of the site to RAF Weston-on-the Green.

### **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. Consent is sought for the erection of a detached workshop building to the west of the existing buildings on the site. The area is currently laid to hardstanding and used for the parking of vehicles and storage.
- 2.2. The building is to measure approximately 45.5m long, 23.5m wide and approximately 10.2m to the ridge. It is to be constructed from a steel frame with dark

grey profiled metal sheeting to the external walls and a lighter grey profiled sheeting for the roof.

### **3. RELEVANT PLANNING HISTORY**

3.1. There is a lengthy planning history for this site however the following planning history is considered relevant to the current proposal:

- 06/01321/F - Extension to industrial building – This was REFUSED on 25<sup>th</sup> August 2006 for the reasons below:
  1. *“Notwithstanding the proposal being an extension to an existing building within an existing employment site, the Local Planning Authority considers the proposal to be contrary to Policy EMP4 of the adopted Cherwell Local Plan and the provisions of Policy EMP4 of the Non-Statutory Cherwell Local Plan and Policy E4 of the Oxfordshire Structure Plan in that the scale of the development is inappropriate on this rural setting and would cause harm to the character and visual amenities of the area contrary to Policy C28 of the adopted Cherwell Local Plan.*
  2. *The extension proposed would significantly reduce the area of outside storage of vehicles and trailers which may lead to further demand to extend the commercial activity further into the open countryside, contrary to Policies EMP4, C8 and C28 of the adopted Cherwell Local Plan.”*
- 14/02019/F - Extension to existing Workshop Including Enclosure of Vehicle Wash Bay - APPROVED on 20<sup>th</sup> March 2015. The extension maintained the existing building lines and measured 24.5m wide, by 19m deep, with an eaves height of 7.4m and a ridge height of 10.2m. The extension provided three additional bays, incorporating two workshop bays and an enclosed wash bay. This was implemented by the time of the case officer’s site visit on 3rd June 2016. In the officer report it was stated that: *“The proposal provides economic development within a rural area and constitutes a relatively minor extension to an existing acceptable employment site. The principle of the proposed extension, subject to complying with other material planning considerations, is therefore considered acceptable in isolation and in compliance with the provisions of Policy EMP4 of the adopted Cherwell Local Plan and the Framework.”* Policy EMP4 has now been replaced by Policy SLE1 of the Cherwell Local Plan Part 1.
- 16/00830/F - Extension to industrial building – APPROVED on 4<sup>th</sup> July 2016. Planning permission was granted for the construction of an extension to the north of the building to be used for construction and assembly as well as for the storage of the parts needed.
- 17/01223/F - Extension to building (retrospective) – APPROVED on 20<sup>th</sup> July 2017. This extension was to the development approved under application 16/00830/F.

### **4. PRE-APPLICATION DISCUSSIONS**

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

### **5. RESPONSE TO PUBLICITY**

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties

immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments is 14.08.2018, although comments received after this date will be 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. WESTON ON THE GREEN PARISH COUNCIL: **Comments** that they encourage local employment but highlight that there is no longer a bus service to the site and additional employment will bring further car traffic. They are concerned about the effect of a further large extension on the rural nature of the area and there may soon be pressure on development outside the current site and into the open countryside.

They would like the operating restrictions of 17/01223/F to be re-confirmed to the applicant due to the effect on local residents of work undertaken outside of these hours.

### STATUTORY CONSULTEES

6.3. HIGHWAY AUTHORITY: **No objection**. The proposal will not have a significant detrimental impact on the adjacent highway network

### NON-STATUTORY CONSULTEES

6.4 ENVIRONMENTAL PROTECTION: **No objections** regarding noise, contaminated land, air quality, odour and light pollution.

6.5 PLANNING POLICY: **No comment to date**

6.6 OCC MAJOR DEVELOPMENT: **No objections**

6.6 MINISTRY OF DEFENCE (SAFEGUARDING): **No comment to date**

## 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
- ESD1: Mitigation and Adapting to Climate Change
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- ENV1: Environmental pollution

#### 7.3. Other Material Planning Considerations

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

### 8. APPRAISAL

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

- Principle of the Development;
- Visual Amenity;
- Effect on Residential Amenity;
- Highways Safety;
- Other Matters.

#### Principle of the Development

8.2. Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

8.3. In regards to the rural context of this site, Paragraph 28 of the Framework states that: *“Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:-*

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings”*

8.4 SLE1 states that: *“Employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations.”* The supporting text to Policy SLE 1 states that: *“The Council will support existing businesses and will seek to ensure their operational activity is not compromised wherever possible.”*

- 8.5 The proposed development is a large detached workshop building but is within an existing employment site. The development provides economic development within a rural area and therefore the building could be acceptable in principle, in compliance with the thrust of Policy SLE1, but this is provided that the building and any associated employment activities are carried on without undue detriment to the character and appearance of the locality, residential amenity or highway safety, which is discussed further below.

#### Visual Amenity

- 8.6 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.7 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.”*
- 8.8 Policy ESD13 of the Cherwell Local Plan Part 1 notes that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to the local landscape character cannot be avoided.
- 8.9 Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings.
- 8.10 The proposed building is significant in size and this cumulatively with the extensions approved under 14/02019/F, 16/00830/F and 17/01223/F results in a large expansion of the built form and operations on this site since 2014. However, given its location within the existing compound and to the rear of the existing buildings on the site it is considered the building would not be readily visible in public views. Whilst the building may be glimpsed from the highway to the east of the site it would be well screened further to the north and south of this highway by mature vegetation. In addition to this, there is mature evergreen planting along the western, northern and southern borders of the site which would help to screen it in public views and help to contain the site. The proposed materials are to match the existing workshop buildings on the site.
- 8.11 Therefore, it is considered that the development would not cause detrimental harm to the character and appearance of the area, and is therefore in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

#### Effect on Residential Amenity

- 8.12 Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.

- 8.13 Whilst the surrounding area consists predominantly of commercial uses, the site is adjoined on either side by residential properties and a caravan site is located on the opposite side of the Northampton Road. The dwelling to the north of the site is in the same ownership as the business.
- 8.14 The building is sited and of a scale so as to prevent undue harm to any residential properties in terms of loss of light or the creation of an overbearing affect.
- 8.15 The development would result in intensification of the existing use and an increase in the level of activity. However, the site is located in a mix use area on a classified road where background noise levels are relatively high and a degree of disturbance is common place during normal working hours. The increase in on-site activity as a result of the development is unlikely to result in a harmful increase in noise levels or disturbance during normal working hours to the surrounding occupiers/users.
- 8.16 The hours of operation have been restricted in previous applications for redevelopment, including the extension to the workshop in 2017. It is considered that this restriction is still applicable and necessary to protect the surrounding occupiers from disturbance later in the evening and early in the morning when background noise levels are low and residents can reasonably expect a quieter environment. Whilst these restrictions associated with the original permission are still applicable, it is recommended they are re-attached to any new planning permission which may be granted for the avoidance of doubt. A condition has also been attached stating that the doors of the building shall be closed when assembly operations inside the building are being carried out in order to minimise noise and disturbance to the surrounding occupiers/users.

#### Highway Safety

- 8.17 It is considered that the proposed building would result in any adverse impacts upon the surrounding highway network from a traffic and safety point of view. The Local Highway Authority has advised that it has no objections to the proposal.

#### Other Matters

- 8.18 The site is in an air safeguarding zone due to its proximity to RAF Weston-on-the-Green. It is considered that this development is unlikely to interfere with the operations of this site however as the building is to be set at a lower height to the adjacent workshop building. The MOD has no objections to the application.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. For the reasons set out in this report it is considered that the development is acceptable in principle, being employment generating development at an existing employment site, and would not result in any significant detriment to the character or visual amenities of the area nor on the living amenities of the neighbouring properties. In addition it is considered that the development would not result in any significant detriment to highway safety.
- 9.2. As such 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**

That permission is granted, subject to the following conditions:

1. Time Limit
2. Compliance with the approved plans
3. Materials to match the existing adjacent building
4. Restriction on hours of operation
5. Requirement to close doors of workshop during operations

CASE OFFICER: Shona King

TEL: 01295 221643

House  
**Agenda Item 11**  
**18/01098/F**

**Land North West Of Fabis House**  
**Rattlecombe Road**  
**Shenington**

174.2m 174.2m

175.3m 175.3m

Fabis House

Leys View Cottage

Pound Cottage Pound Cottage



**1:350**





**Land North West Of Fabis House  
Rattlecombe Road  
Shenington**

**18/01098/F**

**Applicant:** The Magpie Partnership Ltd

**Proposal:** Variation of Conditions 2 (rooflight), 6 (surface water drainage), 7 (existing building fabric), 15 (doors, windows and rooflights) of 17/01201/F

**Ward:** Cropredy, Sibfords And Wroxton

**Councillors:** Cllr George Reynolds  
Cllr Douglas Webb  
Cllr Phil Chapman

**Reason for Referral:** Application called in by Ward Councillor

**Expiry Date:** 15 August 2018      **Committee Date:** 23 August 2018

**Recommendation:** Approve

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### **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

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

#### **Proposal**

Planning permission is sought to vary conditions from the planning consent to make changes to the fenestration of the building and the elevation facing onto Mill Lane.

#### **Consultations**

- Statutory consultees have raised no objections to the application.
- Shenington with Alkerton Parish Council have raised no objections to the application.
- OCC Highways have raised no objections.
- CDC Conservation have raised no objections.

#### **Planning Policy**

The site is located within Shenington with Alkerton 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

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 application site is located within the village of Shenington on the south side of Rattlecombe Road at the junction with Mill Lane. The redevelopment of the site into two dwellings was approved in 2017 under 17/01201/F and 17/01202/LB. This consent has been implemented and the building to which this application relates (Barn B) is nearly fully constructed.
- 1.2. The site is located within the Shenington with Alkerton Conservation Area and the ruined building in the northeast of the site is considered to be a curtilage listed building given that it is attached to the Grade II listed dwelling named 'Longworth' to the east. Common Swifts have been located in proximity of the site, which are a protected species. The site is also located within an Archaeological Constraint Area.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. Planning consent is sought to vary Conditions 2, 6, 7 and 15 of planning consent 17/01201/F. These changes involve the addition of two rooflights, one to the roofslope facing Mill Lane and one to the roof slope facing the courtyard. The elevation facing onto Mill Lane would also be altered, with the porch element removed and replaced with a flat gable and enlarged window. At the time of the officer's site visit, these works were being undertaken. Plans of the drainage scheme for the development have also been included as Condition 6 has yet to be discharged.

**3. RELEVANT PLANNING HISTORY**

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/02183/F	Conversion and extension of existing buildings to form 2 dwellings	Application Refused
16/02184/LB	Conversion and extension of existing building to form a single dwelling	Application Refused
17/01201/F	Conversion and extension of existing buildings to form 2 dwellings – revised scheme of 16/02183/F	Application Permitted
17/01202/LB	Conversion and extension of existing	Application

buildings to form 2 dwellings - revised Permitted  
scheme of 16/02184/LB

- 3.2. The previous applications (16/02183/F and 16/02184/LB) were refused for five reasons. The first reason was that the alterations to Barn A were considered to cause harm to the curtilage listed building, the character and appearance of the Shenington with Alkerton Conservation Area and the setting of the nearby Grade II listed building 'Longworth'. The second reason was that the extensions to Barn B would cause harm to the character and appearance of the Shenington with Alkerton Conservation Area. The third reason was that the southern extension to Barn B would cause harm to the residential amenity of Pound Cottage. The fourth reason was that the development would have provided an insufficient number of parking spaces for the number of residential units proposed. The fifth reason was that in the absence of an appropriate ecological survey it was not possible to demonstrate whether the development would have an impact on protected species.
- 3.3. A full and listed building application (18/01114/F and 18/01115/LB) are currently under consideration which relate to 'Barn A' on the site, the curtilage listed building attached to the Grade II listed 'Longworth'.

#### **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 09.08.2018, 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 COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SHENINGTON WITH ALKERTON PARISH COUNCIL: **No objections.**

##### STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections.**

##### NON-STATUTORY CONSULTEES

- 6.4. CONSERVATION: **No objections**, subject to submission of acceptable roof light 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)

- PSD1 – Presumption in Favour of Sustainable Development
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H21 – Conversions within settlements
- C23 – Retention of features contributing to a conservation area
- 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)
- Sherington with Alkerton Conservation Area Appraisal (2009)

### **8. APPRAISAL**

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

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

#### Principle of development

- 8.2. The principle of residential development was established under the approval of 17/01201/F. That consent has been implemented and therefore the principle of development is considered to be acceptable, subject to the other material considerations discussed below.

#### Design and impact on the character of the area

- 8.3. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

- 8.4. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.5. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards, and should respect the historic environment including Conservation Areas and listed buildings.
- 8.6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.7. The site is located within the Sherington with Alkerton Conservation Area. The changes in this application involve the insertion of two rooflights and a change to the elevation of the building facing onto Mill Lane, which involves the erection of flat gable onto the road and a larger window. At the time of the officer's site visit, these works were being undertaken.
- 8.8. The Conservation Officer has offered no objections, subject to details of the rooflights. The rooflights have already been installed and match those that have been previously approved. These rooflights are considered to be acceptable.
- 8.9. The scale of the building would be unchanged by the proposals and the impact on the design of the dwelling is considered to be minimal. These alterations are considered to be minor and would not cause harm to the character and appearance of the conservation area.

#### Residential amenity

- 8.10. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.
- 8.11. The new rooflights are located above the dining room and the staircase. The rooflight over the dining room is too high to cause any overlooking and given the height and location of the rooflight above the staircase, it is considered that the impact of overlooking on Pound Cottage would not be significant and that the impact on the amenity of neighbours is acceptable.

#### Highway safety

- 8.12. The Highways Liaison Officer has offered no objections to the proposals. It is therefore considered that the proposals would not cause harm to the safety of the local highway network.
- 8.13. The drainage scheme demonstrates that surface water from the site would drain within the site and this scheme is therefore considered to be acceptable.

## **9. PLANNING BALANCE AND CONCLUSION**

9.1. The principle of development is considered to be acceptable and the recent permission has almost been fully constructed. The changes proposed under this application are relatively minor and would not cause demonstrable harm to the character and appearance of the Shenington with Alkerton Conservation Area, the amenities of neighbours or the safety of the local highway network.

## **10. RECOMMENDATION**

That permission is granted and that The exact conditions and the wording of those conditions are delegated to the Assistant Director for Planning Policy and Development, the conditions will cover:

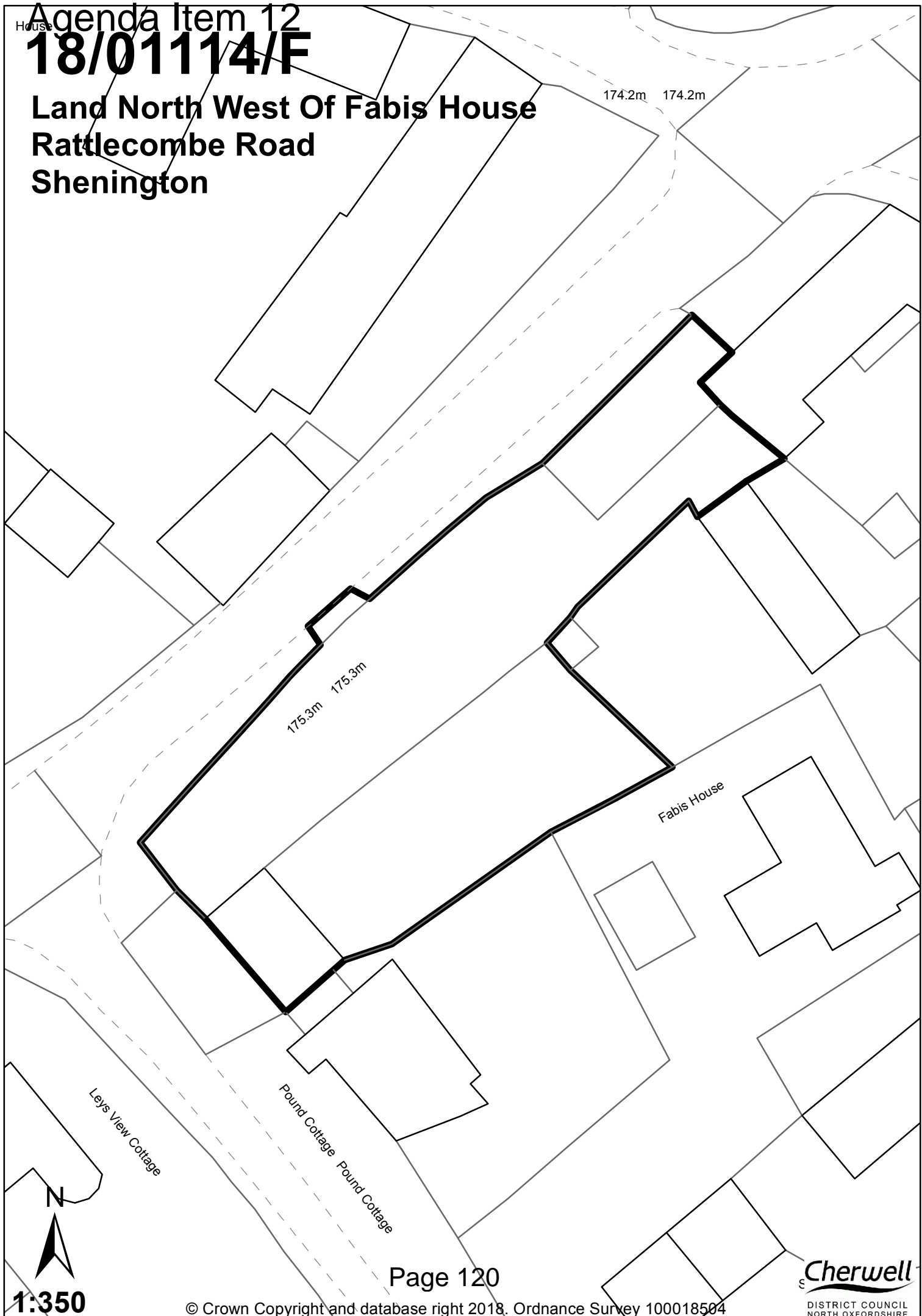
1. Compliance with approved plans
2. Development in accordance with approved bat mitigation measures
3. Development in accordance with approved bird mitigation measures
4. Development in accordance with measures to enhance swift nesting
5. Development in accordance with drainage details
6. Development in accordance with submitted plan showing retained fabric
7. Development in accordance with approved landscaping details
8. Development in accordance with British Standard for landscaping
9. Development in accordance with approved parking details
10. Development in accordance with approved stone sample panel (dwelling)
11. Development in accordance with approved stone sample panel (boundary wall)
12. Development in accordance with approved timber sample
13. Development in accordance with approved slate sample

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

House  
Agenda Item 12  
**18/01114/F**

**Land North West Of Fabis House  
Rattlecombe Road  
Shenington**



174.2m 174.2m

175.3m 175.3m

Fabis House

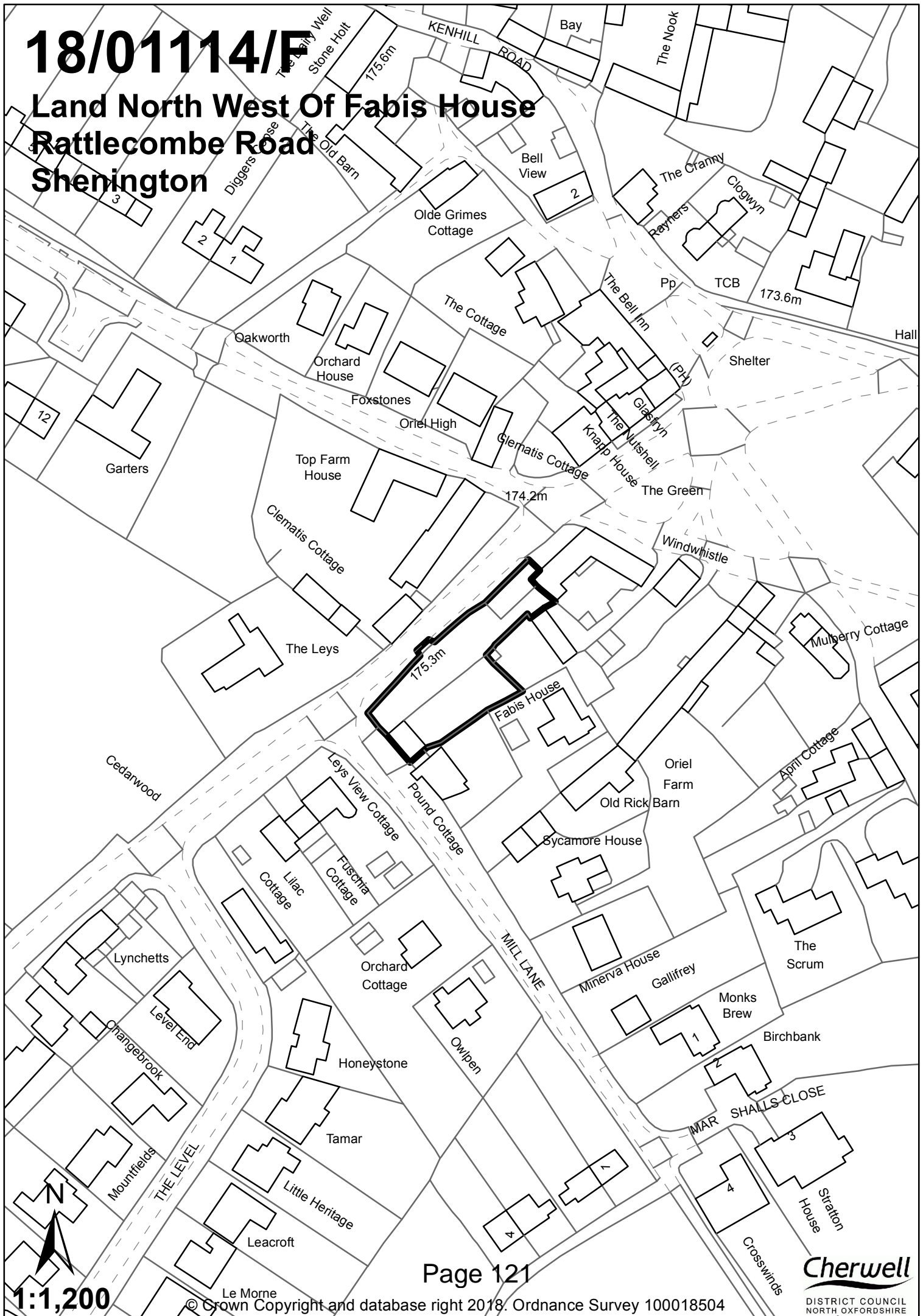
Leys View Cottage

Pound Cottage Pound Cottage



# 18/01114/F

## Land North West Of Fabis House Rattlecombe Road Sherington



<b>Applicant:</b>	The Magpie Partnership Ltd		
<b>Proposal:</b>	Conversion of barn to form new dwelling		
<b>Ward:</b>	Cropredy, Sibfords And Wroxtton		
<b>Councillors:</b>	Cllr George Reynolds Cllr Douglas Webb Cllr Phil Chapman		
<b>Reason for Referral:</b>	Application called in by Ward Councillor		
<b>Expiry Date:</b>	23 August 2018	<b>Committee Date:</b>	23 August 2018
<b>Recommendation:</b>	Refuse		

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### **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

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

#### **Proposal**

Planning permission is sought to convert and extend the building to form a single dwelling house

#### **Consultations**

- Shenington with Alkerton Parish Council have raised objections to the application.
- CDC Conservation has raised objections to the application.

Four letters of objection have been received.

#### **Planning Policy**

The site is located within Shenington with Alkerton Conservation Area and is a curtilage listed building. 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:

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

The report looks into the key planning issues in detail, and officers conclude that the proposals are unacceptable, as the development would cause harm to the significance of the listed building and the character and appearance of the conservation area.

## RECOMMENDATION – REFUSE 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. The application site is located within the village of Shenington on the south side of Rattlecombe Road at the junction with Mill Lane. The redevelopment of the site into two dwellings was approved in 2017 under 17/01201/F and 17/01202/LB. This consent has been implemented and the building in the southwest of the site (Barn B) is nearly fully constructed, whilst 'Barn A', the dilapidated barn attached to 'Longworth' has yet to have works commence.
- 1.2. The site is located within the Shenington with Alkerton Conservation Area and the ruined building in the northeast of the site is considered to be a curtilage listed building given that it is attached to the Grade II listed dwelling named 'Longworth' to the east. Common Swifts have been located in proximity of the site, which are a protected species. The site is also located within an Archaeological Constraint Area.

#### 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought to convert and extend the dilapidated barn to form a single dwelling. The dwelling would be 1.5 storeys in height, with a single storey element to the southwest of the building. There are a number of changes from the previously approved application. The previously approved application had a single storey element on the northeast of the building and this has now been changed so that the ridgeline of the building continues at the same 1 and ½ storey height. The overall ridge height of the building would also be slightly reduced from the approved scheme. The fenestration of the building would be altered on both the front of the building facing onto Rattlecombe Road and the rear facing towards Fabi's House. A 1.8m timber fence would be erected approximately 1.1m away from the dining room of 'Longworth', the neighbouring Grade II listed building.

#### 3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/02183/F	Conversion and extension of existing buildings to form 2 dwellings	Application Refused
16/02184/LB	Conversion and extension of existing building to form a single dwelling	Application Refused
17/01201/F	Conversion and extension of existing buildings to form 2 dwellings - revised scheme of 16/02183/F	Application Permitted

- 3.2. The previous applications (16/02183/F and 16/02184/LB) were refused for five reasons. The first reason was that the alterations to Barn A were considered to cause harm to the curtilage listed building, the character and appearance of the Shenington with Alkerton Conservation Area and the setting of the nearby Grade II listed building 'Longworth'. The second reason was that the extensions to Barn B would cause harm to the character and appearance of the Shenington with Alkerton Conservation Area. The third reason was that the southern extension to Barn B would cause harm to the residential amenity of Pound Cottage. The fourth reason was that the development would have provided an insufficient number of parking spaces for the number of residential units proposed. The fifth reason was that in the absence of an appropriate ecological survey it was not possible to demonstrate whether the development would have an impact on protected species.
- 3.3. An application for minor alterations to Barn B is also currently under consideration (18/01098/F). A listed building application has been submitted alongside this application (18/01115/LB).

#### **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 09.08.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. Four letters of objection have been received. The comments raised by third parties are summarised as follows:
- There were no historic openings onto Rattlecombe Road with the exception of the doorway.
  - The proposed openings onto Rattlecombe Road would cause harm to the character and appearance of the conservation area.
  - The 1.8m timber fence in close proximity to Longworth would cause harm to the listed building and the amenities of the occupiers.
  - The openings on the rear elevation of the building will be in close proximity to Longworth.
  - The timber fence and wall that it continues into would obstruct a Right of Way.
  - The boundary wall has been demolished and rebuilt at a higher height without any planning consent (not included in this application).
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 6. RESPONSE TO CONSULTATION

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

### PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SHENINGTON WITH ALKERTON PARISH COUNCIL: **Objects**. The windows on the front should remain as slits. Changing the windows would have a harmful impact on the building and conservation area. The fence in close proximity to Longworth would cause harm to the amenities of the occupiers of the dwelling.

### STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to a condition relating to parking and manoeuvring details.

### NON-STATUTORY CONSULTEES

- 6.4. BUILDING CONTROL: **No objections**.
- 6.5. CONSERVATION: **Objects**. The fenestration on the front and rear elevations would be harmful to the character and appearance of the conservation area and the significance of the listed building.
- 6.6. 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)

- PSD1 – Presumption in Favour of Sustainable Development
- ESD10 – Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H21 – Conversions within settlements
- C21 – Proposals for re-use of a listed building
- C23 – Retention of features contributing to a conservation area
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- C33 – Protection of important gaps of undeveloped land

### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Home Extension Guidance (2007)
- Shenington with Alkerton Conservation Area Appraisal (2009)

## 8. APPRAISAL

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

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

#### Principle of development

- 8.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.3. Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as a golden thread running through decision taking, which means approving development proposals that accord with an up-to-date development plan without delay. The NPPF goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 8.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5.2 year supply from 2017-2022 (the previous period) and a 5.4 year supply from 2018-2023 (the current period).
- 8.5. The principle of residential development in Shenington is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Shenington is recognised as a Category C village in the Cherwell Local Plan 2011 – 2031 Part 1. Category C villages are considered the least sustainable settlements in the District's rural areas to accommodate growth and therefore residential development will be restricted to the conversion of non-residential buildings and infilling.
- 8.6. The application for the conversion of the buildings to two dwellings was approved under 17/01201/F and 17/01202/LB. This consent has been implemented and the conversion and extensions to Barn B have nearly been completed. Given that this consent has been implemented, the principle of development is considered to be acceptable, subject to other material considerations discussed below.

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

- 8.7. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

- 8.8. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 8.9. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards, and should respect the historic environment including Conservation Areas and listed buildings.
- 8.10. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Likewise Section 66(1) 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.
- 8.11. The site is located within the Shenington with Alkerton Conservation Area. Longworth to the east of the site is a grade II listed building and Barn A is attached to Longworth, so is curtilage listed.
- 8.12. The application proposes to extend and convert the existing dilapidated barn to form a single dwelling. The previously approved scheme had a 1 and ½ storey dwelling, with single storey elements at the northeast and southwest gable ends of the dwelling. The fenestration was simple, with arrow slit windows on the front elevation and full height barn-door style openings on the rear, with some more domestic openings in the west of the building.
- 8.13. The present application proposes a number of changes to the approved scheme. Some of these changes are considered to be an improvement on the approved scheme, such as the reduction in the overall ridge height of the building and the continuation of the 1½ storey element to the north-east, which would respect the traditional form of the building.
- 8.14. There are a number of areas of concern, to which the Conservation Officer, parish council and neighbours have all objected. The fenestration on the Rattlecombe Road frontage of the approved scheme had a very simple design, with three arrow slit windows and a window in the then single storey element, with timber cladding below.
- 8.15. The scheme now seeks to make use of the existing door opening onto Rattlecombe Road to form a full height, obscurely glazed window, two small arrow slit windows at a high level on the western side of the 1½ storey element and in the eastern part of the building, a window is proposed at ground floor level, with a timber shutter above and a conservation rooflight in the roof slope.
- 8.16. The alterations to the fenestration on the Rattlecombe Road frontage would cause demonstrable harm to the significance of the listed building and the character and appearance of the designated conservation area. It is recognised that the

application seeks to utilise existing openings. However, it is unlikely that the full height obscurely glazed window would traditionally have been a full height window. It is likely that this would have been a doorway of a regular height. The cumulative impact of the untraditional full height windows serving the bathrooms, the window with the timber shutter directly above and the rooflight in the front roof slope would result in a more domestic and cluttered elevation that would move away from the simple, more traditional design of building that was previously approved.

- 8.17. Two rooflights were included on the rear roof slope of the approved scheme. In paragraph 8.19 of the case officer's report for the approved scheme (17/01201/F), it was stated that '*rooflights are not considered to be a traditional feature on a converted agricultural building*'. However, it was considered these were acceptable as they were located on the rear roof slope. The inclusion of a rooflight on the front roof slope would be significantly more harmful to both the significance of the listed building and the appearance of the conservation area and is not a traditional feature on a converted agricultural building.
- 8.18. The full height opening serving the bathrooms of the development would be obscurely glazed and would face out onto the public domain. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that '*new development proposals should be configured to create clearly defined active public frontages*'. A large, obscurely glazed opening facing out onto the public domain is considered to be poor design and would fail to meet the requirements of the above policy. Obscurely glazed windows should be kept to a minimum and located in areas that do not address the public domain.
- 8.19. Turning to the fenestration on the rear of the dwelling, the approved scheme had a large barn door style opening roughly in the middle of the 1½ storey element of the scheme. The current scheme proposes that the existing barn door opening is utilised to make the full height glazed opening, instead of creating a new opening in the middle of the building. In terms of the retention of historic fabric, this element of the scheme is considered to be an improvement on the approved scheme as this would have required the existing opening to be infilled and a new opening created.
- 8.20. The re-use of the opening at a high level on the west of the rear elevation is considered to be a positive element of the proposals, as is the reduction of two rooflights to one.
- 8.21. The retention and re-use of the existing opening is considered to be a benefit of the scheme. However, the proposed fenestration in this space is far too domestic for the infilling of a barn door opening. The fenestration would appear very cluttered, with a number of small windows surrounded by timber boarding. The infill of a barn door should be kept as simple as possible, with the large, open nature of the former opening retained as much as possible. The different elements proposed in this scheme would be overcomplicated and too domestic for the simple design that a converted agricultural building should have.
- 8.22. Paragraph 196 of the NPPF states that where a development proposal would lead to less than substantial harm to a heritage asset, that harm should be weighed against the public benefits of the scheme. It is considered that the proposals would cause less than substantial harm to the heritage assets, for which there are no public benefits which outweigh this identified harm.
- 8.23. It is therefore considered that the cluttered and domestic fenestration on the front and rear elevations of the proposed development would cause less than substantial harm to the significance of the listed building for which there are no public benefits which outweigh this harm. The significance of the building derives from its simple



agricultural character. Harm would also be caused to the character and appearance of the Shenington with Alkerton Conservation Area, which has a rural and traditional appearance.

#### Residential amenity

- 8.24. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.
- 8.25. The Cherwell Home Extension Guidance (2007) advises that where a new window is proposed, it should normally be at least 22 metres away from a window of a neighbour's habitable room to prevent loss of privacy.
- 8.26. The current proposal sits on the same footprint as the previous application and the impact of overlooking of Fabis House to the rear is therefore still acceptable in this regard.
- 8.27. Concerns have been raised regarding the impact that the development would have on the amenities of the occupiers of Longworth, as a 1.8m high fence is proposed approximately 1.1m away from the dining room of Longworth. This element of the scheme would result in a loss of light and a loss of outlook to the property. The approved landscaping scheme under 17/00570/DISC approved a 1.8m screen; however this would have been over 3m away from the window of Longworth and still would have allowed a good level of outlook whilst providing privacy to the occupiers of the new dwelling. This is not the case under the current proposals and the amenities of the occupiers of Longworth would be impacted upon significantly by the proposals.
- 8.28. Concerns have also been raised regarding the impact that the new glazing in the barn door opening on the rear of the dwelling would have on the amenities of the occupiers of Longworth. No overlooking would be provided as a part of this, as there is a void at first storey from this glazing and the fence would provide screening to the dining room of Longworth, albeit to the detriment of their living amenities.
- 8.29. It is therefore considered that the proposals would cause demonstrable harm to the occupiers of Longworth, by reason of loss of light and loss of outlook.

#### Highway safety

- 8.30. The Highways Liaison Officer has offered no objections to the scheme, subject to a condition of further details of the parking and manoeuvring areas. The approved scheme was found to be acceptable in this regard and therefore it is considered that the development would not cause harm to the safety of the local highway network.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The principle of development is considered to be acceptable, as the previous scheme has already been implemented. Some of the alterations are considered to be beneficial to the scheme. However, the changes to the fenestration on both the front and rear elevations of the building would appear too cluttered and domestic and would cause harm to the significance of the listed building and character and appearance of the conservation area. The proposed 1.8m high timber fence being located 1.1m away from the dining room window of Longworth would cause demonstrable harm to the amenities of the occupiers of Longworth by reason of a loss of outlook and loss of light.

## 10. RECOMMENDATION

That permission is refused, for the following reasons:

1. The fenestration of the building, including the full height obscurely glazed window, rooflight and other new openings on the elevation facing Rattlecombe Road and the fenestration in large opening on the rear elevation would appear as overly complicated and domestic features that would cause harm to the simple, agricultural appearance of the curtilage listed building and its contribution to the character and appearance of the Shenington with Alkerton Conservation Area and the setting of the Grade II listed building Longworth. The harm caused would be *less than substantial*. However, the public benefits created by the development would not outweigh this harm. This would be contrary to Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies H21, C21, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. The timber fence in close proximity to the dining room window of Longworth, would be likely to have a seriously detrimental effect on the amenities of the occupiers of these neighbouring properties by way of a loss of light and a loss of outlook. This would be contrary to Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

House

# 18/01115/LB

## Land North West Of Fabis House Rattlecombe Road Shenington

174.2m 174.2m

175.3m 175.3m

Fabis House

Leys View Cottage

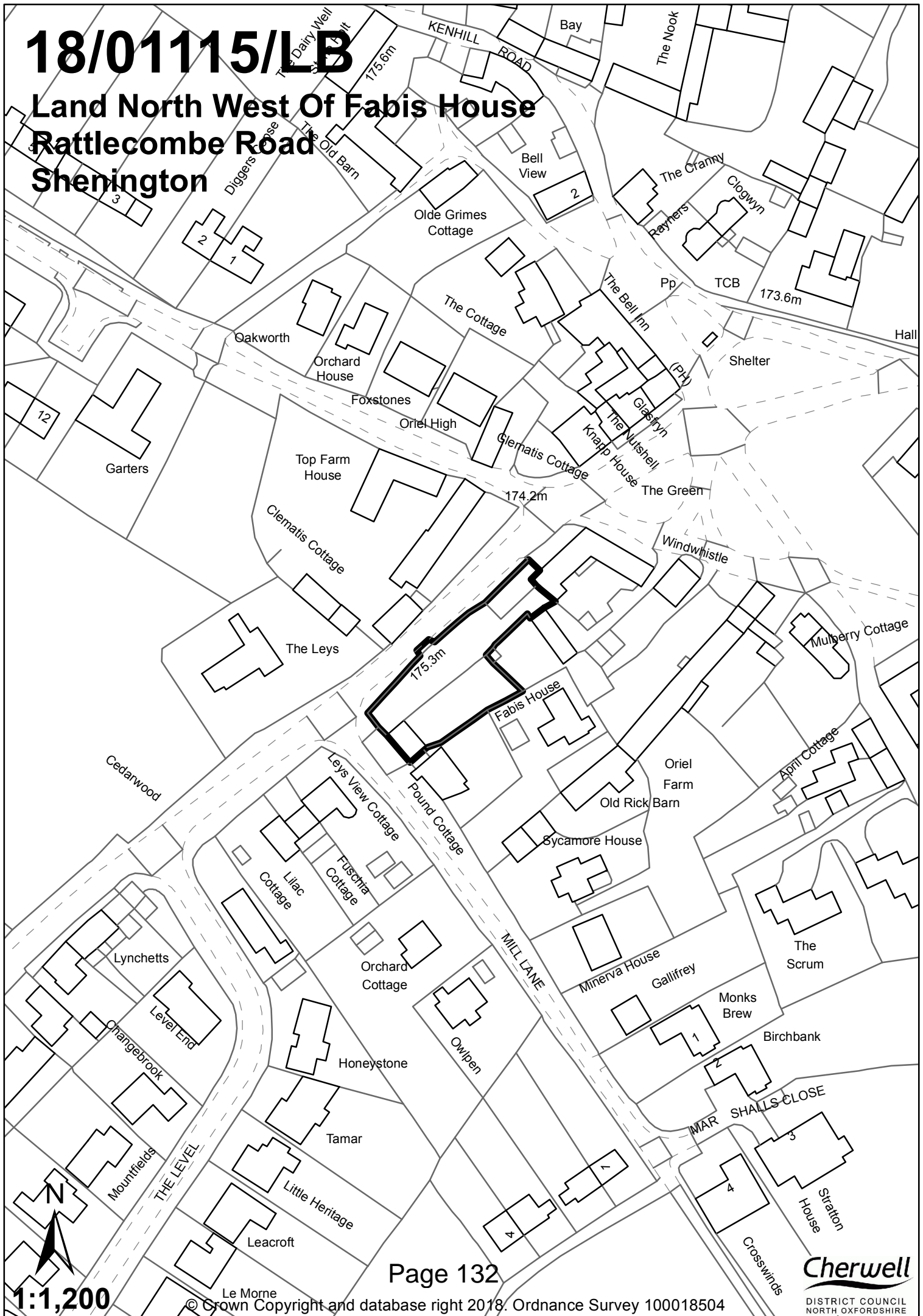
Pound Cottage Pound Cottage



1:350

# 18/01115/LB

## Land North West Of Fabis House Rattlecombe Road Sherington



**Applicant:** The Magpie Partnership Ltd

**Proposal:** Conversion of barn to form new dwelling

**Ward:** Cropredy, Sibfords And Wroxtton

**Councillors:** Cllr George Reynolds  
Cllr Douglas Webb  
Cllr Phil Chapman

**Reason for Referral:** Application called in by Ward Councillor

**Expiry Date:** 23 August 2018      **Committee Date:** 23 August 2018

**Recommendation:** Refuse

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### **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

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

#### **Proposal**

Listed building consent is sought to convert and extend the building to form a single dwelling house

#### **Consultations**

- Shenington with Alkerton Parish Council have raised objections to the application.
- CDC Conservation has raised objections to the application.

Four letters of objection have been received.

#### **Planning Policy**

The site is located within Shenington with Alkerton Conservation Area and is a curtilage listed building. 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:

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

The report looks into the key issues in detail, and officers conclude that the proposals are unacceptable, as the development would cause harm to the significance of the listed building and the character and appearance of the conservation area.

## RECOMMENDATION – REFUSE 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.

### 1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within the village of Shenington on the south side of Rattlecombe Road at the junction with Mill Lane. The redevelopment of the site into two dwellings was approved in 2017 under 17/01201/F and 17/01202/LB. This consent has been implemented and the building in the southwest of the site (Barn B) is nearly fully constructed, whilst 'Barn A', the dilapidated barn attached to 'Longworth' has yet to have works commence.
- 1.2. The site is located within the Shenington with Alkerton Conservation Area and the ruined building in the northeast of the site is considered to be a curtilage listed building given that it is attached to the Grade II listed dwelling named 'Longworth' to the east. Common Swifts have been located in proximity of the site, which are a protected species. The site is also located within an Archaeological Constraint Area.

### 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Listed building consent is sought for alterations to convert and extend the dilapidated barn to form a single dwelling. The dwelling would be 1.5 storeys in height, with a single storey element to the southwest of the building. There are a number of changes from the previously approved application. The previously approved application had a single storey element on the northeast of the building and this has now been changed so that the ridgeline of the building continues at the same 1 and ½ storey height. The overall ridge height of the building would also be slightly reduced from the approved scheme. The fenestration of the building would be altered on both the front of the building facing onto Rattlecombe Road and the rear facing towards Fabi's House.

### 3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/02183/F	Conversion and extension of existing buildings to form 2 dwellings	Application Refused
16/02184/LB	Conversion and extension of existing building to form a single dwelling	Application Refused
17/01201/F	Conversion and extension of existing buildings to form 2 dwellings - Resubmission of 16/02183/F	Application Permitted
17/01202/LB	Conversion and extension of existing buildings to form 2 dwellings - Resubmission of 16/02184/LB	Application Permitted

- 3.2. The previous applications (16/02183/F and 16/02184/LB) were refused for five reasons. The first reason was that the alterations to Barn A were considered to cause harm to the curtilage listed building, the character and appearance of the Sherington with Alkerton Conservation Area and the setting of the nearby Grade II listed building 'Longworth'. The second reason was that the extensions to Barn B would cause harm to the character and appearance of the Sherington with Alkerton Conservation Area. The third reason was that the southern extension to Barn B would cause harm to the residential amenity of Pound Cottage. The fourth reason was that the development would have provided an insufficient number of parking spaces for the number of residential units proposed. The fifth reason was that in the absence of an appropriate ecological survey it was not possible to demonstrate whether the development would have an impact on protected species.
- 3.3. An application for minor alterations to Barn B is also currently under consideration (18/01098/F). An application for planning consent is submitted alongside this application (18/01114/F).

#### **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 09.08.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. Four letters of objection have been received. The comments raised by third parties are summarised as follows:
- There were no historic openings onto Rattlecombe Road with the exception of the doorway.
  - The proposed openings onto Rattlecombe Road would cause harm to the character and appearance of the conservation area.
  - The 1.8m timber fence in close proximity to Longworth would cause harm to the listed building and the amenities of the occupiers.
  - The openings on the rear elevation of the building will be in close proximity to Longworth.
  - The timber fence and wall that it continues into would obstruct a Right of Way.
  - The boundary wall has been demolished and rebuilt at a higher height without any planning consent (not included in this application).
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

#### **6. RESPONSE TO CONSULTATION**

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

#### PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SHENINGTON WITH ALKERTON PARISH COUNCIL: **Objects.** The windows on the front should remain as slits. Changing the windows would have a harmful impact on the building and conservation area. The fence in close proximity to Longworth would cause harm to the amenities of the occupiers of the dwelling.

#### STATUTORY CONSULTEES

- 6.3. None.

#### NON-STATUTORY CONSULTEES

- 6.4. CONSERVATION: **Objects.** The fenestration on the front and rear elevations would be harmful to the character and appearance of the conservation area and the significance of the listed building.

### **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
- C21 – Proposals for re-use of a listed building

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Shenington with Alkerton Conservation Area Appraisal (2009)

### **8. APPRAISAL**

- 8.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed buildings.
- 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 190 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 193 and 194 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. Any harm to, or loss of, the significance of a designated heritage asset should provide clear and convincing justification.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 8.5. The site is located within the Shenington with Alkerton Conservation Area. Longworth to the east of the site is a Grade II listed building and Barn A is attached to Longworth, so is curtilage listed.
- 8.6. The site is located within the Shenington with Alkerton Conservation Area. Longworth to the east of the site is a grade II listed building and Barn A is attached to Longworth, so is curtilage listed.
- 8.7. The application proposes to convert and extend the existing dilapidated barn to form a single dwelling. The previously approved scheme had a 1½ storey dwelling, with single storey elements at the northeast and southwest gable ends of the dwelling. The fenestration was simple, with arrow slit windows on the front elevation and full height barn-door style openings on the rear, with some more domestic openings in the west of the building.
- 8.8. The present application proposes a number of changes to the approved scheme. Some of these changes are considered to be an improvement on the approved scheme, such as the reduction in the overall ridge height of the building and the continuation of the 1½ storey element to the north-east, which would respect the traditional form of the building.
- 8.9. There are a number of areas of concern, to which the Conservation Officer, parish council and neighbours have all objected. The fenestration on the Rattlecombe Road frontage of the approved scheme had a very simple design, with three arrow slit windows and a window in the then single storey element, with timber cladding below.
- 8.10. The scheme now seeks to make use of the existing door opening onto Rattlecombe Road to form a full height, obscurely glazed window, two small arrow slit windows at a high level on the western side of the 1½ storey element and in the eastern part of the building, a window is proposed at ground floor level, with a timber shutter above and a conservation rooflight in the roof slope.
- 8.11. The alterations to the fenestration on the Rattlecombe Road frontage would cause demonstrable harm to the significance of the listed building and the character and appearance of the designated conservation area. It is recognised that the application seeks to utilise existing openings. However, it is unlikely that the full

height obscurely glazed window would traditionally have been a full height window. It is likely that this would have been a doorway of a regular height. The cumulative impact of the untraditional full height windows serving the bathrooms, the window with the timber shutter directly above and the rooflight in the front roof slope would result in a more domestic and cluttered elevation that would move away from the simple, more traditional design of building that was previously approved.

- 8.12. Two rooflights were included on the rear roof slope of the approved scheme. In paragraph 8.8 of the case officer's report for the approved scheme (17/01202/LB), it was stated that '*rooflights are not considered to be a traditional feature on a converted agricultural building*'. However, it was considered these were acceptable as they were located on the rear roof slope. The inclusion of a rooflight on the front roof slope would be significantly more harmful to both the significance of the listed building and the appearance of the conservation area and is not a traditional feature on a converted agricultural building.
- 8.13. Turning to the fenestration on the rear of the dwelling, the approved scheme had a large barn door style opening roughly in the middle of the 1½ storey element of the scheme. The current scheme proposes that the existing barn door opening is utilised to make the full height glazed opening, instead of creating a new opening in the middle of the building. In terms of the retention of historic fabric, this element of the scheme is considered to be an improvement on the approved scheme as this would have required the existing opening to be infilled and a new opening created.
- 8.14. The re-use of the opening at a high level on the west of the rear elevation is considered to be a positive element of the proposals, as is the reduction of two rooflights to one.
- 8.15. The retention and re-use of the existing opening is considered to be a benefit of the scheme. However, the proposed fenestration in this space is far too domestic for the infilling of a barn door opening. The fenestration would appear very cluttered, with a number of small windows surrounded by timber boarding. The infill of a barn door should be kept as simple as possible, with the large, open nature of the former opening retained as much as possible. The different elements proposed in this scheme would be overcomplicated and too domestic for the simple design that a converted agricultural building should have.
- 8.16. Paragraph 196 of the NPPF states that where a development proposal would lead to less than substantial harm to a heritage asset, that harm should be weighed against the public benefits of the scheme. It is considered that the proposals would cause less than substantial harm to the heritage assets, for which there are no public benefits which outweigh this identified harm.
- 8.17. It is therefore considered that the cluttered and domestic fenestration on the front and rear elevations of the proposed development would cause less than substantial harm to the significance of the listed building for which there are no public benefits which outweigh this harm. The significance of the building derives from its simple agricultural character. Harm would also be caused to the character and appearance of the Shenington with Alkerton Conservation Area, which has a rural and traditional appearance.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. Some of the proposed alterations are considered to be beneficial to the scheme, such as original features of the building being retained. However, the changes to the fenestration on both the front and rear elevations of the building would appear too cluttered and domestic and would cause harm to the significance of the listed

building, which derives from its simple agricultural character and rural character and appearance of the conservation area. This harm would be *less than substantial*. However, there are no public benefits that would outweigh this harm and therefore it is recommended that listed building consent is refused.

#### **10. RECOMMENDATION**

That permission is refused, for the following reasons:

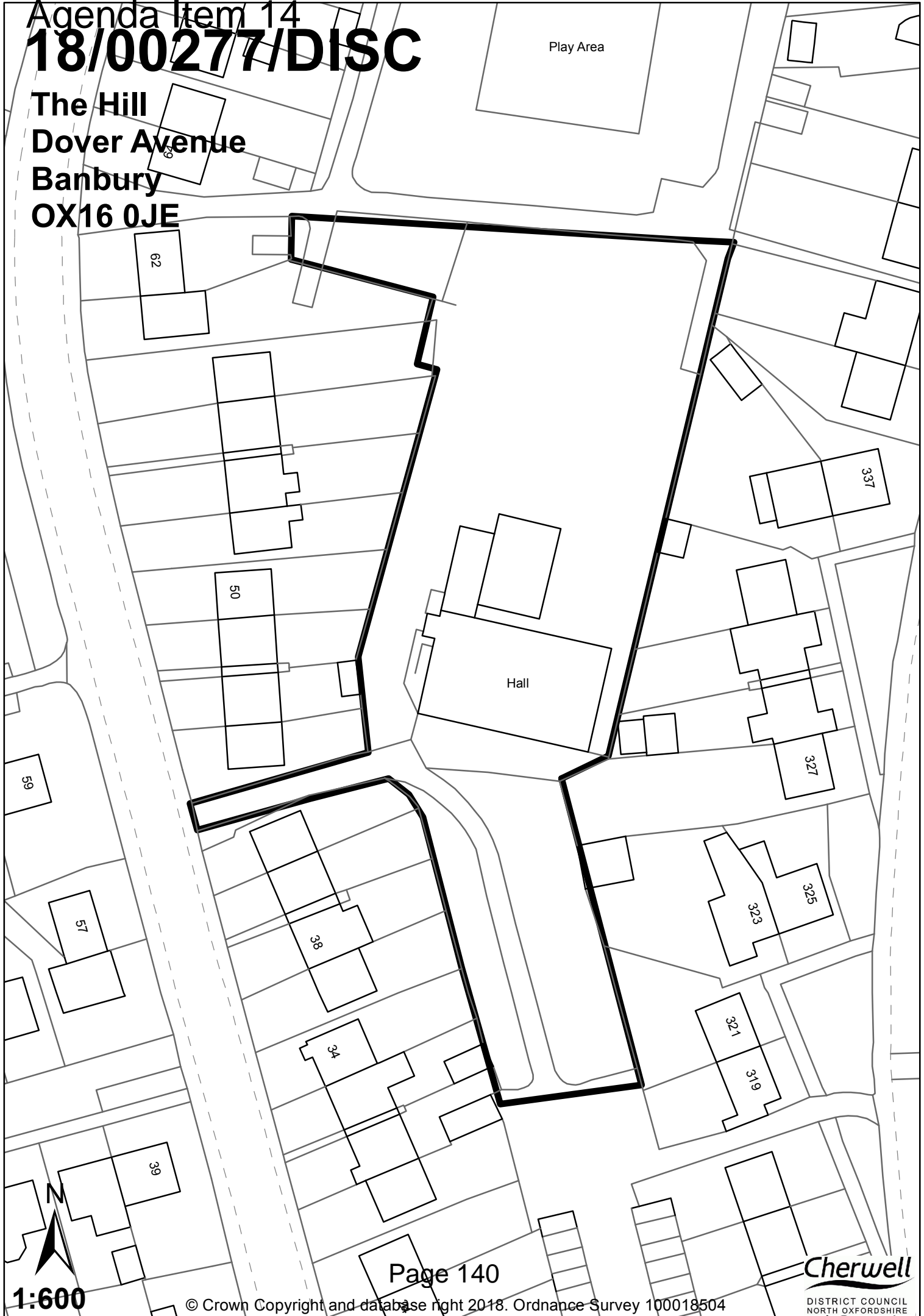
1. The fenestration of the building, including the full height obscurely glazed window, rooflight and other new openings on the elevation facing Rattlecombe Road and the fenestration in large opening on the rear elevation would appear as overly complicated and domestic features that would cause harm to the simple, agricultural appearance of the curtilage listed building and its contribution to the character and appearance of the Sherington with Alkerton Conservation Area and the setting of the Grade II listed building Longworth. The harm caused would be *less than substantial*. However, the public benefits created by the development would not outweigh this harm. This would be contrary to Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

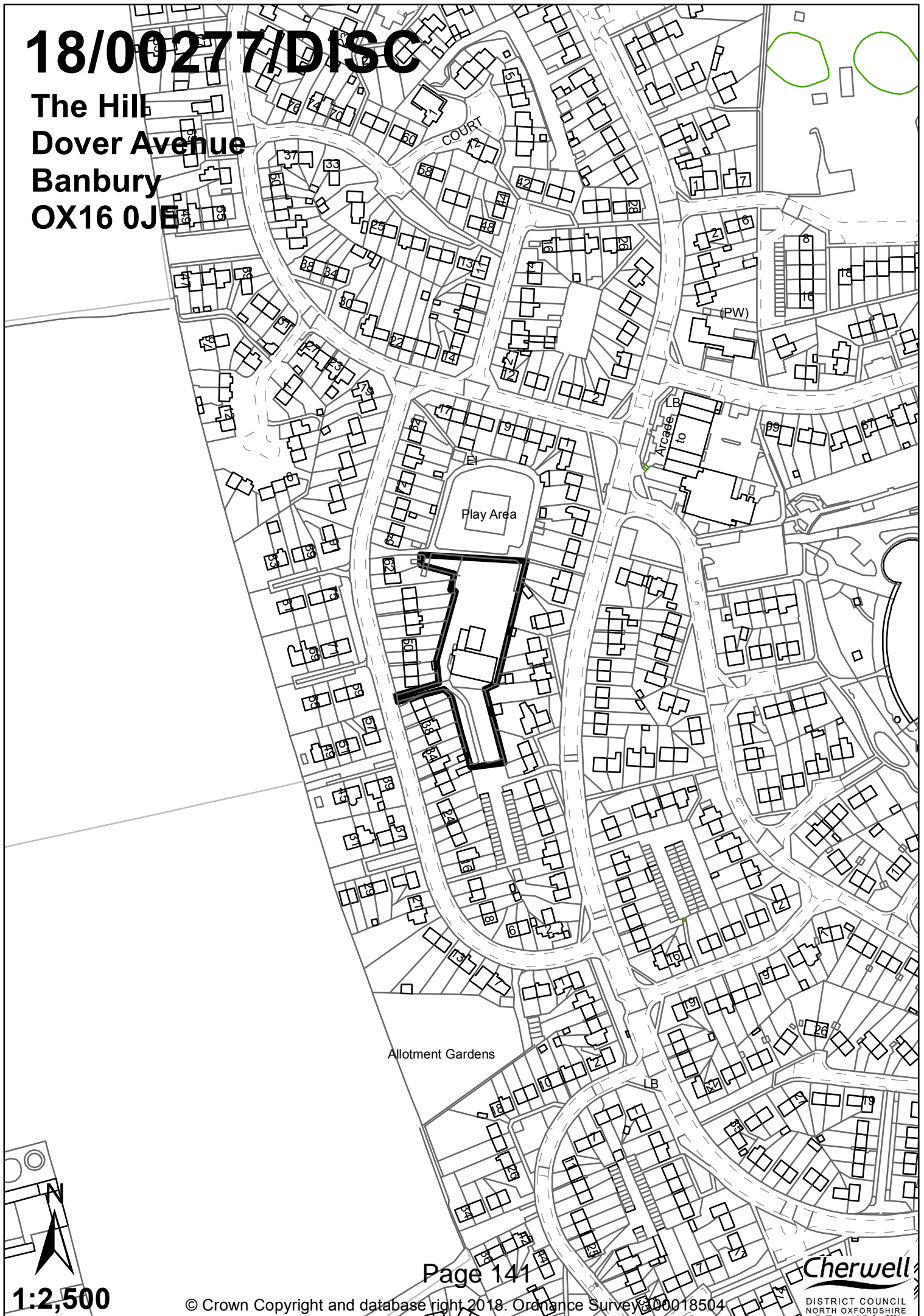
Agenda Item 14  
**18/00277/DISC**

**The Hill  
Dover Avenue  
Banbury  
OX16 0JE**



# 18/00277/DISC

The Hill  
Dover Avenue  
Banbury  
OX16 0JE



Play Area

Allotment Gardens

The Hill  
Dover Avenue  
Banbury  
OX16 0JE

18/00277/DISC

**Applicant:** Cherwell District Council (Build Department)

**Proposal:** Discharge of conditions 3 (material samples) 4 (landscaping scheme) 5 (construction, layout and drainage of car parking area) and 6 (cycle parking) of 18/00952/CDC

**Ward:** Banbury Ruscote

**Councillors:** Cllr Barry Richards  
Cllr Sean Woodcock  
Cllr Mark Cherry

**Reason for Referral:** Application has been made by the District Council

**Expiry Date:** 30 August 2018      **Committee Date:** 23 August 2018

**Recommendation:** Approve

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### **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

The application is reported to the Planning Committee, as the application has been made by the District Council.

#### **Proposal**

Discharge of conditions 3 (material samples) 4 (landscaping scheme) 5 (construction, layout and drainage of car parking area) and 6 (cycle parking) of 18/00952/CDC

#### **Consultations**

The Local Highway Authority has raised no objections

#### **Conclusion**

The key issues arising from the application are whether the submitted details are sufficient to discharge the conditions from the planning application.

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

### **RECOMMENDATION – GRANT APPROVAL OF 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 relates to an area of community land that is bounded by houses on all sides. The site is bounded to the south and west by Dover Avenue, to the north by Edmunds Road and to the east by Bretch Hill. The levels of the land drop to the north of the site and there is a play area to the north.
- 1.2. The site is not located in a conservation area and is not in close proximity to any listed buildings. The ground in close proximity of the site has naturally elevated levels of arsenic.

### **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The application seeks to discharge planning conditions 3, 4, 5 and 6 of planning consent 18/00952/CDC, which related to the erection of a new community centre. These conditions relate to material samples for the building and details of the landscaping, parking areas and cycle parking for the development.

### **3. RELEVANT PLANNING HISTORY**

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
17/00197/CDC	To demolish the existing community centre accessed off Dover Avenue and rebuild a new community centre, 'The Hill', in Bretch Hill, Banbury	Application Permitted
18/00952/CDC	Variation of condition 2 (plans) of 17/00197/CDC - Minor amendments to design of scheme	Application Permitted

### **4. PRE-APPLICATION DISCUSSIONS**

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

### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has not been publicised given it relates to the discharge of planning conditions only.

### **6. RESPONSE TO CONSULTATION**

- 6.1. Consultations were undertaken with relevant consultees to the information submitted as follows:
- 6.2. OCC HIGHWAYS – No objections.

### **7. APPRAISAL**

#### Condition 3

- 7.1. Condition 3 requires samples of the brick, render and composite cladding to be used for the external walls of the development to be submitted to and approved in writing by the Local Planning Authority.
- 7.2. It is proposed that brick would be Ibstock Reigate medium multi, a red brick. The render would be StoSilco in a cream colour and the cladding would be Envirobuild Hyperion composite cladding in Stone. There is a mix of materials used in the local area and these details are considered to be acceptable.

#### Condition 4

- 7.3. Condition 4 requires a landscaping scheme for the development to be submitted to and approved in writing by the Local Planning Authority.
- 7.4. The submitted landscaping plan shows paths leading to the north and south of the site and a planted area to the south of the proposed building. This planted area would have a mixture of shrubs and one tree and would be in front of the access to the site. The planting would provide a soft and attractive entrance to the site and therefore the landscaping scheme is considered to be acceptable.

#### Condition 5

- 7.5. Condition 5 requires details of the parking and turning areas for the development to be submitted to and approved in writing by the Local Planning Authority.
- 7.6. Six car parking spaces would be provided for the development. The car parking area would be constructed from impermeable asphalt and would drain within the site. The Highways Liaison Officer has offered no objections and it is therefore considered that the parking area is acceptable.

#### Condition 6

- 7.7. Condition 6 requires details of the covered cycle parking facilities for the development to be submitted to and approved in writing by the Local Planning Authority.
- 7.8. A cycle shelter is proposed to be located to the east of the community centre. This would offer a sustainable option to access the site and is considered to be acceptable.

### **8. RECOMMENDATION**

That the conditions applied for be discharged in accordance with the following plans and documents:

#### Condition 3

The samples detailed in the Schedule of Materials reference WG673.

#### Condition 4

The details shown on drawing titled SSSL/BHCS/001/FEASIBILITY.

#### Condition 5

Drawing numbers WG673-006 Rev B, 100T3 and 101T1.



Condition 6

Drawing number WG673-006 Rev B and the document titled Broxap Apollo Cycle Shelter.

CASE OFFICER: Matthew Chadwick

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Agenda Item 15  
**18/00995/F**

**Shopmobility**

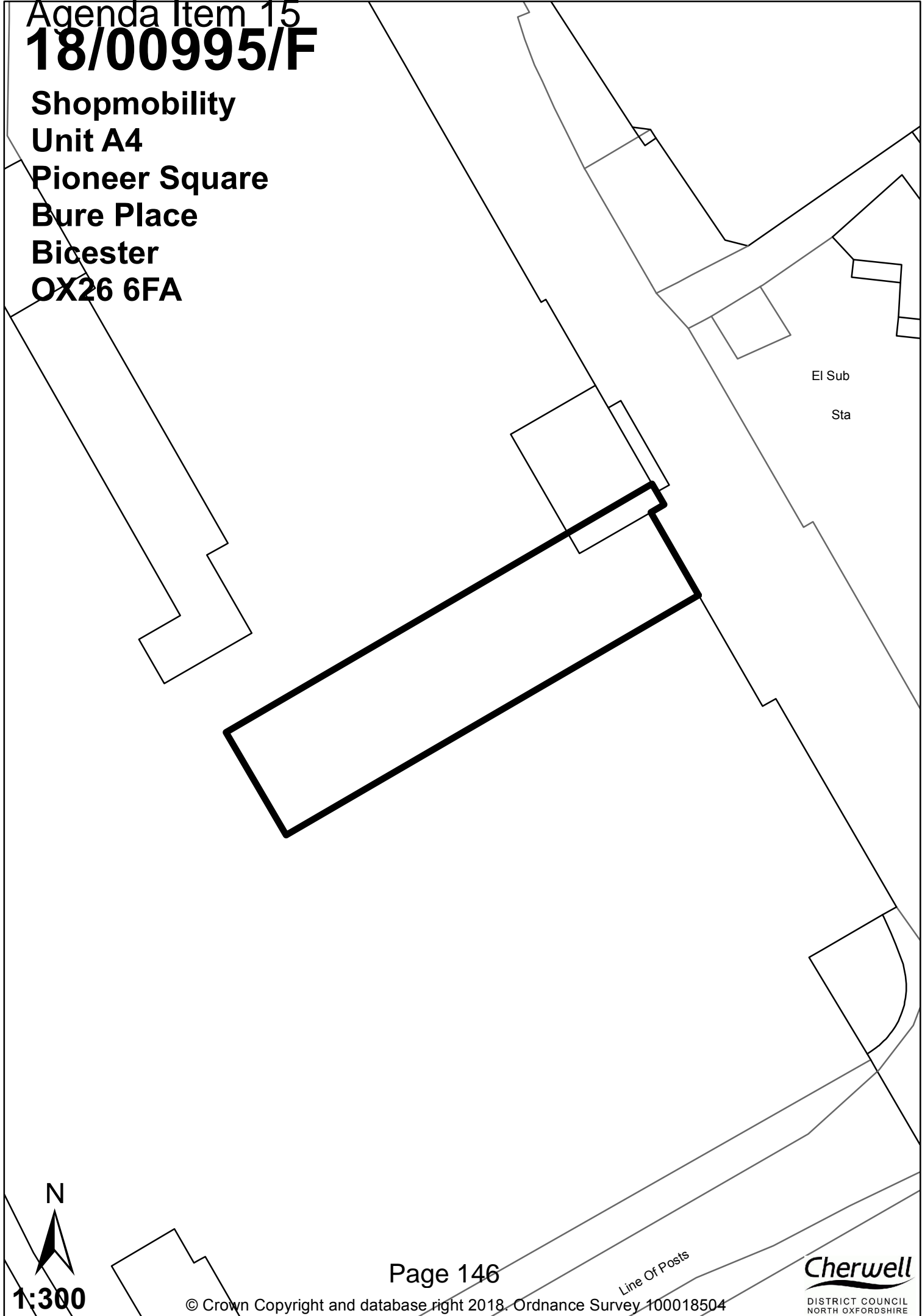
**Unit A4**

**Pioneer Square**

**Bure Place**

**Bicester**

**OX26 6FA**



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Line Of Posts



# 18/00995/F

## Shopmobility

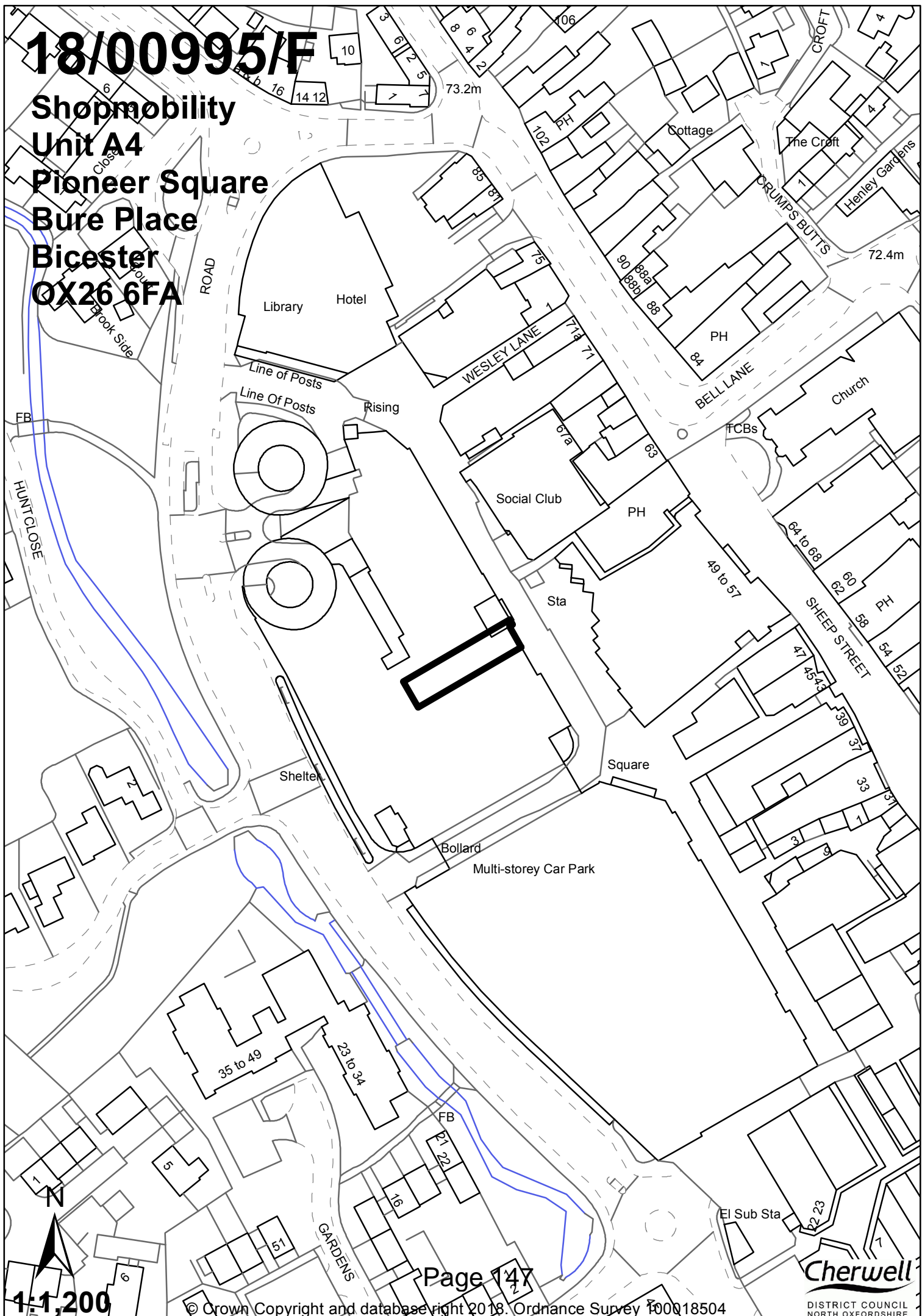
### Unit A4

### Pioneer Square

### Bure Place

### Bicester

### OX26 6FA



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

**18/00995/F**

**Applicant:** Portman Healthcare Limited

**Proposal:** Change Of Use From A1 To D1 (Non-Residential) Class for use as a dental practice

**Ward:** Bicester East

**Councillors:** Cllr Sean Gaul  
Cllr Richard Mould  
Cllr Tom Wallis

**Reason for Referral:** Application site owned by Cherwell District Council

**Expiry Date:** 31 July 2018                      **Committee Date:** 23 August 2018

**Recommendation:** Approve

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

The application is reported to the Planning Committee, as the application site is owned by Cherwell District Council.

### **Proposal**

Planning permission is sought for the change of use of the Unit from A1 (Retail) to D1 (Non-Residential) for use as a Dental Practice.

### **Consultations**

- Statutory consultees have raised no objections to the application.
- Bicester Town Council have raised no objections to the application.
- OCC Highways have raised no objections.

### **Planning Policy**

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:

- Principle of development
- Design, and impact on the character of the area
- Other matters including Highway safety

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 application site is located on the eastern side of the Pioneer Square Shopping Centre which is located in central Bicester. The site abuts the Bicester Conservation Area. Although within the town centre, the unit has a frontage on to Bure Place, which is a pedestrian route within the town centre. Although the unit has a street frontage, the unit is not within the primary shopping area, which fronts on to Sheep Street. The Pioneer Square development forms part of the town centre redevelopment scheme.
- 1.2. There is a mixture of uses within the locale; with the neighbouring units providing D2 (gym) and A1 (retail) uses. Although the existing unit has a Class A1 use it has not been occupied since the opening of the development in July 2013.
- 1.3. The original floor space that made up Unit A4 is in the process of being subdivided into two separate entities which both incorporate mezzanine space. Unit A4B, the subject of this application, has a footprint of approximately 177 square metres. Unit A4A was given permission to be converted into healthcare facility at the end of last year.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The proposals relate to a mezzanine unit at Unit 4, Pioneer Square. The site currently has a class A1 retail use, although the site has never been occupied. The proposed development is for the change of use of the unit to form a Class D1 unit.

**3. RELEVANT PLANNING HISTORY**

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
07/00422/F	Demolition and comprehensive redevelopment to provide a mixed use town centre development of up to four storeys incorporating; supermarket and cafe, 2 no. new public squares, multi-screen cinema, civic building inc. public library, bus interchange, 25 no. retail units, extensions to 3 no. existing units, provision of restaurants and cafes, refurbishment of Crown Walk with change of use of unit from A1 retail to A3 cafe, 526 no. car parking spaces, 19 no. residential units, diversion of Town Brook, infrastructural alterations and associated landscaping (as amended by	Application Permitted

plan 2004/075/PO8 RevB rec'd 08.05.07 with letter dated 04.05.07 and including supplementary transport information received 06.06.07).

09/01687/F	Foodstore, non food retail, cinema, car park, servicing and other ancillary town centres uses (amendments relating to planning permission 07/00422/F dated 03 September 2009)	Application Permitted
17/02157/F	Change of use of Unit 4a Pioneer Square from A1 (retail) use to a D1 healthcare facility, with minor internal and external alterations	Application Permitted

#### **4. PRE-APPLICATION DISCUSSIONS**

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

#### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 03.07.2018, 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 COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BICESTER TOWN COUNCIL: **No Objections** - Would welcome the dental practice but seek clarification that the property would be accessible to all members of the public.

##### STATUTORY CONSULTEES

- 6.1. LOCAL HIGHWAYS AUTHORITY: **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)

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

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution

#### 7.3. Other Material Planning Considerations

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

### **8. APPRAISAL**

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

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

#### Principle of Development

- 8.2. The National Planning Policy Framework (NPPF) aims to create healthy communities and to ensure the vitality of town centres by ensuring a range of uses. The area currently has a number of different uses such as A4 (Pubs), A1 (retail) and D2 (gym –14/00890/F refers). At the end of last year permission was given to convert the other half of Unit A4 into a health centre (17/02157/F refers).
- 8.3. The application seeks permission for the change of use from the current Class A1 retail use to a dental practice (use Class D1). Although the unit has always had an A1 use, it has been empty since the completion of the shopping development in July 2013.
- 8.4. Policy SLE2 of the CLP 2031 Part 1 requires main town centre uses to be directed towards the existing town centres of Banbury, Bicester and Kidlington. Although the application site is within the town centre, the proposed use does not meet the definition of a 'main town centre use' as set out in the NPPF.
- 8.5. It is however acknowledged that the town centre redevelopment's main aim was to energise the principal retail area. Given that the premises lie outside the primary shopping frontage and has been empty since its construction the proposed change of use is seen to accord with the principle of Policy SLE2 as the increase in footfall would unquestionably result in a more dynamic town centre.
- 8.6. All proposals complying with SLE2 should also accord with Policy SLE4 of the CLP 2031 Part 1. Policy SLE4 aims to support sustainable locations for employment

growth. The proposal is considered to be within the town centre and is well served by existing transport connections and sustainable transport options. This policy states “all development where reasonable to do so, should facilitate the use of public transport, walking and cycling”, which this application is considered to do. The proposal is therefore considered to comply with Policy SLE4.

- 8.7. Policy Bicester 5 of the CLP 2031 Part 1 states that shopping leisure and other main town centre uses will be supported within Bicester town centre. It goes on to state that only A1 and A3 uses will be permitted on the ground floor in the primary shopping area. However, as already stated, the application site falls outside of this defined area.
- 8.8. Policy Bicester 5 further states that proposals for town centre uses will be considered against SLE2 (see above), ESD10 (not relevant in this instance) and Policy ESD15.
- 8.9. Subject to compliance with Policy ESD 15, the principle of the development is therefore not in conflict with any of the aforementioned policies set out in the CLP 2031 Part 1.

#### Design, and impact on the character of the area

- 8.10. Policy ESD15 of the CLP 2031 Part 1 states that *‘new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District’s distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.’*
- 8.11. There are no changes proposed to the external appearance of the unit and so there would be no impact on the character and appearance of the area beyond the existing situation and therefore the proposals would accord with Policy ESD15 of the CLP 2031 and would be acceptable in this respect.
- 8.12. It is noted that there would be the addition of new vinyl signage to the frontage of the unit. The details of this would have to be approved under the future submission of an Advertisement Consent.

#### Other Matters

- 8.13. Notwithstanding the proposed 8am - 8pm (Mon-Fri) and 8.30am-17.30pm (Sat) opening hours, given the unit’s town centre location, there are no residential neighbour amenity concerns associated with the proposal. The development therefore accords with Policy ENV1 of the CLP 1996 in respect of this matter.
- 8.14. Oxfordshire County Council raised no objections to the proposals stating that it is unlikely that the development would have any impact upon highway safety at the site. However, it is considered that other possible uses within Use Class D1 could result in more significant potential impacts on highway safety than a Dental Practice, and as such a condition should be imposed restricting the use of the unit to solely a dental practice.

### **9. PLANNING BALANCE AND CONCLUSION**

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



**10. RECOMMENDATION**

The exact conditions and the wording of those conditions are delegated to the Assistant Director for Planning Policy and Development, the conditions will cover:

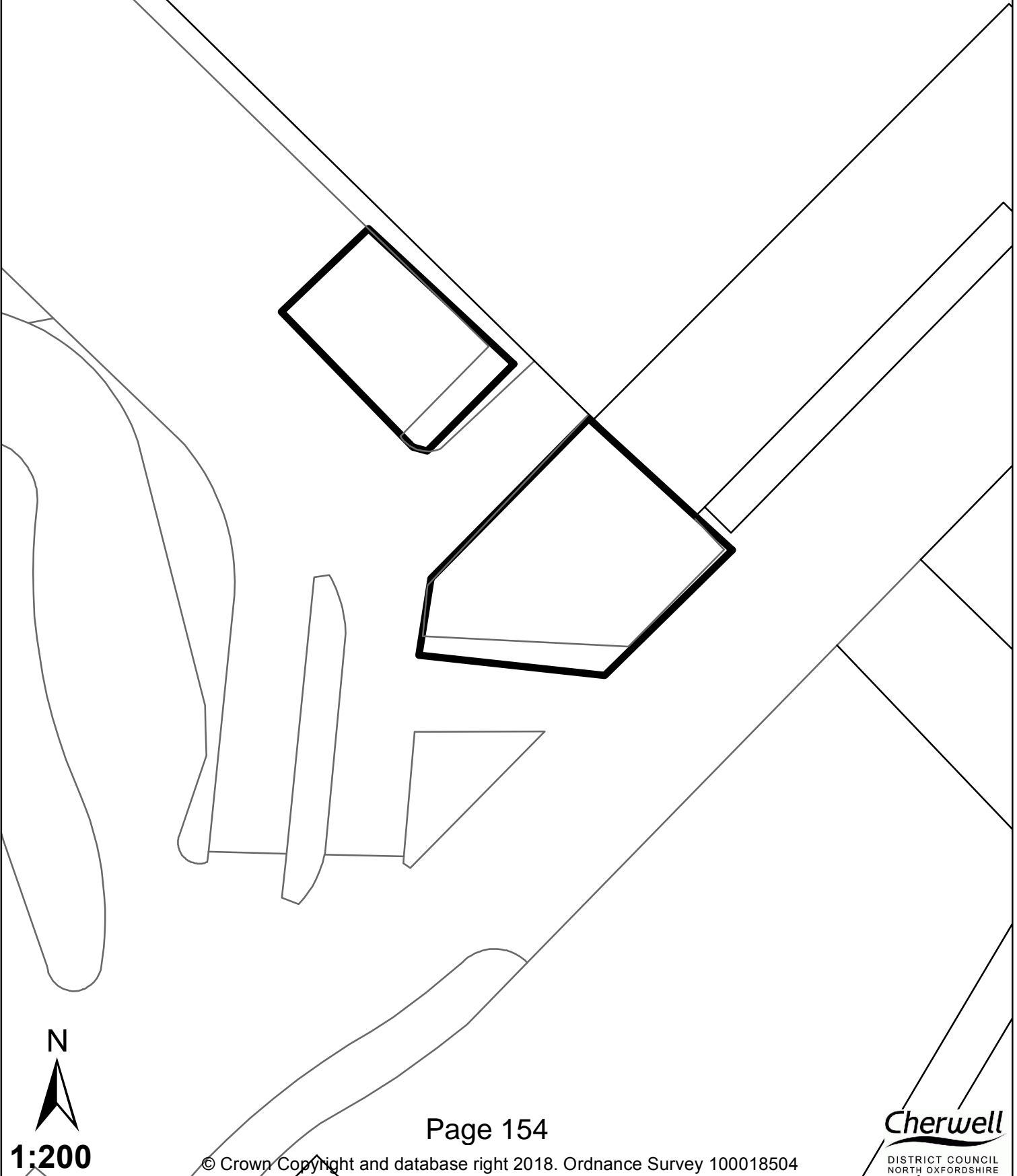
1. Time Limit
2. Compliance with the Approved plans
3. Restriction on use of site as a Dental Practice only

CASE OFFICER: Lewis Knox

TEL: 01295 221858

Agenda Item 16  
**18/01101/F**

**Land Adjacent To The South Multi-storey Car Park  
Castle Quay South Multi Storey Car Park  
Castle Street  
Banbury**



# 18/01101/F

## Land Adjacent To The South Multi-storey Car Park Castle Quay South Multi Storey Car Park

### Castle Street Banbury

Centre

Coach Park (public)

Car Park

Ramp

FB

Car Park

Castle  
(site of)

36 to 37

Builders Yard

75

83

40

73 to 74

32 to 33

Club

PC

PC

PC

House

9

11

12

14

15

16

Posts

26

1

4

5

8

Castle Quay Shopping Centre

28a

28b

28c

25

24

23

22

20a

20b

19

18

17

21

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE



1:1,000

**Land Adjacent To The South Multi-storey Car Park  
Castle Quay South Multi Storey Car Park  
Castle Street  
Banbury**

**18/01101/F**

**Applicant:** Cherwell District Council

**Proposal:** Erection of 2no brick substation buildings adjacent to the south multi-storey car park at Castle Quay Shopping Centre

**Ward:** Banbury Grimsbury and Hightown

**Councillors:** Cllr A Beere  
Cllr Claire Bell  
Cllr Shaida Hussain

**Reason for Referral:** *Cherwell District Council is the applicant*

**Expiry Date:** 24 August 2018      **Committee Date:** 23 August 2018

**Recommendation:** Approve

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located towards the centre of Banbury, adjacent to Castle Quay Shopping Centre to the west and immediately south of the multi-storey car park which serves this. The site is split in two parts. One part, furthest to the west, currently serves 3 outdoor car parking spaces and the other part is currently occupied by landscaping.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The applicant seeks planning consent to erect two electrical substations to the south of the Castle Quay Shopping Centre multi-storey car park. Both substations would be built in brick to a height of 2.7m, with a total gross external area of 46.4sqm. The substations would also feature metal doors and a concrete roof with asphalt coating.

## **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>
13/01601/OUT	Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated	Application Permitted

works; the erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road

17/00284/REM Reserved Matters Application to Pending  
16/02366/OUT across the whole Consideration  
development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping.

#### **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 06.08.2018, 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 objections**

##### STATUTORY CONSULTEES

6.3. OCC HIGHWAYS: **No objections** – although the proposal does lead to the loss of 3 parking spaces in addition to 9 parking spaces also granted to be lost as part of another development.

##### NON-STATUTORY CONSULTEES

6.4. OCC ARCHEAOLGY: **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)

- BSC 9 – Public Services and Utilities
- ESD15 - The Character of the Built and Historic Environment
- Banbury 9 – Spiceball Development Area

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- ENV1: Pollution control
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development

7.3. Other Material Planning Considerations

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

## **8. APPRAISAL**

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

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

### Principle of development

8.2. Policy BSC 9: Public Services and Utilities states that the Council will support proposals which involve new or improvements to public services/utilities if they are required to enable the successful delivery of sites and where they accord with other relevant policies in the Plan.

8.3. Furthermore Policy Banbury 9 states that off-site improvements to the utilities network may be required in order to assist the infrastructure needs of the Spiceball Development Area.

8.4. The applicant states that the proposal will assist the delivery of the Spiceball Development Area through the provision appropriate infrastructure, with additional electrical capacity required in order to deliver site specific objectives.

- 8.5. Having regards to the nature, scale and purpose of the proposal, and its siting and context, the proposed development is considered acceptable in principle subject to further considerations in terms of visual and residential impact and highway safety discussed further below.

#### Design and impact on character of area

- 8.6. The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.7. Policy Banbury 9 states that development proposals should comply with Policy ESD15 of the CLP 2031 Part 1, 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.
- 8.8. Saved Policy C28 of the CLP 1996 further states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.9. The applicant states that the location of the substations has been chosen in order to minimise local impacts, with materials to match the adjacent multi-storey car park.
- 8.10. The proposed substations would be visible from the public realm, in particular from views within the car park, the pedestrian footway which connects Castle Street to Castle Quay and in glimpsed views from vehicles on the Castle Street roundabout.
- 8.11. However, given that they are to serve a wider infrastructure requirement, the low sensitivity of the application site adjacent to the multi-storey car park and service area of Castle Quay, and also being sited away from the main public realm points around the shopping centre, Banbury Canal and proposed CQ2 development, the current proposals are considered to be of an acceptable design and external appearance for this location.
- 8.12. Whilst the proposal would lead to the loss of an unprotected tree and some low level planting, the entrance to the multi-storey car park is already very well landscaped and officers therefore consider that this loss is not so significant as to warrant a refusal of this application.

#### Residential Amenity

- 8.13. The proposed development would be well set off its adjacent neighbours and having regards to its nature, scale and positioning; the proposed development would not result in significant harm to the living conditions of neighbouring residents. Overall, therefore, the proposed development is considered not to result in significant harm to the residential amenity of the neighbours of the site.

#### Highway safety

- 8.14. Whilst the proposal would lead to the loss of 3 parking spaces within the outside area of the multi-storey car park, the Local Highway Authority has raised no objections to the application. It is therefore considered the proposals would not have any significant impact in highway safety terms.

## Other matters

8.15. Whilst the site is located on an area of High Priority for Archaeology in relation to potential ground disturbance, the OCC Archaeologist finds that given the relatively small scale nature of this development, there are no archaeological constraints to the scheme. Officers see no reason to disagree with this assessment.

## **9. PLANNING BALANCE AND CONCLUSION**

9.1. Having regard to its scale, siting and design, the proposal would not have a significant adverse impact on the character and appearance of the area, residential amenity, local highway safety or archaeology. Overall the development is considered to be acceptable and would comply with national and local planning policy.

## **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

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

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

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

- Application form
- Cover letter dated 19 June 2018
- 3706-CQ2-LJA-F0-00-DR-A-00301-P1 – Block Plan
- 3706-CQ2-LJA-F0-00-DR-A-00300-P1 – Site Location Plan
- 3706-CQ2-LJA-F0-00-DR-A-00500-P1 – Proposed Sections
- 3706-CQ2-LJA-F0-00-DR-A-00401-P1 – Proposed south east and south west Elevations
- 3706-CQ2-LJA-F0-00-DR-A-00400-P1 – Proposed north east and south east Elevations
- 3706-CQ2-LJA-F0-00-DR-A-00306-P1 – 2 Roof Level Plan
- 3706-CQ2-LJA-F0-00-DR-A-00305-P1 – 2 Level 00 Plan
- 3706-CQ2-LJA-F0-00-DR-A-00303-P1 – 1 Roof Level Plan



- 3706-CQ2-LJA-F0-00-DR-A-00302-P1 – 1 Level 00 Plan
- 3706-CQ2-LJA-F0-00-DR-A-00201-P1 – 2 Existing Ground Floor Plan
- 3706-CQ2-LJA-F0-00-DR-A-00200-P1 – 1 Existing Ground Floor Plan
- 3706-CQ2-LJA-F0-00-DR-A-00700-P1 – 3D View

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: George Smith

TEL: 01295 221899

# Agenda Item 17

## Cherwell District Council

### Planning Committee

23 August 2018

<b>Appeals Progress Report</b>
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#### Report of Assistant Director 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 **18/00228/F – 107 Middleton Road, Banbury, OX16 3QS.** Appeal by Mr J Kent-Baguley against refusal of planning permission for Sub-division of existing 4 flats into 7 individual self-contained units (part retrospective)
- 2.2 Forthcoming Public Inquires and Hearings between 23 August and the 20 September 2018.

None

#### 2.3 Results

Inspectors appointed by the Secretary of State have:

1. **Dismissed the Appeal by Gallagher Estates, Charles Brown And Simon Digby for OUTLINE - Residential development of up to 180 dwellings to include affordable housing, public open space, localised land**

**remodelling, compensatory flood storage and structural planting. Part  
Land On The North East Side Of Gavray Drive, Bicester – 15/00837/OUT  
(Committee)**

Following a Public Inquiry in June the appointed Inspector identified the main issue as whether the appeal proposal accords with the requirements of the Cherwell Local Plan and relevant national planning policy and guidance, with particular regard to a) the necessity for a comprehensive development proposal for the wider allocation site and b) its effect upon, and the future management of, the Gavray Meadows Local Wildlife Site.

He concludes that

“53. Bicester 13 very clearly expects development proposals for Gavray Drive to address a range of requirements, which are quite deliberately, and without equivocation, applied to the allocation site as a whole. It is evident that this is in order to secure ecological enhancements in tandem with housing delivery, having regard to the entire site context.

54. The appeal proposal attempts to address Local Plan policy requirements on a small piece of the allocation site. In my judgement, however, by considering part of the site in isolation it very clearly falls short of what is required by adopted development plan policy. This would give rise to adverse impacts upon ecological interests and fails to demonstrate with any degree of certainty how a central plank of Bicester 13 would be delivered.

55. It is not unusual for large allocation sites to be developed in phases, but those phases are in the context of coherent site wide planning. Taking the appellants’ arguments to their logical conclusion, one could carve the allocation into discrete parcels, and submit standalone applications for residential development upon each of them, claiming to comply with Bicester 13 solely in the context of those parcels, without ever having to deliver what are clearly allocation wide requirements. This would serve to hollow out the policy, the clearly articulated ambitions of which would fall by the wayside.

56. I conclude, therefore, that the appeal proposal fails to accord with the requirements of the Cherwell Local Plan and relevant national planning policy and guidance, with particular regard to a) the necessity for a comprehensive development proposal for the wider allocation site and b) its effect upon, and the future management of, the Gavray Meadows Local Wildlife Site. It would conflict with Local Plan policies Bicester 13, ESD 10 and ESD 11, the requirements of which are set out above”.

The Inspector then considered the matter of land supply and indicates that the proposal would deliver a reasonable amount of both market and affordable housing, but whilst he affords moderate weight to that he notes the Council’s undisputed five year land supply.

Having performed the planning balance his overall conclusion is that “The appeal proposal is clearly in conflict with the development plan when taken as a whole. This is a matter that attracts very significant weight against the scheme. Government planning policy seeks to boost significantly the supply of housing. It also firmly favours a plan-led system. In these circumstances there

is not, in my judgement, a body of material considerations powerful enough to override the appeal proposal's conflict with the adopted development plan."

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

The Inspector considered that the main issues were

- i. Whether the proposal would prejudice the development of other sites in the Canalside regeneration area including infrastructure links
- ii. Whether the development provides a safe and suitable access
- iii. Infrastructure requirements

On the first matter he concluded that the principle of the residential development of the site is acceptable and would be in general accord with Policy Banbury 1. He said however that the absence of a specific SPD for the Canalside area is not a reason why planning permission should be delayed or withheld for an otherwise acceptable development and that whilst he understood some of the Council's concerns about the illustrative layout that these could be dealt with at reserved matters stage.

On the access issue he agreed with the Council that the access arrangements proposed were not suitable for the intensification of use that would result from the development in particular because of the lack of width for the shared surface access way. He therefore concluded that a safe and suitable access was not proposed and that the scheme should be refused on that basis.

With regards to infrastructure contributions the appellants had submitted a Unilateral Undertaking. This document had a technical fault and therefore the Inspector did not give it any weight. However, he did comment on the acceptability of the various contributions offered. He found that the appellants offers concerning affordable housing, canal path upgrade, cemetery provision, footbridge contribution and waste collection would have been justified and satisfactory. With regards to the other contributions offered he found himself unable to comment as there was insufficient information on infrastructure requirements. A main plank of the Council's case against the proposal was that in the absence of a SPD for Canalside it was not possible to establish a fair and equitable infrastructure contribution that individual sites should be making because the extent of the overall infrastructure needs of the regeneration area had not yet been established. The Inspector found this approach untenable. He said that whilst he agreed that it would be desirable to consider the wider infrastructure requirements as part of the overall Canalside regeneration area he did not consider that to be an essential criteria, and that the development must be assessed on its individual merits.

Therefore whilst the appeal was dismissed it was only successful on access reasons. The Council is in receipt of a further application on an expanded site (taking in land to the north) with an improved access arrangements (18/00293/OUT). That application has been the result of further recent discussions in the light of the appeal decision and will be reported to the next Committee.

### **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](mailto: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, Law and Governance, 01295 221687,  
[Nigel.Bell@cherwellandsouthnorthants.gov.uk](mailto:Nigel.Bell@cherwellandsouthnorthants.gov.uk)

#### **Risk Management**

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

Comments checked by:  
Nigel Bell, Team Leader – Planning and Litigation, Law and Governance,  
01295 221687,  
[Nigel.Bell@cherwellandsouthnorthants.gov.uk](mailto:Nigel.Bell@cherwellandsouthnorthants.gov.uk)

## 6.0 Decision Information

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

A district of opportunity

### Lead Councillor

Councillor Colin Clark

### Document Information

<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
None	
<b>Report Author</b>	Paul Seckington, Senior Manager of Development Management
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