

**Committee:** Planning Committee  
**Date:** Thursday 20 September 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 Mephram</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 - 12)

To confirm as a correct record the Minutes of the meeting of the Committee held on 23 August 2018.

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

To receive communications from the Chairman.

## **Planning Applications**

7. **Heyford park, Camp Road, Upper Heyford, Bicester OX25 5HD** (Pages 16 - 52)  
**16/02446/F**
8. **Dewey Sports Centre, Barley Close, Bloxham, Banbury OX15 4NJ** (Pages 53 - 67)  
**18/01252/F**
9. **OS Parcel 8233 South of Baynards Green Farm, Street to Horwell Farm, Baynards Farm** (Pages 68 - 91)  
**18/00672/OUT**
10. **The Old Malthouse, St Johns Road, Banbury** (Pages 92 - 112) **18/01158/F**
11. **The Old Malthouse, St Johns Road, Banbury** (Pages 113 - 125) **18/01159/LB**
12. **Land West of Fabis House, Rattlecombe Road, Shenington** (Pages 126 - 135)  
**18/01114/F**
13. **Land West of Fabis House, Rattlecombe Road, Shenington** (Pages 136 - 143)  
**18/01115/LB**
14. **Showroom, Antelope Garage, Swan Close Road, Banbury** (Pages 144 - 152)  
**18/01214/F**
15. **Eco Business Centre, Charlotte Avenue, Bicester OX27 8BL** (Pages 153 - 157)  
**18/00307/DISC**
16. **Part of Former BHS Unit, 36-37 Castle Quay, Banbury OX16 5UN** (Pages 158 - 164)  
**18/01426/F**

17. **Slighte, 18B Bridge Street, Banbury OX16 5PM** (Pages 165 - 169)  
18/00327/DISC
18. **Woodgreen Leisure Centre, Woodgreen Avenue, Banbury OX16 0HS** (Pages 170 - 175)  
18/01014/F

## **Review and Monitoring Reports**

19. **Appeals Progress Report** (Pages 176 - 184)

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 12 September 2018

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 23 August 2018 at 4.00 pm

Present: Councillor David Hughes (Chairman)

Councillor Andrew Beere  
Councillor Phil Chapman  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor Surinder Dhesi  
Councillor Chris Heath  
Councillor Mike Kerford-Byrnes  
Councillor Alan MacKenzie-Wintle  
Councillor Richard Mould  
Councillor Cassi Perry  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Les Sibley

Substitute Members: Councillor Barry Wood (In place of Councillor Lynn Pratt)

Also Present: Councillor Dan Sames, Ward Member for Bicester South and Ambrosden (for agenda item 7)

Apologies for absence: Councillor James Macnamara  
Councillor Maurice Billington  
Councillor Simon Holland  
Councillor Lynn Pratt

Officers: Paul Seckington, Senior Manager Development Management  
Gavin Forrest, Planning Officer  
Matt Chadwick, Senior Planning Officer  
Caroline Ford, Principal Planning Officer  
Lewis Knox, Planning Officer  
Nat Stock, Minors Team Leader  
George Smith, Planning Officer  
Amy Jones, Trainee Solicitor  
Aaron Hetherington, Democratic and Elections Officer

## **Declarations of Interest**

### **7. Land North Of Bicester Avenue Garden Centre, Oxford Road, Bicester.**

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

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

### **10. Kelberg Limited, Northampton Road, Weston On The Green, Bicester, OX25 3TH.**

Councillor David Hughes, Declaration, as Kelberg Limited were previously a customer of his.

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

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

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

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

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

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

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

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

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

### **15. Shopmobility, Unit A4, Pioneer Square, Bure Place, Bicester, OX26 6FA.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councillor Surinder Dhesi, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as she works at Marks and Spencer in Castle Quay, Banbury.

51 **Requests to Address the Meeting**

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

52 **Urgent Business**

There were no items of urgent business.

53 **Minutes**

The Minutes of the meeting held on 19 July 2018 were agreed as a correct record and signed by the Chairman.

54 **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.

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

The Committee considered application 17/02534/OUT an outline application for 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 at Land North Of Bicester Avenue Garden Centre, Oxford Road, Bicester for Scenic Land Developments Ltd.

Councillor Sames addressed the committee as local Ward member.

Chris Goddard, planning consultant and John Holmes, agent for the applicant addressed the committee in support of the application.

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

**Resolved**

That application 17/02534/OUT be approved, 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 of the officer's report

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

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

The Committee considered application 18/00803/OUT, an outline application for 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 Begbroke Science Park, Begbroke Hill, Begbroke, Kidlington, OX5 1PF for Chancellor, Masters And Scholars Of The University Of Oxford.

Alastair Cory and Duncan Chadwick, the applicant's agents, addressed the committee in support of the committee.

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

**Resolved**

That application 18/00803/OUT be approved, subject to

- (i) a legal agreement concerning off-site transport infrastructure;
- (ii) Conditions relating to the points detailed below with the exact conditions and the wording of those conditions are requested to be delegated to the Assistant Director for Planning Policy and Development.
  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

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### **Land North Of Milton Road, Adderbury, Oxfordshire**

The Committee considered application 18/00220/F for the change of use of agricultural land to sport/recreation and community use at Land North of Milton Road, Adderbury, Oxfordshire for Adderbury Parish Council.

David Griffiths and Dianne Bratt, Chairman of Adderbury Parish Council, addressed the committee in support of the application.

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

#### **Resolved**

That application 18/00220/F be approved, subject to conditions with the exact wording 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

58 **Kelberg Limited, Northampton Road, Weston On The Green, Bicester, OX25 3TH**

The Committee considered application 18/01157/F for the erection of a detached steel portal framed workshop at Kelberg Ltd, Northampton Road, Weston on the Green, Bicester, OX25 3TH for Kelberg Trailers And Trucks Ltd.

Ronnie Verner, the applicant, addressed the committee in support of the application.

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

**Resolved**

That application 18/01157/F be approved, 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

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

The Committee considered application 18/01098/F for the variation of Conditions 2 (rooflight), 6 (surface water drainage), 7 (existing building fabric), 15 (doors, windows and rooflights) of 17/01201/F at Land North West Of Fabis House, Rattlecombe Road, Shenington for The Magpie Partnership Ltd.

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

**Resolved**

That application 18/01098/F be approved subject to conditions with the exact wording of those conditions delegated to the Assistant Director for Planning Policy and Development, the conditions 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

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

The Committee considered application 18/01114/F for the conversion of a barn to form a new dwelling at Land North West of Fabis House, Rattlecombe Road, Shenington for The Magpie Partnership Ltd.

In introducing the application, the Senior Manager, Development Management referred Members to the written update and that the officer recommendation had changed from approval to deferral to allow further consultation on the submission of amended plans.

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

**Resolved**

That consideration of application 18/01114/F be deferred to allow further consultation on the submission of amended plans.

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

The Committee considered application 18/01115/LB for the conversion of a barn to form a new dwelling at Land North West of Fabis House, Rattlecombe Road, Shenington for The Magpie Partnership Ltd.

In introducing the application, the Senior Manager, Development Management referred Members to the written update and that the officer recommendation had changed from approval to deferral to allow for further consultation on the submission of amended plans.

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

**Resolved**

That consideration of application 18/01115/LB be deferred to allow further consultation on submission of amended plans.

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

The Committee considered application 18/00277/DISC for the 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 at The Hill, Dover Avenue, Banbury, OX16 0JE for Cherwell District Council (Build Department).

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

**Resolved**

That the conditions applied for be discharged for application 18/00277/DISC 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 SSLS/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.

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

The committee considered application 18/00995/F for the change of use from A1 to D1 (Non-Residential) Class for use as a dental practice at Shopmobility Unit A4, Pioneer Square, Bure Place, Bicester, OX26 6FA for Portman Healthcare Limited.

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

**Resolved**

That application 18/00995/F be approved subject to conditions with the exact wording of those conditions for application 18/00995/F 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

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

The Committee considered application 18/01101/F for the erection of 2no brick substation buildings adjacent to the south multi-storey car park at Castle Quay Shopping Centre at Land Adjacent to the South Multi-storey Car Park, Castle Quay South Multi Storey Car Park, Castle Street, Banbury for Cherwell District Council.

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

**Resolved**

That application 18/01101/F be approved, subject to the following conditions:

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

65 **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 6.00 pm

Chairman:

Date:



## CHERWELL DISTRICT COUNCIL

### PLANNING COMMITTEE

20 September 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**

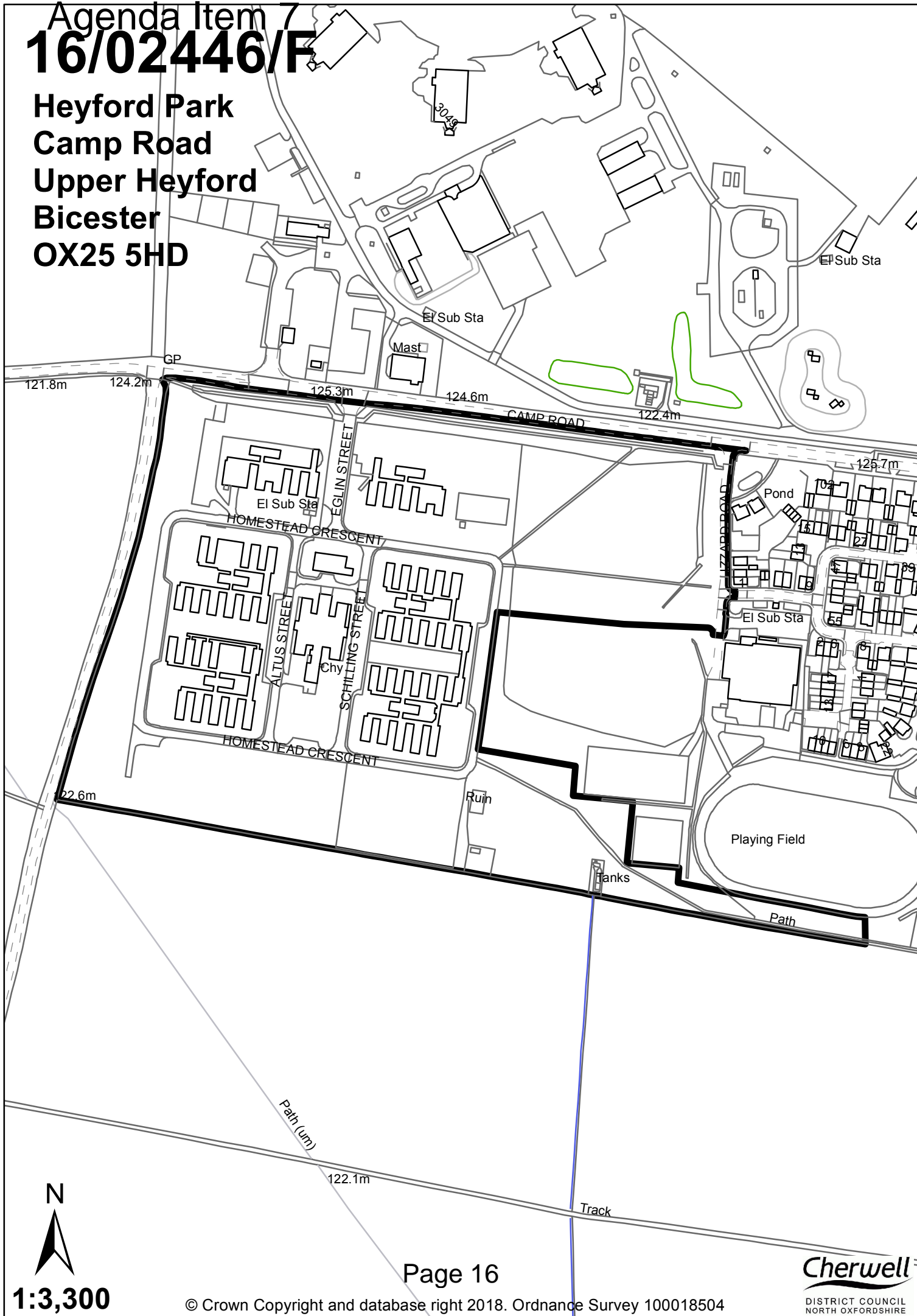
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision 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	Heyford park, Camp Road, Upper Heyford, Bicester OX25 5HD	16/02446/F	Fringford and Heyfords	Approve	Andrew Lewis
8	Dewey Sports Centre, Barley Close, Bloxham, Banbury OX15 4NJ	18/01252/F	Adderbury, Bloxham and Bodicote	Approve	John Gale
9	OS Parcel 8233 South of Baynards Green Farm, Street to Horwell Farm, Baynards Farm	18/00672/OUT	Fringford and Heyfords	Refuse	James Kirkham
10	The Old Malthouse, St Johns Road, Banbury	18/01158/F	Banbury Cross and Neithrop	Refuse	James Kirkham
11	The Old Malthouse, St Johns Road, Banbury	18/01159/LB	Banbury Cross and Neithrop	Refuse	James Kirkham
12	Land West of Fabis House, Rattlecombe Road, Shenington	18/01114/F	Cropredy, Sibfords and Wroxton	Approve	Matthew Chadwick
13	Land West of Fabis House, Rattlecombe Road, Shenington	18/01114/LB	Cropredy, Sibfords and Wroxton	Approve	Matthew Chadwick
14	Showroom, Antelope Garage, Swan Close Road, Banbury	18/01214/F	Banbury Glimsbury and Hightown	Approve	Matthew Chadwick
15	Eco Business Centre, Charlotte Avenue, Bicester OX27 8BL	18/00307/DISC	Bicester North and Caversfield	Approve	Caroline Ford
16	Part of Former BHS Unit, 36-37 Castle Quay, Banbury OX16 5UN	18/01426/F	Banbury Cross and Neithrop	Approve	George Smith
17	Slighte, 18B Bridge Street, Banbury OX16 5PM	18/00327/DISC	Banbury Cross and Neithrop	Approve	James Kirkham

18	Woodgreen Leisure Centre, Woodgreen Avenue, Banbury OX16 OHS	18/01014/F	Banbury Ruscote	Approve	Michael Sackey
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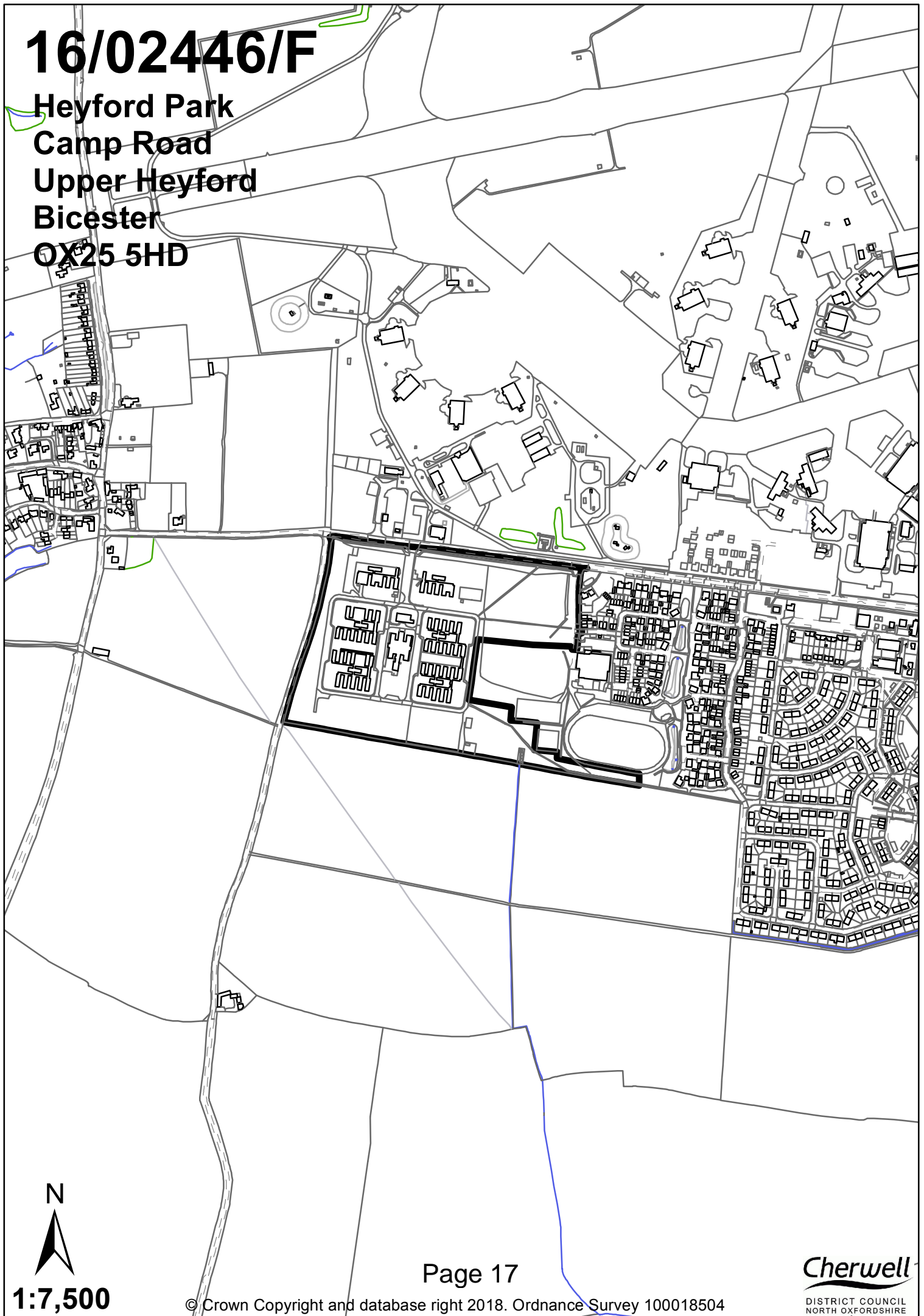
# Agenda Item 7 16/02446/F

Heyford Park  
Camp Road  
Upper Heyford  
Bicester  
OX25 5HD



# 16/02446/F

Heyford Park  
Camp Road  
Upper Heyford  
Bicester  
OX25 5HD



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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Heyford Park  
Camp Road  
Upper Heyford  
Bicester  
OX25 5HD**

**16/02446/F**

**Applicant:** Heyford Investments LLP

**Proposal:** Erection of 296 residential dwellings (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of new and amended vehicular and pedestrian accesses, public open space, landscaping, utilities and infrastructure, and demolition of existing built structures and site clearance works

**Ward:** Fringfords And Heyfords

**Councillors:** Cllr Ian Corkin  
Cllr James Macnamara  
Cllr Barry Wood

**Reason for Referral:** Major development proposal

**Expiry Date:** 21.09.2018                      **Committee Date:** 20 September 2018

**Recommendation:** Approve

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

### **Proposal**

Full planning permission is sought for 296 dwellings (and associated infrastructure). 89 of the dwellings will be affordable (30%). Vehicular access is from Camp Road with secondary access to Izzard Road. Pedestrian and cycle links are proposed to Kirtlington Road and the existing settlement.

### **Consultations**

The following statutory consultees have raised objections to the application:

- OCC Highways , Sport England

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

- Oxford Trust for Contemporary History

19 Letters of objection/comment have been received

### **Planning Policy**

The application site forms part of an allocated site for a new settlement in the Local Plan. The site is also allocated within the emerging Mid-Cherwell Local Plan. The site forms part of the RAF Upper Heyford Conservation Area, and lies adjacent to the Rousham 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 details are:

- Planning Policy and Principle of Development;
- Design Layout and Appearance
- Affordable Housing
- Density and Housing Mix
- Five Year Land Supply
- Impact on Heritage Assets
- Landscape Impact;
- Ecology
- Flood Risk and Drainage;
- Accessibility, Highway Safety and Parking;
- Statement of Common Ground and Masterplan

The report looks into the key planning issues in detail, and officers conclude that the scheme meets the requirements of relevant CDC policies and proposal is acceptable subject to conditions, legal agreement, resolution of highway concerns and deferral to NPCU. T

## **RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS AND THE COMPLETION OF A LEGAL AGREEMENT**

**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 part of the former RAF/USAF Upper Heyford base which is now a new settlement. The site is located to the southwest of the former base on the south side of Camp Road. The site measures some 12.04 hectares, is relatively flat and dominated by a long frontage to Camp Road but with a side frontage to Kirtlington Road. The southern/rear boundary is to open countryside, the eastern boundary adjoins the edge of the new settlement and wraps round the adjacent school playing field.
- 1.2. The site consists of an area formerly occupied by single storey buildings of mixed "non-residential" uses and which are now mostly demolished. The buildings were largely of prefabricated construction and included dormitories, school and gymnasium. There was a landmark water tower on the site frontage.
- 1.3. The site forms part of the RAF Upper Heyford Conservation Area (designated in 2006, its primary architectural and social historic interest being its role during the Cold War). The southern and western boundaries of the site form the boundary to the Rousham Conservation Area (which provides a rural and landscape setting to the house and garden of Rousham house).

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

- 2.1. The application proposes residential development on the site to provide 296 dwellings, with associated infrastructure, including open space.

2.2. The application has been supported by a considerable amount of documentation including:

- Planning Statement including affordable housing, energy statement and s106 Heads of Terms
- Existing Buildings Package
- Design and Access Statement
- Environmental Statement and Addendum
- Statement of Community Engagement
- Tree Survey, Protection Plan and Arboricultural Impact assessment (and Addendum)
- Construction Specification Statement
- And subsequent rebuttal statement to an objection by the Environment Agency

2.3. Up until now the application has been held in abeyance pending discussions on a new masterplan for Heyford seeking a development that would accord with the site specific Local Plan policy for the former RAF Upper Heyford, Policy Villages 5. Furthermore, during processing of the application the scheme has been modified in a number of ways as part of a positive engagement between applicant and Local Planning Authority (and in response to concerns by the Conservation, Design, Landscape and Footpath Officers of Cherwell and the County Councils). These changes include amendments to the design of the houses, to improve their appearance and to aid natural surveillance, improvements to boundary treatment, layouts have been modified, more parking created and to add further trees in particular to create stronger buffers to the rural edge and the Cherwell Valley. Further information has been provided to support, justify and reinforce the applicant's case as to why this development should be permitted.

2.4. The main changes were:

- Introduction of a bridleway and pedestrian path along the length of the western boundary with direct linkage to the Portway footpath and Upper Heyford beyond as requested by Cherwell Officers;
- Associated amendments to layout, play area positions, tree retention and house types on western boundary to facilitate such provision;
- Reduction in three storey house types, enabling the concentration of three storey elements at the key landmark areas in the centre and north-eastern corner of the layout in line with Cherwell Officer comments;
- Amended affordable housing house types to facilitate the introduction of maisonette accommodation to reflect the desired mix and tenure types of Cherwell Officers;
- Associated removal of three storey element at plots 565 to 569 and amendment to layout and house types;
- Re-plan of plots 655 to 660 and 685 to 690 to provide street frontage and accommodate amended house types and affordable housing provision;
- Revisions to the play equipment provision in the south-eastern NEAP;
- Revised design of attenuation basin;
- Reduction in open market housing provision from 208 units to 207 to accommodate amendments.

#### *Access and connections*

2.5. Vehicular access is from Camp Road with secondary access to Izzard Road to the east (part of the new settlement of Upper Heyford). There will be pedestrian routes out of the site connecting to the new settlement and also allowing access on to Kirtlington Road for pedestrians and cyclists. The Kirtlington Road boundary which



currently has a strong hedge line will be reinforced by further planting to form a screen to the Cherwell Valley, Rousham and the villages of Lower and Upper Heyford.

- 2.6. The internal layout has evolved from a grid system, to reflect the sites military history and the existing basic network of roads. But from this pattern emerged a strong central east west corridor which will be designed to be heavily landscaped and for pedestrians and cyclists priority. There will also be strong north south routes, two primarily for vehicular traffic and one designed for pedestrian and cyclists. All the main roads will be tree lined to reflect the avenue character established in the previous phases of development.

#### *Housing Mix*

- 2.7. The 296 dwellings will provide 207 market homes and 89 (30%) affordable homes, in the following mix:

##### Market Homes (207):

- 27 x 2 bed houses (2 storey)
- 75 x 3 bed houses (2 storey)
- 83 x 4 bed houses (mix of 2 and 2.5 storey)
- 22 x 5 houses (2.5 storey)

##### Affordable Homes (Rented) (62)

- 6 x 1 bed flats (3 storey)
- 6 x 1 bed maisonette (3 storey)
- 6 x 2 bed flats (3 storey)
- 16 x 2 bed maisonette (mix of 2 and 3 storey)
- 2 x 2 bed flat above garage (2 storey)
- 4 x 2 bed house (2 storey)
- 22 x 3 bed house (2 storey)
- 2 x 4 bed house (2 storey)

##### Affordable Homes (Intermediate) (27)

- 6 x 1 bed flat (3 storey)
- 4 x 1 bed maisonette (3 storey)
- 4 x 2 bed flat (3 storey)
- 3 x 2 bed maisonette (3 storey)
- 8 x 3 bed house (2 storey)
- 2 x 4 bed house (2 storey)

- 2.8. There is a wide range in size and variety of accommodation And a range of 2 to 3 storey buildings with 3 at the centre of the site and a gradation to the boundaries with landmark buildings at key sites. There is also a strong mix in terms of sizes and balance between houses and flats.

#### *Design*

- 2.9. Designs of the buildings are reflective of the style of military housing on the base with a much pared down aesthetic but with the arts and crafts style of the officers housing also used. Development has been guided by the design code approved for the main settlement. The main facing material is a red facing brick as used elsewhere although it is contrasted by elements of render and buff brick to form a

contrast. All building's roofs are slated with exceptions in small groups of a brown tile. Bay windows and simple porches are used as a design feature and to give the streets a greater feeling of surveillance.

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

- 3.1. In terms of the uses on Upper Heyford, the military use ceased in 1994. Since 1998 the site has accommodated a number of uses in existing buildings, first under temporary planning permissions latterly under a permanent permission granted on appeal and subsequent applications. The part of the base subject to this planning application has been largely unused and retained a derelict appearance for some years.
- 3.2. As detailed in the list below, numerous applications have been made seeking permission over the last 10 years or so to either develop the base or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. This was subject to a major public inquiry that commenced in September 2008. The Council received the appeal decision in January 2010 that allowed "*A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).*" This permission included the flying field and the uses and development permitted upon it at the appeal have been implemented under the appeal permission. Included within this decision were a number of applications for conservation consent including demolition of buildings on the application site. As these consents have been implemented there is a view that they remain extant.
- 3.3. The development of the settlement and technical areas has been delayed as the site was acquired by new owners and the current applicants who decided to refine the approved scheme. As a result, a new masterplan was drawn up which, whilst similar to the one considered at appeal, has been modified. The main reason for a fresh application arose from the desire of the applicant to retain more buildings on site. Apart from that, the most significant changes are a new area of open space centred on the parade ground, the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings the demolition of which was previously consented. The retention of these buildings at their existing low density has meant the masterplan has expanded the development area west on to the sports field (and east of this application site).
- 3.4. The revised masterplan was submitted as part of the outline application for "*Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure*" and was granted permission on 22nd December 2011 (ref 10/01642/OUT). The planning permission included a number of plans with which compliance was required including a masterplan, a retained buildings plans and other plans showing layouts all of which included the demolition of all buildings on this site.
- 3.5. A number of reserved matters have been submitted, approved and implemented for permission 10/01642/OUT. As a result of this the new settlement is starting to take shape. To the east of the application site and south of Camp Road several phases of development have been undertaken including the former sports hall which was retained and refurbished and is now the gym and cultural wing of the Heyford Park Free School.
- 3.6. Below is a list of the relevant applications referred to above:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>	
07/02350/CAC	Demolition of existing structures as part of lasting arrangement of Heyford Park	Allowed appeal	at
08/00716/OUT	OUTLINE application for new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure	Allowed appeal	at
10/01642/OUT	Outline - Proposed new settlement of 1075 dwellings including the retention and change of use of 267 existing military dwellings to residential use Class C3 and the change of use of other specified buildings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure	Approved	
10/01619/CAC	Demolition of existing structures (as per Conservation Area Consent Schedule and Drawing No. D.0291 38-1)	Approved	
13/00153/DISC	Discharge of Condition 8 of 10/01642/OUT (Design Codes)	Approved	
18/00825/HYBRID	Demolition of buildings and structures as listed ; Outline planning permission for up to 1,175 new dwellings; 60 close care dwellings; 929 m2 of retail; 670 m2 comprising a new medical centre; 35,175 m2 of new employment buildings, (comprising up to 6,330 m2 Class B1a, 13,635 m2 B1b/c, 9,250 m2 Class B2, and 5,960 m2 B8); 2.4 ha site for a new school; 925 m2 of community use buildings; and 515 m2 of indoor sports, if provided on-site ; 30m in height observation tower with zip-wire with ancillary visitor facilities; energy facility/infrastructure with a stack height of up to 24m; additional education facilities (buildings and associated external infrastructure) at Buildings 73, 74 and 583 for education use; creation of areas of Open Space, Sports Facilities, Public Park and other green infrastructure; Change of Use of buildings and areas: 20.3ha of hardstanding for car processing; and 76.6ha for filming activities ; the continuation of use of areas, buildings and structures already benefiting from previous planning permissions, associated infrastructure works including	Pending determination	

surface water attenuation provision and upgrading Chilgrove Drive and the junction with Camp Road

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

- 4.1. Extensive pre-application and post submission discussions have taken place with regard to this proposal and this is the final iteration

#### **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 18.07.2018, although comments received after this date and before finalising this report have also been taken into account.

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

19 letters have been received from residents objecting or commenting specifically on highways and traffic grounds:

- Impact of increased Traffic on rural roads, both during construction and after construction.
- Funds should be made available to alleviate the increased traffic and associated problems.
- Traffic already flout the existing routing agreements in place and drive though Somerton Village and Ardley
- Since the initial development of the Heyford Park site there has been a huge amount of additional traffic that is being 'forced' through Somerton, both during the construction phase and now that the some of the site is complete.
- The traffic calming measures that have been placed on Camp Road, in Heyford Park itself, have deterred vehicle access and pushed traffic on through to Somerton.
- Hazardous traffic conditions in Somerton will
- The volume of traffic through our small village has increased considerably because of the new developments at Heyford Park. Both private and commercial vehicles speed through our village as a shortcut to various locations with disregard to the speed limit and narrowness of the roads.
- The condition of the roads because of the increase in traffic has deteriorated considerably and yet there is no funding to pay for the works required to deal with this.
- The small village road cannot take the additional traffic. Cars are speeding and driving unsafely, Large vehicles are damaging the road and bridges.
- Small, narrow country lanes are not suitable for such high volumes of traffic and we are already noticing more cars, and more speeding traffic, through Somerton with the recent developments under way and already completed at Upper Heyford.
- The wish to expand the housing stock locally this should not be at the expense of local people in Upper Heyford, Somerton, North Aston, Lower Heyford, etc. As a minimum, before any approval for this planning application is considered, the local roads should be repaired (pot holes are a constant and increasing problem) and bollards should be installed on Camp Road/Kirtlington Road (Portway). This would require new residents to leave the area via the Ardley Road which would take them to M40, Banbury,

Bicester etc., rather than driving along Somerton Road which is simply not suitable for even more traffic.

- The new traffic calming measures on Camp Road are of inconsistent height and approach/departure angles. They are also already deteriorating due to volume of traffic.

In addition several letters from residents have raised more specific concerns about the proposal:

- the continued building of new properties at Heyford Park is having a detrimental effect on the residents of the village of Upper Heyford. The village comprises approximately 150 houses and is already dwarfed by the number of houses being built.
- the infrastructure, including schools, medical facilities, transportation (buses, trains) are insufficient for the needs of the probable number of residents we are likely to see over the next few years.
- some of the buildings wouldn't look out of place in a major city, They have no sympathy for the rural surroundings and heritage of the Upper Heyford site
- From Caulcott, from the Heyfords and from the Kirtlington Road, the housing blend should be seen as a gradual increase in height, single story to two story, rather than the visual impact of taller buildings close to the perimeter.
- support the points of the Mid Cherwell Neighbourhood Plan Forum requesting a proportion of 35% rather than 29.9% affordable housing.
- support the "Independent living by design" policy and would ask what provision has been made for that?
- The removal of the old USAF baseball/softball area is a regrettable step to expunging the heritage of the site. It should be maintained as a play area The proposed development should be approved. The redevelopment of this area will make a significant positive contribution to the appearance of the area, and increase the viability of local services in Upper Heyford and at Heyford Park.
- Object to loss of green space
- Brownfield land should be developed first

#### Oxford Trust for Contemporary History

This application should be refused permission for the following reasons:

- Approval of this piecemeal development contrary to local plan policy V5 and would be premature without the evidence regarding the heritage feasibility and potential of the whole site which was the official advice behind development plan policies supporting redevelopment since 2005.
- Approval of this piecemeal development would be premature pending the establishment of a heritage management plan and heritage centre which have been required since 2010.
- Local Plan policy V5 (ie the development plan for the purposes of s38(6)) cannot be properly applied in the absence of the feasibility studies recommended as 'official advice' by the Examining Panel of the Oxfordshire Structure Plan when the predecessor policy (OSPH2 - written in identical terms) was adopted in 2005. Both OSPH2 and V5 support the redevelopment of the air base as, '...enabling environmental improvements, and the heritage interest of the site as a military base with Cold War associations..'
- In the 2009 appeal decision the inspector (DL 19.34) accepted/preferred the OTCH interpretation of this policy that it makes a, "carefully conditioned allocation...conditional upon achieving environmental improvements and the heritage interest of the site with military associations to be conserved,

compatible with achieving a satisfactory living environment.”. No applications for residential (or commercial) developments should be permitted until planning obligations ensuring the enhancement to the heritage site have been completed

- The Council should be ensuring that both the heritage centre (with artefacts and facilities) and a heritage management plan (after 5 years wait) are both in operation before granting permission for any further development.
- Heritage delayed is heritage denied. There remains the need for a plan showing a ‘lasting arrangement’ which was identified in 1995 when the air base first became redundant.
- The application refers to and seeks to rely on policy V5, “ ...enabling environmental improvements and the heritage interest of ...the site as a military base with Cold War associations to be conserved,.. A comprehensive integrated approach will be expected.” , but fails to understand that this application represents precisely the form of piecemeal development likely to prejudice the comprehensive and integrated approach referred to in this development plan policy.
- Conservation of the Cold War heritage is omitted from the list of items proposed for inclusion in the legal agreement despite the fact that it the existence of the Cold War remains which have resulted in the (re)development of this site.
- The application refers to “Management of the flying field should preserve the Cold War character of this part of the site, and allow for public access. New built development on the flying field will be resisted to preserve the character of the area and Proposals should demonstrate an overall management approach for the whole site,” but again fails to deal with how the whole site will be managed.
- The application refers to policy BSC4 Housing mix which requires 30% of market housing to be one and two bedroomed but does not adequately justify the 13% being
- The transport plan seems to be designed to fail as the parking provision is 2.6 per dwelling which does not represent any reduction despite the claims that this is a sustainable form of development.
- There is nothing in the design of the houses or the layout to signify that this is a Conservation Area or one designated for its Cold War associations.
- There do not appear to be proposals to install solar thermal or PV. Over time this omission will result in an assortment of more expensive and random installations as new occupiers seek to achieve the sustainability that is not being provided by the initial development. In these circumstances the development cannot benefit from the presumption in favour of sustainable development.
- There is no mention of contributions to the bus services.
- It would be very surprising if the Council approved an application that included housing and public open space which also appears on the submitted masterplan. The masterplan could be prejudiced by development being approved before the disposition of the land uses (inc housing densities) have been agreed.

#### The Upper Heyford Village Group

- This is the most westerly of the proposed sites included in the local plan and it is important therefore that attention is paid to the inspectors comments in regard to its relationship with Upper Heyford village viz.

- *The boundary treatment, including landscape impact mitigation, to the south west of the site, including between it and the village of Upper Heyford, is particularly important to help ensure that the latter retains its separate identity as a rural settlement once this scheme is complete. It is also relevant in relation to the adjoining Rousham, Lower Heyford and Upper Heyford Conservation areas*
- Grateful that there is no proposal to have access roads onto the Kirtlington Road, but dismayed at the very modest amenity area at the western edge of the development plan. A much wider area is needed to soften the impact of the new housing as the landscape changes to open countryside beyond the hedge on the west side, as requested by parishioners and shown on documents previously submitted to CDC.
- There appears to be fewer homes on this site than the local plan estimate of almost 500 homes. How will the shortfall of perhaps 200 homes be achieved? Will CDC, as the planning authority, seek to resolve this deficit before planning approval is given as it would be alarming, if on completion of all the designated sites, there is failure to meet the requirements of the approved local plan for about 2700 homes at the former RAF Upper Heyford. The inspector's report was categorical in this respect viz. *there is no necessity to allocate any further greenfield sites around the former base either now or as "reserve" sites for the future, as they would not be more sustainable than those allocated in the plan.*
- The Government Housing White Paper published in February states: *"ambitious proposals to help fix the housing market so that more ordinary working people from across the country can have the security of a decent place to live" The government is committed to building more affordable homes to boost house-building and support households who are locked out of the market.* All very worthy, however, we need greater transparency here in Oxfordshire on how this will be achieved. We need CDC/developer to clearly define what is considered to be 'affordable' and to indicate the number of suitable homes proposed on this particular site.
- On the wider issue of facilities at Heyford Park, plans are in hand for the community and recreational needs, retail provision, health and welfare, and a religious establishment, however, there appears to be no progress with regard to a cemetery on the site. As this by its very nature will require a substantial area of land the matter will need to be addressed before the plans for the site are too far advanced. If/when Upper Heyford village and Heyford Park are separate parishes the residents on HP will lose the right of burial in the village cemetery, which in any event is almost full.

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

## **6. RESPONSE TO CONSULTATION**

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

#### 6.2. UPPER HEYFORD PARISH COUNCIL

- Accepts the requirement for housing on this site
- Given it's proximity to the Village of Upper Heyford it is important that the development does not adversely affect the rural nature of the area to the west of the site or the residents of Upper Heyford Village.

- Peripheral open space to the west of the development should be between 20 and 25 metres wide between the internal carriageway and the boundary hedge. This will allow for recreational space and plantings
- More tree planting should be included on the western boundary
- The 4 foot high hedge on the western boundary needs to be retained and adequately managed
- The provision of single story dwellings should be considered for the western boundary. This will reduce the visual impact of the site from the west, and provide accessible housing for elderly and disabled residents.
- The provision for three story housing should be limited to the core area of the site if allowed at all.
- Light pollution should be minimised with as much low level and soft lighting as possible
- Given that this is a gateway development for the former RAF Upper Heyford every effort should be made to ensure design reflects the heritage of the site
- The gradient for the attenuation basin is acceptable as an accessible area. This gradient of 1:4 must be achieved before occupancy of the housing. Also given the accessibility of the attenuation basin, a knee rail is not needed and is possibly a tripping hazard. Also, please ensure the basin is seeded with wild flowers as are the existing basins on the estate.

6.3. SOMERTON PARISH COUNCIL: **no objections**. But major concerns regarding the impact of increased Traffic on our rural roads, both during construction and after construction and seek for funding under s106 to mitigate these issues.

6.4. FRITWELL PARISH COUNCIL have **no objections** to the development itself but have major concerns about increased traffic both during and after construction on rural roads which are not designed for heavy passage of vehicles.

- No traffic plan was available and there was no indication that one was being considered; furthermore, no improvements in public transport were indicated.
- Encroachment into the rural spaces between villages will inevitably occur.

6.5. MID-CHERWELL NEIGHBOURHOOD PLAN FORUM is broadly supportive of the provision of housing in this Phase of the overall development but have the following concerns:

- Absence of overall scheme and design code means that a consistent approach to high quality design, for example, is no longer governed by a design code, as had been the case for previous housing phases.
- Although we appreciate that there are general statements in the Local Plan Villages 5 policy, the statement there that “a comprehensive integrated approach will be expected” is not supported by the detailed planning and development criteria that we assume would have been in place had a “Masterplan” been completed.
- The construction design and landscaping should be sympathetic to the historical ambience of the cold war site. Instead, the scheme as now designed could be anywhere.
- Three-storey buildings on this conspicuous and non-central site are inappropriate.
- Missed opportunity to design this scheme with a more contemporary approach. This development looks as though it could be anywhere, and has no references to the local vernacular or to the site’s history; we particularly agree with his comments about chimneys.
- We also consider that the buffer zone planting should be deeper than is currently proposed. Our emerging neighbourhood plan policy PH05



recommends refusal for rear parking courts, a point also made by your urban designer.

- Local Plan Policy Villages 5 states that there must be “at least 30% affordable housing”. The scheme proposes 89 of 297 dwellings as affordable. This is 29.9% rather than 30%. In our view the spirit of the policy requires that Dorchester should err on the side of just exceeding 30% rather than just missing it.
- MCNP’s emerging policy PH02 states that for proposals of 11 or more dwellings there should be a minimum of 35% affordable housing, as is the case across the rest of the neighbourhood area, in line with Local Plan Policy BSC3. Until the MCNP is formally adopted this proposed policy is of course not enforceable, but we would like its spirit to be respected in the current application. We take the view that the phrase “at least 30%” includes the possibility of “a minimum of 35%”, and does not contradict it.
- it is most undesirable that the loop road on the westernmost edge of the site is not designed to adoptable standards.

### STATUTORY CONSULTEES

6.6. THE ENVIRONMENT AGENCY: objected to the original submission on grounds of foul drainage and surface water quality but have subsequently withdrawn that provided a number of conditions they recommend are included on any planning permission that is granted

6.7. HISTORIC ENGLAND: Concerned the density of development is considerably lower than that envisaged by the Local Plan. Consequently we are worried that this would lead to further encroachment of housing development on the Flying Field in order to meet Local Plan allocations.

6.8. OXFORDSHIRE COUNTY COUNCIL:

OCC support this application and the delivery of Local Plan Policy Villages 5: Former RAF Upper Heyford. Since OCC’s initial response to this application dated 6th March 2017, good progress on the site allocation masterplan and mitigation package has been made; for this reason OCC withdraw its previous objection concerning the absence of a wider masterplan

There remains an **OCC transport objection** to the application with a number of technical issues that require further work to resolve them. The transport response also maintains its objection on the grounds of incomplete strategic mitigation for the Policy Villages 5 allocation as a whole, pending completion of the Transport Assessment for the masterplan area. However, good progress has been made and mitigation measures are in the process of being agreed. Further work is required however to identify mitigation solutions for Middleton Stoney, and for Junction 10 and its surrounding junctions. Funding from the Oxfordshire Growth Deal has been released for this financial year to help identify solutions to the impact on the B430 in order to avoid housing delivery being delayed. It is expected that this work will be complete in the autumn. Whilst OCC would normally insist on this work being carried out prior to the application going to planning committee, it is considered that the release of Growth Deal funding towards infrastructure solutions constitutes exceptional circumstances.

Therefore, if CDC are minded to approve this application, any resolution to grant planning permission should be subject to resolving OCC’s technical transport objection and to agreeing a mechanism to cover S106 contributions for the elements of the masterplan mitigation package that are still to be finalised.

OCC TRANSPORT: An extensive report (available on the website) has been produced by the County's Transport Planner and objects for the following reasons:

- It is not possible to fully assess the impact of traffic and the mitigation required based on the Transport Addendum provided, due to its dependency on the site-wide Allocation Transport Assessment and agreement on its associated mitigation package, which is not yet complete.
- The proposed bus loop within the site is too constrained and could prejudice the sustainable transport strategy for the Policy Villages 5 Allocation site.
- Various aspects of the proposed layout pose a potential highway safety risk, as well as being prejudicial to the provision of attractive sustainable transport opportunities.
- The connections to the cycle network on Camp Road are inadequate and likely to adversely affect the take up of sustainable travel within the Policy Villages 5 Allocation site.

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.

OCC EDUCATION: Following the submission of the masterplan application for Heyford Park, 18/00825/HYBRID, the education capacity and contributions requirements in this location have been reassessed, taking into account the education capacity already provided at Heyford Park by the Heyford Park Free School and the Old Station Nursery, and identified the scale of deficiency expected as a result of all parcels of the Heyford Park strategic development area. As the Free School currently provides more primary and secondary capacity than is required solely for the permitted development, there is an element of "spare" capacity, the benefits of which have been distributed across the forward pipeline of applications. The cost of the necessary additional education capacity has been equalised across developments pro rata to their expected pupil generation.

No objections subject to s106 agreement securing appropriate contributions.

## NON-STATUTORY CONSULTEES

### 6.9. SPORT ENGLAND **objects:**

- It is not considered to meet our adopted playing fields policy or NPPF Para. 74 for the following reasons: The proposal results in a loss of playing field and is for a development of 297 homes without providing any new outdoor sports provision to support the proposed housing.
- The proposal is for the redevelopment of the site with housing. Only a small area of open space has been provided on the development. It therefore does not attempt to address paragraph 74 of the NPPF (which also includes loss of open space as well as sport)
- Sport England will reconsider its position if the following issues are addressed:
  - The retention of the sport facilities in their current position or;
  - Replacement playing field is provided elsewhere at Heyford Park.
  - Access to the wider community / sports clubs secured by a planning condition/obligation for community use.

- 6.10. THAMES WATER have not objected but due to a lack of information recommend conditions and informatives are added if permission is granted
- 6.11. OXFORDSHIRE GARDENS TRUST: **No objection** but concerned there is a risk that 2 key views from Rousham Park (Grade 1 Registered Park/Garden) may be negatively affected by this development, particularly during the winter months. Screen planting around the south and west perimeters of the development site should be sufficient to ensure that these views are not compromised in any way.
- 6.12. OXFORDSHIRE CLINICAL COMMISSIONING GROUP notes primary medical care for the Heyford area is at capacity, and further housing growth will require additional or expanded infrastructure to be in place. We therefore seek infrastructure funding of £299,376 if this development is to go ahead. This calculation is based on OCCG's draft policy drawn from elsewhere in the country to use a calculation of 2.8 x number of dwellings x £360 for contributions for health infrastructure.
- 6.13. CDC URBAN DESIGN CONSULTANT:
- In addition to tree & hedge retention some features of the former use of this site should be retained for their historical connection. Retention of even modest features like the American style fire hydrants is a desirable link to the former use of the site and a connection with other parts of the Heyford Park.
  - it would be desirable to include a good footpath/cycleway connection with Upper Heyford village.
  - The building density progression from east to west is commendable although the degree to which this is apparent may be too subtle to register. A greater apparent variation in density and character would be desirable.
  - Existing buildings on the site are predominantly single storey. The proposals are for two to three storey buildings. Whilst there may be some justification for a three storey 'landmark' building on the Camp Road/Izzard Road junction I am not convinced of the justification for other three storey buildings elsewhere on this phase of development so far from the village centre.
  - The light render to the taller buildings may increase their visibility and visual impact in the wider landscape.
  - Streets are well defined with buildings fronting them and are generally well overlooked from the dwellings
  - The peripheral open space is potentially a good public and wildlife amenity although too narrow in places to accommodate adequate buffer/amenity planting together with swales, footpath, play and trim trail equipment
  - When considering the importance of the existing approximately 4.0m high western boundary hedge in mitigating the visual impact of the development on the landscape to the west it is important to remember that in order for this hedgerow to be retained as a hedge it must be managed which will involve periodic reduction in width and height to maintain its density.
  - Additional tree planting within the green corridor will be essential in maintaining sufficient depth of mitigatory planting,
  - The rain garden has the potential to achieve a very specific and distinctive character.
  - Shared rear parking courts are not desirable and should be designed out where possible. The parking should be redistributed as on-street or in front parking court arrangements. Only corner flat blocks should have rear parking courts which must be secure and gated with automated gates.
  - The development of this site is an opportunity for more interesting and contemporary design to be employed to give it a distinctive character but this opportunity is, unfortunately, not represented in these proposals. It is disappointing that there are no purpose designed individual corner building

house types. The three storey rendered dwellings in the centre of the site relate to the more modest scale of the existing two storey Carswell Circus houses

- The landmark flat block at the junction of Camp Road and Izzard Road is intended to relate to buildings proposed for the Trident area but since these will not be visible from Camp Road it would be more logical to achieve a more specific relationship with the design of proposed buildings in the village centre. This would be a more appropriate visual connection.
- Balconies should not have 'slightly tinted glazing' but sand blasted or obscured glass to hide from the street the domestic paraphernalia that is frequently stored on them.
- All corner buildings must have ground floor windows to 'active' rooms to both street facing elevations.
- Traditional form pitched roof houses should all have chimneys or flues punctuating their roof-lines
- The wider use of coloured window frames would help distinguish this development from so much 'ordinary' volume house building.
- Consideration should be given to narrowing the perceived width of carriageways through the use of flush channel lines in a different material/colour/texture to assist with traffic calming.

Full comments are available on file

#### 6.14. CDC CONSERVATION OFFICER:

- The school site has always had a different character and building density to other parts of the site comprising a series of regimented concrete huts arranged in a matrix of short rows. The school site is an interesting part of the military base and demonstrates the all-encompassing nature of the existence experienced by the American service men and their families however the overall contribution the school site makes towards the total significance of the site is limit.
- The redevelopment of the school site creates an opportunity to provide high density, highly innovative, affordable housing – housing that cuts a dash and is different from the very routine (and to be frank rather mundane) housing which is populating the rest of the site south of Camp Road.
- No trace of the school site is retained; even the road layout has been eradicated. This is development without innovation given that military aviation was at the forefront of design and innovation one might have hope for something 'special' reflected in the redevelopment of the site. The school buildings were completely regular in both massing and layout – this is also not reflected in the proposal.
- I am concerned over the massing and height step difference of the 3 storey rendered buildings. Cockcroft gables – the window casements should be located within them not sliding down the wall as if the building had melted. I am not convinced the distribution of rendered/non-rendered buildings works.
- This proposal neither conserves nor enhances the significance of the site as a temple to cold war aggression.

#### 6.15. CDC STRATEGIC HOUSING:

- The tenure mix has been amended to 70/30 rented/shared ownership as requested and the mix is now 62 no. Affordable Rented units and 27 no. Shared Ownership. However in doing this the numbers of houses have been reduced from 44 to 38 over both tenures and the number of 2 bed flats/maisonettes for Affordable Rent has increased from 5 to 22. The number of rented houses has been increased roughly in proportion to the

increase in the number of rented units required, but the number of houses for shared ownership has been reduced by 14 no. However, this may not present too much of a problem because as stated previously flats for shared ownership are more likely to be affordable to first time buyers, but we cannot accept the increase in the amount of 2 bed flats for rent. As noted in the minutes of an Affordable Housing Review meeting held on 10th May 2017 - "2 bed flats are not suitable for families with children, and single people cannot occupy Affordable rented 2 bed flats due to restrictions on under-occupancy".

- I would therefore suggest that all of the one bed flats are designated for Affordable Rent and 10 no. of the 2 bed flats previously designated for Affordable Rent are changed to Shared Ownership. I would also question whether the 4 bed shared ownership properties would be affordable as other RPs have reported difficulty in selling this type of property and therefore would suggest the 4 bed shared ownership units are replaced with 3 beds . A revised mix is suggested.

6.16. CDC LANDSCAPE OFFICER: A number of concerns relating to landscape impact, trees and plant selection and details on the play areas. These have been passed to the applicant to consider but are all relatively minor and can be conditioned if not resolved before consideration by Committee

6.17. CDC ARBORICULTURE OFFICER: No adverse comments - the scheme appears to have a good consideration of the tree population of the site, and has addressed the tree/development process sympathetically.

6.18. CDC BUSINESS SUPPORT: It is estimated that this development has the potential to attract New Homes Bonus of £1,606,249 over 4 years under current arrangements for the Council. This estimate includes a sum payable per affordable home.

6.19. CDC SPORTS AND COMMUNITY: Contributions will be sought for off-site provision of sports facilities, indoor and outdoor, community hall provision, community development, a community development worker and public art.

6.20. CDC BICESTER INFRASTRUCTURE DELIVERY LEAD: request 31 new apprenticeships are secured by s106

6.21. CDC ECOLOGY OFFICER: The development will not have a significant affect on the identified important ecological receptors during the phases of the development. All factors considered in the ES remain the same for example baseline conditions and assessment methodology. The conclusion that no new potential cumulative effects have been identified is sound. Therefore overall the original conclusions of the Ecology and Nature Conservation ES Chapter (2016) are unchanged. If permission granted a number of conditions are recommended.

6.22. CDC ENVIRONMENTAL PROTECTION:

- No comments on odour and light
- Concerned by potential noise, air quality and contamination issues therefore recommend conditions if permission is granted

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

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

- ESD15 - The Character of the Built and Historic Environment
- VIL5 - Former RAF Upper Heyford
- PSD1 - Presumption in Favour of Sustainable Development
- BSC1 - District Wide Housing distribution
- BSC2 - The Effective and Efficient Use of Land
- BSC3 - Affordable Housing
- BSC4 - Housing Mix
- BSC7 - Meeting Education Needs
- BSC8 - Securing Health and Well Being
- BSC9 - Public Services and Utilities
- BSC10 - Open Space, Outdoor Sport & Recreation Provision
- BSC11 - Local Standards of Provision - Outdoor Recreation
- BSC12 - Indoor Sport, Recreation and Community Facilities
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- INF1 - Infrastructure
- SLE4 - Improved Transport and Connections

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C23 - Retention of features contributing to character or appearance of a conservation area
- C30 - Design of new residential development
- TR1-Transportation Funding
- ENV1: Pollution
- ENV12: Contaminated Land

**7.3 Other Material Planning Considerations**

Mid Cherwell Neighbourhood Plan (MCNP): has now been submitted to the Council who are seeking to appoint an examiner in order to hold an Examination in Public. The Plan therefore has limited weight at the present time.

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government’s planning policies for England and how

these are expected to be applied. It should be noted that during the processing of this application a revised version of the NPPF was issued on 24<sup>th</sup> July 2018. Comments made by third parties may refer to the earlier version but the Officers report endeavours to update these references. Although the text has changed, the thrust of the NPPF remains very much the same with regard to the main issues that apply to development at Heyford such conserving and enhancing the historic and natural environment whilst making effective use of land and delivering a sufficient supply of homes.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

RAF Upper Heyford Conservation Appraisal 2006 (UHCA)

In addition a design code was approved in October 2013 in order to comply with Condition 8 of planning permission 10/010642/F. This was required to “to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as set out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009.”

Application 08/0716/OUT- Appeal decision; both the Secretary of State’s decision letter and the Inspector’s report are of significance to this application

A statement of Common Ground exists between Dorchester Group, lead developer at Heyford, and the Council signed in December 2014.

## **8. APPRAISAL**

### Relevant Background

- 8.1 An outline application that proposed: “A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08).” was granted planning permission in 2010 following a major public inquiry (ref 08/00716/OUT).
- 8.2 The permission with regard to the flying field was implemented but a subsequent second application was submitted for the settlement area. That permission for a new settlement was granted in December 2011 (ref 10/01642/OUT). The permission was in outline so details of layout, scale, appearance, landscaping and access (the reserved matters) had to be submitted within a period of six years.
- 8.3 The appeal and subsequent planning decisions have already been taken into account by the Council as part of its Local Plan and the development of former RAF Upper Heyford is seen as the major single location for growth in the District away from Banbury and Bicester. Furthermore, in the CLP 2031 Part 1, additional sites were allocated for development in and around Heyford including that subject of this application which is the second to come forward for determination since adoption of the Local Plan. The first such site to be considered was submitted by J A Pye for 79 dwellings (reference 15/01357/F) at the far eastern side of Heyford Park and considered by Committee in August 2017. Since then much work has been

undertaken by the applicants to create a masterplan for Heyford Park in line with Policy Villages 5 of the CLP 2031 and an application (ref 18/00825/HYBRID) has now been submitted to achieve that.

- 8.4 Many of the existing residential buildings across the wider Heyford site were built in the early 20<sup>th</sup> century and have a character that can be best described as a simple / pared back Arts and Crafts character and that has been the main theme for the housing south of Camp Road.
- 8.5 In the preparation of the Local Plan a statement of common ground (SOCG) was reached between the Council's Head of Strategic Planning and the Economy and the Dorchester Group on the future development of the Former RAF Upper Heyford. An appropriate level of development was to be secured to meet the District's housing needs and deliver employment whilst the heritage constraints were recognised and the need for environmental improvements recognised. It went on to say there should be a sequential approach but brownfield development should not be delayed and greenfield land outside the airbase should be brought forward as part of a comprehensive package. It went on to say that a wide-ranging review of development opportunities would be undertaken to accommodate the growth and this would be worked up through a future masterplan to be achieved by joint working between Dorchester, the Council, other statutory bodies and other land owners.
- 8.6 Consultants were engaged jointly by Dorchester and the Council but after receiving legal advice it was decided that a much higher level of engagement would be required before it could be formally adopted and the time scale for such an exercise was not likely to be achievable in the short term. As a result, Dorchester has undertaken a similar exercise to the one undertaken 10 years ago to produce a new masterplan for Heyford but through the development management process. A hybrid application has now been received (ref 18/00825/HYBRID) which sets out the implementation of Policy Villages 5 through the form of a fresh masterplan.
- 8.7 Whilst work was progressing on the creation of the new masterplan, the current application went into abeyance. Dorchester has now requested their application, following a number of revisions, is formally determined.
- 8.8 Turning to the detail of this application, Officers' consider the following matters to be relevant to the determination of this application:
- Planning Policy and Principle of Development;
  - Design Layout and Appearance
  - Affordable Housing
  - Density and Housing Mix
  - Five Year Land Supply
  - Impact on Heritage Assets
  - Landscape Impact;
  - Ecology
  - Flood Risk and Drainage;
  - Accessibility, Highway Safety and Parking;

#### Planning Policy and Principle of the Development

- 8.9 Paragraph 11 of the NPPF makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it



and also the harm that would be caused by a particular scheme in order to see whether it can be justified. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole.

- 8.10 The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan 2011-2031. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan in so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination shall be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 12 which makes it clear that the starting point for decision making is the development plan.
- 8.11 Policy Villages 5 of the CLP identifies the former military base as a strategic site in the rural area for a new settlement. The land subject of this application is identified within that policy as part of a potential development area. The policy seeks to achieve a settlement of approximately 1600 dwellings in addition to those already approved. The policy also goes on to lay down specific design and place making principles including avoiding development on more sensitive and historically significant sites, retain features that are important for the character and appearance of the site, encourage biodiversity enhancement, environmentally improve areas, integrate the new and existing communities and remove structures that do not make a positive contribution to the site's special character.
- 8.12 It should also be brought to Committee's attention that the Mid Cherwell Neighbourhood Plan has been through its consultation phases and is now awaiting its Examination in Public. When adopted it will have policies relevant to the development at Heyford but for the moment it has little weight.
- 8.13 The plans and supporting documentation demonstrate its conformity with the development plan. The significant elements are:
- Provision of further housing in order to meet the housing target and trajectory
  - Provision of over 30% affordable housing
  - A satisfactory mix of dwellings including smaller units
  - The environmental improvement of the locality
  - A commitment to quality design and finishes reflective of the style seen at RAF Heyford
  - Scale and massing of new buildings to reflect their context
  - Integration and connectivity to the surrounding development.
  - Retention and reinforcement of the main hedging and trees

The main issues will be discussed in more detail below but in principle the application is seen to conform to Policy Villages 5.

#### Five year land supply

- 8.14 The latest housing figures for Cherwell District Council have shown it has a five year land supply and can defend against speculative development. The annual

monitoring report for 2017 published Dec 2017 undertook a comprehensive review of housing land supply and can now demonstrate a 5.7 year supply for 2018-2023; a partial review of that was undertaken in July 2018 and currently shows a 5.4 year supply for the same time period.

- 8.15 The Cherwell Local Plan outlines the preferred sites for 22,840 homes and 200 hectares of employment land between 2011-2031. Figures from the annual monitoring report showed 1,102 homes had been completed in 2016/17. Of those 27 per cent were built on previously developed land and 278 were marketed as affordable.
- 8.16 Heyford is seen as a strategic development site by the Local Plan and was envisioned as a point of growth when the policy was drawn up. 1600 dwellings and 1500 jobs are proposed there under Policy Villages 5. This site is part of the land allocated for development in the relevant policy. In the last year around 200 dwellings were constructed at Heyford making it one of the three main delivery sites for Cherwell. The Council have signed a statement of common ground with the developer and applicant committing to the expeditious implementation of the policy.

#### Design, Layout and Appearance

- 8.17 Extensive work and discussions have been had with the developer to establish a layout and architectural vocabulary for the site which will reinforce and reflect its heritage value bearing in mind its degree of separation from the main settlement. In terms of design, the Council's Design Consultant has secured substantial revisions in the architectural styles proposed here both prior to and during the processing of the application.

#### *Connections and access*

- 8.18 There are two main vehicular access points to Camp Road, together with a third for pedestrians and cyclists, which form a strong north-south axis. The pedestrian/cycle route will be intensively planted and form a green segregated corridor through the heart of the new development. There will also be strong east-west routes that will form an overall grid like structure reflecting the previous military style layout of this part of the base. This will include a central landscaped route through the new estate to link with the recent development to the east. Trees will be planted down the middle of the road as a design feature wrapping around a play area at the heart of the scheme. Where the main roads cross the layout will be staggered and the road surfaced in contrasting materials. Provision is made for the new roads to link to the land south of the development site also allocated for development by PV5 of the CLP 2031.
- 8.19 There is no vehicular access to Kirtlington Road (the Port Way) although a new bridleway route has been created on the inside of the existing tree/hedge line running the full length of the site and providing a new safe segregated route for cyclists, pedestrians and horse riders through a landscape created belt with access at either end to Kirtlington Road. This has been subject to comment from various groups but now has a width varying between approximately 15 to 27 metres. This is considered to achieve an adequate balance between forming a screen to the Cherwell Valley villages and Rousham and facilitating a development of an appropriate density.
- 8.20 The other main features of the layout are a continuation along Camp Road of a frontage development served by shared accesses. And a strong rural edge to the southern boundary through which a trim trail will be created. The south east corner is set aside for open space including another landscaped swale a mix of play areas

and a footpath/cycle route through to the existing settlement on the south side of the school boundary. Small spur roads with a reduced width are taken from the main spine roads to give it a rigid almost grid like layout.

### *Layout*

- 8.21 This layout is considered to reflect the military character of the site yet create a neighbourhood with its own sense of place and character. There is a clear block structure with private and public spaces clearly defined set within a green landscaped setting.
- 8.22 The layout has been amended to provide opportunities to access to adjacent potential development sites and in particular to create routes through to Izzard Road. Routes for pedestrians and cyclists are also created with, around and linking to adjacent development.

### *Design*

- 8.23 In terms of design, the housing is a mix of two storey and three storey and very much of a scale and design reflective of the housing on the base. It will be noted from comments made earlier that officers sought a more contemporary design approach but the applicant has chosen to carry forward the arts and crafts style used elsewhere on the former base. The three storey development is limited to key locations either towards the centre of the scheme or landmark locations to add emphasis and reinforce a sense of place. The scale of development tails away appropriately to the periphery of the site's boundaries.
- 8.24 This has resulted in housing, after some modest revisions that generally have a simple building form, steep pitched roofs, low eaves, prominent chimneys constructed predominantly of brick and with limited features such as porch and projecting windows. There is a mix of detached, semi-detached and terraced housing with a new set piece design to reflect Carswell Circle at the heart of the scheme together with a new landmark building on the corner of Izzard and Camp Road. They are all orientated to have active frontages and to turn the corner where they are on street corners making sure streets have surveillance. The Officers conclude that what is proposed, as now amended, conforms to CLP 2031 Part 1 policies Villages 5 and ESD 15, and CLP96 policies C28 and C30.

### Affordable Housing

- 8.25 Policy BSC 3 sets out the requirement for Affordable Housing. However, Heyford has its own requirement under Policy Villages 5, 30%, which is to be secured on a site wide basis. The Council have secured through an earlier s106 agreement a strategy for the provision of Affordable Housing. Furthermore, a further agreement is being negotiated under terms being drawn up for the provision of the 1600 dwellings required under Policy Villages 5.
- 8.26 On this site 89 of the 296 dwellings are to be affordable, that is just over 30%. They are suitably integrated into the site layout and designed to reflect the market housing. The proposed mix is set out in para 2.2 above. The mix and balance has been changed. The tenure mix has been amended to 70/30 rented/shared ownership and the mix is now 62 no. Affordable Rented units and 27 no. Shared Ownership. However in doing this the numbers of houses have been reduced from 44 to 38 over both tenures and the number of 2 bed flats/maisonettes for Affordable Rent has increased from 5 to 22.

- 8.27 In ongoing discussions between the applicant and the Council's Strategic Housing Officer, it has been suggested that all of the one bed flats are designated for Affordable Rent and 10 no. of the 2 bed flats previously designated for Affordable Rent are changed to Shared Ownership.
- 8.28 The affordability of the 4 bed shared ownership properties has been questioned as other RPs have reported difficulty in selling this type of property and therefore it has been suggested the 4 bed shared ownership units are replaced with 3 beds.

#### Density and Housing Mix

- 8.29 Policy BSC2 encourages re-use of previously developed land and expects development to be at a density of 30 dwellings per hectare unless there are justifiable reasons for a lower density. In this case the site had a previous use as a school and dormitories for lower grades with a number of derelict buildings still on site.
- 8.30 It is noted we have objections to the development on grounds of density but what is proposed complies with the CLP where the Council sets out its approach to housing to reflect local circumstances (para 122-123, NPPF). Taking the site area as a whole the density is about 25 dwellings per hectare. The Council have actively encouraged the developer to design this phase at a higher density and it could have been higher but the site includes a disproportionate amount of highway within the red line application site and it retains strong green corridors along all the main roads. Buffer zones have also been created to the western and southern boundaries to soften the rural edge and form a screen to the Cherwell Valley. The site is at the edge of the settlement where the normal level of density declines. The pattern of development is of a scale and reflective of the recent and previous phases of development. Furthermore, special attention has to be paid to "the desirability of new development making a positive contribution to local character and distinctiveness" in historic environments (NPPF-para 131) In this case the proposed development is reflecting the character in this location, at a reasonable density and avoiding harm. It is therefore, in this case, compliant with the NPPF and the design and conservation policies of the Council and with policy BSC2.
- 8.31 Policy BSC4 sets out the suggested mix of homes based on requirements of the Strategic Market Housing Assessment for Oxfordshire (SHMA 2014). The revised mix for this proposal is set out in para 2.5 and can be seen to be very close to the ideal.

#### Impact on Heritage Assets

- 8.32 The application site is located at the western edge of the former military base and forms part of the RAF Upper Heyford Conservation Area. The site also lies adjacent to the Rousham Conservation Area.

#### *RAF Upper Heyford Conservation Area*

- 8.33 The base was designated a conservation area in 2006, its primary architectural and social historic interest being its role during the Cold War. The nature of the site is defined by the historic landscape character of the distinct zones within the base. The designation also acknowledges the special architectural interest, and as a conservation area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the Cold War landscape are preserved. The base was divided into three main functional character areas: Flying Field, Technical and Settlement.

8.34 The application site is part of the western sub-category of the settlement area known as Zone 10E-the School and other areas of prefabricated buildings and is described in the conservation appraisal as: “The school is located in the south west corner of the site. A clutter of single storey prefabricated buildings. This group of buildings is isolated from its neighbours by either the road or a succession of baseball pitches. The proximity of the buildings within the school complex gives the site a claustrophobic air.” These buildings were described as neither aesthetically pleasing nor adding to our understanding of the functioning of the base. No buildings on the site are either scheduled ancient monuments or statutorily listed buildings.

#### *Rousham Conservation Area*

8.35 The boundary of the Rousham Conservation Area runs north-south along Kirtlington Road along the ridge of the Cherwell Valley, the conservation area also runs along the southern edge of the application site. Members will be aware this Conservation Area is currently subject of a fresh appraisal. The core significance of Rousham is of course the house and park although the house and main garden actually lie within WODC, but it is its rural setting and landscape in the Cherwell Valley that are within CDC’s administrative area. The appraisal states:

- *“The essential part of Rousham is that it is the earliest and most complete surviving example of William Kent’s work as the ‘father of landscape gardening’. William Kent is intimately associated with the development of the Picturesque in England; he originally trained as an artist and was seen to compose landscape as a painting. His naturalistic style and knowledge of the conventions of painting had a major impact on the development of landscape design at this time, but he had limited horticultural knowledge or technical gardening skill.*
- *The landscape work at Rousham marked a defined move away from the practice of formal, geometric designed landscapes, which were popular across Europe and further afield. The work represented the birth of the Picturesque Movement described by the artist and author William Gilpin as ‘that peculiar kind of beauty which is agreeable in a picture’.”*

8.36 Amongst the issues set out in the appraisal and which may be material considerations to this application are to:

- Consider whether the designed landscape of Rousham is effectively managed and whether there are additional mechanisms for enhancement.
- Consider whether the designed views and surrounding settings are being appropriately managed.
- Consider whether the monuments and features directly associated with Rousham landscape are being effectively managed.

#### *Planning Policy, guidance and legislation*

8.37 Section 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the duty of Local Planning Authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

8.38 Para 192 of the NPPF advises: *“In determining planning applications, local planning authorities should take account of:*

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*

- *and the desirability of new development making a positive contribution to local character and distinctiveness.*

8.39 Para 193 goes on to advise: *“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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”*

8.40 Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

8.41 Policy ESD 15 says this that new development proposals should be designed to deliver high quality, safe, attractive, durable and healthy places to live and work in. New development should contribute positively to an area’s character and identity by creating or re-inforcing local distinctiveness. They should also conserve, sustain and enhance designated and non-designated heritage assets. In addition all schemes at Heyford must contribute towards the conservation of heritage resources and restoration across the wider site and a financial contribution will be required from the developer towards this.

#### *Assessment*

8.42 The applicants have assessed the site’s assets and their significance. All buildings on the site have been previously considered not to be of significance and consent has been granted for their demolition including by the Secretary of State in the 2010 appeal decision.

8.43 The applicants have submitted supporting documentation in an environmental statement to assess the heritage assets affected by this application. They point out none are on the site and the nearest are further separated by distance, verges, trees, etc. This physical separation is also extended by a landscape character and functional separation as set out in the 2006 Character Assessment. They conclude that the setting changes but their individual or collective heritage, historic or functional value remains.

8.44 The only element of significance is the western planting belt which will be reinforced and supplemented by strong avenues of trees. These are maintained and reinforced by this scheme therefore preserving and enhancing the character and appearance of the Conservation Area. It is concluded the proposal broadly complies with the policies of the development plan relating to the historic environment.

8.45 The impact of developing the base and the harm caused to heritage assets has already been tested once at appeal albeit under a slightly different scenario, and by the Council when it drew up development guidelines for the former base. In both cases it was considered that it is not only the built form that contributes to the special character of the Conservation Area, but the significant spaces and the relationships of buildings that frame them. These often functional relationships also assist with an understanding of how the air base worked. The retention of such spaces not only retains a link with the past, it will assist with creating a legible place

and one with a sense of distinctiveness. This scheme maintains the tree screen to Kirtlington Road and the layout reflects the military grid that previously existed.

- 8.46 Furthermore, under para 196 of the Framework, the Authority also has to consider ...*"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."* In your officers opinion it is considered that the development of housing at Heyford provides substantial public benefit both in terms of securing optimum viable use, of the site, meeting the five year housing land supply and the provision of affordable accommodation
- 8.47 The Framework goes on to say in para 197 that a balanced judgement will be required by the Planning Authority having regard to the scale of any harm or loss and the significance of heritage assets. In this case Officers have concluded that what is proposed provides an opportunity for an appropriate level of for new development that overall makes a positive contribution to preserve and enhance the character of and within the Conservation Area and does not cause harm to any individual asset listed on site. In this regard, the proposal will cause less than substantial harm to either the Heyford Conservation Area or the Rousham Conservation area, and indeed given the condition of the buildings and land in this part of the Areas could be said to enhance the Areas.

#### Landscape Impact

- 8.48 The landscape setting is an important part of the character of Heyford. The proposed roads are lined with verges and mature trees. This character is extended onto the streets within the new site by tree planting in strategic positions and by blocks of development being slotted into landscaped areas. An open space is created with play area in the south east corner to enhance the visual environment and in addition for use as amenity area. The landscape buffer on Kirtlington Road has already been referred to several times and this planting belt will sweep around the southern boundary to form a soft rural edge.
- 8.49 It is concluded that what is provided is an environmental enhancement in compliance with Policy Villages 5, certainly the submitted landscape assessment considers the impact to be minor, localised and will diminish over time as the planting becomes established. The protected views from Rousham will remain protected.

#### Ecology

##### *Policy, guidance and legislation*

- 8.50 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 170, that, *'the planning system should contribute to and enhance the natural and local environment... by minimising impacts on biodiversity and providing net gains in biodiversity including by establishing coherent ecological works that are more resilient to current and future pressures.'*
- 8.51 Section 40 of the Natural Environment and Communities Act 2006 (NERC 2006) states that every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: 'local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a 'competent authority' in exercising their functions, must have

regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.

- 8.52 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
  2. there is a satisfactory alternative
  3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species

- 8.53 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.

#### *Impact on habitats*

- 8.54 The application site is not subject to any nature conservation designation and the development should not affect nearby designated sites. The proposals would involve the loss of a range of habitats including poor semi-improved grassland, amenity grassland, several trees and scattered shrubs including native species, and short sections of species poor native hedgerow. The application reports assessment that the affected habitats have a low ecological value appears to be appropriate based on the survey information provided. The habitats that would be lost do provide suitable habitat for a range of species including commuting and foraging bats, badgers and reptiles. The retention of boundary hedgerows and trees as part of a green corridor is welcomed.

#### *Results of surveys*

- 8.55 Specific surveys were undertaken for bats, badger, great crested newt and reptiles. Bats surveys found evidence of usage by two bat species, Brown long eared bat and Natterer’s bat (the second species is uncommon in Oxfordshire) in three existing buildings, all identified as infrequently used feeding perches. These roosts are considered to be of low conservation significance but their destruction will nonetheless constitute an offence so will need to be done under a licence from Natural England (recommended condition). Some bat commuting and foraging activity was also recorded on the application. Surveys found evidence of badgers commuting across the site but no setts or signs of foraging were seen. Surveys found no great crested newts and the report considers it unlikely that this species uses the site. No reptiles were found during surveys but the report considers that the application site provides potential for reptiles to move through the site therefore there is a low risk to reptiles from construction activities. Habitats on site do provide opportunities for nesting birds which could therefore be adversely impacted construction activities.

#### *Protective measures*



- 8.56 The recommendations for protective measures for protected species and retained habitats during the construction phase (including site clearance) described in section 12.5 of the ES are broadly appropriate and we recommend that full details are provided through submission of a Construction Environmental Management Plan (CEMP) required by planning condition prior to commencement of any site clearance (recommended condition).

#### *Mitigation measures*

- 8.57 The mitigation measures to be incorporated into the design including habitat retention and enhancement measures detailed in section 12.5 of the report are acceptable. The retention of existing boundary hedgerows and trees as part of a green corridor (which will also include the creation of swales forming part of SuDs scheme) is welcomed as are the suggestions in Habitats and Ecological Features (section 12.5.12) that these corridors are protected during the operational phase by design measures, information provided to households and by long term management.

#### *Biodiversity Enhancements*

- 8.58 The recommendations for further enhancements including habitat creation described in section 12.6 of the ES are welcome and, if managed principally for wildlife over the long term should provide benefits for wildlife. It is advised that these recommendations are incorporated into a combined landscape and ecological management plan secured by a condition attached to any planning consent. The LEMP should identify who is responsible for the long term management of the site to secure future appropriate management and monitoring. Full details of the locations/types of proposed bat and bird boxes should also be provided. We recommend that a variety of box designs are used in carefully positioned locations so as to attract a variety of bat and bird species. The development will result in the loss of perching roosts (used by Brown long eared bat and Natterer's bat) located in open areas of three separate existing buildings. Suitable replacement roost sites should be provided for these species. Tree/shrub planting should give preference to locally appropriate native species.

#### *Summary*

- 8.59 In conclusion the Council's ecologist has no in principle objection but recommends a number of conditions are imposed if permission is granted.

#### Flooding and Drainage

- 8.60 The site lies within Flood Zone 1 (low risk). A Flood risk assessment has nevertheless been undertaken by the applicants. As the site is in Zone 1 redevelopment of the site for residential development is not precluded. Surface water discharge from the site can be discharged to a new drainage system that can be suds compliant. OCC, the local flood risk authority, will need to see the results of any site soil infiltration investigations and the method of surface water drainage being utilised as a result of further investigations which would need to be conditioned. A separate foul drainage system is proposed.
- 8.61 The TWU did not have any in principle objections. However the Environment Agency did and maintain it until a revised and updated assessment was provided. That objection has now been withdrawn although conditions are recommended.
- 8.62 The Council's Environmental Officer suggests a condition is imposed with regards to possible ground contamination.

### Traffic, Access and Parking

- 8.63 This is one issue that is particularly contentious and that is with regard to off-site measures. A full response by the County Council has been received setting out that the Highway Authority has significant concerns regarding the broader issues of traffic and transport. Additional documentation has now been received including a transport assessment addendum but it is not considered to be at the level of detail required to fully assess whether this gives the comprehensive integrated approach required by the Local Plan.
- 8.64 At the time the CLP went through its public examination a certain level of work had been undertaken to demonstrate the overall site could accommodate an additional 1600 dwellings and increase employment by an additional 1500 jobs but only by increasing the provision of sustainable transport measures and by mitigating the impact of traffic on the local highway network. So we are currently in a position whereby the principle of the development is seen to be acceptable but the actual detail, including mitigation, remain to be worked out and for the whole development, not just one part of it.

### *Traffic Modelling and Transport Assessment*

- 8.65 At present the modelling work on traffic and transport is being undertaken by consultants retained by the Dorchester Group, as part of a larger masterplan exercise. (This is dealt with below). It was thought that the majority of outstanding matters were close to resolution and a mitigation package about to be agreed. Obviously the costs remain to be calculated but the applicant has agreed in principle to make the necessary contributions towards those costs. However the County Council has asked the applicant for further work to be done on phasing and the necessary triggers of development that would necessitate the implementation of the mitigation. This has put back the completion of the modelling exercise and agreement on the mitigation package.
- 8.66 The appendix to the TA Addendum submitted to support this application is known to be incomplete at the time of writing. Also, it only deals with the application site in isolation rather than the full impact of it taken together with the rest of the PV 5 allocation. There are also other technical issues associated with the TA but it can be said that strategic modelling is being undertaken to establish the necessary mitigation for congestion at Middleton Stoney, junctions in Ardley have yet to be assessed, and mitigation solutions for the M40 and A43 junctions have yet to be agreed with Highways England. Therefore, while we appreciate this work is ongoing and expected to be completed in early autumn, we are not yet able to agree it, and the mitigation package has not been fully established. For this reason, the Highway Authority maintains its objection, pending completion of the Allocation TA. Your officers agree that further progress needs to be made on these matters

### *Public Transport*

- 8.67 Turning to more site specific issues, a public transport strategy for the site as a whole has been agreed in principle with OCC. In the short term the bus service can operate from a stop on Camp Road. However, in the longer term Heyford will become a destination and this application would need to provide the bus loop required to terminate services at Heyford under the masterplan public transport strategy. The revised layout shows a proposed bus loop, and swept path analysis around the loop for a 12m bus. OCC consider this loop to be unsuitable for use due to the constrained road layout and the likelihood of on-street parking. The tracking shows large vehicles crossing the centre line in several places, and taking up almost

the whole carriageway, leaving no space for oncoming vehicles to wait, with the likelihood of stand-offs where one vehicle is forced to reverse. Any on-street parking would necessitate very slow manoeuvring by buses, with the result that buses could be significantly delayed and unable to meet their timetables. This would adversely affect the potential for the routes to become commercially viable, and this would be prejudicial to the development of a public transport strategy for the allocation as a whole. As such this is a reason for objection pending a review of the design

#### *Parking Provision*

- 8.68 The County are also concerned by the level of parking provision for flats and smaller dwellings leading on on-street parking. There does not appear to have been an increase in parking levels previously requested and the applicant seeks to justify this by saying that there is enough space on many roads within the site for on-street parking. The vehicle swept path analysis drawing shows that there is very little scope for on-street parking not to be problematic, and there is a high likelihood that footways will become obstructed. Much of the parking is tandem parking, the owners of which will be inclined park on street to avoid the inconvenience of 'juggling' family vehicles. While on street parking is more likely to be a nuisance rather than a safety hazard, its impact on walking routes and the passage of buses will make sustainable travel less attractive and the new bus services less commercially viable. This is also a reason for objection, pending a review of the design.

#### *Bridleway*

- 8.69 The layout now shows the bridleway route through the site alongside Kirtlington Road, amended taking into account OCC's comments. It is understood the bridleway will be permissive and managed as part of the open space. The access points need to be marked on the Parameter Plan. Further clarification is requested on the detail of what 'grassed bridleway' means. If it is the developer levelling/mowing the existing established grassland then that should be acceptable if it is reasonably level, but if it is reseeding/establishing a new sward on disturbed land then the specification for this will need to be agreed. It is noted that the bridleway runs close to the edge of the private road along the western side of the development. This road is very narrow and there could well be parking on the grass/landscaping. Unless there is some kind of barrier, there is a risk that vehicles could encroach on the bridleway or close enough to spook horses. Further detail is needed on the junction with internal and external roads. These access points and co-use need to be horse and non-motorised user 'friendly' with good visibility and appropriate surfacing and signage. Some further detail is therefore necessary and could be required by condition.

#### *Footpath connections*

- 8.70 The plans lack a footpath connection to the south east corner of the site: A footpath to the boundary is shown on the planning layout. However, the Parameter Plan needs to be updated to show this as a pedestrian access point. There needs to be a firm commitment to provide gated access at the boundary here. Likewise, the northern and southern access point of the bridleway/footpath along the western edge of the site onto the adjacent roads needs to be marked on the parameter plan.

#### *Cycle routes/links*

- 8.71 The parameter plan shows a number of cycle routes through the site, and it is noted that 3m wide paths are provided alongside some of the roads, allowing for shared use, which is welcomed. However, some more consideration is needed as to how these will link in with the allocation-wide cycle network, and importantly, onto Camp

Road. On Camp Road it is proposed for the cycle route to transfer from south to north, immediately east of the site. It is not clear what crossing arrangements are proposed. However, the cycle route should continue on the south side (in addition to the north side) so that residents of this site can easily connect to the eastbound cycle route on Camp Road. The proposed footway inside the hedge on Camp Road through this site (which is proposed to be offered for adoption) could be widened to allow for cycling. In any case, crossing points, and links across the verge, will need to be provided to link to the cycle route on the north side of Camp Road. In order to ensure that this is addressed, this is also a County objection until the point is resolved.

#### *Other matters*

- 8.72 The County also have issues over HGV construction traffic and drainage but these can be resolved by imposition of conditions.

#### *Conclusion*

- 8.73 In conclusion, whilst the LHA are currently objecting, the principle of allowing 296 houses on this site is considered to be acceptable provided that following the Committee resolution further progress is made in resolving their concerns before the completion of a legal agreement and issue of planning permission.

#### Planning Obligations

- 8.74 Dorchester accepts their application should be determined in accord with the Development Plan, unless material considerations indicate otherwise, and acknowledge the requirements of Policy Villages 5 to require delivery of infrastructure provision. Heads of terms have broadly been agreed between the applicant, the Council and County Council

- 8.75 There are 6 main headings for infrastructure in the Local Plan:

- Education
- Health
- Open space,
- Community
- Access and Movement
- Utilities

- 8.76 These would be supplemented by others from the s106 SPD for example Employment Skills and Training Plan but more significantly towards the conservation of heritage interests

- 8.77 Where on and off site infrastructure needs to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). Each obligation must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development;
- c) fairly and reasonably related in scale and kind to the development.

- 8.78 Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. To do so would potentially render any decision unlawful. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. The statutory tests

also ensure that planning permissions cannot lawfully be 'bought' by developers offering unrelated, disproportionate but nonetheless attractive contributions to try to achieve a planning permission that would otherwise not be granted. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them.

8.79 In order for the proposed development to be acceptable having regard to local and national planning policy requirements, officers recommend that the following items need to be secured via planning obligations within a legal agreement (with both Cherwell District Council and Oxfordshire County Council) in order to mitigate the impact of the proposed development:

**Cherwell District Council:**

- Provision of 30% affordable housing (70% affordable rent, 30% social rent);
- Financial Contribution towards the conservation of heritage interests
- Provision of a LAP/LEAP on the site together with transfer to the Council and commuted sum to cover long term maintenance;
- Financial contribution towards off-site improvements to indoor and outdoor sports facilities; (calculated to be £223,071.18 and £330,802.07 respectively)
- Financial contribution towards provision in Heyford of Health Centre/Health Care provision/Nursery/Police Facility/Place of worship
- Financial contribution in lieu of on-site provision of allotments
- Financial contribution towards additional cemetery provision at Heyford
- Financial contribution towards expansion/provision of Community Hall and other local facilities;
- Financial contribution towards Community Development Worker: (Calculated to be £36,402.32)
- Public Art: There will be a requirement to provide public art either on site to enhance a new communal area or community resource or offsite to encourage community cohesion and improve cultural infrastructure. Expected contribution £150 per dwelling, an agreed public art plan, sighted on all public art commissioning or £200 per dwelling and CDC will take on the development and delivery of appropriate public art intervention.
- Provision, maintenance and transfer to the Council of on-site public realm features including open space, trees, hedgerows, SuDs features etc.;
- Employment Skills and Training Plan including provision of 31 apprenticeships
- Financial Contribution towards biodiversity enhancement

**Oxfordshire County Council:**

- Financial contribution towards mitigation package for Policy Villages 5, which will include improvements to a number of junctions off site and traffic calming in villages. Other measures may also be recommended.
- Financial contribution towards provision of new bus services linking the site to Oxford and Bicester, in accordance with the public transport strategy yet to be finalised for the Policy Villages 5 Allocation.
- Provision of mini-bus link to Heyford station.
- Bus stops on Camp Road serving the development procuring, installing and maintaining a pair of bus stops on Camp Road, to include provision of shelters and pole/flag/information cases.
- An obligation to provide a bus loop for terminating buses
- Travel Plan monitoring fee.
- Off-site rights of way improvements required for Policy Villages 5 masterplan.

- Nursery & Primary education: A new 1.5 form entry primary school, including a 75 place nursery, in addition to expansion of nursery provision at Heyford Park Free School through one additional class for 3-year-olds (26 pupils). (Calculated to be £2,346,857)
- Secondary education: Expansion of Heyford Park Free School's secondary phase, subject to the approval of the Regional Schools Commissioner; otherwise expansion of a secondary school in Bicester (Calculated to be £957,190)
- SEN: A planned new project to expand Bardwell Special School in Bicester by 32 places. (Calculated to be £107,998)
- Land (remediated and serviced): 2.22 ha of land is required for a new primary school. The school site is to be fully remediated, serviced and fit for school use prior to transfer. This application should contribute in a proportionate manner towards the cost of providing the 2.22ha site at no charge to the County Council

#### Environmental Impact assessment

- 8.80 The scheme has been classified as 'Environmental Impact Assessment (EIA) Development' and following receipt of revised plans and additional information, there was included an Addendum to the original Environmental Statement (ES) submitted with the application. This Addendum will constitute 'Further Information' for the purposes of Regulation 22 of the EIA Regulations 2011, which in line with the transitional arrangements set out in Regulation 76 of EIA Regulations 2017 remain in place for the consideration of this application.
- 8.81 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 mitigate/offset the significant adverse environmental effects of the development.

#### Department for Communities and Local Government

- 8.82 The Secretary of State has powers (under Article 31) to issue holding directions to prevent Council's making decisions on planning applications and to call in applications for determination. No direction has yet been received but it has been requested by the Trust for Contemporary History that this is one that should be determined by the Secretary of State. As a result, if Committee are minded to grant planning permission the decision needs to be reported to the Planning Casework Unit for consideration as to whether it should be "called in". As Officers are recommending the grant of planning permission but subject to a s106 agreement this will afford the Secretary of State time for consideration.

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

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the Development Plan unless material considerations indicate otherwise. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay. For the reasons set out in the report, officers have found that the proposals are consistent with the policies of the Development Plan including, in particular, Policy Villages 5. As such, the starting point is to approve the application.

9.2 It is then necessary to consider whether any material planning considerations indicate otherwise. National planning policy and guidance is one such consideration and includes a presumption in favour of sustainable development. The Council can demonstrate 5+ years of housing supply within the District and the policies of the CLP were examined and found sound (subject to incorporation of modifications) against the provisions of the NPPF. As such, there is no reason to conclude that its policies are anything other than sustainable, up-to-date and consistent with the NPPF. As a result, the NPPF does not indicate a reason to depart from the decision that would otherwise be reached against the provisions of the Development Plan. Officers are unaware of any other material consideration of significant weight, including matters raised in response to consultation/publicity, that would justify departing from the decision that would be taken against the Development Plan.

9.3 It is considered this scheme will form an area of a distinct character appropriate to its setting and surroundings and that reflects the policies of the Development Plan. The buildings are of a scale and have a variety of designs reflecting a contemporary style reflecting the arts and crafts and military style seen elsewhere that is reflective of the character of Heyford. Taken together they form an appropriate form of development. They provide a decent standard of amenity inside and outside the properties. As a result, officers have concluded that Committee should be minded to approve the application and planning permission be granted subject to conditions and the completion of a legal agreement. In coming to this conclusion officers are conscious that significant negotiation needs to take place on the agreement before the permission can be issued and in particular completion of the transport modelling.

**10. RECOMMENDATION**

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

- 1. negotiation of the S106 agreement to Officers in accordance with the summary of the Heads of Terms set in para 8.79 and subsequent completion of S106 agreement;
- 2. Resolution of the Highway Authority objection to the Assistant Director’s satisfaction
- 3 Referral to Department for Communities and Local Government for consideration of the need for Call-in and
- 4. the conditions set out below (and any amendments to those conditions as deemed necessary):

- 1. Commencement Date
- 2. Approved plans and documents
- 3. Submission of additional matters
- 4. Materials to be approved
- 5. Landscaping-commencement
- 6. Landscaping-commencement
- 7. Landscape time frame
- 8. Boundary Treatment
- 9. LEMP
- 10. Construction traffic management plan
- 11. Full details of bus route
- 12. Full details of bridleway

13. Drainage strategy and SUDS maintenance
14. Cycle Parking
15. Details of footpath connection to SE
16. Spec of roads, paths
17. Spec for drives, turning areas
18. Parking, manoeuvring-Details
19. Estate roads-completion
20. Main access details-visibility
21. Travel Info Pack
22. Fire Hydrants
23. CEMP
24. Contamination 1
25. Contamination 2
26. Contamination 3
27. Remediation Strategy
28. Mitigation Strategy for Bats
29. Bat/Newt Licence Required
30. Landscape and Ecological Management Plan
31. Biodiversity
32. TWU-waste
33. TWU-Foul Water Drainage Strategy
34. Sport England-Replacement PF

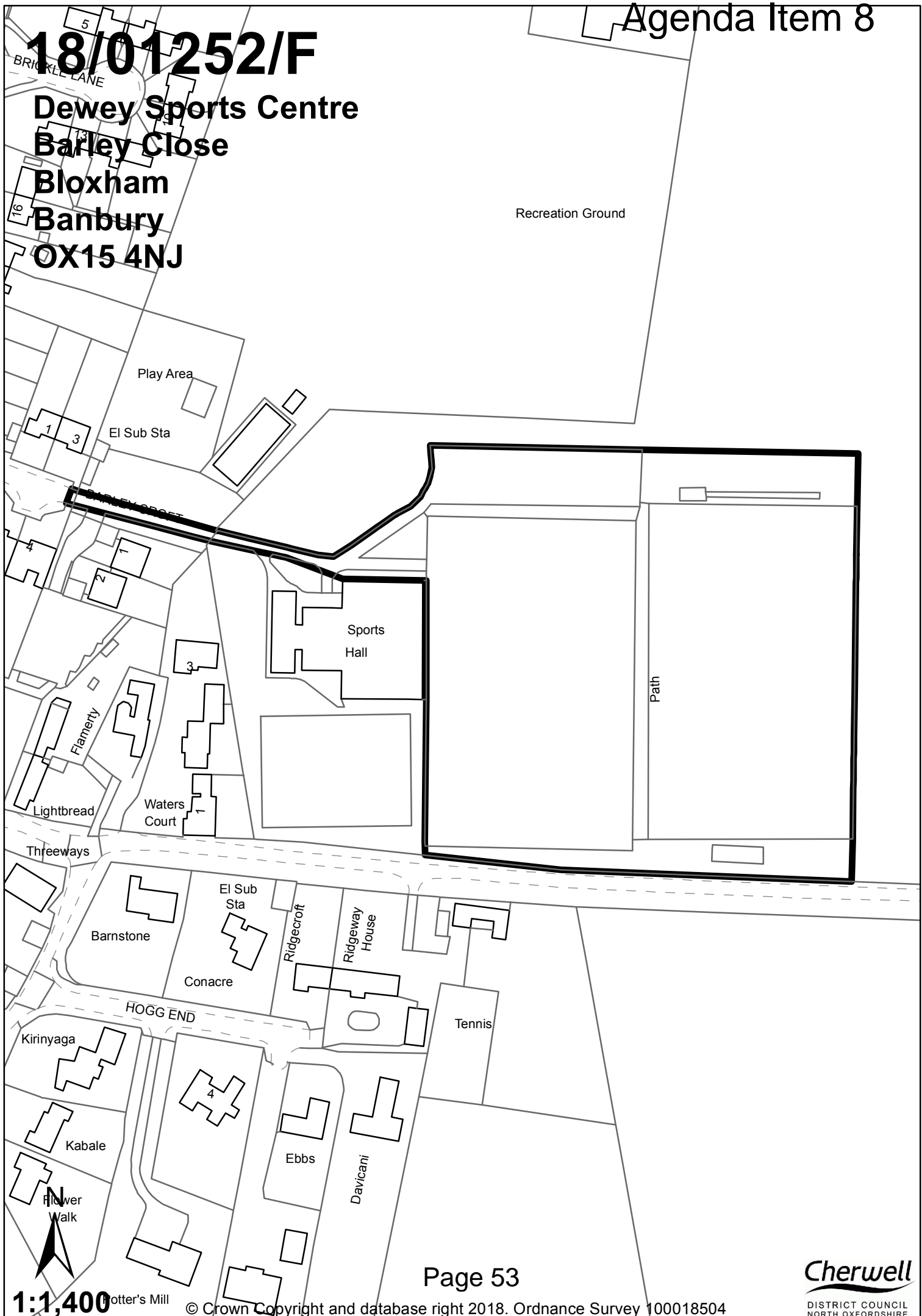
CASE OFFICER: Andrew Lewis

TEL: 01295 221813



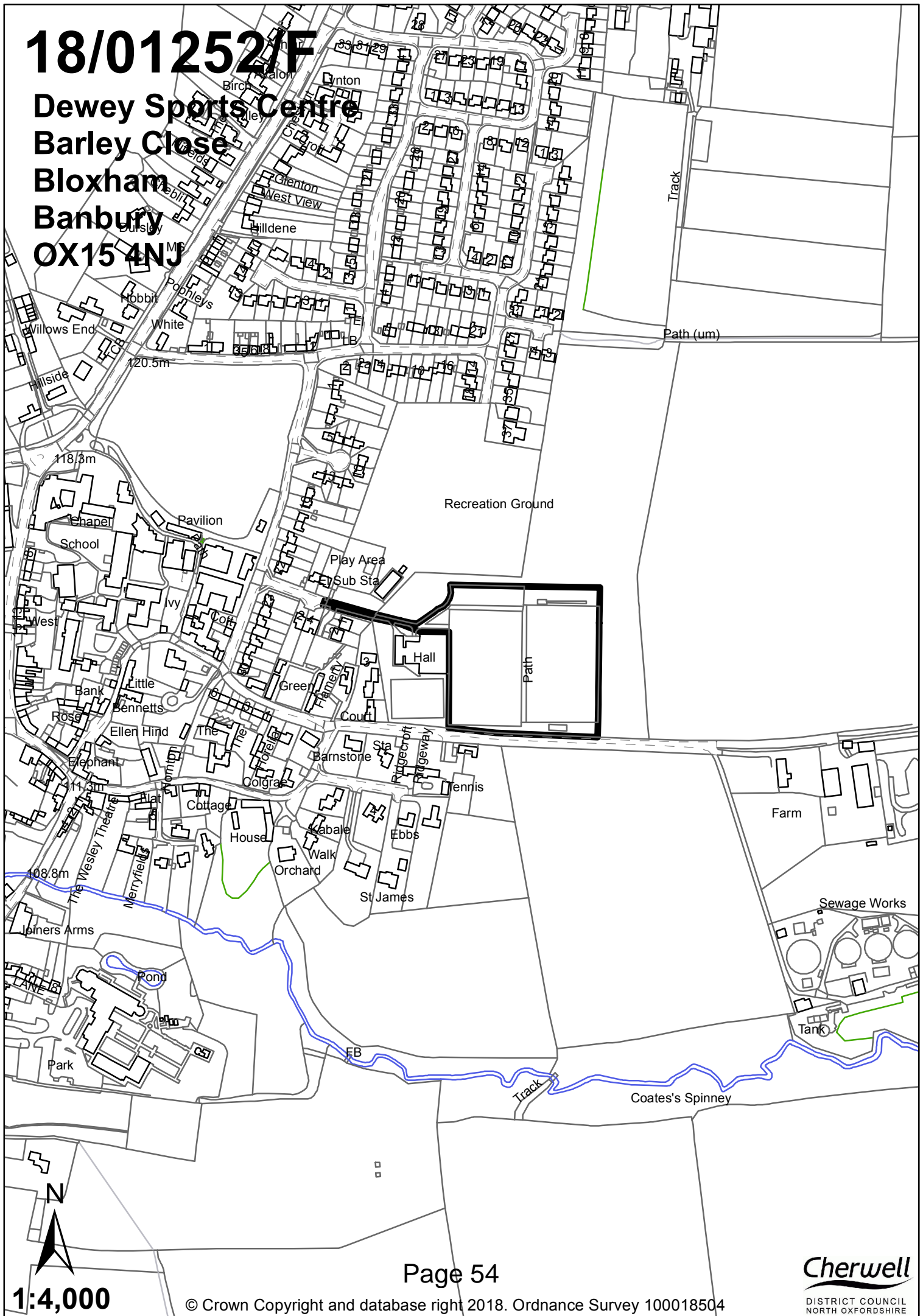
# 18/01252/F

**Dewey Sports Centre  
Barley Close  
Bloxham  
Banbury  
OX15 4NJ**



# 18/01252/F

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**18/01252/F**

**Applicant:** Bloxham School

**Proposal:** Erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping

**Ward:** Adderbury, Bloxham And Bodicote

**Councillors:** Cllr Mike Bishop  
Cllr Chris Heath  
Cllr Andrew Mchugh

**Reason for Referral:** Major Application

**Expiry Date:** 12 October 2018      **Committee Date:** 20 September 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**

Erection of 12 floodlights, extension of existing car park, relocation of long jump, and associated landscaping.

#### **Consultations**

No Statutory or non-statutory consultees have raised objections to the application.

Letters of both support and objection have been received from third parties

#### **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
- Impact on the landscape
- Impacts on the neighbouring residents
- 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.**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site comprises a pair of courts with multi-use surfaces, currently used as a hockey pitch and tennis courts that are in the ownership Bloxham School. The pitches and some surrounding land which are the subject of this application are situated on the edge of the built up limits of Bloxham and just outside the Bloxham Conservation area. The northern edge of the courts borders the school playing fields, The Ridgeway, a track largely gravelled, runs parallel with the southern boundary. There are residential properties surrounding the wider sports complex.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. The proposal involves the installation of 12 floodlights each 12.5m in height. These are required to provide enough lighting for ball games such as tennis and hockey. The floodlights would provide approximately 300-400 lumens at ground level. The proposed floodlights have asymmetric lighting profiles and would be used to direct the light to only the pitches and away from areas outside of the pitch. Whilst this will allow for pupils at the school to play for longer during winter months, the applicant has produced an indicative timetable committing to a total of 21 hours of use for external users to allow local residents to make use of the facilities.

2.2. In addition to the floodlights it is proposed to provide further car parking, with the loss of part of the adjacent playing fields. This is sought in order to relieve the pressure on the local road network by discouraging patrons from parking on the surrounding street. The expanded area of car parking would be 15m by 65m. The extension of the car park will lead to the loss of the long jump track in its present location, the sports field layout would be altered to allow for its repositioning.

2.3. The proposal also includes the landscaping of the area around the car park, with the addition of planting along the northern boundary.

2.4. The applicant undertook a public exhibition to explain the proposal to the local community on the 13<sup>th</sup> February 2018. They also sought public feedback via a questionnaire.

**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>
93/00530/N	Installation of 14 metre high floodlighting to existing all-weather hockey pitch	Application Refused
94/00617/N	Installation of 14 metre high floodlighting to existing all-weather hockey pitch	Application Refused
06/00334/F	Provision of floodlights to the playing	Application

	surface	Refused
07/02628/F	21 No. Lowland Luminaires to car park perimeter.	Application Permitted

- 3.2. The school has attempted to gain planning permission for floodlighting at the all-weather pitches on three previous occasions over the last 25 years. The initial 1993 and 1994 applications, which would have seen 8 x 14m high floodlight masts on the pitch nearest to the indoor centre, refused on the basis that the light levels would be detrimental to the nearby residents. They were also refused on the increased levels of noise and the impact on the adjacent Area of High Landscape Value.
- 3.3. A 2006 application, for 8 x 15m floodlight masts serving just the further pitch from the main gymnasium building, was also refused – and the decision upheld at appeal. The application was resisted on the grounds that it would have an adverse impact it would have on the Area of High Landscape Value.

#### 4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
18/00096/PREAPP	Erection of 12 floodlights and extension of car park

- 4.2. The pre-application report concluded that the submission did not contain sufficient information for officers to be in a position to support an application, but that it was nonetheless acknowledged that it may be possible for the applicant to overcome the officer's reservations through the submission of additional information.
- 4.3. Additional commentary was sought on the impact on the landscape and the Bloxham Conservation Area, noise reducing baffling, traffic issues and community usage of the site – including timetabled slots. There were also ongoing questions about the impact on protected wildlife, with further investigations required complimented by appropriate mitigation.

#### 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 06.09.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. Letters of objection, summarised as follows
- The proposed floodlights are LED white light at 5000K which is the equivalent of bright daylight resulting in light pollution on the edge of the village affecting the night sky, residential amenity of nearest properties and not in-keeping with the rural nature of the open countryside location, further urbanisation of Bloxham, and impact upon the nearby conservation area
  - The lighting will adversely affect nocturnal wildlife in the area including Bats, which are protected species

- No difference of proposed lighting from previous refused scheme
- AECOM have used the existing lighting in the Dewey car park and on the buildings of the Dewey Centre itself as its baseline for measuring the incremental impact of the floodlight installations. However, both of these are in breach of current planning regulations, the previously compliant low level soft car parking luminaires having been replaced by Bloxham School last year (2017) with mid height, high powered floodlighting directed across the AstroTurf pitches
- The height of the columns will mean that floodlights will be seen for a significant distance beyond the immediate surroundings and will affect views on public rights of way.
- There is no proven need for additional floodlit facilities, given that similar facilities already exist within a reasonable distance in Banbury.
- Increased noise from use of pitches into the night in this quiet area will have an enormous detrimental effect on the quality of our home life, offering very little respite from either noise or direct intrusive light, although bafflingly the documentation deems the floodlighting impact to be 'medium'.
- The current and proposed timetables submitted by Bloxham School, I note completely omit these 7am sessions, but do mention a timetable of use increasing over time. Bearing in mind that users generally arrive early and it takes around 30 minutes for the venue to be vacated, this leaves local residents with approximately 1 hour a day of respite in waking hours during the week
- Cause additional traffic congestion, which is already high
- The Bloxham Neighbourhood Plan states; 'Development outside the conservation area should protect, enhance and contribute to the rural character of the village as a whole'. This proposal does not meet that objective
- The Oxfordshire Badger Group has carried out a site visit and met local residents to assess how the lighting and increased noise and disturbance will impact on the badgers in the area.

We would like to raise our concerns regarding the impact on badgers of this scheme which we believe has been underestimated by CSA Environmental in their ecological appraisal on behalf of Fisher German LLP, in relation to Bloxham School. The appraisal recognises that 'the introduction of lighting may result in disturbance to badgers in the area' but fails to mention the badgers or any mitigation for potential loss of foraging and wildlife corridor through increased disturbance, in its conclusion.

The report states that there is evidence of badger activity only on the eastern side of the playing fields whereas we have had reports that badger activity also takes place along the southern and western borders. The badgers do have access to open countryside but the impact of the lighting and increased noise and activity should be given more consideration.

### 5.3. Letters of support, summarised as follows;

- Needed resource for the school and wider community

- Lack of leisure facilities in the area – especially after dark. This would help this situation
- I am not opposed to the flood lights, so long as the ‘residual light’ is kept to a minimum. I believe there is a benefit for the students and wider community to be had
- As a Tennis Coach at Bloxham School for 6 years, and Club Coach and long standing member at West End Adderbury, where floodlights were installed in 1992, I can vouch for the real benefits enjoyed by young players as part of the year round coaching programme, and adult league team and recreational players who all come from the local community
- Banbury Hockey Club hires the Dewy Sport Facilities most Saturdays throughout the season for league games for both junior and senior games. The introduction of floodlights would also enhance the playing experience on match days, particularly on those dark days in winter, both from a player perspective but also from an officiating perspective too. Hockey is a high paced game and player safety is paramount and therefore floodlights are essential in the modern game.
- The excellent facilities at Bloxham School, there are by far superior to other facilities in the local area. The two pitches are of a good quality which has allowed the ladies to train and play regional level fixtures on both pitches.
- I am writing to confirm that Bloxham football club fully supports your impending planning application for floodlight to be introduced to Bloxham schools all-weather sports pitches behind the Dewey sports centre.
- An increase and direct access to suitable hockey facilities is critical in providing hockey with a strong platform from which to deliver England Hockey’s strategic priorities on a National scale. Clubs and facility providers are the backbone of our sport and we need to ensure they have the facilities to expand and grow their membership
- The obesity rate of children at Primary school has risen alarmingly recently and the obesity level for adults is far too high. Inactivity/lack of exercise is a major contributing factor. The Bloxham community needs more available time after 6pm to do sport – FLOODLIGHTS would enable this to happen

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

## **6. RESPONSE TO CONSULTATION**

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BLOXHAM PARISH COUNCIL: Recognise the potential impacts on the rural nature of the village with the additional light pollution and potential impacts on residents but also acknowledges the beneficial impacts on health, well-being and educational attainment of the school’s students and wider community. If minded to approve then a number of conditions/legal undertakings are requested.

## STATUTORY CONSULTEES

Summary of comments made by the consultees below – full comments are available on the Cherwell Website

- 6.3. SPORT ENGLAND: **No objections.** The main issue for Sport England to assess was the loss of part of the playing fields. But as the facilities would be replaced elsewhere on the wider site and the car parking would be in support of additional sports use of the site being therefore ancillary to it, it was adjudged to comply with their policies.
- 6.4. OCC HIGHWAYS: **No objections.** The Highways Officer states that *‘The car park can accommodate 40 – 50 cars at present, while the extension would hold an additional 30 – 40. This significant increase in capacity should be sufficient to cater for the needs of all the sports facilities, and will help to relieve weekday parking on the highway if staff and students can be encouraged to use it rather than the local roads’.* They concluded their comments by requiring that additional lighting for the car park users and provision of a walkway to separate pedestrians was required. This can be secured by condition.

## NON-STATUTORY CONSULTEES

Summary of comments made by the consultees below – full comments are available on the Cherwell Website

- 6.5. CDC ENVIRONMENTAL PROTECTION: **No objections**, commenting as follows:

**Light:** Due to the village location, where background light will be relatively low and the close proximity to residential dwellings. The floodlights should be used only in connection with the sporting activity taking place at the grounds and not at any other time for any other purpose. The lights should also be turned off when that activity has ended and not left on while no activity is taking place.

**The following additional comments were made following the Case Officer’s request that the impact of the light from the floodlights and noise level be reappraised in light of local opposition:**

According to the report the light spill experienced by residents will be significantly lower than the guideline 5 lux for a rural environment; the operating hours are 1800-2100, which is two hours before the recommended curfew. So the only other thing I could put on there was to ensure they turn the floodlights off when the pitches are not in use.

Regarding the noise, I can’t see there being an issue based on the proposed operating hours. I don’t think they can do much more than what they have proposed (i.e. the baffling on the fencing).

- 6.6. CDC LANDSCAPE SERVICES: **No objections**, with the following comments:

Further to consideration of the above planning application. A comprehensive LVIA where there is general agreement with most of the judgments and conclusions.

The assessment of the flood lighting impact and effect appears to appropriate. I agree with following the statement:

The above assessment is based upon an appraisal of winter views. The AECOM Lighting Assessment notes that in summer when the trees in leaf, any winter filtered



views would be reduced by between 50% and 80%, while in winter these filtered views would reduce baseline effects by between 10% and 30%.

As suggested by these figures, where views of the lighting columns are filtered in the winter, during the day light hours, these would be largely screened. As in the winter months, the columns would not be prominent in views from public vantage points. When in use in the summer months when vegetation is in leaf, visibility of the lighting will be reduced where vegetation is present.

Therefore landscape proposals are required indicating the planting of a native thicket with native trees on the northern boundary eastern pitch. It is also important to retain structural planting on the northern boundary, western pitch, and the trees lining the southern boundary to The Ridgeway (information to be included on the landscape proposals). Compliance with the attached planting notes would be appreciated. A chartered landscape consultant should be employed to draw up the landscape proposals.

**Additional comments were then received after the Case Officer brought up the previous refusal of the 2006 scheme which was resisted on landscape grounds:**

Further to our discussion I thought it appropriate to ensure the existing screen trees and hedges on the southern and northern boundaries are retained and maintained under a management plan (to be given planning consent), along with the management of additional screen planting on the northern boundary. Thus ensuring maximum achievable tree cover to reduce the impact of light pollution.

The existing trees and hedges should be subject to arboricultural inspections to ascertain the health and potential risk to site users and members of the public (and users of The Ridgeway)

The additional planting on the northern boundary to include native evergreen and deciduous tree spaces at planting densities that allows for the full height and spread of canopies of each tree to be achieved without being overly competitive for individual trees, for light nutrients and water, which would result in slower growth rates than normal. The landscape consultant should therefore indicate the growth rates of the screen planting at yearly stages of 0, 15 and 25 year. Evergreen trees will provide year-round reduction of light pollution.

The management plan should take account of the current landscape institute and Arboricultural Association guidance, along with current industry (BS) standards and work practices.

- 6.7. CDC LEISURE AND SPORTS DEPARTMENT: Support the application
- 6.8. CDC ECOLOGY: After initial concerns the Ecologist offered no objections with suitable conditions to secure the mitigation of impacts on the bat population. A final bat mitigation plan was submitted by the applicant during the application process and was accepted as part of the overall submission. The Ecology Officer made the following comments in response to this document.

I do not object to the idea of compensatory habitat. In short in order to achieve an overall net gain for bats from the proposals I think they need to achieve a little more in addition to the proposed compensatory habitat and justify why additional planting and measures cannot be carried out in the affected field also.

**Concerns have been raised by a county group about the impacts on badgers by the proposals; the Ecologist has made the following comments:**

I would agree with the assessment overall that they are not of particular concern here and that no unlawful activity would occur as regards badgers by the lighting of the pitches.

## **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 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- BSC7: Meeting Education Needs
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- 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
- C31: Compatibility of proposals in residential areas
- ENV1: Development likely to cause detrimental levels of pollution

### BLOXHAM NEIGHBOURHOOD DEVELOPMENT PLAN (2015-2031)

- Policy BL9 – Policy on regard for the amenity of existing residents
- Policy BL11 – Policy on contributing to the rural character of the village
- Policy BL12 – Policy on the importance of space and key street scenes

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 including loss of part of the playing field

- Design, and impact on the character of the area including the setting of the Conservation Area
- Landscape impacts
- Residential amenity
- Highways safety
- Protected species

Principle of development including loss of part of the playing field

- 8.2. Paragraph 11 of the National Planning Policy Framework states that a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 8.4. Policy BSC 10 of the adopted Local Plan states *'The Council will encourage partnership working to ensure that sufficient quantity and quality of, and convenient access to open space, sport and recreation provision'*. It goes on to say that *'In determining the nature of new or improved provision the Council will be guided by the evidence base and consult with town and parish councils, together with potential users of the green space wherever possible, to ensure that provision meets local needs'*.
- 8.5. The proposed development would lead to the loss of 975sqm of the playing field for the new parking area plus additional area for the surrounding soft landscaping, in order to provide more parking spaces and the associated landscaping involved with this.
- 8.6. Sport England is a statutory consultee for applications where land has been used as a playing field at any time in the last 5 years and remains undeveloped. Sport England opposes development on playing fields in all but exceptional circumstances. Exception two of Sport England's provisions states the following;
- The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use
- 8.7. The applicant argues that the creation of further parking spaces is required as the current parking area is inadequate. Also there is a relatively unused and unmarked area of the sports pitches to the north of the site which the present marked areas could be moved into the create space for a replacement long jump area. Sport England concluded that the proposal would comply with aforementioned exception and that the extended car park and associated works would be acceptable in principle.
- 8.8. Policy BSC7 of the CLP 2031 Part 1 states that the Council will work with partners to ensure the provision of pre-school, school, community learning and other facilities which provide for education and the development of skills.
- 8.9. The proposals would lead to an increase in capacity for the sports facilities, which the applicant states will benefit their own pupils and the ability to timetable

effectively for them all year round. It is of interest to note that the current roll call of the school shows that 33% of the student body is made up of students with home residences from within the Cherwell area.

- 8.10. The proposals would look to enhance the existing sporting educational facilities at the school site, allowing for extended hours of use of the artificial playing surfaces for both the school and external users. The principle of development is therefore considered acceptable in general sustainability terms, subject to further considerations with regards to the relevant material considerations discussed below.

Design, and impact on the character of the area including the setting of the Conservation Area

- 8.11. Paragraph 124 of the NPPF states that: *‘Good design is a key aspect of sustainable development’* and that it *‘creates better places in which to live and work’*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 8.12. Policy ESD15 of the CLP 2031 Part 1 also states that development should *‘Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...and within conservation areas and their setting’*.
- 8.13. The proposed floodlight masts are separated from the Conservation Area by a distance of 90m at the nearest point, and the character of the immediate area around the Sports Centre – from both the Barley Close entrance and along the Ridgeway – does look and feel separate from that of the Conservation Area.
- 8.14. The rural nature of the Ridgeway in particular is important and whilst the floodlight masts will be in relatively close proximity to the boundary the present level of foliage along the boundary between the two offers a clear distinction and this is not considered to be further denigrated by the addition of the masts – which will clearly be within the confines of the existing courts.
- 8.15. From some vantages within the Conservation Area it is possible that the proposed masts would be visible, but the landscape quickly falls away and the built environment would largely shield any views of the masts. There would be a perceived ‘glow’ on some evenings from the direction of the sports pitches which would have an impact on the Conservation Area, especially given that there is no street lighting in the area. However, views would only be limited and temporary and is not considered to be harmful to the setting of the Conservation Area.
- 8.16. The extended parking area will be a continuation of the existing car parking area and will be largely screened from view by the associated landscaping. It is placed centrally on the wider site and will have little or no impact on the character of the area or the setting of the Conservation Area.
- 8.17. The proposals are therefore considered not to adversely impact on the visual amenity of the area and are thus considered to accord with policies outlined in with Government guidance contained with the NPPF and saved Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 of the CLP 2031 Part 1.

Landscape Impacts

- 8.18. Policy ESD 13 of the CLP 2011-2031 Part 1 states that '*opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, 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.*'
- 8.19. The application site is located within the existing school sports site but on the edge of the village, with approximately 40-45m separating the site of the nearest masts to the eastern boundary – beyond which are open fields. This open countryside is relatively flat stretching to the east, but falls away to the north and south. There are a number of public footpaths along the ridge to the east. From a number of the public comments and from my experience of these footpaths it is clear they are frequented by dog walkers and local residents regularly.
- 8.20. The photos taken in respect of previous applications demonstrate that the character of the area around the courts has changed, due in large part to the growth of the trees along the southern and northern boundaries of the court site and to a lesser extent along the eastern boundary – where the hedgerow is made up of smaller trees. These have helped screen the courts from wider views and are considered to separate them from the neighbouring landscape, and whilst it is appreciated that cover would be reduced in the winter time, it remains the case that they have an increased separation from the surrounding landscape. The proposals include provision for further landscaped planting along both the northern and southern borders of the courts which will further screen the courts in time.
- 8.21. This assessment is supported by the applicant's landscape and visual impact assessment which concludes that there would be a limited impact from the key receptor points. The Council's Landscape Officer concurred with the conclusions reached.
- 8.22. The 2006 refusal was resisted on the impact it would have on the surrounding landscape. The site fell inside an Area of High Landscape Value (an outdated landscape designation). As discussed above, Officers believe that the change in the level of vegetation cover in the interim, combined with the proposed landscape planting, serves to clearly delineate the separation between the open fields and the all-weather pitches. There have also been a number of approvals for floodlighting at other edge of settlement locations, referred to by the applicant, including the nearby Tudor Hall School and Warniner School. Notwithstanding the improvements to the specifics of the proposal over what was previously submitted, it is the Officer's opinion that the approvals at these sites would weaken any refusal argument based on landscape impact. It is therefore considered that the proposed development complies with Policy ESD13 of the CLP 2031 Part 1.

#### Residential amenity

- 8.23. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have a *high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*
- 8.24. There are five dwellings within 40-70m of the proposed floodlights and which have elevations with windows which face onto the site to some degree; three are along The Ridgeway – Ridgeway house, Ridgcroft and Conacre - and two along Waters Court – No.1 and No.2.

- 8.25. The 1993 and 1994 applications were refused on the grounds that the proposed lights would adversely impact the amenities of the neighbouring residents. The floodlight masts in these cases were 14m in height and the light spill they would have caused was much greater than that under the current proposals or indeed the 2006 application. Nonetheless the Environmental Protection Officer was asked to double check their assessment in the light of the local opposition to the scheme – they reaffirmed their original position in respect of the lighting and indeed noise. The Environmental Protection Officer supported the proposed additional baffling which would reduce the noise caused by hockey balls hitting the boards surrounding the courts.
- 8.26. The proposal therefore accords with Government guidance contained with the NPPF and saved Policies ENV1 and C31 of the Cherwell Local Plan 1996 and Policy ESD15 of the CLP 2011-2031 Part 1 that requires appropriate standards of amenity and privacy.

#### Highway safety

- 8.27. Policy BL9 of the Bloxham Neighbourhood Plan states that *'the impact of any additional traffic likely to be generated by the development has been satisfactorily mitigated and will not adversely affect the highway network'*.
- 8.28. The proposals for the extension of the car park facilities at the Dewey Centre will enable the applicant to reduce the impact of weekday parking on nearby public. This is considered a benefit to the local residents, a number of whom have raised issues in their comments about the level of parking in the streets around the Bloxham School. The Highways Officer has not raised any concerns about potential increases in the volume of traffic using the surrounding roads. The development therefore accords with Policy ESD15 of the CLP 2031 Part 1.

#### Protected Species

- 8.29. The NPPF states that *'the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity'*.
- 8.30. The methods and content of the submitted report(s) on the impact on protected species at the site have been largely accepted by the Council's Ecology Officer. There remains a question about the mitigation and whether it would lead to a net-positive impact on bat numbers. Whilst it is accepted that mitigation at the Dewey Centre itself would not be able to fully overcome the impacts of the lights on the bat population and the off-site proposals are welcomed, it is considered that further mitigations to improve north and south corridors on the site could be easily added and could adequately mitigate the impacts on the bat population. A condition has therefore been recommended to further improve the mitigation at the site itself.
- 8.31. The Ecology Officer was directed to the comments made by the Oxford Badger Group and noted that badgers are not a protected species and whilst there might be some limited impacts upon them, there are no known setts that would be affected by the proposals. The scheme therefore complies with Policy ESD10 of CLP 2031 Part 1.

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

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three

dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

- 9.2. In respect of the floodlights, whilst Officers are mindful of the 2006 appeal decision, particularly as this only sought to illuminate one of the two pitches, it is nonetheless concluded that the impact of the floodlights on the surrounding landscape are on balance acceptable. This assessment is based on further improvements in floodlight technology, the screening afforded by existing landscaping and the approval of other similar edge of settlement schemes within the locality. The extended car park is also considered to be acceptable in the absence of an objection from the Local Highways Authority and Sport England. The commitment to allow the local community access to the pitches also weighs in favour of the development. Based on the appraisal above, the application is therefore recommended for approval.

#### **10. RECOMMENDATION**

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary): and subject to a unilateral undertaking relating to the community use

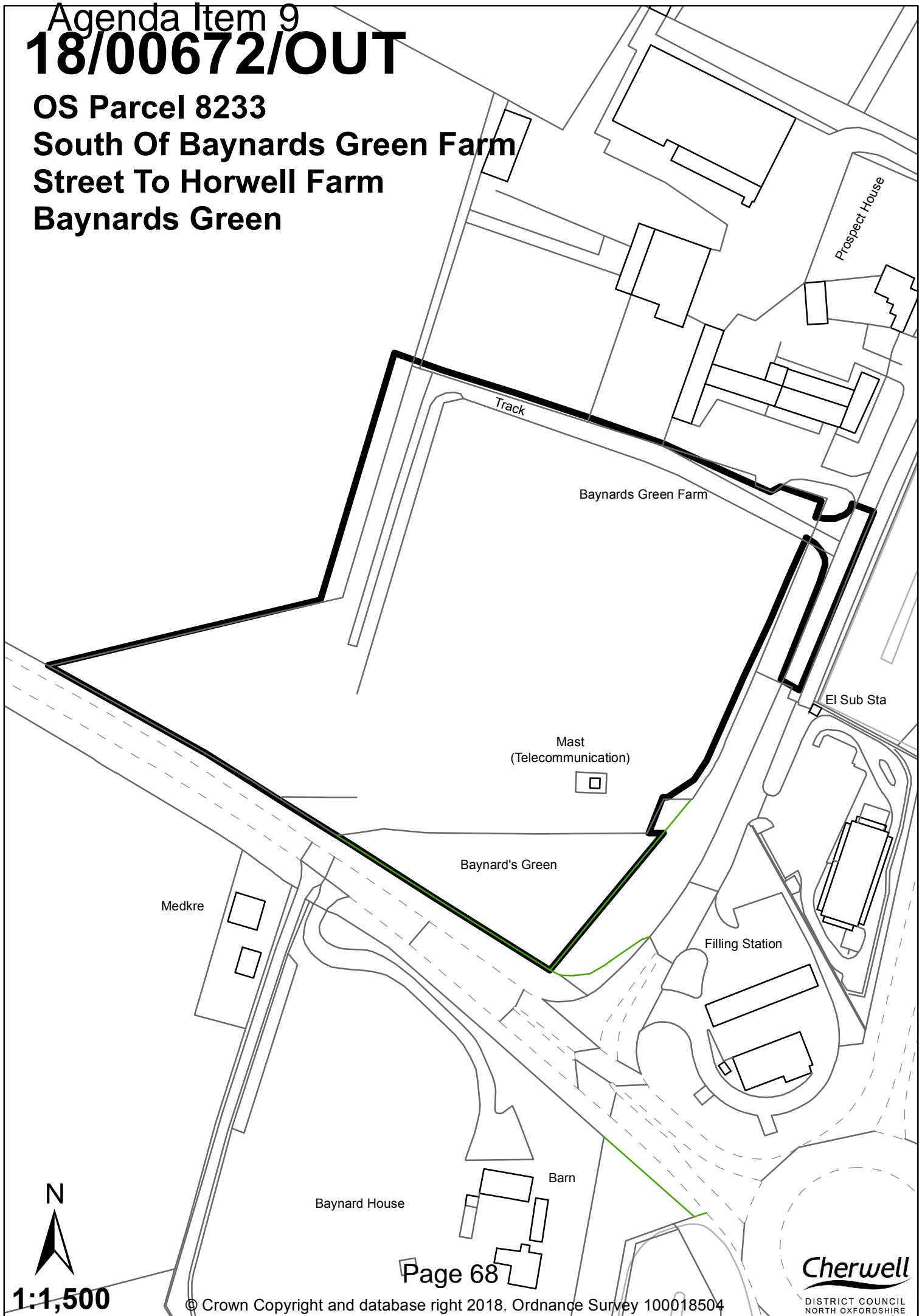
1. Time
2. Plans
3. Landscaping details
4. Increased mitigation along the north south corridor along the eastern boundary of the playing fields site
5. Layout of the proposed car parking to include sufficient low level lighting and walkways for pedestrian access
6. Times the sports pitches can be used and floodlights must not be left on when unused

CASE OFFICER: John Gale

TEL: 01295 221857

Agenda Item 9  
**18/00672/OUT**

**OS Parcel 8233**  
**South Of Baynards Green Farm**  
**Street To Horwell Farm**  
**Baynards Green**



**1:1,500**





<b>Applicant:</b>	Brunel Securities LLP And The Curtis Family		
<b>Proposal:</b>	Outline development for up to 7,161 m2 of B2 and/or B8 industrial development with ancillary offices (B1a), access and landscaping.		
<b>Ward:</b>	Fringford And Heyfords		
<b>Councillors:</b>	Cllr Ian Corkin Cllr James Macnamara Cllr Barry Wood		
<b>Reason for Referral:</b>	Major application		
<b>Expiry Date:</b>	21 September 2018	<b>Committee Date:</b>	20 September 2018
<b>Recommendation:</b>	Refuse		

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

### **Proposal**

The current proposal seeks permission to construct approximately 7,100m2 of B2 and B8 commercial floor space. The application is in outline with matters of access and landscape for consideration. The applicant states that it is intended to construct 4 units ranging from 900m2 to 2300sqm. The buildings are indicated to have a maximum ridge height of 11 metres.

### **Consultations**

The following consultees have raised objections to the application:

- Stoke Lyne Parrish Council, Ardley and Fewcott Parish Council, Mid Cherwell Neighbourhood Plan Forum, OCC Highways and CDC Landscape. The Council's Ecologist originally raised concern regarding the proposal however further information has been submitted in this respect.

The following consultees have comments/raised no objection subject to conditions to the proposal:

- OCC Drainage, Anglian Water, Thames Water, CDC Economic Development, CDC Environmental Protection, CDC Planning Policy

24 letters of objection have been received.

### **Planning Policy**

The site is not allocated in the local plan for any use and lies outside the built limits of any settlement. A listed building exists to the north of the site.

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

### **Conclusion**

The key issues arising from the amended application details are:

- Principle of Development;
- Landscape and visual impacts
- Highways
- Heritage
- Ecology

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

1. Unsustainable location for large employment site
2. Adverse visual impact to locality and wider landscape.
3. Traffic impact

## **RECOMMENDATION - REFUSE**

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

## **MAIN REPORT**

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

- 1.1. The application site is an agricultural field located to the north west of the roundabout between the A43 and B4100 at Baynards Green approximately 1km north of the M40 junction 10. The site has a gentle fall to the south east and has planting on the boundaries. A large clump of trees exists in the south east corner of the site. A telecoms mast also exists on the site and a bridleway runs along part of the eastern boundary.
- 1.2. Baynards Green Farm exists to the north of the site which contains a number of generally smaller scale commercial uses and also includes a Grade II listed converted barn immediately to the north of the application site. A petrol filling station and new McDonalds drive thru exists to the east of the site. The site is accessed from the B4100 shared with the above developments. This access is restricted with all vehicles having to exit the site in a south eastern direction towards the roundabout with the A43.

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

- 2.1. The current application seeks outline planning permission for up to 7,161m<sup>2</sup> of general industrial and distribution (use classes B2 and B8) with ancillary offices. Details of the proposed access and landscaping are provided with the current application however details of the appearance, layout and scale would be reserved for future applications. The Planning Statement notes *'Flexibility is sought within the outline planning permission in order to allow for the development to be marketed and 'tailored' to suit the requirements of potential occupiers through later reserved matters applications'*
- 2.2. The access to the site would be from the existing access serving Baynards Green Farm. The gates and fence across the road that currently restrict access to Baynards Green Farm would be removed to allow a two way carriageway with a new junction into the site. A footpath would be provided into the site from this point

but would not extend down the existing access towards the B4100 or link the development with the PFS or restaurant.

- 2.3. The landscaping plans show the retention of the existing boundary planting and the provision of new further planting on the northern, southwestern and western boundaries to strengthen the visual screening.
- 2.4. The indicative layout plans shows the provision of 4 commercial units situated around the boundaries of the site (ranging from 981m<sup>2</sup> to 2290m<sup>2</sup> (gross internal floor area) with a maximum eaves height of 8.5 metres and a maximum ridge height of 11 metres. Parking and servicing areas would be provided to the front of the units. Given that the access into and around the site is for consideration this is likely to be similar to the layout of any future reserved matters.

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

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
02/00878/TEL	Erection of a 15m Monopole mast with sector antenna, transmission dishes, ancillary radio equipment and equipment cabin (as amended plan 020/93189/01D received 23/05/02)	Prior Approval Not Required
18/00036/SO	Screening opinion to 18/00672/OUT - Outline development for up to 7,161 m <sup>2</sup> of B2 and/or B8 industrial development with ancillary offices (B1a), access and landscaping.	Screening Opinion not requesting EIA

- 3.2. The site to the north has a very complex planning history and is authorised to be used for a number of commercial uses.
- 3.3. The land to the east of the application site was subject to an allowed appeal for a new McDonalds restaurant and this is now constructed and operational (17/00172/F and 15/00758/F).

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

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

<u>Application Ref.</u>	<u>Proposal</u>
17/00184/PREAPP	Development of the site for mixed employment use (B2/B)

- 4.2. It was advised that the officers were not able to support the proposal. The proposal would be in an unsustainable location and conflict with Policy SLE1 and there would be no exceptional circumstances. It was also considered that the proposal would lead to an unjustified visual intrusion in a rural area and have an urbanising impact on the locality. It would also lead to further harm to the setting of the nearby listed barn. It was advised that Transport Assessment, Flood Risk Assessment and Ecological Survey would be required if an application were to be submitted to demonstrate whether these impacts would be acceptable or not.

## **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 31.05.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. 24 letters of objection have been received. The comments raised by third parties are summarised as follows:
- Increase in traffic and congestion in area and risk of accidents.
  - Increase in traffic through Stoke Lyne and other rural roads to the detriment of safety and amenity.
  - The TA is out of date as it does not take account of traffic flows or distribution from the new McDonalds. Congestion is much worse as is the risk of accidents. There is no footway linking adjacent uses to the site so pedestrians walk in the road.
  - No public transport.
  - There are other suitable locations/units for such development.
  - Development of green field site. Urbanisation of area. Proposal is out of scale with existing buildings. Visual intrusion of large ugly buildings in open countryside
  - Increase in pollution and light pollution. Noise impact on neighbouring properties from proposals.
  - Insufficient sewage capacity and water supply.
  - Impact on wildlife.
  - No local unemployment issue so claims are spurious.
  - Although the HELAA Assessment for this site (HELAA 213) states that it is "Suitable, Available, Achievable" you do qualify this by also stating that "The site could potentially be suitable for employment as an extension to the existing Baynards Green Trading Estate. Possibility of accommodating small units similar to the surrounding buildings". The proposal does not meet this criteria and so should be deemed "Not Suitable" Furthermore, site HELAA 213 is in very close proximity to sites HELAA 214 and 215 which are stated to be "Not Suitable" as "The Plan does not make provision for new residential or employment development at Junction 10. Development would entail the creation of a new growth location". Given their close proximities to each other, if sites HELAA 214 and 215 are not suitable, so by extension must be site HELAA 213
  - Future precedent for further development in area and it is understood that developers have options on other land in the area.
  - Impact on property values.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## **6. RESPONSE TO CONSULTATION**

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

#### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. STOKELYNE PARISH COUNCIL: **Objects.** The proposal is contrary to Policy SLE1 and is outside the built limits. It is not adjacent to a category A settlement and is remote for the labour force and would not reduce the need to travel. It is not the type of employment sought in the district. The proposal does not comply with the HEELA which suggests the site could possibly be used for small units. The HEELA suggests other adjacent sites are not appropriate for development as it would result in an unplanned growth point at junction 10. It would also detrimentally impact on the landscape and visual amenity of the area and be alien in the open countryside setting. The proposal would detrimentally impact on traffic and congestion and rat running through the village and does not take account of HS2 and East West Rail project. The proposal could set a dangerous precedent. The Local Plan inspector considered there was no need for further large scale employment and none strategic sites could be considered under Part 2 of the Local Plan and raised concerns over the visual impact and traffic implications of such development. Existing allocation employment sites already allow of sufficient employment land supply. The current proposals represent unsustainable development, of the wrong type, on the wrong land and in the wrong place.
- 6.3. ARDLEY AND FEWCOTT PARISH COUNCIL: **Objects.** Proposals are visually intrusive and have a total reliance on travel by car. The proposal is remote from settlements. Junction 10 is already congested and the road system cannot cope with further development. They disagree with the TA. Proposal would set a dangerous precedent. The Application is not a small scale trading estate similar to the adjacent site, but is a stand alone, large scale warehouse/office development.
- 6.4. SOULDERN PARISH COUNCIL: **Comment.** The proposal does not adequately address the removal of sewage from the site. There have been problems in the village with McDonalds connecting to the system. Would not wish to see any further development being connect to the system.
- 6.5. MID CHERWELL NEIGHBOURHOOD PLAN FORUM: **Object.** Site is immediately adjacent to the designated NP area. Support Ardley and Fewcott Parish Council objections. Particularly concerned regarding increase in HGV movements in the villages. This is cumulative with other developments such as those at Heyford Park. The proposal will have an unacceptable impact by increasing local traffic.

#### STATUTORY CONSULTATION

- 6.6. OCC HIGHWAYS: **Object.** The development is not considered to be sustainable in transport terms remote from public transport, walking and cycling opportunities and settlements. The Transport Assessment submitted is not robust to fully assess the transport impacts of the development. The diversion of the bridleway is not within the red line. The Travel Plan and drainage strategy will require additional information which could be conditioned. Comments are awaited on the amended information.
- 6.7. If granted request contribution of £30,000 towards public rights of way improvements and £2,040 to travel plan monitoring
- 6.8. HIGHWAYS ENGLAND: **No objections.**

- 6.9. THAMES WATER: With regard to sewerage and sewage treatment, this comes within the area covered by Anglian Water PLC. Thames Water have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal and as such details will need to be secured by condition.
- 6.10. ANGLIAN WATER: **No objections.** The applicant has indicated on their application that their method of foul water drainage is not to a public sewer. Therefore, this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency to gauge whether the solutions identified are acceptable from their perspective. We request that the agreed strategy is reflected in the planning approval. Note that the submitted Flood Risk Assessment, page 9 paragraph 6.1.2 states the following:

*“Foul drainage is generally outside the scope of this report which considers surface water only however for completeness the foul drainage solution is briefly outlined as follows: There are no public sewers within a practical distance of the site and therefore an on-site packaged sewage treatment plant is proposed for the site, discharging treated effluent to the central drain.”*

Therefore request that the FRA is listed as one of the approved plans/documents if permission were to be granted and therefore the development would not be connecting to the public network.

- 6.11. ENVIRONMENT AGENCY: Comments are awaited regarding use of non mains drainage.

#### NON-STATUTORY CONSULTEES

- 6.12. CDC ECONOMIC DEVELOPMENT: **Comment.** Share the concern that the market appears not to be naturally providing for the needs of small and medium-sized businesses in the 1,000 and 3,000 sq.m size category, instead favouring larger format units. However, considers more evidence of ‘exceptional circumstances’ and in particular why modern small and medium sized (SME) units are not viable components of the large site allocations on employment land locally, especially in Bicester where key sites are now being developed.
- 6.13. In Bicester, the Council’s economic growth service has worked with a range of local businesses needing to relocate due to planned redevelopment of their sites. Most have been able to expand locally, including into the 1970s units around Launton Rd (many of which have been refurbished to meet the modern needs of SMEs whilst remaining close to residential areas). Some units nevertheless remain empty, including the refurbished former Unipart building and other leasehold buildings. It is unclear from the report if the only reason why such buildings are not in demand is because they are not offered for freehold sale?
- 6.14. In terms of need, the most challenging relocation examples have been those SMEs having to relocate from low-cost yard and dated - but suitable for their needs – industrial premises based around Bicester Village railway station. Rail, retail, office and parking uses have replaced established uses and the businesses have had to relocate outside Bicester, including several to an established yard site on the Aynho Rd near Baynards Green and others outside the district.
- 6.15. Recently, the established industrial area of Bessemer Close has lost a key site to residential use –which would have been ideal to accommodate some of the units now being proposed at Baynards Green. At the Appeal Hearing, the loss of employment land *specifically to meet the needs of small businesses* was not considered by the Inspector (apparently due to lack of evidence) and as a result

residential development will be built alongside established commercial operations at Bessemer Close with the potential for further operational constraints on business occupiers.

- 6.16. In both Bicester and Banbury, the adopted Local Plan has released considerable amounts of land for commercial development but this has tended to be purchased by large-format specialists and is gradually being developed for the needs of regional/national businesses. Link 9 at Bicester is including smaller units which appear to be in demand and the economic growth service has guided SME enquiries to the agents and developers of the larger sites to encourage a wider provision of premises.
- 6.17. Jobs and travel -There could be negative impact upon the adjacent strategic highway network but I would question the overall impact and whether it could be mitigated by capital works which could benefit this junction of the A43. For recruitment and retention of staff, it would be preferable for the businesses, workers and the environment to be closer to residential areas. It is unclear whether the applicant is proposing to enhance public transport services based upon projected needs and to reduce the impact of the development? It would also be helpful to understand the nature of occupiers and where their workers would live and travel to and from?
- 6.18. Conclusion - In principal, commercial investment is to be welcomed alongside the Council's economic growth objectives to enable businesses to flourish, creating job opportunities and prosperity locally. The Local Plan and market has evidently provided for some of those needs - particularly for larger occupiers - but may not have provided for all needs. Anecdotal evidence exists but to demonstrate 'exceptional circumstances' for this site ahead of Part 2 of the Local Plan, it would help to have stronger evidence of urgent need/demand and to demonstrate why the large allocated sites cannot provide for this nearer to residential areas to assist recruitment by future business occupiers and contribute the wider objectives of the Local Plan.
- 6.19. CDC ECOLOGY: **Comment.** Request further details of the ecological broadleaf woodland in the south east corner of the site. A pre-commencement badger check will be required and precautionary working methods for reptiles. The information on Great Crested Newts is noted however if the ponds nearby support populations the likelihood of the being present may be slightly higher. The working methods for amphibians and reptiles are ok but the sting of the hibernacula will be important. Raises queries on relation to whether the proposal will lead to net gain.
- 6.20. CDC ENVIRONMENTAL PROTECTION: **No objections.** Request details that details of noise of plant and equipment be secured by planning condition. Also request conditions for construction environmental management plan, remedial land recommendations and EV charging points.
- 6.21. CDC LANDSCAPE SERVICES: **Object.** The proposed development is dense with the buildings located on the periphery which increases their impact. A building height of 11m is lower than the potential height of some trees. The interior of the proposal is one large car park with little room for landscaping which is very urban in character. Considers the LVIA is appropriate and proportionate for the scale of the development and largely agrees with findings that not likely to be any more than moderately visible in the wider landscape and from some viewpoints will have minor additional effects. Colour of buildings, finish and lighting need to be carefully considered. In conclusion. In landscape and visual terms have no objection to some development on this site but due to its semi-rural nature a more sensitive layout should be proposed. Buildings should be set back from the boundaries, Planting



separating buildings and flowing between them to provide an improved visual appearance both within and close to the site. The current layout looks as though it has been dropped on the site without any sympathy for the semi-rural nature of the location. Would like to see an improved layout, sympathetic buildings and a landscape led design.

6.22. CDC BUILDING CONTROL: **No comments.**

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE4: Improved Transport and Connections
- ESD1: Climate Change
- ESD6: Flood Risk
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

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

- C8: Sporadic Development
- C28: New development design
- ENV1: Pollution Control

7.3. Other Material Planning Considerations

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

## **8. APPRAISAL**

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

- Principle of development
- Landscape and visual impacts
- Highways
- Heritage
- Ecology
- Other matters

## Principle

- 8.2. Planning law requires that planning decisions are determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF reinforces this and states the planning system should be genuinely plan led in seeking to deliver sustainable development. The Council has an up to date Development Plan consisting of the Cherwell Local Plan Part 1 (CLP) (2011-2031) and the Saved Policies of the Cherwell Local Plan 1996.

### *Planning Policy and Guidance*

- 8.3. The most relevant policy in respect of the principle of new employment development is Policy SLE1 of the CLP Part 1 which seeks to guide new employment development in the most sustainable manner in accordance with Policy ESD1 of the CLP Part 1 and advice in the NPPF which states the economic, social and environmental aspects of sustainable development should be pursued in mutually supportive ways. Policy SLE1 has a strong urban focus for new employment development to reduce the need to travel by placing employment opportunities near the labour force amongst other objectives. It goes onto state that justification will be required for new employment sites in rural areas with applicants required to demonstrate a need for and the benefits of employment and explaining why the development should not be located at towns close to the proposed labour supply. It goes onto state where development is justified in the rural areas it should be located within or on the edge of Category A settlements unless exceptional circumstances are demonstrated. In addition to the above requirement for justification and exceptional circumstances Policy SLE1 also contains a number of criteria proposals in rural areas will be assessed against including:

- Very high design standard
- Small scale unless it can be demonstrated that there would be no significant impact on the surrounding environment.
- There are no other available plots or premises within existing nearby employment areas.

- 8.4. Paragraph 82 of the NPPF notes decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for storage and distribution operations at a variety of scales and in suitably accessible locations. Paragraph 84 notes that sites to meet local business needs in rural areas may need to be found adjacent or beyond settlements in areas not well served by public transport. In these circumstances it is important to ensure development is sensitive to the surroundings and exploit opportunities to make the location more sustainable. It goes on to state that the use of previously developed land and sites that are physically well related to settlements should be encouraged.

### *Conflict with Policy*

- 8.5. The proposed site is located in an isolated rural location away from any towns or settlements (including category A settlements). The scale and nature of employment provision proposed would be more appropriately located in a town near the labour force and where opportunities for sustainable transport solutions exist. It is therefore necessary to consider whether the applicant has justified the proposal and whether they are 'exceptional circumstances' in line with Policy SLE1 which exist to support the development.

- 8.6. The development is being proposed on a speculative and flexible basis although the applicants do state there has been interest in the site. It is in this context the application is assessed. The applicants supporting statement argues that there is a gap in local planning policy at the non-strategic level given that work on Local Plan Part 2 has been delayed however officers consider cases for new employment development can be considered on a case by case basis using Policy SLE1 and this in itself if not a reason to grant new development which conflicts with the approach in Policy SLE1.

*Applicant's justification*

- 8.7. The applicants have submitted a justification statement for the proposal prepared two local commercial agents, White Commercial and VSL and Partners. This assesses industrial and warehousing land in Cherwell. The document particularly focuses on the demand and availability of sites for buildings in the 1,000m<sup>2</sup> and 3000m<sup>2</sup> range as the applicants state that this is the market the current proposal would be targeting and where they consider there is a shortage in supply. However the application is made in outline and a scheme could come forward for different sized units outside of these parameters if outline permission were to be granted without any planning conditions which restricted the size range of the units. It is also interesting to note that the local agents who have provided the justification for the application are also speculatively marketing the site and the marketing information includes an option within their marketing material for one large unit (see appendix 1).
- 8.8. The applicants argue that whilst there is almost 200ha of land allocated in the Local Plan for B1,B2 and B8 purposes these focus on office development and sites for larger scale units in excess of 5,000m<sup>2</sup> and very few of the allocated sites are delivering the size of unit which meets the needs of small and medium sized businesses which the applicant considers there is considerable unmet demand. They also consider that there is limited availability of this size of unit in existing stock and that no other sites are coming forward or suitable for this type of development. They indicate this is restricting the growth and opportunities for this type of business stifling economic growth in the district.

*Response to Applicant's Justification*

- 8.9. In terms of supply the Local Plan does allocates large employment sites in Banbury and Bicester and also Upper Heyford. These allocations do not have parameters on size of units and have been broadly market lead where they have been developed. The applicant has concluded on the allocated sites by stating that 'Bicester 11: Land at North East Bicester' is the only site that would provide similar units to that currently being proposed. This site is currently being partially developed for similar sized units and 3 of them are being actively marketed at the current time so are available to businesses.
- 8.10. The applicant has discounted many of the other allocated sites. However this appears to be based on little evidence and many of the sites remain undeveloped with a significant uncertainty on what size of unit or types of employment that will be delivered on sites. Officers consider some of these sites may be suitable for similar development to that proposed and ultimately it would be market forces and the planning constraints to determine what size of unit are delivered on them. For example north-west Bicester (Bicester 1) has outline planning consent (17/01090/OUT) for considerable amount of employment space (B1, B2 and B8). The applicant discounts this as they consider it will be delivered for larger units and it is unclear when it will be brought forward. Officers consider that this site could provide an option for such development if market forces dictated and the

assumptions of the applicant do not appear to be supported by evidence. The applicant also discount Bicester 12: South East Bicester, RAF Upper Heyford, and Banbury 15 however officers consider that all of these may be suitable to accommodate such development and the applicant has not demonstrated with any level of certainty that similar types of employment uses could not be developed on the site with a willing landowner. Some claims such as the viability of some of the sites is not supported by any evidence and it is noted that when the site were allocated in the local plan the viability of the sites would have been considered and deemed deliverable. Overall officers consider that sufficient land remains allocated to provide for such development if there are willing landowners looking to develop sites. The delivery of allocated sites is currently being market lead which the applicant considered is resulting in larger scale employment units. However it is logical to consider that if there is high demand for smaller units this would be likely to result in sites coming forward for smaller units as there are no restrictions in the development plan in regard to the size of units.

- 8.11. The applicant has also discounted other sites considered suitable for employment purposes in the Housing and Economic Land Availability Assessment (HEELA) however again many of these appear to be discounted on the basis of very little evidence.
- 8.12. The availability of existing units on the market within this size range has also been considered. Officers have updated this information using two commercial property websites (White Commercial and Cherwell-M40). This shows a number of units of a similar size range being available (see appendix 2) including a number of new and refurbished units which may serve the needs of this type of business. The applicant discounts these as not being suitable for many businesses due to the age, quality of the stock and the limited eaves heights of some of the buildings. However whilst it is acknowledged that the proposed development would lead to the provision of additional choice and quality of stock in light of the above analysis it is not considered to result in an exceptional circumstance in terms of lack of supply or opportunities. The application is proposed as a speculative development and therefore the requirements of future occupiers are not known and therefore discounting these units using generalised constraints is not considered to carry significant weight particularly as many similar units to those available are occupied by successful businesses demonstrating businesses can operate from them successfully.
- 8.13. In terms of the demand for new units of the size proposed, White Commercial and VSL have stated that 47% of enquiries to them for industrial and warehouse facilities relate to units of 1,000sqm to 3,000sqm. They also state that 50% of enquires require freehold premises. There are not any details on the time period over which this data was collected or how many enquiries in total it relates to. There is also very little details of these enquiries to assess how strong the enquirers intentions to move were, whether they are based in the district and whether there search resulted them in finding suitable premises. There is also very little detail on why other premises were not suitable for businesses or whether, in the absence of finding a suitable premises, the proposed development would have been suitable to serve the business's needs. They state that they have 5 companies with requirements for units 2,500 – 5,000sqm in Oxford, Banbury and Bicester which have been advised by developers of the larger allocated sites that accommodation will not be considered at Central M40, Banbury 40 and Symmetry Park. They also point to a Taiwanese Manufacturer interested in a unit of circa 1,500sqm who had only 1 unit to consider in Bicester which is about to be purchased by another party.
- 8.14. Whilst there has been interest in the speculative marketing of the proposal this is not unexpected. However it is considered that the evidence submitted falls short of

demonstrating an exceptional case in terms of overriding demand. It is considered there needs to be compelling evidence to support an exceptional circumstance argument as to accept a lower degree of evidence could result in sporadic development in unsustainable locations across the district. Furthermore it is also unclear what level of demand the applicants consider there is for such type of development and accepting such generalised arguments could make it hard to resist future applications for similar proposals on the surrounding land leading to an unplanned growth point at junction 10 of the M40.

- 8.15. The applicants also argue that many prospective occupiers for units of this size wish to have freehold of properties and the proposed development would provide this opportunity. Whilst this is noted there would be no way to secure this through the planning system and a future developer or investor may buy the site and only offer the units on leasehold. Furthermore it is noted that the proposed development is being actively marketed for sale or to let. Therefore this only carries limited weight.

#### *Summary*

- 8.16. In summary it is considered that whilst the applicants arguments regarding the supply and demand of industrial and storage units in the size range 1,000sqm to 3,000sqm is not without merit, it falls short of being an exceptional circumstance for the reasons on supply and demand outlined above. Officers consider that it would be very difficult for an applicant to demonstrate exceptional circumstances based on a speculative scheme and a generalised need. Therefore it is considered that the proposals conflict with Policy SLE1.

- 8.17. The scale of development proposed would create a new commercial estate in a geographical unsuitable area which is at some distance from the workforce, with very limited opportunity for walking or cycling or any meaningful public transport links resulting in a total reliance on private car, contrary to ESD1 and advice in the NPPF. Based on the information provided it is not considered there is sufficient justification for the development to warrant an exceptional circumstance and that there is no overriding need for the development at the current time. It is considered this type and scale of development should be located on an existing or allocated employment site within an urban area or considered as part of the preparation of Part 2 of the Local Plan. The scale of the proposal would not be appropriate for a rural context in light of the current policy context and would conflict with the environmental objective of sustainable development. It could also set a precedent for the creation of an unplanned growth point for new commercial development at Junction 10 of the M40 which could set a precedent for further incremental growth further undermining the sustainable strategy outlined the Development Plan.

- 8.18. The applicant has noted that the site is noted as being suitable, available and achievable in the Housing and Economic Land Availability Assessment. However it is important to note that this document only forms part of the evidence base for the preparation of the local plan and does not carry the same weight as the Development Plan which has been subject to robust examination and is the starting point for planning decisions. As such it is not considered that its inclusion in this document outweighs the conflict outlined above. It is also interesting to note that whilst the application site has been noted as 'suitable' the sites immediately to the east and the south of the site were considered to be not suitable or achievable with the comments stating: *'The plan does not make provision for new residential or employment development at junction 10. Development would entail the creation of a new growth location. Its future consideration would depend on an examination of need and issues for the next plan review.'*

- 8.19. The applicant has indicated that the proposed development would be likely to directly generate between 102 – 192 jobs (based on the HCA employment densities) and support the wider economy through the multiplier effect. They also state that the proposal would provide opportunities for employing residents who live in the rural areas and support the Council's ambitious growth plans. Whilst these benefits are noted and carry weight in the planning balance, they are not considered to result in the creation of an exceptional circumstance or outweigh the harm resulting in the conflict with the council's employment growth strategy.
- 8.20. Overall it is not considered that the proposal is justified or that the applicant has demonstrated exceptional circumstances in line with Policy SLE1. The provision of additional employment sites will be considered as part Local Plan Part 2 and it is not considered there are ground to permit the scheme ahead of this. The principle of development would conflict with Policy SLE1 and ESD1 of the CLP Part 1 and advice in the NPPF which together seeks to guide new employment development to the most sustainable locations reducing the need to travel.

### Landscape and visual impact

#### *Policy and Guidance*

- 8.21. Policy ESD13 states proposals will not be permitted if they would cause undue visual intrusion into the open countryside, be inconsistent with local landscape character or harm the setting of listed buildings. Policy ESD15 states that new development will be expected to complement and enhance the character of its context through sensitive design and siting. Saved Policy C8 seeks to resist sporadic new development in the open countryside which is consistent with the NPPF which seeks to ensure that planning decisions recognise the intrinsic character and beauty of the open countryside.

#### *Impact on application site and surroundings*

- 8.22. The application site is located in area with relatively strong and defined hedgerows and the localised topography is relatively flat. The immediate locality is characterised by a small grouping of buildings consisting of the petrol station, drive thru restaurants and buildings at Baynards Green Farm in a rural landscape isolated from settlements. The presence of the A43 impacts on the landscape value immediately to the east of the site however to the north and west of the site and further to the east of the site the landscape value of the area is higher given the rural and relatively unspoilt nature of the landscape.

- 8.23. The existing hedgerow and trees around the site would be largely retained. On the northern boundary there is a 4-6m high hedge with interspersed trees of around 14-17 metres high. On the eastern boundary vegetation heights are approximately 4-8m and the south east corner there is a copse of trees estimated to be 17m or greater. The south west boundary planting is approximately 5-10m high. On the western boundary the trees are 5-7m high and part of the southern element of this boundary does not contain significant planting. It is proposed to strengthen the planting on the northern, south western and western boundary with new native shrubs/hedgerow and tree planting.

#### *Impact on character of area and wider views*

- 8.24. The proposal is accompanied by a Landscape and Visual Impact Assessment which concludes that the impact on the landscape would be moderate at completion of the development and reduce to moderate/minor after 10 years given the mitigation proposed. This means it would be out of scale with the landscape

and/or result in the partial loss of characteristics of the site. Guidelines for the landscape character area include maintaining the sparsely settled rural character of the landscape by concentrating new development in and around existing settlements and strengthening the field pattern by planting-up gappy hedgerows. The development would strengthen the existing hedgerow however the proposal would be harmful to the landscape character by adding buildings of considerable scale and bulk to the sparsely settled rural landscape albeit in the context of some existing buildings. Overall the urbanisation of the site would change the landscape character of the site and lead to an urbanisation of the area and be harmful to the immediate landscape character of the site.

- 8.25. The visual impacts of the development are likely to be experienced within 2km of the site. The most significant visual impacts would be experienced from users of the public rights of way (367/13/10) which exists to the west and north west of the site and currently has a high level of amenity. Given the relatively open nature of this boundary vegetation at the current time the development would be highly visible to users of this route and the visual impact is likely to be moderate/major on implementation reducing to moderate after the proposed mitigation planting on this boundary has matured (after 10 years). The proposal would also detrimentally impact on the users of the right of way along the proposed access (367/29/10) however the impact on this would be lesser as the amenity of the right of way is already impacted by the existing uses such as the petrol station and drive thru. Views from adjacent to the site would be screened to some extent up the vegetation on the boundary however views are likely to be available of the buildings particularly in the winter months.
- 8.26. The proposal would also be visible from the roads (including the B4100 and minor roads) to the east of the A43 where the landscape is more open. The upper parts of the building would be likely to be visible from numerous points along these routes and significantly contribute to urbanisation of the junction and add to the bulk of built development in this open countryside setting. The scale of the building would be out of scale with the existing buildings which are visible which would add to this visual harm.

#### *Summary*

- 8.27. Whilst the layout is reserved for future applications, given that amount of development proposed and taking into account the indicative layout submitted and the statements of the application, it is likely that the building will be located on the periphery of the site which increases the visual impact of the proposal. Furthermore whilst it is noted landscaping would be provided around the boundaries of the site there would be limited scope of plating within the site.
- 8.28. Overall the proposal is therefore considered to result in harmful landscape and visual impacts to the surroundings. This would be contrary to Policy ESD13 and ESD15 of the Cherwell Local Plan and Saved Policy C8 of the 1996 Local Plan.

#### Highways

##### *Policy and Guidance*

- 8.29. Policy SLE4 of the Cherwell Local Plan Part 1 states that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. The NPPF has a similar and also requires that safe and suitable access is achieved for all.

##### *Location of site*

- 8.30. The poor geographical sustainability credentials of the site, as a result of its location away from any settlement, and the conflict with the employment land strategy in the development plan is outlined above. This concern is further supported by chapter 9 of the NPPF and is a significant short-coming regarding the proposal. The arguments are not repeated here however the County Council have also objected to the application on this basis.

#### *Transport Assessment*

- 8.31. The Highways Authority has also objected to the application on the basis that they do not consider that the submitted Transport Assessment is robust to make an informed assessment of the traffic impacts of the development. This originally included the assumptions the applicant had made regarding trip generation and distribution being misrepresentative and the not taking account of committed development meaning that future available capacity at junctions was likely to be overestimated. Further information has been submitted which sought to address the concerns of the highway authority. Whilst they are now satisfied that the trip generation figures are reliable they still remain object to the proposal on other grounds.
- 8.32. The highway authority consider that an up to date traffic and turning count is required for the site to understand the traffic impacts of the development and the trip distribution to and from the site. This also would need to take account of local committed development which the current submission fails to do. Furthermore no detailed assessments of the junctions have been undertaken such as the impact on the junction into the site from the B4100 or the A43/B4100 roundabout. Whilst the number of trips generated by the site may be relatively minor when compared to the flows through the roundabout A43/B41000 roundabout, they will be significant when added to the movements to/from the private road leading to the site from the B4100. Given the proximity of the access from the B4100 to the roundabout it is crucial that westbound B4100 traffic is not impeded by vehicles waiting to turn right into the site and based on the evidence submitted to date it is not possible to reach a robust conclusion on this matter. Whilst it is noted the Highways England who are response for the A43 have raised no objection this does not negate this concern.

#### *Impact on Rights of Way*

- 8.33. The proposed development will also impact on the users of the rights of way running adjacent to the access to the site and will increase the level of HGV traffic and other vehicles which conflicts with this bridleway. Originally the applicant had proposed to reroute bridleway and the Counties Rights of Way Officer had raised a number of concerns regarding this. The proposal now proposes to retain the bridleway on its existing alignment with dropped kerbs and warning signs at the access. Subject to detailed approval of surface and with this is considered to be acceptable. Whilst it is noted that the applicant is prepared to investigate the possible alterations and improvements to the local bridleway network in the vicinity of the site, this in itself would not make the site sufficiently sustainable (in transport terms) given the nature and distance of the routes and that fact that no suitable public transport currently exists.

#### *Travel Plan*

- 8.34. Concerns have also been raised over the adequacy of the Travel Plan however these matters could be addressed through planning conditions when further details are known regarding the scheme.

#### *Summary*



- 8.35. Overall it is therefore considered that the applicant has failed to robustly demonstrate that the traffic impact of the development on local junctions would be acceptable and not lead to highway safety concerns. As such the proposal is contrary to Policy SLE4 of the Cherwell Local Plan and advice in the NPPF in this respect.

### Heritage

- 8.36. A Grade II listed converted barn exists to the immediately north of the application site and forms part of the existing commercial uses to the north.

#### *Policy, guidance and legislation*

- 8.37. Paragraph 196 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. It also states the more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm loss should require clear and convincing justification. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is have to the desirability of preserving listed building and their setting.

#### *Impact on listed barn and its setting*

- 8.38. The listed barn was historically associated with Baynards Green Farm and its setting has significantly altered over the years being situated to the rear of a service station and viewed in the context of a number of commercial uses. The existing site is visually separated from the barn by a mature hedge and tree belt and there is limited inter-visibility between the sites and the contribution the application site currently makes to the setting of the building is neutral.
- 8.39. The alterations to the barn itself (conversion to offices) and the surrounding area (with the provision of additional buildings) have clearly caused some harm and the proposed development will cause some limited additional harm by further eroding the rural setting of the building. The indicated height of the proposed buildings means that they may be visible from the area surrounding the barn. The existing hedge and tree line would be retained and strengthen to help mitigate the impact. Therefore the impact on the setting of the listed building is considered to be in the lower order and whilst not significant does weigh against the development to some extent.

### Ecology

#### *Policy, guidance and legislation*

- 8.40. The NPPF sets out that planning should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and provide net gains in biodiversity where possible. Policy ESD10 reflects the requirements of the NPPF and seeks to ensure the protection and enhancement of biodiversity. The Council also has a legal duty set out at Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that "every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity".

#### *Impact on wildlife*

8.41. The application has been accompanied by an ecological appraisal which includes the results of reptile surveys which found no reptiles. The main habitat that will be impacted upon would be the loss of semi improved grassland and areas of scrub and trees. An area of mixed semi-natural woodland is located on the south eastern corner of the site however this would not be directly impacted upon by the proposal but does form part of the application site. Overall it is concluded that the habitats that would be impacted upon are common to the local area. There is considered to be a low likelihood of Great Crested Newts being present on the site and there is no evidence of badger setts on site. Furthermore the existing areas of bat foraging would be retained.

#### *Biodiversity enhancements*

8.42. Biodiversity enhancement are proposed through a native planting scheme, management and enhancement of the mixed semi-natural woodland in the south east corner of the site, provision bat boxes and lighting proposals in accordance with the Bat Conservation Trusts guidance. These would be secured through the provision of a Landscape and Ecological Management Plan secured by way of a planning condition to deliver a net gain in biodiversity. The Councils Ecologists comments on the latest ecological information are awaited and will be reported to committee in an update.

#### Other matters

#### *Flooding*

8.43. Policy ESD6 and ESD7 of the Cherwell Local Plan seeks to manage flood risk and require the use of sustainable urban drainage systems where possible. Infiltration testing has been undertaken on the site which demonstrates that infiltration is likely to be a viable means to dispose of surface water however as the site lies over a primary aquifer they have advised that a 1 metre clearance must be maintained between the base of the infiltration device and the ground water level to protect ground water. Concerns have also be raised over that the drainage strategy as it has not considered a +40% climate change allowance. Further details are also required including consideration of events if the SuDS where to fail and detailed management and maintenance plans. However given that the application is in outline it is considered that these matters could be dealt with through planning conditions.

#### *Impact on residential amenity*

8.44. Policy ESD15 of the Cherwell Local Plan Part 1 requires a good standard of amenity for future and proposed residents. Saved Policy ENV1 seeks to restrict development which would be materially harmful by way of noise or air pollution. The existing environment is already has a relatively high background noise level with the presence of the A43 and M40 in the locality. It is considered that given the application is in outline form planning conditions could be imposed on any planning consent to ensure from any plant and equipment would not exceed existing background levels. The proposed development is considered to be a sufficient distance from the neighbouring residential properties not to unacceptably impact on the outlook, privacy or light.

#### *Sustainable construction*

8.45. In terms of sustainable construction, Policy BSC3 required all new non-residential development to meet at least BREEAM 'very good' standard and this could be secured through a planning condition. Furthermore the document indicates that

electric vehicle charging points would be provided on site to reduce the impact on air quality and support the national policy to support such provision.

#### *Foul Drainage*

- 8.46. Souldern Parish Council has raised concerns regarding the ability of the existing sewerage network to accommodate the proposed development. The applicant has indicated that foul drainage will be disposed of by an on-site packaged sewage treatment plant. Comments from the Environment Agency are awaited in this regard. Thames Water have advised there is an inability of the existing network to accommodate this proposed development and therefore full details of this would need to be secured by planning condition.

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

- 9.1. Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. In this case the proposal is considered to conflict with Policies ESD1 and SLE1 of the Cherwell Local Plan as it would result in the creation of a relatively sizable commercial estate in a geographically unsustainable location away from the workforce and public transport where there is a strong reliance on private cars. Whilst the applications arguments regarding the provision of industrial and distribution units may not be without merit it is not considered that the provision of this employment use has been justified or that the weight of the evidence submitted indicates there are exceptional circumstances that warrant granting the proposal. In addition to the environmental harm associated with the poor location of the proposal there would also be environmental harm through the adverse landscape and visual impacts associated with the development and limited further harm to the setting of the listed building. There is also insufficient information to robustly assess the traffic impact of the development particularly in relation to the impact on the junction into the site from the west bound B4100. An update will be provided on the ecological impacts of the development.
- 9.2. The proposed development would lead to some economic benefits in the form of jobs and construction and further employment land stock. However the planning system seeks to deliver the social, environmental and economic benefits of development in mutually supportive ways. In this case the proposed benefits of the scheme are not considered to outweigh the conflict with the development plan or the harm stemming from the proposal as outlined above.

### **10. RECOMMENDATION**

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

1. The proposed development would result in the creation of a commercial development, more appropriate in terms of size and scale for a urban location, in a geographically unsustainable location and would not reduce the need to travel or offer a genuine choice of travel modes. The Council do not consider that exceptional circumstances have been demonstrated and as such the proposal is contrary to the Councils employment strategy contained in Policy SLE1 and ESD1 of the Cherwell Local Plan Part 1 and advice in the NPPF.
2. The proposed development would cause unjustified visual intrusion and harm into the open countryside and result in sporadic development in the open countryside to the detriment of the character and appearance of the countryside. The proposal is therefore contrary to Policies SLE1, ESD13 and ESD15 of the Cherwell Local Plan, Saved Policy C8 of the Cherwell Local Plan 1996 and

advice in the NPPF.

3. The proposed development fails to robustly demonstrate that traffic impacts of the development are, or can be made acceptable. As such the proposal is contrary to Policy SLE4 of the Cherwell Local Plan Part 1 and advice in the NPPF.

CASE OFFICER: James Kirkham

TEL: 01295 221896

## Appendix 1 – Marketing information

CHERWELL 10-40

BICESTER OX27 7SR

EXCITING PROPOSED  
COMMERCIAL DEVELOPMENT



CSI ARTISTS IMPRESSION

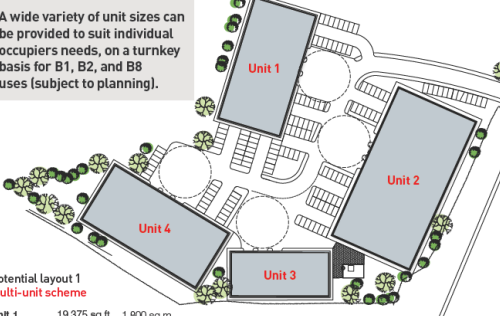
TOTAL SPACE AVAILABLE 90,000 SQ FT (8,361 SQ M)

UNITS FROM 10,000 SQ FT (929 SQ M)

SUBJECT TO PLANNING

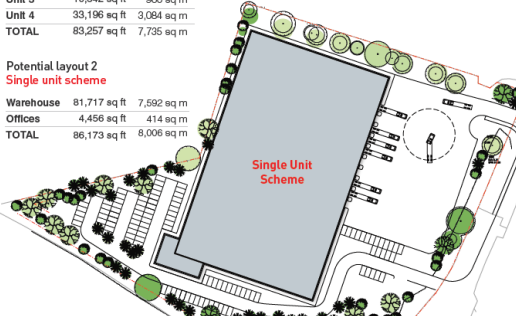
FOR SALE / TO LET

A wide variety of unit sizes can be provided to suit individual occupiers needs, on a turnkey basis for B1, B2, and B8 uses (subject to planning).



**Potential layout 1**  
**Multi-unit scheme**

Unit 1	19,375 sq ft	1,800 sq m
Unit 2	20,344 sq ft	1,890 sq m
Unit 3	10,342 sq ft	960 sq m
Unit 4	33,196 sq ft	3,064 sq m
<b>TOTAL</b>	<b>83,257 sq ft</b>	<b>7,735 sq m</b>

**Potential layout 2**  
**Single unit scheme**

Warehouse	81,717 sq ft	7,592 sq m
Offices	4,456 sq ft	414 sq m
<b>TOTAL</b>	<b>86,173 sq ft</b>	<b>8,006 sq m</b>

## Appendix 2

Appendix 1: Units of similar size being marketed at 17<sup>th</sup> August 2018

Building	Size	Notes
IO Centre, Unit 1, Jugglers Close, Wildmere Road, Banbury	1136sqm	Under offer
Units 8 and 9-10 Wates Way, Acre Estate, Waters Way, Banbury	612.95 – 1,728 sqm	
E7-E9 Telford Road, Bicester	822sqm	
10 Wildmere Road, Banbury	1,526 sqm	
Link 9 Bicester	Unit 4 – 2,699sqm Unit 5 – 1,578sqm Unit 6 – 1,299m2	
Link 9 Bicester, Unit 3A	3,716sqm	
Unit 1 Tramway Road, Banbury	929 to 1858 sqm	
Thorpe Way Industrial Estate, Unit 1 Mead Court, Banbury	1,027smq	Under offer
1 and 2 Thorpe Drive, Banbury	895sqm	
The Phoenix Centre, Units A1 and A2 Beaumont Road	1,060 and 1,091sqm	Under offer
Chipping Warden Barns	2,879sqm	
30 Murdock Road, Bicester	2,415sqm	
Unit 2, Network 11, Banbury	2,122.95sqm	
31-32 Murdock Road, Bicester	3,275.11 sqm	
3A and 3B Thorpe Way, Bicester	513 – 1029sqm	Under offer
6 and 6A Thorpe Drive, Banbury	5,445sqm	
Unit 1, Compton Park, Banbury	888sqm	
Unit 1 and 2 Compton Park, Wildmere Road, Banbury	1,412sqm	
11 Granville Way, Bicester	1,350sqm	
2 Bessemer Close, Bicester	885.99sqm	
Unit 8, MXL Centre, Lombard Way	2,338sqm	
12a Station Field Industrial Estate, Kidlington	1557sqm	Under offer
11 Haslemere Way, Banbury	885.72m2	

33B – 34B Murdoch Road, Bicester	1353.87m2	
Arrow Park, Brackley	Unit 2 – 926m2 Unit 3 – 2,711m2 Unit 4 – 2,249m2 Unit 5 – 1,824sqm Unit 6 – 1,468sqm Unit 7 – 1,306sqm	
Unit 1 Cherwell Valley Business Park	823sqm	
Vantage Business Park, Unit 1H-1J, Bloxham Road, Banbury	1,461.45sqm	

Source: White Commercial and Cherwell-M40 websites – 17<sup>th</sup> August 2018

# Agenda Item 10 18/01158/F

The Old Malthouse  
St Johns Road  
Banbury

Dashwood Apartments

1616

110.8m

33

44

The Old Malt House

SM

11

CALTHORPE ROAD



1:300

Page 92

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE



103.3m  
**18/01158/F**

**The Old Malthouse  
St Johns Road  
Banbury**



<b>Applicant:</b>	Mr M Morrison Morrison Property Consultants Limited		
<b>Proposal:</b>	Change of use from B1(a) offices to provide 25 No residential apartments with ancillary parking, bin storage and amenity area (Resubmission of 17/02167/F)		
<b>Ward:</b>	Banbury Cross And Neithrop		
<b>Councillors:</b>	Cllr Hannah Banfield Cllr Surinder Dhesi Cllr Cassi Perry		
<b>Reason for Referral:</b>	Major Planning application.		
<b>Expiry Date:</b>	27 September 2018	<b>Committee Date:</b>	20 September 2018
<b>Recommendation:</b>	Refuse		

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

### **Proposal**

The application seeks permission to convert the existing Grade II listed office into 25 flats. This would largely consist of internal works to create a development over 4 floors. Some external works would be undertaken including new windows and roof lights is also proposed. The parking would be retained at the ground floor and to the front of the building.

### **Consultations**

The following consultees have raised objections to the application:

- CDC Conservation, Banbury Civic Society, Georgian Group

2 letters of objection have been received including 1 from a potential purchaser of the building for office use and 1 letter of support have been received.

### **Planning Policy**

The site is a Grade II Listed Building and lies within the Banbury Conservation Area. It is also an existing employment site.

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

### **Conclusion**

The key issues arising from the amended application details are:

- Loss of employment use;
- Heritage
- Affordable housing
- Highways

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

1. Unjustified loss of an existing employment use.
2. Harm to the listed building through the alterations to the historic roof structure

The other elements of the scheme, on balance, are considered to be acceptable.

## **RECOMMENDATION - REFUSE**

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

## **MAIN REPORT**

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

- 1.1. The application site is a Grade II listed former malthouse located on the corner of St Johns Road and Calthorpe Road to the south of Banbury town centre. It is also located within Banbury Conservation Area and within the setting of numerous listed buildings including the terrace properties to the south of the site on Calthorpe Road.
- 1.2. The property is an attractive brick building with a symmetrical frontage consisting of sash windows and stone and stucco detailing giving a grand appearance. It has the appearance of a two storey building from St Johns Road. The building was originally used as a maltings but has had a series of uses since then with its authorised use currently as a B1 Office use. The ground floor of the building has partially been converted to car parking with access provided to the western side of the building. Car parking also exists to the front of the site which sits perpendicular to the St Johns Road.

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

- 2.1. The application seeks to address the reasons for refusal of the previous scheme (See section 3 below) by providing additional marketing information in relation to the loss of the employment use and also by providing amended details and additional information in relation to the impact on the listed building and conservation area.
- 2.2. The current application seeks permission to convert the office to 25 flats (22no 1 beds and 3no 2 beds). This would consist of a number of internal works, which are subject to a separate listed building consent on this agenda (18/01159/LB).

#### *Internal works*

- 2.3. Whilst the internal works do not technically require planning permission and are controlled through the listed building consent process the works do stem as a product of the change of use. Internally a new ground floor flat would be provided in the south east corner of the building on an existing area of parking. The building currently has office accommodation across the first floor and also part of the second floor office at the eastern end of the building. The remainder of the second floor and space above consists of a large roof void which houses the complex roof structure of the building.

- 2.4. The proposals would extend the second floor across the entire building (with the exception of three voids to the centre of the building in the communal area) and also introduce a new third floor at either end of the building. The floor space would be divided into individual flats. A communal area would exist at the centre of the building from first floor level along with a second floor gallery area.

*External works*

- 2.5. The external works would consist of the provision 3 new windows in the east elevation, a new second floor window to the west elevation, and alterations to some of the fenestration on the rear elevation of the building and numerous rooflights and lanterns to the roof of the building.
- 2.6. At ground floor 22 parking spaces would be provided consisting of the existing frontage parking and through utilising the existing ground floor parking. Cycle parking and bin store would also be provided to the rear of the site.
- 2.7. An area of open space to the rear of the site, which is on higher land than the ground floor of the building, would be retained for a private amenity space to serve the future residents of the flats.

**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>
18/01159/LB	Change of use from B1(a) offices to provide 25 No residential apartments with ancillary parking, bin storage and amenity area (Resubmission of 17/02168/LB)	Pending Consideration
77/00461/N	Change of use from storage of furniture to storage and distribution to the trade only of domestic electrical spare parts	Application Permitted
89/00498/N	Demolition of lean to store. Formation of first floor level offices with additional ground floor offices and car parking	Application Permitted restricted to Class B1(a)
05/00103/F and 10/00221/F	Erection of 1 No. detached dwelling (as amended by plans received 23.03.05 and plan Nos. P381/10B & P381/12B received on 19.04.05).	Application Permitted
15/01389/F	3 bedroom dwelling	Application Permitted
17/02167/F	Conversion of building from B1(a) Offices to 25 residential flats, with ancillary parking, bin storage and amenity area.	Application Refused
17/02168/LB	Conversion of building from B1(a) Offices to 25 residential flats, with ancillary parking,	Application Refused

bin storage and amenity area.

- 3.2. The above applications 17/02167/F and 17/02168/LB were refused planning permission and listed building consent at Planning committee in February 2018 as the proposal was considered to result in a unjustified loss of an employment use without robust marketing contrary to Policy SLE1 of Cherwell Local Plan Part 1 (2015) and the proposal was also considered to result in unjustified harm to the significance of the listed building and conservation area as a result of the internal works to the building and the number of roof lights proposed.

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

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

<u>Application Ref.</u>	<u>Proposal</u>
17/00211/PREAPP	Residential conversion of 25 flats

It was advised that based on the information provided that the proposal would conflict with Policy SLE1. Limited information was provided in regard to the internal alterations and concerns were raised regarding the number of roof lights and terraces in the roof of the building and the impact this would have on the building. Concerns were also raised over the amenity of the neighbouring property and the future amity of some of the residents given the arrangement of the flats. It was also stated that the Council would be seeking an affordable housing contribution commuted sum. Concerns were also raised over the level of parking. Overall it was concluded that based on the information provided by the applicant officers would be unlikely to support the application.

#### **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. Objections have been received by 2 parties and 1 letter of support has been received. The comments raised by third parties are summarised as follows:
- A company who are interesting in purchasing the site for an office stated they have been looking for larger office premises in Banbury and found very few offices of this size (8,000 – 12,000sqft) with good parking, open plan working environment, historic character, and close to the town centre and train station which would be beneficial for staff. Other offices in the Banbury do not often meet these requirements. Despite being shown around the building and making 3 offers (1 below asking price, 1 at asking price and 1 substantially higher than asking price) they were all refused. The 3<sup>rd</sup> offer remains open and they claim to be ready to proceed with the purchase. They state that the property is marketed for £750,000 but were informed the seller will only accept offers in excess of £1.8 million. They also state that the seller made it clear that they intended to file another planning application to turn the building into residential flats and were clearly not interested in pursuing a sale as an office. In reference to para 121 of the NPPF as the Council has a 5 year land supply and there is no need to convert the office to

meet housing needs. Removing an office space would increase the likelihood of company moving its highly educated and skilled workforce including, accountants, product designers and marketing professionals to another town or city. This isn't just a problem for Omlet. Without good offices and innovative growing companies, the town centre of Banbury will be much diminished and its long-term vitality and viability will be harmed

- In favour of converting buildings in the town centre to residential. Assuming the historic feature of the building are retained and conserved the site would make an attractive residential block and would complement surrounding uses. It would appear there is little prospect of the building being used for offices.
- Overdevelopment of the site. Other development in the area were limited to fewer flats.
- Congestion and lack of car parking provision which is already stretched in local area.

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

## 6. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BANBURY TOWN COUNCIL: **No objections.**

### STATUTORY CONSULTEES

6.3. HISTOIC ENGLAND: **No comment.** Advice should be sought by Council's Conservation Officer.

6.4. GEORGIAN GROUP: **Object.** Acknowledge the fact that the applicant has gone some way to addressing concerns about loss of historic fabric but still feel that the number of rooflights is excessive. The justification presented is marginally more robust but essentially a series of modern intrusions into historic fabric were inserted to create rooflights – as visible in the 1929 photograph. These were then removed to put the roof back to its original early nineteenth century form. Maintain objection on the grounds that the number of proposed rooflights is excessive.

6.5. As previously stated the building is *'a much-altered building whose main significance lies in its external shell, its unusual roof structure, its position within the streetscape'*. The unusual roof structure is key to the significance of the historic building. Whilst they appreciate the fact that there is a desire to keep the majority of the roof trusses, they have concerns over the removal of sections and the raising of sections. This is the most significant fabric in the building and every endeavour should be made to protect it.

6.6. THAMES WATER: **No objections.**

### NON-STATUTORY CONSULTEES

- 6.7. CDC CONSERVATION: **Object.** The previous application was refused on the basis of lack of a robust marketing exercise and the 'less than substantial' harm to the listed building through the alterations to the roof, subdivision of the internal space and the number and extent of rooflights proposed on the building. No evidence had been provided that residential was the optimum viable use. The reasons for refusal have not been overcome in this latest application.
- 6.8. It is understood that a full marketing report is to be submitted, but regardless of this there is documented evidence of an offer for the building (for use as an office) above the asking price. Therefore unless it can be demonstrated the offer is not viable it is not possible to demonstrate that the building cannot be utilised for its current (office) use. The harm caused to the building is less than substantial, but is to the core significance of the building (the roof structure) as identified by the Heritage Impact Assessment. If the building were not capable of being utilised for any other use the harm caused could be justified by the public benefit of finding a new use for the building, but at the current time that is not the case.
- 6.9. The application has demonstrated that some of the vertical struts to be removed are of late 20<sup>th</sup> century origin and this has been confirmed on site, but there are still proposed alterations to the historic roof structure including the removal of and cutting of historic purlins and the alteration of location of some of the central, horizontal struts. There are also some concerns with the steel channels that are required for the new floors; the Design and Access Statement identifies that these are reversible, but it is unclear how if these are required for structural stability.
- 6.10. A number of changes have been made to the proposed number and location of rooflights and it has been demonstrated that historically there were a number of rooflights on the building that have since been removed. In comparison to the previous application the rooflights are more logically arranged and will have less of a visual impact, but still appear overly large where there are two sets of roof lights together. Insufficient information has been submitted to demonstrate that the building is no longer viable in office use and therefore there is no justification for the harm caused to the historic fabric through the proposed alterations to the building.
- 6.11. CDC STRATEGIC HOUSING: **No objections.** Policy BSC3 of the Cherwell Local Plan will carry a contribution of 7.5 affordable units, which we would usually round up to 8 units. However due to the nature and design proposed in this case we have previously agreed a commuted sum payment in lieu of on-site provision. Based on current policy a commuted sum would be calculated as the residual land value with 100% market housing minus the residual land value with the affordable housing requirement.
- 6.12. The applicant has stated that provision of affordable housing is not viable, and has submitted a financial viability assessment. This has previously been agreed with housing. The applicant has confirmed in their Planning Statement that they remain willing to meet the commuted sum which has been previously agreed with the Housing Officer ie: this will be based on the difference between the Residual Land Value of the site without affordable housing less the Residual Land Value with affordable housing.
- 6.13. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions on land investigation and provision of Electric Vehicle charging points.
- 6.14. CDC BUILDING CONTROL: **No objections.**
- 6.15. CDC LANDSCAPE: Request contribution for off-site play improvements. A landscaping scheme should also be provided to the front and rear areas.

- 6.16. BANBURY CIVIC SOCIETY: **Object.** The proposal still unacceptably harms the listed building in that it fails to preserve the large floorplates that are so characteristic of the building's original use; still fails to expose the fine and innovative roof structure across the full width of the building at any point (including the proposed atrium); and still provides inadequate detail about the degree to which the roof structure will be preserved or made apparent where it coincides with new walls. A number of struts are to be removed from the roof trusses (although there is no structural study to show that the roof will still function structurally without them). The extent of new rooflights is also now all too apparent also. The previous comments and observation of 'less than substantial harm' (below) thus remain unchanged.
- 6.17. Securing the optimum viable use of the building is supported by paragraph 196 of the NPPF. With regard to the importance of listed buildings finding their optimum viable use (i.e. the use that is viable but which also causes the least possible harm), they previously stated that in order to approve an application for subdivision for residential use, the Council must be satisfied that the current use (large open-plan office space) is no longer a viable use and that a marketing exercise would be needed demonstrate this. Comments have been received on the planning applications which demonstrate that the existing use as an open plan office is still viable. The harm is therefore not justified and they maintain objection to the proposed development, notwithstanding the recent changes.

## 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
- PSD1 – Presumption in Favour of Sustainable Development
- SLE2 – Securing Dynamic Town Centres
- SLE4 – Improving Transport and Connections
- BSC2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC3 – Affordable Housing
- ESD1 – Mitigating and Adapting to Climate Change
- ESD10 – Protection and Enhancement of Biodiversity and Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- Banbury 7 – Strengthening Banbury Town Centre

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

- H21 – Conversion of buildings in settlements
- C18 – Listed buildings



- C23 - Features in conservation areas
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development
- ENV1 - Development likely to cause detrimental levels of pollution
- INF1 – Infrastructure

### 7.3. Other Material Policy and Guidance

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

## 8. APPRAISAL

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

- Principle of development
- Loss of employment
- Impact on heritage assets and design
- Residential amenity
- Affordable housing
- Open space
- Highway safety
- Ecology
- Other S106 matters
- Other matters

#### Principle

8.2. The site is located within the built up limits of Banbury and is close to the town centre which offers a wide range of services and facilities. The Cherwell Local Plan Part 1 2015 has a strong urban focus and directs new housing growth to existing towns including Banbury. It is therefore considered that the principle of utilising the building for flats may be considered acceptable in general sustainability terms subject to the matters discussed below.

#### Loss of employment land

##### *Previous Refusal*

8.3. The loss of site from employment use was one of the reasons for refusal on the earlier application. Essentially it was considered that the applicant had not demonstrated that the building was no longer viable as an existing office. The site was previously marketed 'to let' and 'for sale' (at different periods) for approximately a year (in total) however a new office occupier was not found.

8.4. However on further examination the marketing strategy was not considered to be robust as the site was marketed for sale for offers in excess of £1million whereas a formal valuation report submitted by the applicant stated the value of the site was £750,000. The site was also marketed for a potential residential development and it appeared to be marketed at a price related to its residential use rather than its authorised use as an office.

8.5. Furthermore it was unclear whether the building would have been refurbished prior to being rented (which would have been required to find a new occupier at the proposed rental level).

- 8.6. It was therefore concluded that as the site had been marketed significantly in excess of its value, alongside other weaknesses in the marketing strategy, that the applicant had failed to adequately demonstrate that the building was not capable of finding a new occupier for an office use. The proposal was therefore considered to conflict with Policy SLE1 of the Cherwell Local Plan and result in the loss of the economic benefits associated with retaining the building in an employment use in a sustainable location.

#### *Local Plan*

- 8.7. The site is an authorised B1(a) office and is therefore regarded as an employment site for the purposes of the Local Plan. Policy SLE1 of the Cherwell Local Plan Part 1 (2015) states that:

*In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met:*

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

*Regard will be had to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses.*

*Regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use.*

- 8.8. It goes onto state that new dwellings will not be permitted within employment sites except where this is in accordance with specific site proposals set out in this Local Plan.

#### *National Planning Policy Framework*

- 8.9. Since the earlier application on the site the revised NPPF (July 2018) has also been published and is a material consideration in determining planning applications. Paragraph 121 relates to proposals where the site is not specifically allocated for a use in a local plan but is currently used for such purposes (such as the current application site). This states:

*Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:*

- a) *use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework;*

- 8.10. Paragraph 213 of the NPPF advises that existing policies should not be considered out of date purely because they were adopted prior to the NPPF and due weight

should be given to them according to their degree of consistency with the NPPF. In this respect it is noted that paragraph 121 falls within the chapter of the NPPF which encourages making effective use of land. The Council can demonstrate a 5 year land supply and as such are already meeting the 'identified housing needs' without the site and therefore it is considered that paragraph 121 is not applicable to the development in the context of meeting the identified housing need.

- 8.11. Furthermore SLE1 seeks to support the objective of making effective use of land and supports alternative uses of employment land where a number of criteria are met including evidencing that sites will not likely to be used for employment purposes or by having regard to other planning objectives that would outweigh the value of retaining the site in an employment use. Policy SLE1 does not strictly prohibit the loss of employment sites, but, rather allows for the opportunity to demonstrate whether changes in economic circumstances or other objectives outweigh the loss of employment land. It is therefore considered that SLE1 is fully compliant with the NPPF and is capable of carrying significant weight in planning decisions.

*Applicant's justification on this revised application*

- 8.12. Since the earlier refusal the applicant has provided further information and undertaken a further period of marketing. This includes an analysis of the local office market in Banbury from a local agent who has extensive experience of the office market in Banbury. In summary they state there is 'average' demand for office accommodation in the town and indicates that the listed status of the building, higher costs, lack of flexibility and limited parking makes the building less attractive to potential occupiers. They estimate that there is 120,000sqft (of a total of 971,000sqft) of office floor space currently available in Banbury. They consider that the Malt House is not a significant property in the Banbury office market and the loss of the building would have no significant impact upon the availability of office space in Banbury or the district. They also state that the limited interest shown in the extensive marketing demonstrates the property does not suit modern day office requirements and suggests that these premises do not perform an important role in the supply of employment space in the district.

*Marketing carried out*

- 8.13. In relation to the further marketing of the building, the building has been marketed at £750,000 including boards on site, mailing to client list, website advertising and being included in White Commercial Office Availability Flyer. The marketing price is in line with the previous formal valuation submitted by the applicant and is therefore more likely to attract interest from office occupiers. However the length of the marketing is a weakness (as it only commenced in May 2018 onwards) particularly in light of other information provided by the applicant indicating the average time taken between marketing and sale/let of properties in Banbury is approximately 12 months with many properties being on the market a longer period prior to sale/let. Furthermore the applicant has undertaken significant further works to the inside of the building since the earlier refusal, including removal of ceilings and internal walls, which has resulted in the condition of the building being significantly worse. This is likely to detrimentally impact on its value and its desirability to attract an office occupier.

*Results of Marketing*

- 8.14. However notwithstanding the above weaknesses, four offers have been made to buy the building and one party has also shown interested in leasing the building although this does not appear to have been pursued by the applicant. Two offers

were significantly below the advertised price at £350k and £500k and were discounted for that reason. A further offer of £650k was made which was rejected by the applicant and not progressed further.

- 8.15. The other party who made offers on the building has directly commented on the latest planning application. They are a local company who state they have been looking for larger office premises in Banbury and found very few offices of this size (8,000 – 12,000sqft) with good parking, open plan working environment, historic character, and close to the town centre and train station. Despite being shown around the building and making 3 offers (1 below asking price, 1 at asking price and 1 substantially higher than asking price (£900k) all were refused. They have stated the 3<sup>rd</sup> offer remains open and they claim to be ready to proceed with the purchase. They state that they were informed that the seller will only accept offers in excess of £1.8 million. They also state in their view the owner was clearly not interested in pursuing a sale as an office. They have also stated that removing such office space would increase the likelihood of their company moving it's highly educated and skilled workforce to another town or city and without good offices and innovative growing companies, the vitality and viability of the town centre of Banbury harmed.

#### *Assessment*

- 8.16. Given the above it is considered that the proposal conflicts with the criteria in policy SLE1 as the applicant has not demonstrated through marketing that the building is redundant or demonstrated that the existing employment use is not economically viable. There is no obligation for the applicant to accept or pursue offers as a result of the marketing exercise and it is acknowledged that not all offers will result in sales. However it is considered that to demonstrate that the building should not be retained in employment use under policy SLE1 there is a requirement to fully explore offers in a serious manner in view of retaining the employment use. Whilst it is acknowledged there is other office accommodation vacant in the town centre there are also concerns that the proposal would impact on limiting the diversity of employment land in the town particularly given the relatively large size and open plan nature of the building. It is noted that regard has to be had to all 3 bullet point criteria in Policy SLE1 and having regard to the 3 criteria the proposal is considered to conflict with this policy.
- 8.17. In relation to the other criteria of Policy SLE1 the existing employment use does not appear to have a significant adverse impact on the adjacent residential uses and officers are not aware of any such complaints. Whilst the proposal would lead to reuse of previously development and the benefits of providing 25 new dwellings in a geographically sustainable location it is not considered that given the Council's ability to demonstrate a 5 year land supply of housing site, the proposal provides sufficient other planning objectives to outweigh the value of retaining the site in an employment use and the long term maintenance of the listed building could equally be achieved by finding a new employment use for the building.
- 8.18. Officers do not consider there are any obvious shortcomings why the building could not be continued to be used as an office and the attractive appearance of the building, availability of on plot parking, proximity to the town centre and flexibility of the office space are likely to be attractive features to some future occupiers. This is supported by the enquiries made.
- 8.19. Based on the information provided the proposal is therefore considered to conflict with Policy SLE1 of the Cherwell Local Plan and result in economic harm from the loss of employment use in a sustainable location.

#### Impact on heritage assets and design

8.20. The site lies within the Banbury Conservation Area and is also a Grade II listed building.

*Policy, guidance and legislation*

8.21. The NPPF advises local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It also states when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation irrespective of whether any potential harm amounts to substantial harm or less than substantial harm to its significance and requires any harm to have clear and convincing justification. It goes on to state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use. Policy ESD 15 of the Cherwell Local Plan echoes this advice. Furthermore Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is given to these matters.

8.22. Saved Policy H21 states that within settlements the conversion of buildings to dwellings will be treated favourably unless it would detrimentally impact on its historic significance. This is subject to other policies in the plan. Policy ESD15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context.

*Significance of the listed building*

8.23. The application is accompanied by a Heritage Statement which states, 'As a result of the several phases of quite radical internal changes to the building, the key elements in heritage terms of the building are the external shell – particularly the façade to St John's Road – and the broad roof structure with its very unusual and ambitious trusses. The rest of the interior is not considered to be of any great heritage value'.

8.24. The Conservation Officer has also noted that the core significance of the building lies in its roof structure with its trusses spanning the width of the building and the 'surprisingly grand design' of the façade of the building. The design is unusual for a maltings in having just 2 floors, a large number of windows and an elaborate façade.

8.25. Given the changes to the buildings over the years there is minimal surviving visible evidence of the functional operation of the building however Banbury Civic Society and the Association for Industrial Archaeology have highlighted in the earlier application that the still largely open plan nature of the building also contributes to its significance as this preserves some of the character of its commercial use.

*Harm caused by previous scheme*

8.26. In the earlier application it was considered that the harm caused by the development through the introduction of a significant number of roof lights, internal alterations to the roof structure including loss of historic fabric, and intensive subdivision of internal spaces would all lead to harm to the key elements of the significance of the listed building which were not outweighed by the benefits of the scheme or justified particularly in light of the officers conclusions that the existing use of the building as an employment use may still be viable.

*Key heritage consideration*

8.27. Whilst the internal alterations do not require planning permission in their own right, the alterations proposed are a product of the residential conversion and therefore need to be given due consideration. In this regard it is important to note the key element of significance relating to the internal part of the building is the roof structure with its trusses which extend the depth of the building and are noted to be usual and ambitious for the age of the building.

#### *Impact on Roof Structure*

8.28. The plans remain broadly similar to the earlier refused proposals. They have been developed in order to minimise the alteration to the roof structure as far as possible within the constraints of the applicant's desired quantum of development and seek to retain visibility of the roof structure where possible. This has been done by placing the new internal walls either side of the roof structure so the roof structure would remain visible within the building and not being totally concealed in new walls. A number of alterations are proposed to the roof structure to accommodate the use including:

- Cutting and removing the purlins in the location of the roof lights to allow for the roof lights to be inserted.
- At second floor level a number of the existing timber struts are situated at 1.7m above floor level and these are proposed to be cut and raised to allow access through them. Where this is occurring the end sections will be retained to allow the original roof structure can be read.
- Removal of a significant proportion of the two central purlins in the roof running through the proposed apartments at head height at second floor level. Part of this will be retained in the central atrium.
- Removal of a number of almost vertical struts in at second floor level to enable access through the flat although these are modern additions.
- Vents and roof lights are proposed on the flat roof element of the building.

8.29. All these elements result in some harm to the fabric and form of the roof structure which is a key element of significance to the building. Further harm is caused to the structure and fabric of the roof through works required to provide the additional floor space at 2<sup>nd</sup> and 3<sup>rd</sup> floor level including the insertion of channels to the existing trusses to allow for the insertion of the joists for the proposed floors. This would impact on the fabric of the roof and along with the proposed new internal walls would conceal elements of the existing complex roof structure in more permanent way than the former suspended ceiling did.

8.30. The applicant considers that a significant benefit of the scheme would be the removal of the suspended ceiling of the office to allow some of the trusses to be visible to the apex of the roof within the building. However the full width and extent of any truss in the building is not exposed at any point within the building and the more intensive subdivision of the space in other parts of the building restricts visibility of the existing trusses. Whilst it is accepted that in some locations within the building the trusses will be more visible than at present by users of the building, it is important to note that visibility and significance in heritage terms are very different concepts, and this is not considered to outweigh the identified harm.

#### *Internal subdivision*

8.31. Whilst the existing internal division of spaces is entirely modern as noted above the wide open spaces of the building are contribute to the significance of the building as a former malt house and its commercial use. The residential conversion will lead to a much more intensive subdivision of the internal spaces than present in the office

which would result in harm to the commercial character of the heritage asset and the more open nature of the existing roof structure where its complexity and scale can be understood.

#### *Steel Support frames*

- 8.32. A number of steel support frames would need to be inserted in the building to support the additional load from the new floors. These would be bolted to the existing first floor concrete floor structure and bolted to the underside of the existing trusses. In the atrium they would be visible however elsewhere it is proposed they would be concealed in the walls.

#### *Rooflights*

- 8.33. The number and arrangement of the roof lights proposed was also a concern in the earlier application. Further investigation has been undertaken by the applicant and the position of historical roof lights has been discovered. There is also evidence on some of the original rafters that indicate they were covered by lath and plaster at some point.
- 8.34. The proposal would lead to the removal of a number of modern roof lights which currently exist on the building and are arranged in a rather ad hoc arrangement and do not positively contribute to the significance of the building.
- 8.35. The proposed arrangement of the new roof light is less harmful than the original proposal as the arrangement restores the regularity to the roof scape which previously existed and many of the roof lights will occupy the position of historic roof lights. However the number and size of roof lights is still considered to be significant and result in harm to the external appearance of the building by dominating the roof scape which is another area of key significance.

#### *New windows*

- 8.36. The proposal includes a number of new windows to the rear and side elevations of the buildings. There is no objection in principle to these alterations and they generally respect the character and form of the existing building with some utilising historic arrangements. There are some concerns regarding the style of the new new/altered door openings on the rear elevation of the building which upset the balance of the building however, revised details of these could be secured by condition to ensure their design is more in keeping with the 12 pane sash windows which characterise the building if the development was considered to be acceptable in all other regards.

#### *Parapet and pediment*

- 8.37. The applicant has also stated that the proposal would lead to the rebuilding of the presently degraded parapet and central pediment however this benefit is not product of the change of use and could be undertaken separately if required.

#### *Optimal viable use of the building*

- 8.38. In considering the heritage merits of the scheme securing the optimal viable use of the building is also an important consideration. The Planning Practice Guidance provides guidance on what a viable use of a heritage asset is and how it is to be taken into account in planning decisions (Paragraph: 015 Reference ID: 18a-015-20140306). It notes that putting heritage assets to viable use is likely to lead to maintenance and long term conservation and it is important that any use is viable,

not just for the owner, but also the future conservation of the asset. For the reasons set out above regarding the loss of the employment use, the use of the building as an office is still considered viable.

- 8.39. Whilst it is accepted that the use of the building for residential use may also be a viable use the PPG advises that if there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. It also notes that the optimum viable use may not necessarily be the most profitable one.
- 8.40. In this case the optimal viable use of the building is considered to be the existing office uses as this would allow the open plan nature of the building to be retained and also enable the existing significant roof fabric of the building to remain. Officers also do not consider there are any compelling reasons why the use of the building as an office would not be maintained to the same standard as the building in residential use as alluded to by the applicant and therefore the use of the building as an office is considered to be consistent with the long term conservation of the building.

#### *Conclusion and level of harm*

- 8.41. The applicants heritage assessment concludes by stating that if there is any harm resulting from the works, it is 'at the lowest end of the 'less than substantial' spectrum and considered negligible'.
- 8.42. However officers disagree with this and consider that the harm stemming from the loss of fabric to the roof structure, alterations to the roof structure, intensity of the subdivision of the space, the more permanent nature of the concealment of the roof and excessive number of roof lights would result in a more significant level of harm than the applicant conclude.
- 8.43. It is important that the harm is to an area of the building which is key to the significance and historic interest of the heritage asset. In light of the conclusions reached that the existing use of the building is viable and the loss of employment land is not justified it is not considered that there is clear and convincing justification or other benefits to outweigh this harm to the heritage asset and the substantial weight the harm carries. The proposal is therefore considered to be contrary to Policy ESD15 and advice in the NPPF in this respect.

#### Residential amenity

- 8.44. Both the NPPF and Policy ESD15 of the Local Plan Part 1 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings.

#### *Noise and disturbance*

- 8.45. The change of use of the building is not considered to significantly impact on the amenity of the neighbouring properties by virtue of level of activity or disturbance given the authorised use as an office would already generate relatively high levels of movement.

#### *Overlooking*

- 8.46. In the earlier application concerns were raised with the applicant regarding the existing and proposed windows/roof lights on the western elevation of the building



which directly overlook the rear garden of the adjacent properties. It is acknowledged that many of these windows already exist however the nature of the proposed use is likely to result in further levels of overlooking at certain times of the day and at weekends which would be more intrusive to the neighbouring properties.

- 8.47. In order to mitigate this impact to some extent the lower part of the sash windows can be conditioned to be obscurely glazed which would provide more limited views into the neighbouring garden but also allow for outlook though the upper panes to future residents which on balance is considered to be acceptable. The other new openings on the building are not considered to impact significantly on the amenity of the neighbouring properties.

#### *Amenity/living conditions of proposed flats*

- 8.48. The proposed dwellings are all considered to be of an adequate size to provide a good standard of amenity. The windows to the ground floor flats (unit 1 and 2) would face directly onto the parking areas to the front of the building which is far from ideal from a residential amenity perspective in terms of privacy, outlook and noise and disturbance, but given that this is an existing parking arrangement on balance this is considered to be acceptable.

- 8.49. A number of the proposed flats have windows facing into the central atrium and officers have concerns that residents and visitors would be able to view directly into these flats whilst using the communal areas which are provided in the building. Whilst these windows are advantageous to the amount of light received in the flats it is considered they would need to be fitted with opaque glazing to ensure the future residents had a good standard of amenity in terms of privacy. This can be controlled by condition. On balance the amenity of the future residents is considered to be acceptable.

#### Affordable Housing

- 8.50. Policy BSC3 of the Cherwell Local Plan Part 1 states that all developments that include 11 or more dwellings (gross) will be expected to provide at least 30% of new housing as affordable homes on the site. This provision expects 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms such as shared ownership. This would equate to 7.5 units in the scheme. It states that financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances.

- 8.51. In this case as the site is being treated as a single block of flats with a relatively high provision of communal facilities (leading to additional service charges) the Housing Officer had requested a commuted sum for affordable housing be sought rather than on site provision.

- 8.52. When the earlier application was originally submitted the applicant made no provision for affordable housing and submitted a number of viability appraisals in order to justify this. Officers did not agree with the way the applicant had assessed the existing site value which was a key component in making the scheme viable or not.

- 8.53. However, the applicant agreed to pay a commuted sum to the provision of affordable housing based on the difference between the residual land value of the site without affordable housing less the residual land value of the site with affordable housing which amounts to £115,724. This is the method outlined in the Affordable Housing Viability Study Update Report 2013 which formed part of evidence based for the Local Plan. Given the particular circumstance of this case the housing

officer has agreed to this. This would need to be secured through a Section 106 agreement. The proposal is therefore considered to comply with Policy BSC3 of the Local Plan.

#### Highway safety

- 8.54. The application site is situated approximately 160m walking distance to the southern edge of the designated town centre in the Local Plan. The town centre provides a wide range of services and facilities for residents and opportunities to use public transport. The proposal provides 22 parking spaces and 39 cycle parking spaces.
- 8.55. The proposed access to the parking areas already exists and is considered to be acceptable subject to further details on the operation of the gated access to ensure there is sufficient width available when the bin collection point is in use. This can be controlled through condition.
- 8.56. In relation to the parking requirement the highway authority indicated on the earlier application that when assessed against OCC's parking standards the proposal would require between 30 and 37 parking spaces depending on whether spaces were allocated or unallocated. It is noted that the Parking Standards used to calculate the parking requirement cover the whole of the area they define as 'urban' which does not take account of the proximity of the site to the town centre and would be applicable for the whole of Banbury. In order to justify a lower parking requirement that applicant previously provided census data which covers the application site and the surrounding town centre area. This shows that existing car ownership in the locality at the time of the census (2011). Taken this higher figure and applying it to the current development it would require 19 parking spaces for residents theoretically leaving 4/5 spaces for visitors. The Council accepted this argument and did not refuse the application on this basis.
- 8.57. The provision of the cycle parking and car parking can be secured by conditions. The LHA raised concerns that the bins would need to be pulled approximately 35m to allow collection. The applicant has indicated this would be undertaken by a caretaker and given the constraints of the site this is considered to be acceptable and a refuge management plan can be secured by condition.

#### Other matters

##### *Public open space and amenity area*

- 8.58. Policy BSC10 requires new residential development to contribute to open space, sport and recreation provision commensurate to the need generated by the proposals. It goes on to state that the level of open space, and its management and maintenance, will normally be required to be provided on site in accordance with BSC11 of the Cherwell Local Plan 2015. Given the scale of the proposal in this case the development would require a general green space and amenity area.
- 8.59. In the current case there is a green space to the north of the building which would be provided as an amenity space for the use of residents. This would appear to meet the needs of the residents and would be required to meet the requirements of Policy BSC11 for open space. The management of this space would need to be provided for and could be controlled through a condition. It is noted that there is an extant planning permission for a new dwelling on this part of the site and if the current proposal were to be granted a planning condition/legal agreement would need to ensure this permission was not implemented as without this space the proposal would conflict with the requirements of the Policy BSC11.

### *Biodiversity*

- 8.60. Policy ESD10 seeks to protect biodiversity and the natural environment. A bat survey has been undertaken and found no evidence of bat roosting within the building. Subject to conditions requiring ecological supervision of certain activities and biodiversity features including bird and bat boxes the Councils ecologist is satisfied with the proposal.

### *Drainage*

- 8.61. Details of drainage could be provided by condition and given the type of accommodation being proposed OCC have not requested an education contribution

### *Contaminated Land*

- 8.62. Given the previous use of the site land investigation would be required to ensure that any remedial work require for residential use was undertaken and this could be secured by condition.

### *Infrastructure*

- 8.63. Policy INF1 seeks to ensure appropriate infrastructure is provided to support growth. Since the earlier application the Developer Contributions SPD has been adopted. In the current application Oxfordshire Clinical Commission Group have requested a contribution of £21,600 towards primary medical care infrastructure. Further justification of this request have been made to the OCCG and details will be reported to committee to understand whether it meets the statutory tests. The applicant has indicated, subject to suitable justification, they would be willing to pay this contribution.

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

- 9.1. The planning system requires social, economic and environmental benefits to be sought jointly in making planning decisions and reinforces the plan-led basis of the planning system to ensure sustainable outcomes.
- 9.2. The proposed development would result in the loss of an existing employment use. Based on the evidence submitted it is not considered that the loss of employment use is justified and it is considered there is a reasonable prospect of the site being occupied for employment use. This is evidenced by an offer on the building. The development would therefore conflict with Policy SLE1. The proposal would also result in harm to the listed building through the alterations to the historic roof structure, intensity of the subdivision of the space and the more permanent nature of the concealment of the roof structure. Furthermore the number of size of roof lights is also considered to be harmful. Given that the roof is a key element of the significance of the building and having regard to the statutory requirement this harm is considered to carry significant weight. The use of the building as an office is considered to be the optimal viable use for the site in heritage terms and given the conclusions regarding the retention of the existing employment use, this harm to the heritage asset is not considered to be supported by clear and convincing justification. The proposal will lead to the provision of a number of benefits including the provision of new housing in a sustainable location and the economic benefits associated with the construction works and the new homes bonuses. It would also reuse of an existing building and brownfield land. However these benefits are not considered to outweigh the conflict with the development plan in relation to the loss

of employment land or the harm to the core significance of the listed building. It is therefore recommended that planning permission be refused.

#### **10. RECOMMENDATION**

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

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

CASE OFFICER: James Kirkham

TEL: 01295 221896

# 18/01159/LB

The Old Malthouse  
St Johns Road  
Banbury

Dashwood Apartments

110.8m

33

44

The Old Malt House

SM

11

CALTHORPE ROAD



# 18/01159/LB

## The Old Malthouse St Johns Road Banbury



<b>Applicant:</b>	Mr M Morrison Morrison Property Consultants Limited		
<b>Proposal:</b>	Change of use from B1(a) offices to provide 25 No residential apartments with ancillary parking, bin storage and amenity area (Resubmission of 17/02168/LB)		
<b>Ward:</b>	Banbury Cross And Neithrop		
<b>Councillors:</b>	Cllr Hannah Banfield Cllr Surinder Dhesi Cllr Cassi Perry		
<b>Reason for Referral:</b>	Listed building consent associated with a major development		
<b>Expiry Date:</b>	27 September 2018	<b>Committee Date:</b>	20 September 2018
<b>Recommendation:</b>	Refuse		

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

### **Proposal**

The application seeks permission to convert the existing Grade II listed office into 25 flats. This would largely consist of internal works to create a new 2<sup>nd</sup> and 3<sup>rd</sup> floor to the building, including physical works to the roof structure. Some external works would also be undertaken including new windows and roof lights.

### **Consultations**

The following consultees have raised **objections** to the application:

- CDC Conservation, Banbury Civic Society, Georgian Group

2 letters of objection have been received and 1 letter of support have been received.

### **Planning Policy**

The site is a Grade II Listed Building and lies within the Banbury Conservation Area. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

### **Conclusion**

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

1. Harm to the listed building through the alterations to the historic roof structure

### **RECOMMENDATION - REFUSE**

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

**Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

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

- 1.1. The application site is a Grade II listed former malthouse located on the corner of St Johns Road and Calthorpe Road to the south of Banbury town centre. It is also located within Banbury Conservation Area and within the setting of numerous listed buildings including the terrace properties to the south of the site on Calthorpe Road.
- 1.1. The property is an attractive brick building with a symmetrical frontage consisting of sash windows and stone and stucco detailing giving a grand appearance. It has the appearance of a two storey building from St Johns Road. The building was originally used as a maltings but has had a series of uses since then with its authorised use currently as a B1 Office use. The ground floor of the building has partially been converted to car parking with access provided to the western side of the building. Car parking also exists to the front of the site which sits perpendicular to the St Johns Road.

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

- 2.1. The application seeks to address the reasons for refusal of the previous scheme (See section 3 below) by providing additional marketing information in relation to the loss of the employment use and also by providing amended details and additional information in relation to the impact on the listed building and conservation area.
- 2.2. The current application seeks consent to convert the office to 25 flats (22no 1 beds and 3no 2 beds). A planning application seeking planning permission for the works is also on this agenda (18/01158/F).
- 2.3. Internally a new ground floor flat would be provided in the south east corner of the building on an existing area of parking. The building currently has office accommodation across the first floor and also part of the second floor office at the eastern end of the building. The remainder of the second floor and space above consists of a large roof void which houses the complex roof structure of the building which is of historic interest.
- 2.4. The proposals would extend the second floor across the entire building (with the exception of three voids to the centre of the building in the communal area) and also introduce a new third floor at either end of the building. The floor space would then be divided into individual flats. A communal area would exist at the centre of the building at first floor level along with a second floor gallery area which would be open to the ridge. The internal works include a number of works to the roof structure as outlined below in the considerations section.

### **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>
18/01159/LB	Change of use from B1(a) offices to provide 25 No residential apartments with ancillary parking, bin storage and amenity area	Pending Consideration



(Resubmission of 17/02168/LB)

77/00461/N	Change of use from storage of furniture to storage and distribution to the trade only of domestic electrical spare parts	Application Permitted
89/00498/N	Demolition of lean to store. Formation of first floor level offices with additional ground floor offices and car parking	Application Permitted restricted to Class B1(a)
05/00103/F 10/00221/F	and Erection of 1 No. detached dwelling (as amended by plans received 23.03.05 and plan Nos. P381/10B & P381/12B received on 19.04.05).	Application Permitted
15/01389/F	3 bedroom dwelling	Application Permitted
17/02167/F	Conversion of building from B1(a) Offices to 25 residential flats, with ancillary parking, bin storage and amenity area.	Application Refused
17/02168/LB	Conversion of building from B1(a) Offices to 25 residential flats, with ancillary parking, bin storage and amenity area.	Application Refused

- 3.2. The above applications 17/02167/F and 17/02168/LB were refused planning permission and listed building consent at Planning committee in February 2018 as the proposal was considered to result in a unjustified loss of an employment use without robust marketing contrary to Policy SLE1 of Cherwell Local Plan Part 1 (2015) and the proposal was also considered to result in unjustified harm to the significance of the listed building and conservation area as a result of the internal works to the building and the number of roof lights proposed.

#### 4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
17/00211/PREAPP	Residential conversion of 25 flats

It was advised that based on the information provided that the proposal would conflict with Policy SLE1. Limited information was provided in regard to the internal alterations and concerns were raised regarding the number of roof lights and terraces in the roof of the building and the impact this would have on the building. Concerns were also raised over the amenity of the neighbouring property and the future amity of some of the residents given the arrangement of the flats. It was also stated that the Council would be seeking an affordable housing contribution commuted sum. Concerns were also raised over the level of parking. Overall it was concluded that based on the information provided by the applicant officers would be unlikely to support the application.

#### 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. Objections have been received by 2 parties and 1 letter of support has been received. The comments raised by third parties are summarised as follows:

- A company who are interesting in purchasing the site for an office stated they have been looking for larger office premises in Banbury and found very few offices of this size (8,000 – 12,000sqft) with good parking, open plan working environment, historic character, and close to the town centre and train station which would be beneficial for staff. Other offices in the Banbury do not often meet these requirements. Despite being shown around the building and making 3 offers (1 below asking price, 1 at asking price and 1 substantially higher than asking price) they were all refused. The 3<sup>rd</sup> offer remains open and they claim to be ready to proceed with the purchase. They state that the property is marketed for £750,000 but were informed the seller will only accept offers in excess of £1.8 million. They also state that the seller made it clear that they intended to file another planning application to turn the building into residential flats and were clearly not interested in pursuing a sale as an office. In reference to para 121 of the NPPF as the Council has a 5 year land supply and there is no need to convert the office to meet housing needs. Removing an office space would increase the likelihood of company moving it's highly educated and skilled workforce including, accountants, product designers and marketing professionals to another town or city. This isn't just a problem for Omlet. Without good offices and innovative growing companies, the town centre of Banbury will be much diminished and it's long-term vitality and viability will be harmed
- In favour of converting buildings in the town centre to residential. Assuming the historic feature of the building are retained and conserved the site would make an attractive residential block and would complement surrounding uses. It would appear there is little prospect of the building being used for offices.
- Overdevelopment of the site. Other development in the area were limited to fewer flats.
- Congestion and lack of car parking provision which is already stretched in local area.

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

## **6. RESPONSE TO CONSULTATION**

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. BANBURY TOWN COUNCIL: **No objections.**

## STATUTORY CONSULTEES

- 6.3. HISTOIC ENGLAND: **No comment.** Advise should be sought by Councils Conservation Officer.
- 6.4. GEORGIAN GROUP: **Object.** Acknowledge the fact that the applicant has gone some way to addressing concerns about loss of historic fabric but still feel that the number of rooflights is excessive. The justification presented is marginally more robust but essentially a series of modern intrusions into historic fabric were inserted to create rooflights – as visible in the 1929 photograph. These were then removed to put the roof back to its original early nineteenth century form. Maintain objection on the grounds that the number of proposed rooflights is excessive.
- 6.5. As previously stated the building is ‘a much-altered building whose main significance lies in its external shell, its unusual roof structure, its position within the streetscape’. The unusual roof structure is key to the significance of the historic building. Whilst they appreciate the fact that there is a desire to keep the majority of the roof trusses, they have concerns over the removal of sections and the raising of sections. This is the most significant fabric in the building and every endeavour should be made to protect it.
- 6.6. THAMES WATER: **No objections.**

## NON-STATUTORY CONSULTEES

- 6.7. CDC CONSERVATION: **Object.** The previous application was refused on the basis of lack of a robust marketing exercise and the ‘less than substantial’ harm to the listed building through the alterations to the roof, subdivision of the internal space and the number and extent of rooflights proposed on the building. No evidence had been provided that residential was the optimum viable use. The reasons for refusal have not been overcome in this latest application.
- 6.8. It is understood that a full marketing report is to be submitted, but regardless of this there is documented evidence of an offer for the building (for use as an office) above the asking price. Therefore unless it can be demonstrated the offer is not viable it is not possible to demonstrate that the building cannot be utilised for its current (office) use. The harm caused to the building is less than substantial, but is to the core significance of the building (the roof structure) as identified by the Heritage Impact Assessment. If the building were not capable of being utilised for any other use the harm caused could be justified by the public benefit of finding a new use for the building, but at the current time that is not the case.
- 6.9. The application has demonstrated that some of the vertical struts to be removed are of late 20<sup>th</sup> century origin and this has been confirmed on site, but there are still proposed alterations to the historic roof structure including the removal of and cutting of historic purlins and the alteration of location of some of the central, horizontal struts. There are also some concerns with the steel channels that are required for the new floors; the Design and Access Statement identifies that these are reversible, but it is unclear how if these are required for structural stability.
- 6.10. A number of changes have been made to the proposed number and location of rooflights and it has been demonstrated that historically there were a number of rooflights on the building that have since been removed. In comparison to the previous application the rooflights are more logically arranged and will have less of a visual impact, but still appear overly large where there are two sets of roof lights together. Insufficient information has been submitted to demonstrate that the

building is no longer viable in office use and therefore there is no justification for the harm caused to the historic fabric through the proposed alterations to the building.

- 6.11. BANBURY CIVIC SOCIETY: **Object.** The proposal still unacceptably harms the listed building in that it fails to preserve the large floorplates that are so characteristic of the building's original use; still fails to expose the fine and innovative roof structure across the full width of the building at any point (including the proposed atrium); and still provides inadequate detail about the degree to which the roof structure will be preserved or made apparent where it coincides with new walls. A number of struts are to be removed from the roof trusses (although there is no structural study to show that the roof will still function structurally without them). The extent of new rooflights is also now all too apparent also. The previous comments and observation of 'less than substantial harm' (below) thus remain unchanged.
- 6.12. Securing the optimum viable use of the building is supported by paragraph 196 of the NPPF. With regard to the importance of listed buildings finding their optimum viable use (i.e. the use that is viable but which also causes the least possible harm), they previously stated that in order to approve an application for subdivision for residential use, the Council must be satisfied that the current use (large open-plan office space) is no longer a viable use and that a marketing exercise would be needed demonstrate this. Comments have been received on the planning applications which demonstrate that the existing use as an open plan office is still viable. The harm is therefore not justified and they maintain objection to the proposed development, notwithstanding the recent changes.

## 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: Development affecting a listed building

- 7.3. Other Material Planning Considerations

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

## 8. APPRAISAL

- 8.1. The key issue to consider is the impact upon the historic character, interest and fabric of the listed building, and the impact upon the significance of this designated heritage asset.

*Policy, Guidance and Legislation*

- 8.2. The purpose of the planning system is to contribute to the achievement of sustainable development and the Framework defines this as having 3 dimensions: economic, social and environmental. Also at the heart of the Framework is a presumption in favour of sustainable development and in the context of this application would include conserving and enhancing the historic environment.
- 8.3. The NPPF advises local planning authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It also states when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation irrespective of whether any potential harm amounts to substantial harm or less than substantial harm to its significance and requires any harm to have clear and convincing justification. It goes on to state that where development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including securing its optimum viable use. Policy ESD 15 of the Cherwell Local Plan echoes this advice.
- 8.4. Furthermore Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.5. Saved Policy C18 of the CLP 1996 further advises of the Council's desirability of preserving the listed building or its setting or any features of special architectural or historic interest.

*Significance of the listed building*

- 8.6. The application is accompanied by a Heritage Statement which states, '*As a result of the several phases of quite radical internal changes to the building, the key elements in heritage terms of the building are the external shell – particularly the façade to St John's Road – and the broad roof structure with its very unusual and ambitious trusses. The rest of the interior is not considered to be of any great heritage value*'.
- 8.7. The Conservation Officer has also noted that the core significance of the building lies in its roof structure with its trusses spanning the width of the building and the 'surprisingly grand design' of the façade of the building. The design is unusual for a maltings in having just 2 floors, a large number of windows and an elaborate façade.
- 8.8. Given the changes to the buildings over the years there is minimal surviving visible evidence of the functional operation as a maltings however Banbury Civic Society and the Association for Industrial Archaeology have highlighted in the earlier application that the still largely open plan nature of the building also contributes to its significance as this preserves some of the character of its commercial use.

*Harm caused by previous scheme*

- 8.9. In the refused application it was considered that the harm caused by the development through the introduction of a significant number of roof lights, internal

alterations to the roof structure including loss of historic fabric, and further subdivision of internal spaces would all lead to harm to the key elements of the significance of the listed building which were not outweighed by the benefits of the scheme or justified particularly in light of the officers conclusions that the existing use of the building as an employment use may still be viable.

*Key heritage consideration*

- 8.10. Given the extensive historic alterations which have occurred the building most of the historic fabric inside the building has been lost. However the key element of significance relating to the internal part of the building is the roof structure with its trusses which extend the depth of the building and are noted to be usual and ambitious for the age of the building.

*Impact on Roof Structure*

- 8.11. The plans remain broadly similar to the earlier refused proposals. They have been developed in order to minimise the alteration to the roof structure as far as possible within the constraints of the applicant's desired quantum of development and seek to retain visibility of the roof structure where possible. This has been done by placing the new internal walls either side of the roof structure so the roof structure would remain visible within the building and not being totally concealed in new walls. A number of alterations are proposed to the roof structure to accommodate the use including:

- Cutting and removing the purlins in the location of the roof lights to allow for the roof lights to be inserted.
- At second floor level a number of the existing timber struts are situated at 1.7m above floor level and these are proposed to be cut and raised to allow access through them. Where this is occurring the end sections will be retained to allow the original roof structure can be read.
- Removal of a significant proportion of the two central purlins in the roof running through the proposed apartments at head height at second floor level. Part of this will be retained in the central atrium.
- Removal of a number of almost vertical struts in at second floor level to enable access through the flat although these are modern additions.
- Vents and roof lights are proposed on the flat roof element of the building.

- 8.12. All these elements result in some harm to the fabric and form of the roof structure which is a key element of significance to the building. Further harm is caused to the structure and fabric of the roof through works required to provide the additional floor space at 2<sup>nd</sup> and 3<sup>rd</sup> floor level including the insertion of channels to the existing trusses to allow for the insertion of the joists for the proposed floors. This would impact on the fabric of the roof and along with the proposed new internal walls would conceal elements of the existing complex roof structure in more permanent way than the former suspended ceiling did.

- 8.13. The applicant considers that a significant benefit of the scheme would be the removal of the suspended ceiling of the office to allow some of the trusses to be visible to the apex of the roof within the building. However the full width and extent of any truss in the building is not exposed at any point within the building and the more intensive subdivision of the space in other parts of the building restricts visibility of the existing trusses. Whilst it is accepted that in some locations within the building the trusses will be more visible than at present by users of the building, it is important to note that visibility and significance in heritage terms are very different concepts, and this is not considered to outweigh the identified harm.

#### *Internal subdivision*

- 8.14. Whilst the existing internal division of spaces is entirely modern as noted above the wide open spaces of the building are contribute to the significance of the building as a former malt house and its commercial use. The residential conversion will lead to a much more intensive subdivision of the internal spaces than present in the office which would result in harm to the commercial character of the heritage asset and the more open nature of the existing roof structure where its complexity and scale can be understood.

#### *Steel Support frames*

- 8.15. A number of steel support frames would need to be inserted in the building to support the additional load from the new floors. These would be bolted to the existing first floor concrete floor structure and bolted to the underside of the existing trusses. In the atrium they would be visible however elsewhere it is proposed they would be concealed in the walls.

#### *Rooflights*

- 8.16. The number and arrangement of the roof lights proposed was also a concern in the earlier application. Further investigation has been undertaken by the applicant and the position of historical roof lights has been discovered. There is also evidence on some of the original rafters that indicate they were covered by lath and plaster at some point.
- 8.17. The proposal would lead to the removal of a number of modern roof lights which currently exist on the building and are arranged in a rather ad hoc arrangement and do not positively contribute to the significance of the building.
- 8.18. The proposed arrangement of the new roof light is less harmful than the original proposal as the arrangement restores the regularity to the roof scape which previously existed and many of the roof lights will occupy the position of historic roof lights. However the number and size of roof lights is still considered to be significant and result in harm to the external appearance of the building by dominating the roof scape which is another area of key significance.

#### *New windows*

- 8.19. The proposal includes a number of new windows to the rear and side elevations of the buildings. There is no objection in principle to these alterations and they generally respect the character and form of the existing building with some utilising historic arrangements. There are some concerns regarding the style of the new new/altered door openings on the rear elevation of the building which upset the balance of the building however, revised details of these could be secured by condition to ensure their design is more in keeping with the 12 pane sash windows which characterise the building if the development was considered to be acceptable in all other regards.

#### *Parapet and pediment*

- 8.20. The applicant has also stated that the proposal would lead to the rebuilding of the presently degraded parapet and central pediment however this benefit is not product of the change of use and could be undertaken separately if required.

#### *Optimal viable use of the building*

- 8.21. In considering the heritage merits of the scheme securing the optimal viable use of the building is also an important consideration. The Planning Practice Guidance provides guidance on what a viable use of a heritage asset is and how it is to be taken into account in planning decisions (Paragraph: 015 Reference ID: 18a-015-20140306). It notes that putting heritage assets to viable use is likely to lead to maintenance and long term conservation and it is important that any use is viable, not just for the owner, but also the future conservation of the asset. For the reasons set out above regarding the loss of the employment use, the use of the building as an office is still considered viable.
- 8.22. Whilst it is accepted that the use of the building for residential use may also be a viable use the PPG advises that if there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. It also notes that the optimum viable use may not necessarily be the most profitable one.
- 8.23. In this case the optimal viable use of the building is considered to be the existing office uses as this would allow the open plan nature of the building to be retained and also enable the existing significant roof fabric of the building to remain. Officers also do not consider there are any compelling reasons why the use of the building as an office would not be maintained to the same standard as the building in residential use as alluded to by the applicant and therefore the use of the building as an office is considered to be consistent with the long term conservation of the building.

#### *Conclusion and level of harm*

- 8.24. The applicants heritage assessment concludes by stating that if there is any harm resulting from the works, it is at the lowest end of the 'less than substantial' spectrum and considered negligible'.
- 8.25. However officers disagree with this and consider that the harm stemming from the loss of fabric to the roof structure, alterations to the roof structure, intensity of the subdivision of the space, the more permanent nature of the concealment of the roof and excessive number of roof lights would result in a more significant level of harm than the applicant conclude. It is important to note that this harm is to an area of the building which is key to the significance of the heritage asset.
- 8.26. In relation to the benefits of the scheme there would clearly be some social and economic benefits associated with the provision 25 flats, in a geographically sustainable location. However, the benefits associated with the provision of new dwellings are moderated by the fact that the Council can demonstrate a 5 year supply of housing sites. There would also be some limited benefit in opening up part of the central atrium to allow a greater appreciation of the extent of the roof structure
- 8.27. In light of the conclusions reached that the existing use of the building as an office is viable (outlined in the associated full application report) and having regard to the level of harm caused by the proposal to the core elements of significance of the building it is not considered that there is clear and convincing justification for the harm as required by the NPPF. It is also not considered there are other benefits of the scheme which would outweigh the harm to the heritage asset particularly when regard is had to the substantial weight this harm carries. The proposal is therefore considered to be contrary to Policy ESD15 and advice in the NPPF.

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



- 9.1. Overall in balancing these matters it is considered that the proposal would lead to 'less than substantial harm' to the significance of the listed building by detrimentally impacting on two key elements of significance. This harm stems from the internal alterations to the roof to provide the residential accommodation, subdivision of the space and also the number and extent of roof lights proposed on the building. It is not considered that the applicant has adequately demonstrated that the existing use of the building as an office is no longer viable. Whilst there are social and economic benefits to the scheme these are not considered to outweigh the harm to the heritage asset. It is therefore recommended that listed building consent be refused.

## **10. RECOMMENDATION**

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

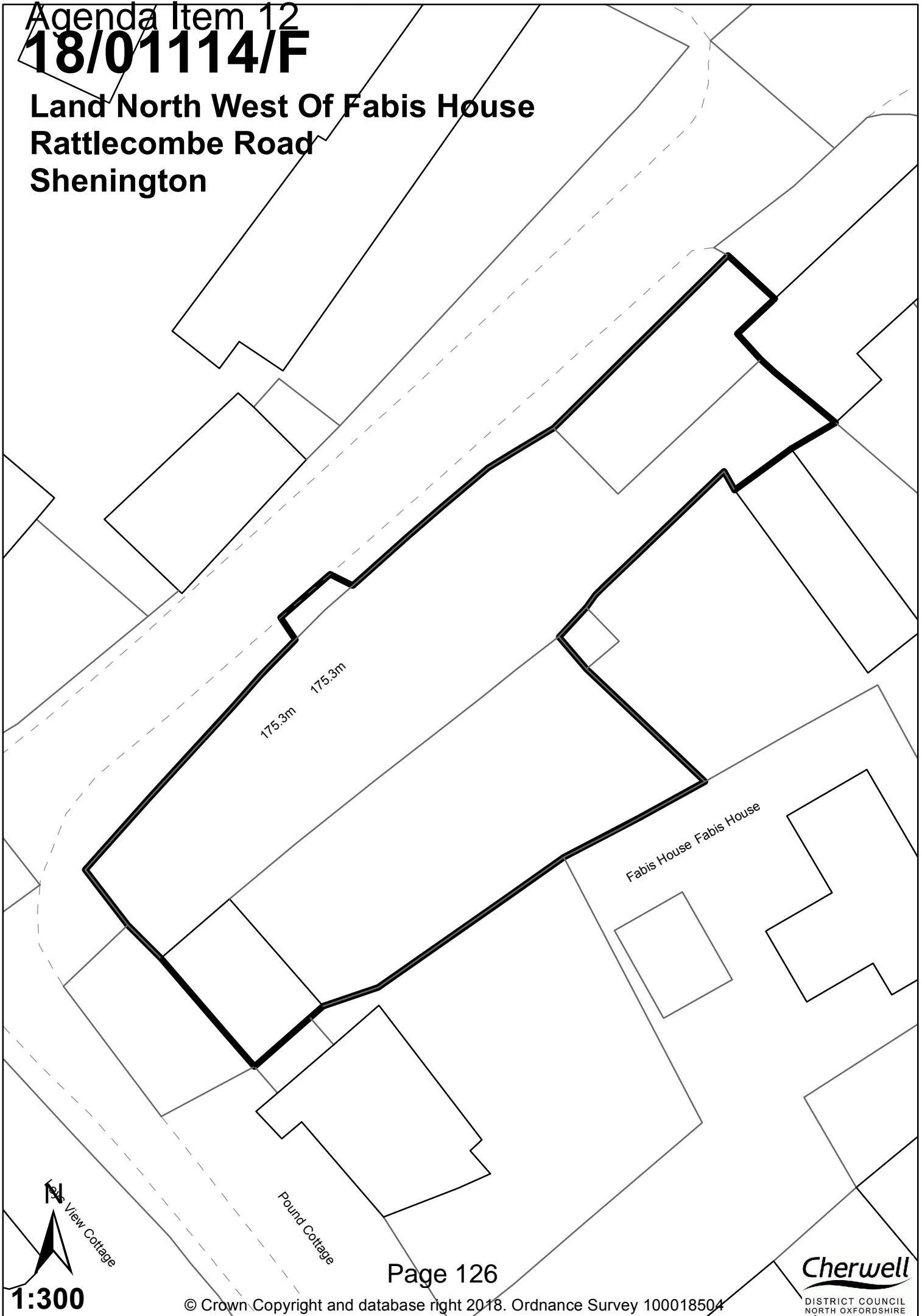
1. The proposed development would result in less than substantial harm to the significance of the listed building through alterations to the roof to provide the residential accommodation, subdivision of the internal space and also through the number and extent of roof lights proposed on the building.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

CASE OFFICER: James Kirkham

TEL: 01295 221896

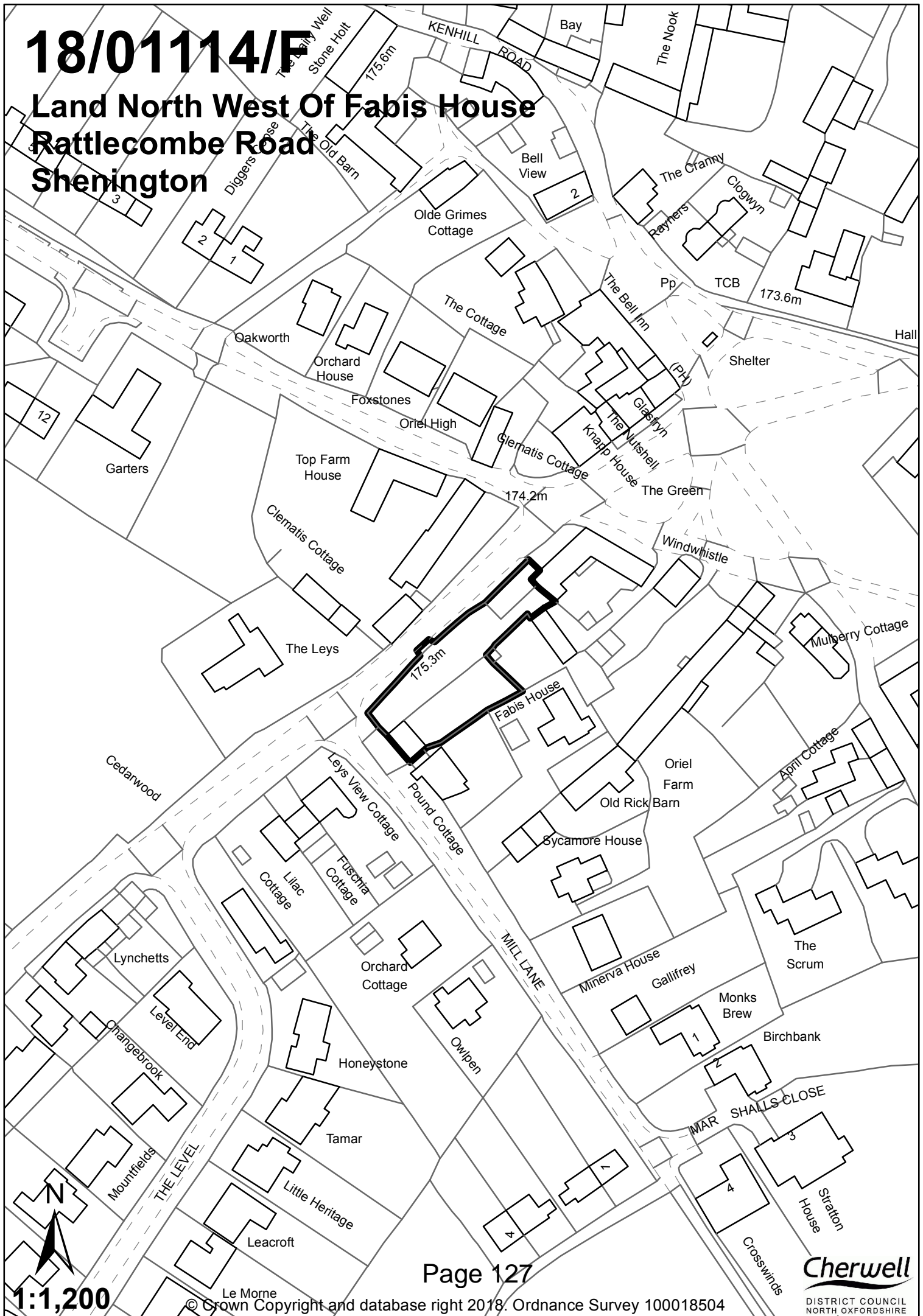
Agenda Item 12  
**18/0114/F**

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



# 18/01114/F

## 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 Wroxton

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

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

**Expiry Date:** 23 August 2018      **Committee Date:** 20 September 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 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 no objections to the application.

Six 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 proposal is 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 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.
- 2.2. The applicant's agent has amended the scheme during the application process to attempt to address the case officer's concerns. These changes relate to:
  - the fenestration on both the front and rear elevations of the building and;
  - the removal of the fence to the rear which was in close proximity of Longworth.

#### **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 buildings to form 2 dwellings - revised scheme 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). 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 27.09.2018, although comments received after this date and before finalising this report have also been taken into account.

5.2. Six 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 (no comments received following submission of amended plans).

### 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: **No objections**.

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 Conservation Officer has offered no objections to the proposals following the receipt of amended plans. The Parish Council had objected to the proposals in their initial form but at the time of writing this report had not commented on the amended plans.
- 8.13. 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.
- 8.14. The present application proposes a number of changes to 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 better respect the traditional form of the building.

- 8.15. There had been a number of concerns with the fenestration of the scheme as initially submitted. The fenestration was considered to be too domestic and would have appeared cluttered. The agent has changed the fenestration onto Rattlecombe Road so that there are now only three openings. The easternmost of these openings was previously approved under 17/01201/F and it would be therefore unreasonable to resist this under the present application. The other window at ground floor level would make use of the historic door opening onto Rattlecombe Road and would have a recessed stone panel underneath the window. This window, although domestic in its design, would make use of an existing opening and would not result in the removal of historic fabric and is therefore considered to be acceptable. The third window would be at first floor level above the historic door opening and would be obscurely glazed. The introduction of an obscurely glazed window on the front elevation is considered to be unfortunate, however would not be harmful enough in its own right to justify a reason for refusal.
- 8.16. 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.
- 8.17. 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.
- 8.18. The retention and re-use of the existing opening is considered to be a benefit of the scheme. On the initial plans, the fenestration in this opening appeared very cluttered and complicated. In the amended plans that have been submitted, the opening has been infilled slightly and the fenestration would not appear less cluttered and more appropriate for a converted agricultural building. There were no concerns raised with the other windows on the rear of the building and therefore the development is considered to be acceptable in this regard.
- 8.19. It should be noted that some of the alterations proposed in this application have been constructed during the course of the application. This is an unfortunate act on behalf of the developer, however the changes are considered to be acceptable and would not cause harm to the setting or significance of the listed building or the character and appearance of the Shenington with Alkerton Conservation Area.
- 8.20. It is therefore considered that the changes proposed in this application are acceptable and would not cause demonstrable harm to the designated heritage assets.

#### Residential amenity

- 8.21. 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.
- 8.22. 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.

- 8.23. 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, with a minor improvement due to the reduction of rooflights on the rear roofslope from 2 on the approved scheme to 1 on this scheme.
- 8.24. Concerns had been raised regarding the impact that the development would have on the amenities of the occupiers of Longworth, as a 1.8m high fence had been proposed approximately 1.1m away from the dining room of Longworth. This has removed as part of the amended plans.
- 8.25. 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 floor and an obscurely glazed element and the ground floor windows would not provide sufficiently harmful overlooking.
- 8.26. It is therefore considered that the proposals would not cause demonstrable harm to the occupiers of neighbouring properties.

#### Highway safety

- 8.27. 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. The changes would not cause demonstrable harm to the setting or significance of the curtilage listed building or the neighbouring Grade II listed building, or the character and appearance of the Shenington with Alkerton Conservation Area. The development would not cause harm to the amenity of neighbours or the safety of the highway network and therefore the development is recommended for approval.

### **10. RECOMMENDATION**

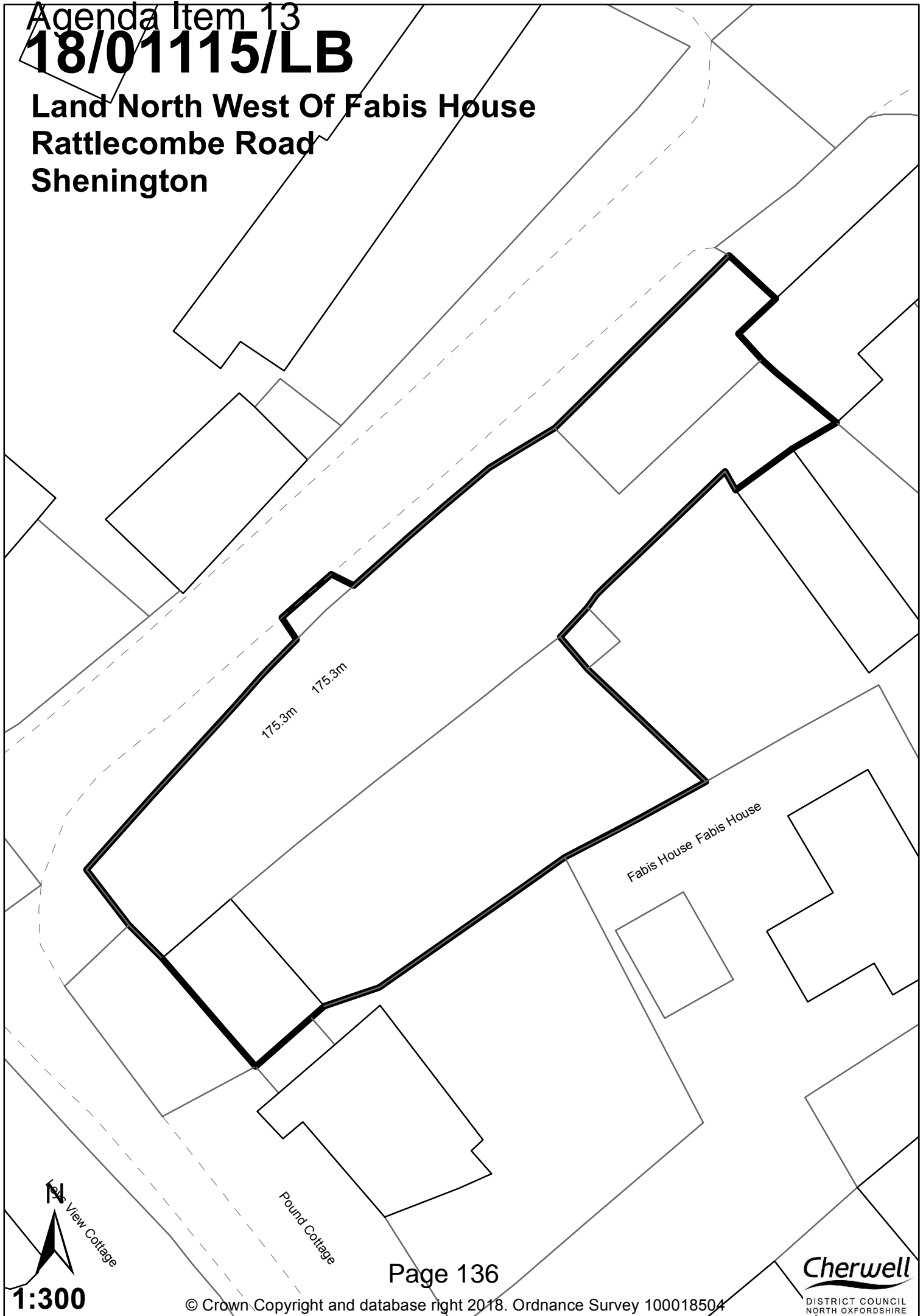
Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

1. Time
2. Plans
3. Details of fabric
4. Development in accordance with approved stone sample panel
5. Development in accordance with approved slate samples
6. Window details to be submitted
7. Landscaping scheme to be submitted
8. Rainwater goods to be cast iron or aluminium
9. Removal of PD

CASE OFFICER: Matthew Chadwick

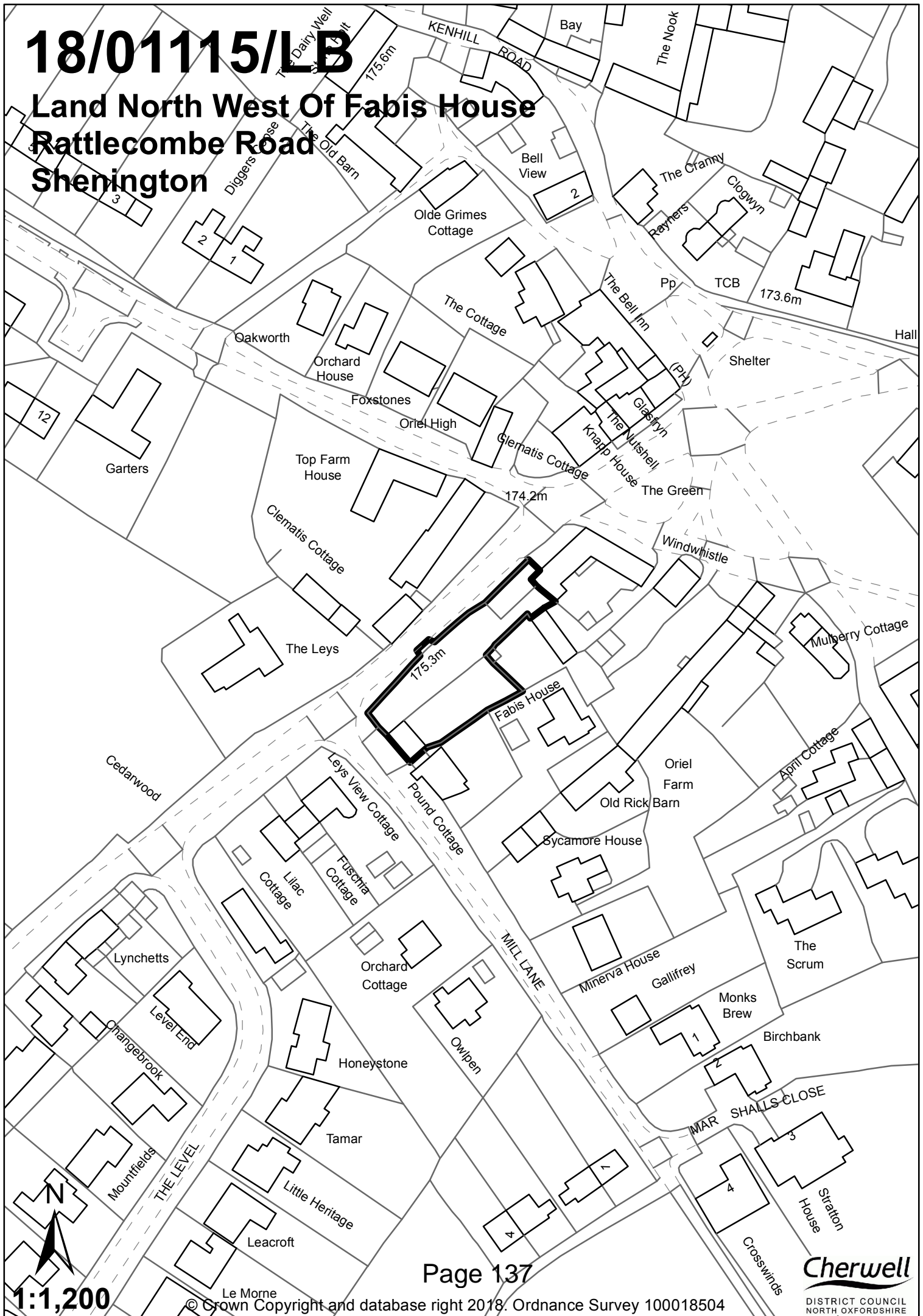
TEL: 01295 753754

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



# 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 Wroxton

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

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

**Expiry Date:** 23 August 2018      **Committee Date:** 20 September 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**

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 no objections to the application.

Six 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 proposal is 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.

### 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 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.
- 2.2. The applicant's agent has amended the scheme during the application process to attempt to address the case officer's concerns. These changes relate to the fenestration on both the front and rear elevations of the building and the removal of the fence to the rear which was in close proximity of Longworth.

### 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	Application - Permitted

## Resubmission of 16/02183/F

17/01202/LB            Conversion and extension of existing Application  
buildings to form 2 dwellings - Permitted  
Resubmission 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 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 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 27.09.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. Six 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 (no comments received following submission of amended plans).

### STATUTORY CONSULTEES

6.3. None.

### NON-STATUTORY CONSULTEES

6.4. CONSERVATION: **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)

- 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 Conservation Officer has offered no objections to the proposals following the receipt of amended plans. The Parish Council had objected to the proposals in their initial form but at the time of writing this report had not commented on the amended plans.
- 8.7. 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.
- 8.8. The present application proposes a number of changes to 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 better respect the traditional form of the building.
- 8.9. There had been a number of concerns with the fenestration of the scheme as initially submitted. The fenestration was considered to be too domestic and would have appeared cluttered. The agent has changed the fenestration onto Rattlecombe Road so that there are now only three openings. The easternmost of these openings was previously approved under 17/01201/F and it would be therefore unreasonable to resist this under the present application. The other window at ground floor level would make use of the historic door opening onto Rattlecombe Road and would have a recessed stone panel underneath the window. This window, although domestic in its design, would make use of an existing opening and would not result in the removal of historic fabric and is therefore considered to be acceptable. The third window would be at first floor level above the historic door opening and would

be obscurely glazed. The introduction of an obscurely glazed window on the front elevation is considered to be unfortunate, however would not be harmful enough in its own right to justify a reason for refusal.

- 8.10. 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.
- 8.11. 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.
- 8.12. The retention and re-use of the existing opening is considered to be a benefit of the scheme. On the initial plans, the fenestration in this opening appeared very cluttered and complicated. In the amended plans that have been submitted, the opening has been infilled slightly and the fenestration would not appear less cluttered and more appropriate for a converted agricultural building. There were no concerns raised with the other windows on the rear of the building and therefore the development is considered to be acceptable in this regard.
- 8.13. It should be noted that some of the alterations proposed in this application have been constructed during the course of the application. This is an unfortunate act on behalf of the developer, however the changes are considered to be acceptable and would not cause harm to the setting or significance of the listed building.
- 8.14. It is therefore considered that the changes proposed in this application are acceptable and would not cause demonstrable harm to the designated heritage assets.

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

- 9.1. The proposed development would not cause demonstrable harm to the setting or significance of the curtilage listed building or the neighbouring Grade II listed Longworth and therefore the development is considered to be acceptable with regard to its impact on the nearby designated heritage assets.

## **10. RECOMMENDATION**

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

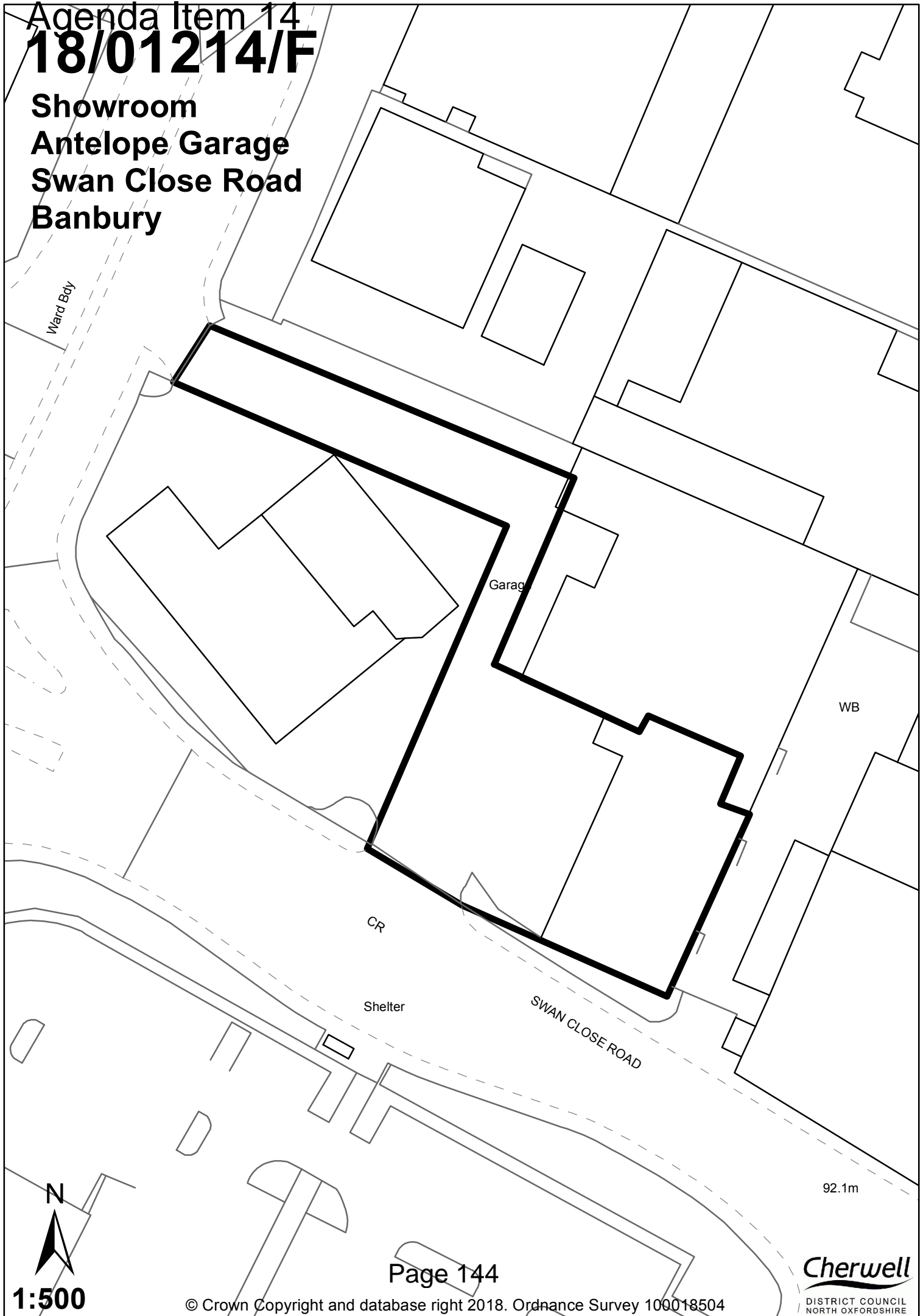
1. Time
2. Plans
3. Details of fabric
4. Development in accordance with approved stone sample panel
5. Development in accordance with approved slate samples
6. Window details to be submitted
7. Rainwater goods to be cast iron or aluminium

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

Agenda Item 14  
**18/01214/F**

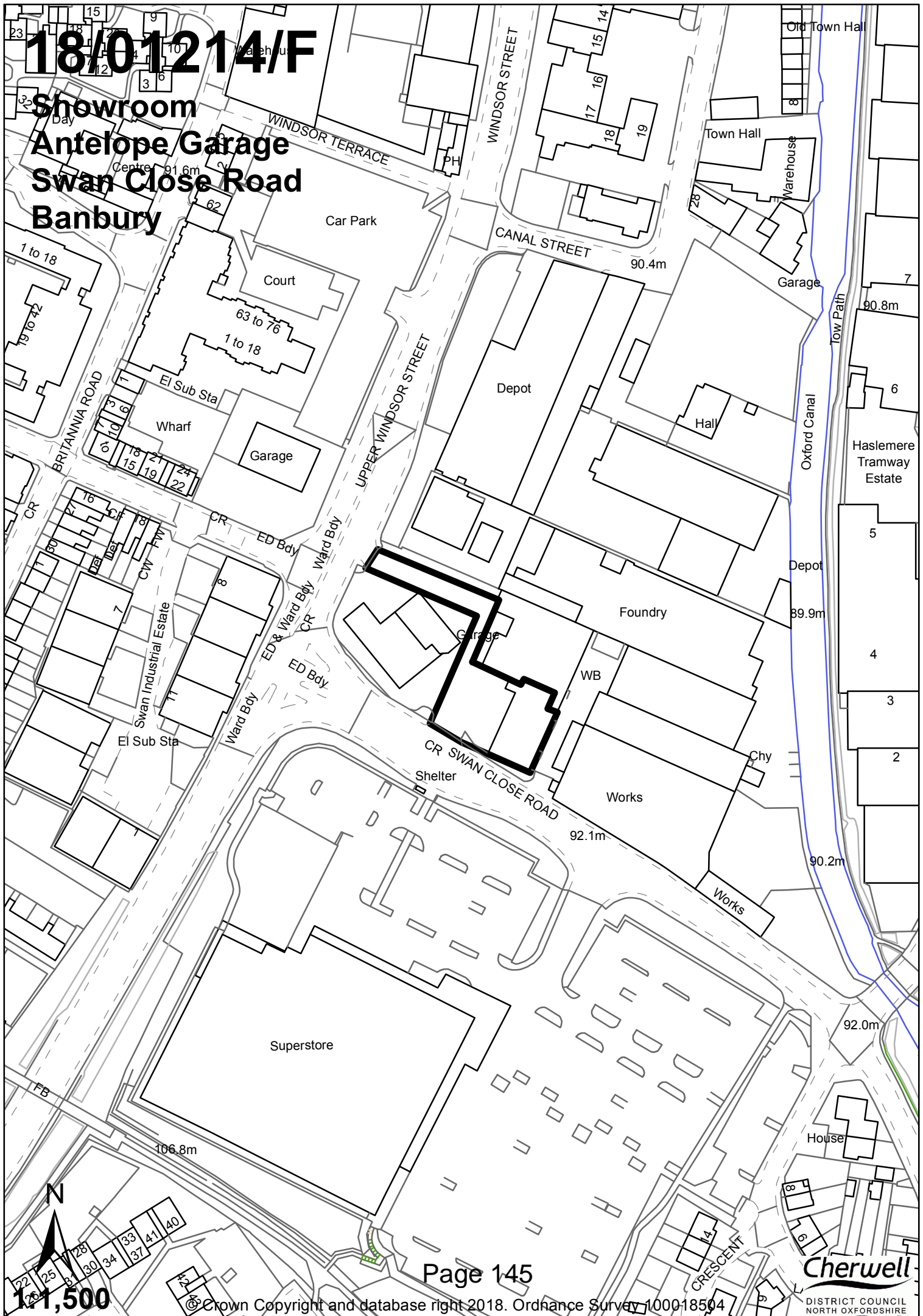
**Showroom  
Antelope Garage  
Swan Close Road  
Banbury**



**1:500**

18/01214/F

Showroom  
Antelope Garage  
Swan Close Road  
Banbury



**Showroom  
Antelope Garage  
Swan Close Road  
Banbury**

**18/01214/F**

**Applicant:** Salvation Army Trading Company Limited

**Proposal:** Change of Use to B8 storage and distribution with ancillary Class A1 shops and B1 offices.

**Ward:** Banbury Grimsbury and Hightown

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

**Reason for Referral:** Application building is owned by the Council

**Expiry Date:** 14 September 2018      **Committee Date:** 20 September 2018

**Recommendation:** Approve

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

### **Proposal**

The application seeks to change the use of the building from a car showroom to a storage and distribution centre, with ancillary retail and office elements. The development would involve no external changes and the current application simply relates to the change of use of the building.

### **Consultations**

No statutory or on-statutory consultees have raised objections to the application

### **Planning Policy**

The site is located within the Banbury Canalside Area, which is covered by Policy Banbury 1 of the Cherwell Local Plan 2011 – 2031 Part 1. The site is also located within the Oxford Canal Conservation Area.

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

### **Conclusion**

The key issues arising from the amended application details are:

- Principle of Development;
- Impact on highway safety

The report looks into the key planning issues in detail, and officers conclude that the proposal is 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 relates to a former car show room (previously known as the Antelope Garage) situated to the south east of Banbury town centre. The site encompasses a corner plot, situated in a prominent location at the junction of Swan Close Road and Upper Windsor Street. The unit itself sits within a wider industrial area and is accessed alongside the existing petrol filling station.
- 1.2. The application building is comprised of the southern section of a part single storey, part two storey, industrial type building which is constructed of brick and grey profiled metal cladding above. The building has relatively large openings at the front, consistent with its use as a car show room, with smaller openings at the back.
- 1.3. The application building is not a listed building but is situated within the designated Oxford Canal Conservation Area and adjacent to the locally listed building occupied by 'Laser Sailcraft'. The site is located within the Banbury Canalside area, which is part of policy Banbury 1 of the Cherwell Local Plan 2011 – 2031 Part 1.

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

- 2.1. Planning consent is sought for the change of use of the former car showroom to a storage and distribution centre with ancillary retail and office elements. The applicant is The Salvation Army and the building would be used as a donation centre. No external changes are proposed to the building.

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

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

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

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

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

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 23.08.2018, 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.

#### TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BANBURY TOWN COUNCIL: **No objections.**

#### STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to conditions relating to cycle parking and car parking details.

#### NON-STATUTORY CONSULTEES

- 6.4. BUILDING CONTROL: **No objections.**
- 6.5. ECOLOGY: **No objections.**
- 6.6. ECONOMIC DEVELOPMENT: No comments received.
- 6.7. ENVIRONMENTAL PROTECTION: **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)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- ESD15 - The Character of the Built and Historic Environment
- ESD16 – The Oxford Canal
- Banbury 1 – Canalside

#### 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)
- Banbury Vision and Masterplan 2016 (SPD)
- Banbury Conservation Area Appraisal 2004
- Oxford Canal Conservation Area Appraisal 2012
- Banbury Conservation Area Appraisal (Draft 2017)



## 8. APPRAISAL

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

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

### Principle of development

8.2. Paragraph 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.

8.3. Policy PSD 1 of the Cherwell Local Plan 2011 - 2031 Part 1 echoes these aspirations and states that wherever possible, development should improve the economic, social and environmental conditions in the area.

8.4. Policy SLE 1 of the Cherwell Local Plan 2011 - 2031 Part 1 states that:

*Employment proposals at Banbury, Bicester and Kidlington will be supported if they meet the following criteria:*

- *Are within the built up limits of the settlement unless on an allocated site*
- *They will be outside of the Green Belt, unless very special circumstances can be demonstrated*
- *Make efficient use of previously-developed land wherever possible*
- *Make efficient use of existing and underused sites and premises increasing the intensity of use on sites*
- *Have good access, or can be made to have good access, by public transport and other sustainable modes*
- *Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of its surroundings*
- *Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment.*

8.5. The proposal is within the built up limits of Banbury; is outside of the Green Belt; makes efficient use of the site; has good access and can be easily accessed by public transport; does not affect the design or character of the area; and does not have an adverse effect on surrounding uses. The proposals are, therefore considered to be in accordance with Policy SLE 1 of the Cherwell Local Plan 2011 - 2031 Part 1.

8.6. Policy Banbury 1: Banbury Canalside of the Cherwell Local Plan 2011 - 2031 Part 1 encompasses 26 hectares of land, including that which is occupied by the application site. *“Banbury Canalside is the name given to the land between Banbury Town Centre and Banbury Railway Station. The successful regeneration of Canalside and its potential to act as a catalyst for change in the town has been a key component of Cherwell District Council’s planning and regeneration aims for a number of years”.* When considering proposals for development in this location, it is important to understand the principles enshrined within the policy, which seeks the following:

*Provision of new homes, retail, office and leisure uses, public open space, pedestrian and cycle routes including new footbridges over the railway line, river and canal, and multi-storey car parks to serve Banbury railway station. Re-development would bring about significant environmental benefits in terms of improving the appearance of the built environment, the town centre, and the quality of the river and canal corridor. The wider community will have access to new services and facilities and Banbury's economy will benefit with the increase in the number of visitors to the town.*

- 8.7. It is also noted that, given the complexities of the site, a separate Supplementary Planning Document (SPD) is to be developed and will form the basis of an Action Plan to take forward this regeneration scheme. It is noted that the 'Canalside SPD' is currently in preparation but not yet concluded..
- 8.8. The application seeks a permanent change of use of the southern part of the building to Class B8 use with ancillary retail and office elements. The applicant's agent states that the proposed building would be used as a donation centre, which often includes bulkier items such as furniture, and that the donation centre would support the existing Salvation Army shop in the town centre. Whilst this planning use does not generally conform with the aspirations of this policy, as there has been no progress on the SPD for some time and given that there is no imminent likelihood of a scheme coming forward for the comprehensive redevelopment of the Canalside area a change of use is considered to be acceptable in this instance.
- 8.9. Notwithstanding the above, the Council has ownership of the land and is responsible for leasing the property to the applicant. Should the 'Canalside SPD' progress in the future, then the Council would have control over whether this site could be vacated to make way for any future development. Whilst this is not necessarily a planning matter, given the control that the Council has over the land it is considered that the granting of this permission would not inhibit the future implementation of this Policy Banbury 1 and is therefore acceptable in this regard. The consent shall be made temporary in order to ensure that the Canalside development can be undertaken in the future.

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

- 8.10. The Government attaches great importance to the design of the built environment within the 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.
- 8.11. 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.*"
- 8.12. Policy ESD 16 of the Cherwell Local Plan 2011 - 2031 Part 1 states that the LPA will '*protect and enhance the Oxford Canal corridor which passes south to north through the District as a green transport route, significant industrial heritage, tourism attraction and major leisure facility through the control of development*'. It goes on to state that '*the length of the Oxford Canal through Cherwell District is a designated Conservation Area and proposals which would be detrimental to its character or appearance will not be permitted.*
- 8.13. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

- 8.14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Conservation Areas are designated heritage assets, and Paragraph 193 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.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 8.15. The current application only relates to the change of use of the building and as such there are no external alterations proposed. Given that there would be no change to the overall appearance of the building, and given the building and wider site was previously in commercial use, it is considered that the proposal would not cause harm to the character and appearance of the area, including the Conservation Areas. Thus the proposal would be in accordance with Saved Policy C28 of the Cherwell Local Plan 1996; Policies ESD 15 and ESD 16 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within The Framework.
- 8.16. Notwithstanding the above, the applicants should be advised that, given that the proposal is sited in a designated Conservation Area, any advertisements and external alterations are likely to require 'Advertisement Consent' (for which a separate application will be required).

#### Residential amenity

- 8.17. 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. Saved Policy C31 of the Cherwell Local Plan 1996 states: *in existing and proposed residential areas any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion will not normally be permitted.*
- 8.18. The application site is situated approximately 100m away from the nearest residential properties (located at Spencer Court and Gatteridge Street). Having regard to this distance (which is considered to be substantial) and the existing uses on the site, it is considered that the proposed use would not give rise to any detrimental impact to any nearby properties beyond what is currently experienced.
- 8.19. In addition to the above, it is noted that the Environmental Protection Officer raises no objections and the proposal is therefore not considered to give rise to any detrimental impact in regard to noise, air quality, odour or light.
- 8.20. The operating hours indicated in the application form (07:00am – 20:00pm Monday to Friday; 07:00am – 20:00pm Saturday; and no times on Sundays and Bank Holidays) are considered to be acceptable and appropriate for the proposed use. It is therefore considered that the hours of operation would not adversely affect the amenity of the occupiers of any residential property, the nearest of which is a minimum of 100 metres away.
- 8.21. Having regard to the above, the proposals are not considered to be detrimental to any residential properties in terms of noise, air quality, odour or light and would therefore be in accordance with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within The Framework.

#### Highway safety

8.22. The Highways Officer has offered no objections to the proposals, subject to conditions relating to car parking and cycle parking provision. The site is located in close proximity to the town centre of Banbury and, given the nature of the proposed use, these conditions are considered to be reasonable and are therefore included.

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

9.1. The principle of the change of use is considered to be acceptable in accordance with Policies SLE1 and Banbury 1 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the NPPF. Furthermore, there would not be a detrimental impact on visual amenity, residential amenity or Highway Safety. The proposal is therefore considered to be sustainable development that accords with the relevant policies of the Development Plan, and in accordance with Paragraph 11 of the NPPF permission should be granted.

## **10. RECOMMENDATION**

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

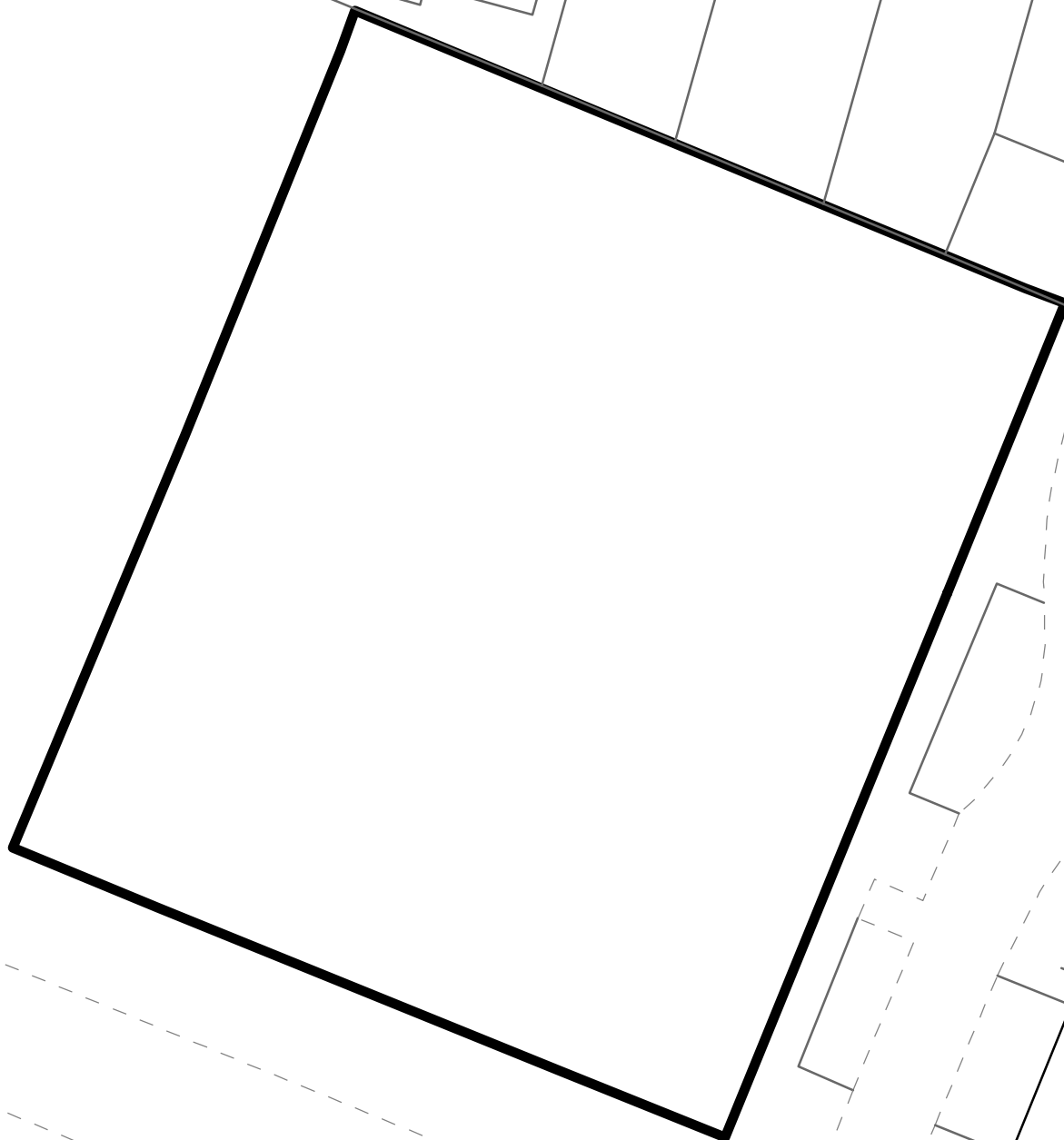
1. Time
2. Plans
3. Five year temporary permission
4. Details of cycle and car parking

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

# 18/00307/DISC

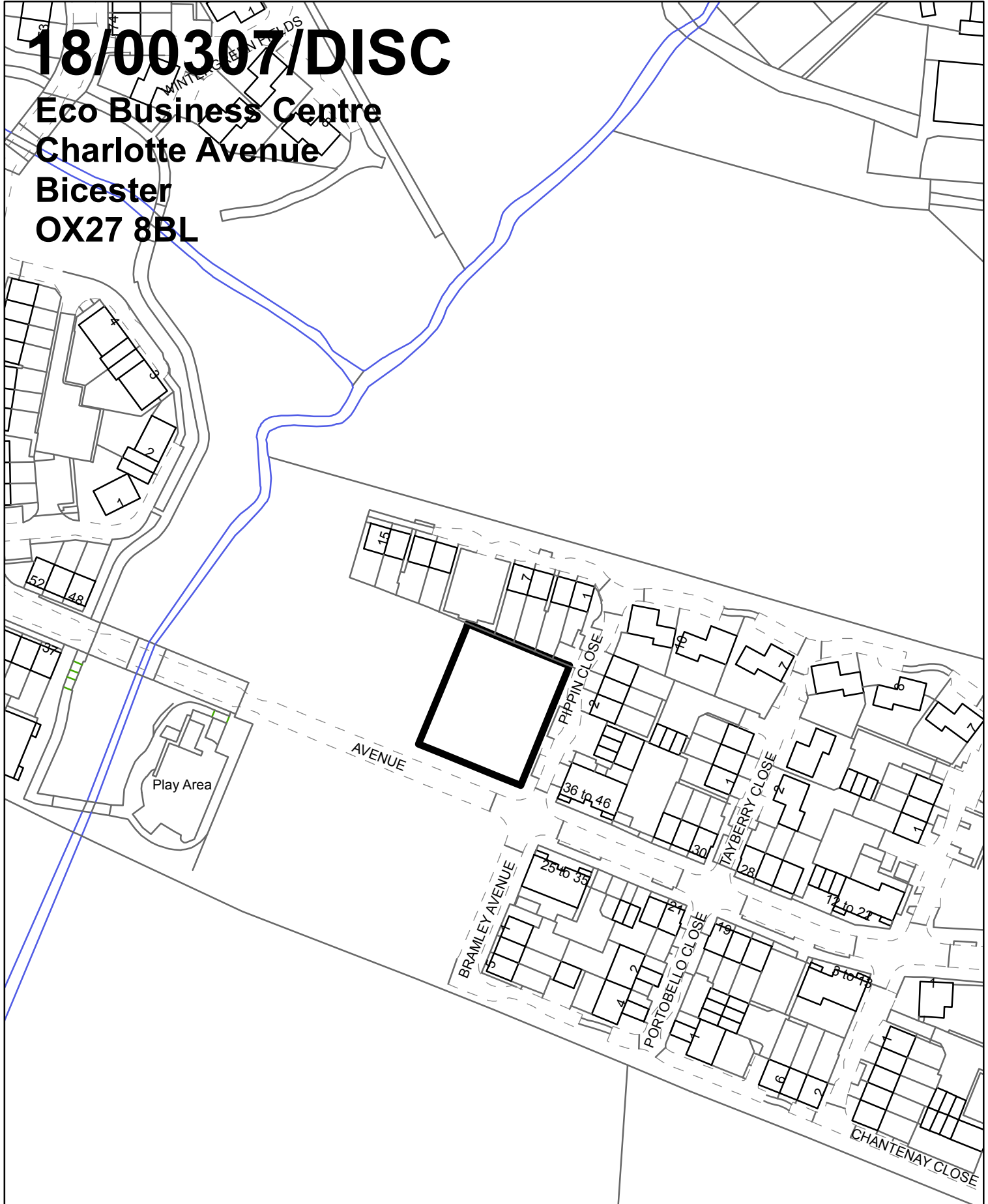
Eco Business Centre  
Charlotte Avenue  
Bicester  
OX27 8BL



1:300

# 18/00307/DISC

Eco Business Centre  
Charlotte Avenue  
Bicester  
OX27 8BL



1:1,500

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

**18/00307/DISC**

**Applicant:** Cherwell District Council

**Proposal:** Discharge of condition 6 (zero carbon off site) of 17/00573/CDC

**Ward:** Bicester North and Caversfield

**Councillors:** Cllr Nicholas Mawer  
Cllr Lynn Pratt  
Cllr Jason Slaymaker

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

**Expiry Date:** 24 September 2018      **Committee Date:** 20 September 2018

**Recommendation:** Approve

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

#### **Proposal**

The proposal seeks to discharge planning condition 6 of 17/00573/CDC, which sought details of the offsite measures that would be utilised to enable the scheme to achieve the zero carbon standard.

#### **Consultations**

No consultations have been undertaken as Officers have been able to conclude from the submitted information that the zero carbon standards have been met.

#### **Conclusion**

The report looks into the key planning issues in detail, and Officers conclude that the submitted information is acceptable, the scheme meets the requirements of relevant CDC policies and that planning condition 6 should be discharged.

#### **RECOMMENDATION - GRANT APPROVAL OF CONDITION 6**

**Members are advised that the above is a summary of the proposals and key issues are 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 within Elmsbrook to the North West of Bicester within the site allocated by Policy Bicester 1. The site has planning permission for a three storey business centre being constructed to zero carbon standards as required at

North West Bicester and is being delivered by Cherwell District Council having been secured for this use through the legal agreement for 10/01780/HYBRID.

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

- 2.1. The application seeks to discharge planning condition 6 of 17/00573/CDC, which sought details of the offsite measures that will be utilised to enable the scheme to achieve zero carbon including a timescale, how the shortfall is to be met and where it will be met.

## **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>
17/00573/CDC	Development of Eco-Business Centre (Use Class B1) within new local centre (ref. 15/00760/F) with associated access, servicing, landscaping and parking, with a total GEA of 1385sqm.	Application Permitted

- 3.2. There have been previous applications to discharge planning conditions for the Eco Business Centre (17/00380/DISC and 17/00575/DISC) and a non-material amendment to make some minor changes to the building (18/00070/NMA). These have all been approved after being reported to planning committee.

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

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

## **5. RESPONSE TO PUBLICITY AND CONSULTATION**

- 5.1. Given the nature of the condition, no publicity or consultation has been undertaken as Officers have been able to judge whether the information demonstrates that the condition has been satisfied.

## **6. APPRAISAL**

- 6.1 Condition 6 requires details of offsite measures that will be utilised to enable the scheme to achieve zero carbon. The condition was imposed to ensure that the application site achieved zero carbon development in accordance with PPS1: Eco Towns. The requirement for zero carbon development is also set out at Policy Bicester 1 of the Cherwell Local Plan Part 1.

- 6.2 At the application stage, an energy statement was submitted. This detailed how the building would include passive design and efficient building services. Beyond this, the building would be connected to the district heating network served from the Energy Centre to provide space heating and hot water generation and would be provided with a solar PV array. The document concluded that these matters went some way to the building achieving the zero carbon standard, however that even with these features, there would be residual CO<sup>2</sup> emissions of 19,286kgCO<sup>2</sup>. The planning condition therefore sought details of how an offsite scheme would be provided to ensure that the CO<sup>2</sup> emissions were offset such that the development could be concluded to be true zero carbon.



- 6.3 In order to clear the planning condition, further information has been provided. This has reconsidered likely energy consumption to a realistic level based on an understanding of the percentage of occupancy for different time periods alongside the associated use of plant and small electrical items and more detailed lighting modelling. This has reduced the likely energy demand of the building such that the connection to the district heating and the solar PV on site is sufficient to offset the carbon emissions and means that the building achieves the zero carbon standard without having to resort to offsite measures. However, the Council has installed solar PV onto Franklins House in Bicester, which results in additional benefits such that there is a positive carbon balance overall.
- 6.4 Given the above, it is considered that the requirements of condition 6 have been met as the true zero carbon standard has been achieved. The condition should therefore be discharged.

**7. RECOMMENDATION**

That Planning Condition 6 be cleared in accordance with the following:

Condition 6

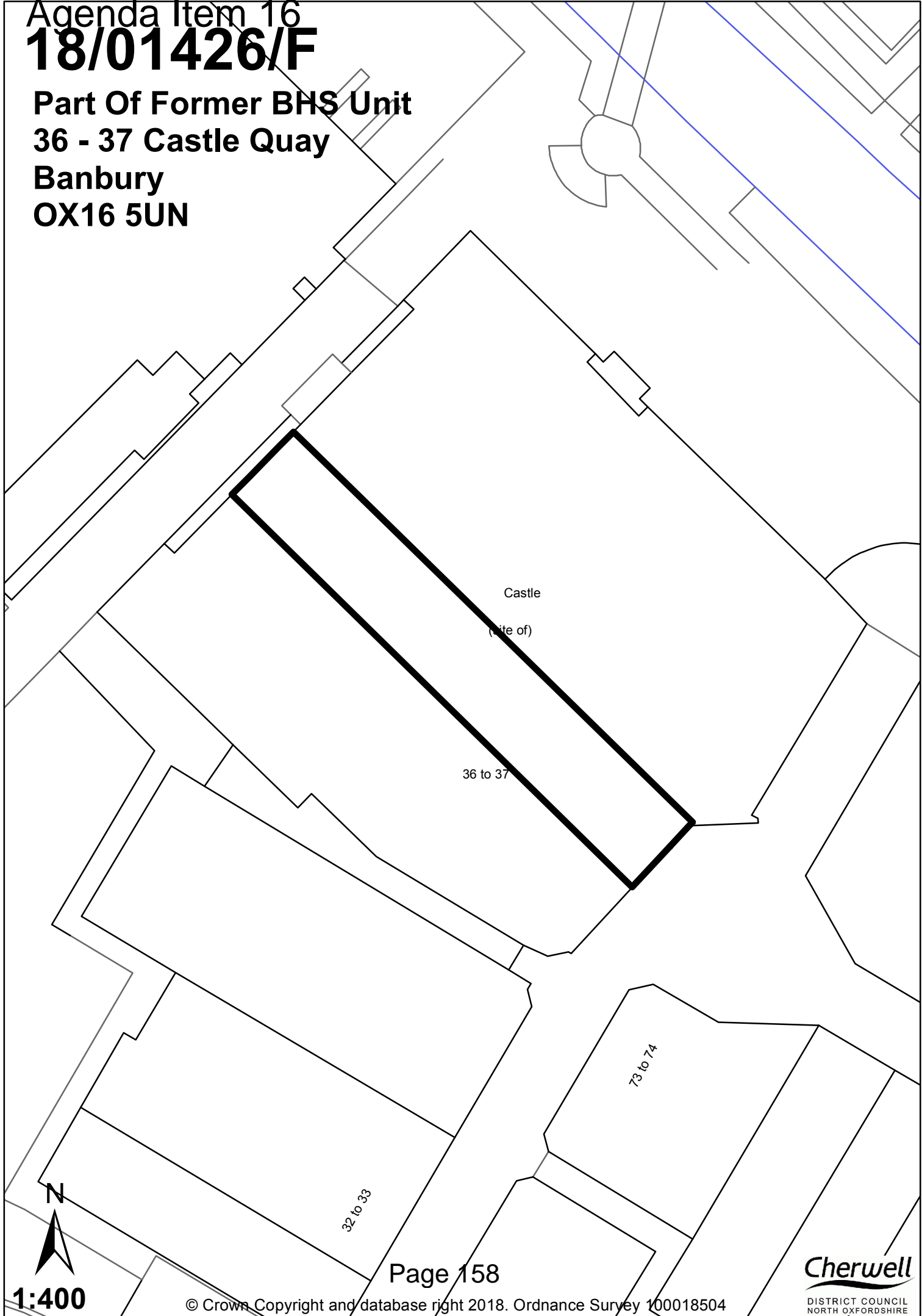
Approval is given for the details of the offsite measures that enable the scheme to achieve the zero carbon standard as set out in the information submitted with the application. The pre-occupation requirements of the condition are therefore satisfied.

CASE OFFICER: Caroline Ford

TEL: 01295 221823

Agenda Item 16  
**18/01426/F**

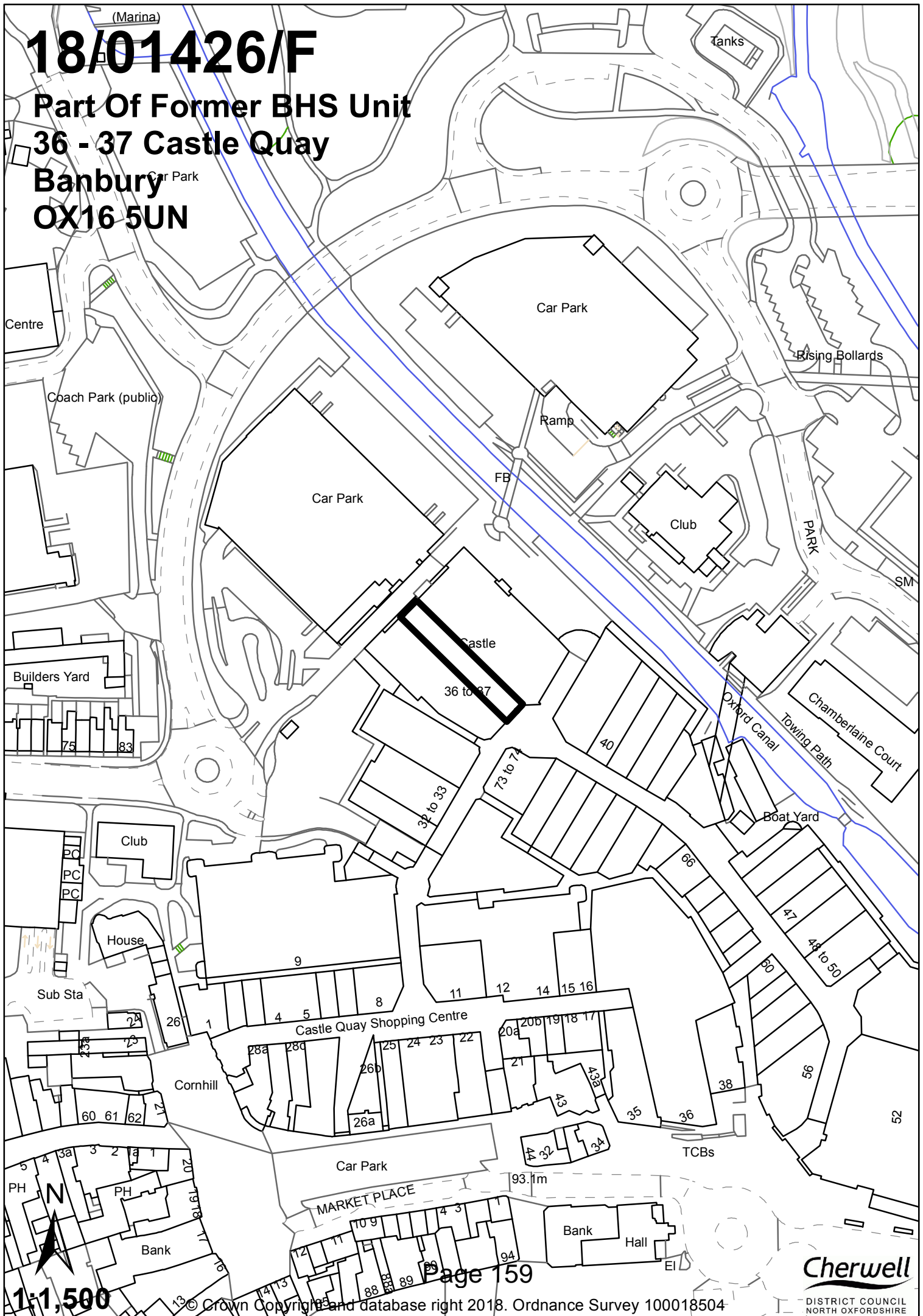
**Part Of Former BHS Unit**  
**36 - 37 Castle Quay**  
**Banbury**  
**OX16 5UN**



N  
1:400

# 18/01426/F

Part Of Former BHS Unit  
36 - 37 Castle Quay  
Banbury  
OX16 5UN



1:1,500

**Part Of Former BHS Unit  
36 - 37 Castle Quay  
Banbury  
OX16 5UN**

**18/01426/F**

**Applicant:** Cherwell District Council

**Proposal:** Installation of new entrance doors in north western elevation of former BHS unit to allow pedestrian access to shopping centre from south multi-storey car park

**Ward:** Banbury Cross And Neithrop

**Councillors:** Cllr Hannah Banfield  
Cllr Surinder Dhesi  
Cllr Cassi Perry

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

**Expiry Date:** 5 October 2018      **Committee Date:** 20 September 2018

**Recommendation:** Approve

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

### **Proposal**

Planning permission is sought for a new entranceway into Castle Quay from the walkway that separates the shopping centres multi-storey car park and the western façade of the shopping centre.

### **Consultations**

- No statutory or non-statutory consultees have raised objections to the application
- Banbury Town Council had not made any comments prior to this report being finalised.
- No Third party letters received

### **Planning Policy**

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

### **Conclusion**

The key issues arising from the amended application details are:

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

The report looks into the key planning issues in detail, and officers conclude that the proposal is 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 towards the centre of Banbury, forming part of the existing Castle Quay Shopping Centre. The application site is located nearby, but not adjacent, to the Oxford Canal Conservation Area. There are no other site constraints relevant to planning.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. The applicant seeks planning consent to create a new entrance walkway from the northwest elevation of Castle Quay Shopping Centre, which would provide access from next to the multi-storey car park into the shopping centre. The entrance would feature x2 sets of grey metal glazed doors with grey metal arched windows above to match the existing. The proposed glazing would be aligned to match existing openings in terms of height.

**3. RELEVANT PLANNING HISTORY**

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
CHN.205/94	Redevelopment to form extension of Castle Quay and new covered shopping centre, together with the provision of link road from Castle Street to inner relief road, car parking, landscaping and ancillary facilities and the relocation of the bus station	Application Permitted
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 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	Application Permitted

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 19.09.2018, although comments received after this date and before finalising this report have also been taken into account. Any comments received after this report is finalised will be added by way of written update.

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. Any comments received after this report is finalised will be added by way of written update. 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 comments received**

##### STATUTORY CONSULTEES

6.3. OCC HIGHWAYS: **No objections**

6.4. CANAL AND RIVERS TRUST: **No objections**

##### NON-STATUTORY CONSULTEES

6.5. OCC ARCHAEOLOGY: **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)

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

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

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

### 7.3. Other Material Planning Considerations

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

## 8. APPRAISAL

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

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

#### Principle of development

8.2. Policy Banbury 9 of the CLP 2031 Part 1 is focused on the Spiceball Development Area. This Policy has regard for public and pedestrian spaces, focusing on integration between the Town Centre and Oxford Canal/Spiceball Centre.

8.3. The applicant states that this proposal is required for access into Castle Quay from the Multi-Storey Car Park whilst construction works are underway of the CQ2 development.

8.4. The proposed internal walkway and potential subdivision of the units do not require planning permission and there are no conditions on the original consent which restrict this.

8.5. The current application only proposes some minor alterations to the external appearance of the Castle Quay building. Therefore the principle of development in general sustainability terms in this case is considered to be acceptable and there would be no conflict with this policy.

#### Design and impact on the character of the 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. ESD15 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 proposed new entrance doors are considered a minor change given the context of the site. The style of the opening and materials used are considered to match those already used on the Castle Quay building. Therefore, it is considered that the impact on the site and the wider area including the setting of the Oxford Canal Conservation Area is negligible.
- 8.10. The application is therefore considered to comply with Policy ESD15 of the CLP 2031, saved Policy C28 of the CLP 1996 and relevant paragraphs of the NPPF.

#### Residential Amenity

- 8.11. 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 any material 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

- 8.12. 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, resulting in no change to the existing parking arrangements to Castle Quay.

#### Other matters

- 8.13. 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**

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

1. Time Limit
2. Compliance with the Approved plans

CASE OFFICER: George Smith

TEL: 01295 221899



# 18/00327/DISC

Slighte

18B Bridge Street

Banbury

OX16 5PN

BRIDGE STREET

91.1m

17  
to  
15

14

12

20 to 23

19

18

8

Factory

Works

Garage

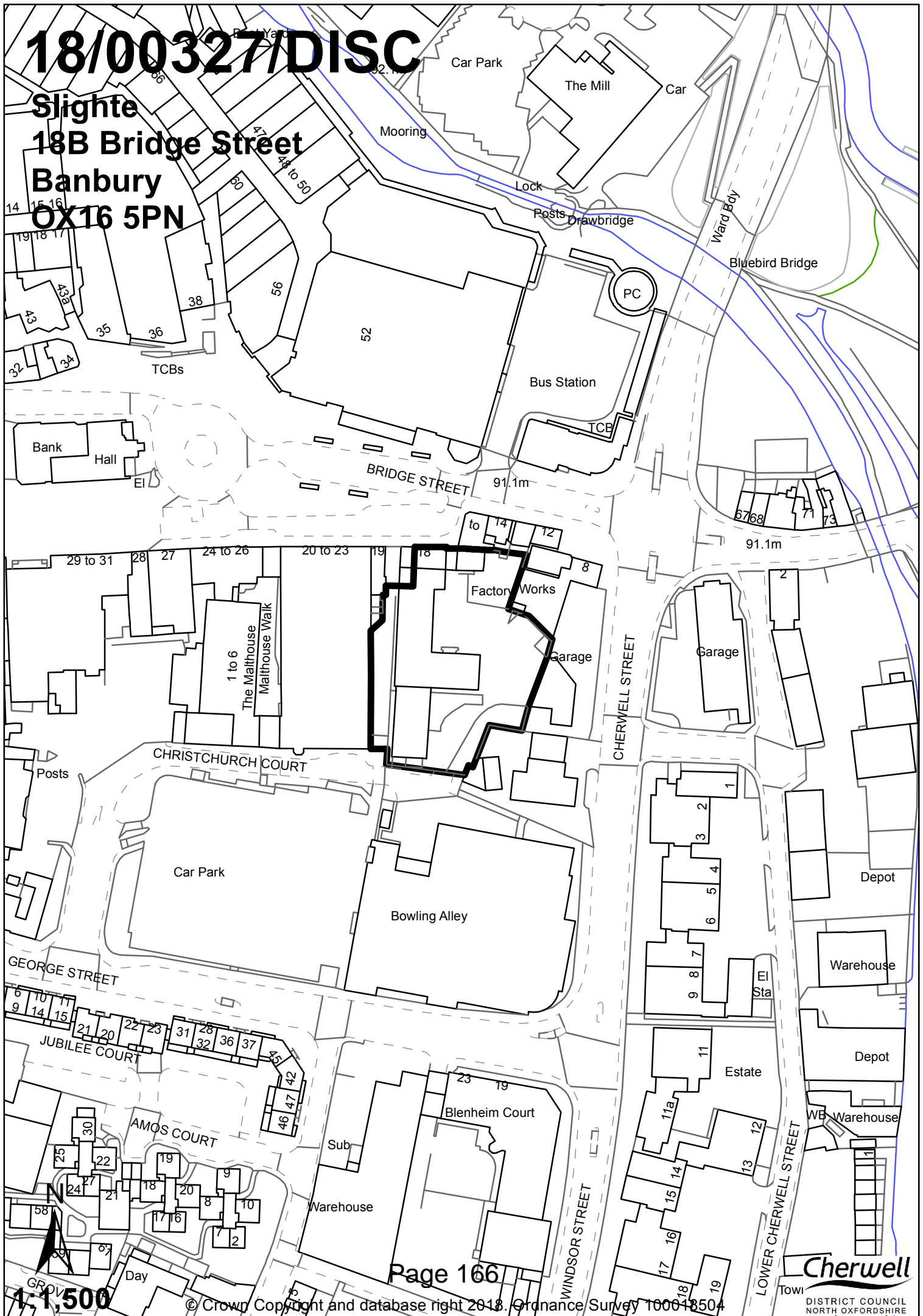
N



1:500

# 18/00327/DISC

Slighte  
18B Bridge Street  
Banbury  
OX16 5PN



**Slighte**  
**18B Bridge Street**  
**Banbury**  
**OX16 5PN**

**18/00327/DISC**

**Applicant:** Cherwell District Council

**Proposal:** Discharge of Condition 4 (canopy details) of 17/00243/F

**Ward:** Banbury Cross And Neithrop

**Councillors:** Cllr Hannah Banfield  
Cllr Surinder Dhesi  
Cllr Cassi Perry

**Reason for Referral:** Council application

**Expiry Date:** 9 October 2018      **Committee Date:** 20 September 2018

**Recommendation:** Approve

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

### **Proposal**

The proposal is details of a canopy over the entrance to the building.

### **Consultations**

None

### **Planning Policy**

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

### **Conclusion**

The key issues arising from the amended application details are:

- Design

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

## **RECOMMENDATION - GRANT PERMISSION**

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

## **MAIN REPORT**

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

- 1.1. The application site is the former Crown House in Banbury Town Centre. The main building is now undergoing conversion to residential flats and there are also works associated with other extant permissions for new flats being carried out on the site.

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

- 2.1. The current application provides details of the canopy over the entrance to the flats that was required by condition 4 of planning consent 17/00243/F. This is for a simple arched porch constructed of metal and polycarbonate. The original consent allowed for a number of external alterations relating to the residential conversion of the 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>
14/01803/PAJ	Change of use of a section of existing office building into 9 no. apartments, as part of an overall mixed use conversion of Crown House and part of No. 18 Bridge Street	Prior Approval Granted
16/01763/O56	Proposed change of use of existing office building into 37 No. apartments	Application Permitted
17/00243/F	External alterations to include additional windows, doors and canopy alterations in connection with prior approval 16/01763/O56 for the proposed change of use of existing office building into 37 No apartments	Application Permitted
17/00288/F	Four storey extension to existing building to create 10 self-contained apartments	Application Permitted
17/00658/F	Change of use of existing building to create coffee shop (Class A3) and 1 no. 1 bedroom unit at ground floor level and 3 no. residential units (2 no. studio units and 1 no. 2 bed unit) at first floor level	Application Permitted

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

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

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

- 5.1. No comments have been raised by third parties.

## **6. RESPONSE TO CONSULTATION**

6.1. No consultation has been undertaken

## **7. APPRAISAL**

### Condition 4

9.1. The submitted details show the provision of a new black powder coated aluminium framed porch with clear polycarbonate sheeting over. This is situated over one of the main entrances into the building. This provides some definition to the entrance of the building and whilst less elaborate than the details shown on the approved plans is considered to be acceptable particularly in light of the fact it would only be visible within the site. The proposal is therefore considered to be acceptable.

## **8. RECOMMENDATION**

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

### Condition 4

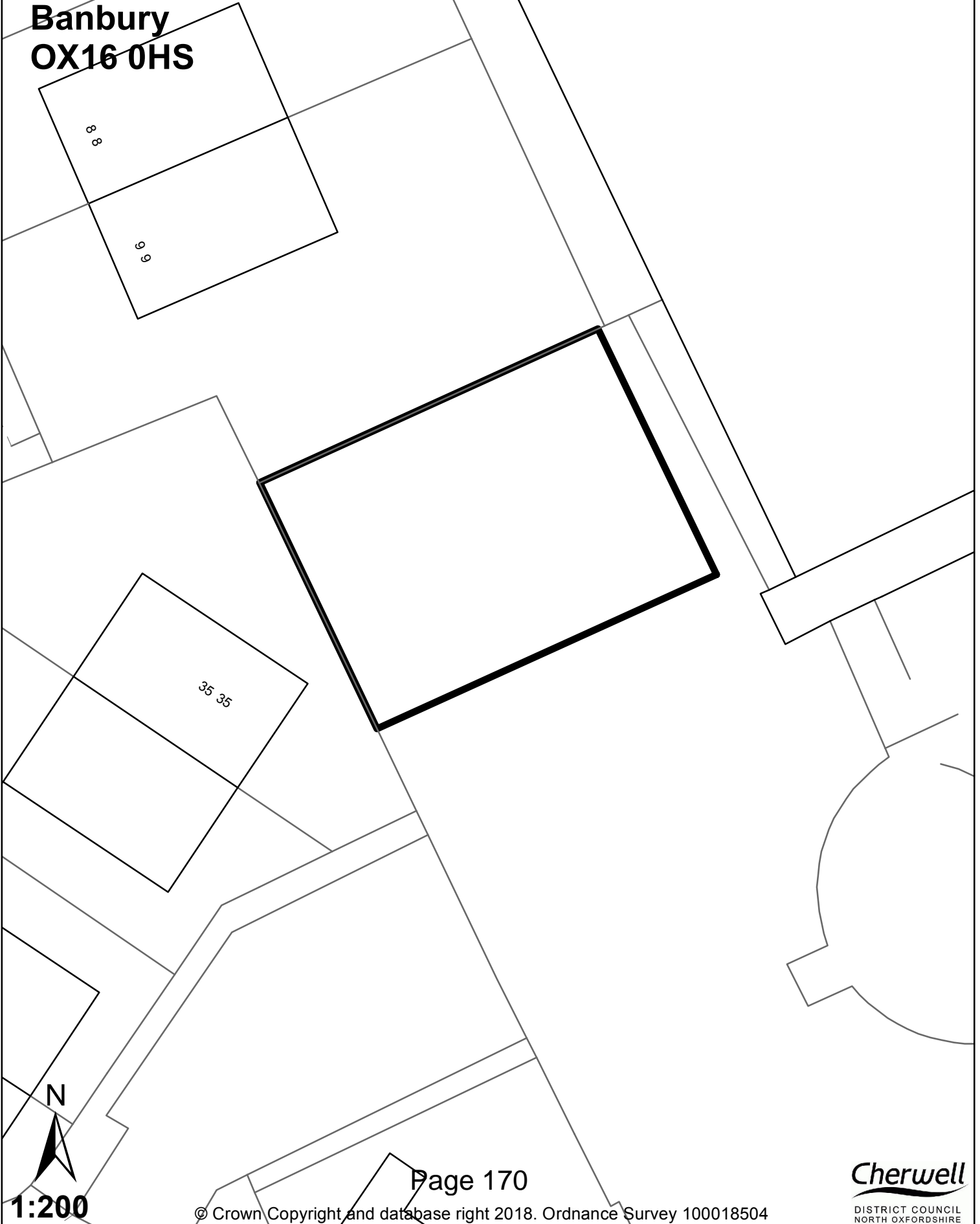
The details shown on drawing number 6778.23 A

CASE OFFICER: James Kirkham

TEL: 01295 221820

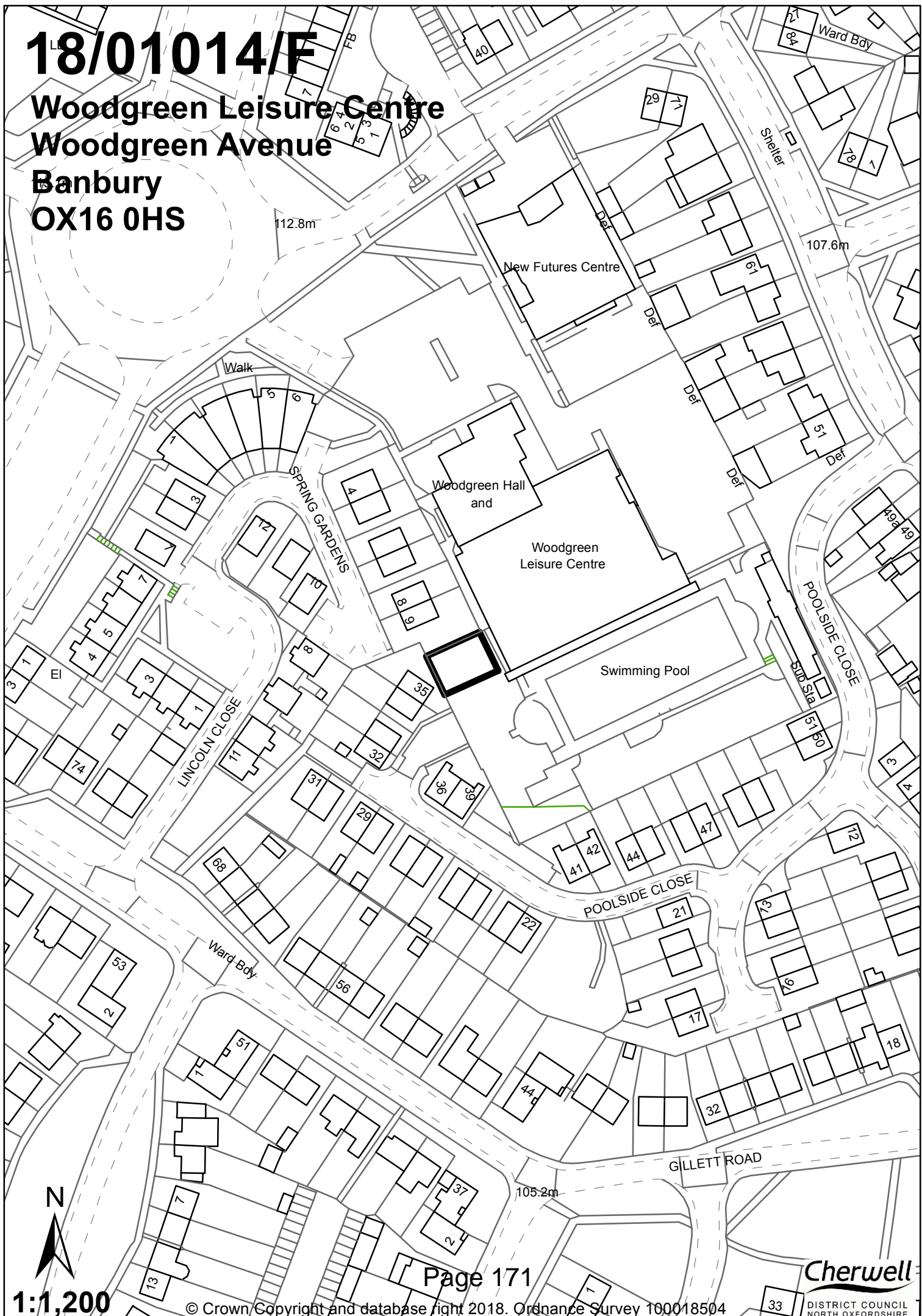
Agenda Item 18  
**18/01014/F**

**Woodgreen Leisure Centre**  
**Woodgreen Avenue**  
**Banbury**  
**OX16 0HS**



# 18/01014/F

**Woodgreen Leisure Centre**  
**Woodgreen Avenue**  
**Banbury**  
**OX16 0HS**



1:1,200

**Woodgreen Leisure Centre  
Woodgreen Avenue  
Banbury  
OX16 0HS**

**18/01014/F**

**Applicant:** Tracie Collins

**Proposal:** Erection of 2 no storage buildings and erection of fencing enclosing site area

**Ward:** Banbury Ruscote

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

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

**Expiry Date:** 24 August 2018      **Committee Date:** 20 September 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 consent is sought for the erection of two storage buildings and a fence to enclose the proposed storage buildings.

#### **Consultations**

No statutory or non-statutory consultees have raised objections to the application

#### **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 amended application details are:

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

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 Woodgreen Leisure Centre which consists of a leisure centre with outdoor pool, indoor bowls hall, gym and exercise studio. It also has a library situated within the building. It is accessed from a roundabout on Woodgreen Avenue and has car parking situated to the north and west of the building.
- 1.2 The building is a mix of architectural styles including a main two storey pitched building with flat roof and mono-pitched extensions around the building. It is constructed with a mix of materials including brick and render.

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

- 2.1. Planning consent is sought for the erection of two storage buildings and a fence to enclose the proposed storage buildings. The proposed shed one will measure approximately 5.1m depth, 3.7m width with an overall roof height of 2.5m sloping down to an eaves height 2m. Proposed shed two would measure approximately 3.1m depth, 2.5m width with an overall roof height 2.5m sloping down to an eaves height of 2m. The proposed fence would measure 1.8m in height and 26.3m in length.

### **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>
16/00246/F	Extension to existing leisure centre for use as cafe/ library area ancillary to the leisure use. Library currently exists but is being relocated.	Application Permitted

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

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

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

- 5.1. This application has been publicised by way of a site notice displayed near the site 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 21.08.2018, 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: Consulted on (18.07.2018) no comments received

## NON-STATUTORY CONSULTTEES

### 6.3. ENVIRONMENTAL PROTECTION – **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)

- ESD15 - The Character of the Built and Historic Environment

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

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

### 7.3. Other Material Planning Considerations

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

## **8. APPRAISAL**

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

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

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

- 8.2. Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 states new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. Saved Policies C28 seek to ensure the layout, scale and design of development is sympathetic to its context.
- 8.3. The proposed development would be set to the side of the existing leisure centre and to the rear of 9 Springs Garden and 35 Poolside Close. The proposal would be set down in height from the main building and would not be readily visible given the existing structural vegetation to the north of the site and the existing built form. Given its scale, siting and overall design, the proposal is considered not to be prominent and subservient in relation to the existing leisure centre. In addition the proposal would provide extra storage space without having significant impact on its locality.
- 8.4. The materials proposed are considered acceptable in relation to the existing building

- 8.5. The proposal would not significantly impact on the visual amenity of the locality and therefore accords with retained Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1.

Neighbouring and residential amenity

- 8.6. Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and paragraph 17 of the NPPF seek to ensure that new development proposals provide a good standard of amenity for existing and proposed occupants of land and buildings. Saved Policy C30 of the Local Plan also states that in considering the conversion of existing buildings consideration will be given to the standards of amenity and privacy provided. The Council also has informal guidance on the Subdivision of Buildings for Residential Use (February 2011) which is a relevant consideration in this case however the National Space Standards have superseded these and are also considered to be relevant to the consideration of the application.
- 8.7. The proposed development although would abut the boundaries of the adjacent neighbours at 9 Springs Garden and 35 Poolside Close. Having regards to its scale and its siting in relation to neighbouring properties, the proposal is not considered to materially impact upon their amenity or any others.
- 8.8. The proposal therefore complies with Policy ESD15 of the Cherwell Local Plan and advice in the NPPF.

**9. PLANNING BALANCE AND CONCLUSION**

- 9.1. For the reasons set out in this report, the proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 14 of the NPPF, permission should therefore be granted.

**10. RECOMMENDATION**

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

1. Time Limit
2. Compliance with the approved plans

CASE OFFICER: Michael Sackey

TEL: 01295 221820

# Agenda Item 19

## Cherwell District Council

### Planning Committee

20 September 2018

#### Appeals Progress Report

### 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

##### 2.1 New Appeals

**18/00956/TPO The Corporate Innovations Co Ltd, 21 Horse Fair, Banbury, OX16 0AH.** Appeal by Tanya Hudson, Corporate Innovations Co Ltd against the refusal of permission to fell to the ground 1 no horse chestnut tree subject to Tree Preservation Order 017/1999.

**Method of determination:** Fast Track Appeal

**Key Dates: Start Date:** 14.08.2018 **Questionnaire Due:** 29.08.2018

**17/01962/F OS Parcel 9635 North East of HM Bullingdon Prison, Widnell Lane, Piddington.** Appeal by Mr H.L Foster against the refusal of planning permission for Material change of use of land to use as a residential caravan site for 6 gypsy families, each with two caravans, including improvement of access and laying of hardstanding

**Method of determination:** Public Inquiry

**Key Dates: Start Date:** 04.09.2018 **Statement Due:** 16.10.2018

**18/00249/OUT Fringford Cottage, Main Street, Fringford, Bicester, OX27 8DP** Appeal by Mr Stuart Wright against the refusal of Planning Permission for Residential development of up to 10 dwellings

**Method of determination:** Written Reps

**Key Dates: Start Date:** 05.09.2018 **Statement Due:** 10.10.2018

## 2.2 Appeals in progress

### Public Inquiries

**17/01173/OUT OS Parcel 4846 South East Of Launton Road And North East Of Sewage Works Blackthorn Road Launton.** Appeal by Manor Oak Homes against the refusal of Planning Permission for Outline Development of up to 72 dwellings with associated large area of public open space. All matters reserved except for access.

**Key Dates:**

**Start Date:** 03/01/2018 **Public Inquiry:** 10.07.2018 **Decision:** Awaited

### Hearings

**17/01428/F Part Of OS Parcels 0625 And 0914 North Of Coopers Buckingham Road, Bicester.** Appeal by LNT Care Developments Ltd/Greenlight Developments Ltd against the refusal of Planning Permission for the Erection of two-storey 64 bed care home for older people (Class C2 Use) with associated new access (off Skimmingdish Lane), parking and landscaping, and new linear park/public open space.

**Method of determination:** Hearing

**Key Dates:**

**Start Date:** 17/04/2018 **Hearing Date:** 31.07.2018 **Decision:** Awaited

### Written Representations

**17/02465/F OS Parcel 6091 East Of Duiker House Fencott.** Appeal by Mr Ben Ancil against the refusal of Planning Permission for the Erection of 1 No single storey dwelling and ancillary garage/workshop

**Key Dates:**

**Start Date:** 16.04.2018 **Statement Date:** 21.05.2018 **Decision:** Awaited

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

**Key Dates:**

**Start Date:** 14/05/2018 **Statement Due:** 25.06.2018 **Decision:** Awaited

**17/01675/M106 Keepers Cover Church Lane Weston On The Green Bicester OX25 3QU.** Appeal by Mrs Ruth Maxted against the non-determination of an application for the Modification of Section 106 - Application 97/02148/F  
**Start Date:** 14.05.2018    **Statement Due:** 25.06.2018    **Decision:** Awaited

**17/02277/F Keepers Cover Church Lane Weston On The Green Bicester OX25 3QU.** Appeal by Mr & Mrs Maxted against the refusal of retrospective Planning Permission for the Change of Use of site edged in red on enclosed OS Extract as private amenity space - Re-submission of 17/00458/F  
**Start Date:** 14.05.2018    **Statement Due:** 25.06.2018    **Decision:** Awaited

**17/02315/F Keepers Cover Church Lane Weston On The Green Bicester OX25 3QU.** Appeal by Mr & Mrs Maxted against the refusal of Planning Permission for the Erection of 1.5 storey extension, with internal remodelling  
**Start Date:** 14.05.2018    **Statement Due:** 25.06.2018    **Decision:** Awaited

**17/02011/F The Stables, The Courtyard, Milton, Banbury, OX15 4SX**  
Appeal by Mr Martin Smethurst against the refusal of Planning Permission for the Erection of 1 No. three bedroom, 1.5 storey dwelling to land south of the existing house and associated landscaping. Demolition of existing stone boundary wall.  
**Start Date:** 31.07.2018    **Statement Due:** 04.09.2018    **Decision:** Awaited

**17/02131/F St Georges Catholic Church, Round Close Road, Adderbury**  
Appeal by Mr Tim Catling against the refusal of Planning Permission for the Demolition of existing chapel and erection of 1 dwelling.  
**Start Date:** 01.08.2018    **Statement Due:** 05.09.2018    **Decision:** Awaited

**17/02203/F 17 The Camellias, Banbury, OX16 1YT**  
Appeal by Mr Tony Partridge against the refusal of Planning Permission for the Erection of 2 bedroom, 2 storey dwelling and division of existing double garage to provide a single garage and parking for the new dwelling  
**Start Date:** 09.08.2018    **Statement Due:** 13.09.2018    **Decision:** Awaited

**17/02292/F Byeways, East End, Hook Norton, Banbury, OX15 5LG**  
Appeal by Mrs Debbie Lewis against the refusal of Planning Permission for the Erection of a new dwellinghouse.  
**Start Date:** 09.08.2018    **Statement Due:** 13.09.2018    **Decision:** Awaited

**17/02366/F Portway Cottage, Ardley Road, Somerton, Bicester, OX25 6NN** Appeal by Mr Marvyn Harris against the refusal of Planning Permission for the Change of use from garage/workshop to two bed cottage - Re-submission of 17/00492/F  
**Start Date:** 09.08.2018    **Statement Due:** 13.09.2018    **Decision:** Awaited

**17/02014/F South Barn, Street From Wigginton To Swerford, Wigginton, Banbury, OX15 4LG** Appeal by Mr Chris Benians against the refusal of Planning Permission for the Extension to existing dwelling, landscaping,

formation of an additional access from the road and change of use of land from agricultural to residential purpose.

**Start Date:** 15.08.2018 **Statement Due:** 19.09.2018 **Decision:** Awaited

### **2.3 Forthcoming Public Inquires and Hearings between 23 August and the 20 September 2018.**

Nil

### **2.4 Results**

Inspectors appointed by the Secretary of State have:

- 1. Allowed the Appeal by Mrs J Gibbs for Removal of double garage and erection of dwelling with access and parking. 2 Garden Cottages, Bicester Road, Stratton Audley, Bicester, OX27 9BT – 17/02185/F (delegated)**

The application was for the erection of a dwelling on an infill plot in a Category C Village (Policy Villages 1 of the CLP 2031 Part 1). Permission had been granted for an attached dwelling on the site and the sole issue related to the impact on the character and appearance of the area. The Inspector disagreed that a detached dwelling on the site would appear cramped or contrived. He considered that the removal of the detached garage was a positive and considered that the varied design and size of the linear development to the south of the site and the space retained between the dwellings resulted in an acceptable development. The appeal was therefore allowed, subject to condition.

- 2. Allowed the Appeal by Mr Ed Kirk for Single storey extensions. 1 Austins Way, Hook Norton, OX15 5LQ – Condition 3 of 17/01922/F (delegated)**

This appeal related to the appeal of a grant of planning permission subject to conditions. The development permitted was for single storey extensions to a dwelling, with one extension to the front and one to the rear. The condition in dispute was condition 3 which read

‘Notwithstanding the details shown on drawing number 6359-04, the extensions hereby approved shall be constructed from stone to match the existing dwelling. Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.’ It had been proposed for the extensions to be built in timber cladding.

The Inspector considered that the main issues was whether the requirement of Condition 3 for the approved extensions to be constructed in stone is reasonable and necessary in the interests of the appearance of the appeal property and surrounding area.

The appeal site is located in a cul-de-sac in the east of Hook Norton. In particular the appeal property comprises a detached bungalow located in a prominent position at the entrance of this cul-de-sac, close to the highway. The Inspector recognised that the principal building material was buff stone and that this gives Austins Way a particularly distinct and cohesive appearance. The dwelling has a very small area of timber cladding at present.

The Inspector considered that if the front extension were constructed in timber cladding it would appear particularly discordant, would fail to assimilate with the host property and would also detract from its appearance and that of the surrounding area. It was considered that the rear extension would be more discreet and better screened and would not be as harmful if it were constructed in timber cladding.

The Inspector therefore considered that consider that Condition 3 was reasonable and necessary in relation to the front extension but not in relation to the rear extension. Accordingly, deleting the condition in its entirety would conflict with Policy ESD15 of the CLP 2031 Part 1, which requires that development should contribute positively to an area's character by reinforcing local distinctiveness, and Saved Policy C28 of the Cherwell Local Plan 1996, which requires that the choice of external-finish materials are sympathetic to the context of that development. However, the Inspector considered that replacing Condition 3 with one which excludes the requirement for the en-suite to be built in stone but retains it for the utility/garden room would not result in any conflict with the above policies.

The Inspector concluded that the appeal should be allowed with a reworded condition 3, which only related to the front extension.

**3. Dismissed the Appeal by J & R Homes Ltd for 2 no. one bed flats. 2 Hudson Street, Bicester, OX26 2EP – 17/102428/F (delegated)**

The appeal related to a refusal of full planning permission for the erection of 2 one bedroom flats.

The Inspector considered the main issue to be the effect of the development on the character and appearance of the area.

2 Hudson Street forms one of a pair of semi-detached houses, similar to other properties located on this street, although there are other building forms present including the small enclave of bungalows and garages immediately adjacent to the application site. The proposal sought the demolition of a garage and conservatory and the construction of a 2 storey building to accommodate 1 flat at each floor, with 2 parking spaces provided.



The Inspector summarises that the development would appear very close to the front boundary of the site in considerable contrast to the other 2 storey buildings which have a setback of 6m whereas the development would have a setback of 2m from Hudson Street. The adjacent garages, which are sited in closer proximity to the road than the 2 storey dwellings, are considered by the Inspector to have a completely different character and of a less height and as such their effect on the street-scene is limited. Whilst noting that a proposal does not necessarily have to follow an existing pattern, the Inspector concludes that the proposal would appear over-dominant and cramped within its site as a result of a lack of space at the frontage, despite frontage planting and the removal of the boundary fence, which are not considered to outweigh the negative aspects of the proposal.

The Inspector also has regard to the rear amenity space, concluding that whilst this would not be immediately visible from the frontage, there are a number of residential properties to the rear that this cramped appearance could be seen, therefore the limited size of amenity space would have a further negative and harmful effect on the character of the area. Similarly the Inspector finds the small, obscurely glazed rear windows result in a stark and harsh rear elevation which would be viewed from the properties to the rear. Finally the Inspector finds that the lack of space around the building, its forwarding setting and thus prominence, means that a lack of harmony with the surroundings is further heightened.

On the basis of the above it was concluded that the appeal should be dismissed as it would run contrary to Policy ESD15 of the CLP 2031 Part 1 and saved Policies C28 and C30 of the CLP 1996.

**4. Dismissed the Appeal by Mr S Roe for Side extension to create a new dwelling. 7 St Peters Crescent, Bicester, OX26 4XA – 17/02416/F (delegated)**

The appeal related to a refusal of full planning permission for the erection of a side extension to create a new dwelling.

The Inspector considered that the main issues for this appeal were the impacts the proposal on the existing residents as well as the character and appearance of the area.

The application site is located within a residential area of Bicester and relates to a detached 2 storey house with an attached double garage to one side. The proposal sought the removal of the garage to be replaced with a 2 storey element which would form the new dwelling, with the front and rear gardens divided accordingly.

The proposed extension was to extend deeper than the existing house by 4.5m to the ground and 2.1m to the first floor. In this case, the Inspector had regard for the Council's 'Home Extensions and Alterations, Design Guide' 45 degree guideline, concluding that the proposal would fail to accord with this guidance in relation to the nearest bedroom and kitchen, with the outlook from

these rooms being unacceptably affected by the proposal due to its proximity and depth, also appearing dominating onto this property through its size and siting.

The Inspector, whilst acknowledging that ordinarily hard-surfacing can be undertaken without requiring planning permission, concluded that the provision of the hard-surfacing is as a direct result of the need to provide parking for the scheme, with no indication that this would be required otherwise. The Inspector notes that houses where the entire frontage are hard-surfaced do detract from the quality of the area and in this case the hard-surfacing is a negative aspect. The Inspector found that physical form of the proposed extension when viewed from the front would not disrupt the general pattern of dwellings in St Peters Crescent and would not appear out of place in relation to the original dwelling, but this does not outweigh the harm caused by the hard-standing.

On the basis of the above assessment, the Inspector concluded that the appeal should be dismissed as it would run contrary to Policy ESD15 of the CLP 2031 Part 1 and saved Policies C28 and C30 of the CLP 1996.

**5. Dismissed the Appeal by Siteplan UK LLP for Outline application for residential development. OS Parcel 3498 East of Heatherstone Lodge, Fulwell Road, Finmere – 17/01328/OUT (committee)**

The proposal sought outline consent for 25 dwellings on the site. It followed an earlier dismissed appeal for 47 dwellings on the site. The Inspector concluded that whilst Finmere is a Category A settlement (Policy Villages 1 of the CLP 2031 Part 1) given the lack of facilities and lack of bus/walking/cycling routes residents would be reliant on the private car contrary to the aims of the Council's rural housing strategy to direct growth to sustainable located where dependency on the car can be reduced. The Inspector agreed that given the progress made on the 750 dwellings under Policy Villages 2 early in the plan period there is no pressing need for the development in housing delivery terms and the proposal would take up a sizable amount of the remaining balance of the rural housing allocation. As such the proposal would prejudice the aim of aligning the provision of rural housing with the sustainability of a location and would be contrary to Policies ESD1 and Villages 2 of the CLP 2031 Part 1.

The Inspector also agreed that the proposal would be poorly related to the settlement pattern and would provide an isolated extension to the village and form a dislocated limb of development. The proposed access would be quite separate from the rest of the village and would serve to accentuate this unacceptable form of development and the proposal would have a significant adverse effect on the rural character of the area and setting of Finmere. The Inspector also concluded that as the Strategic Policies are less than 5 years old they are not to be considered as out of date in the context of paragraph 73 of the NPPF as the appellant had sought to argue. Based on this assessment, the appeal was therefore dismissed.

### **3.0 Consultation**

None

### **4.0 Alternative Options and Reasons for Rejection**

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

Option 1: To accept the position statement.

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

### **5.0 Implications**

#### **Financial and Resource Implications**

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

Comments checked by:

Denise Taylor, Group Accountant, 01295 221982,  
[Denise.Taylor@cherwellandsouthnorthants.gov.uk](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, 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 & Litigation, 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 Clarke, Lead Member for Planning

### Document Information

Appendix No	Title
None	
Background Papers	
None	
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