

**Committee:** Planning Committee

**Date:** Thursday 13 December 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 - 21)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 22 November 2018.

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

To receive communications from the Chairman.

## **Planning Applications**

7. **Bicester Heritage, Buckingham Road, Bicester (Pages 25 - 57)** **18/01333/F**
8. **Land East Of Jersey Cottages, Station Road, Ardley (Pages 58 - 83)**  
**18/01881/F**
9. **Land North West Of Fabis House, Rattlecombe Road, Shenington (Pages 84 - 97)** **18/01114/F**
10. **Land North West Of Fabis House, Rattlecombe Road, Shenington (Pages 98 - 107)** **18/01115/LB**
11. **Land East Of Grimsbury Reservoir, Water Works Road, Banbury (Pages 108 - 118)** **18/01814/CM**
12. **Land Adjacent Railway Lines East Of Reservoir, Grimsbury Green, Banbury (Pages 119 - 127)** **18/01826/CM**
13. **Hethecote, 6 Hardwick Road, Hethe, Bicester, OX27 8EY (Pages 128 - 141)** **18/01651/F**
14. **Heyford Manor, 18 Church Lane, Lower Heyford, Bicester, OX25 5NZ (Pages 142 - 149)** **18/01857/F**
15. **Cherwell District Council, Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA (Pages 150 - 155)** **18/01589/F**
16. **Woodpiece Road, Upper Arncott (Pages 156 - 160)** **18/00434/DISC**

- 17. **Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury**  
(Pages 161 - 166) **18/00453/DISC**
- 18. **Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury**  
(Pages 167 - 173) **18/00454/DISC**
- 19. **Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury**  
(Pages 174 - 179) **18/00142/NMA**

## **Review and Monitoring Reports**

- 20. **Appeals Progress Report** (Pages 180 - 189)

Report of Assistant Director for 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](mailto:aaron.hetherington@cherwellandsouthnorthants.gov.uk), 01295 227956

**Yvonne Rees**  
**Chief Executive**

Published on Wednesday 5 December 2018



## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 22 November 2018 at 4.00 pm

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

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

Substitute Members: Councillor Barry Wood

Apologies for absence: Councillor Maurice Billington

Officers: Jim Newton, Assistant Director: Planning Policy and Development  
Paul Seckington, Senior Manager Development Management  
Bob Duxbury, Joint Majors Manager  
James Kirkham, Principal Planning Officer  
Nigel Bell, Team Leader Planning and Litigation  
Aaron Hetherington, Democratic and Elections Officer

## 99 Declarations of Interest

### 13. Premier Inn, Kelso Road, Bicester, OX26 1AN.

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

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

Councillor Lynn Pratt, 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.

**14. Former The Admiral Holland, Woodgreen Avenue, Banbury, OX16 0AU.**

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

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

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

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

**15. Land Adjacent To The Oxford Canal, Spiceball Park Road, 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 had been consulted on the application 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 Lynn Pratt, 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.

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

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

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

Councillor D M Pickford, Declaration, as a member of Bicester Town Council which had been consulted on the application and a separate 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 Les Sibley, Non Statutory Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Declaration, as a member of Bicester Town Council which had been consulted on the application and a separate 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 Bicester Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would leave the chamber for the duration of the item.

100 **Requests to Address the Meeting**

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

101 **Urgent Business**

There were no items of urgent business.

102 **Minutes**

The Minutes of the meeting held on 25 October 2018 were agreed as a correct record and signed by the Chairman.

103 **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.

104 **Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton**

The Committee considered application 18/01332/F for the change of use of land to use as a residential caravan site for 3 gypsy families, each with two caravans and an amenity building; improvement of existing access, construction of driveway, laying of hardstanding, installation of package sewage treatment plant and acoustic bund at Land West Of M40 Adj To A4095 , Kirtlington Road, Chesterton for Clifford Smith And Robert Butcher.

Andrew Glossop, a local resident, addressed the committee in objection to the application.

Dr Angus Murdoch, the applicant's agent, addressed the committee in support of the application.

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

**Resolved**

That application 18/01332/F be refused, for the following reason:

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

105 **The Pheasant Pluckers Inn, Burdrop, Banbury, OX15 5RQ**

The Committee considered application 18/01501/F for the change of use from Class A4 (ACV Listed) to Class C3 dwelling house at The Pheasant Pluckers Inn, Burdrop, Banbury, OX15 5RQ for Mr Geoffrey Richard Noquet.

In introducing the application, the Chairman read out a statement from the Assistant Director, Planning Policy and Development, and advised that the officer recommendation had been changed from refusal to deferral to allow consideration of the application to a future meeting of the committee as the applicant had submitted an appeal against non-determination of the application on the day of the committee meeting and confirmation was awaited from the Planning Inspectorate as to whether the appeal had been accepted as valid.

Councillor Hughes proposed that consideration of the application be deferred in line with the revised officer recommendation. Councillor Macnamara seconded the proposal.

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

### **Resolved**

That consideration of application 18/01501/F be deferred to a future meeting of the committee as the applicant had submitted an appeal against non-determination of the application on the day of the committee meeting and confirmation was awaited from the Planning Inspectorate as to whether the appeal had been accepted as valid.

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### **Summer Place, Blackthorn Road, Launton**

The Committee considered application 18/01259/F for use of land for the stationing of caravans for residential purposes at Summer Place, Blackthorn Road, Launton for Mr Jerry Connors.

Ian Layton, the applicant's agent, addressed the committee in support of the application.

Councillor Holland proposed that consideration of application 18/01259/F be deferred to allow the applicant time to address issues related to vision splays at access and foul drainage and compliance with previous conditions imposed on the site. Councillor Reynolds seconded the proposal.

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

### **Resolved**

That application 18/01259/F be deferred to allow the applicant time to address issues related to vision splays at access and foul drainage and compliance with previous conditions imposed on the site

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### **Kings Two Wheel Centre, 139 Oxford Road, Kidlington, OX5 2NP**

The Committee considered application 18/01388/F for the demolition of an existing vacant workshop and show room buildings, the erection of two and three storey building to provide 10no dwellings (8 x 2-bed and 2 x 1-bed). Provision of off-street car parking, secure cycle storage and covered refuse/recycling store – revised scheme of 18/00130/F at Kings Two Wheel Centre, 139 Oxford Road, Kidlington, OX5 2NP for Keble Homes Limited.

Nick Donoghue, a local resident, addressed the committee in objection to the application.

Councillor Mackenzie-Wintle proposed that application 18/01388/F be approved with authority delegated to officers to negotiate conditions and a legal agreement. Councillor Heath seconded the proposal.

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

### **Resolved**

That application 18/01388/F be approved and that authority be delegated to the Assistant Director: Planning Policy and Development to negotiate conditions and a legal agreement.

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### **British Waterways Site, Langford Lane, Kidlington**

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

Deborah Exley, a neighbour, addressed the committee in objection to the application.

Phillip Smith, the agent, addressed the committee in support of the application.

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

### **Resolved**

That application 17/01556/F be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

- a) The completed planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991;

- b) Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

### **Time**

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.

### **Approved Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
  - Application form submitted with the application;
  - Planning Statement submitted with the application;
  - Heritage Appraisal by Canal & Rivers Trust dated July 2017 submitted with the application;
  - Heritage Impact Assessment and Justification Statement submitted with the application;
  - Transport Report by H2O Urban submitted with the application;
  - Drawing Number 22074-STL-P\_001 submitted with the application;
  - Drawing Numbers: 22074-STL-P\_005 Revision B; 22074-STL-P\_006 Revision A; 22074-STL-P\_010 Revision A; 22074-STL-P\_011 Revision A; 22074-STL-P\_020 Revision A; 22074-STL-P\_021 Revision A; 22074-STL-P\_022 Revision A; 22074-STL-P\_023 Revision A; 22074-STL-P\_030 Revision A; 22074-STL-P\_035 Revision A; 22074-STL-P\_040 Revision A; 22074-STL-P\_041 Revision A; 22074-STL-XX-XX-DR-L-ZZZZ-09001 Revision PL04; 22074-STL-XX-XX-DR-L-ZZZZ-09401 Revision PL04; 22074-STL-XX-XX-DR-L-ZZZZ-09402 Revision PL04; 22074-STL-XX-XX-DR-L-ZZZZ-09403 Revision PL04; and 22074-STL-XX-XX-SP-L-4080-SP002 Revision PL04 received from the applicant's agent by e-mail on 7th November 2017; and
  - Design and Access Statement by Stride Treglown dated July 2017 received from the applicant's agent by e-mail on 7th November 2017.

### **Material Samples**

3. Prior to the commencement of the development hereby approved above slab level, samples of the materials to be used in the construction of the external walls, roofs and outbuildings (including brick sample panels for the dwellings, to demonstrate brick type, colour, texture, face bond and pointing), shall be submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details and shall be retained as such thereafter.

### **Window Details**

4. Prior to the commencement of the development hereby approved above slab level, full details of the doors, windows and rooflights hereby

approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors, windows and rooflights shall be installed within the building in accordance with the approved details and shall be retained as such thereafter.

#### **Method of demolition**

5. Prior to the demolition of the British Waterways Building adjoining the south east boundary wall of the site, a method statement for the demolition of the British Waterways building shall be submitted to and approved in writing by the local planning authority. The method statement shall include details of how the boundary wall is to be retained. The development shall be carried out in accordance with the approved details.

#### **Access Details**

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

#### **Surface Water Drainage Scheme**

7. No development shall take place until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. This will be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of the development, or such other timetable as has been submitted to and agreed in writing by the Local Planning Authority.

#### **Construction Traffic Management Plan**

8. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

#### **Arboricultural Method Statement**

9. No development shall take place until an Arboricultural Method Statement (AMS) has been undertaken in accordance with BS:5837:2012 (and all subsequent amendments) and has been submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

#### **Landscaping Scheme**



10. Notwithstanding the soft landscaping details within Drawing Numbers: 22074-STL-XX-XX-SP-L-4080-SP001-Outline Soft Landscape Specification Revision PL04 dated 26th October 2017 and 2074-STL-XX-XX-DR-L-ZZZZ-09140 Revision PL04 received from the applicant's agent by e-mail on 7th November 2017, no development shall take place until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

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

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

### **Levels**

11. No development shall take place until a plan showing full details of the existing and proposed site levels, including a cross section of the swale has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

### **Construction Environmental Management Plan**

12. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

### **External Lighting**

13. Prior to the commencement of development hereby approved above slab level, an external lighting scheme shall be submitted to and approved in

writing by the Local Planning Authority. Thereafter, the lighting scheme shall be carried out in accordance with the approved details and shall be retained as such thereafter.

### **Bat and Bird Boxes**

14. Prior to the commencement of the development hereby approved, full details of a scheme for the location of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building, the bat and bird boxes shall be installed on the site in accordance with the approved details and shall be retained as such thereafter.

### **Pedestrian Access**

15. Prior to the commencement of development, and notwithstanding the pedestrian access shown in plan 22074-STL-XX-XXDR-L-ZZZZ-09001 Revision PL04 received from the applicant's agent by e-mail on 7<sup>th</sup> November 2018, full details of the path to Langford Lane shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plan and shall be retained as such thereafter.

### **Travel Information Pack**

16. Prior to the first occupation of the development hereby approved, a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter and upon occupation the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

### **Landscape Management Plan**

17. Prior to the first occupation of the development hereby approved, a landscape management plan, to include the timing of the implementation of the plan, long term design objectives, management responsibilities, maintenance schedules and procedures for the replacement of failed planting for all landscape areas, other than for privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details.

### **Contamination**

18. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the

Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

19. If contamination is found by undertaking the work carried out under condition 18, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
20. If remedial works have been identified in condition 19, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 19. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

#### **Bat Survey**

21. If the demolition of the buildings hereby approved does not commence by June 31 2019, a revised bat survey shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on bats. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority.

Thereafter, the development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

#### **Foundations**

22. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

#### **Removal of Permitted Development Rights**

23. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the grant of further specific planning permission from the Local Planning Authority.

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

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**Willow Hill, Main Street, Wroxton, Banbury, OX15 6PT**

The Committee considered application 18/01291/F for a 1.5 storey side and rear extension, including general refurbishment and other internal and external alterations at Willow Hill, Main Street, Wroxton, Banbury, OX15 6PT for Mr and Mrs Anthony and Andrea Williams.

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

**Resolved**

That application 18/01291/F be approved and that authority be delegated to the Assistant Director: Planning Policy and Development to grant planning permission, subject to conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director: Planning Policy and Development).

**Time Limit**

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.

**Approved Plans**

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: DCS042-02-101 Proposed Site Plan; DCS042-03-101 Proposed Ground and First Floor Plan; DC042-05-101 Proposed Elevations; DC042-05-102 Proposed Elevations.

**Matching Stone**

3. The natural ironstone stone to be used on the walls of the extension shall be of the same type, texture, colour and appearance as the stone on the existing building and shall be laid dressed, coursed and pointed to match that of the existing building.

**Samples of Slate**

4. Prior to works to the roof of the extension hereby approved, samples of the slate to be used in the construction of the roof of the extension shall be submitted to and approved in writing by the Local Planning

Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

### **Window Details**

5. Prior to works to the approved openings, full details of the doors and windows hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

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### **Premier Inn, Kelso Road, Bicester, OX26 1AN**

The Committee considered application 18/01208/F for a two and three storey 56 bedroom hotel extension and alterations to the car park layout at Premier Inn, Kelso Road, Bicester, OX26 1AN for Premier Inn Hotels Ltd.

Euan Brown, the applicant's agent, addressed the committee in support of the application.

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

### **Resolved**

That application 18/01208/F be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

- a) Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set in para 8.22 and;
- b) Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

### **Time Limit**

6. 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.

### **Approved Plans**

7. 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, Site Location Plan, Drawing numbers 4591/P19 Rev A, 4591/P20 Rev A, 4591/P16 Rev A, 4591/P17 Rev A, 4591/P18 Rev A and 803-SW-01 Rev B

### **Hedgerow and landscape protection**

8. No development shall take place until full details of the hedgerow and landscape protection for the existing retained landscaping on and adjacent to the site has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved scheme. Any landscaping removed or damaged during construction shall be replaced in accordance with a scheme to be submitted and approved in writing (including timing of planting) by the local planning authority within 6 months of the occupation of the building.

### **Surface water drainage**

9. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development being occupied. The scheme shall also include:
  - Discharge Rates
  - Discharge Volumes
  - Maintenance and management of SUDS features
  - Sizing of features – attenuation volume
  - Infiltration in accordance with BRE365
  - Detailed drainage layout with pipe numbers
  - SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
  - Network drainage calculations
  - Phasing
  - No private drainage into the public highway drainage system.

### **Hard Landscaping Works**

10. Prior to any works to the hard landscaping of the development hereby approved, a hard landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include details of the hard surface areas, including pavements, parking and manoeuvring areas, crossing points and steps. The development shall therefore be carried out in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained as such thereafter.

### **Parking**

11. Prior to the first occupation of the extension hereby permitted, the car parking and manoeuvring areas shall be laid out in accordance with the details as shown on the approved plans. They shall thereafter be retained and used for no other purposes.

## **Travel Plan**

12. Prior to the first occupation of the extension hereby permitted, a workplace travel plan must be submitted to and approved in writing by the Local Planning Authority. Thereafter, occupation shall only commence in accordance with the approved details.

## **Landscaping**

13. The landscaping scheme as shown on drawing number 803-SW-01 Rev B shall be carried out in the first planting and seeding seasons following the first use of the extension or on the completion of the development, whichever is the sooner. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

## **Materials**

14. The materials to be used in the construction of the extension hereby permitted shall match those used on the existing building.

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## **Former The Admiral Holland, Woodgreen Avenue, Banbury, OX16 0AU**

The Committee considered application for the development of 8 No houses and 6 No flats at Former The Admiral Holland, Woodgreen Avenue, Banbury, OX16 0AU for Cherwell District Council.

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

## **Resolved**

That application 18/01591/CDC be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission, subject to:

- a) Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set out in paragraphs 8.36 and 8.37 of the report and;
- b) Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

## **Time**

15. 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.

## **Approved Plans**

16. 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 and drawing numbers 001-(PL)-8146 Rev A, 003-(PL)-8146 Rev D, 311-(PL)-8146 Rev C, 004-(PL)-8146 Rev B, 003-(PL)-8146 Rev D, 201-(PL)-8146 Rev D, 203 (PL)-8146 Rev B, 202-(PL)-8146 Rev B, 102-(PL)-8146 Rev C, 101-(PL)-8146 Rev C

## **Tree Protection**

17. No development shall take place until an Arboricultural Impact Assessment and Method Statement, undertaken in accordance with latest British Standard has been submitted to and approved in writing by the Local Planning Authority. This shall include details of tree protection during construction. Thereafter, all works on site shall be carried out in accordance with the approved details.

## **Sustainable Construction**

18. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling occupied until it has been constructed in accordance with the approved energy performance measures.

## **Materials**

19. Notwithstanding the details submitted, a schedule of materials and finishes to be used in the external walls, windows and roof(s) of the building(s), along with further details of the architectural detailing of the exterior of the building(s), including the design, materials and colour/finish of the windows and doors, window and door recesses, the inset brick panels, the eaves and verge treatment of the buildings, and the screens to the balconies shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.
20. Prior to the commencement of any works above slab level to the development hereby approved, and notwithstanding the details submitted, a brick sample panel, to demonstrate brick type, colour,



texture, face bond and pointing (minimum 1m<sup>2</sup> in size) shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be constructed in strict accordance with the approved brick sample panel and shall be retained as such thereafter.

21. Prior to the commencement of any works above wall plate level of the development hereby approved, samples of the external roof material to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

### **Access Details**

22. Prior to the laying out of the access of the development hereby approved, full details of the means of access between the land and the highway on The Fairway, including position, layout, and vision splays, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.

### **Parking and Surfacing**

23. Prior to works commencing on the parking and turning areas of the development, full specification details of the access drives, car parking and turning areas to serve the development which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any part of the development, the access, car parking and turning areas for that part of the development shall be constructed in accordance with the approved details. All car parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority.

### **Boundary Enclosures**

24. Prior to the commencement of any works above slab level to the development hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the vehicle access and the means of control. Thereafter, the approved means of enclosure shall be carried out in accordance with the approved details prior to the first occupation of those dwellings, and shall be retained as such thereafter.

### **External Lighting**

25. Prior to the commencement of any works above slab level to the development hereby approved, full details of the external lighting shall

be submitted to and approved in writing by the Local planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details prior to the first occupation of the development, and shall be retained as such thereafter in accordance with the approved details.

## **Landscaping**

26. Prior to the first occupation of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the amenity space within the rear courtyard.
- (d) details of the hard surface areas, including parking area, pavements, crossing points and steps.

The development shall be carried out in accordance with the details approved prior to the first occupation of the development and the hard landscape elements shall be retained as such thereafter.

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

## **Drainage Strategy**

27. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (SEPT 2018 / Doc Ref: 3232-ADMI-ICS-XX-RP-C-001/Infrastruct CS Ltd) and the following mitigation measures detailed within the FRA:

- Use of permeable paving and geo-cellular soakaway SuDS to manage surface water runoff (Section 7.7 of the FRA) and as shown on the drawing : ' Proposed Drainage Layout' < SEPT 2018 / Drg Ref : ADMI - ICS – 01- XX - DR - C - 003 - P2 / Infrastruct CS Ltd)

- A SuDS Management and Maintenance Plan (based on the principles outlined in Appendix J of the FRA).
- Raising finished floor levels 150mm above the average ground level to mitigate against the risk of any surface water flooding (Section 7.8 of the FRA)

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

### **Cycle Parking**

28. Prior to the first occupation of the development hereby permitted, the cycle parking facilities, as shown on the approved plans (garden shed, etc.) shall be provided on the site.

### **Electrical Vehicle Infrastructure**

29. Each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling prior to its first occupation.

### **Water Efficiency**

30. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

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### **Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury**

The Committee considered application 17/00147/DISC for draft discharge of conditions 1 (reserved matters application), 5 (flood mitigation), 6 (flood management scheme), 7 (floodplain compensation), 9 (archaeological organisation), 10 (archaeological evaluation), 11 (investigation for archaeological mitigation), 12 (archaeological mitigation), 21 (Noise), 23 (surface water and foul drainage) 25 (phasing of works) and 31(SUDs drainage scheme) of 16/02366/OUT at Land Adjacent To The Oxford Canal Spiceball Park Road, Banbury for Scottish Widows PLC & Scottish Widows Unit.

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

### **Resolved**

That application 17/00147/DISC be approved and that authority be delegated to the Assistant Director of Planning Policy and Development to grant permission, subject to

1. That Conditions 5,6,7,9-11,21 and 25, be cleared in accordance with the submitted drawings
2. That delegated authority be given to the Assistant Director of Planning and Development to clear conditions 12, 23 and 31 upon the receipt of appropriate clearance from consultees

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

The Committee considered application 18/00133/NMAN for an on-material amendment to 17/00573/CDC - minor changes to the elevations at the roof perimeter where cladding has been omitted and the galvanised structure is now visible as elsewhere on the façade i.e. balcony area/horizontal brise soleil at Eco Business Centre, Charlotte Avenue, Bicester, OX27 8BL for Cherwell District Council.

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

**Resolved**

That application 18/00133/NMA be approved and that Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendment described to 17/00573/CDC in accordance with the application form and drawing numbers 08930 AT-XX-XX-DR-A PL610 Rev G (North Elevations), 08930 AT-XX-XX-DR-A PL620 Rev G (South Elevations), 08930 AT-XX-XX-DR-A PL630 Rev H (East Elevations) and 08930 AT-XX-XX-DR-A PL640 Rev G (West Elevations). The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of planning permission 17/00573/CDC. These conditions must be adhered to so as to ensure that the development is lawful.

114 **Appeals Progress Report**

The Assistant Director for Planning Policy and Development 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.

Councillor Kerford-Byrnes requested that progress on Appeals item for 72 Houses at Launton be included at the next committees Appeals Progress Report for 13 December 2018.

**Resolved**

- (1) That the position statement be accepted.

The meeting ended at 6.35 pm

Chairman:

Date:

# Agenda Annex

## CHERWELL DISTRICT COUNCIL

### PLANNING COMMITTEE

13 December 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**

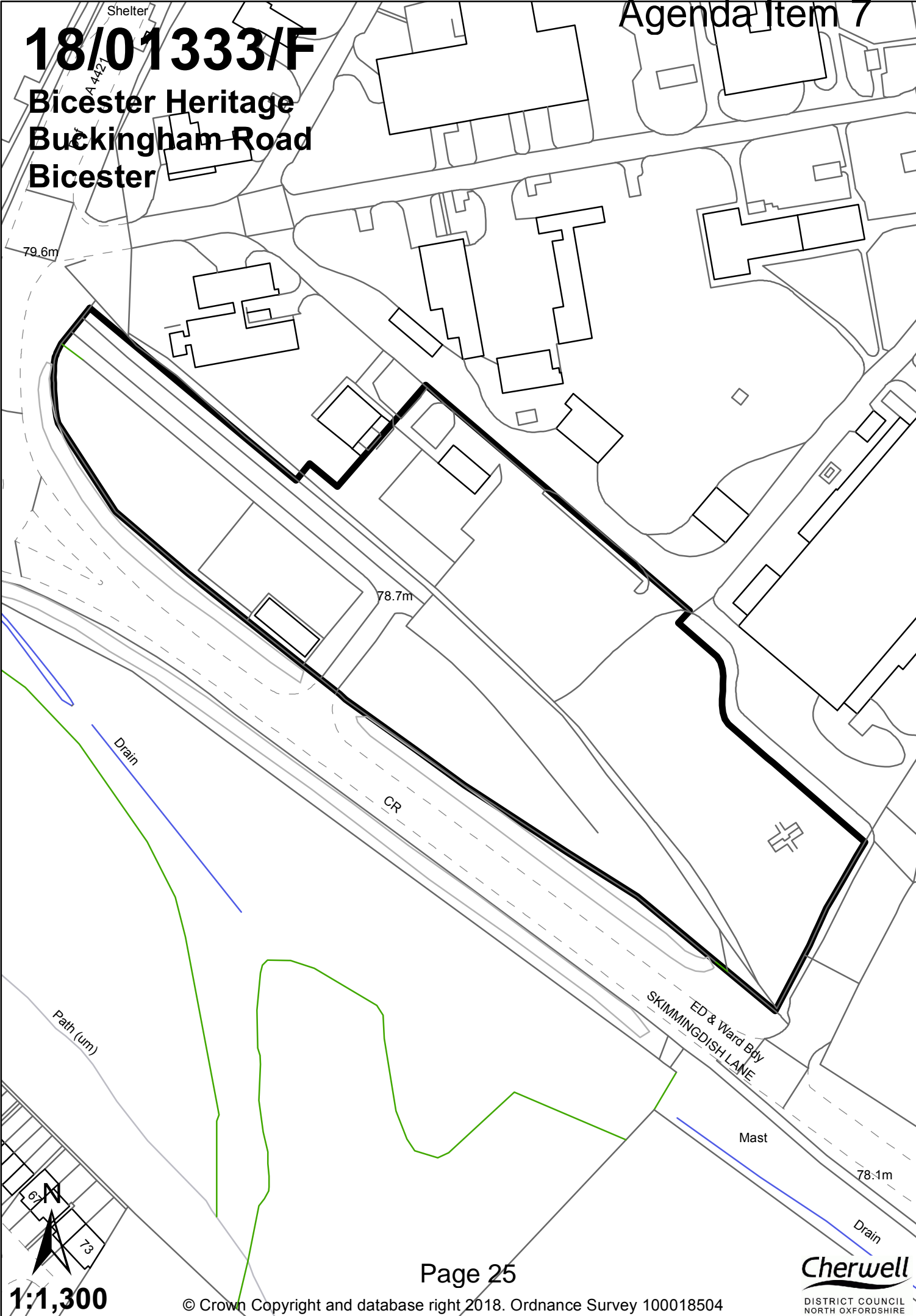
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision 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	Bicester Heritage Buckingham Road Bicester	18/01333/F	Launton And Otmoor	Approval	Maria Philpott
8	Land East Of Jersey Cottages Station Road Ardley	18/01881/F	Fringford And Heyfords	Approval	Nathanael Stock
9	Land North West Of Fabis House Rattlecombe Road Shenington	18/01114/F	Cropredy, Sibfords And Wroxton	Approval	Matthew Chadwick
10	Land North West Of Fabis House Rattlecombe Road Shenington	18/01115/LB	Cropredy, Sibfords And Wroxton	Approval	Matthew Chadwick
11	Land East Of Grimsbury Reservoir Water Works Road Banbury	18/01814/CM	Banbury Cross And Neithrop	CDC to raise observations to the proposal	Caroline Ford
12	Land Adjacent Railway Lines East Of Reservoir Grimsbury Green Banbury	18/01826/CM	Banbury Cross And Neithrop	CDC to raise observations to the proposal	Caroline Ford
13	Hethecote 6 Hardwick Road Hethe Bicester OX27 8EY	18/01651/F	Fringford And Heyfords	Approval	Gemma Magnuson
14	Heyford Manor 18 Church Lane Lower Heyford Bicester OX25 5NZ	18/01857/F	Fringford And Heyfords	Approval	Gemma Magnuson
15	Cherwell District Council Bodicote House White Post Road Bodicote Banbury OX15 4AA	18/01589/F	Adderbury, Bloxham And Bodicote	Approval	Michael Sackey
16	Woodpiece Road Upper Arncott	18/00434/DISC	Launton And Otmoor	Approval	George Smith
17	Land Adjacent To The Oxford Canal Spiceball Park Road Banbury	18/00453/DISC	Banbury Cross And Neithrop	Approval	Bob Duxbury

18	Land Adjacent To The Oxford Canal Spiceball Park Road Banbury	18/00454/DISC	Banbury Cross And Neithrop	Approval	Bob Duxbury
19	Land Adjacent To The Oxford Canal Spiceball Park Road Banbury	18/00142/NMA	Banbury Cross And Neithrop	Approval	Bob Duxbury

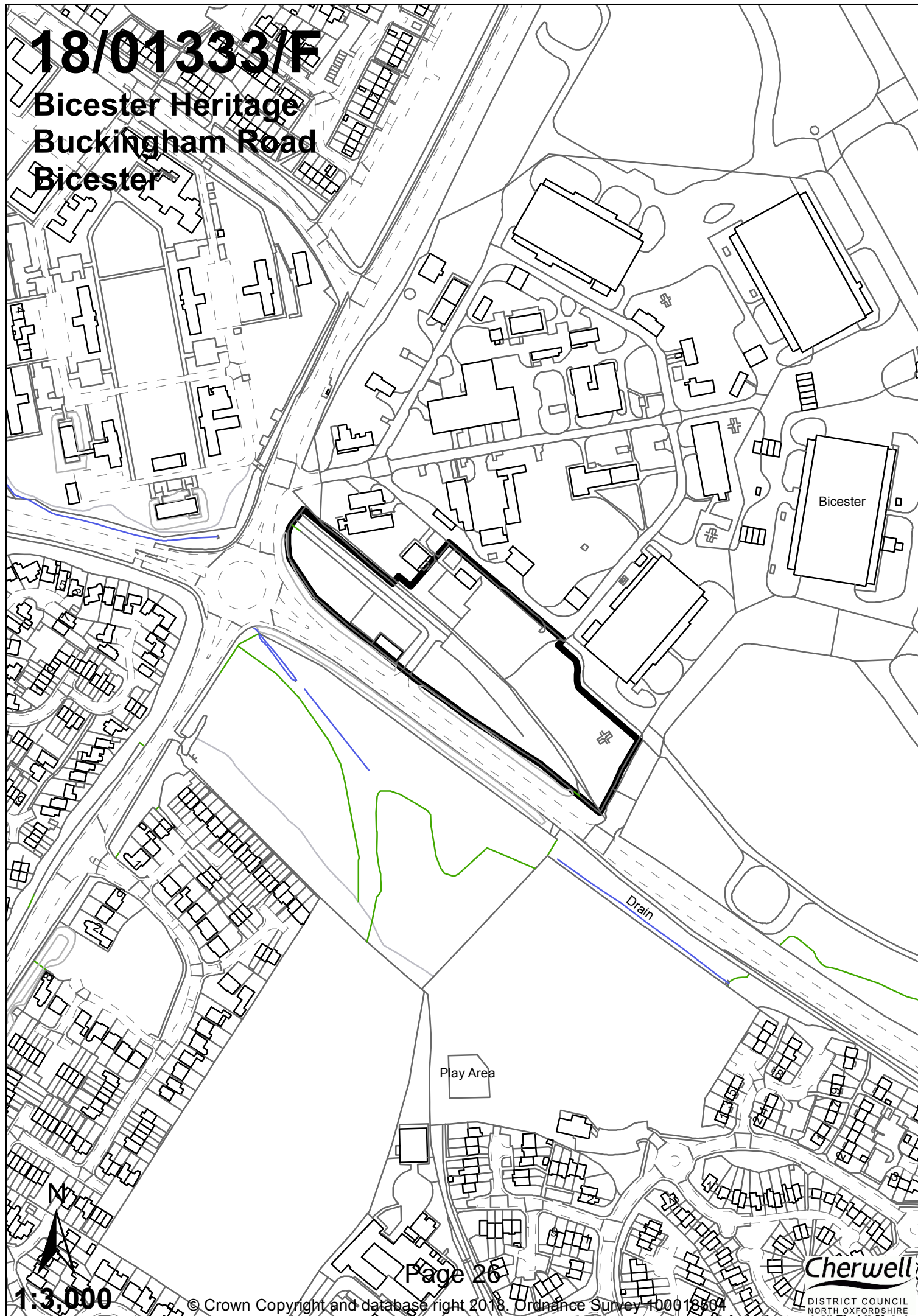


**18/01333/F**  
**Bicester Heritage**  
**Buckingham Road**  
**Bicester**



18/01333/F

Bicester Heritage  
Buckingham Road  
Bicester



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Applicant:</b>	Bicester Heritage Ltd		
<b>Proposal:</b>	Extension to existing Technical Site to provide new employment units comprising flexible B1(c) light industrial, B2 (general industrial), B8 (storage or distribution) uses with ancillary offices, storage, display and sales, together with associated access, parking and landscaping		
<b>Ward:</b>	Launton And Otmoor		
<b>Councillors:</b>	Cllr Tim Hallchurch Cllr Simon Holland Cllr David Hughes		
<b>Reason for Referral:</b>	Major application		
<b>Expiry Date:</b>	23 October 2018	<b>Committee Date:</b>	13 December 2018
<b>Recommendation:</b>	Approval; subject to no objections from consultees, conditions, and S106 agreement		

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

### **Proposal**

The application seeks consent for the erection of 8 new employment buildings to the southern side of the existing technical site, adjacent to Skimmingdish Lane. The buildings are proposed to be used flexibly for a mix of B1, B2 and B8 uses. The buildings together will create 6530 square metres of additional floorspace.

The buildings are designed to a variety of forms and sizes and will utilise a combination of green and grey metal cladding and brickwork to the gable ends. The buildings have been arranged so as to retain the alignment of the former Skimmingdish Lane.

### **Consultations**

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

- Launton Parish Council, Caversfield Parish Council, OCC Highways and OCC Drainage  
*Most of these objections relate to highways matters. Appropriate highways infrastructure will be secured through a S106 agreement although at the time of writing the report, some of these matters are still in negotiation (see report for more detail).*

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

- Stratton Audley Parish Council, CDC Design and Heritage, CDC Ecology and the Bicester Delivery Team (CDC) raise concerns in relation to highway matters, design, ecology and energy efficiency that have required amendments/additional

information to be submitted (*see report and sub-sections for more detail*).

The following consultees have raised **no objections** to the application:

- The Environment Agency, Highways England, Historic England, Natural England, Thames Water, Building Control (CDC), Environmental Health (CDC), Landscape Services (CDC), OCC Archaeology and Arboriculture (CDC).

No letters of objection or comments have been received in respect of the application from third parties.

### **Planning Policy**

The site is allocated in the Cherwell Local Plan 2011-2031 Part 1, for '*Tourism Development*' which permits a variety of uses at the site including employment uses (Policy Bicester 8).

The site is located within the Conservation Area of RAF Bicester. There are 22 Listed Buildings and several Scheduled Monuments located within the main technical site and wider airfield.

Much of the adjoining airfield is an allocated Local Wildlife Site (LWS). There is a Site of Special Scientific Interest (SSSI) within 2km of the site and a proposed District Wildlife Site (DWS) to the south, on the opposite side of Skimmingdish Lane.

The application has also been assessed against the relevant policies in the NPPF, the Development Plan and other relevant material planning considerations and guidance.

### **Conclusion**

The key issues arising from the application details are:

- Principle of Development
- Siting, Orientation, Form, Scale and Massing
- Design and External appearance
- Heritage Assets
- Highway Safety
- Ecology
- Trees and Landscaping
- Residential Amenity
- Flood Risk and Drainage
- Contamination
- Energy Efficiency
- Planning Obligations

The report considers the key planning issues in detail, and officers conclude that the proposal is acceptable subject to conditions and a S106 agreement to secure highways improvements. The scheme meets the requirements of relevant CDC policies.

**RECOMMENDATION – DELEGATE TO OFFICERS TO GRANT PERMISSION SUBJECT TO CONSULTATION RESPONSES FROM OCC HIGHWAYS, OCC DRAINAGE, CDC ECOLOGY AND CDC DESIGN AND HERITAGE IN RESPECT OF AMENDED PLANS AND INFORMATION THAT HAS BEEN SUBMITTED, CONDITIONS, AND A S106 AGREEMENT TO SECURE HIGHWAY INFRASTRUCTURE**

**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 comprises the former RAF Bicester Airfield which is located to the north of Bicester on the outskirts of the town. The site is now occupied by Bicester Heritage, a company specialising in historic motoring and aviation. The site occupied by Bicester Heritage comprises the main 'technical site' area (where most of the buildings are located) and the flying field which extends to the north and east of the main technical site area, totalling around 141.5 hectares.
- 1.2. The whole of the site (including the flying field) is designated as a conservation area and most of the buildings within the main technical area are listed (Grade II). The remaining buildings are considered to 'make a positive contribution' to the area in the Conservation Area Appraisal and would therefore be considered as non-designated heritage assets. There are also several Scheduled Monuments located on the edges of the flying field and within the main technical area. Existing vehicular and pedestrian access to the site is gained just north of the roundabout on Buckingham Road. There are residential properties located to the west and south-west of the site.
- 1.3. For the purposes of this application, the site area and redline relates to a parcel of land situated on the southern edge of the existing technical site totalling 1.61 hectares. This parcel of land is therefore bounded by existing buildings of the technical site to its north and the airfield to the east. The Skimmingdish Lane forms the southern boundary of the site, to the south of which is currently vacant land, but there is an extant permission for a care home that has been recently granted permission on appeal (17/01428/F).
- 1.4. The existing technical site is laid out to a Trident pattern of development of 3 avenues projecting from the main entrance of the site. The buildings are generously spaced out from each other in a relatively sporadic nature but maintaining the appearance of the avenues. The hangars are arranged in an arc around the outer perimeter of the existing technical site.
- 1.5. The following constraints relate to the site:
  - The site is located within the Conservation Area of RAF Bicester;
  - The wider Bicester Heritage site contains 22 Grade II Listed Buildings with the remaining buildings making a positive contribution to the character and appearance of the conservation area and are therefore considered to be non-designated heritage assets;
  - There are several Scheduled Monuments located within the main technical site area;
  - There is a Site of Special Scientific Interest (SSSI) within 2km of the site (the quarry to the north);
  - The site lies adjacent to a designated Local Wildlife Site which extends around the perimeter of the airfield;
  - There is a proposed District Wildlife Site to the south of the site on the opposite side of Skimmingdish Lane;
  - The Bicester Heritage site is bordered to the south by the A4421 Skimmingdish Lane and to the west by the Buckingham Road;

- There are residential properties to the south, south-west and west of the Bicester Heritage site (opposite sides of the road), although none immediately to the south;
- The site is allocated in the Cherwell Local Plan for 'Tourism Development' (Policy Bicester 8).

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks consent for the erection of 8 new employment buildings to the south of the existing technical site, comprising an area totalling 1.61 hectares. The buildings are proposed to be used flexibly for B1, B2 and B8 uses and would provide 6530 square metres of additional floor space to the site.
- 2.2. The buildings are arranged around the retained former alignment of the old Skimmingdish Lane which runs through the site on a west-east axis. The buildings are all individual, incorporating a variety of forms, massings and orientations in order to give variety to the site. The predominant building materials are to be brick and metal cladding, with the brick elevations following a principle of being on the gable ends of the units.
- 2.3. Amended plans have been received that incorporate more brickwork to the gable ends including the sensitive elevations of the buildings, minor changes to the fenestration and some additional detailing (primarily showing signage, lighting and eaves and verge detail).

## 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>
18/01253/F	Erection of hotel and conference facility with associated access, parking, and landscaping	Granted approval in principle at committee in October 2018
18/00061/SO	Request for a screening opinion for proposed employment development	Screening Opinion not requesting EIA
17/01847/F	Alterations to existing site access including installation of replacement security gates and erection of gatehouse	Application Permitted

The above planning history shows the applications directly relevant to the new technical site proposal. The adjoining technical site has a detailed planning history with several planning applications and listed building consent applications associated with individual buildings including a site wide consent for commercial uses.

The general approach taken on the technical site has been to allow changes of use that fit with the commercial nature of the site and minor physical changes to the buildings to ensure their long-term use and viability with the aim of conserving the heritage assets on the site.

#### 4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place regarding this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
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17/00285/PREAPP	Employment development
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- 4.2. Pre-application advice was first issued in January 2018 requesting amendments to be made to the scale, form and massing of the development, for the layout to include the retention of the former Skimmingdish Lane, for the defence structures within the site to be retained and for amendments to be made to the design and external appearance of the buildings. A revised pre-application submission (under the same reference) was submitted in April 2018 and further advice was issued in June 2018 which concluded that the form, scale and massing of the development was now significantly improved and the retention of the defence structures and alignment of the former Skimmingdish Lane was welcomed. However it was considered that further work on the design and external appearance was still required.

#### 5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 11.09.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. No objections or comments have been raised by third parties in relation to this application.

#### 6. RESPONSE TO CONSULTATION

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

##### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. LAUNTON PARISH COUNCIL: **Objects.** Adequate consideration has not been given to the vehicular access and addressing Policy SLE4. No apparent provision has been made for adjusting the A4421 road outside the main entrance to accommodate vehicles turning right from the roundabout into the site. The road is extremely busy and one vehicle waiting to turn right can cause a backup onto the roundabout very quickly. At the very least a right filter lane should be provided in order that passing traffic does not get unduly, and dangerously, held up. There were no comments about the buildings themselves.
- 6.3. CAVERSFIELD PARISH COUNCIL: **Objects.** Adequate consideration has not been given to the vehicular access and addressing Policy SLE4. No apparent provision has been made for adjusting the A4421 road outside the main entrance to accommodate vehicles turning right from the roundabout into the site. The road is extremely busy and one vehicle waiting to turn right can cause a backup onto the roundabout very quickly. *[Officer comment: this same comment has been made by both Parish Councils]* There is historical evidence of villages having to brake harshly to avoid collisions. Consideration should be given on how the safety of all vehicles



can be mitigated. Regarding pedestrian access, the Toucan crossing mentioned is not on the plans, this will be essential to assisting pedestrians crossing the road from Caversfield and Bicester with the increase in traffic and provision and funding should be made via a S106 for this crossing which should be near to the bus stops north of the Technical site entrance. The Council had no comments about the buildings which appeared to be sympathetically designed to fit in with the existing units.

- 6.4. STRATTON AUDLEY PARISH COUNCIL: **Concerns.** No concerns about the extension to the technical site but concerned about the incremental approach to applications on this site. The development will make provision for 125 car parking spaces which will generate an increase in traffic from all directions around Bicester Heritage and have a major impact on the roundabout on the A4421, compounded by the hotel application (now approved in principle at committee on 25<sup>th</sup> October 2018). The increase in traffic from the north towards Bicester will be noticeable and impact the residents of Stratton Audley who will find it takes longer to access the Bicester facilities they need. The increase in traffic will also limit the mode of transport available. There is only one bus a day and cycling is not an option as it already presents a danger to pedestrians and cyclists and this will increase as the application contains no proposals to extend the current cycleway beyond Cherwood House Care Home up to the Stratton Audley turn off. Whilst the sustainable transport provisions offered are acknowledged, are disappointed that there are no provisions for extending the current cycleway.

#### STATUTORY CONSULTEES

- 6.5. ENVIRONMENT AGENCY: Planning permission can be granted as long as conditions regarding contamination are imposed, as without these conditions, the development poses an unacceptable risk to the environment and would object to the application.
- 6.6. HIGHWAYS ENGLAND: No comments received
- 6.7. HISTORIC ENGLAND: No comments.
- 6.8. NATURAL ENGLAND: No comments to make. Refer to Standing Advice.
- 6.9. THAMES WATER:

*Waste Water:* There is an inability of the existing foul water network infrastructure to accommodate the needs of this development proposal, therefore recommends a condition regarding waste water upgrades or an Infrastructure Phasing Plan.

*Surface Water:* The application indicates that surface waters will not be discharged to the public network therefore Thames Water has no objection but approval should be sought from the Lead Local Flood Authority (see their comments below).

*Water:* With regard to water network infrastructure capacity, no objections to the application but recommend an informative regarding water pressure.

#### NON-STATUTORY CONSULTEES

- 6.10. CDC BUILDING CONTROL: Means of escape and travel distances to final exits needs to be in accordance with Building Regulations. Elevations close to site boundaries are to be fire protected in accordance with Building Regulations.



- 6.11. CDC CONSERVATION OFFICER AND URBAN DESIGN: Whilst the principle of the new technical site is agreed, there may be potential harm occasioned by some elevations of the proposed buildings/units, as above. It is recommended that where proposed buildings/units face onto the Conservation Area, these should be reviewed and revised. This will also enhance the quality of these elevations/buildings, which in turn will add value to the historic site as set out in NPPF (July 2018, para. 192 (c)). In respect of listed buildings and other non-designated heritage assets (buildings, air raid shelters and the pyrotechnic store), some elevations as currently proposed will again potentially harm the setting of these, and should again be reviewed as recommended. The defended air-raid shelter Scheduled Monument should be referred to Historic England; and it is considered that the harm to the pyrotechnic store is outweighed by the public benefits within the context of the NPPF. Once these recommendations have been resolved, it is considered that any harm to the identified heritage assets will be outweighed by the public benefits of developing this site (NPPF, para. 196), and its wider value in contributing to ongoing conserving costs of the historic airfield into the future.
- 6.12. CDC ECOLOGY OFFICER: The Great Crested Newt survey method does not follow Natural England Standing Advice as 2 ponds identified in the survey were noted as dry (highly likely given the dry summer) and so the assessment relies on old data from 2016 which only undertook 3 out of the minimum 4 survey visits and of which, none of the survey visits were carried out in peak season (a minimum of 2 are required in peak season). The removal of these ponds destroys a potential breeding site. The report does not go into any further assessment of the impact of the proposals on Great Crested Newts, concluding that the application site is not utilised by them, which is questioned given the limitations of the survey data. The two ponds identified in the Phase 1 survey map are not shown on the Proposed Site Plan and it is therefore assumed they are to be lost. Would recommend a precautionary approach is adopted, retaining the ponds and surrounding terrestrial habitat to the south and east within the landscaping proposal. Would also condition the submission of a Great Crested Newt working method to avoid impact on Great Crested Newts that could be present.
- 6.13. ENVIRONMENTAL HEALTH OFFICER: **No objections** subject to conditions regarding noise, contamination and a Construction Environmental Management Plan for Residential Properties. No comments regarding air quality, odour and light.
- 6.14. LANDSCAPE OFFICER: Additional visual mitigation is required including around and on buildings where there is limited space for trees. The extensive areas of grasscrete could be visually unattractive as the grass tends not to survive due to the dryness and compacted nature of the soil, therefore more details of the specification and construction of the grasscrete is needed. Recommends other conditions in respect of landscaping details [*Officer Comment: some of these would not meet the conditions tests and so will be added as informatives only*].
- 6.15. BICESTER DELIVERY TEAM: There is limited information in the application details to demonstrate how the proposals will comply with the requirements of policies ESD1-ESD5 and ESD15 of the Local Plan. Whilst various commitments are made, they fall short of demonstrating compliance. More information is required in the form of an Energy Strategy and Sustainability Statement. In accordance with the Bicester Sustainable Transport Strategy and the Local Transport Plan, cycle and pedestrian access and facilities should be provided to facilitate walking and cycling as part of healthy lifestyles and to tackle inactivity. It is noted that Highways have sought a shared use path to the site and as a minimum this should be provided.
- 6.16. OCC HIGHWAYS: **Objects.** 1) The level of car parking proposed is based on the more intensive B2 use class. Since the site will be mixed use with B8, the level of

parking proposed is above the County Council's maximum standard. The level of parking provided should be based on an anticipated breakdown of floor area between the proposed uses. 2) Furthermore, the layout and surfacing of parking spaces in certain areas appears inappropriate with certain spaces seemingly inaccessible. This may lead to ad hoc parking in other areas of the site which could obstruct emergency access.

Other points to note:

- The proposal to access the New Technical Site via the existing access on Buckingham Road is acceptable;
- The secondary access should only be retained for the purposes of emergency access and for use during special event days, where necessary;
- Note should be taken of the 'strategic transport improvements' comments and how these improvements may impact upon any future plans for access from the site onto Skimmingdish Lane;
- A contribution towards Strategic Transport Improvements is required;
- The development will lead to an increased need for a signalised crossing of Buckingham Road. It is requested that the development provide this under a S278 Agreement;
- Improvements to the bus stop infrastructure at the pair of bus stops on Buckingham Road are required;
- The proposed footways at the site access should have a minimum width of 3m to allow for shared use and should extend to the Skimmingdish Lane arm of the roundabout to provide a link with the shared use footway/cycleway on the southern side of that road;
- The County Council requests that the level of cycle parking proposed is revised in line with the County Council's minimum cycle parking standards;
- The submitted Framework Travel Plan must be revised in line with comments from the County Council's Travel Plans team;
- A Construction Traffic Management Plan will be required.

6.17. OCC DRAINAGE (Lead Local Flood Authority): **Object.** It is not clear whether infiltration testing has been undertaken at the site itself which is required to inform the detailed design. It also does not consider that sufficient information has been provided within the drainage strategy regarding the strategy to manage the high and medium probability of surface water flooding on the southern site. A SUDs Management and Maintenance Plan must be provided (to be conditioned).

6.18. OCC ARCHAEOLOGY: **No objection** subject to planning conditions in respect of a Written Scheme of Investigation, archaeological evaluation and mitigation.

6.19. ECONOMIC DEVELOPMENT: **Supports the proposal.** The proposed development accords with the Council's Economic Growth Strategy, building upon the considerable success of Bicester Heritage in restoring this important site. The development will enhance the cluster alongside the hotel and conference proposal

and support not only existing and potential tenants but also the wider economy through the development of skills and inter-relationships.

- 6.20. The local Economic Development Strategy, adopted in 2011 by the Council, identified its desired outcome with RAF Bicester as being to:

“Conserve the heritage land and buildings through a commercially viable scheme” and “Attract more visitors & expenditure to Bicester.”

- 6.21. With the first ambition, the progress made to date has been impressive and has exceeded expectations by not only restoring the fabric of the buildings but also developing a unique cluster of commercial activity that provides high quality specialist services, employment and skills. The second ambition is being realised through a separate planning application to develop a significant hotel and conference facility on the Bicester Heritage site. The combination of both development proposals is consistent with the aims of the Council's economic growth objectives. The resultant ‘hub’ of activity promises not only to serve the needs of existing businesses, enabling them to expand on-site, but should also create the facilities to support the leisure economy through creating experiences related to the primary uses and heritage of the site.

- 6.22. ARBORICULTURAL OFFICER: **No major concerns.** Trees proposed to be removed are category C trees. Do not feel the works will be of a negative visual impact to Skimmingdish Lane due to the retained vegetation acting as a buffer between the development and Skimmingdish Lane. Furthermore the majority of development within the site boundary is self-set, low amenity and low arboricultural merit trees that should not warrant protection, or retention over the development. A condition regarding a replanting tree plan should be imposed.

- 6.23. WILDLIFE TRUST: No comments received

- 6.24. BICESTER LOCAL HISTORY SOCIETY: No comments received

- 6.25. BUSINESS SUPPORT UNIT: No comments received

- 6.26. HEALTH PROTECTION: No comments received

- 6.27. PLANNING POLICY: No comments received

- 6.28. RECREATION AND LEISURE: No comments received

- 6.29. CRIME PREVENTION DESIGN ADVISOR: No comments received

- 6.30. WASTE AND RECYCLING: No comments received

- 6.31. As a result of the consultation process, amended plans and information has been submitted at the time of writing the committee report and considered as part of this report. Further consultation is taking place with the relevant consultees and an update from those relevant consultees in respect of the revised plans and information will be reported to Planning Committee where this is possible.

## **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 Part 1)

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SUDs)
- ESD10 – Biodiversity and the natural environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- BIC8 - Former RAF Bicester
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR1 – Transportation Funding
- C1 – Protection of sites of nature conservation value
- C2 – Development affecting protected sites
- C4 – Creation of new habitats
- C7 – Landscape Conservation
- C23 – Retention of features contributing to character or appearance of a conservation area
- C25 – Development affecting the site or setting of a scheduled ancient monument
- C28 – Layout, design and external appearance of new development
- ENV12 – Development on Contaminated land

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- RAF Bicester Conservation Area Appraisal – November 2008
- Bicester Masterplan – Consultation Draft August 2012 (limited weight)
- RAF Bicester Planning Brief 2009
- Heritage Partnership Agreement – Bicester Heritage
- Cherwell Non-Statutory Local Plan 2011

## **8. APPRAISAL**

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

- Principle of development

- Siting, orientation, form, scale and massing
- Design and external appearance
- Heritage assets
- Highway safety
- Ecology
- Trees and Landscaping
- Residential amenity
- Flood Risk and Drainage
- Contamination
- Energy Efficiency
- Planning Obligations

### Principle of the development

#### *Policy Position and Sustainability*

- 8.2. The application site is allocated in the Cherwell Local Plan under Policy Bicester 8 for 'conservation-led' proposals to 'secure a long-lasting, economically viable future for the site and flying field'. The policy proposes a number of uses that will be acceptable at the site which includes employment uses. This proposal therefore accords with the allocation for the site within the Cherwell Local Plan.
- 8.3. In addition to Policy Bicester 8, the proposal for expanding the employment uses at the site is also supported by the wider policies of the Local Plan. Policy PSD1 ensures that there is a presumption in favour of sustainable development that accords with the Plan and secures improvements to the economic, social and environmental conditions of an area, subject to other material considerations. Policy SLE1 relates to employment development and permits new employment development that is focused on existing employment sites. There is already an established employment site at Bicester Heritage in the form of the existing technical site and therefore this site is a suitable location for an intensification of that use, thereby complying with policy SLE1. It also complies with the aims and objectives of sustainability by providing additional employment development on a site on the edge of Bicester town centre, conserving the use of green field sites and being accessible to sustainable modes of transport.

#### *Economic Benefits*

- 8.4. The proposal will bring many economic benefits, not just to Bicester and the wider District but Oxfordshire, the south-east of England and the UK contributing to building a strong economy and delivering positive growth. The proposal will provide for highly skilled jobs in the areas of knowledge driven, creative and high-technology industries. Some internationally recognised brands, including some already at Bicester Heritage such as Historit and Porsche Classic Life, will be able to be retained and expand on the site whilst attracting similar new firms.
- 8.5. As set out in the applicant's Planning Statement, new businesses at Bicester Heritage will increase the potential opportunity for apprenticeship schemes and training from the specialist skills colleges on site. The site is also well connected to the University of Oxford and Oxford Brookes University and within the existing corridor of motorsport research and design and motorsport engineering.
- 8.6. According to the Council's Economic Development team, Bicester Heritage considers there are already 35 businesses at the site providing over 400 jobs worth around £35 million to the economy. The value added by the proposed development will expand this value considerably whilst also serving to protect existing jobs and enabling existing businesses on site to expand.

- 8.7. One of the objectives of the Local Economic Development Strategy (adopted by the Council in 2011) for RAF Bicester was to attract more visitors and expenditure to Bicester and to conserve the heritage land and buildings through a commercially viable scheme. Both of these ambitions are being delivered by the restoration of the existing buildings to an incredibly high standard and the recent approval in principle of a hotel on the site (Ref: 18/01253/F). The proposed development will further contribute to the Council's economic growth objectives.

*Compliance with National Policy and Guidance*

- 8.8. The proposal for new employment development, in a sustainable location such as on the edge of Bicester, is also considered to comply with the objectives of the NPPF and NPPG, in particular sections relating to sustainable development and building a strong, competitive economy. Para. 11 makes it clear that proposals that accord with an up to date development plan should be approved without delay. Para. 80 also stresses the importance that planning should create conditions in which businesses can invest, expand and adapt and in this sense this proposal will be enabling Bicester Heritage to grow and expand further contributing to the local and wider economy.

*Compliance with Planning Brief and Masterplan*

- 8.9. A Planning Brief was adopted by the Council in 2009 for the former RAF site in order to secure its long-term future. This was written at a time when much of the site was identified on the then English Heritage's Heritage at Risk Register and no owner had come forward for the site. It also pre-dates the Cherwell Local Plan and the NPPF both of which now represent a more up to date policy context. Therefore, the Planning Brief is now somewhat out of date and therefore holds limited weight. However, there is some useful information within the Brief setting out the opportunities for the site and important constraints. It is considered that the proposal for new employment development complies with the site's allocation in Policy Bicester 8 of the Local Plan and generally conforms to the aspirations of the Planning Brief which was to preserve the site and secure its long-term viability.
- 8.10. Whilst Policy Bicester 8 requires development proposals to accord with the Bicester Masterplan, this document has only reached Consultation stage in 2012 and has not progressed further at this stage as it was overtaken by the Local Plan. Therefore, only very limited weight can be attributed to it. However, it is considered that this proposal, in according with other Local and National Planning policies, would be adhering to the wider aspirations of the Masterplan to encourage economic growth to Bicester and the District and improvements to social and environmental factors.
- 8.11. The proposal is not considered to impact on the continued use of the airfield as a gliding club which is set out in Policy Bicester 8 of the Local Plan and the Planning Brief that this use should be retained in order that aviation uses continue to be a feature of the site to retain links with the historic use of the site as a military airfield.

*Conclusion*

- 8.12. In conclusion, the principle of providing new employment development to the south of the existing technical site is considered to be acceptable and complies with the Development Plan, the National Planning Policy Framework and other material planning considerations subject to the details and all other issues being acceptable as set out in the following sub-headings.

Siting, Orientation, Form, Scale and Massing

- 8.13. Policy ESD 15 of the Cherwell Local Plan Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high standards and should respect the historic environment including conservation areas and listed buildings. Policy Bicester 8 of the Cherwell Local Plan also makes it clear that development at this site is to be 'conservation-led', therefore meaning that it is what is appropriate for the site in terms of heritage related issues that must be at the forefront at all times. Both of these policies are supported by the NPPF (sections on design and heritage) which states that good design is a key aspect of sustainable development to create better places (Para. 124). Decisions should ensure that (amongst other factors) developments are visually attractive; sympathetic to the local character and history and optimise the potential of the site (Para.127). Section 16 on the historic environment acknowledges that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (Para. 184).
- 8.14. They are also underpinned by the saved policies of the Cherwell Local Plan 1996, in particular policies C28 and C30 requiring all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.15. With the above policy context in mind, whilst the principle of new employment development at the site is supported, it is imperative that it is appropriately sited and designed to ensure that it fits in with the historical context of the site and respects the existing pattern of development.

#### *Siting and Orientation of the buildings*

- 8.16. The area proposed for the new employment development is to the south of the existing technical site, straddling an area of land that formerly was not part of the historic airfield. The former Skimmingdish Lane previously formed the southern boundary to the airfield and when this road was realigned further south, the land in-between became a 'degraded edge' to the existing airfield, covered in self-set vegetation.
- 8.17. During pre-application discussions, it was considered important from an historical perspective, that the former alignment of the Skimmingdish Lane be retained as far as practical within the proposed layout, which therefore set a constraint in terms of the siting of the proposed business units.
- 8.18. Earlier iterations of the proposal sought business units in a very regimented alignment adjacent to the southern boundary. This was considered to be unacceptable as it did not respect the sporadic, low density character and pattern of development on the existing technical site. The siting of the buildings was therefore revised and as part of this the orientation of the buildings was also amended so that there was much more variety to the units with some having their gables facing north-south and others east-west.

#### *Form, Scale and Massing of buildings*

- 8.19. There are 8 units proposed, all of different styles and arrangements. Some are more linear in form, with subservient additions (units A, C, H and F), whilst others are more square (units B and D). Unit E is to be physically attached to an existing building (building 143) in order to create a 'L-plan' form emulating the 'yard' arrangement evident in the existing technical site (buildings 129, 130 and 131). There is also proposed to be a small building (unit G) to the western end of the site to add further variety to the units.

- 8.20. The units propose a variety of heights and scales. The maximum ridge height is to be 8.1m with maximum eaves heights to be 6.1m, however in some instances these are lower at 6.1m and 4.6m respectively. Many of the units include a combination of higher and lower scaled buildings, sometimes with an element turned through 90 degrees such as in the case of Unit F, in order to break up the massing of the development. None of the proposed buildings will be higher than existing buildings on the technical site, which are shown to be in some cases 9.3m in height to the ridge (e.g. building 130).
- 8.21. Whilst the proposal seeks a relatively high density compared to the existing technical site, it is considered that with the amendments to the layout, creating variety to the siting, orientation, form, scale and massing of the development, it is considered that the amount of development proposed is acceptable.

#### Design and External Appearance

- 8.22. It is Bicester Heritage's desire for the new technical site to be of 21<sup>st</sup> century design and not pastiche in style, seeking to replicate the design of buildings on the existing technical site. Whilst this design approach was understood by officers and accepted to a degree, officers still felt that it was important that the design of these new buildings was appropriately influenced by the existing buildings, in order to maintain consistency in the design approach throughout the development, providing a transition between 'old' and 'new' and to be sympathetic and respectful to the heritage assets at the site. The predominant building material on the existing technical site is brick with metal cladding only really being evident on one building within the existing technical site (building 119). Whilst officers were content with a much higher proportion of metal cladding on the new technical site and did not wish for buildings to replicate those on the existing technical site, it was nonetheless considered to be important to strike a more appropriate balance between the use of brick versus metal cladding and to consider the detailing to the external appearance.

#### *Design*

- 8.23. The original submission with the application proposed buildings incorporating very little brickwork, only providing brickwork on gables ends and in some cases, not the whole of the gables ends but extending only a quarter of the way across. This was not considered to be acceptable as it was felt that the brickwork proposed was simply 'tokenistic' rather than appearing as an integral part of the design.
- 8.24. Officers requested that consideration was given to the use of brickwork around complete elements of the buildings (not just the gable ends), but Bicester Heritage did not want to consider this approach as they felt it went more towards the pastiche form of design and away from their contemporary approach. Instead they offered to increase the amount of brickwork to the gables ends. Following much discussions with the applicants surrounding this issue, officers were prepared to accept the brick gable end design approach, provided that all gable ends on the main units could be provided with brickwork. Bicester Heritage agreed to this request and it is on this basis that amended plans have now been submitted.
- 8.25. The proposals now show brickwork to all of the gable ends of the units, with the addition of more brickwork to Unit C (as part of this building is to have a flat roof) and all elevations of the smallest building (Unit G) will be provided in brickwork. The remaining elevations and all roofing will be provided with either green or dark grey metal cladding, which will be consistent with the colour palette used in the existing technical site.



### *Detailing and External Appearance*

- 8.26. In terms of the detailing, the buildings are purposely designed to be simple and elegant, to meet the objective of a contemporary design. The buildings will include simple aluminium frames to the windows and steel flashing to the eaves and verges where the cladding meets the brickwork. In most cases, windows are provided as double or triple casements, but there are some elevations provided with circular windows, as evident on some of the existing (more prestigious) buildings within the existing technical site. The roofs are broken up with the use of linear rooflights in many cases. This design approach, does result in some elevations having blank elevations (all brickwork or metal cladding) with little or no interest via fenestration or detailing. Officers had requested the applicant's to consider providing more detailing to the buildings in the form of concrete string courses, concrete cills and lintels to windows and further fenestration. In particular, there is concern that the southern elevations require 'future proofing' in the event that highway landscaping is removed for the planned dualling of Skimmingdish Lane, to ensure that the frontage here does not result in the appearance of modern sheds. However, the applicant's amended submission does not include more detailing to the buildings as requested as they wish to retain the simple design and not incorporate pastiche elements from the existing technical site. The lack of windows to the southern elevation is due to security concerns and so they would prefer these elevations to remain as proposed.

### *Conclusion*

- 8.27. The simple design approach is accepted by officers and it is understood that Bicester Heritage wish these buildings to be 'of their time' rather than creating a replica of existing buildings. The use of metal cladding has always been accepted as being appropriate for this purpose, but officers have maintained that the increased use of brickwork is important to ensure an acceptable integration of this large new development with the existing technical site. Whilst it would be preferable for the applicant's to have gone further to provide more detailing to the buildings to soften the appearance of these modern units, it is considered that on balance, the proposals are considered to be acceptable. With the use of lighting and signage to match the existing technical site (to be conditioned), and the significant increase in brickwork to the units from the original submission, it is considered that the development will continue to provide a high quality expansion to the existing technical site.

### Heritage Assets

- 8.28. The significance of this site relates to this being one of the best-preserved examples of an inter-war airfield, developed after the First World War at a time when technological advances in aircraft led to a need for different philosophies in military architecture and urban planning, led by Sir Hugh Trenchard (founder of the RAF).
- 8.29. The Conservation Area Appraisal describes the military base at RAF Bicester as *'the quintessential airfield of its age; almost better than any other site it typifies the public perception of the World War II airfield'*. It goes on to say *'The character of RAF Bicester is unified by its function as a military station. There were principles underpinning the planning of airfields in the first half of the 20<sup>th</sup> century and these are key determinants of the character that remains today'*. *English Heritage (now Historic England) also states that 'RAF Bicester retains, better than any other military airbase in Britain, the layout and fabric relating to pre-1930s military aviation.....With West Raynham in Norfolk it comprises the best-preserved bomber airfield dating from the period up to 1945.....it also comprises the best preserved*

*and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920's Home Defence Expansion Scheme'.*

- 8.30. The base was designated a conservation area in 2002, its primary architectural and social historic interest being its interwar design, layout and use. The nature of the site is defined by the historic landscape character of distinct zones; the domestic site (to the west of Buckingham Road), the technical site and the flying field (to the east of Buckingham Road). The layout of the site is built to a 'trident' pattern – with 3 arms branching out from a central axis creating avenues. The location of buildings was deliberately spacious so that if any buildings were ever bombed other buildings may be preserved. The conservation area designation 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 military landscape are preserved.
- 8.31. Within the technical site and the flying field most of the buildings are Grade II Listed, including the A-Type and C-Type hangars. There are several Scheduled Monuments which includes airfield defence structures such as trenches, a pillbox and an air raid shelter later thought to be an anti-aircraft gun position.
- 8.32. Scheduled Ancient Monuments are designated within the context of the Ancient Monuments and Archaeological Areas Act 1979 (AMAA 1979). This designation affords a higher degree of protection than Listing, and decisions about proposed development potentially affecting them are assessed by Historic England.
- 8.33. To date, Bicester Heritage as current owners of the site have so far focused on renovating and refurbishing the existing buildings at the site to a very high standard and bringing them back into viable use (mainly commercial with some office provision). In order to allow for the growth of the site and maintenance of other buildings, inevitably new development now needs to be considered.
- 8.34. It is in recognition of the significance of the site in the national context that Policy Bicester 8 of the Cherwell Local Plan requires a 'conservation-led' approach to the development to be taken. Policy ESD15 of the Local Plan also requires developments to conserve, sustain and enhance designated and non-designated heritage assets and their settings.
- 8.35. In respect of this proposal the application needs to consider the impact of the development on the character and appearance of the conservation area, the setting of the conservation area, the setting of the listed buildings and the setting of the scheduled monuments.
- 8.36. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 states that special attention shall be paid in the exercising 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.
- 8.37. Paragraph 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 viability;*
  - *and the desirability of new development making a positive contribution to local character and distinctiveness*
- 8.38. Paragraph 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'.*
- 8.39. 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.

*Impact on the Conservation Area and its Setting*

- 8.40. The impact on the setting of the conservation area needs to consider views from within the conservation area and views outside the conservation area towards it. The application site is adjacent to the southern boundary of the RAF site. Three buildings (units C, D and E) are proposed to the north of the earlier Skimmingdish Lane and five are proposed to the south (units A, B, F, G and H). The three buildings to the north of the development will have a greater impact on the character and appearance of the conservation area when viewed from within the site, with the remaining five buildings having a greater impact on the setting of the conservation area when viewed from outside the site, albeit glimpses of other buildings will be possible from all angles.
- 8.41. Within the site, views from the north and further into the technical site will be partly obscured by existing buildings and existing trees. The amendments to the elevations of the closest three buildings (units C, D and E) to provide additional brickwork will ensure that the impact of these elevations are softened to a degree so that the appearance of metal cladding is not the predominant building material in this area.
- 8.42. Views from the east of the site, in particular from the nearest hanger (building 137) and building 136, the development will be more exposed. The increased use of brickwork to the gable ends of units C, D, F and B will help to alleviate this concern to an extent. The development here will also be softened by the retention of the defence structures and shelters (not listed), the green spaces and grasscrete car parking areas and the attenuation features.
- 8.43. Currently views from outside the site to the application site and conservation area are limited due to substantial highway landscaping to the northern side of Skimmingdish Lane. However, as advised by OCC Highways, it is the intention of the Transport Strategy for Skimmingdish Lane to be dualled in this location in the future resulting in the use of highway land currently providing this landscape screen. Whilst there is currently a slim area within the application site adjacent to the southern boundary where additional landscaping is proposed, this is unlikely to provide full screening to the proposed units in this location. However, the set back of the units, coupled with the smaller elements of some of these units (units A and

H for example) and the provision of more brickwork to the elevations (units A, B, F, G and H), is considered to reduce the harm to the setting of the conservation area.

*Impact on the setting of the listed buildings and other non-designated heritage assets*

- 8.44. The nearest listed buildings to the site are buildings 130, 131, 135, 137 (A-type hanger), 146 and 147. The impact on buildings 130, 131, 135 and 137 is reduced by the orientation and siting of the nearest proposed units (units C, D and E), to break up the massing and the increased use of brickwork to the gable end elevations. The impact on buildings 146 and 147 is also lessened by the creation of a smaller unit here (unit G) which is to be provided with all elevations in brickwork. Units A, E and H also have additional brickwork to the gable ends which will now help to reduce the impact to the significance of these buildings.
- 8.45. Other adjacent buildings that are not listed but make a positive contribution (considered non-designated heritage assets) are buildings 136, 143 and 144. As above, the closest proposed units to these buildings are now provided with significantly more brickwork which will soften their impact. In the case of building 143, unit E is designed to physically attach to this building in order to create a 'yard' arrangement. As this building is not listed, it is an appropriate way of transitioning the existing and new technical sites together.
- 8.46. There are the remains of a pyrotechnic store adjacent to the southern boundary of the site as well as other defence structures. Whilst these features are not listed or scheduled, they are considered to make a positive contribution to the setting of the site. Through pre-application discussions, the applicant has agreed to retain all of these within the proposals. The corner of the pyrotechnic store will be utilised as part of a bike store adjacent to unit A and the defence structures will be retained in situ to the south and east of Unit C, where they will be set amongst green spaces and grasscrete car parking areas.

*Setting of Scheduled Monuments*

- 8.47. The only scheduled monument that is in close proximity to the site is a defended air raid shelter at the south-eastern corner of the closest hanger (building 137). However, due to the distance from the proposals, the application is not considered to cause any harm to its significance. Furthermore Historic England has been consulted on this application and has not made any comments in this respect.

*Archaeology*

- 8.48. In respect of archaeology at the site, OCC has confirmed that whilst the site is located in an area of archaeological interest, the site has been truncated by various ground disturbances associated with the development of the airfield which would have disturbed any archaeological features, but the site still has potential to contain archaeological deposits. Therefore it is recommended that a condition is imposed if planning permission is to be granted to require the applicant to carry out a staged programme of archaeological investigation in order to safeguard the archaeological recording of any deposits in accordance with the NPPF.

*Conclusion*

- 8.49. The NPPF states at paragraph 197 that a balanced planning judgement will be required by the planning authority having regard to the scale of any harm or loss and the significance of the heritage assets.

- 8.50. In conclusion, and taking into account the advice in the NPPF, the proposal is considered to cause less than substantial harm to the heritage assets at the site. The applicants have minimised the harm as much as possible whilst also providing the contemporary design approach they are seeking.
- 8.51. Under paragraph 196 of the NPPF, the authority must 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*'. It is considered that the development of new employment uses at RAF Bicester provides substantial public benefit in terms of supporting and securing an optimum use for the wider site which is financially viable, bringing significant economic benefits to Bicester and the wider area and will ensure the longer-term conservation of the heritage assets on the site.

#### Highway safety

- 8.52. At the time of writing this committee report, negotiations are still ongoing with highways in relation to some specific matters as they have objected to the application. However neither of their objections is considered insurmountable. Their objections relate to:
1. The level of car parking proposed is based on the more intensive B2 use class, whereas the site includes a mixed use with B8 and B1 uses, which creates a level of car parking above the County Council's maximum standard. The level of car parking should be based on the anticipated breakdown of floor area for each use;
  2. The layout and surfacing of the parking spaces in certain areas appears inappropriate with certain spaces seemingly inaccessible. This may lead to ad hoc parking in other areas of the site which could obstruct emergency access.
- 8.53. Having discussed these matters with the Highways Officer and the applicant, amended plans have now been submitted to resolve these objections (amongst other issues) and re-consultation with OCC Highways is being undertaken. It is hoped that a response will be received from OCC Highways prior to the committee meeting that can be reported in the written or verbal updates, but if not, delegated authority will be requested to officers to resolve any matters still outstanding at that time. There are also some other highways issues that need to be resolved, but these did not constitute objections from Highways. One of the matters still being negotiated relates to a couple of the planning obligations requested by OCC Highways (this will be explained later in this report under the sub-heading Planning Obligations).
- 8.54. The proposals include a variety of measures in order to provide mitigation for the development to ensure that it is acceptable in terms of highway safety and provides the appropriate level of connections (public transport, pedestrian, cycling) to improve the access to the site by other more sustainable modes of transport. These measures are set out in the following sub-sections for clarity.

#### Traffic Impact

- 8.55. The main access to the proposal will be via the existing access to the main site just north of the Buckingham Road roundabout. This junction is expected to operate within capacity in the future year 'with development' scenario. The TA for this application shows a traffic generation of 51 two-way trips in the AM and 46 two-

way trips in the PM which equals 97 two-way trips per day. Highways do not consider this level of traffic would lead to severe wider traffic impact, but nevertheless the TA has not considered the cumulative impact of the proposal together with the live application for a hotel (18/01253/F). Despite this, off-site mitigation is not required to make this development acceptable in planning terms.

- 8.56. The existing access is to be gated and controlled with a kiosk. Whilst there is some concern that 2 or more HGV's waiting to turn right into the site would block the northbound carriageway of the Buckingham Road, these instances are likely to be rare. In addition, there is capacity for the site access to hold several smaller vehicles without blocking the highway.
- 8.57. The existing access to the south of the site direct from Skimmingdish Lane is to be retained, but only to be used as an emergency access and for special event days and this is considered to be acceptable to Highways due to the infrequency of its proposed use. An intensification of this access would not be supported and may in any case be impacted upon due to future proposals to dual Skimmingdish Lane.

#### *Car Parking*

- 8.58. The amount of car parking proposed as part of the original planning application submission was 125 car parking spaces, including 6 disabled bays. However, based on the objection from Highways this has been reduced down to 84 car parking spaces and 3 disabled spaces. This is based on a quantum of development of: B1 use – 1632 sq m; B2 use – 1632 sq m and B8 use – 3265 sq m as requested by Highways. This amount of development would require a maximum of 103 car parking spaces and therefore the amount provided is now within the County Council's standards.
- 8.59. It is recognised that the applicant wishes to have flexibility regarding this quantum of uses and as such, as requested by the applicant, it is considered appropriate to impose a condition, that should this mix of uses change and more car parking be required, that further details will be submitted. This is to ensure that there is no ad hoc car parking around the development which could be unsightly and reduce the standard of the development, whilst also causing highway restrictions in terms of turning and manoeuvring.

#### *Public Transport*

- 8.60. OCC Highways require the provision of a shelter for the northbound bus stop on Buckingham Road (there is already a shelter for the southbound bus stop) and a pair of real-time information signs for both stops given the likely increase in use of these stops and to encourage use of public transport by staff. Financial contributions for these measures would need to be secured via a Section 106 Agreement.
- 8.61. Additional improvements to the bus stops are also required via S278 agreement such as hard standing areas and electrical supply and infrastructure for the real time information systems.
- 8.62. At the time of writing the committee report, these items are still being discussed further between the applicant and Highways. It is hoped a resolution on this issue can be reported to planning committee, but otherwise delegated authority is requested to officers to resolve this issue satisfactorily.

#### *Pedestrian accessibility*

- 8.63. The Transport Assessment incorporates a plan (J32-3568-PS-001) that shows a pedestrian footpath link north of the existing access to connect to the southbound bus stop on Buckingham Road and another footpath link to the south of the existing access to connect to the island crossing point at the roundabout, creating a new tactile crossing link to the west side of the A4421. Tactile crossing points are also proposed outside the gated entrance to the site.
- 8.64. Highways have advised that these footpath links need to be increased in width from 2m to 3m. The southern footpath link should also be extended to link around to the shared footpath/cycleway on the southern side of Skimmingdish Lane. In addition, the speed restriction along the Buckingham Road will also need to be reduced to 40mph from 50mph.
- 8.65. Highways have also advised that a Toucan pedestrian crossing should be provided at the bus stops. Whilst it is noted that a crossing point is provided as part of the hotel application (18/01253/F), a crossing also needs to be shown as being provided for by this application as it will need to come forward with whichever development comes forward for development.
- 8.66. At the time of writing the committee report, amended plans in this respect have not been received from the applicant. It is hoped that an update will be provided to committee regarding this issue, otherwise delegated authority is requested to officers to satisfactorily resolve this issue in liaison with Highways and the applicant.

#### *Cycling provision*

- 8.67. Provision has been made for 15 cycle parking spaces, however this is considered to be below the County Council's minimum cycle parking standards as this is based on the less intensive B8 use rather than the more intense B2 use. The County Council wish to have further discussions regarding this issue with the applicant but it is considered this can be addressed through the imposition of a planning condition in respect of the amount of cycle parking to be provided. A condition will also be imposed to ensure the cycle provision is secure and covered.

#### *Travel Plan*

- 8.68. The Travel Plan currently submitted with the application requires several changes to be made to it however these can be dealt with by the imposition of a planning condition.

#### Ecology

- 8.69. The application site is adjacent to a non-statutory designated Local Wildlife Site (LWS) but it is not itself within the designation. There are two statutory designated site within 2km of the site, the SSSI to the north of the airfield (the former quarry) and Bure Park Local Nature Reserve, but these are both considered to be a sufficient distance from the site, with little connectivity, to not be affected by the proposals. Notwithstanding this, the application has been submitted with an Ecological Assessment to support the proposals and has been assessed by the Council's Ecologist.
- 8.70. Policy Bicester 8 of the CLP Part 1 which allocates the site for development purposes, requires the biodiversity of the site to be protected and enhanced and habitats and species surveys (including a Great Crested Newt Survey) should be undertaken. Policy ESD10 of the CLP Part 1 also requires due regard to be given to biodiversity and the natural environment and these policies are both supported

by national policy in the NPPF. Also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place.

#### *Great Crested Newts*

- 8.71. The Council's Ecologist has advised, in assessing the submitted report that the Great Crested Newt survey method has not been carried out in accordance with Natural England Standing Advice, as it relies on old survey data from 2016 which did not carry out the required number of survey and was also not carried out in the peak season. There are two ponds within the application site that have been dry for some time and therefore it has been concluded in the Ecological Survey that the application site is not utilised by Great Crested Newts. However, given the limitations of the data, this conclusion is questioned as the ponds could re-fill at any time in the future. From the proposed site plan, it suggests that the ponds are to be lost through the development but there has been no assessment of this loss. A precautionary approach would be to retain the ponds in situ.
- 8.72. As part of the amended plans submission, further detail has been provided by the applicant's Ecologist in respect of the 2016 survey work undertaken. This explains that a Phase 1 habitat survey in 2016 showed the two waterbodies present as being of "poor" suitability for the species. Further survey work was undertaken as a precaution and carried out at a time of year in 2016 when Natural England accepted later dates than typical for surveys due to the particularly cold spring. It has therefore been concluded that these waterbodies are ephemeral waterbodies that are not suitable to support Great Crested Newts. During assessment by the applicant's Ecologist this year no evidence of waterbodies was discovered, only bare ground and leaf litter typical of damp, shaded scrub habitat. Notwithstanding this, whilst one of the ponds will be lost, the other pond is now to be retained as an attenuation feature (in order to address the objection from OCC Drainage).
- 8.73. At the time of writing the committee report, further consultation response from the Council's Ecologist is awaited, but it is hoped that an update on this issue can be provided to members, otherwise delegated authority will be requested to ensure this can be resolved and that there is no objection from the Council's Ecologist.

#### *Habitats*

- 8.74. The habitats within the application site are considered by the applicant's Ecologist to be of no significant ecological value including short mown semi-improved grassland, areas of recolonising and bare hardstanding, tall ruderal vegetation, waterbodies and buildings. Of slightly higher ecological value, but still of no value in the context of the wider site, are scattered trees and areas of young semi-natural broadleaved woodland. The vast majority of these habitats will be lost as a result of the development but their loss is not considered to be of any particular ecological significance.
- 8.75. Areas of semi-improved grassland will be retained within the proposed development, including those areas in the eastern part of the site and new species rich calcareous grassland will be created that will be subject to appropriate management to maintain and enhance their value for biodiversity. A number of new trees and shrubs will be provided in order to mitigate for losses of young broadleaved woodland.

#### *Bats*



- 8.76. There are no buildings within the application site shown to support roosting bats. A number of trees present in the east and north-west of the site may provide limited opportunities for roosting bats and will be fully retained in the proposals.
- 8.77. Habitats for foraging and commuting bats are available along the band of woodland to the south and west of the application site, which continue outside the site and are largely to be retained as part of the proposal so that foraging and commuting opportunities for bats is unlikely to be significantly affected.
- 8.78. The provision of new tree and shrub planting and bolstering of the retained band of woodland will provide enhancements for foraging resources. In order to provide new roosting opportunities, it is recommended that a number of bat boxes are installed on suitable trees within the application site. A lighting scheme for the development will need to ensure that these habitats are not adversely affected by artificial light by using hoods and cowls to reduce light spillage and direct lighting away from these features.

#### *Reptiles*

- 8.79. There are not considered to be any habitats within the site that are suitable for reptile species due to largely comprising heavily shaded young woodland and close mown semi-improved grassland. The proposals would have negligible potential to directly impact upon reptiles during site clearance and construction operations.
- 8.80. The proposals will provide significant areas of suitable reptile habitat in the form of long species-rich grassland and the continued management of these areas as a long tussocky sward would ensure that opportunities for this group would be enhanced in the long term.

#### *Birds*

- 8.81. There are some opportunities for nesting birds in the form of young woodland and scattered trees within the application site. A single breeding bird survey recorded the presence of a limited range of common and widespread species utilising the hedgerow. It is therefore considered that the site is of no particular significance in terms of supporting nesting or wild birds.
- 8.82. Any minor clearance of hedgerows should be undertaken outside of the bird breeding season (March – September inclusive) or alternatively that checks are made for nesting birds by an ecologist immediately prior to any vegetation removal. The proposals to provide additional tree and shrub planting and bolstering of the adjacent band of woodland will provide enhancements for breeding birds and the areas of long tussocky grassland will also provide potential for ground nesting birds.

#### *Conclusion*

- 8.83. At the time of writing the committee report, the situation with regards to Great Crested Newts and the loss of the ponds is still being assessed by the Council's Ecologist and an update on this matter will be provided to committee.
- 8.84. In all other respects, the proposals are considered to be acceptable in terms of ecology at the site subject to the imposition of appropriate conditions as set out by the Council's Ecologist and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

### Trees and landscaping

- 8.85. The application has been submitted with an Arboricultural Report dated July 2018. The proposed development will require the removal of self-set, low quality trees that run parallel to Skimmingdish Lane and a small number of individual, mature trees located within the site. The existing boundary vegetation that runs adjacent to the site will be unaffected and reinforced by the planting of trees and shrubs, both along the landscape bunds and within the site.
- 8.86. The Council's Arboricultural Officer agrees with the findings of the report in that the trees to be removed are categorised as category C trees and the majority of the vegetation within the site boundary is self-set, low amenity and low arboricultural merit trees that should not warrant protection, or retention over the development. The works are not considered to have a negative visual impact to Skimmingdish Lane. A condition is recommended regarding the imposition of a replanting plan so as to give mitigation to trees removed and giving detail as to the replanted trees and their locations. A landscape management plan will be required to ensure the successful establishment and long-term viability of the proposed landscaping.
- 8.87. In terms of hard landscaping, this is to consist of tarmac road areas and grasscrete for some of the parking areas. Officers have expressed some concerns regarding the use of grasscrete, as if used frequently; the grass becomes compacted and will not survive. However, the applicants request that grasscrete is used as it is already used elsewhere throughout the existing technical site. Therefore officers are willing to accept the use of grasscrete with the imposition of a condition for the detail of this to be agreed to ensure that a suitable method of grasscrete construction is used.
- 8.88. A Landscape and Visual Impact Assessment has been submitted with the application, which concludes that the proposals will have a significant local impact but that this impact is confined to the site itself. Wider impacts will be mitigated by existing screening from buildings that already exist on the wider site or from local screening on the highway verge, plus supplementary planting within the site as part of a new landscape scheme. Whilst there will be significant change to the views from within the site itself, it is considered that the proposed buildings will not be out of scale with the other existing buildings nearby. Furthermore new planting will in time provide maturity and setting to the buildings to ensure that the proposals are assimilated successfully into the historic setting.
- 8.89. Whilst the assessment of the Landscape and Visual Impact is not disputed by officers generally, it has however been considered necessary to minimise the visual impact from a heritage perspective to include the use of more brickwork to the elevations. Officers were concerned that the significant use of metal cladding throughout the proposals would cause harm to the heritage assets at the site (as set out in the Heritage section of this report) and that this harm could be minimised by the integration of more brickwork. With this now shown on the amended plans, the proposals are not considered by officers to have a significant adverse visual impact on the wider landscape.

### Residential amenity

- 8.90. 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 ESD 15 of the CLP Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space*.

- 8.91. The nearest residential properties are some distance away from the application site and on opposite sides of the road, therefore it is not considered that this proposal will cause any detrimental impact to residential amenities.

#### Flood risk and Drainage

- 8.92. The application site is located within Flood Zone 1 (low risk) of flooding from fluvial, tidal or groundwater. However, Policy Bicester 8 requires development proposals to consider the Council's Strategic Flood Risk Assessment and as the proposal is a major development, the application has been supported by a Flood Risk Assessment. A Drainage Strategy and Water Quality Management Report has also been submitted with the application. These reports have been assessed by the Environment Agency, Thames Water and OCC Drainage (Lead Local Flood Authority) as necessary.
- 8.93. The FRA confirms that flooding is low risk, the main risk being from surface water flooding (high and medium probability) and infrastructure failure. However, an industry standard recommends setting finished floor levels 150mm above ground level to offer a level of protection. A condition will be imposed in any case to require finished floor levels to be submitted (on grounds of visual impact) and so this will also be able to ensure the finished floor levels also meet the minimum level required in the FRA. It should also be noted that the Environment Agency have not objected to the application or raised any issue or suggested any conditions in respect of flooding at the site.
- 8.94. OCC Drainage as Lead Local Flood Authority has however objected to the application on the grounds that 1) it is not clear whether infiltration testing has been undertaken at the site and 2) they do not consider that sufficient information has been provided within the drainage strategy regarding the strategy to manage the high and medium probability of surface water flooding on the southern site.
- 8.95. The sustainable urban drainage systems (SUDs) proposed includes the use of permeable paving, swale and an underground geo-cellular soakaway. However, infiltration rates have been used from within the Bicester Heritage area but it is not clear whether infiltration testing has been carried out at the site itself which will be required to inform the detailed design. Exceedance flow routes and surface water flow paths suggest access and egress along the southern boundary would be challenged due to surface water risk. Therefore more detail is required in the drainage strategy to demonstrate that this risk has been modelled and considered and designed to reduce this risk. OCC Drainage therefore raises an objection to the proposals on these grounds. At the time of writing the committee report, a revised Drainage Strategy has been submitted but OCC have not yet had opportunity to provide comments on this and it is hoped that an update in this respect can be provided as part of the updates for committee.
- 8.96. It is also not clear from the application who will be responsible for the maintenance of the SUDs and therefore a SUDs Management and Maintenance Plan will also be required to be submitted.
- 8.97. In terms of water, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development. They therefore recommend conditions regarding water network upgrades and an Infrastructure Phasing Plan to be agreed with them prior to the first use of the business units.

- 8.98. In terms of waste water, regarding water network infrastructure capacity, Thames Water has no objections but recommends an informative to be imposed in respect of water pressure.
- 8.99. In respect of foul water, the application form states that it would be the intention to connect to the mains sewer. Thames Water has not provided any comments in respect of foul water and therefore it is considered that there are no issues in terms of capacity for the development to connect to the mains sewer.

#### Contamination

- 8.100. The proposals have been submitted with a Phase 1 Land Contamination and Ground Condition report which concludes that the application site is of low risk from contaminants and unlikely that ground conditions or potential pollutant sources would have any significant impact on industrial or commercial development and the associated receptors identified.
- 8.101. Notwithstanding the above, the Environment Agency and the Council's Environmental Health Officer consider that for the proposals to comply with the NPPF, conditions should be imposed in respect of contamination, including a preliminary risk assessment, site investigation, remediation strategy and verification plan and report. Further conditions regarding unexpected contamination and a Construction Environmental Management Plan should also be imposed as recommended by the Council's Environmental Health Officer.

#### Energy efficiency

- 8.102. Policies ESD1-5 of the CLP Part 1 require development proposals to mitigate the impacts of climate change by providing a reduction in carbon emissions through sustainable construction by using decentralised energy systems and renewable energy.
- 8.103. No Energy Statement has been submitted with the application but a brief Sustainability Statement has been provided at the end of the Design and Access Statement which generally sets out the proposed approach that will be taken in respect of energy efficiency and carbon reduction at the site, including a commitment to meet BREEAM "Very Good" rating.
- 8.104. The Council's Bicester Delivery Team has reviewed the Sustainability Statement and considers the proposals do not currently meet the policy requirements as there is no evidence submitted to show how the ESD policies will be met.
- 8.105. The applicants have therefore been asked to provide a detailed Energy Strategy and this has been submitted with the amended documentation that has recently been received. The following measures are now proposed specific to the proposals:
- Reduce heating demand;
  - Natural ventilation;
  - High efficiency internal and external lighting;
  - Lighting control strategy including daylight sensing detection;
  - Variable speed drives on pumps and fans;

- Duct-work and pipework to be suitably insulated;
- Use of metering and sub-metering to monitor energy used in the buildings;
- Use of highly efficient heat recovery ventilation system where applicable;
- Consider use of instantaneous DWH systems to reduce standby/storage losses;
- Ensure the use of energy efficient white goods;
- Use of air source heat pumps;
- Consideration of use of photovoltaic panels (subject to their heritage impact)

8.106. The Bicester Delivery Team are yet to provide further comments on the Energy Strategy but it is hoped that their comments can be reported to planning committee as part of the updates but if not, or the information is not to their satisfaction, then officers will request delegated authority from Members to resolve this issue before determination or via condition.

8.107. It should be noted that, whilst it is clearly important to ensure compliance with Policies ESD1-5, the energy proposals need to be balanced against the heritage context of the development to ensure that all proposals are appropriate to its surroundings and will not adversely impact on the heritage assets. The proposals stated in the Energy Strategy are all considered to be acceptable insofar as they will not have any impacts on the external appearance of the buildings. This is with the exception of the possible use of photovoltaic panels which could be considered harmful to the significance of the heritage assets. It is considered that if this is to be proposed, details of these would be required to be submitted via planning condition so that the impact can be assessed.

#### Planning Obligations

8.108. As set out in the Highways section, OCC Highways have requested the applicant to contribute the following S106 contributions as a result of the development:

- Strategic transport contribution (£177,912) (still to be agreed)
- Public transport infrastructure – northbound bus shelter and 2 x Real-Time Information displays (£24,284) (still to be agreed)
- Traffic Regulation Order (£2,600)
- Travel Plan Monitoring (£2,040)
- An obligation to enter into a S278 agreement
- S106 monitoring fees

8.109. A contribution towards Strategic Transport is required in accordance with the Local Transport Plan 4 Bicester Area Strategy Policy BIC 1 scheme which requires upgrading of the A4421 to a dual carriageway between Buckingham Road and Gavray Drive and the contribution would be used towards the Eastern Perimeter Route, Skimmingdish Lane section. Currently the contribution required has been based on another site at Wretchwick Green (a mixed use site) and a formula calculated using the number of trips likely to be generated from that development compared to this proposal. This amount is still being negotiated and therefore not agreed.

- 8.110. The provision of a bus shelter and real-time information systems is considered necessary as the proposed development will increase the use of these bus stops and their use should also be encouraged by staff at the proposed development in accordance with the Local Transport Plan 4 Bicester Area Strategy Policy BIC2 and the NPPF. This is still being negotiated and therefore not agreed.
- 8.111. In respect of the other S106 obligations requested, the changes to the Traffic Regulation Order are considered necessary in order to make the development acceptable in terms of highway safety by reducing the speed limit on Buckingham Road. A contribution is also required towards the monitoring of the Travel Plan over a period of 5 years to ensure that it remains up to date. S106 monitoring fees would also be required.
- 8.112. S278 highways works will also be required for works to the site access, a pedestrian crossing, a 3m wide shared use footway/cycleway, informal tactile crossings and bus stop infrastructure. It is intended that these measures would also be secured via S106.
- 8.113. OCC considers all these of these contributions are required in order to make the development acceptable in planning terms and that they are all justified and compliant with CIL Regulation 122. At the time of writing the committee report, these contributions have not all been agreed to by the applicant and it is understood that the applicant is currently liaising with OCC about these Heads of Terms. It is hoped that an update on these discussions will be able to be provided to Members at the Committee.

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

- 9.1. The application proposes the erection of 8 new business units providing over 6000sq m of new employment space at the Bicester Heritage site, a nationally significant airfield dating from the inter-war period. Whilst the Council has considered through the Planning Brief 2009 and the Cherwell Local Plan Policy Bicester 8 that there is scope for new employment development at the site, it has been critical to ensure that this development is 'conservation-led'.
- 9.2. The amended submission is considered to meet this objective by proposing the increased use of brickwork to the units to ensure that the employment units provide a better transition between the existing and proposed development at the site. The scale and massing of the development respects the established pattern of development at the site and the contemporary approach to the design will create a high quality development consistent with that already evident at the Bicester Heritage site.
- 9.3. Whilst it is acknowledged that the proposal is considered to cause less than substantial harm to the heritage assets at the site, this is considered to be outweighed by the public benefits derived from the proposal in terms of finding an economically viable use for this part of the site and providing many economic benefits to Bicester and the District.
- 9.4. The proposal is not considered to cause harm to highway safety due to the mitigation measures provided, subject to agreement in respect to the requested planning obligations. Mitigation measures are proposed in relation to landscaping and visual Impact, trees, ecology, flood risk and drainage together with the imposition of conditions relating to various matters and also contamination and energy efficiency. The proposals are not considered to cause any detriment to the amenities of neighbouring residents.

- 9.5. The proposal is therefore considered to comply with the relevant policies of the Development Plan set out in the report, specifically Policy Bicester 8 and the National Planning Policy Framework.

## **10. RECOMMENDATION**

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

1. continuing negotiations in respect of the highways infrastructure, in particular the strategic transport contribution and other public transport and pedestrian/cycling infrastructure;
2. in the event that the highways infrastructure contributions are not resolved satisfactorily then the application will be reported back to committee with a revised recommendation;
3. no further objections are received from OCC Highways, OCC Drainage, CDC Ecology, CDC Heritage and Urban Design and the Bicester Delivery Team in respect of the amended plans and revised information submitted;
4. in the event that objections are still maintained relating to the application and these cannot be adequately resolved, the application will be reported back to committee with a revised recommendation;
5. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).
6. Completion of a planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, in accordance with the summary of the Heads of Terms set out below;
  - Strategic Transport Contribution in connection with Policy BIC 1 of the Local Transport Plan 4 in respect of the dualling of the eastern perimeter route and Skimmingdish Lane section (amount to be agreed);
  - £24,284 for Public Transport Infrastructure – for a north bound bus shelter and 2 x real-time information systems (to be agreed);
  - £2,600 for an amendment to the Traffic Regulation Order for a reduction in the speed limit on Buckingham Road;
  - £2,040 for Travel Plan monitoring
  - An obligation to enter into a S278 agreement with Highways
  - S106 Monitoring fees

### **Conditions:**

(Full wording of conditions will be provided in the written updates)

#### **General**

1. Time limit – 3 years
2. Approved plans
3. Amount of uses approved – with flexibility

#### **Design**

4. \*Finish floor levels (on grounds of visual impact and surface water flooding mitigation)
5. \*Schedule of materials (including samples)
6. \*Architectural detailing

7. Boundary treatment (if required) details to be submitted
8. Lighting strategy which also must take into account the recommendations in the ecology assessment and to minimise light pollution
9. Signage strategy

#### **Trees and Landscaping**

10. Landscaping scheme – hard and soft details – evergreen species, tree pit detailing
11. Further details of grasscrete
12. Landscape Management and Maintenance Plan
13. \*Tree removal plan
14. Replacement tree planting plan

#### **Highways:**

15. No building to be occupied until access improvements (shared footway and pedestrian crossing) have been carried out
16. \*Construction Travel Management Plan (CTMP)
17. Car parking – related to breakdown of uses
18. Cycle parking – secure and covered – amount to be increased
19. Amendments to Travel Plan – including Car Parking Management Plan
20. Secondary access emergency use only

#### **Drainage**

21. \*Surface Water Drainage Strategy and SUDs management and maintenance
22. Water network upgrades or Infrastructure Phasing Plan – for water

#### **Contamination**

23. \*Contamination – including a preliminary risk assessment, site investigation, remediation strategy and verification plan
24. Verification report and long-term monitoring and maintenance plan – no occupation
25. Unexpected contamination not previously identified, require development to stop and submit a remediation strategy

#### **Energy Efficiency**

26. The development should meet BREEAM 'Very Good' rating
27. Use of photovoltaic panels – details to be submitted if proposed

#### **Noise:**

28. \*Plant and machinery
29. \*Noise – acoustic enclosure
30. \*Construction Environment Management Plan (CEMP)

#### **Economic:**

31. Employment and Skills and Training Plan
32. Construction apprenticeships

#### **Ecology**



- 33. Accord with survey – Section 5
- 34. Mitigation Strategy for Great Crested Newt
- 35. \*Landscape and Ecological Management Plan

**Archaeology**

- 36. \*Written Scheme of Investigation
- 37. \*Archaeological evaluation and mitigation

(\* Approval will be required from the applicant for the conditions shown with an asterisk which at the time of writing the report are anticipated likely to need to be pre-commencement conditions)

Informatives:

- 1. EA advice – contamination of ground water
- 2. Thames Water – advice regarding water pressure, easements, wayleaves and to discuss proposed development in more detail. If wanting to connect to surface water network in future would constitute a material change
- 3. Architectural detailing – to include window depths and reveals; window detailing; wall finishes and colours; eaves and verge treatment details, street lighting, signage

CASE OFFICER: Maria Philpott

TEL: 01327 322261

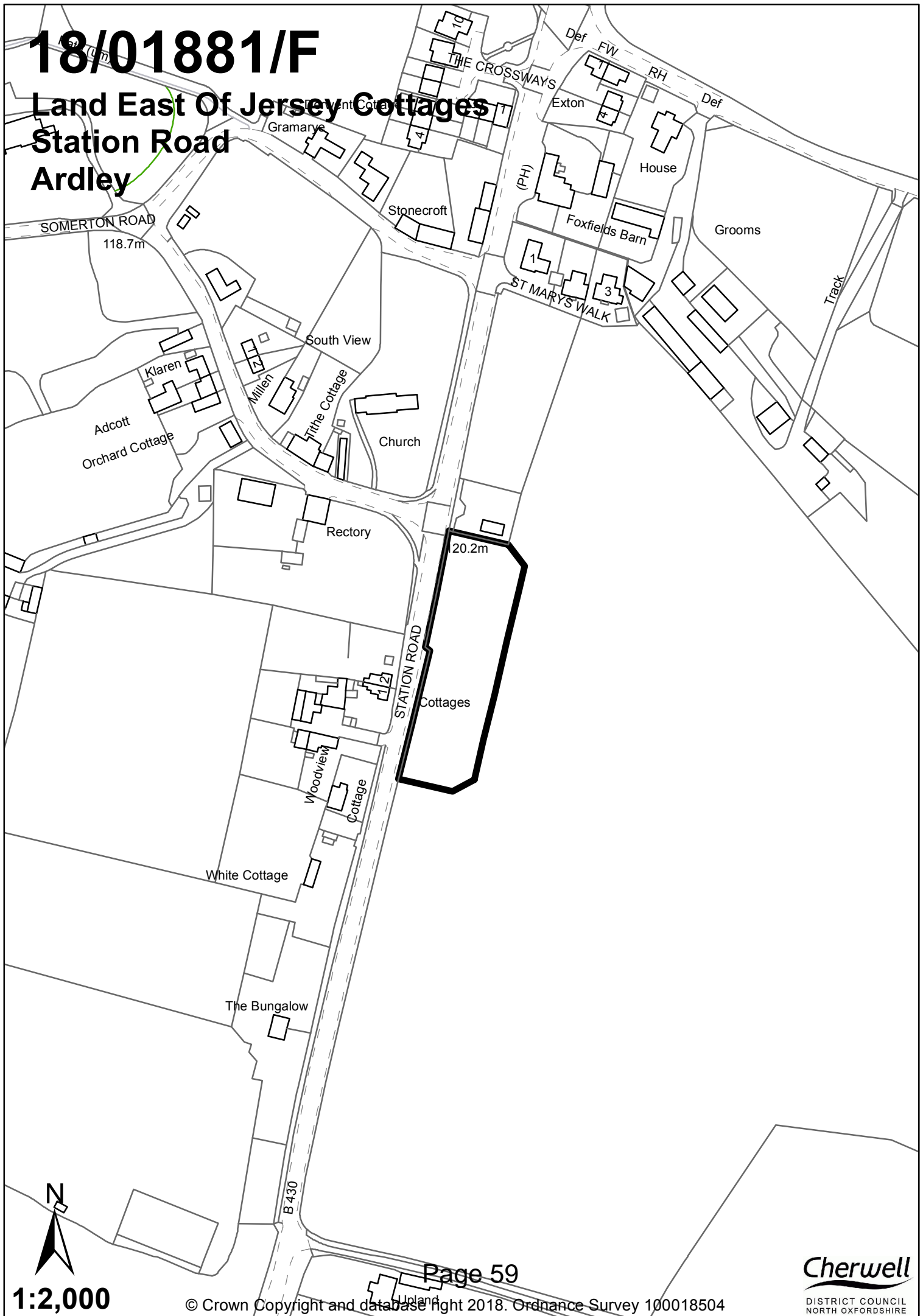
Agenda Item 8  
**18/01881/F**

The Old  
Reform  
**Land East Of Jersey Cottages**  
**Station Road**  
**Ardley**



18/01881/F

Land East Of Jersey Cottages  
Station Road  
Ardley



1:2,000

<b>Applicant:</b>	Waterloo Housing Group Ltd		
<b>Proposal:</b>	Erection of 13 Affordable dwellings together with associated external works, car parking 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>	<i>Major development</i>		
<b>Expiry Date:</b>	29 January 2019	<b>Committee Date:</b>	13 December 2018
<b>Recommendation:</b>	Approve		

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

### **Proposal**

Planning permission is sought for the erection of 13 'affordable' dwellings. The buildings are proposed to front Station Road and would be constructed from Cotswold Limestone under a concrete plain tile roof. A single access is proposed off Station Road to serve the dwellings

### **Consultations**

The following consultees have **supported** to the application:

- Ardley with Fewcott Parish Council and CDC Strategic Housing

The following consultees have raised **no objections** to the application:

- Thames Water, Anglian Water, Historic England, CDC Building Control, CDC Landscape Services, CDC Recreation and Leisure, OCC Archaeology

1 Letter of **objection** has been received

### **Planning Policy**

The site is outside the built up area of Ardley. The site abuts but lies outside the Ardley Conservation Area, which is to the west of the site. The site is within relatively close proximity to the Church of St Mary which is a Grade II\* listed building, and it contains a Grade II listed headstone within its graveyard. There are locally listed buildings within close proximity to the site too including Jersey Cottages and the Old Rectory. The site has ecological potential being within 2KM of two SSSIs and legally protected species have been recorded within the vicinity of the site.

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 the Development;
- Impact upon the Character and Appearance of the Area;
- Impact upon the Heritage Assets;
- Residential Amenities;
- Accessibility, Highway Safety and Parking;
- Ecological Impact;
- Flooding Risk & Drainage;
- Planning Obligations.

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

## **RECOMMENDATION - GRANT PERMISSION SUBJECT TO CONDITIONS AND A SATISFACTORY 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 site is to the east of the village of Ardley, on the east side of Station Road. The site comprises a rectangular section of arable land. To the south and east of the site is open countryside. To the west of the site, on the other side of the Station Road is housing. To the north of the site is a piece of land which appears to be used for storage purposes. A footpath runs adjacent to the northern boundary of the site (109/22/10) and heads off in an easterly direction. Hedging sits on the Western boundary of the site screening views of the site from Station Road.
- 1.2. The site abuts but lies outside the Ardley Conservation Area, which is to the west of the site. The site is within relatively close proximity to the Church of St Mary which is a Grade II\* listed building, which contains a Grade II listed headstone within its graveyard. There are locally listed buildings within close proximity to the site too including Jersey Cottages and the Old Rectory. The site is within a Minerals Consultation Area. The site has ecological potential being within 2KM of the Ardley Cutting and Quarry SSSI and Ardley Trackways SSSI, and legally protected species have been recorded within the vicinity of the site including the polecat.

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

- 2.1. Planning permission is sought for the erection of 13 'affordable' dwellings. This would comprise of a detached bungalow, 10 semi-detached two storey dwellings and 2 apartments within a two storey building. The buildings are proposed to front Station Road and would be constructed from Cotswold Limestone under a concrete plain tile roof.
- 2.2. A single access is proposed off Station Road to serve the dwellings with an access road within the site leading to the dwellings, and parking is proposed to the side of the dwellings. 6 visitor parking spaces are proposed on the site as well, with 3 at the northern extremity and 3 at the southern extremity.

- 2.3. The hedge to the front of the site is proposed to be reduced in height to 1.5 metres.
- 2.4. Private gardens are proposed to the rear of the dwellings whilst the apartments would share a garden. Each dwelling would be served by a timber shed which would act as cycle storage whilst the apartments would share a shed.
- 2.5. The development proposed is a Rural Exception scheme which is subject to Oxfordshire Growth Deal funding.

### **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>
18/00087/SO	Screening Opinion to 18/01881/F - Construction of 13 new affordable dwellings together with associated external works, car parking and landscaping	Screening Opinion not requesting EIA

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

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

<u>Application Ref.</u>	<u>Proposal</u>
18/00121/PREAPP	New development incorporating 4 no. 1 Bedroom 2 Person Flats, 1 no. 2 Bedroom 3 Person Bungalow, 5 no. 2 Bedroom 4 Person Houses, 3 no. 3 bedroom 5 person Houses

- 4.2. This related to a relatively similar development to what is proposed in this application before members. It was noted that the development could be considered against Policy Villages 3 of the Cherwell Local Plan (2011-2031) Part 1 and the proposal would have significant benefits by meeting a need within the locality for affordable housing.
- 4.3. However, it was considered that there would be harm to the landscape as a consequence of development on this agricultural land. Furthermore, it was considered that the development would appear as a detached stand-a-lone development therefore causing environmental harm. There was also considered to be less than substantial harm to the Ardley Conservation Area and the locally listed building of Jersey Cottages. Thus, there was considered to be conflict with Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1. There were also concerns raised about the general sustainability of the site, and therefore there was considered to be conflict with Policies SLE4 and ESD1 of the Cherwell Local Plan (2011-2031) Part 1.
- 4.4. It was concluded that benefits of the scheme (affordable dwellings, Growth Deal site) could outweigh the harm if the scheme were to be well designed. Estate type workers' cottages were encouraged and it was noted that the materials should respond to local vernacular. The reduction in the height of the hedge to the front of the site was also recommended so that the dwellings are more connected with the village.

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

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments is 20.12.2018.
- 5.2. One letter of **objection** has been received and the comments raised by the third party are summarised as follows:
- Overlooking Jersey Cottage/loss of privacy;
  - Additional dwellings will cause further traffic and a highway safety hazard for other motorists;
  - The access would be dangerous;
  - The proposed parking is inadequate.
- 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. ARDLEY WITH FEWCOTT PARISH COUNCIL: The application has been developed with the full **support** of the Parish Council

### STATUTORY CONSULTEES

- 6.3. ANGLIAN WATER: **No comments received.**
- 6.4. HISTORIC ENGLAND: **Does not wish to offer any comments.** We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 6.5. OCC HIGHWAYS: Formal response awaited, but have informally raised concerns regarding
- The sustainability of the site in transport terms
  - Pedestrian access to/from the development
  - Swept path analysis for a southbound refuse vehicle
- 6.6. THAMES WATER: **No objections.**

### NON-STATUTORY CONSULTEES

- 6.7. OCC ARCHAEOLOGY: Whilst we have **reservations** over the desk based assessment and would normally request additional survey in the form of a geophysical survey and archaeological evaluation, if you are minded to grant planning permission then recommend that conditions be attached requiring, before development commences, the submission of an archaeological written scheme of investigation and the carrying out of that approved scheme of investigation.
- 6.8. CDC ARBORICULTURE: **No comments received.**
- 6.9. CDC BUILDING CONTROL: A full Building Regulations application will be required.

- 6.10. CLINICAL COMMISSIONING GROUP: **No comments received.**
- 6.11. CDC ECOLOGY: **No comments received.**
- 6.12. OCC EDUCATION: **No comments received.**
- 6.13. CDC ENVIRONMENTAL HEALTH: **No comments received.**
- 6.14. CDC HOUSING STANDARDS: **No comments received.**
- 6.15. CDC LANDSCAPE SERVICES: concerns with the landscaping proposed and the rear boundary should be hedging.
- 6.16. CDC PLANNING POLICY: **No comments received.**
- 6.17. CDC RECREATION AND LEISURE: Seek contributions towards off-site sports facilities and community hall facilities.
- 6.18. CDC STRATEGIC HOUSING: The Rural Exception scheme is fully **supported** by the Strategic Housing Team and is subject to Oxfordshire Growth Deal funding
- 6.19. THAMES VALLEY POLICE DESIGN ADVISER: **No comments received.**
- 6.20. CDC WASTE AND RECYCLING: **No comments received.**

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land - Brownfield Land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor provision
- ESD1: Mitigation and Adapting to Climate Change
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment



- Policy Villages 1: Village Categorisation
- Policy Villages 3: Rural Exception Sites
- INF1: Infrastructure

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

- H18: New dwellings in the countryside
- C28: Layout, design and external appearance of new development
- ENV1: Environmental pollution
- ENV12: Contaminated land

#### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Local Transport Plan 4 (2015-2031)
- Submission Mid-Cherwell Neighbourhood Plan
- Ardley Conservation Area Appraisal (2005)
- Cherwell Residential Design Guide Supplementary Planning Document (SPD) (July 2018)
- Noise Policy Statement for England (NPSE)

### **8. APPRAISAL**

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

- Principle of the Development;
- Impact upon the Character and Appearance of the Area;
- Impact upon the Heritage Assets;
- Residential Amenities;
- Accessibility, Highway Safety and Parking;
- Ecological Impact;
- Flooding Risk & Drainage;
- Planning Obligations;
- Other Matters.

#### Principle of the Development

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that the decision maker should apply 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 for 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 ("CDC") has an up-to-date Local Plan which was adopted on 20th July 2015.
- 8.4. In addition, CDC can demonstrate a five-year supply of deliverable housing sites and therefore the tilted balance set out in the presumption in favour of sustainable development (see ref. to para 11 above) will not need to be applied in this context.

- 8.5. Policy ESD1 of the Cherwell Local Plan (2011-2031) Part 1 states that to mitigate the impact of development on climate change, growth will be delivered in the most sustainable locations (as defined in the local plan) and reducing the need to travel.
- 8.6. Policy Villages 1 of the Cherwell Local Plan (2011-2031) Part 1 groups villages into three separate categories (A, B and C). Policy Villages 1 classifies Ardley as a Category C village, which restricts new residential development to infilling and conversions. Infilling refers to the development of a small gap in an otherwise continuous built-up frontage. Category C settlements are considered the least sustainable settlements in the District's rural areas and are inherently poor in terms of services and facilities. In addition, Ardley is very poorly served by public transport and has a limited number of services. This is an important consideration given the nature (and type) of housing proposed, as future occupiers would be entirely car dependant for access to key services.
- 8.7. This site is an agricultural field on the other side of the road from the core of the settlement and thus is not within the built up limits of Ardley. In any case the number of dwellings proposed constitutes major development, which is not supported within Category C settlements under Policy Villages 1.
- 8.8. The proposal therefore conflicts with Policy Villages 1 of the Cherwell Local Plan Part 1.
- 8.9. Saved Policy H18 of the Cherwell Local Plan 1996 therefore applies. This policy states that permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when they are essential for agriculture or other existing undertakings or if it is a rural exception site (i.e. providing affordable rural housing). This policy is in line with Paragraphs 78 and 79 of the NPPF which state that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
- 8.10. Policy Villages 3 of the Cherwell Local Plan Part 1 states that: *"The Council will support the identification of suitable opportunities for small scale affordable housing schemes within or immediately adjacent to villages to meet specific, identified local housing needs that cannot be met through the development of site allocated for housing development."*

*Arrangement will be secured to restrict occupancy of the housing to ensure that it continues to meet local needs in perpetuity.*

*Market Housing for private rent or sale will only be considered on rural exception sites in the following circumstances:*

- *The number of market homes should not exceed 25% of the total number of homes proposed*
- *The market housing must be shown to be required to secure the viability of the proposal and development costs must be justified*
- *No alternative, suitable site is available to provide a rural exception site and a robust site search can be demonstrated*
- *The market housing ensures that no additional subsidy for the scheme is required*

- *The development has the support of the local community*
- *The total number of dwellings and the scale of development is in keeping with the categorisation, character and form of the village and its local landscape setting.”*

- 8.9. The proposal is not for market housing and therefore the bullet points are not relevant, though they do provide a useful basis on which to assess proposals more generally.
- 8.10. Paragraph 77 of the NPPF also states that: *“In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning Authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.”*
- 8.11. In identifying whether a rural exception site is suitable, consideration has to be given to whether demand for affordable housing can be met through existing allocated sites for housing development. There are a number of allocated sites at Upper Heyford and Bicester and all provide a significant amount of affordable housing. This affordable housing, whilst meeting the local and wider-District housing need, is not considered to meet the specific affordable housing need identified in Ardley, hence the consideration of the proposed site.
- 8.12. The Council's Strategic Housing Department comments that the unit type provision proposed is consistent with the Housing Needs Survey which was carried out in January 2017 and also more recent consultation carried out by the Parish Council. The Strategic Housing Department also comments that the mix has been discussed and agreed with the Registered Provider that is scheduled to deliver the affordable housing units on this proposed scheme. Thus, the proposal would meet a specific affordable housing need in Ardley. The above should be afforded substantial weight in the assessment of this proposal.
- 8.13. Thus, the principle of the development could be acceptable. However, the text supporting Policy Villages 3 states that in identifying suitable sites, it will be necessary to balance the advantages of providing affordable housing with the degree of harm that would be caused, for example to the appearance of the village, the surrounding landscape or to the historic environment. Thus, the principle of the development is also dependent on other material planning considerations, which Officers will now go on to discuss.

#### Impact upon the Character and Appearance of the Area

- 8.14. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 130 of the NPPF states that 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.
- 8.15. Policy ESD13 of the Cherwell Local Plan Part 1 states that: *“Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*

- *Cause undue visual intrusion into the open countryside;*
  - *Cause undue harm to important natural landscape features and topography;*
  - *Be inconsistent with local character;*
  - *Harm the setting of settlements, buildings, structures or other landmark features;*
  - *Harm the historic value of the landscape.”*
- 8.16. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*
- 8.17. 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 as well as compatible with existing buildings.
- 8.18. Ardley is predominantly focused on the west side of Station Road (B430), and has a dispersed settlement form, with more traditional development towards the south, and more modern development towards the north. The southern half of the village includes a dispersed collection of dwellings loosely grouped around the historic church.
- 8.19. The proposed development would be clearly visible from Station Road, especially with the reduction in the hedge height to the front of the site. The development would also be clearly visible from the public footpath to the north and north east of the site. However, the views gained would be localised ones.
- 8.20. The proposed development would appear detached from the main core of the village. Whilst the reduction in the height of the hedge to the front of the site would prevent the development from being dislocated from the village, residential development on this site would create a new layer of development that differs from the current dispersed pattern of development in Ardley. Despite the harm, the design approach taken here, which appears as an estate type workers’ cottage style, is considered to be an appropriate design solution within this rural context. The materials proposed would also respond to local vernacular, but further details of these materials would need to be conditioned. In addition, a linear form of development here, parallel to the road, is sympathetic to the limited development on the eastern side of Station Road.
- 8.21. Whilst officers consider that the proposal would cause an element of harm to the rural setting of the village and result in an urban form of development into the open countryside, which weighs against the proposed development and is contrary to the aims of Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, it is considered that this harm is outweighed by the benefits the scheme will bring by delivering affordable housing to the village to meet an identified need.
- 8.22. Concerns have been raised by the Council’s Landscape Officer about the details within the landscape plan about the planting proposed and how this is to be managed. The landscaping plan has been amended and officers consider the planting and hedging, as well as its management is acceptable. The Landscape Officer has also raised issue with the close boarded fence on the rear boundary. Officers agree as this would create a harsh urban edge in this sensitive location and

would be clearly visible from the footpath to the north east. A softer edge is desired and amended details can be conditioned.

- 8.23. Further details of the sheds are also required and this matter can be conditioned.

#### Impact upon the Heritage Assets

- 8.24. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken. 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.
- 8.25. 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 (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.”* Paragraph 194 of the NPPF goes on to state that: *“Any harm to, or loss of, significance of a designated heritage asset, should require clear and convincing justification.”*
- 8.26. Policy ESD15 of the Cherwell Local Plan states that new development proposals should: *“Conserve, sustain and enhance designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG.”*
- 8.27. The site is outside of but adjacent to Ardley Conservation Area, which is located to the west. Furthermore, the site is within relatively close proximity to the Grade II\* listed St Mary’s Church and a Grade II listed headstone within the graveyard (NW of the site), as well as close proximity to a number of locally listed buildings to the west including ‘Jersey Cottages’ (at approx. 12 metres) and ‘The Old Rectory’ (at approx. 50m).
- 8.28. A heritage statement has been submitted alongside the application which makes an assessment of the significance of the nearby heritage assets as well the impact of the proposal upon these assets.

#### *Ardley Conservation Area*

- 8.29. Ardley Conservation Area Appraisal (ACAA) (2005) describes that the settlement of Ardley is located to the west of the B430, the main Oxford to Brackley Road. The village has a dispersed settlement form. In essence, Ardley is a village of two halves, separated by an area of open land to the west of Ardley Road that is currently in agricultural use.
- 8.30. As discussed and noted in the ACAA, the southern half of the village includes a dispersed collection of dwellings loosely grouped around the historic church. This area is characterised by open spaces, narrow lanes, hedges and stone walls which all contribute to the special character of this part of Ardley.
- 8.31. The cottages and houses within the conservation area are all of two storeys and predominantly built in a rural vernacular style of coursed rubble limestone with brick quoins and window/door surrounds and tile or slate roofs.

- 8.32. Officers consider that whilst there is harm to the setting of the conservation area by developing an area to the east of Station Road that has not previously been developed, the development would add to the already dispersed settlement pattern, and repeat the linear approach of development on the western side of Station Road within the conservation area and the loose grouping of historic properties. In addition the workers cottage style of development will complement the nearby historic properties and be appropriate in this rural location. The proposal is therefore considered to cause less than substantial harm to the significance of the Ardley Conservation Area.

#### *St Mary's Church and Headstone*

- 8.33. The Church of St Mary dates from the 13<sup>th</sup> or 14<sup>th</sup> Centuries with some 18<sup>th</sup> Century alterations. The Heritage Statement notes that the following key elements of the setting of the church are considered to contribute to its significance are: its historical associations with the village, its verdant enclosed churchyard; its roadside frontage to Station Road, whence it is perhaps typically (but not best) experienced; and views afforded towards it from certain locations on Church Road and Somerton Road. In addition the open and rural setting to the east of the church gives the church a pleasant setting and contributes to its significance.
- 8.34. The Church sits within an open graveyard, and the field directly to the east of the site provides an open and rural setting, which makes a positive contribution towards the significance of this church, and views of this can be gained from the footpaths to the east of the church and north of the site.
- 8.35. Given that the site is located further to the south than the church and site, it is considered that this site has a limited contribution towards the setting of these structures and that the development could be constructed on this site without causing harm to the setting and significance of these buildings.

#### *Locally Listed Buildings*

- 8.36. Paragraph 197 of the NPPF states that: *"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."*
- 8.37. The Old Rectory is a locally listed building, which sits across Station Road from the site. As the name suggests, it is the former rectory for St Mary's Church. The Old Rectory appears to be of late-18<sup>th</sup> or early 19<sup>th</sup> Century origin. It is a relatively grand and notable historic building within the village. Given the set back of this building from the Station Road and how enclosed the building is on its eastern boundary, it is considered that the proposed development would not materially alter how this locally listed building is experienced. It is thus considered that the proposal would not cause harm to the significance of the Old Rectory, or its setting.
- 8.38. Jersey Cottages, which is a locally listed building, is situated on the other side of Station Road to the site, and comprises estate style cottages built by Blenheim Estates in 1870. It is a distinctive building that illustrates Ardley's historical association with the Blenheim Estate.
- 8.39. Due to the proposed location of the access road to the new development and because the development would transform the previous rural setting of this building it is considered that the proposal would cause some harm (less than substantial) to the significance of this locally listed building.

### *Archaeology*

- 8.40. The OCC Archaeologist has stated that the site is located in an area of archaeological interest 66m south east of the C14th, Grade II\* listed, St Mary's Church. The earthwork remains of a shrunken medieval village survive to the north and west of this medieval church. The Archaeologist has noted that the extent of these earthworks is clearly seen on Environment Agency Lidar images. The site is also located 320m east of the scheduled monument of Ardley Wood moated ringwork (SM 28166). This is believed to be the remains of a Normal ringwork later reused as a moated settlement site.
- 8.41. The Archaeologist goes on to state that Roman pottery has been recorded 170m north of the proposed site and two Iron Age Banjo enclosures identified from aerial photographs. Further Roman activity has been identified from a findspot of a Roman Brooch 220m east of the proposed site.
- 8.42. A desk based assessment from Cotswold Archaeology has been submitted with this application.
- 8.43. The OCC Archaeologist notes that OCC were not asked to agree a written specification for this assessment or to agree the scope of as set out in the Chartered Institute for Archaeologists standards and guidance for desk based assessments. OCC were however sent a copy of this assessment on the 19th October 2018 where they advised that the assessment was not acceptable.
- 8.44. The OCC Archaeologist has stated given the presence of medieval earthworks so close to the site they advised that the Environment Agency Lidar holdings would need to be assessed and included in the desk based report. In addition, as the two banjo enclosures were identified from aerial photographs they would expect that an assessment of the aerial photographic collection held by Historic England at Swindon should also be consulted and any archaeological features identified as cropmarks would need to be plotted.
- 8.45. Cotswold Archaeology did confirm that these issues would be addressed in a final version of the desk based assessment on the 20th October 2018 but this version was not submitted alongside the application. The OCC Archaeologist has stated that as a result of these omissions, this desk based assessment does not adequately assess the potential impact of this development on previously unidentified archaeological deposits that may survive on the site.
- 8.46. However, an updated report has been submitted during the course of the application. The documentation and Lidar imagery has been included in the reports as has an assessment of the aerial photographic collection held by Historic England.
- 8.47. In response to this, the OCC Archaeologist has stated that whilst they have reservations over the desk based assessment and would normally request additional survey in the form of a geophysical survey and archaeological evaluation, in this case, if the Council are minded to grant planning permission, they recommend that conditions be attached requiring, before development commences, the submission of an archaeological written scheme of investigation and the carrying out of that approved scheme of investigation.

### *Paragraph 196 of the NPPF*

- 8.48. Less than substantial harm has been identified to the significance of the Ardley Conservation Area and its setting, as well as the significance of the locally listed Jersey Cottages and their setting. As a result of this, there would be conflict with the

aims of Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1. However, Policy ESD15 refers the decision maker to the NPPF.

- 8.49. Paragraph 196 of the NPPF states that: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*
- 8.50. In this case, the public benefits of the scheme would be the provision of much needed rural affordable housing in the locality. Furthermore, a site appraisal has been carried out by the Local Planning Authority within the local area to identify the least harmful location for this development and this site was identified as the preferred option. This should therefore be afforded weight and will be discussed further in the planning balance section of the report below (see section 9).

#### Residential Amenities

- 8.51. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph B.42 in the Cherwell Local Plan Part 1 states that: *“In all cases very careful consideration should be given to locating employment and housing in close proximity and unacceptable adverse effects on the amenity of residential property will not be permitted.”*
- 8.52. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that: *“Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.”*
- 8.53. It is considered that the dwellings would be sited so as to prevent significant harm to neighbouring residential properties in terms of loss of light, overlooking or loss of privacy, or the creation of an overbearing effect. Whilst the occupier of Jersey Cottages, across the road from the site, has raised concerns in relation to overlooking, this would be a front to front relationship and this is considered acceptable.
- 8.54. Given the proximity of the site to Station Road, there is potential for noise disturbance to the potential occupiers of the dwellings and a Noise Report has been submitted alongside the application.
- 8.55. Fixed position monitoring took place at one position to account for the likely dominant noise sources. The monitoring equipment was located 1.5m from the ground and at least 3m from the next nearest reflecting surface. Unattended monitoring was carried out between 20th August 2018 and 21st August 2018. The external measurement results displayed an average of 71.9dB for the daytime and an average of 65.8dB for the night. However, the report sets out that with the recommended glazing and ventilator specification within the report, the impacts of noise will be mitigated and minimised so that internal noise levels are compliant with the guideline values. The report also sets out that modelling predicts that every garden will have access to a large area that meets the criteria within the British Standard if 1.8m close boarded fences are installed. Officers see no reason to disagree with the findings within the Noise Report and the mitigation proposed shall be conditioned.
- 8.56. Overall, it is considered that the proposal would result in an adequate standard of amenity for future occupiers of the development.



### Accessibility, Highway Safety and Parking

- 8.57. Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 states, amongst other matters, that new development proposals should: *“Be designed to deliver high quality safe...places to live and work in.”* Policy SLE4 of the Cherwell Local Plan (2011-2031) Part 1 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling.”*
- 8.58. This is consistent with Paragraph 110 of the NPPF which states that: *“Developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.”*
- 8.59. Whilst the formal response of the Local Highways Authority (LHA) is awaited they have informally raised initial concerns regarding the sustainability of the site, pedestrian access and access for refuse vehicles.
- 8.60. The LHA highlights that being a Category C village, it is one of the least sustainable villages within the District’s rural areas and express concern that this may make the development discord with Local Transport Plan 4 Policy 17. However, differing from a market scheme, which should be focused to the more sustainable locations, this development is proposed to meet an identified local need for affordable housing and this accords with Policy H18 of the 1996 Cherwell Local Plan and Policy Villages 3 of the 2015 Local Plan.
- 8.61. With regards pedestrian access, the LHA advise that good pedestrian connectivity is essential to maximise the sustainability of the development, and that it is necessary for pedestrians to be able to leave the site safely. For instance, this may include getting to the stop for a school bus.
- 8.62. The proposals display an informal crossing point to the existing footway on the west side of the B430, Station Road. The LHA note that this is a busy road, with a high proportion of HGVs, and it will become busier in the near future due to the extra traffic generated by the developments at Heyford. The LHA have concerns that this flow of traffic may not be suitable for an uncontrolled crossing, as pedestrians will usually have to wait for a long time for a suitable break in traffic, which may lead to unsafe crossing decisions. Officers are continuing to discuss this issue with the LHA and an update will be provided in the written updates.
- 8.63. Lastly, the LHA has concerns that a swept path analysis for a southbound refuse vehicle has not been provided. The Site Plan (drawing no. 04B) illustrates the northbound entrance and exit of a full-sized Refuse Collection Vehicle (RCV). It appears to be tight, but should the RCV approach from the north it would appear that it may not be able to make the manoeuvre into the development without either swinging out into the northbound lane or by over-running the footway. The provision of a swept path analysis can be conditioned to ensure the access is designed to enable a refuse vehicle to enter/leave the site safely.
- 8.64. In relation to other matters, the application documents do not include a speed survey, but given the volume of traffic and site observations, the LHA considers it reasonable to assess the speed limit as the design speed, i.e. 40mph. The LHA advises that a visibility splay of 2.4m x 120m, as indicated on the Site Plan, would be adequate for this speed.
- 8.65. The Design and Access Statement states that the shared surfaces at the north and south ends of the development will be private. However, no mention is made of the

central tarmac hammerhead area, but this would not be adopted by OCC as it serves only four dwellings.

- 8.66. The LHA notes that shared surfaces are usually expected to be 6.0m wide, with a 0.8m wide maintenance margin all around.
- 8.67. Cycle parking and bin storage has been incorporated, and the LHA has noted that adequate car parking is also included, with spaces reserved for visitors.
- 8.68. The LHA advises that if the Local Planning Authority is minded to approve the application, 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 informative notes should be applied. The LHA advises it will provide further information on these matters and this would be supplied within a written update to Members.

#### Ecological Impact

- 8.69. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.
- 8.70. Paragraph 170 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity."*
- 8.71. Policy ESD10 of the Cherwell Local Plan Part 1 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out in the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that: *"Every public authority must in exercising its functions, must have regard... to the purpose of conserving (including restoring / enhancing) biodiversity."*
- 8.72. The site has some ecological potential, especially as the site is an undeveloped field and there is a hedge of the western boundary of the site. In addition, legally protected species have been recorded close to the site including the polecat.
- 8.73. Comments have not yet been received from the Council's Ecologist, but a preliminary Ecological Appraisal has been submitted alongside the application. This document concludes that the site is of 'low ecological value' consisting primarily of an arable field with a native hedgerow. It is noted in the report that the hedgerow is the only real feature of ecological value that could potentially be impacted by the proposal, but the trees have not been found to have potential to support roosting bats. Thus, the report recommends retaining as many trees as possible and providing a root protection zone to avoid damage during the construction phase, and where trees are to be lost they should be replaced with appropriate compensation planting. Details of how the trees are to be protected during construction have been provided and this matter can be conditioned.

- 8.74. The report also sets out recommendations for biodiversity gain, including bat and bird boxes incorporated within or on the new buildings, the introduction of wildflower seeding areas, hedgehog boxes and the planting of native nectar rich and berry bearing tree, shrub and plant species. Further details of the placement and type of bat and bird boxes as well as hedgehog boxes can be conditioned so as to ensure a net gain in biodiversity.
- 8.75. Officers see no reason to disagree with the recommendations and conclusions set out within the Ecological Appraisal. Subject to conditions it is considered that the proposal is unlikely to cause adverse harm to protected species.

#### Flooding Risk

- 8.76. Policy ESD6 of the Cherwell Local Plan Part 1 states that site specific flood risk assessments (FRA) will be required to accompany development proposals of 1 hectare or more located in Flood Zone 1. The site is in Flood Zone 1 and is less than 1 hectare in area therefore an FRA is not required in this instance. It is worth noting that land within Flood Zone 1 is land which has a less than 1 in 1,000 annual probability of river flooding.
- 8.77. Policy ESD7 of the Cherwell Local Plan Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 8.78. The proposal would result in hard standing on what is currently an arable field therefore a drainage strategy is required to demonstrate that drainage can be effectively dealt with. Whilst a drainage strategy has been submitted alongside the application, OCC Drainage is yet to comment on this matter. Thus, Officers are awaiting comments from OCC Drainage. However, after an initial assessment of the documentation by Officers, it would appear that there is nothing untoward with the strategy put forward and it is felt that the drainage could be effectively dealt with.

#### Planning Obligations

- 8.79. Policy INF1 of the Local Plan states that: *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*
- 8.80. The Authority is also required to ensure that any planning obligation sought meets the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2010 (as amended):
- Necessary to make the development acceptable in planning terms;
  - Directly relate to the development; and
  - Fairly and reasonable related in scale and kind to the development.
- 8.81. Policy BSC11 of the Cherwell Local Plan Part 1 states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new*

*provision or enhancement of existing facilities off site will be sought, secured through a legal agreement."*

- 8.82. Policy BSC11 sets out that schemes for 10 or more residential units trigger the requirement for a Local Area for Play (LAP) of a minimum size of 100 square metres of play activity with 300 metres of landscape buffer.
- 8.83. As 13 dwellings are proposed, this triggers the requirement for a LAP. However, the design layout does not allow for the use of a LAP on site, and it is considered that an off-site contribution towards open space could be requested if there are identified shortfalls in the area (including facilities which require enhancement or improvement). The Developer Contributions SPD highlights that a commuted sum of £29,989.18 would be required for such development.
- 8.84. Policy BSC11 also sets out that for schemes for 10 or more urban dwellings, general green space of 200 square metres will need to be required. However, again, the design layout does not allow for this to be provided on the site. The Developer Contributions SPD highlights that a commuted sum of £18,541.51 will be required for such development. This would go towards addressing shortfalls in the locality or improving/enhancement of existing areas within the locality.
- 8.85. Officers are currently in communication with Ardley Parish Council regarding the matters of play space and open space provision, and such discussions will have a bearing on whether the above contributions will be sought.
- 8.86. Regarding recreation and sports facilities, the Council's Recreation Department have responded. The Recreation Department has requested an off-site contribution of £26,221.39 for outdoor sports towards the construction of a tennis court at Whitelands Farm Sports Ground (as per the new Sports Study recommendations). Furthermore, they have requested an off-site contribution of £10,854.31 for indoor sports, towards the improvement/expansion of the swimming pool provision at Bicester Leisure Centre (as per the new Sports Study recommendations). The contributions requested are in accordance with the Developer Contributions SPD.
- 8.87. The Recreation Department has also requested an off-site contribution of £13,854.36 towards to the enhancement/improvement to be made at Ardley with Fewcott Village Hall. However, Officers asked the Recreation Department whether this was something Ardley with Fewcott Parish Council requested and it is unclear whether this is the case. Thus, a contribution towards community hall facilities is unlikely to be sought in this instance.
- 8.88. Regarding the matter of education, comments have not been received from the OCC School Organisation Officer to date. However, at the pre-application stage for a relatively similar proposal this year, it was noted that the proposed development would have an impact on the education infrastructure, which includes childcare and nursery education providers, primary schools, secondary schools and Special Education Needs (SEN) schools. Although the School Organisation Officer stated that the scale of the impact would be fully assessed at the time of any future application, it was also noted that: *"It would be unlikely that this proposed development would be expected to make necessary, or contribute towards the need for, expansion of existing schools as there is currently sufficient capacity in the area."* Given the above, Officers do not consider it necessary to request contributions in relation to education.
- 8.89. In relation to healthcare, the Oxfordshire Clinical Commissioning Group (OCCG) has been consulted but comments have not been received from this body to date. The Developer Contributions SPD states that the Local Planning Authority will seek a

financial contribution from developments of more than 10 dwellings towards the improvement and/or extension of existing primary medical care infrastructure where appropriate schemes are identified on a site by site basis. As no such information is available to Officers to date such a contribution is not going to be sought, unless the OCCG identify an appropriate scheme within the consultation period.

- 8.90. In relation to affordable housing, the proposal is offering 100% affordable housing (based on negotiations between the Council, Parish Council and the applicant/client), with 7 units for affordable rent and 6 units being in shared ownership. The Strategic Housing Officer has stated that the proposed mix is considered to be acceptable.

#### Other Matters

- 8.91. The scheme has been included by Cherwell District Council in a bid for Oxfordshire Growth Funding.

### **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. Paragraph 12 of the NPPF states that: *“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”* Furthermore, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states 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 must be made in accordance with the plan unless material considerations indicate otherwise.”*
- 9.3. The proposal seeks planning permission for a rural exception site for 13 dwellings at Ardley. Thus, the principle of such development falls to be considered against Policy Villages 3 of the Cherwell Local Plan Part 1 and a full range of other policies relating to detailed matters.
- 9.4. It is considered that there would be some harm to the landscape as a consequence of development on this agricultural land, but this harm would be localised. There would also be *less than substantial* harm to the significance of the Ardley Conservation Area and the locally listed building of Jersey Cottages. Thus, there is some conflict with Policy ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and saved Policy C28 of Cherwell Local Plan 1996. This weighs against the proposal.
- 9.5. However, the proposal would provide 13 affordable dwellings adjacent to Ardley, which are identified as needed within that locality and Policy Villages 3 of the Cherwell Local Plan (2011-2031) states that the Council is supportive of such proposals for affordable housing schemes within or immediately adjacent to villages to meet specific, identified local housing need. Thus, the provision of affordable housing to meet an identified need should be afforded substantial weight. Furthermore, the proposal would also contribute to the District's on-going five year housing land supply and forms part of the Oxfordshire Growth Deal. New

development also commonly brings economic benefits including some construction opportunities.

- 9.6. The Cherwell Local Plan (2011-2031) Part 1 acknowledges that there will be harm with such proposals, hence why they are called 'rural exception sites', and states it will be necessary to balance the advantages of providing affordable housing with the degree of harm that would be caused. In this case, a balancing exercise is required to weigh up the benefits of providing much needed affordable housing within this locality against the harm identified above.
- 9.7. The Council has conducted its own site appraisal to identify the least harmful location for such development, which would meet the identified local housing need. This site was considered the least harmful and the preferred option for such development. Furthermore, whilst the number of housing is relatively large for a category C village, there is a clear need for the affordable dwellings proposed.
- 9.8. Given the above, and whilst a balanced judgement, it is considered that the public benefits of the scheme would outweigh the conflict with Policies SLE4, ESD1, ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and saved Policy C28 of the Cherwell Local Plan 1996. Thus, it is considered that the proposal constitutes sustainable development and that planning permission should be granted, subject to conditions.

#### 10. **RECOMMENDATION**

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

- a) No significant objections being received within the statutory consultation period;
- b) The completed planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991 – draft heads of terms to be provided in a written update;
- c) Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development) – a revised set of conditions is likely to be provided in the written update given that the consultation period has not ended.

#### **Time Limit**

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

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

#### **Approved Plans**

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, including the supplementary information template submitted with the application;
- Design and Access Statement by Oakley Architects dated October 2018 submitted with the application;
- Drawing Numbers: 03; 12A; 13 submitted with the application;
- Drawing Numbers 04C; 06A; 10B; 11A; 14B; 15B; 16B; 17B; 18B; and 19B received from the applicant's agent by e-mail on 27<sup>th</sup> November 2018.

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

### **Noise Mitigation**

3. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 10 (Mitigation) of Noise Risk Assessment & Acoustic Design Statement carried out by Noise.co.uk Ltd and prepared on 24<sup>th</sup> August 2018.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Tree Protection**

4. The development hereby approved shall be carried out strictly in accordance with the recommendations and specifications and tree protection plan set out within the 'Pre-development tree survey BS5837:2012 prepared by Dr Stefan Bodnar dated June 2018

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment 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.

### **Written Scheme of Investigation (Archaeology)**

5. Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Stage Programme of Archaeological Evaluation and Mitigation**

6. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of

Investigation referred to in condition 5, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Landscaping Plan**

7. Notwithstanding the landscaping details within Drawing Number ADL246 Revision A received from the applicant's agent by e-mail on 28<sup>th</sup> November 2018, no development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- d) full design details of the sheds including elevations

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

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

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD13 and 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.

### **Access Details**

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



Reason: In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Material Samples**

9. Prior to the commencement of the development hereby approved above slab level, samples of the materials to be used in the construction of the external walls and roofs of the dwellings (including a stone sample panel), shall be submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details and shall be retained as such thereafter.

Reason: To preserve the significance of the Ardley Conservation Area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policies ESD13 and 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.

### **Window Details**

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

Reason: To preserve the significance of the Ardley Conservation Area, to ensure and retain 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.

### **Construction Traffic Management Plan**

11. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers in accordance with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Bat, Bird and Hedgehogs Boxes**

12. Prior to the commencement of the development hereby approved above slab level, full details of a scheme for the location and design of hedgehog, bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building, the hedgehog, bat and bird boxes shall be installed on the site in accordance with the approved details and shall be retained as such thereafter.

Reason: To protect habitats of importance to biodiversity conservation from any

loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

## **PLANNING NOTES**

1. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
2. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
3. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)
4. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
5. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
6. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
7. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's

rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

CASE OFFICER: Nathanael Stock

TEL: 01295 221886

Agenda Item 9  
**18/0114/F**

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



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



**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 Councillor Reynolds as ward member

**Expiry Date:** 14 December 2018      **Committee Date:** 13 December 2018

**Recommendation:** Approve

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

### **Proposal**

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

### **Consultations**

The Local Highway Authority and Ecology have offered **no objections** to the plans which have been consulted on most recently.

On the previous iterations of the plans, there were **24 objections** from members of the public. Shenington and Alkerton Parish Council had also **objected** to the proposals.

### **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 works have also been undertaken to 'Barn A'.
- 1.2. The site is located within the Shenington with Alkerton Conservation Area and the ruined building in the northeast of the site (to which this application relates) 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 1½ 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 1½ 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. On the front of the building, the historic doorway has been filled in with a window and the ventilation slots to the west are to be retained. To the rear of the building, the door has moved further away from 'Longworth'.
- 2.2. The design of the development has been amended a number of times throughout the course of the application. During this time, a number of works took place which did not have consent. The case officer and enforcement officer have been monitoring this situation and the applicant has been made aware that works to a listed building without consent are a criminal offence.

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

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

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

17/01201/F	Conversion and extension of existing buildings to form 2 dwellings - Resubmission of 16/02183/F	Application Permitted
17/01202/LB	Conversion and extension of existing buildings to form 2 dwellings - Resubmission of 16/02184/LB	Application Permitted
18/01098/F	Variation of Condition 6 (surface water drainage) relating to the whole site, and Conditions 2 (rooflight), 7 (existing building fabric), 15 (doors, windows and rooflights) in respect of Barn B only of 17/01201/F	Application Permitted

- 3.2. The previous applications (16/02183/F and 16/02184/LB) were refused for five reasons. The first reason was that the alterations to Barn A were considered to cause harm to the curtilage listed building, the character and appearance of the Shenington with Alkerton Conservation Area and the setting of the nearby Grade II listed building 'Longworth'. The second reason was that the extensions to Barn B would cause harm to the character and appearance of the Shenington with Alkerton Conservation Area. The third reason was that the southern extension to Barn B would cause harm to the residential amenity of Pound Cottage. The fourth reason was that the development would have provided an insufficient number of parking spaces for the number of residential units proposed. The fifth reason was that in the absence of an appropriate ecological survey it was not possible to demonstrate whether the development would have an impact on protected species.
- 3.3. Design changes were approved to 'Barn B' under 18/01098/F at August 2018 planning committee.
- 3.4. An application for listed building consent is 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 will be 07.12.2018.
- 5.2. No comments have been received by neighbours on the current set of plans.
- 5.3. Twenty four letters of objection have been received on the plans previously considered under this application. The comments raised by third parties are summarised as follows:
- Harm to the listed building, harm to the Shenington with Alkerton Conservation Area, impacts of overlooking, the development being undertaken not in accordance with the Party Wall Act, development taking place without consent.



- 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 COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. SHENINGTON WITH ALKERTON PARISH COUNCIL: **Objects**. The windows in the gable ends would cause harm to the listed building and conservation area, as would the new window on the Rattlecombe Road frontage. The reinstatement of the slits is welcomed.

### STATUTORY CONSULTEES

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

### NON-STATUTORY CONSULTEES

- 6.4. CDC BUILDING CONTROL: **No comments received on the current plans**.
- 6.5. CDC CONSERVATION: **No comments received on the current plans**, however offered no objections on the most recent plans.
- 6.6. CDC ECOLOGY: **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
- 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
- Ecology

#### 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 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. Saved Policy C21 of the Cherwell Local Plan 1996 states that sympathetic consideration will be given to proposals for the re-use of an unused listed building provided that the use is compatible with its character, architectural integrity and setting and does not conflict with other policies in the plan. This policy is consistent with guidance contained within Paragraph 196 of the NPPF.
- 8.10. 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.
- 8.11. 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.
- 8.12. 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 and historically associated with this dwelling, so is curtilage listed.
- 8.13. The application proposes to extend and convert the existing dilapidated barn to form a single dwelling. The previously approved scheme was a 1½ storey dwelling, with single storey elements at the northeast and southwest gable ends of the dwelling. The fenestration was simple, with arrow slit windows on the front elevation and full height barn-door style openings on the rear, with some more domestic openings in the west of the building.
- 8.14. The present application proposes a number of changes to the approved scheme, such as the reduction in the overall ridge height of the building, the continuation of the 1½ storey element to the north-east and alterations to the fenestration on the building.
- 8.15. The ridge height of the element that is in closest proximity to the Grade II listed 'Longworth' to the east would be continued at the same ridge height as the rest of the building. On the previously approved scheme, this was a single storey element. Historically, it would appear that this part of the building had the same ridge height as the rest of the building and the consistent ridge height would be a more traditional form of development.

- 8.16. The overall ridge height of the building is lower than that of the approved scheme, with the proposed ridge height being approximately 0.3m lower than the approved scheme. The lower ridge height of the building would also help to emphasise the subservience of the building to 'Longworth', to which it had a historic relationship with and this is a positive element of the scheme. The single storey element on the western end of the building is retained from the previously approved scheme; however the depth of this element has slightly increased.
- 8.17. The fenestration on the front elevation of the building would be altered from the approved scheme. The approved scheme had three large arrowslits and one rectangular window on the east of the building in the single storey element that was closest to 'Longworth'. The proposed scheme would have a window in the same location in close proximity to 'Longworth' and a window inserted into the historic opening onto Rattlecombe Road, with a recessed timber panel constructed below this. This window would have a more domestic design than the arrowslit windows which were approved, however this window would make use of an existing opening and would not result in the removal of any historic fabric. Two arrowslit ventilation slots are proposed to be retained at first floor level. Given that only two windows are to be created on the Rattlecombe Road frontage and that one of these windows has been previously approved and that the other is infilling a historic gap in the wall, on balance it is considered that less than substantial harm would result due to the new fenestration which would have a domestic appearance.
- 8.18. There are also changes proposed to the fenestration on the rear and sides of the building from the approved scheme. Two rooflights are proposed in the rear roofslope in a similar location to the approved scheme. The barn door style opening would also be in a similar location to the barn door opening in the previous scheme, with the main change to this window being that it would extend up to the eaves of the building. The eastern door on the rear elevation has moved further away from the neighbouring dwelling 'Longworth' and would be more than 2.3m away from this property. A single glazed door would be created to the west of the barn door style opening and in the single storey element; a four casement window of a domestic design would be created in a similar design to the approved scheme. The fenestration on the rear elevation is broadly similar to that of the approved scheme and the proposed changes are considered to result in a minor improvement to the visual appearance of the building.
- 8.19. A window is proposed to be created in the east elevation at first floor level. A window was previously approved in this location. However, the proposed window would be more centrally positioned in the gable elevation and this is considered to be acceptable. A window would also be created in the west elevation at first floor level and this would be in the same location as a window in the approved scheme.
- 8.20. The proposal would bring a listed building back into use that has been derelict for a number of decades. It is considered that a residential use is the optimum viable use for the listed building and that this would be a public benefit of the proposal.
- 8.21. To conclude, it is considered that the proposed development would cause less than substantial harm to the setting and significance of the affected listed buildings and the Shenington with Alkerton Conservation Area. However the harm caused to these heritage assets is limited and would be outweighed by the public benefits of providing a dwelling in a location that accords with the Development Plan, along with bringing the site back into use.

#### Residential amenity

- 8.22. 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.
- 8.23. 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.
- 8.24. 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 roof slope from 2 on the approved scheme to 1 on this scheme.
- 8.25. The barn door style opening on the rear of the building would be 5.2m away from the dining room window of 'Longworth'. This is a similar distance to the distance between the opening and the window on the approved scheme. A wall is also proposed to be constructed between the two properties which would obscure views from the window. The proposed window would only provide views from a ground floor level and given this and the distance between the two properties, the oblique angle and the proposed wall, it is considered that this element of the scheme would not cause harm to the amenities of the occupiers of the neighbouring dwelling.
- 8.26. The door in the eastern end of the rear of the building would be in close proximity to the dining room window of Longworth. However, this door would be further away from the window of the neighbouring dwelling than on the approved scheme and this element would not provide any level of overlooking of 'Longworth'. Residents of the proposed dwelling using this door would walk past the dining room window of 'Longworth'; however given how this door will be used as a secondary entrance to the dwelling, furthest away from the parking area, it is considered that this would not cause a significant level of harm to the amenities of the occupiers of 'Longworth'. This harm could be further mitigated by an appropriate landscaping scheme, which has been conditioned.
- 8.27. A window is proposed in the eastern end elevation that would look over the front of garden of 'Longworth' and to the east towards 'The Green'. This window would look out towards public views and it is considered that this window would be acceptable.
- 8.28. To conclude, it is considered that the proposed development would not cause harm to the amenities of neighbouring occupiers with regard to overlooking, a loss of light or a loss of privacy.

#### Highway safety

- 8.29. 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.

#### Ecology

- 8.30. The Council's Ecology Officer has stated that the details contained within the previously approved bat, nesting bird and swift strategy approved under 17/00441/DISC are considered to be acceptable and should be conditioned on this application.

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

- 9.1. The principle of development is considered to be acceptable, as the previous scheme has already been implemented. It is considered that the development would cause less than substantial harm to the setting and significance of the curtilage listed building, the nearby Grade II listed building and the Sherington with Alkerton Conservation Area, however this harm would be outweighed by the benefits of bringing back into a use a building that has been derelict for many years and the provision of a dwelling that accords with the Development Plan. The development would not cause harm to the amenities of neighbours, local biodiversity or the safety of the local highway network. On balance, the development is considered to be acceptable, subject to the conditions set out below.

## **10. RECOMMENDATION**

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development):

### **Time Limit**

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

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

### **Approved Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Location Plan and 'Scheme Drawings Barn A' (P751-022V).

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

### **Stone walls**

3. The external walls of the dwellings to be constructed in stone shall be laid, dressed, coursed and pointed in strict accordance with the stone sample panel viewed on site on 5th April 2018, as approved under 18/00065/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to preserve historic fabric and the significance of designated heritage assets, to comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Timber finish**

4. The external walls of the Barn A to be constructed in timber shall be constructed in strict accordance with the timber sample viewed on site on 5th April 2018, as approved under 18/00065/DISC.

Reason - To ensure the satisfactory appearance of the completed development

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

#### **Slate Roof**

5. The roofs of the dwellings shall be constructed in strict accordance with the slate sample viewed on site on 5th April 2018, as approved under 18/00065/DISC.

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

#### **Window Details to be submitted**

6. Within one month of the date of this consent and prior to the installation of the doors, windows and rooflights, full details of the doors, windows and rooflights hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows and their surrounds, and the rooflights, shall be installed within the buildings in accordance with the approved details and shall be retained as such thereafter.

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

#### **Parking**

7. The parking and manoeuvring areas for the development shall be in accordance with drawings titled 'Proposed Hard Landscaping Details' and drawing numbers '17 27251/50 P1', '17 27251/51 P1', '17 27251/52 P1' and '17 27251/53 P2', as approved under 17/00570/DISC.

Reason - In the interests of highway safety and surface water drainage, to comply with Policy ESD7 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Surface Water Drainage**

8. Prior to the first occupation of the development, the surface water drainage scheme shall be carried out in accordance with the details shown on Drainage Layout Design (drawing number 17 27251/50 rev P1) and Drainage Construction Details (drawing number 17 27251/51 rev P1) as approved under 18/01098/F and shall be implemented and maintained as such thereafter.

Reason - To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

#### **Bat and Bird Mitigation Strategy**

9. The development shall be carried out in accordance with the bat and bird mitigation measures and the measures for enhancing swift nesting as set out on page 8 of the 'Mitigation Strategy - Bats, Nesting Birds & Swifts' prepared by Ridgeway Ecology, dated 22nd August 2017, as approved under 17/00441/DISC.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### **Submission of Landscaping Scheme**

10. Within one month of the date of this consent, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
- (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
- (c) details of the boundary treatments and means of enclosure, including height, layout, materials and finished appearance.

The development shall be carried out in strict accordance with the approved landscaping scheme and the approved hard surface areas and boundary treatments shall be provided prior to the first occupation of the development and shall be retained as such thereafter.

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

#### **Maintenance of Landscaping**

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

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

#### **Rainwater Goods**



12. The rainwater goods to be used in the development shall be cast iron or aluminium finished or painted matt black.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the historic character and significance of designated heritage assets, comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Removal of Permitted Development Rights**

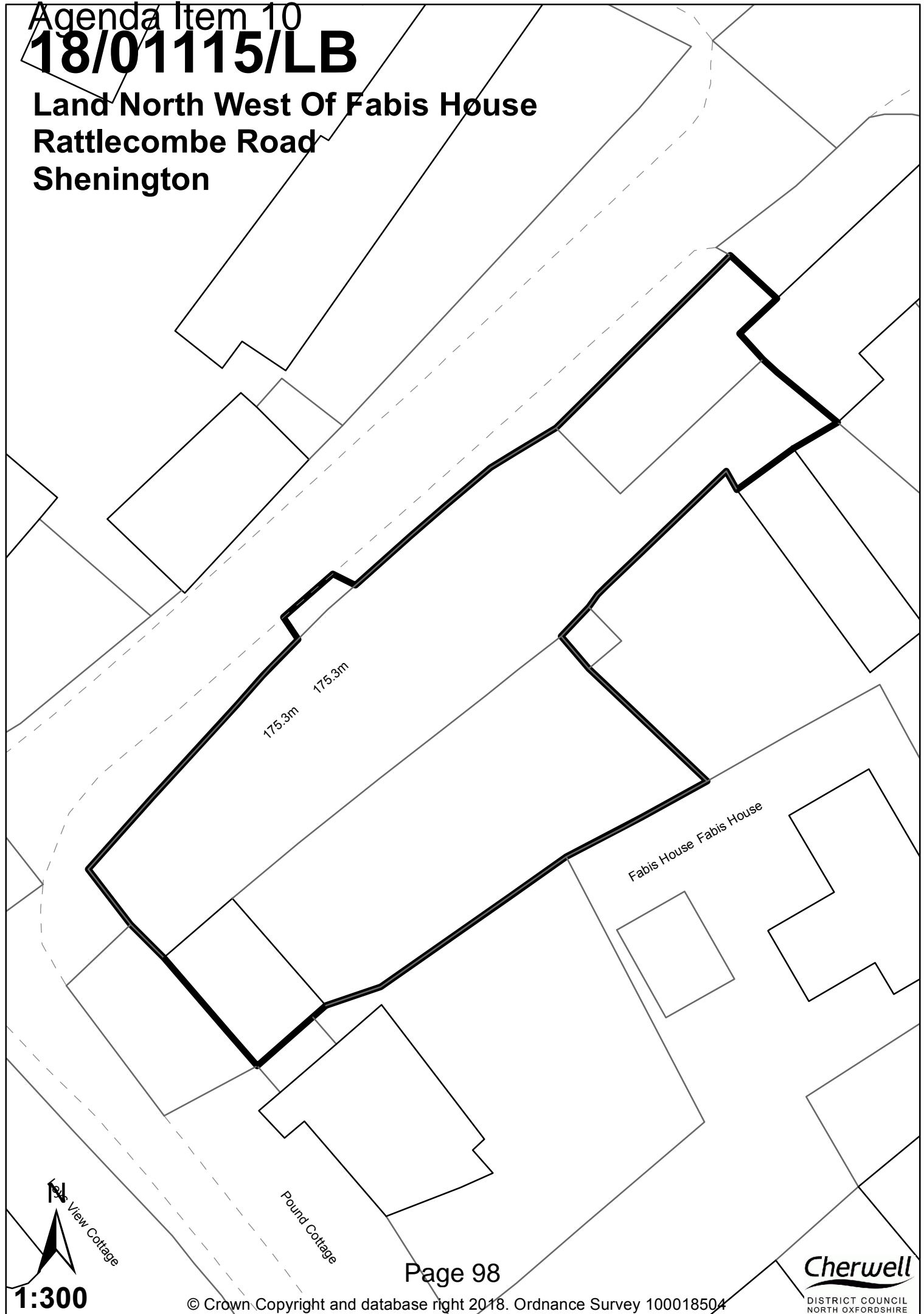
13. Notwithstanding the provisions of Classes A to D (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwellings shall not be extended or altered without the grant of further specific planning permission from the Local Planning Authority.

Reason - To ensure and retain the satisfactory appearance of the completed development, to protect the character and appearance of a Conservation Area and the setting of a Grade II listed building and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

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



# Land North West Of Fabis House Rattlecombe Road Shenington



**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 Councillor Reynolds as ward member

**Expiry Date:** 14 December 2018      **Committee Date:** 13 December 2018

**Recommendation:** Approve

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

##### **Proposal**

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

##### **Consultations**

No comments have been received on the plans which have been consulted on most recently.

On the previous iterations of the plans, there were twenty four **objections** from members of the public. Shenington and Alkerton Parish Council had also **objected** to the proposals.

##### **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 issue arising from the application is its design and impact on the character of the area and impact on designated heritage assets

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 and national 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, 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 works have also been undertaken to 'Barn A'.
- 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 and ½ 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. On the front of the building, the historic doorway has been filled in with a window and the ventilation slots to the west are to be retained. To the rear of the building, the door has moved further away from 'Longworth'.
- 2.2. The design of the development has been amended a number of times throughout the course of the application. During this time, a number of works took place which did not have consent. The case officer and enforcement officer have been monitoring this situation and the applicant has been made aware that works to a listed building without consent are a criminal offence.

## **3. RELEVANT PLANNING HISTORY**

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

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

- 3.2. The previous applications (16/02183/F and 16/02184/LB) were refused for five reasons. The first reason was that the alterations to Barn A were considered to cause harm to the curtilage listed building, the character and appearance of the Shenington with Alkerton Conservation Area and the setting of the nearby Grade II listed building 'Longworth'. The second reason was that the extensions to Barn B would cause harm to the character and appearance of the Shenington with Alkerton Conservation Area. The third reason was that the southern extension to Barn B would cause harm to the residential amenity of Pound Cottage. The fourth reason was that the development would have provided an insufficient number of parking spaces for the number of residential units proposed. The fifth reason was that in the absence of an appropriate ecological survey it was not possible to demonstrate whether the development would have an impact on protected species.
- 3.3. An application for minor alterations to Barn B is also currently under consideration (18/01098/F).
- 3.4. 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 will be 07.12.2018.
- 5.2. No comments have been received by neighbours on the current set of plans.
- 5.3. Twenty four letters of objection have been received on the plans previously considered under this application. The comments raised by third parties are summarised as follows:
- Harm to the listed building, harm to the Shenington with Alkerton Conservation Area, impacts of overlooking, the development being undertaken not in accordance with the Party Wall Act, development taking place without consent.
- 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 COUNCIL AND NEIGHBOURHOOD FORUMS**

- 6.2. SHENINGTON WITH ALKERTON PARISH COUNCIL: **Objects.** The windows in the gable ends would cause harm to the listed building and conservation area, as would

the new window on the Rattlecombe Road frontage. The reinstatement of the slits is welcomed.

#### STATUTORY CONSULTEES

- 6.3. None.

#### NON-STATUTORY CONSULTEES

- 6.4. CONSERVATION: **No comments received on the current plans**, however offered no objections on the most recent plans.

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

- 7.1. 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

- 7.2. Other Material Planning Considerations

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

### **8. APPRAISAL**

- 8.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed buildings.
- 8.2. 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.
- 8.3. 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 and historically associated with this dwelling, so is curtilage listed.
- 8.6. The application proposes to extend and convert the existing dilapidated barn to form a single dwelling. The previously approved scheme had a 1½ storey dwelling, with single storey elements at the northeast and southwest gable ends of the dwelling. The fenestration was simple, with arrow slit windows on the front elevation and full height barn-door style openings on the rear, with some more domestic openings in the west of the building.
- 8.7. The present application proposes a number of changes to the approved scheme, such as the reduction in the overall ridge height of the building, the continuation of the 1½ storey element to the north-east and alterations to the fenestration on the building.
- 8.8. The ridge height of the element that is in closest proximity to the Grade II listed 'Longworth' to the east would be continued at the same ridge height as the rest of the building. On the previously approved scheme, this was a single storey element. Historically, it would appear that this part of the building had the same ridge height as the rest of the building and the consistent ridge height would be a more traditional form of development.
- 8.9. The overall ridge height of the building is lower than that of the approved scheme, with the proposed ridge height being approximately 0.3m lower than the approved scheme. The lower ridge height of the building would also help to emphasise the subservience of the building to 'Longworth', to which it had a historic relationship with and this is a positive element of the scheme. The single storey element on the western end of the building is retained from the previously approved scheme; however the depth of this element has slightly increased.
- 8.10. The fenestration on the front elevation of the building would be altered from the approved scheme. The approved scheme had three large arrowslits and one rectangular window on the east of the building in the single storey element that was closest to 'Longworth'. The proposed scheme would have a window in the same location in close proximity to 'Longworth' and a window inserted into the historic opening onto Rattlecombe Road, with a recessed timber panel constructed below this. This window would have a more domestic design than the arrowslit windows which were approved, however this window would make use of an existing opening and would not result in the removal of any historic fabric. Two arrowslit ventilation slots are proposed to be retained at first floor level. Given that only two windows are to be created on the Rattlecombe Road frontage and that one of these windows has been previously approved and that the other is infilling a historic gap in the wall, on balance it is considered that less than substantial harm would result due to the new fenestration which would have a domestic appearance.
- 8.11. There are also changes proposed to the fenestration on the rear and sides of the building from the approved scheme. Two rooflights are proposed in the rear roofslope in a similar location to the approved scheme. The barn door style opening would also be in a similar location to the barn door opening in the previous scheme,



with the main change to this window being that it would extend up to the eaves of the building. The eastern door on the rear elevation has moved further away from the neighbouring dwelling 'Longworth' and would be more than 2.3m away from this property. A single glazed door would be created to the west of the barn door style opening and in the single storey element; a four casement window of a domestic design would be created in a similar design to the approved scheme. The fenestration on the rear elevation is broadly similar to that of the approved scheme and the proposed changes are considered to result in a minor improvement to the visual appearance of the building.

- 8.12. A window is proposed to be created in the east elevation at first floor level. A window was previously approved in this location, however the proposed window would be more centrally positioned in the gable elevation and this is considered to be acceptable. A window would also be created in the west elevation at first floor level and this would be in the same location as a window in the approved scheme.
- 8.13. The proposal would bring back a listed building into use that has been derelict for a number of decades. It is considered that a residential use is the optimum viable use for the listed building and that this would be a public benefit of the proposal.

## **9. CONCLUSION**

- 9.1. On balance, it is considered that the proposed development would cause less than substantial harm to the setting and significance of the curtilage listed building, the nearby Grade II listed building and the Sherington with Alkerton Conservation Area. However, the public benefits provided with the scheme by bringing back into use a building that has been derelict for many years and the provision of a dwelling in a location that accords with the Development Plan would outweigh the harm and the development is considered to be acceptable subject to the conditions below.

## **10. RECOMMENDATION**

Delegate to the Assistant Director of Planning Policy and Development to grant planning permission, subject to the conditions detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development):

### **Time Limit**

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

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

### **Approved Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Location Plan and 'Scheme Drawings Barn A' (P751-022V).

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

### **Stone**

3. The external walls of the dwellings to be constructed in stone shall be laid, dressed, coursed and pointed in strict accordance with the stone sample panel viewed on site on 5th April 2018, as approved under 18/00065/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to preserve historic fabric and the significance of designated heritage assets, to comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Timber Finish**

4. The external walls of the Barn A to be constructed in timber shall be constructed in strict accordance with the timber sample viewed on site on 5th April 2018, as approved under 18/00065/DISC.

Reason - To preserve the significance of designated heritage assets with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Slate Roof**

5. The roofs of the dwellings shall be constructed in strict accordance with the slate sample viewed on site on 5th April 2018, as approved under 18/00065/DISC.

Reason - To preserve the significance of designated heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Window Details to be submitted**

6. Within one month of the date of this consent and prior to the installation of the doors, windows and rooflights, full details of the doors, windows and rooflights hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows and their surrounds, and the rooflights, shall be installed within the buildings in accordance with the approved details.

Reason - To preserve the significance of designated heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Rainwater goods**

7. The rainwater goods to be used in the development shall be cast iron or aluminium finished or painted matt black.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the historic character and significance of designated heritage assets, comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance

contained within the National Planning Policy Framework.

**Bat and Bird Mitigation Strategy**

8. The development shall be carried out in accordance with the bat and bird mitigation measures and the measures for enhancing swift nesting as set out on page 8 of the 'Mitigation Strategy - Bats, Nesting Birds & Swifts' prepared by Ridgeway Ecology, dated 22nd August 2017, as approved under 17/00441/DISC.

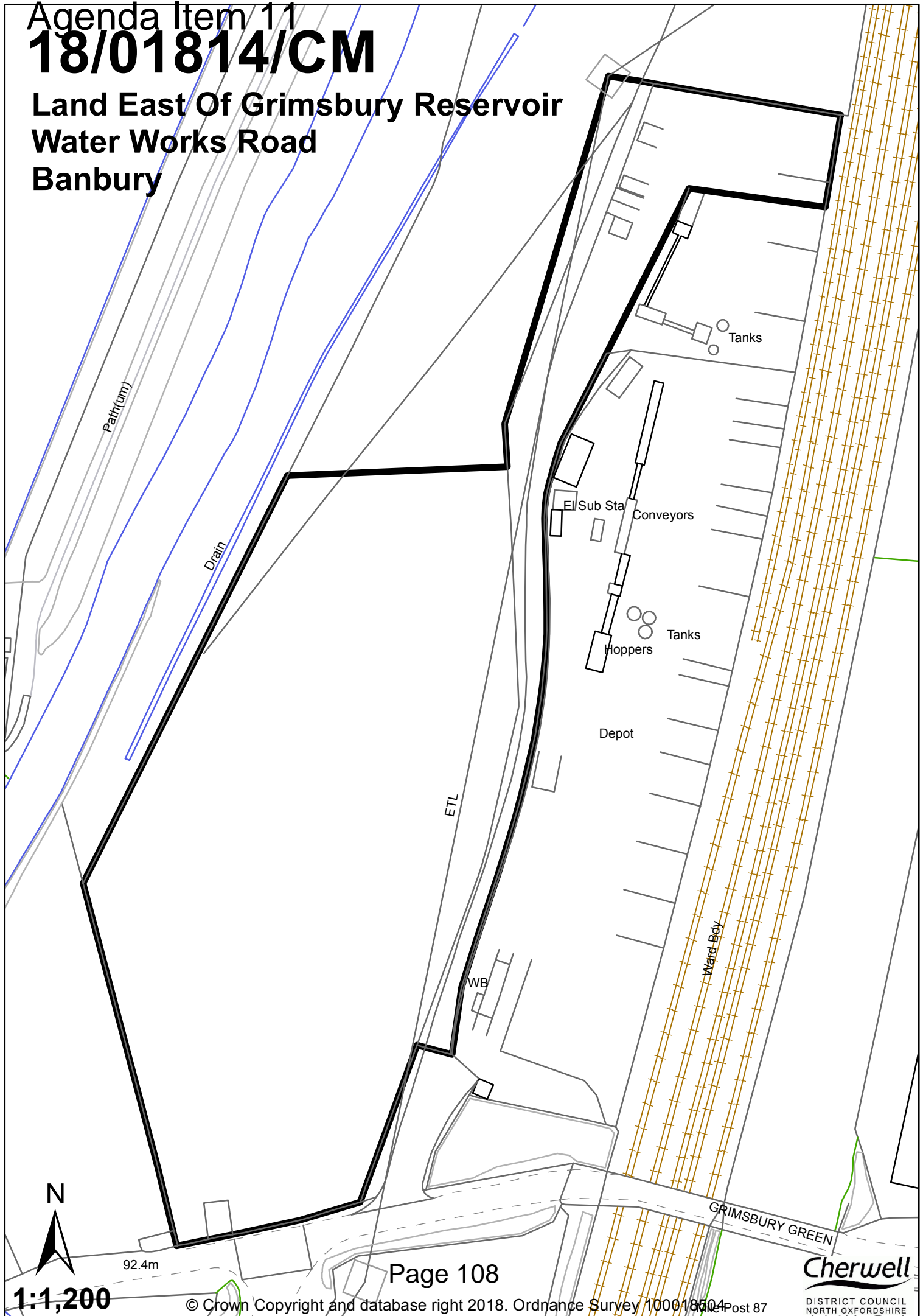
Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

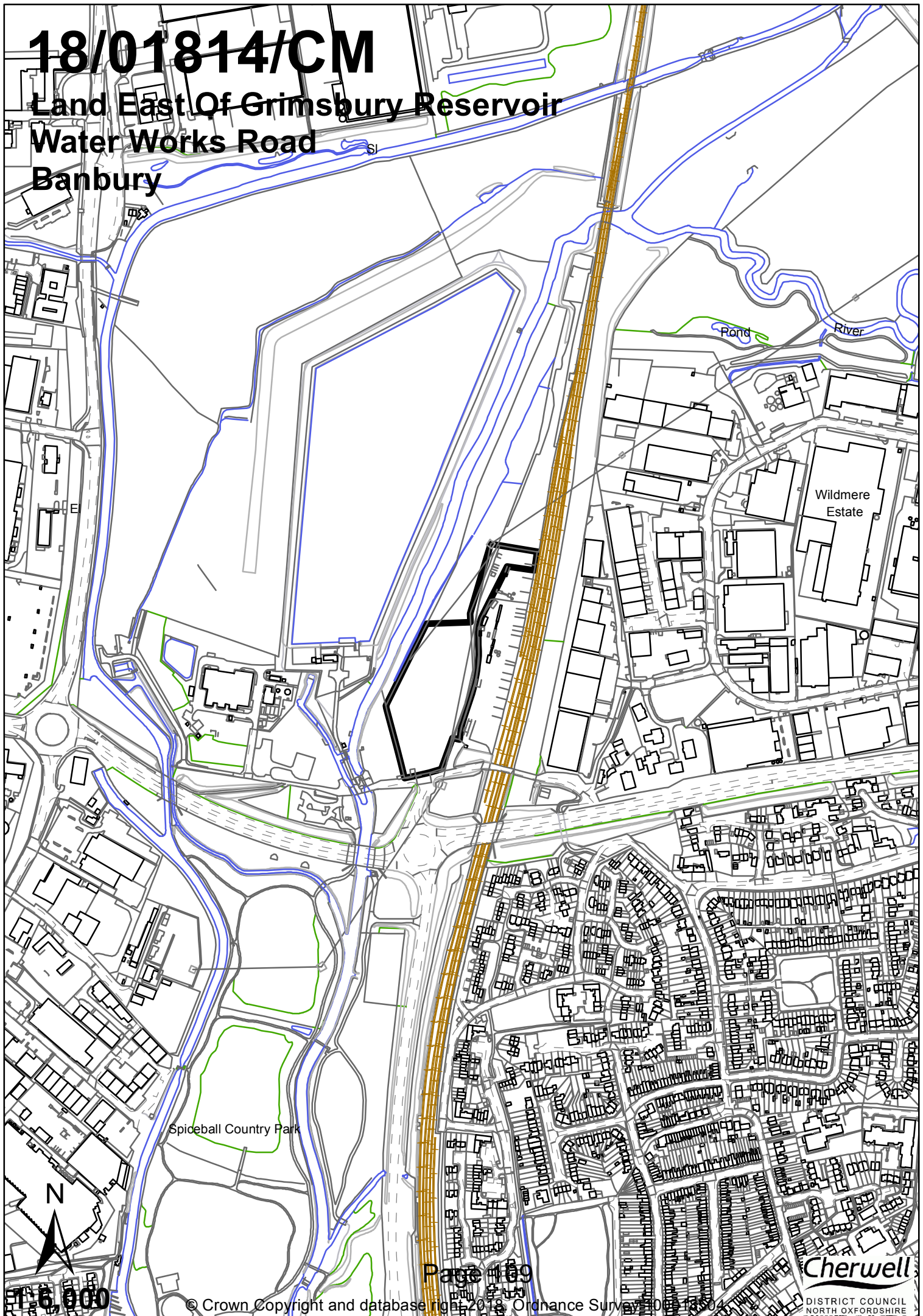
Agenda Item 11  
**18/01814/CM**

**Land East Of Grimsbury Reservoir**  
**Water Works Road**  
**Banbury**



18/01814/CM

Land East Of Grimsbury Reservoir  
Water Works Road  
Banbury



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Applicant:</b>	Tarmac Trading Ltd		
<b>Proposal:</b>	Temporary use of site as a rail unloading and aggregate storage and distribution facility, including use of existing rail link and development of new storage and lorry loading/unloading area incorporating offices, two weighbridges, lorry loading and parking areas, maintenance shed, aggregate storage bays and conveyors linking the storage bays to the rail unloading area to the north and the creation of a new vehicular access into Waterworks Road. (OCC Ref.: MW.0116/18)		
<b>Ward:</b>	Banbury Cross And Neithrop		
<b>Councillors:</b>	Cllr Hannah Banfield Cllr Surinder Dhesi Cllr Cassi Perry		
<b>Reason for Referral:</b>	County Council notification		
<b>Expiry Date:</b>	14 November 2018	<b>Committee Date:</b>	13 December 2018
<b>Recommendation:</b>	CDC to raise observations to the proposal		

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

### **Proposal**

The application relates to land to the west of the existing Tarmac site to the north of Banbury, east of the River Cherwell and Grimsbury Reservoir. The site is partly within a flood zone, there are public rights of way within proximity and there are ecological records.

The development proposed is to use the land for a temporary period as a rail unloading and aggregate storage and distribution facility. On the site itself, areas would be set aside for storage, lorry loading and unloading, offices, maintenance sheds and conveyors linking to the rail unloading area to the north through the existing Tarmac site. A new vehicular access is also proposed.

### **Consultations**

As Cherwell District Council is a consultee only, the application has not been publicised (although OCC will have publicised the application as required). In order to inform the response CDC should provide, internal consultations have been undertaken and these are reported and referred to throughout the report.

### **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 report concludes that it is recommended that CDC raise observations to the



consultation setting out serious concerns regarding the suitability of this particular site given the site constraints and impacts that are likely to arise.

## **RECOMMENDATION – RAISE OBSERVATIONS TO THE CONSULTATION REQUEST**

**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 to the north of Banbury town centre, accessed from Hennef Way and Water Works Road. The land is to the west of and adjacent to the existing Tarmac site, which sources construction materials, and which is adjacent to the railway line.
- 1.2. The Tarmac site is served by a rail depot which is safeguarded for the importation of aggregate into Oxfordshire by Policy M9 of the Oxfordshire Minerals and Waste Local Plan Core Strategy September 2017. To the west of the site is the River Cherwell and beyond this is Grimsbury Reservoir.
- 1.3. Part of the site sits within flood zone 2/3 including part within the functional floodplain and Grimsbury Reservoir is a District Wildlife Site. There are also protected and notable species that have been recorded within the vicinity. The land is potentially contaminated and a public right of way runs to the south of the site along the road.

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

- 2.1. This application is a notification from Oxfordshire County Council who are considering an application for the temporary use of the site as a rail unloading and aggregate storage and distribution facility with associated infrastructure on the land including storage bays, lorry loading, offices, weigh bridges, parking area and maintenance shed. A new vehicular access is also proposed from Waterworks Road.
- 2.2. The proposal seeks permission for a 7 year period (5 years for operation and 2 years for restoration works). The need for the expanded facility is to service a contract for planned national infrastructure projects including the HS2 development. The aggregate would arrive to the site by rail (and the existing rail link would be upgraded and enlarged to provide a higher capacity rail terminal) and then moved offsite, including to the HS2 construction compounds by road.

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

- 3.1. The County Council are also considering an application for the existing Tarmac site, for the variation of a number of planning conditions. Cherwell District Council has also been notified of this application with comments sought and this appears separately on this agenda.

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

- 4.1. No pre-application discussions have taken place by Cherwell District Council with regard to this proposal given this is a County Matter application.

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

- 5.1. Cherwell District Council have not publicised the application as this application is a consultation only. Oxfordshire County Council is responsible for publicising the application in accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015.
- 5.2. The Banbury Civic Society have sent comments and these have been provided to OCC. Their comments are summarised as follows:
- The Transport Assessment conclusions are considered to be optimistic
  - No current limits being placed on HGV movements should not be allowed to be taken as a precedent in relation to further expansion of the facility.
  - What is the need for this proposal? A substantial contribution towards enhancing highway capacity should be required. The route is already heavily trafficked and limits on the number and times of movement of vehicles to and from the site should be imposed.

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

- 6.1. Internal consultations have been undertaken and the comments received are summarised as follows:
- 6.2. CDC LANDSCAPE SERVICES: Visual receptors on the public right of way to the south of the site will be affected by the visual intrusion and harm of the proposed storage area. The southern boundary should be planted with native trees and understory for the benefit of users of the PRoW. For the benefit of the landscape and ecological receptors, the existing hedgerows should be retained and protected during the use of the site. This includes the developing native structural vegetation on the northern and western boundaries. Root protection zones are to be identified and robust protective fencing erected to protect these zones against the storage of material and site vehicles.
- 6.3. CDC ENVIRONMENTAL PROTECTION: No comments in respect of contaminated land, odour, light or air quality. In respect of noise, mitigation is proposed including the use of Bottom Discharge Units rather than a grabber which should help (and could improve), the noise environment. A condition to require noise mitigation measures identified to be in place before overnight working begins would be required. If there is any failure of the mitigation, then work should cease until this is fixed. Further information is sought in relation to the proposed direction of travel of the trains, where the locomotive would be when the unloading is being carried out and whether the engine can be turned off during unloading. There is a concern that if the locomotive is idling south of the drop off site, then this will increase noise levels for the residents near the line south of Hennef Way. A condition should be imposed to restrict HGV movements.
- 6.4. CDC ECOLOGY: The site, whilst of relatively low intrinsic ecological value does form a valuable part of the towns green infrastructure and the importance of



retaining habitat close to rivers and waterways raises its overall value. Protection of the watercourse is not specifically mentioned and needs to be considered with buffer zones clearly in place during operation. Records show otter recorded to the north and west. The impact on otters and other fauna passing through the land should be accounted for in the lighting strategy and construction hours even where there is no suitable habitat on site. An unobstructed route should be maintained. The use of a biodiversity metric to show that a clear overall biodiversity gain will be achieved in the long term would be helpful. This can be used to aid the production of a fully agreed and funded restoration plan with management for when the use of the site for this proposal is complete.

## **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)**

- SLE5 – High Speed Rail 2 – London to Birmingham
- ESD6 – Sustainable Flood Risk Management
- 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
- Policy Banbury 11 – Meeting the Need for Open Space, Sport and Recreation

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

- C5 – Protection of ecological value and rural character of specified features of value in the District
- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution

## **7.3. Other Material Planning Considerations**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Banbury Vision and Masterplan SPD (December 2016)
- Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy September 2017
- Saved Policies of the Oxfordshire Minerals and Waste Local Plan (1996)

## **8. APPRAISAL**

- 8.1. The key issue for consideration in this case is the impact of the development upon the interests of the Cherwell District.

### Principle of Development

- 8.2. The site sits within a recognised existing green space as shown within the Key Policies Map for Banbury within the Cherwell Local Plan Part 1 (2011-2031) and it is not allocated for employment or other uses. The site is considered to be an environmentally sensitive location close to the River Cherwell and Local Wildlife site at Grimsbury Reservoir and partially within an area of high flood risk. The green space in this area links through to Spiceball Park creating a green space that helps to improve access to the town centre and links through to the canal and river and new public spaces. This is therefore a recognised important green space and helps to assist in creating the setting of Banbury.
- 8.3. Policy C5 of the Cherwell Local Plan 1996 indicates that the Council will seek to protect the ecological value and rural character of specific key features within the District, including the River Cherwell and its setting. The aim of conserving and enhancing the natural environment including the green infrastructure network and ecology are also policy requirements within the Cherwell Local Plan Part 1 (ESD10, ESD13 and ESD17). This also includes improving sustainable connectivity between sites.
- 8.4. Policy Banbury 11 also looks to support the need for open space, sport and recreation and this includes *'retaining the long term objective of seeking to establish a series of open spaces based on the Oxford Canal and River Cherwell linked by public footpaths/ cycleways with the intention of creating a linear park and thoroughfare from the north of the town and Grimsbury Reservoir to the new park to be provided as part of the committed development south of Bankside. Development that would prejudice this objective will not be permitted.'*
- 8.5. The Banbury Vision and Masterplan SPD (December 2016) also identifies the land as green space and it identifies the north-south 'green lung' improving access, opening up the canal and river, connecting places together and creating a richer, more diverse bio-environment. The Masterplan confirms that the green space network within and around Banbury should be maintained, managed and enhanced as a unified multifunctional resource to deliver the true environmental, social and economic benefits required by the residents of Banbury.

### Impact on green infrastructure

- 8.6. The proposal seeks to use the land for a temporary 5 year period for the purposes outlined at paragraph 2.1. This would involve the loss of this green space for this period, until it is restored. It is considered that this would undermine the District Council's ambitions with regard to the protection of existing green infrastructure networks through the town and the consequent benefits that these would bring as described by the Policy/ Masterplan. The restoration works would take time following the use of the land ceasing and it is possible that there could be pressure for the retention of the development at the end of the five year period should demand for aggregates continue that would benefit the applicant retaining a larger facility.

### Landscape Impact

- 8.7. In terms of landscape impact, Policy ESD13 of the Cherwell Local Plan Part 1 seeks to secure the enhancement of the character and appearance of the landscape and for development to respect local landscape character. Policy ESD15 of the Cherwell Local Plan Part 1 and Policy C28 of the Cherwell Local Plan 1996 seek to ensure that development is sympathetic to the context of the development and to secure high quality design.

- 8.8. The Council's Landscape Officer, has identified that visual receptors on the public right of way to the south of the site will be affected by the intrusion and harm of the proposal. The Southern boundary should be planted with native trees and understorey for the benefit of users of the PRow. For the benefit of the landscape and ecological receptors, the existing hedgerows should be retained and protected during the use of the site. This should include developing native structural vegetation on the northern and western boundaries. It is also recommended that root protection zones must also be identified and robust protective fencing erected to protect these zones against the storage of material and site vehicles.
- 8.9. A detailed assessment of the landscape and visual impact of the development will be undertaken by the Case Officer at OCC and therefore it is considered appropriate to provide these detailed comments for consideration.

#### Environmental Impact

- 8.10. The proposed additional development at the site (and the associated removal of conditions, including those controlling working hours in the separate linked application) has the potential to raise environmental issues. Policy ENV1 of the Cherwell Local Plan 1996 confirms that development that is likely to cause materially detrimental levels of noise, vibration, smell, smoke; fumes or other types of environmental pollution should not normally be permitted. In addition, Policy SLE5 of the Cherwell Local Plan Part 1, relating to HS2, requires that the design and construction of the HS2 Rail Link must minimise adverse links on the environment, local economy and communities. Policy SLE1 also confirms that the construction of HS2 must be managed to minimise the impacts on communities and the environment.
- 8.11. In this respect, the Environmental Protection Team have concluded that additional information is required with regard to the proposed direction of travel of trains to assess the potential for impact by way of increased noise. There is also a recommended condition relating to HGV movements and to securing noise mitigation as set out within the noise report. There is the potential for there to be conflict with Policy SLE5 in this regard. The Environmental Protection Officers comments with regard to other environmental impacts are also recommended to be passed to OCC.

#### Impact on Ecology

- 8.12. In respect of ecology, comments have been received from the Council's Ecologist as set out at paragraph 6.4. It is suggested that the detailed points made are provided to OCC for consideration. It is also necessary to advise that a net biodiversity gain calculation ought to be carried out prior to a decision being made to inform the restoration plan and to allow assessment as to whether the requirements of Policy BSC10 of the Cherwell Local Plan Part 1 can be met.

#### Flooding

- 8.13. Part of the application site is sat within flood zones 2/3 (including part of the land within flood zone 3b – the functional flood plain). A flood risk assessment and drainage strategy has been submitted with the application and consultations with the OCC Drainage Team and the Environment Agency have been undertaken. Officers note that the EA have raised objections to the proposal on the following main points – the proposed development falls within a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located and due to the submitted FRA not being acceptable and not complying with the requirements as set out in the PPG (in particular it fails to take the impacts of climate change into

account and to consider whether flood risk will be increased in the surrounding area as a result of this development). Officers recommend that the objections of the EA must be overcome.

#### Highway Safety

- 8.14. In respect of highway safety matters, OCC have consulted the Highway Authority directly and Officers have noted an objection has been raised which is available via the OCC website. The objections relate to concerns that the proposal does not demonstrate whether traffic arising from the site can be accommodated safely and efficiently on the highway network resulting from queries regarding the TA submitted. This includes concerns regarding the site access and parking arrangements. It is recommended that CDC raises concerns regarding the increase in movements along Hennef Way both in respect of air quality (upon the designated Air Quality Management Area) and noise, but also the impact of additional traffic on this already congested route.

#### Conclusion

- 8.15. To conclude, it is recommended that CDC acknowledge that the proposal is related to national infrastructure projects, including HS2 and that there would be some contribution to the local economy. The site's position adjacent to the existing Tarmac facility and the rail infrastructure is also recognised. However it is recommended that CDC raise serious concerns regarding the suitability of this particular site given the site constraints and impacts that are likely to arise. In addition, the comments of the Environmental Protection Officer should be reported to OCC.

### **9. RECOMMENDATION**

That Cherwell District Council raises observations to the proposed development with the following comments made:

Cherwell District Council has serious concerns regarding the suitability of this particular site for the following reasons:

#### **Green Infrastructure**

- The site sits within a recognised existing green space as shown within the Key Policies Map for Banbury within the Cherwell Local Plan Part 1 (2011-2031) and it is not allocated for employment or other uses. The site is considered to be an environmentally sensitive location close to the River Cherwell and Local Wildlife site at Grimsbury Reservoir and partially within an area of high flood risk. The green space in this area links through to Spiceball Park creating a green space that helps to improve access to the town centre and links through to the canal and river and new public spaces.
- Policy C5 of the Cherwell Local Plan 1996 indicates that the Council will seek to protect the ecological value and rural character of specific key features within the District, including the River Cherwell and its setting.
- The aim of conserving and enhancing the natural environment including the green infrastructure network and ecology are also policy requirements within the Cherwell Local Plan Part 1 (ESD10, ESD13 and ESD17). This also includes improving sustainable connectivity between sites.
- Policy Banbury 11 also looks to support the need for open space, sport and recreation and this includes *'retaining the long term objective of seeking to establish a series of open spaces based on the Oxford Canal and River Cherwell linked by public footpaths/ cycleways with the intention of creating a*

*linear park and thoroughfare from the north of the town and Grimsbury Reservoir to the new park to be provided as part of the committed development south of Bankside. Development that would prejudice this objective will not be permitted.'*

- The Banbury Vision and Masterplan SPD (December 2016) also identifies the green space and it identifies the north-south 'green lung' improving access, opening up the canal and river, connecting places together and creating a richer, more diverse bio-environment. The Masterplan confirms that the green space network within and around Banbury should be maintained, managed and enhanced as a unified multifunctional resource to deliver the true environmental, social and economic benefits required by the residents of Banbury.
- The proposal would undermine the District Council's ambitions with regard to the protection of existing green infrastructure networks through the town and the consequent benefits that these would bring as described by the Policy/Masterplan. The restoration works would take time following the use of the land ceasing and it is possible that there could be pressure for the retention of the development at the end of the five year period should demand for aggregates continue that would benefit the applicant retaining a larger facility.

### **Landscape Impact**

- Visual receptors on the public right of way to the south of the site will be affected by the intrusion and harm of the proposal. The Southern boundary should be planted with native trees and understorey for the benefit of users of the PRoW.
- For the benefit of the landscape and ecological receptors, the existing hedgerows should be retained and protected during the use of the site. This should include developing native structural vegetation on the northern and western boundaries. It is also recommended that root protection zones must also be identified and robust protective fencing erected to protect these zones against the storage of material and site vehicles.

### **Environmental Impact**

- Policy ENV1 of the Cherwell Local Plan 1996 confirms that development that is likely to cause materially detrimental levels of noise, vibration, smell, smoke; fumes or other types of environmental pollution should not normally be permitted.
- In addition, Policy SLE5 of the Cherwell Local Plan Part 1, relating to HS2, requires that the design and construction of the HS2 Rail Link must minimise adverse links on the environment, local economy and communities. Policy SLE5 also requires the construction of HS2 to be managed to minimise the impacts on communities and the environment.
- The District Council's Environmental Protection Officer has requested further information with regard to the proposed direction of travel of the trains, where the locomotive will be when the unloading is carried out and whether the engine needs to be running or whether it can be turned off. The concern is that if the locomotive is idling to the south of the drop off site, then this will increase noise levels for residents near the line south of Hennef Way.
- It is also recommended that a condition is imposed to control HGV movements – this should restrict HGV movements to between 06:00 – 20:00 Monday – Friday, between 06:00 – 15:00 Saturdays and 08:00 – 15:00 Sundays and Bank Holidays – it is noted the start time on Sundays and Bank Holidays is later than proposed, but this is preferable.

- In respect of matters relating to light, odour, contaminated land and air quality, no comments are made by the District Council's Environmental Protection Officer.
- Planning conditions should be imposed with regard to noise mitigation as recommended within the Noise report, including the use of Bottom Discharge Units for the unloading of trains. This mitigation should be in place before any overnight working begins and it is suggested that if there is any failure of the mitigation, then overnight work should cease until the issue is resolved. Cherwell District Council considers there could be conflict with Policies ENV1 of the Cherwell Local Plan 1996 and SLE5 of the Cherwell Local Plan Part 1 if sufficient safeguards are not in place.

### **Ecology**

- In respect of Ecology, the District Council's Ecologist considers that the Banbury Ornithological Society make some valid and important points on Ecology. The importance of retaining habitat and green infrastructure close to rivers and waterways raises its value.
- Protection of the watercourse is not specifically mentioned and needs to be considered with buffer zones clearly in place during operation. Records show Otter recorded 445m to the north and less than 200m to the West. The impacts on otters and other fauna passing through the land should be accounted for in the lighting strategy and construction hours even where there is no suitable habitat on site. An unobstructed route should be maintained.
- In addition, it is noted that there is no calculation provided regarding whether a net biodiversity gain can be achieved. Cherwell District Council would suggest that to understand whether the requirements of Policy BSC10 of the Cherwell Local Plan Part 1 can be met, a calculation, undertaken in accordance with a recognised biodiversity metric should be provided. This can then be used to aid the production of a fully agreed and funded restoration plan with management for when the use of the site for this proposal is completed.
- CDC notes that objections have been received from the Environment Agency and OCC Highways. CDC has concerns regarding the increase in movements along Hennef Way both in respect of air quality (upon the designated Air Quality Management Area) and noise but also the impact of additional traffic on this already congested route.

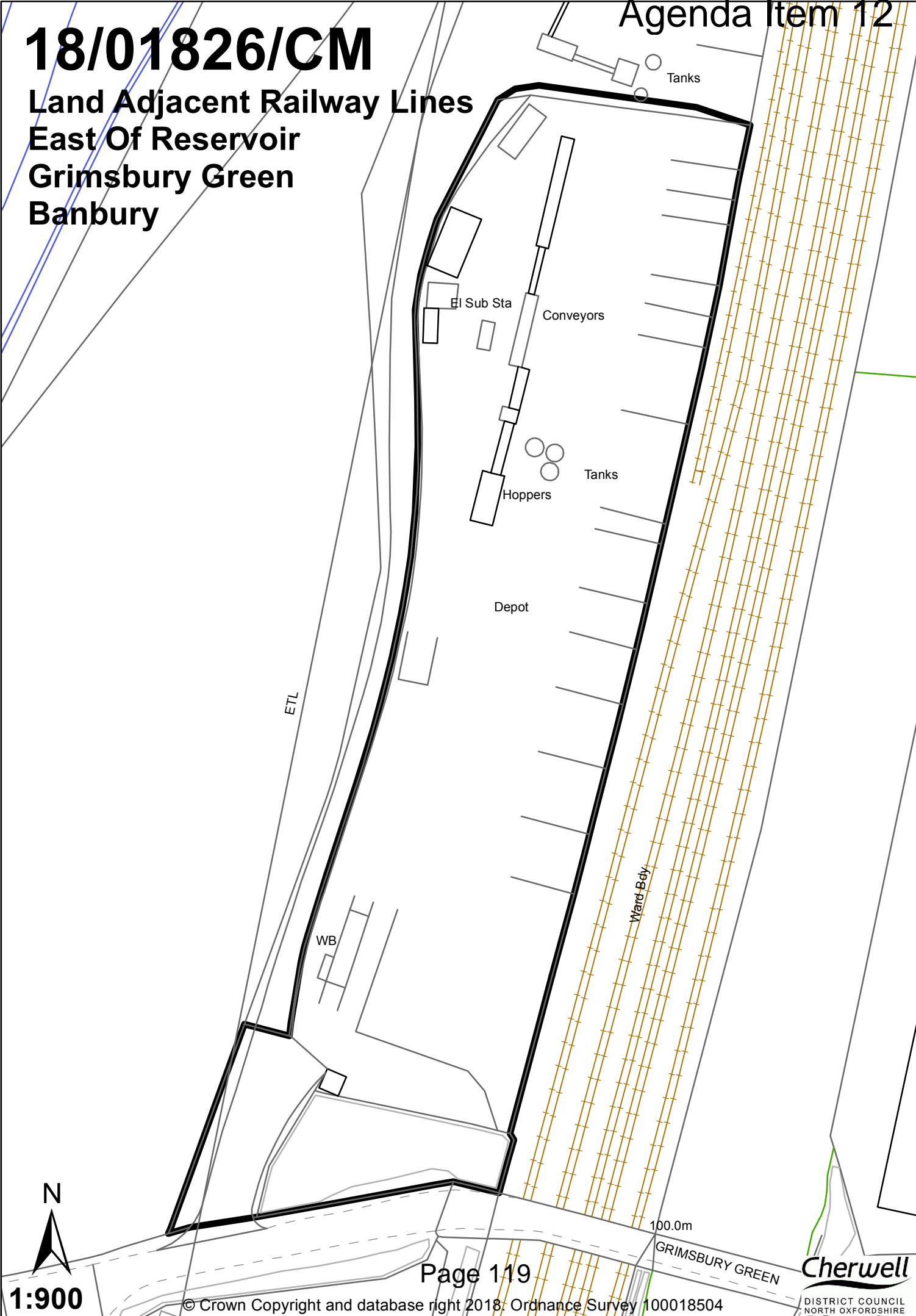
CDC acknowledges that the proposal is related to national infrastructure projects, including HS2 and that there would be some contribution to the local economy. The site's position adjacent to the existing Tarmac facility and the rail infrastructure is also recognised. However CDC has serious concerns regarding the suitability of this particular site given the site constraints and impacts that are likely to arise and these matters need to be fully considered by OCC.

CASE OFFICER: Caroline Ford

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18/01826/CM

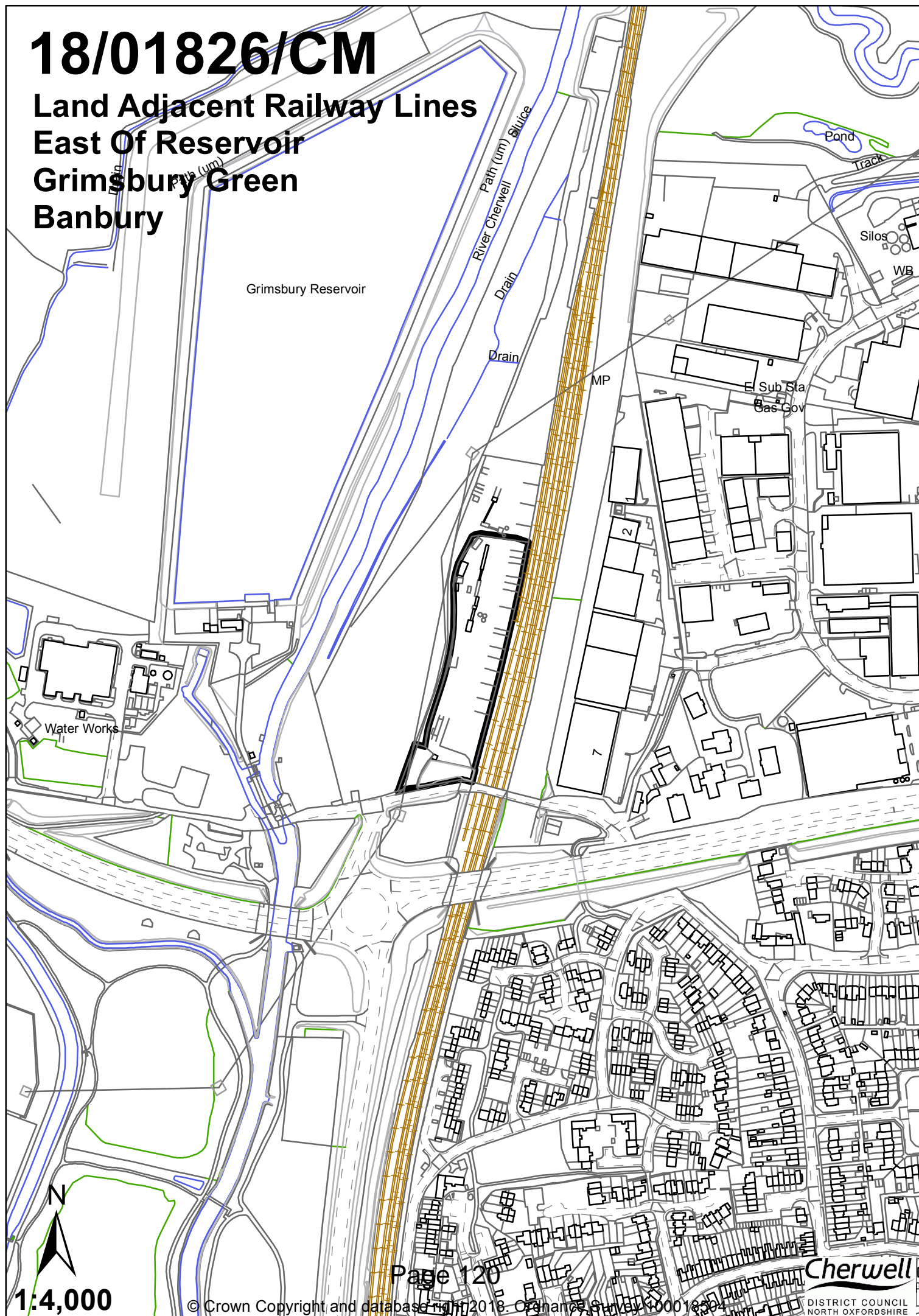
Land Adjacent Railway Lines  
East Of Reservoir  
Grimsbury Green  
Banbury





# 18/01826/CM

## Land Adjacent Railway Lines East Of Reservoir Grimsbury Green Banbury





**Applicant:** Tarmac Trading Ltd.

**Proposal:** Application to continue the development permitted by CHN.45/90 (permanent consent for coated Roadstone) without complying with conditions 2, 3, 4, 5, 8, 12, 13 and 16 (to remove hours of working for asphalt plant to allow operations at any time of day or night and to update plans to relocate existing office, canteen and WC). (OCC Ref.: MW.0117/18)

**Ward:** Banbury Cross And Neithrop

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

**Reason for Referral:** County Council notification

**Expiry Date:** 15 November 2018      **Committee Date:** 13 December 2018

**Recommendation:** CDC to raise observations to the proposal

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

### **Proposal**

The application relates to the existing Tarmac site to the north of Banbury, which is west of the railway line and east of the River Cherwell and Grimsbury Reservoir. A public right of way runs to the south of the site and there are ecological records within the vicinity.

The application proposes to vary a number of planning conditions that are on the current planning application which controls the site. The conditions to be varied relate to operating hours, the point of access to the site, the retention of hedgerows/ trees and the position of buildings on the site including the office, canteen and WC.

### **Consultations**

As Cherwell District Council is a consultee only, the application has not been publicised (although OCC will have publicised the application as required). In order to inform the response CDC should provide, internal consultations have been undertaken and these are reported and referred to throughout the report.

### **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 report concludes that it is recommended that CDC raise observations and concerns to the proposal, particularly the proposed changes to operating hours due to the potential for objections to be raised by local residents in respect of environmental matters.

## **RECOMMENDATION – RAISE OBSERVATIONS TO THE CONSULTATION REQUEST**

**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 to the north of Banbury Town Centre, accessed from Hennef Way and Water Works Road. The land sits to the west of the railway line, with the River Cherwell and Grimsbury Reservoir to the west (with intervening land between).
- 1.2. The site is run by Tarmac, who source construction materials and which is served by a rail depot, which is safeguarded for the importation of aggregate into Oxfordshire by Policy M9 of the Oxfordshire Minerals and Waste Local Plan Core Strategy September 2017.
- 1.3. In terms of site constraints, there are ecological records within the vicinity and the land is potentially contaminated. A public right of way runs to the south of the site.

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

- 2.1. This application is a notification from Oxfordshire County Council who are considering an application made under S73 of the Town and County Planning Act 1990 (as amended) to vary a number of planning conditions that are imposed on the current permission for the site (granted by CHN.45/90). The original permission was amended with a full permission granted in 2003. It is the conditions from the 2003 permission that are proposed to be varied.
- 2.2. The conditions to be varied relate to operating hours, the point of access to the site, the retention of hedgerows/ trees and the position of buildings on the site including the office, canteen and WC.

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

- 3.1. The County Council are also considering an application for a temporary expansion to the Tarmac site, on the land to the west of the existing site to be used as a rail unloading and aggregate storage and distribution facility with associated infrastructure on the land. This proposal is required to service a contract for planned national infrastructure projects including the HS2 development.

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

- 4.1. No pre-application discussions have taken place by Cherwell District Council with regard to this proposal given this is a County Matter.

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

- 5.1. Cherwell District Council have not publicised the application as this application is a consultation only. Oxfordshire County Council is responsible for publicising the

application in accordance with the requirements of the Town and Country Planning (Development Management Procedure) Order 2015.

## **6. RESPONSE TO CONSULTATION**

- 6.1. Internal consultations have been undertaken with the Environmental Protection Team and their comments are summarised as follows:
- 6.2. CDC ENVIRONMENTAL PROTECTION: No comments in respect of contaminated land, odour, light or air quality. In respect of noise, mitigation is proposed including the use of Bottom Discharge Units rather than a grabber which should help (and could improve), the noise environment. A condition to require noise mitigation measures identified to be in place before overnight working begins would be required. If there is any failure of the mitigation, then work should cease until this is fixed. Further information is sought in relation to the proposed direction of travel of the trains, where the locomotive would be when the unloading is being carried out and whether the engine can be turned off during unloading. There is a concern that if the locomotive is idling south of the drop off site, then this will increase noise levels for the residents near the line south of Hennef Way. A condition should be imposed to restrict HGV movements.

## **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)

- SLE5 – High Speed Rail 2 – London to Birmingham
- ESD15 - The Character of the Built and Historic Environment

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

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

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Banbury Vision and Masterplan SPD (December 2016)
- Oxfordshire Minerals and Waste Local Plan Part 1 – Core Strategy September 2017
- Saved Policies of the Oxfordshire Minerals and Waste Local Plan (1996)

## **8. APPRAISAL**

- 8.1. The key issue for consideration in this case is the impact of the development upon the interests of the Cherwell District.

#### Affected Conditions

- 8.2. In summary, the current conditions that are proposed to be varied are as follows:

Conditions 3, 4 and 5 relate to working hours. Condition 3 sets approved hours for the operations authorised which are between 04:00 and 19:00hrs Mondays to Saturdays and 08:00 and 17:00hrs on Sundays unless otherwise agreed by the LPA. Condition 4 related to the movement of lorries up to the 31 December 2003 only and condition 5 referred to the extended hours granted by the 2003 permission beyond those granted by the 1990 permission and set out a procedure if any justifiable complaints were received regarding the operations of the site, which involved operations ceasing and the applicant being required to submit details of measures as to how they would overcome those complaints.

Condition 8 currently secures the entrance arrangements to the site from a specific point only.

Condition 12 requires the retention of the existing hedgerow and trees on an embankment as shown on an approved plan.

Condition 13 required the removal of temporary portacabin buildings at the expiration of five years from the date of the planning permission and the land restored to its former condition unless details of buildings of a permanent construction were approved by the LPA in which case those may have replaced the temporary ones.

Condition 16 requires that only the portable offices indicated on the approved plan (or the permanent offices that might have been agreed) to be used only as area offices for Lafarge Aggregates only and for no other purpose and that the area of the offices must not exceed 72 square metres floor space.

Lastly, condition 2 brought together the permission and required that the development be carried out in accordance with the details submitted with the application except as modified by any conditions of the permission.

#### Reason for proposed change to conditions

- 8.3. The proposed variation of conditions proposes to remove the conditions relating to operating hours to allow the site to operate on a 24/7 basis. This is so that the plant can service contracts for the provision of asphalt for example off peak roadworks. In addition, it seeks to relocate the existing office, canteen and WC from their current locations to new positions to the south of the site, adjacent to the existing car park. An additional office would be erected and the existing car park slightly enlarged and the access gate would also be required to be relocated.
- 8.4. There is also a proposal for a second weighbridge, however this is considered to be permitted development and therefore it does not form part of this particular application.
- 8.5. The planning statement advises that the plant has operated 'out of hours' (i.e. beyond those of the condition) with the prior agreement of the LPA (albeit not within the last 10 years), without any substantiated or justifiable complaints. As such they consider it is no longer necessary to restrict the operation of the plant. Their intention is also to operate the site flexibly rather than continuously (albeit they

would not be restricted from operating continuously if they so wished unless other conditions were imposed). In addition, they raise a number of other benefits that would be felt should the existing conditions be varied as requested.

#### Policy Position

- 8.6. Policy ENV1 of the Cherwell Local Plan 1996 advises that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution should not normally be permitted. In addition, Policy SLE5 of the Cherwell Local Plan Part 1, relating to HS2, requires that the design and construction of the HS2 Rail Link must minimise adverse links on the environment, local economy and communities. Policy SLE1 also confirms that the construction of HS2 must be managed to minimise the impacts on communities and the environment.

#### Operating Hours and impact on residents

- 8.7. In respect of operating hours, it is considered appropriate to raise concerns with regard to removing conditions controlling working hours which would allow 24/7 operating. This is due to the potential for objections to be raised by local residents in respect of environmental matters. The CDC Environmental Protection Officer has requested further information regarding where trains would be positioned when unloading.
- 8.8. If OCC are to consider this matter to be acceptable, then the recommendations of the noise report must be followed and should be secured by the imposition of conditions. In this regard, it is noted that a 6m barrier is recommended, however this does not appear on the proposed plans and it should be so that the visual impact of this significant height feature can be assessed.
- 8.9. It is also considered appropriate to recommend that there must be a process in place to deal with any complaints received, which should involve operations ceasing during night time hours until the mitigation is put in place. This should be in a similar form to the wording of current planning condition 5.
- 8.10. The CDC Environmental Protection Officer has also recommended restricting hours for HGV movements.
- 8.11. In respect of condition 4, Officers consider there would be no reason to object to its removal because this was a time limited condition up to the end of December 2003 so this is redundant anyway.

#### Physical changes to site

- 8.12. With regard to other amendments, the proposal seeks to relocate the existing office, canteen and WC to different positions to the south of the site adjacent to the existing car park, the provision of an additional office and the enlargement of the existing car park. Officers would recommend that CDC questions whether this should be agreed by a S73 application and ask that the visual impact of this be fully assessed, including the loss of any existing trees/ vegetation on the embankment. It should also be recommended that any changes to condition 2 should ensure that the wording is explicit regarding any plans that are approved.

#### Legal Agreement

- 8.13. Officers note that there is a S106 attached to CHN.45/90 which included routing for HGV traffic. It is recommended that the S73 application should be linked to this agreement with any updates included as necessary.

#### Conclusion

- 8.14. To conclude, it is recommended that CDC raise concerns to the proposal to vary existing conditions, particularly those around operating hours due to the potential for objections to be raised by local residents in respect of environmental matters. The comments through this appraisal should be summarised and provided to OCC as well as the comments from the Environmental Protection Officer.

### **9. RECOMMENDATION**

That Cherwell District Council raises observations to the proposed development with the following comments made:

Cherwell District Council has concerns with this development for the following reasons:

#### **Impact on Residents**

- Policy ENV1 of the Cherwell Local Plan 1996 confirms that development that is likely to cause materially detrimental levels of noise, vibration, smell, smoke; fumes or other types of environmental pollution should not normally be permitted. In addition, Policy SLE5 of the Cherwell Local Plan Part 1, relating to HS2, requires that the design and construction of the HS2 Rail Link must minimise adverse links on the environment, local economy and communities. Policy SLE5 also requires the construction of HS2 to be managed to minimise the impacts on communities and the environment. In respect of operating hours, CDC have concerns with regard to removing conditions controlling working hours which would allow 24/7 operating. This is due to the potential for objections to be raised by local residents in respect of environmental matters. The District Council's Environmental Protection Officer has requested further information with regard to the proposed direction of travel of the trains, where the locomotive will be when the unloading is carried out and whether the engine needs to be running or whether it can be turned off. The concern is that if the locomotive is idling to the south of the drop off site, then this will increase noise levels for residents near the line south of Hennef Way.
- It is requested that the recommendations of the noise report must be followed and should be secured by the imposition of conditions. In this regard, it is noted that a 6m barrier is recommended, however this does not appear on the proposed plans and it should be so that the visual impact of this significant height feature can be assessed.
- CDC would recommend that there must be a process in place to deal with any complaints received, which should involve overnight operations ceasing during night time hours until the mitigation is put in place. This should be in a similar form to the wording of current planning condition 5.
- The CDC Environmental Protection Officer has recommended that a condition is imposed to control HGV movements – this should restrict HGV movements to between 06:00 – 20:00 Monday – Friday, between 06:00 – 15:00 Saturdays and 08:00 – 15:00 Sundays and Bank Holidays – it is noted

the start time on Sundays and Bank Holidays is later than proposed, but this is preferable.

- Without sufficient safeguards in place, Cherwell District Council considers there could be conflict with Policy ENV1 of the Cherwell Local Plan 1996 and SLE5 of the Cherwell Local Plan Part 1 in respect of harm to the environment and local communities.
- CDC raises no objections to the removal of condition 4 because this was a time limited condition up to the end of December 2003 so this is redundant anyway.

#### **Changes to Office/Canteen/WC**

- With regard to other amendments, the proposal seeks to relocate the existing office, canteen and WC to different positions to the south of the site adjacent to the existing car park, the provision of an additional office and the enlargement of the existing car park. CDC would question whether this should be agreed by a S73 application and would ask that the visual impact of this be fully assessed, including the loss of any existing trees/ vegetation on the embankment. A re-worded condition 2 should be explicit regarding any plans that are approved.
- If OCC agree to the rearrangement of development on the site, then CDC raise no objection to the removal of conditions 13 and 16.

#### **Legal Agreement**

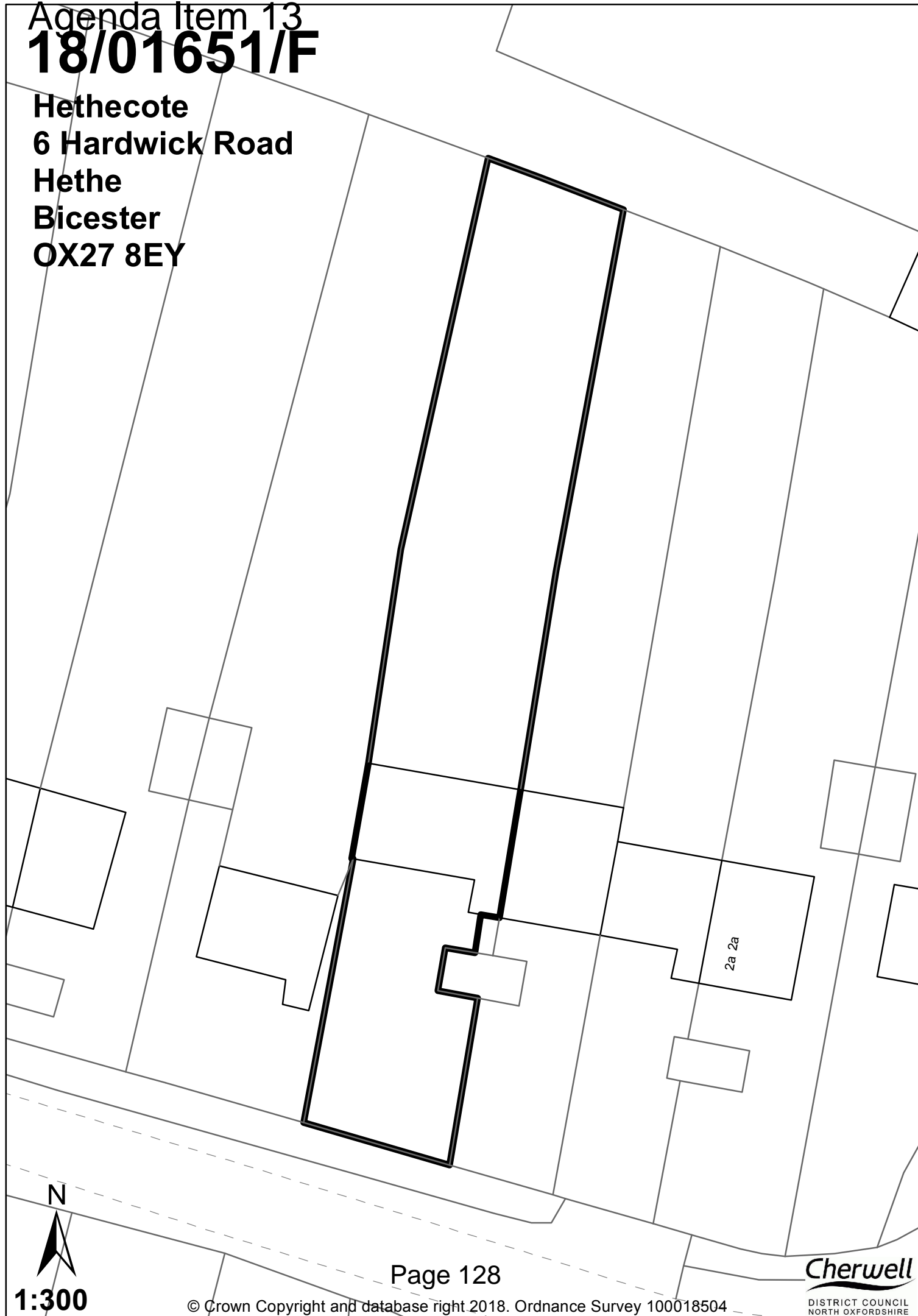
- It is noted that there is a S106 attached to CHN.45/90 which included routing for HGV traffic. The S73 application should be linked to this agreement with any updates included as necessary.

CASE OFFICER: Caroline Ford

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Agenda Item 13  
**18/01651/F**

**Hethecote  
6 Hardwick Road  
Hethe  
Bicester  
OX27 8EY**





# 18/01651/F

Recreation Ground

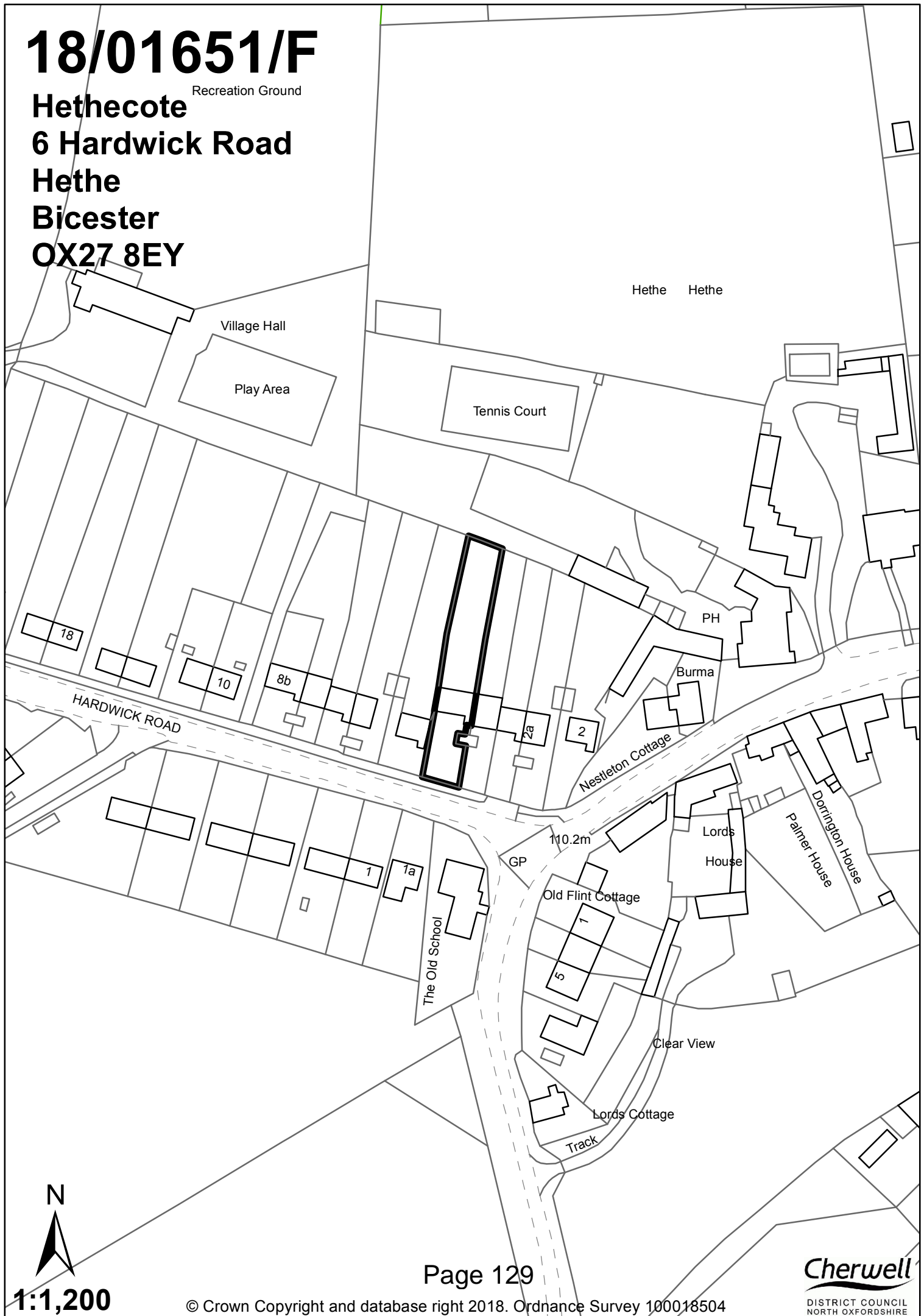
Hethecote

6 Hardwick Road

Hethe

Bicester

OX27 8EY



Hethe Hethe

Village Hall

Play Area

Tennis Court

PH

Burma

HARDWICK ROAD

Nestleton Cottage

Lords House

Palmer House

Dorington House

Old Flint Cottage

Clear View

Lords Cottage

Track

GP

110.2m

The Old School

N

Hethecote  
6 Hardwick Road  
Hethe  
Bicester  
OX27 8EY

18/01651/F

**Applicant:** Mr & Mrs Jon Woodman

**Proposal:** Single storey extensions to rear and side. Part two, part single storey extension to front.

**Ward:** Fringford And Heyfords

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

**Reason for Referral:** *Called in by Councillor Barry Wood*

**Expiry Date:** 31 December 2018      **Committee Date:** 13 December 2018

**Recommendation:** Approve

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

### **Proposal**

The proposed development involves the erection of a two storey front extension, a single storey front, side and rear extension and a side dormer extension to Hethecote; an end of terrace dwelling in the village of Hethe.

### **Consultations**

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

- Hethe Parish Council

The following non-statutory consultees have raised **no objections** to the application:

- OCC Highway Authority, CDC Environmental Health, CDC Building Control

4 Letters of **objection** were received with regard to the original scheme and 3 Letters of **objection** were received with regard to the amended scheme.

### **Planning Policy**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan, saved Policies from the Cherwell Local Plan 1996 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, including the setting of the designated Conservation Area;
- 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.

## **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 relates to Hethecote, an end of terrace dwelling situated on Hardwick Road to the west of the village of Hethe. The existing dwelling is constructed from reconstituted stone, with a plain tile roof and uPVC openings. The dwelling is not a listed building and the site does not form a part of the setting of a listed building, although it is in close proximity to the boundary of the conservation area to the east. The swift, a protected and notable species, has been identified in the vicinity.

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

- 2.1. The application seeks planning permission for the erection of a two storey front extension, a single storey wrap around side and front extension, a first floor dormer style side extension, and single storey rear extension to replace an existing conservatory. The loft space would also be converted to form a bedroom, where rooflights would be installed in the eastern facing roofslope.
- 2.2. The two storey front extension would extend 2.1 metres beyond the existing two storey element of the dwelling, with the single storey front element extending a further 1.4 metres. The side extension would replace an existing single storey pitched roof garage to the side of the dwelling, to create a lean-to style extension that would incorporate the side elevation of the proposed two storey front extension and the majority of the side elevation of the existing dwelling. Rooflights are proposed within the side facing roofslope of the side extension.
- 2.3. The rear extension would replace an existing conservatory structure, although would have a 30cm shorter overall depth than the existing and would be set off the boundary.
- 2.4. The extensions would increase the number of bedrooms within the dwelling from four to five bedrooms. Three off-street parking spaces would be provided upon the existing driveway to the front of the dwelling.
- 2.5. Construction materials would consist of reconstituted stone walls and plain tile roof to match those of the existing dwelling.

### **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>
-------------------------	-----------------	-----------------

02/01207/F	Proposed rear extension forming sun lounge	Application Permitted
97/01959/F	Two storey extension to provide dining, utility, bedroom and ensuite bathroom.	Application Permitted

- 3.2. The above applications relate to the conservatory that is now proposed for replacement (02/01207/F) and the existing two storey extension to the rear of the dwelling (97/01959/F).

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

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

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

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments is 06.12.2018, and as this date follows the finalisation of this report, any additional comments raising new matters will be reported as representations.

- 5.2. The scheme was amended on 05 November 2018 and the application was fully re-advertised. The comments on both the original and amended schemes have been included.

- 5.3. Three letters of objection and a letter from the Local MP highlighting the concerns of a neighbour were received with regard to the original scheme. The comments raised by third parties are summarised as follows:

- Loss of light/overshadowing
- Loss of privacy
- Light pollution
- Noise pollution
- Inaccurate plans
- Plans do not account for difference in land level
- Loss of view
- Detriment to setting of Conservation Area and proposed extended Conservation Area
- Out of keeping with character and appearance of dwellings in the terrace
- Overlooking from neighbour down into extension
- Oil tank position not considered and likely to contravene building regulations
- Impact on detached nature of our property
- Loss of off-street parking

- Over development of the site
- Proposal was not discussed prior to submission
- Party wall issues
- Overbearing
- Forward of building line
- Unneighbourly form of development
- Cluttered streetscene
- Negative impact upon the village and Hardwick Road
- Contrary to Policy
- 5 bed house not sustainable on this plot
- Impossible to clean and maintain the gap between dwellings

5.4. Three letters of objection were received to the amended scheme received on 05 November 2018. The comments raised by third parties are summarised as follows:

- Over development of the site
- Loss of off-street parking
- Out of keeping with character and appearance of neighbouring properties
- Loss of light/overshadowing
- Overbearing appearance
- Loss of privacy
- Gutters not catered for – encroachment
- Difficulty accessing our own gutters
- Light pollution
- Noise pollution
- Applicant will not be able to access their oil tank
- Concern regarding building materials and construction vehicles using shared access - hazard/inconvenience to bus stop used by school children

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

## 6. RESPONSE TO CONSULTATION

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

#### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2 HETHE PARISH COUNCIL (original plans): **Object**, on the following grounds:

- The extension will encroach into the applicants' drive.
- A very large extension, almost doubling the house footprint - over development of the site
- The loss of garage and some of the frontage area will reduce car parking space, always an issue with highway safety.
- There is already a problem with overspill parking from all of the residents at this address as they nearly always found parked on the pavement outside the house.
- If this development proceeds it will turn a nuisance into a major headache for the village.
- Detrimental effect on neighbouring properties - loss of privacy.
- Front extension obviously changes street scene to some degree
- Loss of light over shadowing

- 6.3 HETHE PARISH COUNCIL: Continue to **object** on the same grounds as previous - overlooking and loss of privacy, scale and dominance, parking issues, loss of outlook. Do not consider the second set of plans to have addressed the issues raised in the first submission.

#### STATUTORY CONSULTEES

- 6.4 None.

#### NON-STATUTORY CONSULTEES

- 6.5 CDC BUILDING CONTROL: Means of escape to be in accordance with approved Document B Volume 1 Section 5
- 6.6 CDC ENVIRONMENTAL HEALTH: No comments with regard to noise, contaminated land, air quality, odour or light.
- 6.7 OCC HIGHWAY AUTHORITY: **No objection.**

### **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
- C30 - Design of new residential development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Hethe Conservation Area Appraisal Draft - 2018

**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, including the setting of the designated Conservation Area
- Residential amenity
- Highway safety
- Other matters

Principle of development

- 8.1. The proposed development would involve the extension and alteration of an existing dwelling, situated in a location that is predominantly residential in character, within the built-up limits of the village of Hethe. The resultant structure would continue to function as a single dwelling unit following the work. The principle of the proposed development is therefore considered acceptable as it complies with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

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

- 8.2. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 8.3. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.4. Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 requires development 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. Further, development proposals will be required to conserve, sustain and enhance designated and non-designated heritage assets including buildings, features, archaeology, conservation areas and their settings. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development.
- 8.5. Hethecote is an end terrace dwelling; the terrace forming one of a pair of terraced blocks each consisting of 4 dwellings, separated by one detached dwelling, 6a Hardwick Road. 6a Hardwick Road sits further forward than the terraced dwellings in the eastern most block containing the applicants' property.
- 8.6. Whilst the appearance of the two terraced blocks is similar, it is not considered that the character of these blocks is one of uniformity, or that they create a strong defined building line. Unusually, detached garages are positioned to the front of 4 of the 8 dwellings, one of which has been incorporated into a single storey front extension at 8a Hardwick Road (see 99/01016/F), and each of which straddle what would be the obvious boundaries between their adjacent neighbour.
- 8.7. The eastern most block, of which Hethecote forms a part, is set back from the edge of the pavement by around 10-15 metres, beyond a shared gravelled driveway and parking area interspersed with planting. In the case of Hethecote itself, the dwelling is largely concealed from view of the public domain when approaching from the west due to the forward positioning of adjacent 6a Hardwick Road, and partially obscured from view when approaching from the east due to the positioning of the detached garage at 4a Hardwick Road and surrounding mature planting. It is not considered that the existing dwelling is a prominent feature of the streetscene, that it has any historic significance, or that it plays a key role in forming the setting of the designated Hethe Conservation Area.
- 8.8. It is for the above reasons that Officers consider that the proposed extensions would not detract from the existing character of the streetscene, or result in additions that would draw undue attention to themselves as discordant additions to the area. The plot is narrow, but is of sufficient depth to both the front and rear to avoid the extensions appearing cramped, or representing an overdevelopment of the site. The two storey front extension would extend no further beyond the existing two storey gable to the front of adjacent 4a Hardwick Road, and would be of a similar appearance, albeit with a single storey extension at ground floor level. The single storey elements have been set off the shared boundary with 6a Hardwick Road by 20cm, and with the existing extension at 6a Hardwick Road also being set off the shared boundary by around the same distance, this will avoid the two structures appearing joined.
- 8.9. The construction materials are proposed to match those existing, and this will serve to ensure that the development is in-keeping with its host, and those in the vicinity of the site.
- 8.10. The potential inclusion of the site within the amended Hethe Conservation Area boundary has been raised as a result of consultation, although the only element currently proposed for inclusion is the stone boundary wall to the front of 2a Hardwick Road to the east. It is for the same reasoning as above that Officers do not consider that harm would be caused to the setting of either the current Conservation Area, or the proposed extended Conservation Area.



- 8.11. The proposal is considered to accord with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF in terms of visual impact.

#### Residential amenity

- 8.12. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the Cherwell Local Plan 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority.
- 8.13. A number of concerns have been raised by neighbouring residents with regard to the impact upon amenity and privacy. However, it is considered that due to the separating distances, the only neighbours with the potential to be affected by the proposed development are 4a and 6a Hardwick Road to either side of the site. 4a Hardwick Road is the adjoining neighbour to the east, and 6a Hardwick Road is the detached neighbour to the west.
- 8.14. The two storey element of the proposed extension would not protrude any further beyond the existing gable frontage of 4a Hardwick Road and would not, therefore, affect any first floor openings within this elevation. At ground floor level, a lean-to porch projects from the frontage of 4a Hardwick Road, although both light and outlook to this area are already compromised by the positioning of the detached garage 1.4 metres to the south. The living room windows at 4a Hardwick Road are positioned adjacent to the porch, with the protruding porch and detached garage already obscuring outlook towards the site. The proposed single storey front extension would extend 40cm beyond the existing porch at 4a Hardwick Road and despite the taller height of the extension, given the separating distance to the living room windows and intervening porch at 4a Hardwick Road, it is not considered that amenity in terms of outlook, domination or overshadowing would be significantly impacted as a result of the development.
- 8.15. The existing conservatory extends 4.8 metres from the rear of Hethecote, with the end of the conservatory curving away from the boundary. The proposed rear extension would extend 4.5 metres from the rear of Hethecote, with a side elevation and eaves height of 2.55 metres. The wall of the extension would be set off the shared boundary by 40cm. A kitchen window on the rear elevation of 4a Hardwick Road is already restricted in terms of light and outlook, and with the set back of the extension from the shared boundary, it is not considered that the replacement structure would result in significant additional harm in terms of outlook, over-domination and overshadowing to that already experienced.
- 8.16. Concern has been raised over the proposed first floor opening in the front elevation, that due to the unconventional positioning of front boundaries, would result in some overlooking of the front garden/driveway area at 4a Hardwick Road from first floor level. However, an opening already exists here, and planning permission is not required to insert a clear glazed opening in the front elevation. In addition, the front garden is not a private area, being open to the street and users of the shared access. The proposed side facing rooflights to serve the loft conversion would not allow outlook into existing openings at 4a Hardwick Road.
- 8.17. As previously mentioned, due to the positioning of detached 6a Hardwick Road, the rear elevation of the original dwelling of this neighbouring property sits forward of the front elevation of Hethecote. 6a Hardwick Road has been extended beyond its

original form, with a two storey and a single storey extension to the rear, although a first floor bedroom window within the original element of the dwelling remains in its original position, the outlook from which is already compromised by the existing two storey projection at 6a Hardwick Road, and the existing structure at Hethecote. As the window faces towards the north-east, the sunlight reaching this window is also limited. At ground floor level, a lean-to structure with rooflights serving a utility room sits adjacent to the shared boundary with the site.

- 8.18. The proposed two storey front extension would project 2.1 metres beyond the existing front elevation of Hethecote. The depth of this element of the extension was reduced by 1.97 metres following Officer concern about the impact of the development in terms of overshadowing and an overbearing appearance, particularly when viewed from within the rear garden of 6a Hardwick Road.
- 8.19. The amended scheme would retain a distance of 3.6 metres between the front of the two storey extension and the original rear elevation of the dwelling (containing the bedroom window), and the two elements would sit almost in line with each other. The 45 degree line is already interrupted on both sides of this bedroom window by existing structures, and the two storey extension itself would be positioned so far forward as to not interrupt this line at all. Officers consider that following the reduction in depth to the two storey element, the proposal would not result in significant overshadowing or have an overbearing impact when viewed from the rear garden of 6a Hardwick Road.
- 8.20. The existing pitched roof garage at Hethecote sits adjacent to the shared boundary with 6a Hardwick Road and when combined with the two storey dwelling to which it is attached, currently appears overbearing from rear openings and the rear garden. It is considered that the proposed replacement lean-to extension would have a relatively neutral impact, indeed whilst extending further to the front it would have a reduced height adjacent to the boundary (2.4 metres to eaves). The side dormer is proposed in order to ensure compliance with building regulations. Although this would be positioned 2.4 metres from the shared boundary, and the two openings would not allow outlook directly into other openings at 6a Hardwick Road due to their positioning, and they would be obscurely glazed.
- 8.21. Two rooflights are proposed within the single storey side extension; although due to their high level direct outlook into openings at 6a Hardwick Road would not be possible. Concern has been raised that the occupants of 6a Hardwick Road would be able to look down into the rooflights, although this could easily be remedied, say through the introduction of blinds, if lack of privacy becomes an issue for the occupants of Hethecote.
- 8.22. The impact of noise and disturbance from open windows adjacent to the boundary is not expected to be above that normally associated with a residential dwelling. Light pollution from the rooflights would not be significant. An Environmental Health Officer has assessed the proposal and had no comments to make on the proposed arrangement with regard to light and noise pollution.
- 8.23. Officers note the land level difference, putting Hethecote at a lower level than 6a Hardwick Road, although it is considered that this difference would only reduce the impact in terms of amenity.
- 8.24. The single storey rear extension would be positioned a sufficient distance from 6a Hardwick Road to avoid any harm in terms of a loss of amenity or privacy.
- 8.25. To conclude, Officers do not consider that the development would result in significant harm to neighbouring properties in terms of a loss of amenity or privacy,

in accordance with Government guidance contained within the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C30 of the Cherwell Local Plan 1996.

#### Highway safety

- 8.26. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users, and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.27. The proposed development would involve an increase in the number of bedrooms at Hethecote from four (includes the study) to five bedrooms. The extension would also be constructed upon an area of driveway, thus having implications in terms of off-street parking. Whilst the Highway Authority has never objected to the proposal, the applicants have demonstrated that three off-street parking spaces could be provided upon the remaining driveway area. Officers consider this provision to be sufficient to serve a five bedroom dwelling, and do not consider that the development would result in harm to highway safety, in accordance with Government guidance contained within the NPPF.

#### Other matters

- 8.28. Concern has been raised regarding the future access to enable maintenance of the gutter at 6a Hardwick Road and potential encroachment of guttering, although this is a party wall matter that would need to be dealt with outside of the planning application process.
- 8.29. A point has been made regarding the potential requirement to reposition an oil tank, and the possible failure to comply with building regulations, although these are matters that the applicants would need to address outside of the current application, if necessary. The relocation of the oil tank may be permitted development (subject to dimensions and position) or may require an application for planning permission, when the impact upon amenity can then be fully assessed.
- 8.30. The temporary disturbance during construction, and the storage of construction materials, would need to be addressed by the applicants on the commencement of any works on site.

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

- 9.1. Officers consider that the proposed extension would not result in significant harm to the visual amenities of the area, including the setting of the current and potentially revised Conservation Area, the amenity or privacy currently enjoyed by neighbouring properties or highway safety. It therefore accords with Government guidance contained within the National Planning Policy Framework, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28 and C30 of the Cherwell Local Plan 1996.

### **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

#### **Time Limit**

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

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

#### **Approved Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Design and Access Statement, Drawing No's: 1034-2C, 1034-3H and 1034-4H all received 05 November 2018.

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

#### **Materials to Match Existing**

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

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Obscure Glazed Opening**

4. Prior to the first occupation of the development hereby approved, the high level first floor windows in the western facing side elevation of the dormer, and the first floor window in the rear north-eastern facing elevation of the dormer, shall be fixed shut and fully glazed with obscure glass (Level 3 or above), and retained as such thereafter.

Reason – To safeguard the privacy and amenities of the occupants of the neighbouring property and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### **Retain Off-Street Parking**

5. The car parking provision shown on Drawing No. 1034-4H received 05 November 2018 hereby approved shall be retained for the parking of vehicles at all times.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

#### **Planning Notes**

#### **Third Party Interests**

1. Planning permission only means that in planning terms a proposal is acceptable

to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

### **Construction Sites**

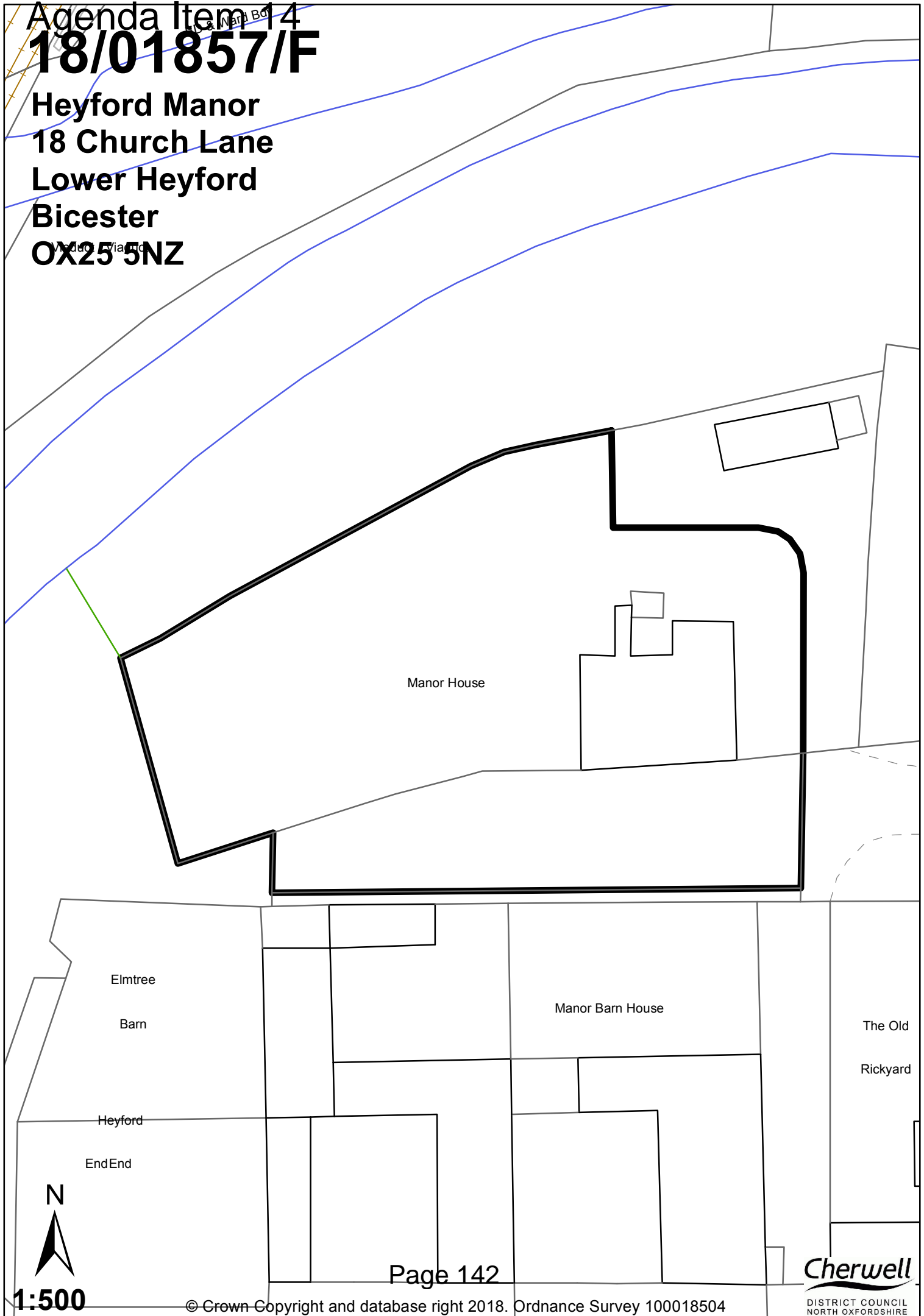
2. The applicants' and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicants/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Environmental Protection Team Leader for further advice on this matter.

CASE OFFICER: Gemma Magnuson

TEL: 01295 221827

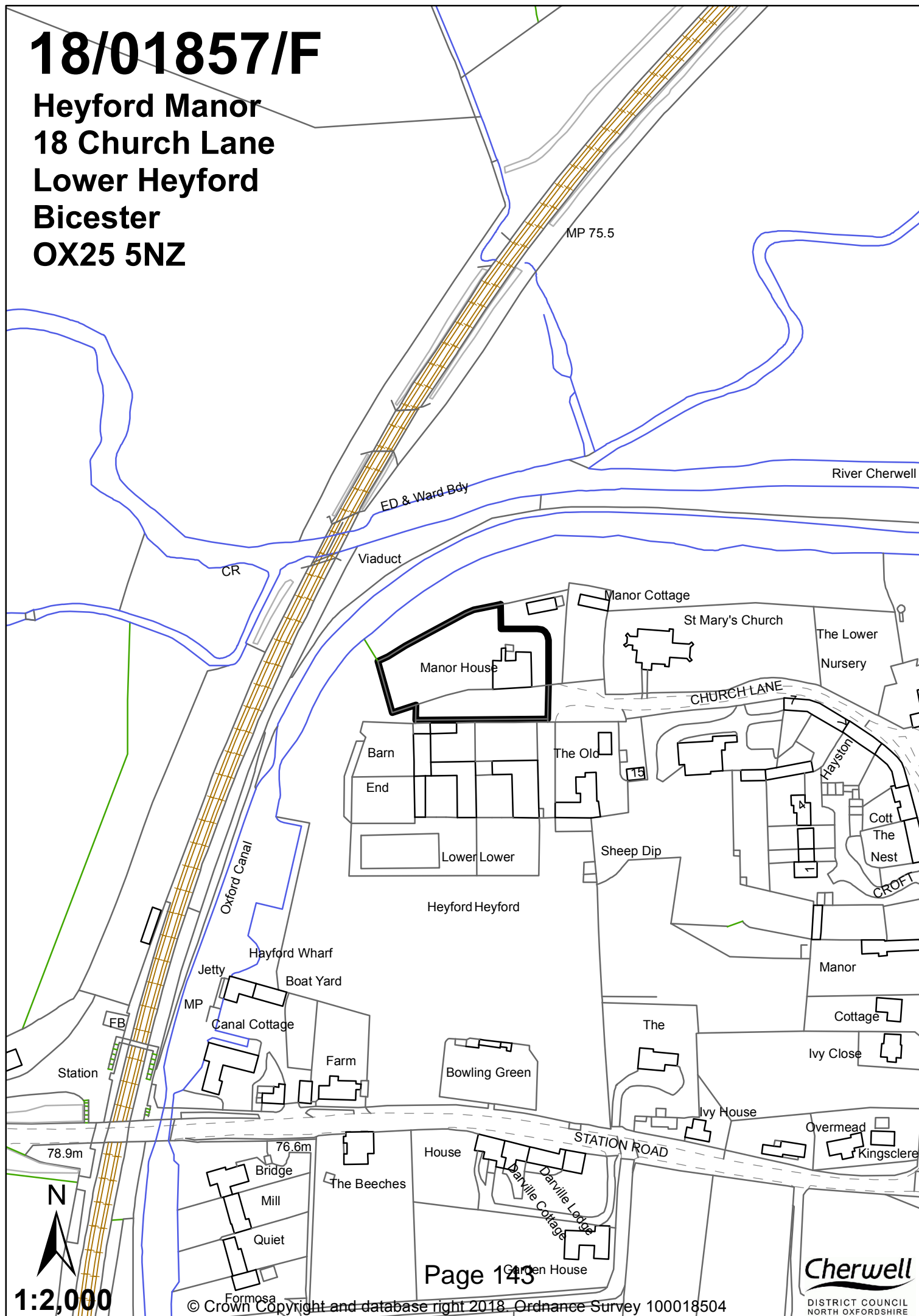
Agenda Item 14  
**18/01857/F**

**Heyford Manor  
18 Church Lane  
Lower Heyford  
Bicester  
OX25 5NZ**



# 18/01857/F

Heyford Manor  
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OX25 5NZ



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**Heyford Manor  
18 Church Lane  
Lower Heyford  
Bicester  
OX25 5NZ**

**18/01857/F**

**Applicant:** Mr James Macnamara

**Proposal:** Removal of two rotted plain modern wooden gateposts either side of the entrance. Replacement with simple stone pillars made from local stone sourced on site. Wrought iron gates

**Ward:** Fringford And Heyfords

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

**Reason for Referral:** *The applicant is an Elected Councillor at Cherwell District Council*

**Expiry Date:** 20 December 2018      **Committee Date:** 13 December 2018

**Recommendation:** Approve

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

### **Proposal**

The application seeks planning permission to replace two rotten wooden piers with two stone piers, topped with stone spheres and a pair of wrought iron gates, at the entrance to Heyford Manor.

### **Consultations**

Consultees have raised no objections to the application.

### **Planning Policy**

The application site lies within the village of Lower Heyford, in the Rousham Conservation Area, and in close proximity to the Oxford Canal Conservation Area. The site is within the Canal and River Trust consultation zone. Heyford Manor is a grade II listed building and the grade II\* Church of St Mary's is positioned to the east of the site. Other grade II listed buildings and structures are in close proximity. Public footpath ref: 289/7/10 runs alongside the southern boundary of the site, and the site is of medium archaeological interest. Protected and notable species have been identified in the 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 amended application details are:

- Design, and impact on the character of the area including designated heritage assets
- Residential amenity
- Highway safety, including public right of way
- Biodiversity and the natural environment



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 relates to the entrance to Heyford Manor that sits at the head of Church Lane, which is a no through road. The site lies within the Rousham Conservation Area, and is in close proximity to the Oxford Canal Conservation Area to the north and west. The site is also in the Canal and River Trust consultation zone. Heyford Manor is a grade II listed building, and the grade II\* Church of St Mary's is positioned to the east of the site. Other grade II listed buildings and structures are in close proximity. Public footpath ref: 289/7/10 runs alongside the southern boundary of the site, and the site is of medium archaeological interest. Protected and notable species have been identified in the area.

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

- 2.1. The proposed development would involve the removal of two existing rotten timber posts that sit either side of the entrance to the property, and their replacement with 2 no. 1.5 metre high stone piers to either side of the entrance, with wrought iron gates in a similar style to existing Victorian railings that currently exist to either side of the entrance. The stone piers would be topped with reclaimed stone spheres (finials). The existing railings would not be removed or altered as a result of the proposal.

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

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

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

- 4.1. No formal 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 29.11.2018, 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 at the time of writing. Any 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. LOWER HEYFORD PARISH COUNCIL – no comments received at the time of writing.
- 6.3. MID-CHERWELL NEIGHBOURHOOD FORUM – no comments received at the time of writing.

### STATUTORY CONSULTEES

- 6.4. CANAL AND RIVER TRUST – “no comment to make on the proposal.”
- 6.5. HISTORIC ENGLAND – do not wish to offer any comments, and suggest that the views of specialist conservation and archaeological advisors are sought, as relevant.

### NON-STATUTORY CONSULTEES

- 6.6. CDC ARBORICULTURE - the potential pruning or removal of the cherry laurels in order to facilitate the development would not be of detriment to the Conservation Area, and should not prove a constraint to the scheme.
- 6.7. CDC CONSERVATION - **no objection**, although comments that a simpler less decorative approach would be preferable.
- 6.8. OCC HIGHWAY AUTHORITY – **no objection**.
- 6.9. OCC RIGHTS OF WAY – no comments received at the time of writing.

## 7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

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

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

### 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, including designated heritage assets
- Highway safety, including public right of way
- Biodiversity and the natural environment

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

- 8.2. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 8.3. Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 requires development 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. Further, development proposals will be required to conserve, sustain and enhance designated and non-designated heritage assets including buildings, features, archaeology, conservation areas and their settings.
- 8.4. Saved Policy C28 of the Cherwell Local Plan 1996 seeks a standard of layout, design and external appearance, including the choice of external finish materials that are sympathetic to the character of the context of the development. In sensitive areas, such as conservation areas, development will be required to be of a high standard and the use of traditional local building materials will normally be required.
- 8.5. 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.
- 8.6. The proposed piers and gates would be visually prominent, sitting at the point where Church Lane terminates and adjacent to a public footpath. The development would also be visible from grade II\* listed St. Mary's Church, and would mark the entrance to grade II listed Heyford Manor itself. Existing boundary treatments in the vicinity consist of stone walls with gates of varying design, including ornate gates at the entrance to the grade II\* listed church that are referred to in the submission. Similar stone piers to those proposed are also present at the entrance to The Old Rickyard adjacent to the site to the south-east.

- 8.7. The Conservation Officer has queried why decorative stone finials and ornate wrought iron gates have been chosen over a simpler design as this has not been explained in the submission. Notwithstanding this, the Conservation Officer recognises that the church gates are also ornate in design.
- 8.8. Whilst the proposed piers and gates would be clearly visible from the public domain, it is considered that they would enhance the appearance of the streetscene through formal definition of the entrance to Heyford Manor where the current entrance is unremarkable, consisting of vegetation that covers the existing railings and wooden posts. It is considered that the proposed replacement would be in-keeping with the property's status as a manor house and would not cause harm to the settings of the surrounding listed buildings or the wider Conservation Area.
- 8.9. Officers have not pursued a justification for the proposed finials and gates, as the scheme in its current form is considered acceptable, in accordance with Government guidance contained within the NPPF, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996.

#### Highway safety, including public right of way

- 8.10. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users, and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.11. The proposed piers and gates would not affect the route of the public right of way. Whilst no indication has been provided as to which way the gates would open, a condition requiring them to be inward opening would prevent them from opening out onto the public highway. Further, sufficient off-street parking would continue to be provided on site. Officers consider the proposal to accord with Government guidance contained within the NPPF.

#### Biodiversity and the natural environment

- 8.12. Government guidance contained within the NPPF requires the protection and enhancement of biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.13. Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 echoes Government guidance, requiring relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones.
- 8.14. The proposed works would involve minor works to existing vegetation that is unlikely to result in harm to habitat used by protected species. The Arboricultural Officer does not consider that any trees that could potentially be affected by the development are worthy of protection with a tree preservation order. The proposal is therefore considered not to pose any significant harm to biodiversity or the natural environment and accords with Government guidance contained within the NPPF and Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1.

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

- 9.1. The proposed piers and gates at the entrance to Heyford Manor would not result in harm to the setting of the listed building or the other listed buildings in close proximity to the site. Further, harm would not be caused to the character or appearance of the designated Conservation Area, the visual amenities of the locality, highway safety or biodiversity. It is therefore recommended that planning permission is granted.

## **10. RECOMMENDATION**

That permission is granted, subject to the following conditions:

### **Time Limit**

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

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

### **Approved Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form, Design and Access Statement, Location Plan, Block Plan, Drawing Illustrating Proposed Gates and Posts, Materials, Photos

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

### **Stonework**

3. The stonework shall be laid, dressed, coursed and pointed to match that of the existing end of wall as shown on Materials: Photos of stone submitted with the application.

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

### **Gates**

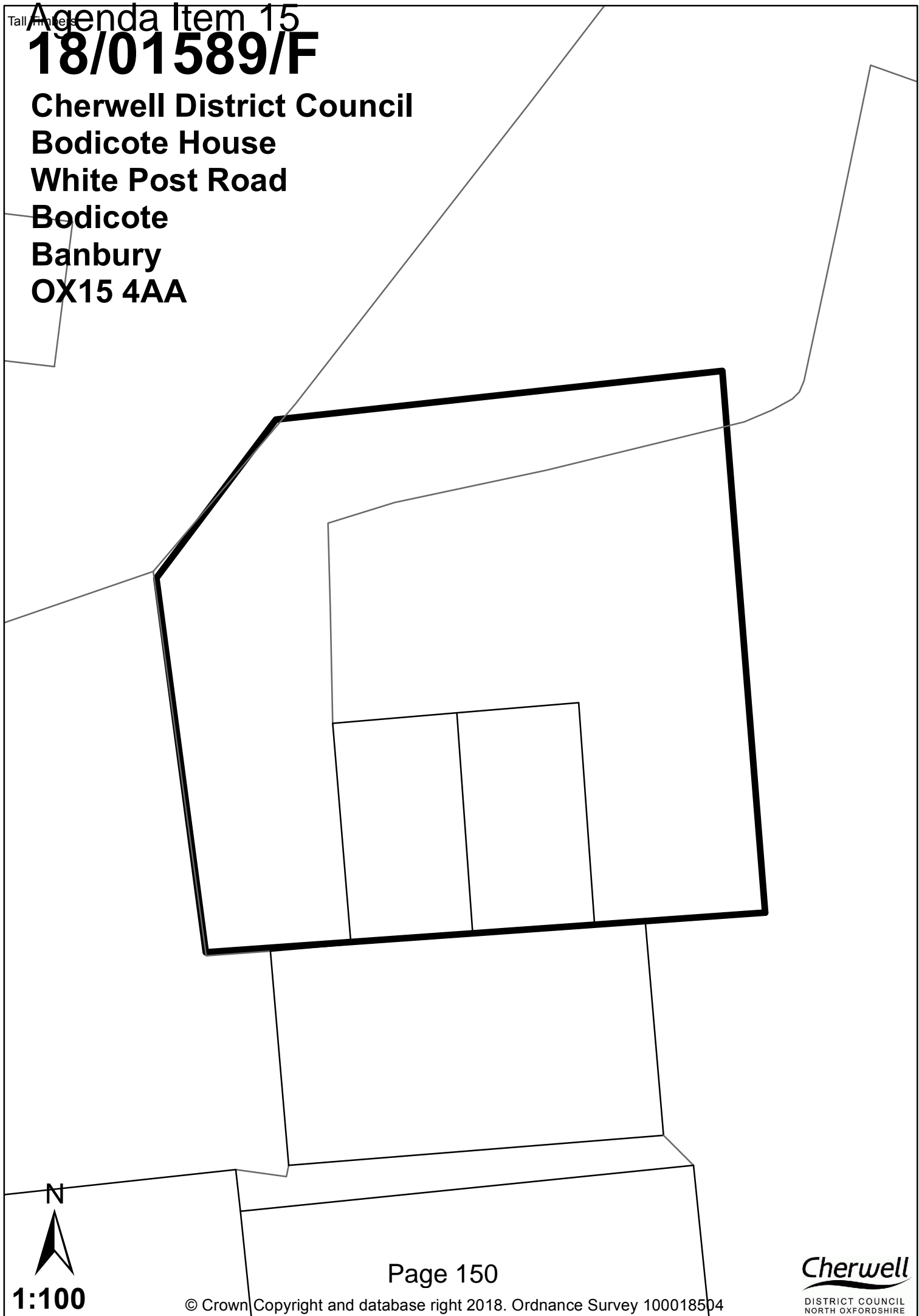
4. The gates shall be inward opening only.

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

# Agenda Item 15

## 18/01589/F

**Cherwell District Council**  
**Bodicote House**  
**White Post Road**  
**Bodicote**  
**Banbury**  
**OX15 4AA**



# 18/01589/F

**Cherwell District Council**

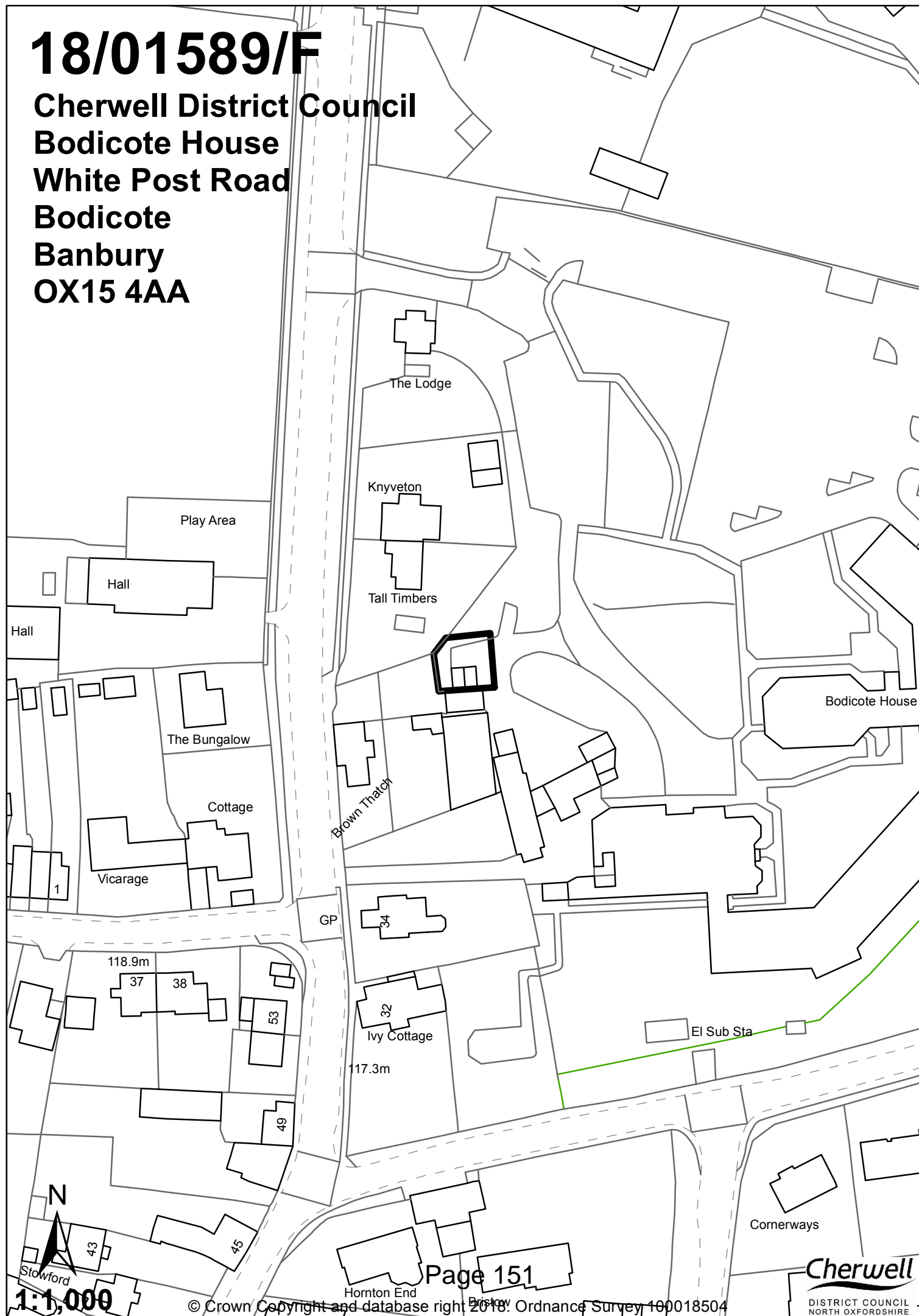
**Bodicote House**

**White Post Road**

**Bodicote**

**Banbury**

**OX15 4AA**



**Cherwell District Council**  
**Bodicote House**  
**White Post Road**  
**Bodicote**  
**Banbury**  
**OX15 4AA**

**18/01589/F**

**Applicant:** Cherwell District Council

**Proposal:** Addition of 2 metre high powder-coated green palisade fencing and double gates to enclose the waste disposal area next to the garages. Fence posts to be set in concreted foundations, not attached to existing building or fencing

**Ward:** Adderbury, Bloxham And Bodicote

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

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

**Expiry Date:** 1 January 2019      **Committee Date:** 13.12.2018

**Recommendation:** Approval

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

### **Proposal**

Planning consent is sought for the erection of 2 metre high fencing with double gates to enclose the waste disposal area.

### **Consultations**

Consultees have raised no objections to the application to date  
No third party letters have been received.

### **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 proposal meets the requirements of relevant CDC policies and therefore that the proposals are acceptable, subject to conditions.

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

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation**



responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

## **MAIN REPORT**

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

- 1.1. The application site is the offices of Cherwell District Council, a modern 3 storey office building with a shallow pitch roof set within the grounds of the historic Grade II listed Old Bodicote House. The site is not within a designated Conservation Area.

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

- 2.1. Planning permission is sought for the erection of green palisade fencing and double gates, to enclose the waste disposable area. The proposed fencing would measure 2 metres in height and would have a combined length of 7.3m. The proposed gates would measure approximately 3m in height with a combined length of 3.6m.

### **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 27.12.2018, 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
- 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. BODICOTE PARISH COUNCIL: No comments received

#### **STATUTORY CONSULTEES**

- 6.3. CDC CONSERVATION: No comments received to date
- 6.4. HISTORIC ENGLAND: No comments received to date

## NON-STATUTORY CONSULTEES

6.5. CDC ENVIRONMENTAL HEALTH: No comments received to date

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

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

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

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

- 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 positioned to the front of the site and would attach to the western boundaries of the wider site of Cherwell District Council, but given the surrounding built form and existing structural vegetation it would not be readily visible. Given its scale, siting and overall design, the proposal is considered not to be visually prominent or to have a significant visual impact. In addition the proposal would enclose the waste disposable area and would provide visual improvement by screening the existing bins.

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. The proposed development would abut the boundaries of the adjacent neighbour at Tall Timbers. However, having regards to its scale and its siting, and the existing boundary treatment, the proposal is not considered to materially impact upon the amenity of this neighbour or that of any other neighbours.
- 8.7. 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**

That permission is granted, subject to the following conditions:

**Time Limit**

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

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

**Approved Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form, Design and Access Statement, Drawing No's: Location plan 1:1250, Block plan 1:200, Site plan 1:500 and layout plan (Plan Elevation & Front Elevation) 1:100.

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

CASE OFFICER: Michael Sackey

TEL: 01295 221820

Agenda Item 16  
**18/00434/DISC**

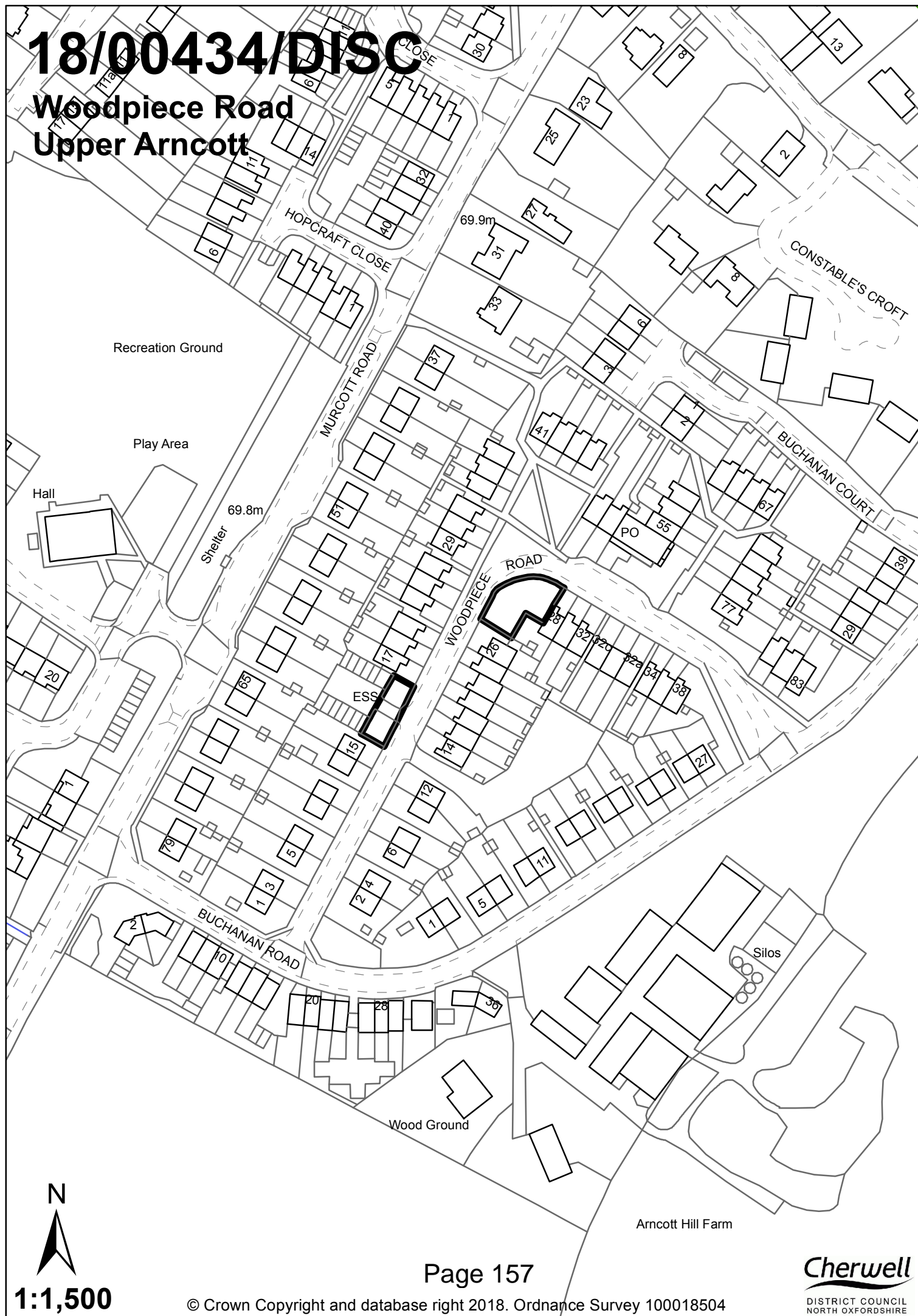
**Woodpiece Road  
Upper Arncott**



ESS ESS

18/00434/DISC

Woodpiece Road  
Upper Arnclott



**Applicant:** Cherwell District Council - FAO Stuart Parkhurst

**Proposal:** Discharge of Conditions 3 (means of access), 4 (parking and manoeuvring areas) and 5 (landscaping scheme) of 17/02569/F

**Ward:** Launton And Otmoor

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

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

**Expiry Date:** 28 December 2018      **Committee Date:** 13 December 2018

**Recommendation:** Approve

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

#### **Proposal**

The application relates to conditions imposed on planning permission ref. 17/02569/F relating to highway safety and landscaping for a scheme permitted for 14 car parking spaces.

#### **Consultations**

Consultees have raised **no objections** to the application:

#### **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:

- Highway safety;
- Landscaping

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 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 relates to two separate 'red-line' site areas, but both are located on Woodpiece Road, Upper Arcott. The applicant refers to the site furthest to the north as Plot 3 and the site furthest to the south as Plot 4/5. Plot 3 is located on a corner between No's 26 and 28 Woodpiece Road which currently consists of an area of grassed land. Plot 4/5 is located on 2 smaller sections of grassed land which are intersected by the access to the garages to the west, located between 16 and 17 Woodpiece Road.
- 1.2. Consent was granted for the change of use of the land and creation of 14 parking spaces in total under application 17/02569/F.

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

- 2.1. The current application seeks to discharge Conditions 3 (means of access), 4 (parking and manoeuvring areas) and 5 (landscaping scheme) which were required by planning consent 17/02569/F.

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

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
17/02569/F	Change of use of land for the creation of car parking spaces	Application Permitted

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

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

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

- 5.1. 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. No parish consultation has been carried out.

#### **STATUTORY CONSULTEES**

- 6.3. OCC HIGHWAYS: **No objections**

#### **NON-STATUTORY CONSULTEES**

- 6.4. CDC LANDSCAPE: **No Objections**

### **7. APPRAISAL**

### Condition 3

- 7.1. This condition required full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays.
- 7.2. Following concerns raised by officers with regard to the hedge which, as originally submitted, would have had an impact on vision splays, the applicant clarified that the landscaping to the 'Plot 3' would reach no higher than 600mm. The Highway Liaison Officer has thus confirmed that there are no objections to the details submitted. Officers see no reason to disagree with this assessment and recommend this condition is discharged.

### Condition 4

- 7.3. This condition required full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas. The applicant proposes tarmacadam surfacing, with the planting area to supplement the drainage. The Highway Liaison Officer has not raised any objection to the proposal. Officers see no reason to disagree with this assessment and recommend that this condition is discharged.

### Condition 5

- 7.4. This condition required a landscaping scheme to be submitted, detailing the proposed tree/shrub planting including their species, number, sizes and positions. The Landscape Officer finds the amended details to be acceptable and officers agree with this assessment and recommend this condition is discharged.

## **8. RECOMMENDATION**

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

### Condition 3

The details shown on drawings no: '01 rev 03' and '02 rev 03' (received 29/11/18) and specification of works document (January 2018).

### Condition 4

The details shown on drawings no: '01 rev 03' and '02 rev 03' (received 29/11/18) and specification of works document (January 2018).

### Condition 5

The details shown on drawings no: '01 rev 03' and '02 rev 03' (received 29/11/18) and specification of works document (January 2018).

CASE OFFICER: George Smith

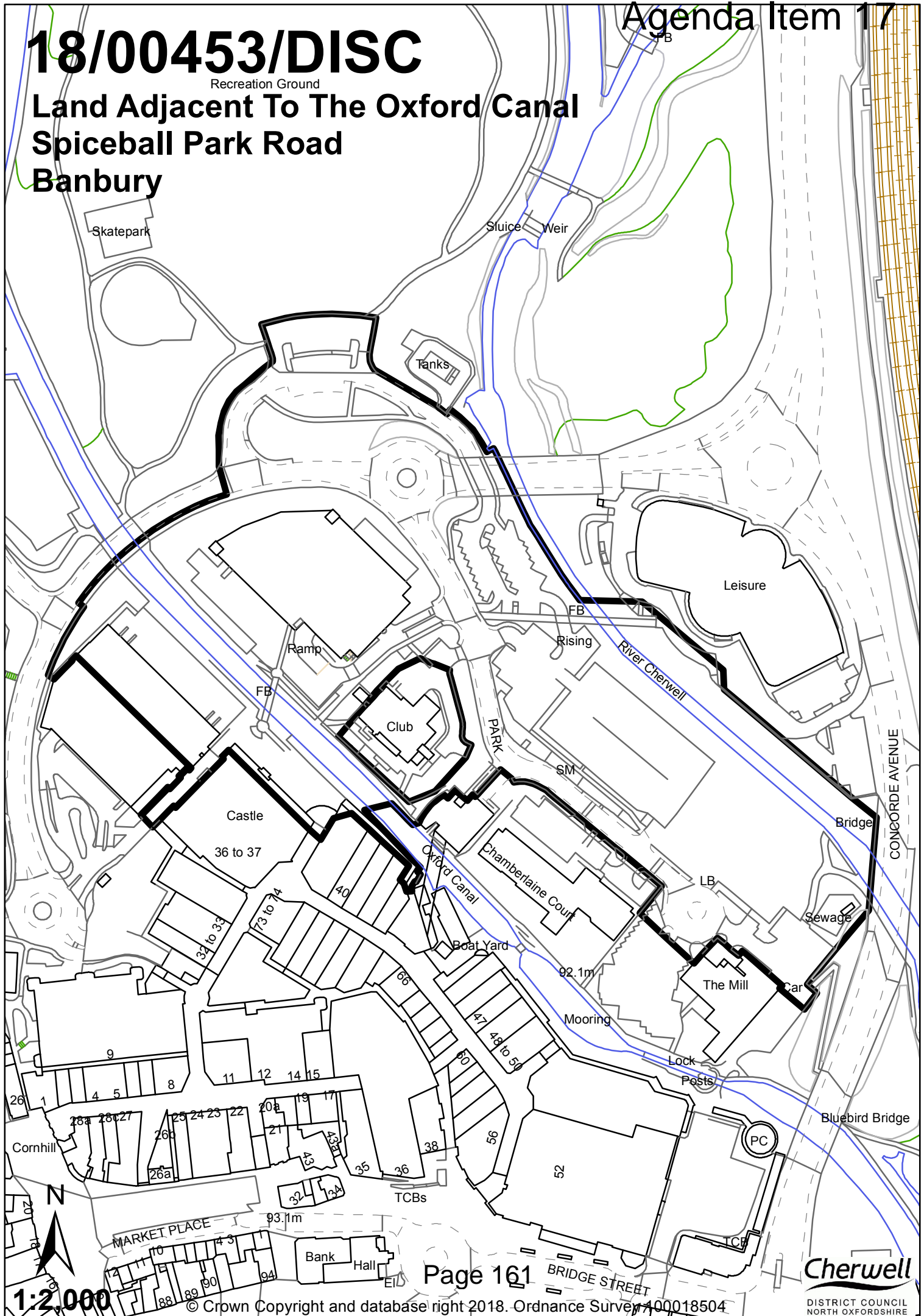
TEL: 01295 221899



# 18/00453/DISC

Recreation Ground

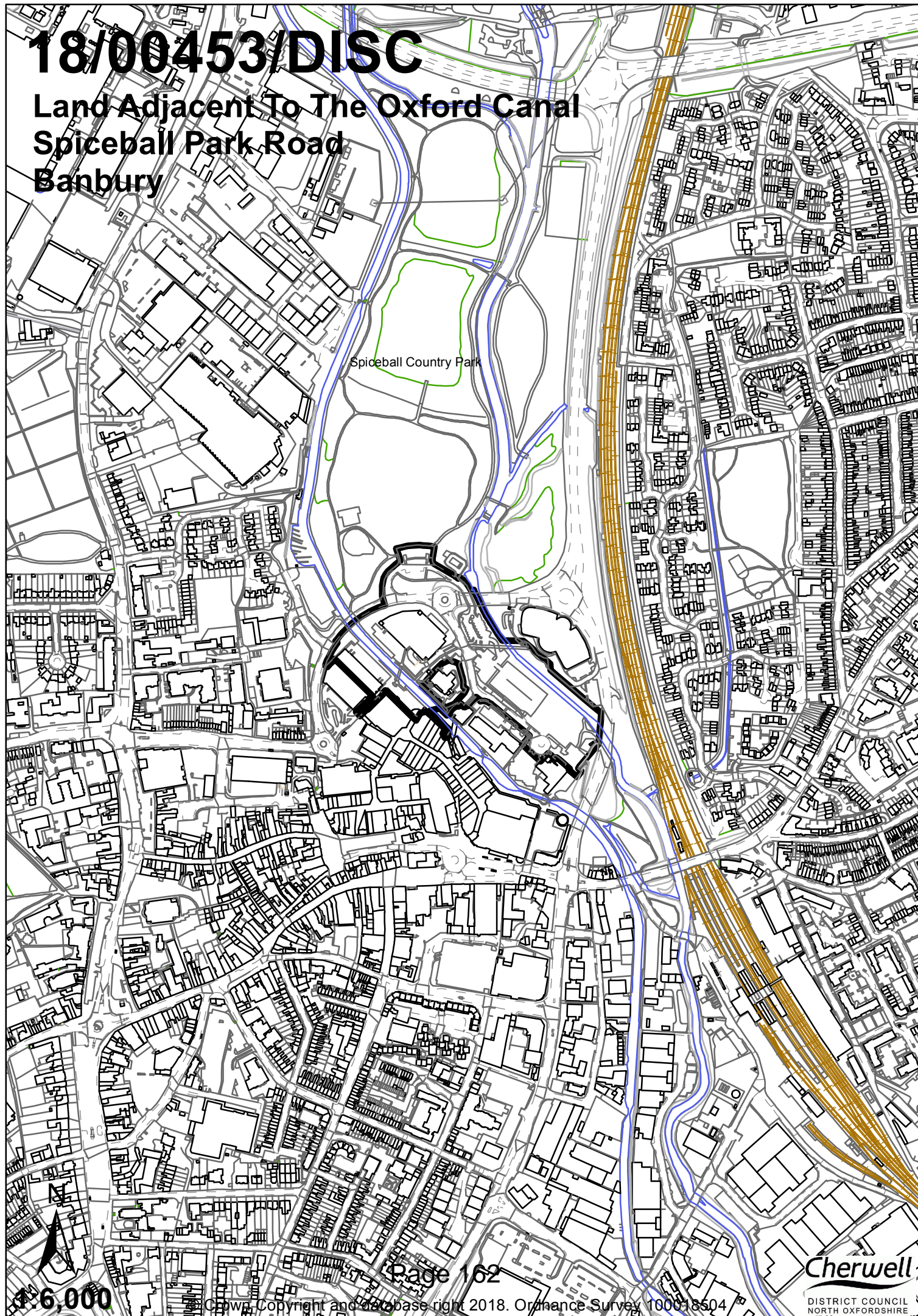
## Land Adjacent To The Oxford Canal Spiceball Park Road Banbury





# 18/00453/DISC

Land Adjacent To The Oxford Canal  
Spiceball Park Road  
Banbury



Spiceball Country Park

**Applicant:** Cherwell District Council

**Proposal:** Discharge of conditions 13 (ecological avoidance and mitigation), 14 (ecological enhancement), 15 (landscaping), 18 (Arboricultural method statement), 26 (parking specification details) and 32 (construction traffic management and phasing plan) of 16/02366/OUT

**Ward:** Banbury Cross And Neithrop

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

**Reason for Referral:** Cherwell District Council has taken over as developer of this site

**Expiry Date:** 10 January 2019      **Committee Date:** 13 December 2018

**Recommendation:** Approve

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

### **Proposal**

This application relates to the Castle Quay 2 development proposals on both sides of the Oxford Canal in Banbury the application seeks the clearance of conditions attached to the outline planning permission.

### **Consultations**

Consultation responses are awaited at the time of writing the report

### **Conclusion**

The application has been brought early to the Committee to enable the scheme to be implemented early in the New Year. Preliminary consideration of the details submitted indicates that all matters should be able to be cleared quickly.

**RECOMMENDATION – APPROVE the discharge of conditions (on condition 26) and DELEGATED AUTHORITY (on conditions 13,14,15,18 and 32)**

**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. This application relates to the Castle Quay 2 development proposals on both sides of the Oxford Canal in Banbury

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

- 2.1. This application seeks the clearance of conditions attached to the outline planning permission. Approval is sought for details concerning

- Ecological measures (conditions 13 and 14)
- Landscaping (condition 15)
- Arboricultural method statement (condition 18)
- Parking specifications (condition 26)
- Construction traffic management (condition 32)

## **3. RELEVANT PLANNING HISTORY**

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
13/01601/OUT	Outline planning permission for the redevelopment of land adjacent to the Oxford Canal comprising; the demolition of the Castle Quay Shopping Centre northern car park and the General Foods Sports and Social Club; change of use of part of the ground floor of the Castle Quay Shopping Centre southern car park and associated works; the erection of a retail foodstore (Use Class A1), hotel (Use Class C3), cinema (Use Class D2), restaurants and cafes (Use Class A3 and A4) and altered vehicular and pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road	Application Permitted
16/02366/OUT	Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT -	Application Permitted

Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block and Condition 9 to be removed as no longer justified.

17/00284/REM	Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping.	Application Permitted
17/00147/DISC	Discharge of conditions 1 (reserved matters application), 5 (flood mitigation), 6 (flood management scheme), 7 (floodplain compensation), 9 (archaeological organisation), 10 (archaeological evaluation), 11 (investigation for archaeological mitigation), 12 (archaeological mitigation), 21 (Noise), 23 (surface water and foul drainage) 25 (phasing of works) and 31(SUDs drainage scheme) of 16/02366/OUT	Application permitted
18/00454/DISC	Discharge of conditions 2 (materials) and 4 (levels) of 17/00284/REM	Pending Consideration
18/00142/NMA	Non-Material Amendment to 16/02366/OUT and 17/00284/REM - Block B canopy amendments	Pending Consideration

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

- 4.1 Pre-application discussions have taken place with regard to these conditions and on others on the reserved matters application that is the subject of a separate application.

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

- 5.1. This application has not been publicised due to the technical nature of the submissions

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

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

#### **STATUTORY CONSULTEES**

- 6.2. OCC (as Local Highway Authority) Discussions are being held with regards to construction traffic management. A formal response is expected before Committee

## NON-STATUTORY CONSULTEES

- 6.3. CANAL AND RIVER TRUST – No comments received
- 6.4. CDC ARBORICULTURE AND LANDSCAPE SERVICES – No comments received
- 6.5. CDC ECOLOGY – No comments received
- 6.6. CDC ENVIRONMENTAL HEALTH – No comments received

All comments received before Committee will be reported in a written update for Committee

## **7. APPRAISAL**

- 7.1 Conditions 13 and 14 require details of measures to be taken to avoid ecological harm and provide mitigation, and to show ecological enhancements. An Ecological Avoidance, Mitigation and Enhancement Strategy have been submitted. This includes the strategy for avoiding harm to nesting birds, roosting bats, reptiles and riparian mammals. Approval of the steps to be taken is awaited from the Council's Ecologist.
- 7.2 The second ecology condition requires steps to be taken to provide habitats. This is proposed to include nesting boxes for swifts and house sparrows; bat roosting bricks, and landscaping with particular thought for wildlife requirements especially along the river corridor. Again we are currently awaiting the opinion of the Council's ecologist.
- 7.3 Hard and soft landscaping details have been submitted to discharge conditions 15 and 18. Comments from the Council's landscape architect and Arboricultural officers are awaited.
- 7.4 The hard paving construction specification document submitted to discharge condition 15 also includes details of the specification of the parking areas. A preliminary assessment of these indicates that these details are satisfactory, but a second opinion from OCC will be sought.
- 7.5 The contractors have submitted a traffic management method statement. OCC are currently having discussions about the strategy proposed. A written update will be provided at Committee.
- 7.6 Preliminary consideration of the details submitted indicates that all matters should be able to be cleared quickly

## **8. RECOMMENDATION**

- a) That Condition 26 be discharged in accordance with the submitted drawings
- b) That delegated authority be given to the Assistant Director of Planning Policy and Development to discharge conditions 13,14,15,18 and 32 following receipt of responses from consultees

CASE OFFICER: Bob Duxbury

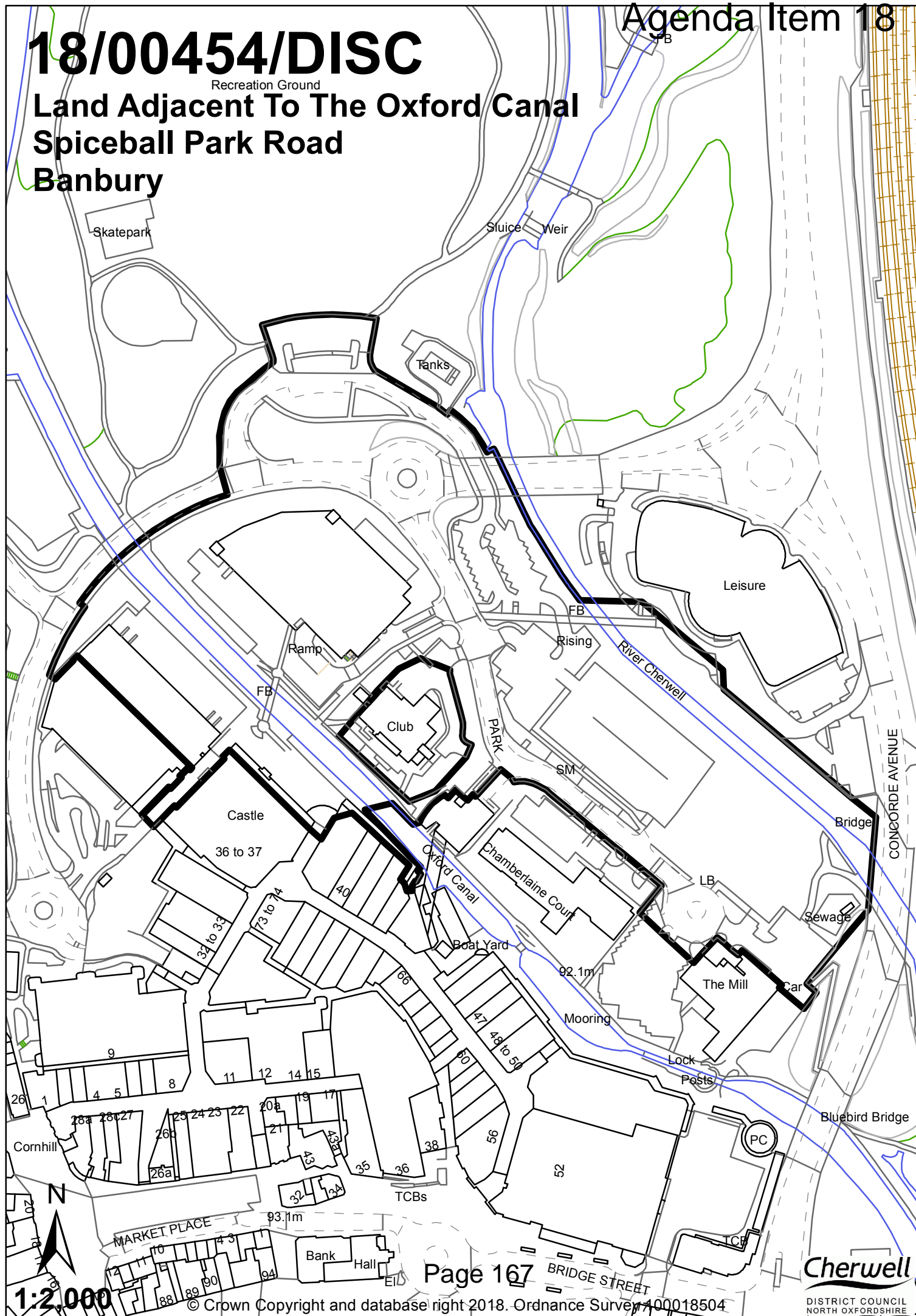
TEL: 01295 221821



# 18/00454/DISC

Recreation Ground

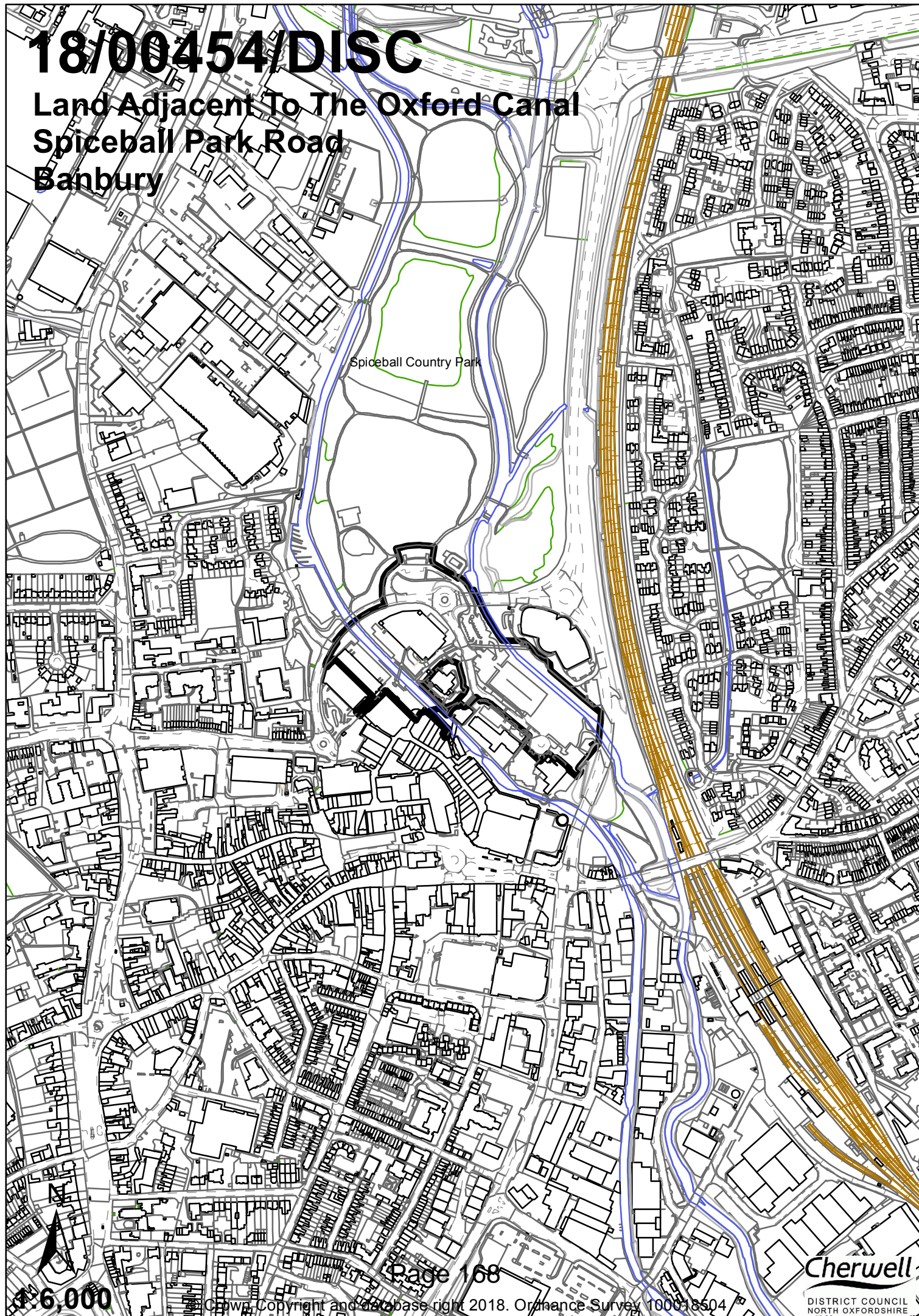
## Land Adjacent To The Oxford Canal Spiceball Park Road Banbury





# 18/00454/DISC

Land Adjacent To The Oxford Canal  
Spiceball Park Road  
Banbury



Spiceball Country Park



**Applicant:** Cherwell District Council

**Proposal:** Discharge of conditions 2 (materials) and 4 (levels) of 17/00284/REM

**Ward:** Banbury Cross And Neithrop

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

**Reason for Referral:** Cherwell District Council has taken over as developer of this site

**Expiry Date:** 10 January 2019      **Committee Date:** 13 December 2018

**Recommendation:** Approve

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

### **Proposal**

This application seeks the clearance of conditions attached to the reserved matters approval.

### **Consultations**

The comments of OCC as lead local flood authority are awaited and will be reported to Committee.

### **Conclusion**

The materials to be used for the hotel and cinema blocks are vital to the overall character and appearance of these prominent buildings. Subject to the satisfactory conclusion of discussions on the colouration of the cladding for the cinema block the materials are considered acceptable

## **RECOMMENDATION – DELEGATED AUTHORITY to approve 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. This application relates to the Castle Quay 2 development proposals on both sides of the Oxford Canal in Banbury

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks the clearance of conditions attached to the reserved matters approval. Approval is sought for details concerning
- Materials (condition 2)
  - Levels (condition 4)
- 2.2 The application is accompanied by detailed elevation drawings in which the proposed materials are specified for all 3 proposed blocks (A - Hotel B – Cinema; C- Foodstore).
- 2.3 For the hotel block (Block A) the proposal is that the material for the upper floors will be predominantly a red stock brick with vertical contrast panels in a cream stock brick. The ground floor facing the canal will largely be curtain wall glazing set in metal pilasters and beam encasing.
- 2.4 Block B (the cinema block) will have a covered colonnade to the canal towpath framed in metal pilasters and beam encasings to match the ground floor of the hotel. On the return elevations facing the club and the road the material to be used will be cream brick. At first floor level the cinema foyer has glazed curtain walling in the same metal pilasters and beam encasing. The cinema (which sits above the two lower floors described above) is proposed to be clad in metal cladding with spaced fins. The current scheme has two options with one having gold coloured cladding with grey fins, whilst the other is grey cladding with gold fins. On the rear elevation to Spiceball Park Road the cinema “box” sits over the undercroft car parking. The parapet walls and ramps of the parking structure are proposed to be in white painted fair faced concrete.
- 2.5 Finally Block C (the foodstore) will have a glazed curtain wall at two floors high to its car park. The proposed elevation to Spiceball Park Road will have the bottom floor car park faced with Flint coloured Forticrete bricks, with the lower floor of the foodstore in white render with white metal cladding above. This combination of materials is repeated on the rear elevation to the river (albeit that the bottom floor to the car park has a steel wire system to allow flood water to go into that lower floor if necessary).

## 3. RELEVANT PLANNING HISTORY

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

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

	pedestrian accesses, landscaping, construction of infrastructure, car parking and associated works, including glazed canopy over the Oxford Canal and the construction of pedestrian/cycle bridges over the Oxford Canal and River Cherwell. Details of new vehicular access off Cherwell Drive and alterations to Spiceball Park Road	
16/02366/OUT	Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum deviations in block and Condition 9 to be removed as no longer justified.	Application Permitted
17/00284/REM	Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping.	Application Permitted
17/00147/DISC	Discharge of conditions 1 (reserved matters application), 5 (flood mitigation), 6 (flood management scheme), 7 (floodplain compensation), 9 (archaeological organisation), 10 (archaeological evaluation), 11 (investigation for archaeological mitigation), 12 (archaeological mitigation), 21 (Noise), 23 (surface water and foul drainage) 25 (phasing of works) and 31(SUDs drainage scheme) of 16/02366/OUT	Application approved
18/00453/DISC	Discharge of conditions 13 (ecological avoidance and mitigation), 14 (ecological enhancement), 15 (landscaping), 18 (arboricultural method statement), 26 (parking specification details) and 32 (construction traffic management and phasing plan) of 16/02366/OUT	Pending Decision
18/00142/NMA	Non-Material Amendment to 16/02366/OUT and 17/00284/REM - Block B canopy amendments	Pending Consideration

#### 4. PRE-APPLICATION DISCUSSIONS

- 4.1 Pre-application discussions have taken place with regard to these conditions and on others on the reserved matters application that are the subject of a separate application.

## **5. RESPONSE TO PUBLICITY**

- 5.1. This application has not been publicised due to the technical nature of the submissions

## **6. RESPONSE TO CONSULTATION**

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

### STATUTORY CONSULTEES

- 6.2. OCC (as lead local flood authority) – Comments are awaited

## **7. APPRAISAL**

- 7.1 The materials to be used for the hotel and cinema blocks are vital to the overall character and appearance of these prominent buildings. It should be recalled that the hotel and cinema blocks border the Oxford Canal Conservation Area. The hotel elevation patterning and colouration closely follows the drawings submitted as part of the reserved matters scheme that was approved by Committee earlier this year. The use of red and cream stock bricks is considered appropriate in this context, seeing the new building alongside the existing Castle Quay buildings and Banbury Museum
- 7.2 The cinema building has at ground floor common design and material elements that will tie the two buildings together and make them complimentary to one another. The cladding colour choice is much more subjective however. This building will be an important part of the night time economy of Banbury in the future. It can be allowed to express its function as a cinema by being more flamboyant. The use of gold cladding as the predominant material would be a bold choice. At the time of writing this approach was still being considered by your planning officers in conjunction with the client side of the project.
- 7.3 The materials proposed for the foodstore are considered acceptable in this context.
- 7.4 Subject to the satisfactory conclusion of discussions on the colouration of the cladding for the cinema block the materials are considered acceptable
- 7.4 The levels information appears acceptable. Confirmation of this is awaited from OCC as lead local flood authority. It is suggested that a planning note is attached to the approval to ensure that the applicant also checks these levels comply with the approvals that they have previously gained from the Environment Agency.

## **8. RECOMMENDATION**

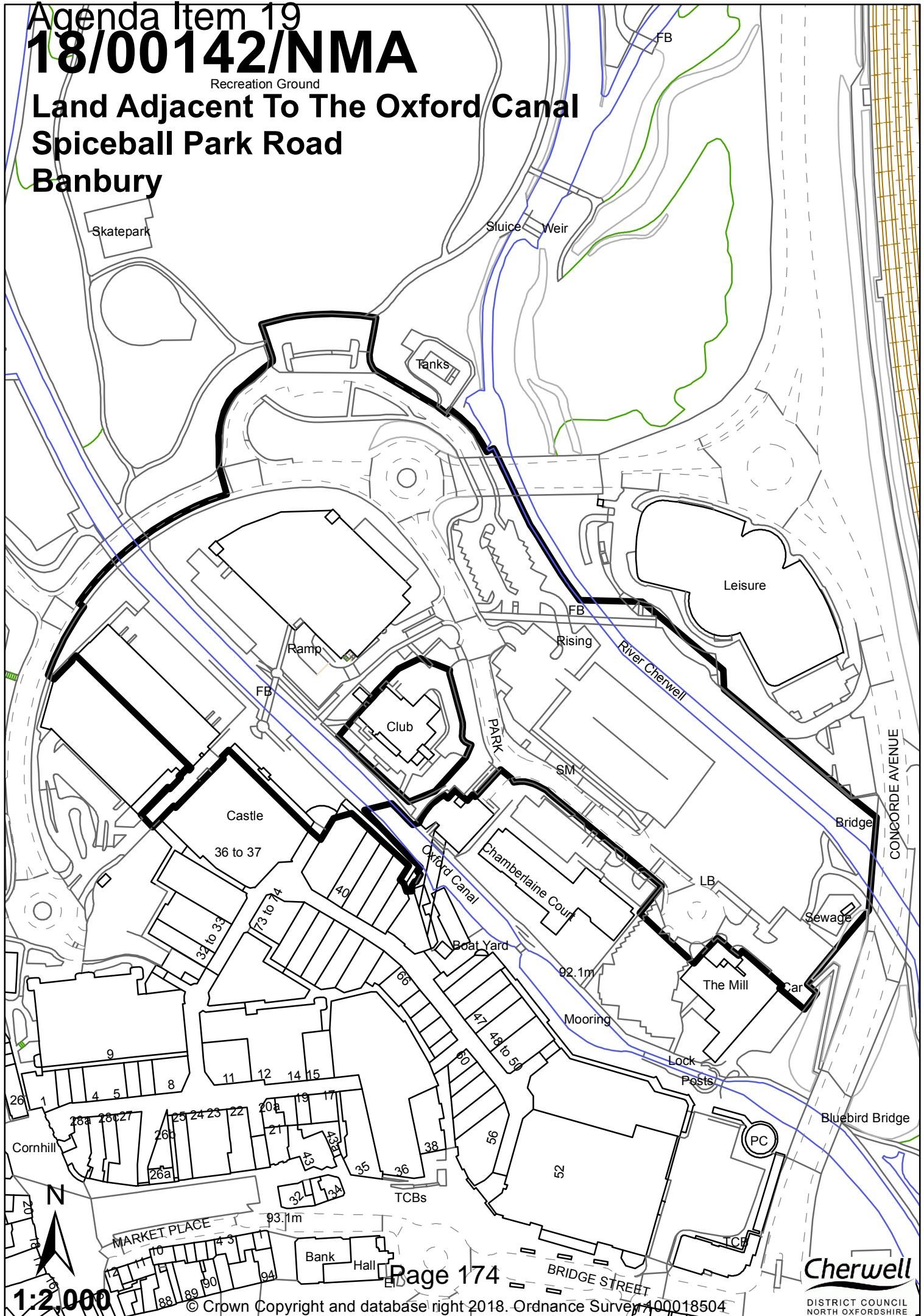
That delegated authority be given to the Assistant Director of Planning Policy and Development to discharge conditions 2 and 4 subject to the conclusion of discussions on cladding colouration and the receipt of comments from OCC



# Agenda Item 19 18/00142/NMA

Recreation Ground

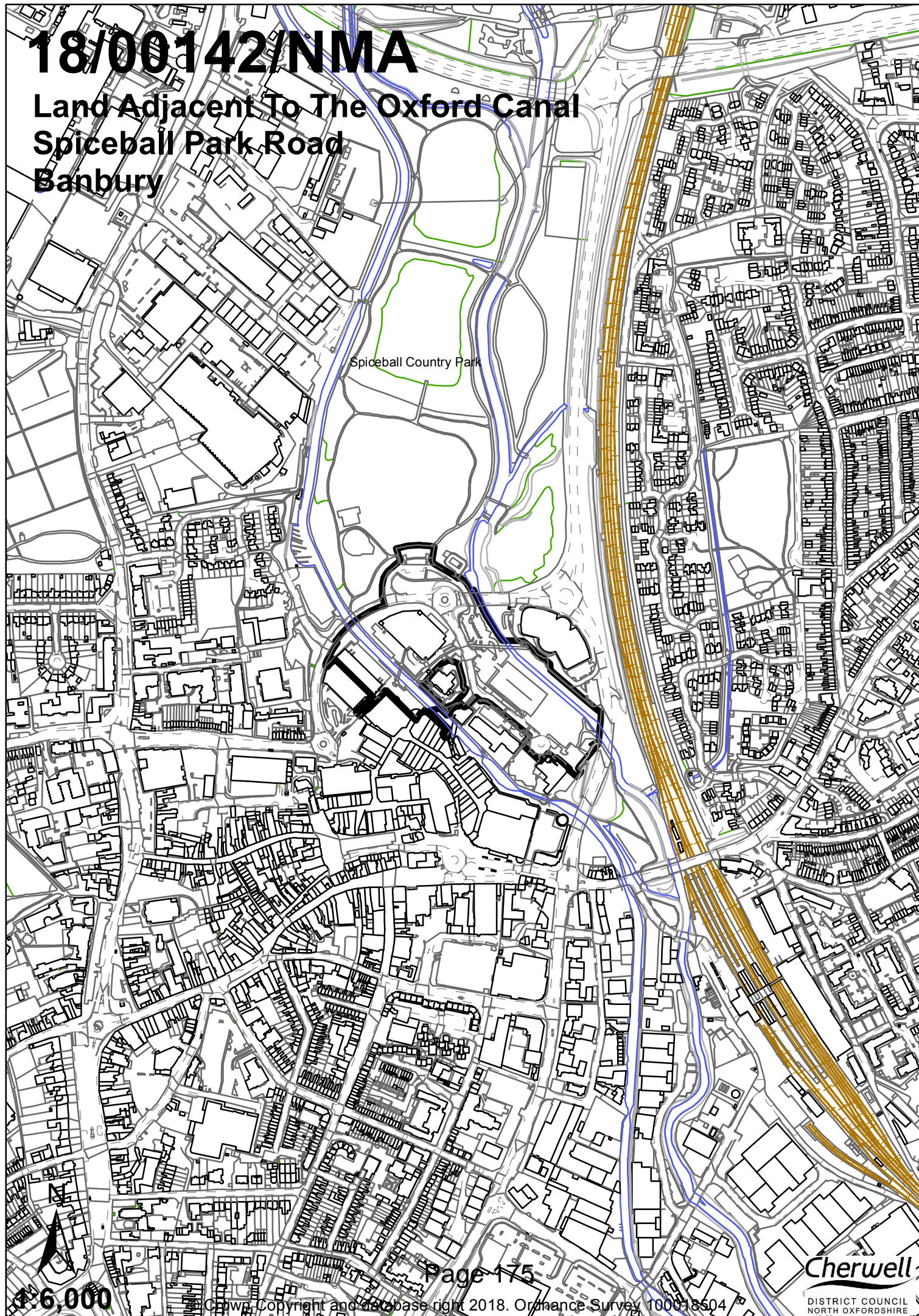
## Land Adjacent To The Oxford Canal Spiceball Park Road Banbury





# 18/00142/NMA

Land Adjacent To The Oxford Canal  
Spiceball Park Road  
Banbury



**Applicant:** Cherwell District Council

**Proposal:** Non-Material Amendment to 16/02366/OUT and 17/00284/REM - Block B canopy amendments

**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:** 13 December 2018      **Committee Date:** 13 December 2018

**Recommendation:** Approve

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

### **Proposal**

The application seeks to capture the minor design evolutions that are proposed to the elevations of this block through engagement with the contractors and detailed design

### **Consultations**

No consultations have been undertaken with regard to this proposal.

### **Conclusion**

The key issue arising from this proposal is whether the change proposed amounts to a non-material amendment to the elevational details of the approved building.

The report concludes that the change can be accepted as a non-material change and would not cause a materially harmful impact to visual amenity.

### **RECOMMENDATION - GRANT Approval for the Non Material amendment**

**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. This application relates to the Castle Quay 2 development proposals on both sides of the Oxford Canal in Banbury. This specific amendment proposes a change to what is known as Block B – the block containing the cinema and restaurants.



## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks to capture the minor design evolutions that are proposed to the elevations of this block through engagement with the contractors and detailed design. The largest change is that the colonnade on the eastern elevation at ground floor level is to be straightened so that rather than splaying away from the building to follow the alignment of the footpath leading to Spiceball Park Road it is now proposed to run parallel with the external wall of the building.
- 2.2. Other small changes are the change to the glazing system on the first floor cinema foyer and the addition of an external screen structure
- 2.3. These changes are proposed as non-material changes to the approved plans due to them being minor in nature and having no significant impact upon the external appearance 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>
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 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	Application Permitted
16/02366/OUT	Removal/ Variation of conditions 4 (list of approved drawings) and 9 (enhancement of River Cherwell) to 13/01601/OUT - Condition 4 to be varied to reflect alterations in the access and servicing strategy for Block C, with variations to maximum	Application Permitted

deviations in block and Condition 9 to be removed as no longer justified.

17/00284/REM	Reserved Matters Application to 16/02366/OUT across the whole development site is sought. Application for approval of reserved matters for scale, layout, appearance and landscaping.	Application Permitted
17/00147/DISC	Discharge of conditions 1 (reserved matters application), 5 (flood mitigation), 6 (flood management scheme), 7 (floodplain compensation), 9 (archaeological organisation), 10 (archaeological evaluation), 11 (investigation for archaeological mitigation), 12 (archaeological mitigation), 21 (Noise), 23 (surface water and foul drainage) 25 (phasing of works) and 31(SUDs drainage scheme) of 16/02366/OUT	Application permitted at the November Planning Committee
18/00453/DISC	Discharge of conditions 13 (ecological avoidance and mitigation), 14 (ecological enhancement), 15 (landscaping), 18 (arboricultural method statement), 26 (parking specification details) and 32 (construction traffic management and phasing plan) of 16/02366/OUT	Pending Decision
18/00454/DISC	Discharge of conditions 2 (materials) and 4 (levels) of 17/00284/REM	Pending Decision

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

- 4.1 Pre-application discussions have taken place with regard to these changes and on the discharge of conditions others on the outline and reserved matters approvals that are the subject of separate applications on this agenda

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

- 5.1. This application has not been publicised as the Regulations do not require such publicity or consultation

#### **6. APPRAISAL**

- 6.1 The changes proposed through this non-material amendment application are genuinely minor and will not change the appearance of the building in any significant way. The change to the colonnade design is a simplification of the building and is considered to be an improvement. The changes to the glazing system will not be readily detectable from the canal side. The addition of the proposed external screen

structure will be visible from across the canal but is a minor feature on this large building.

- 6.2 The external screen is designed to be viewed from the external terrace which is attached to the foyer of the cinema. This is an appropriate additional facility in this location. It is important however that any external sound system that was associated with the use of the screen produces only a level of sound that is suitably low and will not disturb the enjoyment of the nearest residential properties and hence a condition is proposed.
- 6.3 Notwithstanding the above comments with regards to the external screen these changes are considered minor and non-material and would not cause a materially harmful impact to visual amenity, and therefore the proposed changes are recommended for approval.

## **7. RECOMMENDATION**

That the proposed Non Material Amendment be granted in accordance with the following wording:

Cherwell District Council, as Local Planning Authority, hereby approves the non-material amendment described in application ref.no.18/00142/NMA in accordance with the application form and drawing numbers set out in the agent's letter dated 15 November 2018. The non-material amendment application, hereby approved, does not nullify the conditions imposed in respect of planning permission 17/00573/CDC. These conditions must be adhered to so as to ensure that the development is lawful.

This approval is subject to an additional condition as follows;

In relation to the installation of the external screen no associated sound amplifying equipment shall be installed or operated without the prior consent of the Local Planning Authority.

CASE OFFICER: Bob Duxbury

TEL: 01295 221821

# Agenda Item 20

## Cherwell District Council

### Planning Committee

13 December 2018

#### Appeals Progress Report

#### Report of Assistant Director of Planning Policy and Development

This report is public

#### Purpose of Report

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

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

#### 2.0 Report Details

##### 2.1 New Appeals

None

##### 2.2 Appeals in progress

##### Public Inquiries:

**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 the 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.

**Start Date:** 04.09.2018 **Statement Due:** 16.10.2018 **Decision:** Awaited

##### Informal Hearings:

None

## Written Reps:

**17/01919/F - 30 Arbury Close, Banbury, OX16 9TE** – Appeal by Mrs Fiaz - Change of use of open space to residential and two storey side and part rear extension (revised scheme of 17/00460/F).

**Start Date:** 17.09.2018 **Statement Due:** 22.10.2018 **Decision:** Awaited

**17/02561/F - Land On The North Side Of Water Lane, Fewcott** – Appeal by Mr and Mrs Douglas - Erection of new two-storey dwelling and associated ancillary buildings

**Start Date:** 04.10.2018 **Statement Due:** 11.10.2018 **Decision:** Awaited

**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

**Start Date:** 05.09.2018 **Statement Due:** 10.10.2018 **Decision:** Awaited

**18/00278/F Land Adj To West Cottages, Bicester Road, Stratton Audley.** Appeal by Stonebridge Investments against the refusal of Planning Permission for erection of detached dwelling house including demolition of existing single garage.

**Start Date:** 26.10.2018 **Statement Due:** 30.11.2018 **Decision:** Awaited

**18/00439/F - 49A Castle Street, Banbury, OX16 5NX** – Appeal by Teesbourne Properties Limited - Change of Use from Offices to Residential apartments (revised scheme of application 17/00681/F).

**Start Date:** 10.10.2018 **Statement Due:** 09.11.2018 **Decision:** Awaited

**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.

**Start Date:** 14.08.2018 **Statement Due:** N/A **Decision:** Awaited

- 2.3 Forthcoming Public Inquires and Hearings between 14 December and the 17 January 2019:

None

## 2.4 Results

Inspectors appointed by the Secretary of State have:

1. **Dismissed the appeal by Mrs Lewis for Erection of new dwelling house. Byeways, East End, Hook Norton, Banbury, OX15 5LG – 17/02292/F (Delegated)**

This appeal related to refusal of full planning permission (17/02292/F) for the erection of a new dwelling house on land at Byeways Hook Norton. The access to the site lies within the Hook Norton Conservation Area, the remainder of the site being outside.

The Inspector considered that the main issue was whether the proposed development would preserve or enhance the character or appearance of the Hook Norton Conservation Area (the Conservation Area), and the surrounding area more generally.

The Inspector noted that currently the appeal site serves to provide a visual break between two areas of distinct development - more modern development to the north, and more traditionally detailed and proportioned properties fronting the main street to the south - and as such has some importance in the pattern of development in the area, and further agreed with Council opinion that the site had a closer association with the character of development to the south.

The Inspector noted that there is a sense of spaciousness when within the site and the appeal site serves to provide a visual break, between existing residential developments. The Inspector considered that the proposed dwelling, together with associated parking provision, would intensify the site's domestic appearance, which would have a discordant and harmful effect on the area. The Inspector further acknowledged the proximity of the PRow which runs through the site and that significant views would be had from this route. The addition of the proposed dwelling with parking was considered to impinge on this spaciousness and the development would therefore be visually incongruous, not well related to the surrounding built form.

The Inspector did not share the Council's concerns with regards to specific design details of the proposed dwelling, subject to approval of specific materials, and considered that the formalisation of the existing part of the track to form the access would have a negligible impact on the character and appearance of the conservation area.

The Inspector concluded that the proposed development would have a harmful impact on the character and appearance of the surrounding area, and on the setting of the conservation area. Consequently the proposal would fail to accord with policies C28, C30 and C33 of the Cherwell Local Plan (1996) and Policy ESD 15 of the Cherwell Local Plan – Part 1 (2011-2031), and also with Policies HN-CC 1, HN-CC 2 and HN-CC 3 of the Hook Norton Neighbourhood Plan.

**2. Dismissed the appeal by Mr Partridge for Erection of 2 bedroom, 2 storey dwelling and division of existing double garage to provide a single garage and parking for the new dwelling. 17 The Camellias, Banbury, OX16 1YT – 17/02203/F (Delegated)**

This appeal related to refusal of full planning permission for the erection of a 2 bedroom, 2 storey dwelling and division of existing double garage to provide a

single garage and parking for the new dwelling. The appeal site is currently garden land associated with 17 The Camellias Banbury.

The Inspector considered that the main issues were the effect of the proposal on: (i) the character and appearance of the area; (ii) highway safety; (iii) existing residential amenity (iv) future occupant amenity

The Inspector disagreed with the Council with regard to the level of harm that would result from the proposed development, concluding that the proposal would not appear as an incongruous or discordant feature and would not be at odds with the existing characteristics of the area; therefore being considered acceptable in this regard.

However, the Inspector agreed with the Council in all other respects: With regards to highway safety the Inspector found that given the inconvenience of the internal space (smaller than OCC guidance), it would be likely vehicles associated with the dwellings would be likely to be parked in the public highway close to the dwellings which would be likely to have an adverse effect upon the operation of an adjacent turning head, making it difficult for other road users to use when vehicles were parked within it. It was considered that the scheme failed to make adequate provision for off-street parking which would be harmful to highway safety, in conflict with Policy ESD15 of the Cherwell Local Plan – Part 1 (2031) and unacceptable in this regard.

The Inspector agreed that the proposal would result in development being located closer to the rear elevation of No 17 Conifer Rise to the west of the site. The proposal would introduce a large built element into these views, at closer proximity than the existing dwelling, resulting in a reduced outlook from this property with the remaining view would be dominated by the side elevation of the proposal. This would result in harm to the living conditions of occupiers of this property and would be likely to reduce the enjoyment of their home as a result.

The Inspector agreed that the proposal would adversely affect the amenities of the host property. The proposed dwelling would be sited on an area of side garden and whilst some garden would remain the area of retained garden slopes down steeply from south to north and would be of little practical use to the occupiers of this property. The Inspector opined that the garden areas retained with the host property would not be of sufficient quality to provide acceptable living conditions for the occupiers of it, with regard to outdoor amenity space. The proposal would thus conflict with Policy ESD 15 of the Cherwell Local Plan – Part 1 (2031) and saved Policy C30 of the Cherwell Local Plan (1996).

With regards to future occupant amenity the Inspector considered that the proposal adequately provided for the day to day requirements of its intended future occupiers in terms of internal space and would result in acceptable living conditions in this respect. However, the Inspector reiterated his concerns with regards to the usefulness of the external garden/amenity areas and that the scheme would result in harm to the living conditions of the future

occupiers in terms of poor quality outdoor garden space, contrary to the development plan policies highlighted above.

The Inspector concluded that whilst the proposed development would not harm the character or appearance of the area, this did not outweigh the harm that he identified with regard to living conditions and highway safety in this instance.

**3. Allowed the appeal by Mr Benians for Extension to existing dwelling, landscaping, formation of an additional access from the road and change of use of land from agricultural to residential purpose. South Barn, Street From Wigginton To Swerford, Wigginton, Banbury, OX15 4LG – 17/02014/F (Delegated)**

This appeal related to refusal of full planning permission (17/02014/F) 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 on land South Barn, Wigginton. The site is a previously converted barn that sits in open countryside to the north-west of the A361 between the villages of Swerford and Wigginton.

The Inspector considered that the main issue was the effect of the proposed development on the character and appearance of the countryside.

The original application had been refused on the grounds that the proposed development, by virtue of its siting, scale and form, would represent a disproportionate and inappropriate form of over-development of the site, which would fail to reflect or reinforce the rural character and appearance of the existing site and form and arrangement of the former agricultural buildings. This coupled with the extended residential curtilage would see an expansion of the built form and residential use intruding into the open countryside causing harm to visual amenities of the site and its setting within the rural landscape; contrary to the provisions and aims of saved Policy C28 of the Cherwell Local Plan 1996, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework with regards to conserving and enhancing the natural environment.

The Inspector was mindful that permission had previously been granted for a similar development, albeit with the omission of a single storey bedroom extension, under application 17/00664/F, and the Inspector limited his consideration to the elements that differed from the previous consent, i.e. alterations to the original main barn, development of the single storey bedroom wing, and expansion of the residential use into the countryside.

The Inspector noted that the existing building had been a residential dwelling for some time and therefore considered the proposed development as an extension to a residential dwelling in a rural context, rather than the conversion of farm buildings.



In this context, he concluded the proposed extension would be in keeping with the existing building and, subject to the proposed new landscaping being secured by condition, would not cause undue visual intrusion into the countryside.

The Inspector noted the Council's concerns regarding pressure for incremental development to provide additional accommodation, but found that the proposed change of use of land was limited to the construction of the bedroom wing and that such harm would be mitigated by the orchard within proposed landscaping scheme, which would retain the area's rural character; and that these measures would together safeguard the character of the countryside and the proposed development therefore according with provisions of the NPPF (Para. 170) which seek to conserve and enhance the natural environment.

The Inspector considered the proposals acceptable subject to a schedule of conditions to include prior approval of materials, landscaping and access, along with restrictions on permitted development rights.

**4. Dismissed the appeal by Mr Harris for Change of use from garage/workshop to two bed cottage - Re-submission of 17/00492/F. Portway Cottage, Ardley Road, Somerton, Bicester, OX25 6NN – 17/02366/F (Delegated)**

The appeal related to a refusal for full planning permission for the change of use from garage/workshop to two bed cottage.

The Inspector considered that the main issues were the suitability of the location for new residential unit given its location in the countryside, and the effect on the character and appearance of the area.

The appeal site lies outside any defined settlement boundary and within the countryside. The building itself comprises an existing outbuilding, adjacent to the parking area associated with the existing dwelling at the site. Also located at the site are various buildings associated with the cattery business which operates from the site.

The Appellant suggested that the conversion of the building was required in order to meet an essential need for a rural worker to reside at the site. The Inspector found that there had been no information submitted as to the frequency of such visits, or the impact on the operation of the cattery business. Furthermore, the Appellant referenced the benefits of having two trained persons when hand rearing kittens, with reference to the "kitten season", but the inspector noted that there was no reference to the frequency of such activities or whether two members of staff were required at all times of day for this activity, and held that the mention of 'season' suggested a requirement for a defined period of time and not an all year round requirement. Additionally, the Inspector noted that the existing dwelling on site currently provides permanent residence, with no detailed evidence of the breakdown of activities on the site that would require more than one person on site at all times. It had not been demonstrated that other options had been

explored, such as additional overnight accommodation within the existing dwelling, having a night shift worker, or having a person on call when certain times arise. The Inspector therefore concluded that an essential need for an additional dwelling at the site had not been demonstrated, finding that that neither safety of boarding cats or continued viability of the business would be jeopardised by the lack of a further dwelling on the site.

The Inspector also found that the introduction of a further residential unit into the countryside, resulting in the subdivision of the site, laying out of a garden and parking area, which would likely contain additional domestic paraphernalia, would result in a further intrusion into the countryside at this location.

The Inspector concluded that the location would not be suitable for a new residential unit, conflicting with Policies ESD1, ESD13, ESD15 and Villages 1 of the CLP (2031) and saved Policies H18, H19, C8, C28 and C30 of the CLP (1996).

**5. Allowed the Appeal by Manor Oak Homes for OUTLINE - Development of up to 72 dwellings with associated large area of public open space. All matters reserved except for access. OS Parcel 4846 South East Of Launton Road And North East Of Sewage Works, Blackthorn Road, Launton – 17/01173/OUT (Committee)**

This appeal was subject of a Public Inquiry in July. At the inquiry the Inspector identified the main issues to be:

- Whether Cherwell District Council (“the Council”) could demonstrate a five year supply of land for housing;
- Whether the proposal would be in accordance with the Council’s housing strategy; and
- Whether the proposal would cause harm to the built form, character and setting of Launton village.

During the course of the appeal the Appellant submitted a revised proposal for 70 dwellings which in the Council’s view addressed refusal reason 4 relating to lack of provision outside of the flood risk area for recreation and children’s play space. And in the days immediately before the Inquiry the Appellant’s amended proposals and revised modelling information were adjudged by the Environment Agency and Oxfordshire County Council to have adequately addressed their concerns relating to flood risk and drainage. Accordingly the Council withdrew refusal reason 3. In addition a satisfactory planning obligation was provided which overcame refusal reason 5. Notwithstanding the above the Inspector made his decision based on a proposal for up to 72 dwellings.

On the matter of the Council’s housing strategy, the Inspector noted that the Local Plan focusses the bulk of its 22,840 house allocation on Bicester, Banbury and Heyford, limited growth in the rural areas and directing any such development in the rural areas to the larger and more sustainable villages.

The Inspector noted that Launton was identified as a category A village and that a total of 750 homes will be delivered at category A villages over the course of the Plan period. The Inspector found that there was no further guidance about distribution of delivery within the villages and no timeframe or trajectory for delivery associated with the overall figure.

Four previous Inspectors (Kirtlington, Cropredy and Finmere x 2) who had all concluded that the provision of significant numbers of new homes in one location at an early stage of the Local Plan period, “would leave little scope for development in the other Category A villages either in terms of numbers or timing and would thus not be in accordance with the housing strategy for the villages as set out in the Local Plan.”

However, the Launton Inspector disagreed with these conclusions, as “none of these have been the subject of the full scrutiny of Public Inquiry”. He also found that in most of those decisions there had been other issues related to either heritage or sustainability. He also considered that in terms of timing, “matters [had] moved on” since the last of those decisions in April 2018.

The Inspector also focussed on the word ‘delivery’ in Policy Villages 2, concluding that only 103 dwellings had been delivered of the 664 approved. He also stated that the current delivery rate of 34 units per annum at category A villages would be “too low to reach 750 in the plan period” if it continued, though elsewhere in the Inquiry he agreed with the Appellant that approved housing could take five years to come forward. The Inspector placed weight on the fact that he had not been provided with evidence that the granting of permission at Launton would prevent development at a more sustainable location in another category A village.

Overall, the Inspector concluded that the proposal would not materially conflict with Policy Villages 2.

In addition, the Inspector concluded that the proposal would cause no harm at all to the character and setting of Launton. The Inspector agreed with the Appellant that the proposal would not “result in the appearance that the village boundary had appreciably extended into the open countryside as the development would be within the village entrance demarcation and would be well contained by landscape features”.

The Inspector commented that since he was concluding the proposal accorded with the Local Plan he did not need to form a view on the Council’s housing land supply.

### **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

## Document Information

Appendix No	Title
None	
Background Papers	
None	
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