

Committee: Planning Committee
Date: Thursday 15 August 2019
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor James Macnamara (Chairman)

Councillor Andrew Beere
Councillor Hugo Brown
Councillor Colin Clarke
Councillor Chris Heath
Councillor David Hughes
Councillor Cassi Perry
Councillor G A Reynolds
Councillor Les Sibley

Councillor Maurice Billington (Vice-Chairman)

Councillor John Broad
Councillor Phil Chapman
Councillor Ian Corkin
Councillor Simon Holland
Councillor Mike Kerford-Byrnes
Councillor Lynn Pratt
Councillor Barry Richards
Councillor Katherine Tyson

Substitutes

Councillor Mike Bishop
Councillor John Donaldson
Councillor Tony Illott
Councillor Ian Middleton
Councillor Fraser Webster
Councillor Barry Wood

Councillor Surinder Dhesi
Councillor Timothy Hallchurch MBE
Councillor Tony Mephram
Councillor Douglas Webb
Councillor Bryn Williams
Councillor Sean Woodcock

AGENDA

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

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

3. Requests to Address the Meeting

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

4. Minutes (Pages 1 - 35)

To confirm as a correct record the Minutes of the meeting of the Committee held on 18 July 2019.

5. Chairman's Announcements

To receive communications from the Chairman.

6. Urgent Business

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

7. Proposed Pre-Committee Site Visits (if any)

Report of Assistant Director - Planning and Economy

This will be circulated at the meeting.

Planning Applications

8. Appleyard Alchester Road Chesterton OX26 1UW (Pages 38 - 51) 19/00597/F

9. Land At Skimmingdish Lane And Land And Roundabout At Bicester Road Launton (Pages 52 - 69) 19/00607/F

10. OS Parcel 3300 North Of Railway Line Adjoining Palmer Avenue Lower Arcott (Pages 70 - 102) 19/00644/F

11. Land To Rear Of No. 23 To 29 Crouch Street Banbury (Pages 103 - 126) 19/00777/F

12. Land South Of Home Farm House, Clifton Road, Deddington (Pages 127 - 157) 19/00831/OUT

Review and Monitoring Reports

13. Appeals Progress Report (Pages 158 - 167)

Report of Assistant Director for Planning and Economy

Summary

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 227956 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Aaron Hetherington, Democratic and Elections
aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Yvonne Rees
Chief Executive

Published on Wednesday 7 August 2019

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 18 July 2019 at 4.00 pm

Present: Councillor James Macnamara (Chairman)
Councillor Maurice Billington (Vice-Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Hugo Brown
Councillor Phil Chapman
Councillor Colin Clarke
Councillor Ian Corkin
Councillor Chris Heath
Councillor Simon Holland
Councillor David Hughes
Councillor Mike Kerford-Byrnes
Councillor Cassi Perry
Councillor G A Reynolds
Councillor Barry Richards
Councillor Les Sibley
Councillor Katherine Tyson

Substitute
Members: Councillor Barry Wood

Also
Present: Councillor Timothy Hallchurch MBE
Councillor Kieron Mallon
Councillor Richard Mould
Councillor Dan Sames

Apologies
for
absence: Councillor Lynn Pratt

Officers: Bob Duxbury, Joint Majors Manager
Caroline Ford, Principal Planning Officer
Linda Griffiths, Principal Planning Officer
James Kirkham, Principal Planning Officer
Nat Stock, Minors Team Leader
Andrew Lewis, Principal Planning Officer
Samantha Taylor, Principal Planning Officer
David Mytton, Solicitor
Aaron Hetherington, Democratic and Elections Team Leader

Declarations of Interest

8. S Grundon Services Ltd, Merton Street, Banbury, OX16 4RN.

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

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

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

9. 29 Murdock Road, Bicester, OX26 4PP.

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

11. Land to Rear Of No. 23 To 29, Crouch Street, Banbury.

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

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

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

14. Proposal for New Highway Aligned With Howes Lane, Bicester.

Councillor G A Reynolds, Declaration, as a member of Oxfordshire County Council who are the agents for the application.

Councillor Ian Corkin, Declaration, as a member of Oxfordshire County Council who are the agents for the application.

Councillor Les Sibley, Declaration, as a member of Bicester Town Council which had been consulted on the application and a further declaration as a member of Oxfordshire County Council who are the agents for the application.

Councillor Maurice Billington, Declaration, as a member of Oxfordshire County Council who are the agents for the application.

15. Part Of Railway Embankment North East Of Aldershot Farm, Howes Lane, Bicester.

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 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.

16. Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HD.

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

17. Unit 6, Chalker Way, Banbury, OX16 4XD.

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

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

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

18. Former The Admiral Holland, Woodgreen Avenue, Banbury.

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

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

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

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

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

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

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

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

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

declaration as a member of the Executive and would 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.

34 **Requests to Address the Meeting**

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

35 **Minutes**

The Minutes of the meeting held on 20 June 2019 were agreed as a correct record and signed by the Chairman.

36 **Chairman's Announcements**

The Chairman made the following announcements:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.
2. That the August Planning Committee would move from 22 August to 15 August 2019, and the October Planning Committee would move from 17 October to 24 October 2019. The start time would remain 4pm.
3. The Chairman, Vice Chairman, the Lead member for Planning and the committee thanked Bob Duxbury for his loyal service and wished him a happy retirement.

37 **Urgent Business**

There were no items of urgent business.

38 **Proposed Pre-Committee Site Visits (if any)**

There were no pre-Committee site visits proposed.

39 **S Grundon Services Ltd, Merton Street, Banbury, OX16 4RN**

The committee considered application 16/00472/OUT for the proposed residential redevelopment for approximately 200 units at S Grundon Services

Ltd, Merton Street, Banbury, OX16 4RN for Grundon Waste Management Ltd & Cemex UK.

Councillor Beere proposed that application 16/00472/OUT be deferred to allow a formal site visit to take place. Councillor Richards seconded the proposal.

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

Resolved

That application 16/00472/OUT be deferred to allow a formal site visit to take place.

40

29 Murdock Road, Bicester, OX26 4PP

The committee considered application 19/00722/F for the change of use to provide for an indoor go-karting facility (sui generis use), minor external alterations at 29 Murdock Road, Bicester, OX26 4PP for Go Karting For Fun Limited (trading As TeamSport).

Councillor Mould addressed the committee as Ward member.

Mr Plunket Forbes, local resident, addressed the committee in objection to the application.

Dave Rich, the applicant, addressed the committee in support of the application.

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

Resolved

That application 19/00722/F be approved, subject to

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Transport Statement, Noise Assessment dates 22 March 2019, Town Planning Statement (including Design and Access Statement), TeamSport Operation and Management Statement, 13531-PL-002 D, 13531-PL-007 A and 13531-PL-004 A.
3. Prior to the first use of the building for the development hereby approved, full details of the signage asking customers to respect

neighbours and leave quietly shall be submitted to and approved by in writing by the Local Planning Authority. Thereafter the signage shall be installed and retained on site in accordance with the approved details prior to the first use of the building for the development hereby approved.

4. Prior to the first use of the building for the development hereby approved, full details of the CCTV to be installed covering the north-west parking area shall be submitted to and approved by in writing by the Local Planning Authority. Thereafter the CCTV shall be installed and retained on site in accordance with the approved details, prior to the first use of the building for the development hereby approved.
5. Prior to the first use of the building for the development hereby approved, full details of the extraction and ventilation equipment to be installed shall be submitted to and approved by in writing by the Local Planning Authority. Thereafter the extraction and ventilation equipment shall be installed and retained on site in accordance with the approved details, prior to the first use of the building for the development hereby approved.
6. Prior to the first use of the building for the development hereby approved, the acoustic design features to mitigate the noise impact of the development shall be installed in accordance with the submitted Noise Assessment produced by Hann Tucker associates dated 22 March 2019. Thereafter the acoustic design features shall be retained in perpetuity.
7. The operational noise emissions from the karting centre shall not exceed 32dBA(15min) when measured 1 metre from the nearest residential property.
8. Prior to the first use of the building for the development hereby approved, full details of the two electric vehicle charging points shall be submitted to and approved by in writing by the Local Planning Authority. Thereafter the EV charging points shall be installed and retained on site in accordance with the approved details.
9. Prior to the first use of the building for the development hereby approved, a Travel Plan Statement, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.
10. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.
11. The hours of opening of the premises shall be restricted to 09:00 – 23:00 seven days a week.

41 **Land To The East Of The Warriner School, Bloxham Grove Road, Bloxham, Oxfordshire**

The Committee considered application 19/00617/F for a Part 2-storey, part 1-storey Special Education Needs (SEN) school with new access from Bloxham Grove Road, associated outdoor play areas, multi-use games area, staff parking, pupil drop-off and landscaping at Land to The East of The Warriner School, Bloxham Grove Road, Bloxham, Oxfordshire for The Department For Education.

Councillor Heath proposed that application 19/00617/F be deferred to allow a formal site visit to take place, and for officers to request get further information on proposed works to the A361. Councillor Kerford-Byrnes seconded the proposal.

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

Resolved

That application 19/00617/F be deferred to allow a formal site visit to take place, and for officers to gather get further information on proposed works to the A361

42 **Land to Rear Of No. 23 To 29, Crouch Street, Banbury**

The committee considered application 19/00777/F for the erection of three new dwellings at Land to Rear of No. 23 To 29, Crouch Street, Banbury for Jane Sands.

Councillor Perry proposed that application 19/00777/F be deferred to allow a formal site visit to take place. Councillor Richards seconded the proposal.

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

Resolved

That application 19/00777/F be deferred to allow a formal site visit to take place.

43 **Summer Place, Blackthorn Road, Launton**

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

Councillor Hallchurch addressed the committee as Ward Member.

Nathaniel Green, the applicant's agent, addressed the committee in support of the application.

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

Resolved

That authority be delegated to the Assistant Director of Planning Policy and Development to grant planning permission for application 18/01259/F, 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.

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;
 - Cover letter dated 12th July 2018 by GreePlanningStudio submitted with the application;
 - Drawing Numbers 17_912_001 Revision A and 17_912_005 Revision A submitted with the application;
 - Drawing Number 17_912_003 Revision D received from the applicant's agent by e-mail on 24th September 2018;
 - Kingspace Klargester specification received from the applicant's agent by e-mail on 24th September 2018 and e-mails received from the applicant's agent 18th September 2018, 24th September 2018 and 28th September 2018 specifying which treatment plant is to be used

Surface Water Drainage

3. Notwithstanding the submitted details, 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 development shall not be occupied or used unless and until the approved scheme has been implemented to the satisfaction of the local planning authority. The scheme shall also include:
 - Discharge Rates
 - Discharge Volumes

- SuDS (Permeable Paving, Porous Sub-base)
- Maintenance and management of SUDS features
- Infiltration in accordance with BRE365 (To include infiltration testing)
- Detailed drainage layout with pipe numbers
- Network drainage calculations

Parking

4. No development shall take place until full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas has been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Ecological Buffer

5. Notwithstanding the 8 metre ecological buffer adjacent to Launton Brook which includes a fence within it as displayed on Drawing Number 17_912_003 Revision D received from the applicant's agent by e-mail on 24th September 2018, no development shall take place until a plan displaying an 8 metre ecological buffer adjacent to Launton Brook has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the 8 metre buffer shall be kept free of development at all times and no development or storage of goods, vehicles or materials shall take place at any time whatsoever.

Means of Enclosure

6. Notwithstanding the means of enclosure as displayed within Drawing Number 17_912_003 Revision D received from the applicant's agent by e-mail on 24th September 2018, prior to the first occupation of the site full details of the means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected in accordance with the approved details, prior to the first occupation of those dwellings, and shall be retained as such thereafter.

Number of Caravans

7. No more than 12 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 8 shall be static caravans or mobiles homes), shall be stationed on the site at any one time and these shall be sited within the pitches as displayed on the drawing titled 'Site Layout Plan' at 1:500 Scale on A4 paper submitted with the application.

Access

8. Subject to the requirements of Condition 9 of planning permission

13/00279/F, the access and driveway to the site leading from Blackthorn Road shall be kept free of obstructions at all times and used only for the specified purpose.

Commercial Vehicles and Activities

9. No more than one commercial vehicle per pitch shall be kept on the land. Each vehicle shall not exceed 3.5 tonnes in unloaded weight and shall not be stationed, parked or stored on the site except within the relevant pitch and shall not be used other than by occupiers of that pitch. No other commercial vehicles shall be kept on the land.
10. No commercial activities, including the storage of materials, shall take place on the land other than the storage of materials in vehicles authorised to be parked on the site.

Occupation restricted to Gypsies and Travellers

11. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of 'Planning policy for traveller sites' August 2015:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

Removal of Permitted Development Rights

12. Notwithstanding the provisions of Class A, Part 2, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no gates, fences, walls or other means of enclosure shall be erected on the site without the grant of further specific planning permission from the Local Planning Authority.

44

Symmetry Park, Morrell Way, Ambrosden

The committee considered application 19/00388/F for Full Planning Permission for 29,350 sqm of logistics floor space, within class B8 of the Town and Country Planning Use Classes Order 1987, including ancillary class B1 (a) offices (1,688 sqm), erection of security gatehouse (26 sqm), security fence, sprinkler tank and pump house, accessed from the existing Symmetry Park estate road, associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private sewage treatment plant at Symmetry Park, Morrell Way, Ambrosden for DB Symmetry (Bicester Reid) Ltd.

Councillor Sames, addressed the committee as Ward member.

Dr Pamela Roberts, on behalf of CPRE and Ambrosden Parish Council addressed the committee in objection to the application.

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

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

Resolved

That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 19/00388/F, subject to the conditions set out below (and any amendments to those conditions as deemed necessary) and the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the obligations summarised at paragraph 9.98 of this report and if officers consider it justified a contribution towards the improvement of bus services serving the site.

Subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 4036-C02-001 P10 Plot C Masterplan Layout; 4036-C02-006 P04 Elevations and Section; 4036-C02-008 P03 Roof plan; 4036-C02-010 P04 Parking Details; 4036-C02-011 P06 Fencing Plan;

4036-C02-013 P03 Parameters Line Comparison Plan; 4036-C02-014 P02 Sprinkler Installation; 4036-C02-015 P02 Gate House Details; 4036-C02-020 P02 Site Section; 4036-C02-100 P01 Site Location Plan; 4036-C02-101 P03 Application Red Line Plan; 4036-C02-102 P05 Site Layout Plan PlotC; 4036-C02-103 P03 External Surface Finishes; Vehicle Tracking Sheet 1 C11238-HYD-00-ZZ-C-8000-P2; Vehicle Tracking Sheet 2 C11238-HYD-00-ZZ-DR- C-8001-P1; Lighting Plan 18/1093/E/011 Rev A; Edp2606-d050-o-Illustrative Landscape Plan; Edp2606-d140-B Detailed Landscape Design Unit C; Edp2606-r027-B Landscape Management Plan Unit C (June 2019); Design and Access Statement 4036-C02 (February 2019); Energy Statement 32765-3003 (September 2016 prepared by Peter Brett); PV Report CPW-ME-181093-P01 (February 2019) prepared by CPW; Energy Statement BREEAM (Letter dated April 2017) prepared by CPW; FRA 32765/4001 Rev C (December 2015) prepared by Peter Brett; Environmental Statement (February 2019); Planning statement (February 2019); Transport Assessment 3276515501 Rev D dated April 2016; Framework Travel Plan

32765/5501 Rev E December 2016; Biodiversity Method Statement and Management Plan dated March 2017; Phase II Ground Investigation 16.02.026 dated May 2016; WSI WFBO/3057 dated December 2016; Archaeological Recording Action Report MK141/18 dated October 2018; Archaeological Trial Trench Evaluation Report MK050/16; Air Quality Technical Note SPC-HYD-XX-ZZ-RP-Y-2001-P02 dated June 2019 and FRA Technical Note Designers response to OCC Objection C-11238-HYD-00-ZZ-TN-C-7002 P1 dated June 2019.

3. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of times for construction traffic and delivery vehicles to access the site, which must be outside of peak network hours. Thereafter, the approved Construction Management Plan shall be implemented and operated in accordance with the approved details for the duration of the construction phase of the development.
4. Prior to the first occupation of the building hereby approved, and unless alternative details are first submitted to and approved in writing by the Local Planning Authority, the external lighting shall be installed strictly in accordance with the details shown on drawing number 18/1093/E/11 rev A and the submitted lighting schedule.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building or on completion of the development, whichever is sooner and thereafter maintained and managed in accordance with the Landscape Management Plan dated June 2019 (edp 2606-r0276). Any trees, herbaceous planting and shrubs, which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
6. All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and thereafter re-used during the preparation of the site and implementation of the approved landscaping scheme.
7. Except to allow the provision of the footpath/cycle link into the adjacent site along the western boundary (as shown on Drawing No: 4036-C02-001 P10), the existing hedgerows to the northern, southern and western boundaries shall be retained and properly maintained, and if any hedgerow plant dies within five years from the completion of the development, it shall be replaced in the current/next planting season with others of similar size and species and thereafter be properly maintained in accordance with this condition.

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

9. The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) dated April 2016/32765-4001-Rev C produced by Peter Brett, the Flood Risk Technical Note C11238-HYD-00-ZZ-TN-C- 7000-P2 and C-11238-HYD-00-ZZ-TN-C-7001 Rev P2 dated 2nd May 2019 and response to OCC objection produced by Hydrock C11238-HYD-00-ZZ-TN-C-7002 P1 dated 27th June 2019 and the mitigation measures detailed within the FRA, Drainage Statement and Technical Note referred to above:
 - Limiting the surface water run-off by the <100-year return event> critical storm to 19.8 i/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site

 - Limiting the surface water run-off generated by the <1-year return event> critical storm to 16.8 i/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site

 - Use of SuDS Underground Attenuation, Crate Tank, Swales, Hydrocarbon Interceptor and Variable Complex Pump as described in the Drainage Strategy, Technical Note and drawings titled 'Drainage Layout' (Drawing Ref:C11238-HYD-00- ZZ-DR-C-7002 Rev P05 and C11238-HYD-00-ZZ-DR-C-7003 Rev P04) 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.

10. Development shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:
 - A compliance report to demonstrate how the scheme complies with the 'Local Standards and Guidance for Surface Water Drainage on Major Development on Oxfordshire'

 - Full microdrainage calculations for all events up to and including the 1 in 100 year plus 40% climate change

- A Flood Exceedance Conveyance Plan
 - Detailed design drainage layout drawings of the SuDS proposals including cross section details
 - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element; and
 - Details of how water quality will be maintained during construction
11. The development hereby approved shall not be occupied until confirmation has been provided that all water network upgrades required to accommodate the additional flows from the development have been completed.
 12. Following the first occupation of the unit hereby approved, no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the express planning consent of the Local Planning Authority.
 13. Cumulative noise output from any mechanical ventilation or fixed plant associated with the development shall be noise attenuated or mitigated so that it achieves the following levels at 1m from the nearest receptors (listed below):
 - Daytime (0.700-23.00) Wretchwick Farm Cottages and Wretchwick Farm: 43dB LAeq; Little Wretchwick Farm: 34db LAeq
 - Night time (23.00-0.700) Wretchwick Farm Cottages and Wretchwick Farm: 31dB LAeq; Little Wretchwick Farm: 28dB LAeq
 14. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
 15. Prior to and within two months of the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

16. No development shall take place until a strategy has been submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided during the construction phase and by the occupiers of the unit. The strategy shall include details of the number of apprenticeships and training posts, over what period of time they will be employed, where the apprentices may be placed within the company and where apprentices will be taken from. The strategy shall be implemented in accordance with the approved details.
17. The building hereby approved shall be constructed to at least BREEAM 'Very Good' standard.
18. Prior to the first occupation of the building hereby approved, the electricity charging points for vehicles shall be provided in accordance with the details shown on the approved plans.
19. Prior to the first occupation of the building hereby approved, Photovoltaic (PV) cells shall be installed on at least 25% of the roof coverage on the first floor offices in accordance with the approved roof plan (Drawing number 4036-C02-008 P03) and the PV report (CPW ref CPW-ME-181093-P01 dated February 2019). The PV cells shall thereafter be retained and maintained in accordance with the approved details.
20. The premises shall be used only for purposes falling within Class B8 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

45

Proposal for New Highway Aligned With Howes Lane, Bicester

The committee considered application 14/01968/F for the construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and associated infrastructure for A2 Dominion South Ltd.

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

Resolved

That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 14/01968/F, subject to no new material planning considerations being raised before the expiry of the

consultation period and subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development shall not be carried out otherwise than in complete accordance with the approved plans: and other details contained within unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).
3. Prior to the commencement of the development hereby approved, a phasing plan covering the entire site the subject of this application, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved phasing plan.

Conditions requiring compliance prior to the construction of a phase

4. No development of a phase shall take place, including any works of demolition until a Construction Method Statement for that phase has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
 - a) The position of site compounds;
 - b) The parking of vehicles of site operatives and visitors;
 - c) The routing of HGVs to and from the site;
 - d) Loading and unloading of plant and materials;
 - e) Storage of plant and materials used in constructing the development;
 - f) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - g) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - h) Measures to control the emission of dust and dirt during construction;
 - i) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - j) Delivery, demolition and construction working hours;
 - k) The mitigation measures recommended at 5.5.1.1, 7.5.1.1, 8.5.1.1, 9.5.1.1, 11.5.1.3, 11.5.1.5, 11.5.1.8, 11.5.1.11 and 14.5.2.1 of the submitted Environmental Statement (November 2014)

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

5. No development of a phase shall commence until full details of a scheme for the protection of all retained trees and hedgerows on that phase, in accordance with the recommendations contained within the tree survey report submitted with the application (Report number

5003-UA005241-UE21R-01-Arb-App-3 dated 3rd December 2014) shall be submitted to and approved in writing by the Local Planning Authority. All approved tree protection measures shall be installed prior to the commencement of the development on that phase and shall be retained for the duration of the construction phase.

6. Prior to, and within three months of the commencement of a phase of development, the phase shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.
7. No development of a phase shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features including reptiles and nesting birds;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs;
 - i) The mitigation measures recommended at 6.5.1.7, 6.5.1.8, 6.5.1.10, 6.5.1.11, 6.5.1.17, 6.5.1.20 of the submitted Environmental Statement (November 2014)

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

8. No development of a phase shall take place until a detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage scheme shall be in accordance with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire" and must include but not be limited to:

- Evidence that priority has been given to providing adequate conveyance and Source control SuDS measures throughout the site, setting parameters to ensure these are delivered in each phase of development through detailed design;
- Evidence that the proposed flows from the site will be restricted to greenfield run-off rates for all events up to and including events up to and including the 1 in 100 year event + allowance for climate change (Currently 40%);
- Evidence that the proposed runoff volume will not increase the existing greenfield volume for the corresponding event;
- Details of how the drainage scheme has been designed to incorporate SuDS techniques to manage water quantity and maintain water quality in accordance with best practice guidance including the latest SuDS Manual C753;
- Infiltration tests in accordance with DG 365;
- Where high groundwater levels are likely to be present, detailed Groundwater monitoring over a period of at least 6 months which should include the winter months and up to May to ensure the mean groundwater peak level period is included;
- Detailed drainage plan showing the location of the proposed SuDS and drainage network with exceedance flow routes clearly identified;
- Where the development is affected by the Flood Zones 2 and 3, a detailed evaluation of the existing 1 in 100 and 1 in 1000 year flood levels on the site will be required to ensure all drainage attenuation features will operate during peak flood levels;
- Detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change event to demonstrate that all SuDS features and the drainage network can cater for the critical storm event for its lifetime;
- Details of how the scheme shall be maintained and managed after completion;
- Phasing Plans to ensure key strategic drainage features are delivered before further development begins on site;
- Construction phase surface water management plan including details of how water quality shall be maintained during and after construction; and
- The submission of evidence relating to accepted outfalls from the site, particularly from any third party network owners;

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed

9. No development of a phase shall take place until a Soil Resources Plan that details the soils present, proposed storage locations, handling methods and locations for reuse for that phase, 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 plan.
10. No development of a phase shall commence until a Site Waste Management Plan, targeting zero waste to landfill for that phase, has been submitted to and approved in writing by the Local Planning

Authority. The approved Site Waste Management Plan shall thereafter be implemented in accordance with the approved details.

11. No development of a phase shall commence until a Training and Employment Management Plan setting out how apprenticeship training opportunities are to be provided during the construction of the phase has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved Training and Employment Management Plan.
12. No development of a phase containing road infrastructure shall take place until a scheme to mitigate the impact of the development on farmland birds shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved scheme.
13. No development of a phase containing road infrastructure shall take place until, details of biodiversity enhancement measures including the location of bird nesting boxes and bat boxes has been submitted to and agreed in writing by the Local Planning Authority. Prior to the construction of the road infrastructure, the biodiversity enhancement measures shall be provided and retained thereafter.
14. Notwithstanding the submitted details, no development of a phase containing road infrastructure shall take place until full details of the access vision splays for each junction, including layout and construction has been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the road the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.6m above carriageway level.
15. No development of a phase containing road infrastructure shall take place until details of the final surface treatment of any road, cycleway and footway within that phase has been submitted to and approved in writing by the Local Planning Authority. The phase of development shall be carried out in accordance with the details so approved.
16. Notwithstanding the submitted details, no phase of development containing road infrastructure shall take place until revised positions for the bus stops, which shall be Real Time Information enabled and details of the bus stop infrastructure and street furniture as well as details of future maintenance arrangements for the bus stop infrastructure have been submitted to and approved in writing by the Local Planning Authority. The bus stops shall be provided in the approved positions and provided with the approved bus stop infrastructure prior to the first use of the development and shall be maintained in accordance with the approved details thereafter.
17. Notwithstanding the submitted details, no phase of development containing road infrastructure shall take place until revised details of the junction ellipses within that phase have been submitted to and

approved in writing by the Local Planning Authority. The junction ellipses in the phase shall be provided in accordance with the approved details.

18. No development of a phase containing road infrastructure shall take place until a scheme for the closure and use of the existing parts of Howes Lane and Bucknell Road that are proposed to be closed through a formal Traffic Regulation Order, has been submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the road, the scheme shall be constructed and implemented in accordance with the approved details.
19. No development of a phase containing road infrastructure shall take place until full details of the design of the ponds in that phase has been submitted to and approved in writing by the Local Planning Authority. The design of the ponds shall be implemented in accordance with the approved details.
20. Prior to any demolition on the site, the commencement of any development that contains road infrastructure and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.
21. Prior to any demolition on the site, the commencement of any development that contains road infrastructure hereby approved and following the approval of the first stage Written Scheme of Investigation referred to in condition 20, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.
22. No development of a phase containing road infrastructure shall take place until details of existing and proposed levels for the road infrastructure within that phase 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 levels.
23. Notwithstanding the submitted details, no development of a phase containing road infrastructure shall commence until full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees within that phase, 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 details and specifications.

24. No development of a phase containing road infrastructure shall commence until a landscaping scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the phase 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 proposed location of translocated hedgerows
25. No development of a phase containing road infrastructure shall take place until full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, including details of any required engineering solution methods for development within the Root Protection Area of any tree/ hedgerow within that phase 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 details.
26. No development of a phase containing road infrastructure shall take place until full details of the road bridge over the watercourse including details of safe crossings for large mammals and details demonstrating damage to the watercourse banks will be minimised have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Conditions requiring compliance prior to the opening of the road infrastructure

27. Prior to the first use of the road infrastructure hereby approved, a Landscape and Ecology Management Plan (LEMP) covering areas to be offered for adoption until such time that the land is adopted and land outside of the adoptable area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Conditions requiring compliance following the opening of the road infrastructure

28. Within 4 months from the first use of the road infrastructure hereby approved, a post construction noise survey shall be carried out to assess whether there are any adverse effects from the road once in operation on any existing residential dwelling that would exceed the levels set out in BS8233:2014, which shall be submitted to and approved in writing by the Local Planning Authority. Should any adverse effects be identified, a scheme for the remediation of any such impacts shall be identified within the report and shall be approved in writing by the Local Planning Authority. The identified remediation shall be carried out within 3 months from the written approval of the remediation scheme.

Compliance only conditions relating to all phases of development

29. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy has been submitted to the local planning authority for its written approval. The remediation strategy shall include details how this unsuspected contamination shall be dealt with. The remediation strategy shall thereafter be implemented as approved.
30. 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 final surface course of the road/ footways being completed. 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.
31. All phases of the development shall be constructed to meet a minimum of CEEQUAL Standard 'Very Good'.

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Part Of Railway Embankment North East Of Aldershot Farm, Howes Lane, Bicester

The committee considered application 19/00770/F for a Pedestrian underpass Part of Railway Embankment North East of Aldershot Farm, Howes Lane, Bicester for Cherwell District Council.

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

Resolved

That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 19/00770/F, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

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.

Compliance with 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: Drawing number 38616-1501-112 Rev P02

Arboriculture

3. No development shall take place until an Arboricultural survey undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions is carried out, submitted to and approved in writing by the Local Planning Authority.
4. No development shall take place until an Arboricultural Method Statement and Tree Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The existing trees to be retained shall be protected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of development and / or demolition and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Ecology

5. Prior to, and within three months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.
6. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of 'Biodiversity Protection Zones';
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features including reptiles and nesting birds;

- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs

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

Construction Management

7. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a) The parking of vehicles of site operatives and visitors;
 - b) The routeing of HGVs to and from the site;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - g) Measures to control the emission of dust and dirt during construction;
 - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) Delivery, demolition and construction working hours;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Drainage

8. No development shall take place until a drainage strategy for the underpass to include how it will be drained and a management and maintenance plan, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the drainage works shall be carried out and completed in accordance with the approved strategy and implemented prior to the first opening of the pedestrian underpass.

Waste

9. No development shall take place until a Site Waste Management Plan, targeting zero waste to landfill, shall be submitted to and approved in writing by the Local Planning Authority. The approved Site Waste Management Plan shall thereafter be implemented in accordance with the approved details.

Transport

10. Prior to the provision of any footway/ cycleway within the pedestrian underpass, full details of the path shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the path construction, materials, drainage, lighting, signage, markings, and bollards to prevent use by motor vehicles. The path shall be constructed in accordance with the approved details and shall be retained for use as a pedestrian/cycle underpass thereafter.

Design

11. Prior to the installation of the security fencing hereby approved, full details of the colour finish of the security fencing shall be submitted to and approved in writing by the Local Planning Authority. The security fencing shall be finished in accordance with the approved colour finish and retained as such thereafter.

Unexpected contamination

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

Sustainability

13. The development shall be constructed to meet a minimum of CEEQUAL Standard 'Very Good'.

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

The Committee considered application 19/00446/F for the erection of up to 57 residential units (Use Class C3) comprising a mix of open market and affordable housing, together with associated works including provision of vehicular and pedestrian accesses, public open space, landscaping, infrastructure and site clearance at Heyford Park, Camp Road, Upper Heyford, Bicester, OX25 5HD for Heyford Park Settlements LP.

Councillor Corkin proposed that application 19/00446/F be approved, in line with the officer recommendation. In seconding the proposal, Councillor Wood, referring to paragraph 9.70 of the report which related to a Section 106 planning obligation, proposed firstly, that within the Cherwell District Council items to be secured, "the financial contribution towards expansion and/or and provision of the Community Hall and other local facilities" be the Council's first priority and secondly, that officers be requested to negotiate that upon eventual completion of the Community Hall it be passed to Heyford Park Parish Council for use as their office and hall, and that authority be delegated

to Assistant Director Planning and Economy, in consultation with the Chairman of the Planning Committee to agree the Section 106 agreement. This was duly supported by Councillor Corkin as the proposer.

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

Resolved

That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 19/00446/F subject to resolving the objections from Oxfordshire County Council and subject to conditions (and any amendments to those conditions as deemed necessary) and the completion of a planning obligation under Section 106 of the Town and Country Planning Act 1991, to secure the items set out in paragraph 9.69 together with those set out above by the County Council and the Cherwell District Council Leisure projects officer (and any amendments as deemed necessary)

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.

Compliance with Plans

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following documents:

PHASE 5D

- Design and Access Statement –Phase 5D 0521-PH5C. 18th February 2019. Focus on Design
- Flood Risk Assessment Compliance – Phase 5C Version 2. January 2019. 16871/B4. Woods Hardwick
- Topographical Survey 0521-PH5C-5D-5(R)-100 Rev.A
- Planning Layout 0521-PH5D-102.
- Street Scene 0521-PH5C-5D-5(R)-103
- External Works Layout 0521-PH5C-5D-5(R)-104
- Tracking Layout 0521-PH5C-5D-5(R)-105 Vehicle
- External Detailing 0521-PH5C-5D-5(R)-106
- Adoption Plan 0521-PH5C-5D-5(R)-107
- Material Layout 0521-PH5C-5D-5(R)-108
- Garages, Bins & Cycle Store 0521-PH5C-5D-5(R)-109
- Refuse Plan 0521-PH5C-5D-5(R)-111
- Housetype Booklet 0521-PH5C-5D-5(R)-HTB Issue 2
- Detailed Planting Proposals 1619 A8 5C 01 Rev.H
- Parking Matrix Issue 10521-PH5C-5D-5(R)

PHASE 8C

- Planning Layout 0521-PH8C-102 Rev.A
- External Works Layout 0521-PH8A-8C-104 Rev.A
- Vehicle Tracking Layout 0521-PH8A-8C-105 Rev.A
- Material Layout 0521-PH8A-8C-108 Rev.A
- Refuse Plan 0521-PH8A-8C-111 Rev.A
- Service Easements 0521-PH8A-8C-115 Rev.A
- House type Booklet 0521-PH8C-HTB Issue 2

TRENCHARD CIRCLE

- Planning Layout 0521-TR-1002 Rev.B
- External Works Layout 0521-TR-1004 Rev.B
- Vehicle Tracking Layout (Sheet 1 of 2) 0521-TR-1005-1 Rev.A
- Vehicle Tracking Layout (Sheet 2 of 2) 0521-TR-1005-2 Rev.A
- Adoption Plan 0521-TR-1007 Rev.A
- Issue 4 Housetype Booklet 0521-TR-HTB

COMPOSITE PLAN and REPORTS

- Application Forms, Notices and Certificates
- Location Plan 0521-PH5D-8C-TR-101
- Arboricultural Statement 11th February 2019. LANDARB Solutions
- Dorchester Living Construction Specification Revision 17
- Extended Phase 1 Habitat and Preliminary Bat Survey Issue 1. 3rd March 2019.- 4 Acre Ecology
- Planning, Heritage and Affordable Housing Statement (incorporating draft S106 Heads of Terms) February 2019 – Pegasus Group
- Planning Statement Addendum July 2019 –Pegasus Group
- Transport Statement Ref: 39304. February 2019 –PBA/Stantec

Facing materials

3. No materials other than those as shown on the approved materials plans are to be used in the new development. There shall be no variation of these materials without the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved schedule.

Planting Maintenance

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

in the current/next planting season with others of similar size and species.

Tree Protection

5. (a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

(b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

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

Boundary Treatment

6. That all enclosures along all boundaries of the site shall be as shown on the approved plans and such means of enclosure shall be erected prior to the occupation of any dwelling.

Electrical Vehicle Charging

7. Any dwelling(s) hereby permitted shall not be occupied until it has been provided with a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling.

New Estate Roads.

8. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Parking and Manoeuvring Areas Retained.

9. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the

approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Cycle Parking Provision.

10. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Travel Plan

11. Prior to the first occupation of the development hereby approved, a Residential Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments and a Travel Plan Statement setting out how this phase will contribute to the overall site wide Residential Travel Plan, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Travel Information pack

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

Construction Environment Management Plan

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

Remediation Strategy

14. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 - The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the

remediation measures required and how they are to be undertaken.

- A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Verification Report

15. Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

No Ground Water Infiltration

16. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Landscape and Ecology Management Plan

17. Prior to the first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

48 Unit 6, Chalker Way, Banbury, OX16 4XD

The Committee considered application 19/00487/F for Phase 2 Central M40 - Unit 6 - 17,768 sqm of logistics floorspace within Class B2 or B8, including ancillary class B1(a) offices (697 sqm), service yard and access to Chalker Way at Unit 6, Chalker Way, Banbury, OX16 4XD for DB Symmetry Ltd.

Karen Hingley, the applicant's agent, addressed the committee in support of the application.

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

Resolved

That application 19/00487/F is approved, subject to:

- a) The land-owners entering into an appropriate legal agreement and;
- b) subject to the following conditions:
 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Site location plan(dwg. No. 6235-003)
 - Site layout plan (dwg no 5884-060 Rev E)
 - Site layout plan external finishes (dwg no 5884-066 Rev A)
 - Proposed Elevations (dwg no. 6236-001)
 - Proposed context elevation (dwg no 6236-002)
 - Building Plan (dwg no. 5884-061 Rev A)
 - Roof Plan (dwg no. 5884-062 Rev A)
 - Sprinkler Tank and Pump House (dwg no. 5884-067)
 - Office Floor Plans (dwg no. 5884-063 Rev A)
 - Design and access statement (Dec 2011) and addendum document (April 2012)
 - Architectural design statement (prepared AJA)
 - Landscape and Visual Assessment addendum (prepared by Aspect dated Dec2019 ref 6870 .LVIA Addendum 002)
 - Transport Assessment Technical Note (ref 07010-HYD-XX-XX-TN-TP-101-P.1.2)
 - Flood Risk Assessment Technical Note (ref C07010C-Unit 6-TN-001)
 - Dry Vibro Displacement Method Statement
 3. The drainage strategy for the site shall be in general accordance with the FRA prepared by Peter Brett Associates dated Dec 2011 and the details approved by the Council under application ref.no. 16/00354/DISC on 27th June 2016 and all works shall be complete prior to the occupation of the building
 4. The flood storage area and associated landscaping, ground re-profiling, and ecological enhancement shall be undertaken in accordance with the details approved by the Council under application 16/00167/DISC on 27 June 2016 ,and planting plans dwg no 4995/ASPOO1-11Rev C/D referred to in Frampton's letter dated 17 January 2018 with respect to conditions 3 and 8 of the Outline

Planning permission 14/00180/OUT, and all relevant works shall be complete prior to the occupation of the building

5. The strategy for the translocation of reptiles, including the identification of receptor sites, the management scheme, landscaping and the arrangements for implementation. shall be undertaken in accordance with the 'Revised Reptile Mitigation Method Statement (Phase 2 Development) (February 2016 - Ref EDP1419_07f)' approved under application 15/00512/DISC on 29 February 2016
6. The development shall be implemented in accordance with the land contamination strategy set out in the Land Contamination Report, in accordance with the 'Desk Study and Ground Investigation at Overthorpe Road, Banbury - Combined Report (Hydrock Ref: R/11237/003 - March 2013)' submitted in application reference no 15/00062/DISC approved on 23 January 2017
7. The development shall be undertaken in accordance with the Archaeological Written Scheme of Investigation, in accordance with the documents titled "Project specification for an archaeological excavation and recording action" - 8th January 2016 (revised 25/5/16) ORB16-150exc; and "Spital Farm, Overthorpe Road, Banbury, Oxfordshire - An Archaeological Evaluation for Kennet Properties" - SFB04-60 (October 2008) submitted in application reference no 15/00062/DISC and approved by the Council on 23 January 2017
8. Landscape management and tree planting shall be undertaken in accordance with the Landscape Management Plan Ref No 4995.LMP.005.VF(March 2016) submitted as part of application 16/00167/DISC approved by the Council on 27 June 2016
9. Construction Traffic Management shall be undertaken in accordance with the Construction Traffic Management Plan (CTMP) for Phase 2 of the development, including full details of wheel washing facilities, a restriction on construction and delivery traffic during construction and a route to the development site. In accordance with the 'Central M40 (Units 5, 6, 7 and 8) Construction Traffic Management Plan (dated February 2016)' submitted under application ref no 15/00512/DISC and approved by the Council on 29 February 2016.
10. The development hereby approved shall be the subject of the Travel Plan for Phase 2 of the development, in accordance with the 'Travel Plan - Units 5, 6, 7 and 8 (March 2016)' document submitted under application ref.no. 16/00131/DISC and approved by the Council on 29 April 2016.

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

The committee considered application 19/00209/DISC for the discharge of conditions 4 (sustainable construction), 5 (architectural details), 9 (boundary treatment) and 10 (external lighting) of 18/01591/CDC at former the Admiral Holland, Woodgreen Avenue, Banbury for Cherwell District Council.

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

Resolved

That application 19/00209/DISC be delegated to the Assistant Director for Planning and Economy to approve the details.

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

The committee considered application 19/00194/DISC for the discharge of Conditions 8 (lighting) & 9 (external plant installation) of 18/00952/CDC at The Hill , Dover Avenue, Banbury, OX16 0JE for Cherwell District Council (Build Department).

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

Resolved

That authority be delegated to the Assistant Director for Planning and Economy to grant permission for application 19/00194/DISC, subject to the conditions set out below (and any amendments to those conditions as deemed necessary):

- 8 The details provided in Lighting Specification Revision C prepared by C T Walters, drawing number OW13866-E03 rev D and the Ansell Lighting document titled Exterior Bollard Option.
- 9 The details shown on drawing number C20604-01 rev. B and documents titled Technical Submittal / Working Drawing /Sample Approval and Roof Termination Sets.

51 **Planning Enforcement Report**

The Interim Senior Manager for Development Management submitted a report which updated the Committee on the work of the Cherwell Planning Enforcement Team, and to initiate a regular Enforcement Update Report that would will be presented at future Planning Committees meetings.

Resolved

- (1.1) That the contents of the report be noted
- (1.2) That having given due consideration, to provide officers be requested to seek legal comments prior to consideration of future reports by the Committee, and that reports be submitted on a quarterly basis. feedback regarding the format and frequency of future Enforcement Update reports be noted

52 **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.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 8.06 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

15 August 2019

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

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

	Site	Application No.	Ward	Recommendation	Contact Officer
8	Appleyard Alchester Road Chesterton OX26 1UW	19/00597/F	Fringford and Heyfords	Refusal	George Smith
9	Land At Skimmingdish Lane And Land And Roundabout At Bicester Road Launton	19/00607/F	Launton and Otmoor	Approval	Linda Griffiths
10	OS Parcel 3300 North Of Railway Line Adjoining Palmer Avenue Lower Arcott	19/00644/F	Launton and Otmoor	Refusal	Bob Neville
11	Land To Rear Of No. 23 To 29 Crouch Street Banbury	19/00777/F	Banbury Cross And Neithrop	Approval	James Kirkham
12	Land South Of Home Farm House Clifton Road Deddington	19/00831/OUT	Deddington	Refusal	James Kirkham

Agenda Item 8 19/00597/F

**Appleyard
Alchester Road
Chesterton
OX26 1UW**

Chesterton

Chesterton

Monk's Lodgings

Sadler's
Cottage

Appleyard

Mellowstones

The The

Tithe Barn

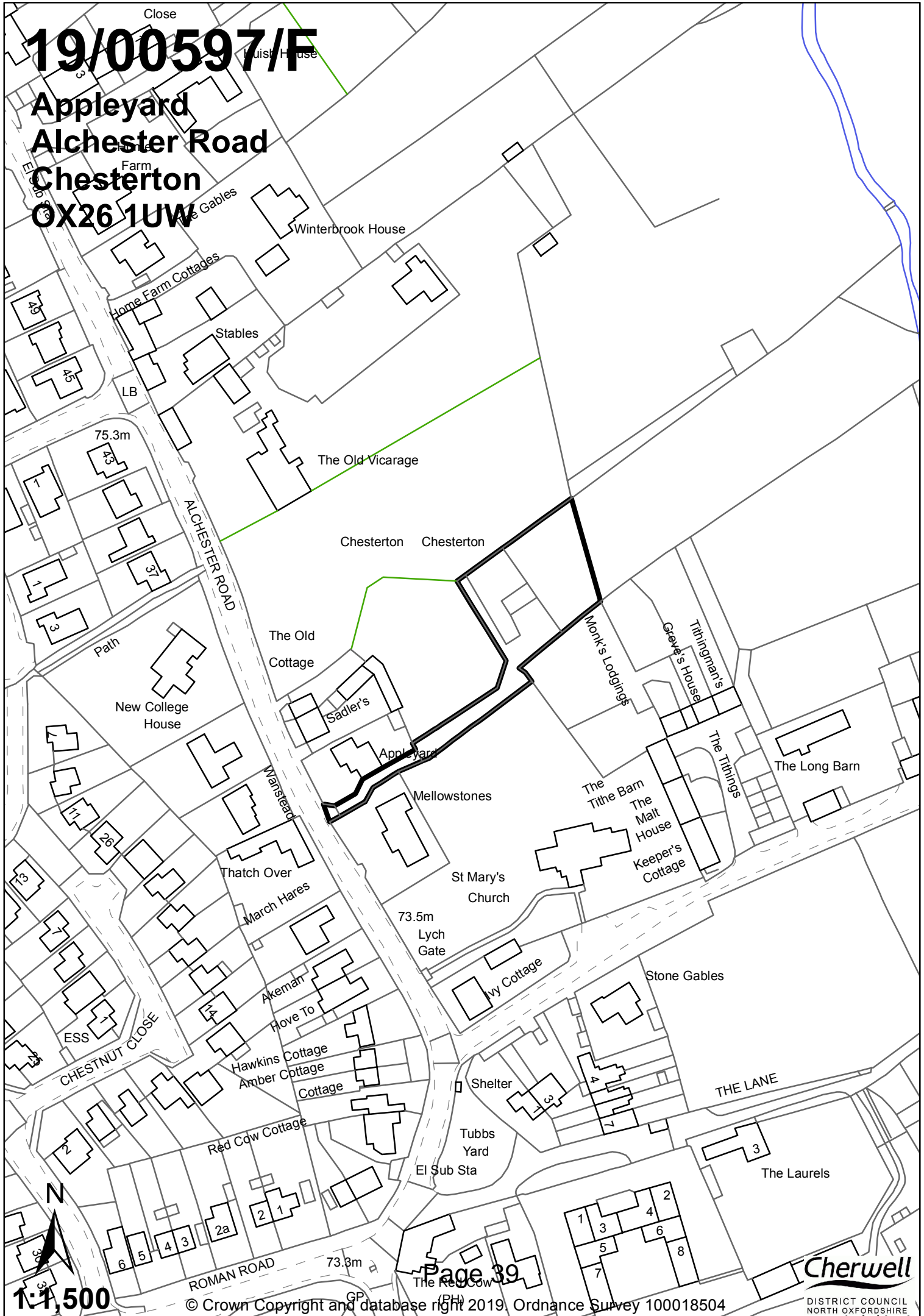
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19/00597/F

Appleyard
Alchester Road
Chesterton
OX26 1UW



Case Officer: George Smith

Applicant: Mr & Mrs G&S Ashdown

Proposal: Erection of 1no dwelling

Ward: Fringford and Heyfords

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

Reason for Referral: Public Interest

Expiry Date: 22 August 2019

Committee Date: 15 August 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The applicant seeks planning consent for the erection of 1 No. detached dwelling of two storey height. The dwelling is proposed to be located on a piece of grassed land which forms an orchard, located to the rear of a dwelling known as Appleyard. The dwelling would share the access of Appleyard, accessed via an unmade track via the south-eastern elevation of this property.

Consultations

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

- OCC Highways, CDC Conservation

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

- Chesterton Parish Council, CDC Arboriculture, CDC Ecology, CDC Environmental Health

One letter of objection has been received and 8 letters of support have been received. An additional letter of objection was received that neither objected nor supported the proposal.

Planning Policy and Constraints

The site is contained within the Chesterton Conservation Area. The Grade II* Listed St Mary's Church building is located approximately 70m to the south. There are a number of protected and notable species within close proximity to the site.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

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

- Highway safety
- Ecology

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

1. Unnecessary housing development beyond the built up area contrary to the development plan
2. Failing to reflect or reinforce the pattern of development
3. Poor design

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 to the rear of Appleyard, Sadler's Cottage and The Old Vicarage Cottage, nearby to the village of Chesterton. The site forms part of the ownership of Appleyard, a two-storey, detached dwelling which fronts onto Alchester Road to the southwest. The application site itself appears to be used as an orchard/ ancillary outbuildings and storage for Appleyard. The land is also used for the grazing of chickens, ancillary to the residential use at Appleyard. The site is located within the designated Chesterton Conservation Area. The Grade II* Listed St Mary's Church building is located approximately 70m to the south. There are a number of protected and notable species within close proximity to the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for the erection of a new dwelling on land to the rear of Appleyard. The dwelling is proposed to be constructed in stone under a slate roof. The dwelling would have a cruciform layout with one main linear element (17m d x 5.5m w), then a smaller projecting element to the northwest (5.5m w x 1.8m d) and a larger projecting element to the southeast (5.5m w x 8m d) and a further projecting gable to the northwest of this element. The dwelling would have a maximum ridge height of 6.815m, with an eaves height of 4.44m.
- 2.2. During the course of the application, an amended red line site plan was received which included the access from the driveway of Appleyard all the way up to the edge of the road.

3. RELEVANT PLANNING HISTORY

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

4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
17/00029/PREAPP	Erection of a single dwelling and garage with associated

works

- 4.2. The advice concluded that a proposal could not be supported, on matters of principle in sustainability terms, poor design and impact on open countryside, with concerns raised with regard to heritage, ecology and protected species and access.

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 16.05.2019, although comments received after this date and before finalising this report have also been taken into account.

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

Support

- Individually designed house would be a positive and in keeping with the village, sensitive design and use of materials are appropriate.
- Single dwelling is more appropriate to village character than multiple estate properties which have a much greater impact.
- New dwelling would not be readily visible from property due to existing vegetation.
- New dwelling would be a great use of the land.
- New dwelling would not affect surrounding owners or properties.
- Would have a minimal impact on existing trees.
- Would support a village family staying in the village.

Object

- Dwelling would set a precedent for others to build similar houses, invading privacy and causing harm to the Conservation Area.
- Comments regarding construction periods and construction traffic.

- 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. CHESTERTON PARISH COUNCIL: Comments are titled '**No objections**' but then sets out concerns that the proposal would provide poor access onto Alcester Road, provide insufficient parking, in a location with a limited bus service and few shops or

amenities, would create a backland layout, visually intruding into the open countryside; could be considered detrimental to setting of Church and Conservation Area and should not be sold separately from the existing Appleyard dwelling.

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **Objects** – as a result of a substandard access through a no visibility when egressing the site, which is of a concern due to the pedestrians having no site of vehicles leaving the site.

NON-STATUTORY CONSULTEES

- 6.4. CDC ECOLOGY: No objections – subject to conditions
- 6.5. CDC ARBORICULTURE: No objections – subject to conditions
- 6.6. CDC ENVIRONMENTAL PROTECTION: No objections – subject to conditions relating to contaminated land and EV charging points.

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
- BSC1 - District Wide Housing Distribution
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 - Sustainable Construction
- 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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development

- 7.3. Other Material Planning Considerations

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

- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- Chesterton Conservation Area Appraisal (2008)

8. APPRAISAL

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

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

Principle of development

Policy context

- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.
- 8.3. 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. Paragraph 7 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system – the three strands being the economic, social and environmental roles. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 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 year housing land supply.
- 8.5. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites. Therefore, the policies in the development plan guiding the provision of housing can be considered up to date and given significant weight in determining applications. In addition to this, the Written Ministerial Statement of 12th September 2018 now considers important policies for determining the application to be out of date only where a 3 year supply of deliverable sites cannot be demonstrated. The presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 8.6. Policy ESD1 of the Cherwell Local Plan Part 1 states measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel. The local plan has a strong urban focus with large

amounts of housing planned at Bicester and Banbury. The policies relating to rural housing growth are therefore more restrained.

- 8.7. Policy Villages 1 of the Cherwell Local Plan provides a framework for housing growth in the rural areas and seeks to deliver some new development to the most sustainable rural locations. It does this by categorising the villages within the district and allowing for some limited growth in the most sustainable villages based on services, facilities and size of settlements. The categorisation also takes into account clustering of villages. The current site is located at Chesterton which is classified as a Category A village. This is amongst the most sustainable rural settlements in the district where minor development, infilling and conversion may be permitted for new housing within the built up limits.

Appraisal

- 8.8. In determining the built up limits of the settlement it is important to consider the relationship of the site with the surrounding built development. In this case the application site is set to the rear of Appleyard and Sadler's Cottage (to the southwest), which front on to Alchester Road. To the south are gardens serving the dwellings on The Tithings, a small caul-de-sac off Manor Farm Lane. To the north and east of the site are large residential gardens, which in turn back on to agricultural fields (most of these fields are separated by a brook). There are wooden sheds associated with Appleyard within the proposed site area. However, the overriding character is rural and verdant, with the site and immediate surroundings devoid of built development. This provides the site with a strong visual and physical association and connection with the surrounding open countryside and as such officers consider the site lies beyond the built limits of the village.
- 8.9. When looking at the site in relation to the settlement pattern the new dwelling would also appear unrelated to and detached from the residential development to the south and west, and would result in visual intrusion and encroachment into the countryside. Contrary to suggestions made by the applicants during the application process, and despite the significant tree retention now proposed (see later in this report) the proposed development would be visible in public vantage points and its visual impact would therefore be discerned.
- 8.10. In their submission, the applicants reference other dwellings along Alchester Road which are sited further back from the road from most other dwellings, in particular Winterbrook House, which was allowed at appeal (APP/C3105/A/08/2063363; planning ref: 07/01775/F). Winterbrook House was constructed on the site of previous stables, with a manège also to the rear. Whilst each application is assessed on its own merits, it is considered that the aforesaid case has a different context and thus officers consider that it this site alone does not set a precedent that the land to the rear of Appleyard is within the built up limits (the Planning Inspector at Winterbrook House took the same view – see below).
- 8.11. Not only that, but several of the Inspector's comments in allowing the appeal at Winterbrook House are important to note here, including as follows:

Para 6 – “the more significant issue, in my opinion, is whether or not the appeal site falls within the built-up area of the village”.

Para 7 – “...it must necessarily be assessed on a case by case and subjective basis”.

Para 9 – there is mention here of an old stone wall and then, “in my opinion, the proposed new dwelling would be within the original village precincts, and the proposed new hedge would re-instate the historic boundary line”.

Para 10 – “The terms ‘residential area’ and ‘built-up area’ are not interchangeable in my opinion...”

Para 12 – “The Council confirmed at the hearing that it had no concerns about the size, design or appearance of the proposed dwelling... The proposal is essentially a redevelopment of a former farm buildings site... and would not cause any significant loss of green...space”

Para 13 – “...allowing the proposal would not in my opinion establish any precedent...”

- 8.12. With regard to the built limits in terms of this appeal, the Inspector stated “...little now remains of the farm character once associated with Home Farm. Dwellings in the converted agricultural buildings at Home Farm Close, and the more recent Huish House, reinforce the present day residential character of this part of the village, not just in linear form along Alchester Road but also in depth behind it... thus none of these matters alter my view that the appeal site can reasonably be considered to be within the village’s built up area”.
- 8.13. The application dwelling would be located approximately 100m back from Alchester Road and would not be visible from the road due to intersecting dwellings and vegetation. The approved Winterbrook House is set approximately 60m back from Alchester Road, whilst the main façade of the building is visible from the road. In addition, the land at Winterbrook House formed part of the farmyard once associated with Home Farm, with a stable building partially located where the dwelling now sits. The proposed application dwelling sits on an open field, forming an orchard.
- 8.14. With the above in mind, it is concluded that the proposed development would be located outside the built up limits and therefore does not accord with Policy Villages 1.
- 8.15. Saved Policy H18 of the Cherwell Local Plan (1996) is therefore applicable and states that planning permission will only be granted for new dwellings beyond the built-up limits of settlements in a limited number of exceptions, such as the essential need for a rural worker to live on site. None of these exceptions are relevant or have been demonstrated in this case. As such, the proposal conflicts with Saved Policy H18 of the CLP 1996.
- 8.16. In case one might question why this policy conflict is important or question whether this causes any harm: Firstly, the reader is directed to paragraphs 8.2, 8.3 and 8.4 of this report. Secondly, harm caused by the principle of development, and this is to the Council’s housing strategy. Secondly, one of the aims of Policy Villages 1 is to re-direct new housing development to more sustainable locations, i.e. the intent of not permitting houses outside the built limits of villages is not simply to protect the character or form of villages, though that is important, but to re-direct new houses away from smaller settlements to locations where future occupiers have a realistic choice of means of transport.
- 8.17. It is therefore concluded, on the matter of principle, that the proposed development is contrary to the policies in the development plan, which seek to guide new residential development in the most sustainable manner, by locating the proposed development beyond the built limits of the village.

Design, and impact on the character and appearance of the area and designated heritage assets (Including the Chesterton Conservation Area and setting of Listed Buildings)

Policy context

- 8.18. Policy ESD15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. This includes a requirement for new development to respect the traditional pattern of plots and the form, scale and massing of buildings. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and integrating development into existing streets and spaces and configuring buildings to create clearly defined active frontages.
- 8.19. Saved Policies C28 and C30 of the 1996 Local Plan seek to ensure the layout, scale and design of development is of a high standard. The NPPF advises that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development. It goes on to state that good design should contribute positively to making places better for people. Paragraph 60 states that planning decisions should not attempt to impose architectural styles or particular tastes. However, it is proper to promote and reinforce local distinctiveness.
- 8.20. Policy ESD13 of the Cherwell Local Plan (2011-2031 Part 1) states that development will be expected to respect and enhance local landscape character. Proposals will not be permitted if they would cause undue visual intrusion into the open countryside.
- 8.21. Saved Policy C23 of the Cherwell Local Plan 1996 states that there will be a presumption in favour of retaining walls and other features which make a positive contribution to the character and appearance of a conservation area
- 8.22. Paragraphs 126 and 131 of the NPPF makes clear that Local Planning Authorities should take in to account the desirability of sustaining and enhancing the significance of heritage assets, putting them into viable uses consistent with their conservation.
- 8.23. The Chesterton Conservation Area Appraisal (2008) states: "There are a few important open spaces... The gardens and fields of the properties located along Alchester Road spread out north eastwards towards the Gagle Brook. These areas are enclosed by simple vegetation which runs in an irregular pattern. Outside the enclosed gardens and school playing field, open fields create a natural buffer between Chesterton Village and Bicester."
- 8.24. In addition, the Appraisal sets out a management plan; including the Management and Protection of Important Green Spaces (paragraph 12.4). This states that the Council will "Protect of the relationship of the plots on the east side of Alchester Road with Gagle Brook."

Appraisal

- 8.25. The proposed development would be situated to the rear of the dwellings along Alchester Road, being constructed on land forming an orchard, associated by ownership with Appleyard.

- 8.26. Officers refer to the appeal decision at Winterbrook House (APP/C3105/A/08/2063363; planning ref: 07/01775/F), given the applicant has raised this as a comparable application in its resulting impact on character. The Inspector in that case noted that as the appeal dwelling essentially redeveloped former farm buildings and was accessed off an existing driveway, the character and appearance of both the Conservation Area and wider landscape would be preserved. This is of a different context to the proposed dwelling before you, which is on a piece of open green space forming an orchard, accessed from an unmade track that leads from the driveway to the front of Appleyard.
- 8.27. The Inspector at Winterbrook also noted that the appeal dwelling would form a small group with the 2 dwellings located in front of it, allowing for a substantial open area remaining beyond the residential curtilage and within the Conservation Area, to provide a setting and protect the relationship with the Gagle Brook.
- 8.28. In the current case, officers consider that a dwelling on this piece of land would result in an erosion of this important open space through the introduction of residential development in a sensitive rural location. The proposal would not protect the relationship of the plots on Alchester Road with Gagle Brook, resulting in encroachment into this area of open land between the settlement and the brook. This would result in harm to the character and appearance of the Conservation Area, its wider setting and impact on the existing open and rural landscape which cannot be undone.
- 8.29. It is considered that the new dwelling would be of poor design quality that fails to respect the traditional development pattern or enhance local distinctiveness. For a dwelling to be acceptable in design terms in this location (should there not be any in principle concern in respect to sustainability or its siting on undeveloped land not forming part of the village), it should have the appearance of an ancillary rural outbuilding or former farm building and should be subservient in scale and design to the properties fronting Alchester Road. The proposed dwelling appears overly domestic and suburban in character and scale in this rural edge of village setting. The projecting elements and overcomplicated layout and roof form are not appropriate on an ancillary building and, together with the retention of outbuildings; the new dwelling would also have a similar collective footprint to that of the existing dwelling known as Appleyard. The dwelling would thus appear excessive and inappropriate in size for its setting and out of context and character with existing built form.
- 8.30. It is therefore considered that by reason of its scale, siting, form, massing and overall appearance, would result in significant, demonstrable and irreversible harm to the existing built form and character of the village, the wider open and rural landscape setting, the setting of the Grade II* Listed Church and the character and appearance of the Conservation Area and its setting towards Gagle Brook. The proposal is therefore considered contrary to Policy ESD1, ESD10, ESD13 and ESD15 of the CLP 2031, saved Policies C23 and C28 of the CLP 1996, the provisions of the Chesterton Conservation Area Appraisal 2008 and relevant paragraphs of the NPPF.

Residential amenity

- 8.31. 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.

- 8.32. Given the location of the proposed dwelling and its relationship with neighbouring properties, officers do not consider that there would be any significant harm caused to neighbours by way of loss of light, outlook or privacy. This is in part due to the number of trees that would provide a natural screen for neighbours, and the large gardens that adjacent neighbours are afforded, in particular Monk's Lodgings (southeast) and The Old Vicarage (northwest), which are the dwellings which would be most impacted by way of the proposal. However, this does not outweigh the harm identified above.

Highway safety

- 8.33. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. This is consistent with Paragraph 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.
- 8.34. The Local Highway Authority has objected to this proposal, citing that the existing access which serves Appleyard is considered substandard to accommodate the vehicle movements an additional residential dwelling. Officers appreciate the LHA's concerns, and do not doubt their assessment that the existing access would now be deemed unacceptable should the applicant be proposing it as a new access. However, what is before officers is a proposal that would utilise an existing access onto Alchester Road, currently used on a daily basis by the occupiers of Appleyard. Furthermore, the access also provides existing access to the orchard to the rear of Appleyard. On balance, therefore, officers consider that the additional vehicle movements that would be generated by the proposed dwellings, in this context, is not considered to be a refusal reason that could be sustained at appeal.

Ecology

- 8.35. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.36. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 8.37. These policies are both supported by national policy in the NPPF and 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, unless a licence is in place.
- 8.38. The Council's Ecologist has been consulted on the application and has raised no objections, subject to the proposal being carried out in accordance with the Ecological Appraisal Report submitted with the application and an additional condition attached to secure biodiversity enhancements. Officers see no reason to disagree with the Ecologist's assessment of the application, and hereby recommend that the conditions are attached to any consent given.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. In terms of public benefits, the proposal would bring some social benefits including a contribution to the District's on-going five year supply. New development also commonly brings economic benefits including providing some construction opportunities, but the economic benefits would be temporary and relatively minor for a development of this scale and should not be overemphasised.
- 9.3. In terms of harm, the proposal is considered unacceptable in general sustainability terms in that the dwelling would be located outside the built up limits of Chesterton. The dwelling has also not been justified as serving an essential agricultural need in a countryside location and therefore fails to comply with saved Policy H18 of the CLP 1996. Additionally, for the reasons set out in this report, the proposal fails to relate well with the existing built development, resulting in a backland form of development. The proposal would also result in harm to the open and rural character of the wider landscape and setting of the village and its relationship with Gagle Brook. The proposal would cause harm to the character and appearance of the Chesterton Conservation Area and its setting and the setting of the Grade II* Listed Church which is not outweighed by the public benefits of the proposal.
- 9.4. Overall, this harm significantly and demonstrably outweighs the proposal's benefits. The proposal is therefore contrary to the Policies set out in section 7 of this report for the reasons as set out below, and permission should be refused.

10. RECOMMENDATION

That permission is refused, for the following reasons:

1. The dwelling constitutes sporadic development beyond the built up limits of Chesterton and results in significant and demonstrable harm to the character of the village and wider setting and, in the absence of an appropriate justification, conflicts with Policy ESD1, ESD15 and Policy Villages 1 of the Cherwell Local Plan Part 1 (2015), saved Policies H18, H19, C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework which seek to direct housing in the most sustainable manner.
2. By virtue of its back-land siting to the rear of Appleyard, the proposal would fail to reflect or reinforce the local character or established pattern of residential development within the village, which would in turn cause harm to the relationship of Gagle Brook with the dwellings along the east of Alchester Road. The proposal would therefore cause significant and demonstrable harm to the character, quality and appearance of the locality and the significance of the designated Conservation Area, which is not outweighed by the public benefits of the proposals. As a result, the proposal is contrary to saved Policies C28 and C30 of the Cherwell Local Plan 1996, ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. The proposed development, by reason of its scale, form, massing, and siting on

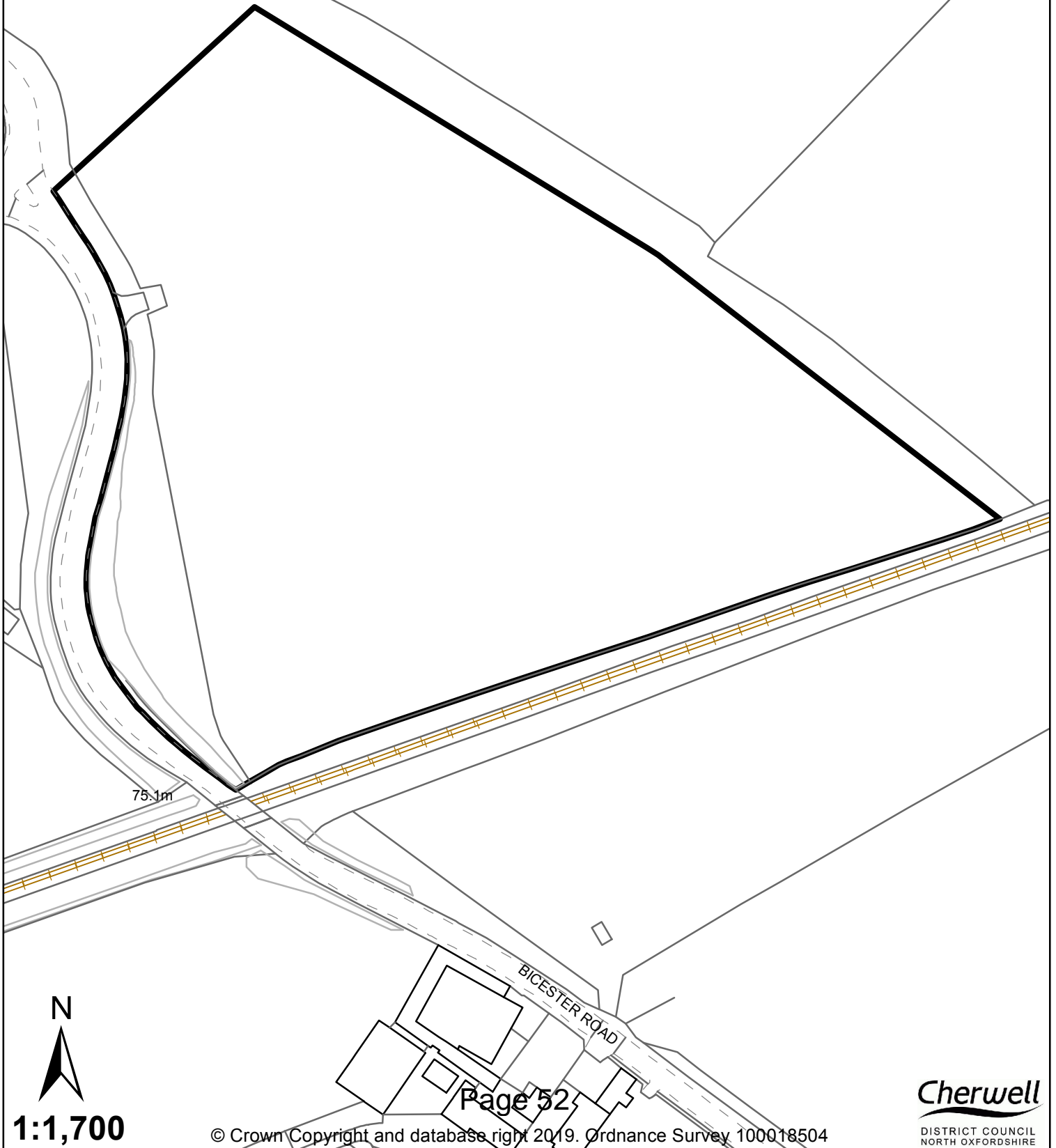
an important area of open land, and unsympathetic detailing and appearance, is considered to represent poor design that fails to integrate well with the rural character and appearance of the area, and causing less than substantial harm to the significance of the designated Conservation Area and the setting of the Grade II* Listed Church. There are no public benefits to outweigh this harm. As a result, the proposal fails to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031), Policies C28 and C30 of the Cherwell Local Plan (1996) and government guidance contained within the National Planning Policy Framework.

CASE OFFICER: George Smith

TEL: 01295 221899

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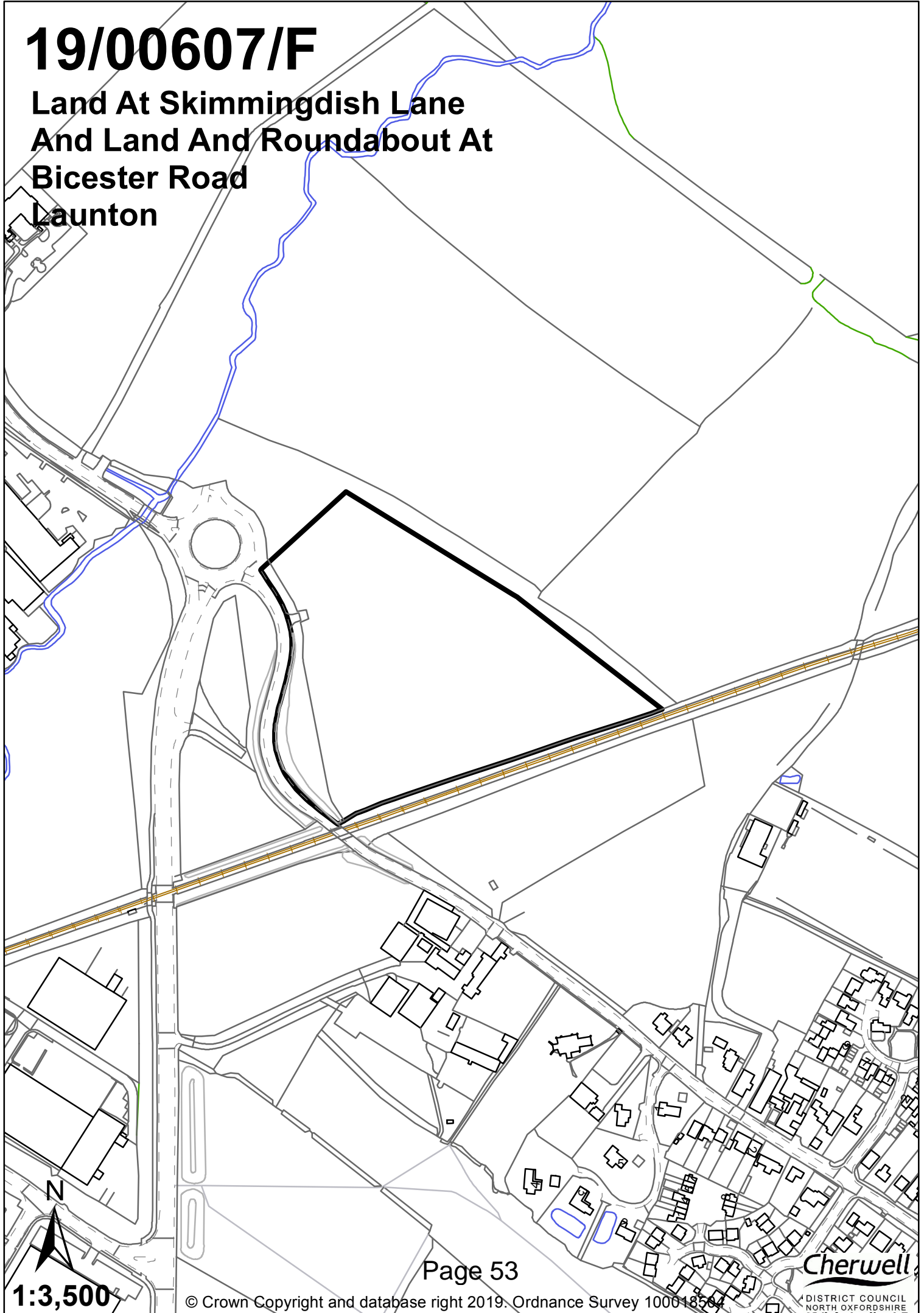
**Land At Skimmingdish Lane
And Land And Roundabout At
Bicester Road
Launton**



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19/00607/F

Land At Skimmingdish Lane And Land And Roundabout At Bicester Road Launton



Case Officer: Linda Griffiths

Applicant: Network Rail Infrastructure Ltd

Proposal: Use of land as a construction compound incorporating storage area, site offices and car parking

Ward: Launton and Otmoor

Councillors: Timothy Hallchurch, Simon Holland, David Hughes

Reason for Referral: Major development

Expiry Date: 23 August 2019

Committee Date: 15th August 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS and subject to receipt of further information and surveys as requested by OCC highways and the final comments of OCC raising no objections.

Proposal

The application seeks temporary planning permission for the creation of a construction compound that comprises a 3 storey site accommodation block, boundary fencing, gatehouse and barrier, lighting, storage area, water treatment tank, internal access roads and tree protection fencing to be used during the construction of the works to the adjacent railway line under East West Rail 2. Site access will be from Bicester Road, via the A4421. A new access will be created onto the highway and an existing farm access at this location will be formalised and retained as an emergency access point. The compound will be served from the minor arm of the new signal-controlled junction onto Bicester Road, to the southeast of the A4421/Charbridge Lane.

Consultations

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

- Launton Parish Council

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

- Environment Agency, CDC Environmental Protection, CDC Landscape Officer

1 letter of objection has been received.

Planning Policy and Constraints

The application site is not located within any statutory or non-statutory land designations. It is however, located within 2km of Stratton Audley SSSI. Bicester Airfield and Gavray Drive Local Wildlife Sites are within 1km of the site. The site constraints have identified a number of Protected and Notable Species are present within a 250m buffer of the site. The site lies within Flood Zone 1 but a watercourse lies approximately 80m from the north-western boundary of the site. The site is potentially contaminated.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Layout
- Transport impact and highway safety
- Landscape and visual impact
- Ecology and net biodiversity gain

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and subject to the Local Highways Authority confirming no objections.

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 extends to 4.1ha in size and comprises agricultural land bound by hedgerow. There are three mature trees within the site and it is currently accessed from the public highway by a gated field entrance to the west of the site from Bicester Road or from the Charbridge Lane/Bicester Road roundabout. The land to the east of the site is predominantly arable and pasture land crossed by a network of hedgerows and mature scattered trees and boundary ditches. To the south of the site along Bicester Road lies the village of Launton. There are no public rights of way within the site although a public right of way passes on land to the north. The southern part of the site is bounded by the railway line.

2. CONSTRAINTS

2.1. The application site is not located within any statutory or non-statutory land designations. It is however located within 2km of Stratton Audley Quarry SSSI. Bicester Airfield and Gavray Drive Local Wildlife Sites are within 1km of the site. The site constraints have identified a number of Protected and Notable Species are present within a 250m buffer of the site. The site lies within flood Zone 1 but a watercourse lies approximately 80m from the north-western boundary of the site. The site is potentially contaminated.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks temporary planning permission for the creation of a construction compound that comprises a 3 storey site accommodation block, boundary fencing, gatehouse and barrier, lighting, storage area, water treatment tank, internal access roads and tree protection fencing to be used during the construction of the works to the adjacent railway line under East West Rail 2. Site access will be from Bicester Road, via the A4421. A new access will be created onto the highway and an existing farm access at this location which will be formalised and retained as an emergency access point. The compound will be served from the

minor arm of a new signal-controlled junction onto Bicester Road, to the southeast of the A4421/Charbridge Lane.

4. RELEVANT PLANNING HISTORY

4.1. There is no planning history directly relevant to the proposal.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. 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 **23rd June 2019**, although comments received after this date and before finalising this report have also been taken into account.

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

- Great care will be required to ensure these new lights work in unison with the existing
- A growing number of vehicles are shooting the lights, this situation could be exasperated. To discourage this and maintain road safety, would be advisable to install cameras

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

7. RESPONSE TO CONSULTATION

7.1. 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

7.2. LAUNTON PARISH COUNCIL: **object** because of the access and traffic light arrangements proposed for the Bicester Road. Appears that the access is being moved much closer to the railway bridge which is already controlled by lights. Two sets of lights so close together would be unworkable, cause great disruption to village traffic and be dangerous.

7.3. BICESTER TOWN COUNCIL: Welcome the application

CONSULTEES

7.4. OCC HIGHWAYS: **Comments awaited**, following the receipt of additional plans and information during the consideration of the proposal.

7.5. THAMES WATER: **No comment**, not clear what sqm of office space is being erected.

- 7.6. ENVIRONMENT AGENCY: **No objection**
- 7.7. ENVIRONMENTAL PROTECTION: **No comments** in respect of noise, contaminated land, air quality, odour or light.
- 7.8. NATURAL ENGLAND: **No comments**
- 7.9. ARBORICULTURAL OFFICER: **No objection**. Layout plan shows only a small group of trees removed from the site access with the remaining trees retained and protected. As the area around the retained trees is to be used as storage there should be an exclusion zone around. These trees appear worthy of a TPO. Conditions relating to exclusion zone and tree protection recommended.
- 7.10. LANDSCAPE OFFICER: **No objection**. Agrees with findings of landscape and visual impact section of planning statement. Therefore essential to retain and protect hedges at mature height and trees to ensure it is successfully mitigated.
- 7.11. BICESTER DELIVERY TEAM: **Comments** that it is not clear from the plans where the 3 storey offices will be located. Visual impact and utilitarian appearance will be contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan. Considerable amount of storage, height of which is unspecified. Air pollution and dust will need to be addressed by Environmental Health. Little regard appears to have been made regarding sustainable travel to and from the site, including footpath provision and how they will connect more widely. Ecology comments important in terms of ensuring adequate mitigation. Need to ensure that the proposed development of the site or access to it does not result in an unacceptable impact on the local area and community.
- 7.12. ECOLOGY OFFICER: Comments awaited
- 7.13. BBOWT: **No comments** received

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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
- ESD7 – Sustainable drainage systems
- ESD8 – Water resources
- ESD10 – Protection and enhancement of biodiversity and the natural environment
- ESD13 – Local landscape protection and enhancement
- SLE4 – Improved transport and connections

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- TR7 – Development attracting traffic on minor roads
- TR10 – Heavy goods vehicles
- C5 – Protection of ecological value and rural character

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Policy Statement for National Networks (2014)
- National Infrastructure Delivery Plan (2016)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

8.4. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

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

- Principle of development
- Layout
- Transport impact and highway safety
- Landscape and visual impact
- Ecology and net biodiversity gain

Principle of Development

- 9.2. The Development Plan for Cherwell comprises the adopted Cherwell Local Plan Part 1 2011-2031 and saved policies in the adopted Cherwell Local Plan 1996. Section 70 (2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission, the local planning authority shall have regard to the provisions of the development plan so far as is material to the application, and to any material considerations. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that regard is to be had to the development plan for the purposes of any determination to be made in accordance with the development plan unless material considerations indicate otherwise. This is also reflected in the National Planning Policy Framework (NPPF) at paragraph 12 which makes it clear that the starting point for decision making is the development plan.
- 9.3. On 27th July 2019 a Transport and Works Act Order (TWAO) application was made for the construction, operation and maintenance of an up-graded, and reinstated rail link between Bicester-Bletchley-Bedford and Aylesbury-Claydon junction in addition to new railway infrastructure including new overbridges, footbridges, a new station and platforms. The East-West Rail alliance proposes to set up a number of the strategic and satellite temporary construction compounds in advance of the TWAO being made which are necessary due to the tight project timetable. This is one such compound. Once construction works have been completed, the land will be reinstated and revert to its former use and condition as agricultural land.
- 9.4. The application seeks permission for the construction of a main compound off Bicester Road, north west of the village of Launton for the construction of East West Rail Phase 2. A satellite compound was granted consent earlier this year for a smaller satellite compound along Station Road just outside the village of Launton (18/02122/F) refers. This application only covers the construction of the compound and its use for preliminary activities in advance of the Transport and Works Act Order, and should the Order be granted, it will then be used to facilitate the main works. The compound will be constructed between September 2019 and December 2019 and is expected to be removed in advance of the first services on the line being introduced (currently anticipated in 2023).
- 9.5. Although EWR2 is not classified as a nationally significant infrastructure project, the nature and scale of the project is closely allied to such projects, and East West Rail will help to meet the country's needs and support the Government's ambitions in this regard. Therefore, the principle of development is acceptable in this case.

Layout

- 9.6. The application submission indicates the erection of a three storey office and welfare station within 14 modular units, car and cycle parking provision for staff and operatives, boundary fencing measuring 2.4m in height in the form of palisade fencing to ensure the site is secure, gatehouse and access barrier, storage area, water treatment tank, wheel-wash, fuel filling station and lighting.
- 9.7. The office/welfare block will be positioned adjacent to the access road into the compound and will be screened to a degree by existing vegetation. An exclusion zone is proposed along the eastern boundary of the site to protect the existing hedgerow. Material and topsoil storage are proposed in a significant area adjacent to the existing railway track. Access to the track for construction works and vehicles will be provided at the south eastern end of the compound. A lighting condition will be necessary as no lighting details have been included. It is important that the design of the lighting together with its timing of use is such that the impact on

habitats is kept to a minimum and the amenities of the locality are not compromised by unnecessary lighting during non-working hours.

- 9.8. All in all, the layout is considered logical and appropriate, and is acceptable.

Transport Impact and Highway Safety

- 9.9. A Transport Statement has been submitted with the application. There are two types of compound proposed for the construction project; strategic and satellite. This compound (A1), is a strategic compound which will act as a base, store and site office for the advance works, including materials import and storage of topsoil and construction materials, vegetation clearance along the railway, repair work to culverts and environmental mitigation works where required.
- 9.10. The compound will be accessed from the minor arm of a new signal-controlled junction onto Bicester Road to the southeast of Charbridge Lane. Temporary traffic signals and a recessed gate have been proposed due to the expected volumes of traffic, to allow safe and unimpeded access and egress to and from the site. It is expected that HGVs will access the site from either A4421 Skimmingdish Lane or A4421 Charbridge Lane using Construction Access Routes. It is not proposed to provide any passing places for vehicles using Construction Access Routes.
- 9.11. There are limited safe footpath and cycle routes immediately serving the construction compound and it is envisaged therefore that staff and operatives are unlikely to walk or cycle to the compound. A large car parking area is therefore proposed to the front of the office block in the northern part of the site. OCC have requested a plan showing pedestrian access to the site as they consider that pedestrian access must be encouraged to reduce the number of car journeys to the site.
- 9.12. The concerns of Launton Parish Council are noted. The submission has been assessed by OCC as highway authority, however, a number of plans were missing and a number of matters required clarification to avoid an objection. A safety audit has been undertaken where the issue of speeds was raised and assumptions made. OCC need to understand the vehicle speeds to ensure that sufficient forward visibility can be provided to the signal heads and requested that vehicle speeds are established through a survey and forward visibility marked on a plan.
- 9.13. Following a meeting on site between OCC highway officers and the applicants on 24th July 2019, the following points were made:
- OCC officers confirmed that they were unwilling to recommend sign off of the works because of concerns about inadequate forward visibility to signal heads and the proposed mitigation of low skid surfacing not being sufficient.
 - OCC officers suggested that a priority junction in the position of the current access should be investigated as an alternative which might on balance be safer than the signal option although Atkins (the agent) remain of the opinion that the signalised option would be safer.
 - Atkins confirmed that the proposed access position fits better with the proposed layout of the compound – the current access point would be less suitable.
 - Atkins confirmed that it was not possible to take access off the roundabout as originally proposed, or an alternative position, as prior to the TWAO the project cannot acquire the land.

- Atkins confirmed that the current access position had been considered and discounted and would provide further information that led to that conclusion.
- OCC re-confirmed that speed surveys would be required and suggested that this be carried out for both the current and proposed access position. It was generally felt that speeds were below the posted limit.
- Atkins advised that they would find it difficult to procure speed surveys, so OCC will look at carrying them out for a fee.
- OCC agreed that upon receipt of the above, that the information would be reviewed urgently upon receipt.

9.14. Further consultation and discussion is on-going with OCC in this regard and a final consultation response is still therefore awaited. Members will be updated at the meeting in this respect.

Landscape and Visual Impact

- 9.15. Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 relates to local landscape protection and enhancement and therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire district. Policy ESD15 of the adopted Cherwell local Plan 2011-2031 states that new development proposals amongst other things should: *'contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant tress, historic boundaries, landmark features or views, in particular within designated landscapes within Cherwell valley and within conservation areas and their setting; conserve, sustain and enhance designated and non-designated heritage assets (as defined by the NPPF), including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively designed and integrated in accordance with advice in the NPPF and NPPG'*.
- 9.16. This is a greenfield site which is agricultural in use located within open countryside, albeit the village of Launton lies nearby to the south and Bicester to the west. Whilst the site is reasonably screened by existing vegetation, the proposed development due to its nature and scale of the office block, will be visible, from both the wider countryside and Bicester Road. Due to the semi-rural nature of the site, it is accepted that there would be adverse impact on the immediate locality during construction works and the use of the compound; this however would only be for a temporary period during the construction of the EWR2 Project and therefore is not considered unacceptable.
- 9.17. An Arboricultural Impact Assessment has been submitted with the application and has been assessed by the Arboricultural Officer. It assesses the impact of the construction compound on the existing tree stock, to determine the current extent of tree removals required to facilitate its construction and operation. The tree survey includes trees both within and adjacent to the compound planning application boundary.
- 9.18. The recorded tree stock form part of the existing railway corridor vegetation and as part of linear groups of trees and shrubs growing along field boundaries. The hedgerows are primarily thorn species and have received periodic management by flailing operations, which has damaged some branches on the standard trees, but not significantly at present. The trees recorded are primarily common oak and ash. The proposed area for the compound is a broadly triangular shaped field that is bound by vegetation on all its boundaries. Individual standard oak trees are growing

within the field and on its boundaries and are of high landscape amenity value and Arboricultural significance given their relatively advanced ages. The layout of the compound has been adapted to ensure retention of these trees which have been assessed by the council's Arboricultural Officer who considers them to be worthy of a Tree Preservation Order and suggests a condition requiring a larger area than indicated around the trees to ensure they are appropriately protected.

- 9.19. The creation of the proposed site access from the Bicester Road will involve the removal of a small stretch of hedgerow. Access to the railway from the compound will be via the south-west corner where a new access will be created by the removal of a stretch of scrub.
- 9.20. Whilst the development will have a significant impact on the locality, the application only seeks consent for a temporary period, which following the construction and completion of the EWR2 Project (currently anticipated for 2023) will be removed and the land re-instated. Therefore provided the existing vegetation, hedges and trees are adequately protected during the period that the compound is in use, the long-term impacts will not be unacceptable. Accordingly, it is considered that the application accords with Policies ESD13 and ESD15 of the Cherwell local Plan and Government advice within the NPPF and is therefore acceptable in this respect.

Ecology Impact and Net Biodiversity Gain

Legislative context

- 9.21. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.22. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.23. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.24. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or

economic nature and beneficial consequences of primary importance for the environment?

- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.25. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.26. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.27. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.28. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.29. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.30. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.31. These policies are both supported by national policy in the NPPF and 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, unless a licence is in place.

- 9.32. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.33. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.34. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is existing pasture land and contains no buildings or structures. Within the field and around the field boundaries are a number of scattered trees. The eastern and western boundaries of the site are species-rich hedgerows, including trees with scattered scrub bordering to the south. The northern boundary of the site is pasture field, with the site occupying only part of the field. Beyond the boundary to the west is Bicester Road and allotments; to the east agricultural fields; to the south is the OXD line with agricultural fields beyond; north is the field boundary hedgerow and associated stream with agricultural fields beyond.
- 9.35. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.36. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.37. The application is supported by an Ecological Impact Assessment. The site is not located within any international or national statutory land designations although it is

located within 2km of the Stratton Audley Quarries SSSI. The site also lies within 1km of Bicester Airfield and Gavray Drive Local Wildlife Sites. A desk study was undertaken in November 2017, as part of the Environmental Statement relating to the EWR2 Project works and the TWAO, and, has been used to inform this application submission. An ecological walkover survey of areas within and adjacent to the site was undertaken on 31st May 2018. The Ecological Impact assessment identifies general mitigation measures that will be put in place during the construction and operation of the compound and concludes that there is unlikely to be any significant negative impact on ecological features and habitats on the site.

- 9.38. Officers are satisfied, on the basis of the above and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development 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.

Human Rights and Equalities

- 9.39. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 9.40. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

- 9.41. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. In addition, third parties were invited to the public meeting of the Planning Committee and had the opportunity to speak. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

- 9.42. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.
- 9.43. *Duty under The Equalities Act 2010*
- 9.44. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must

have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

9.45. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

10.1. 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 taken in isolation, but are sought jointly and simultaneously.

10.2. 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. The proposed compound is necessary to enable the upgrade works to the existing railway line as part of the EWR2 Project, in the interests of providing sustainable public transport which is in the public interest. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted subject to the additional information and surveys required by OCC being sufficient to enable OCC as Local Highways Authority to confirm no objections.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION SUBJECT TO THE RECEIPT OF ADDITIONAL INFORMATION AND SURVEYS AS REQUESTED BY OCC HIGHWAYS AND THE FINAL COMMENTS OF OCC RAISING NO OBJECTIONS AND SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS OR ADDITIONAL CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

Time Limits

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development and use hereby approved shall cease and be discontinued at the expiration of 5 years from the date of this permission, or upon the completion of the works relating to this section of the EWR2 Project, whichever is the sooner, and the land restored to its former use and condition on or before that date.

Reason – In order to safeguard the character of the area in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Compliance with Plans

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Location Plan 133735-2A-EWR-OXD-XX-DR-L-019009 Rev A01; Arboricultural Impact Assessment and drawing number 133735-2A-EWR-OXD-XX-DR-L-019001 Rev A01; A1 Site Design 133735-2A-EWR-OXD-XX-DR-L-019011 Rev A01; Modular Office elevations and floor plans; Environmental Appraisal Report; Transport Statement and drawing numbers 133735-RW-EWR-XX-XX-DR-LE-010803 Rev P01, 010690 Rev P01, 010691 Rev P01, 010692 Rev P01, 010693 Rev P01, 010694 Rev P01, 010696 Rev P01, 010697 Rev P01, 010698 Rev P01, 010699 Rev P01, 010700 Rev P01 and 0107001 rev P01; Flood Risk Assessment and drawing numbers 133735-2A-EWR-OXD-XX-DR-L-019010 Rev A01 and 019011 Rev A01; Construction Traffic Management Plan; Ecological Impact Assessment; Planning Statement; Construction Travel Plans; and drawing numbers: 133735-2A-EWR-OXD-CC-A1-DR-CH-002001 Rev B01, 002003 Rev B02, 002004 Rev B02; 002007 Rev B02, 002008 Rev B02, 002010 Rev B02, 002011 Rev B02, 002013 Rev B01, 002014 Rev B01, 002101 Rev B02, 012001 Rev P01, 011001 Rev B02 and 010258 Rev B02.

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.

External Lighting Details

4. Prior to the installation of any external lighting on the site, full details of the design, height, location, and finished appearance of the external lighting, including the timings for its use shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed and operated in accordance with the approved details.

Reason – To ensure the satisfactory appearance of the area, safeguard the area and in the interests of ecological protection and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Boundary Treatments

5. Prior to the first use of the development hereby permitted, means of enclosure along all boundaries of the site shall be erected and maintained for the lifetime of the development in accordance with the approved plans.

Reason – To ensure the satisfactory appearance of the completed development, to protect vision splays and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Reinstatement Scheme

6. Upon the cessation of the use of the compound hereby approved, all material, buildings, hardstanding, fencing or any other structures shall be removed from the site and the site re-instated in accordance with a detailed scheme which shall also include timescales for the restoration works, which shall have been previously agreed in writing by the Local Planning Authority. The re-instatement works shall be completed in accordance with the approved scheme.

Reason – In the interests of the visual amenities of the area, to ensure the site is reinstated appropriately in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

AMS Required

7. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions, which shall also include an exclusion zone around the existing trees within the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area and to comply with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

AMS Scheme of Supervision

8. Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the Arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details:
 - a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant Arboricultural issues
 - b) The relevant persons/contactors to be briefed by the project arboriculturalist on all on-site tree related matters
 - c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist
 - d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and Arboricultural incidents
 - e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

Reason – To ensure the continued health of retained trees/hedgerows and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenities of the area and to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Restriction of Use

9. The site shall be used only for the purpose of a construction compound in conjunction with EWR2 and for no other purpose whatsoever.

Reason – The impact on the character and visual amenities of the area is only acceptable given the need for the development, and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 and Government

guidance within the National Planning Policy Framework.

Protected Species Check

10. Prior to, and within two months of the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

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

Bird Nesting Season

11. No removal of hedgerows, trees or shrubs, nor works to, or demolition of buildings or structures that may be used for breeding birds, shall take place between 1st March and 31st August inclusive, unless the Local planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest in the site.

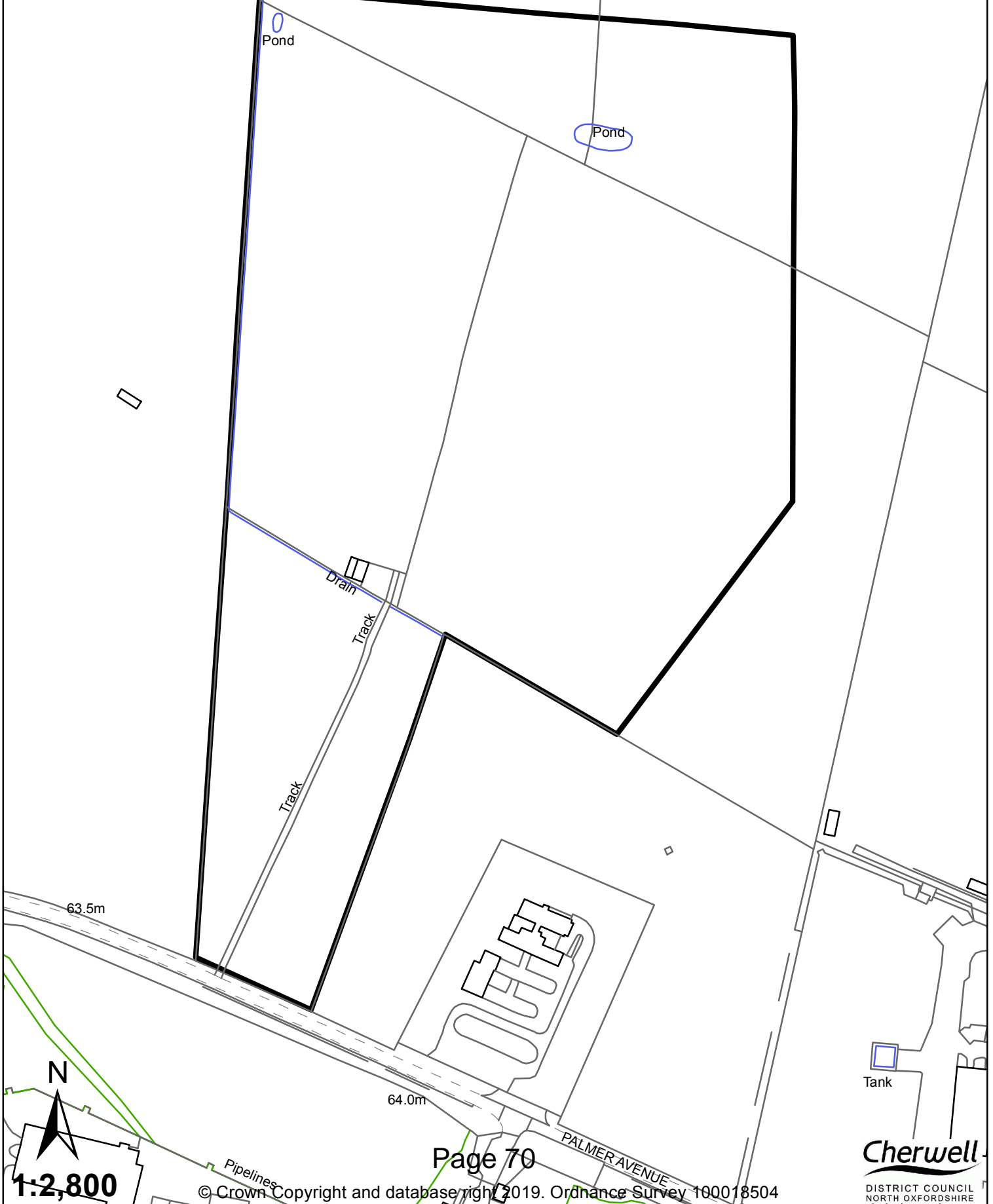
Reason – To ensure the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan and Government advice within the National Planning Policy Framework.

CASE OFFICER: Linda Griffiths

TEL: 01295 227998

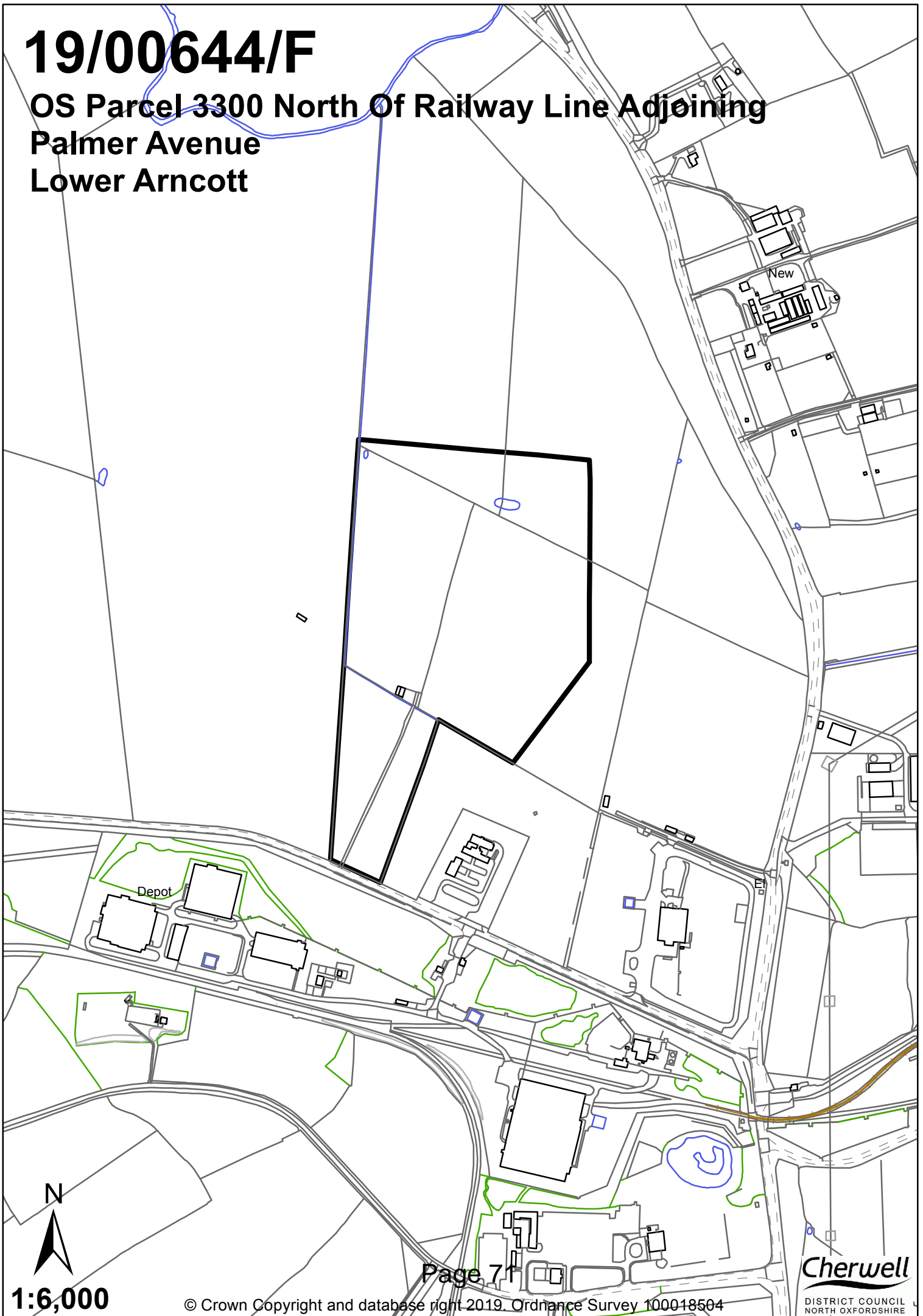
Agenda Item 10 19/00644/F

OS Parcel 3300 North Of Railway Line Adjoining Palmer Avenue Lower Arcott



19/00644/F

OS Parcel 3300 North Of Railway Line Adjoining
Palmer Avenue
Lower Arccott



Case Officer: Bob Neville

Applicant: W Potters And Sons (Poultry) Ltd

Proposal: Erection of a free range egg production unit, gatehouse and agricultural workers dwelling including all associated works

Ward: Launton and Otmoor

Councillors: Cllr Timothy Hallchurch MBE
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Major development

Expiry Date: 30 August 2019

Committee Date: 30 August 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The application seeks planning permission for the erection of a new free-range egg production unit, with associated gatehouse, agricultural workers dwelling with detached garage, new access track and access onto Palmers Avenue.

The proposed poultry building would be a profiled metal clad building measuring 159m (l) x 35m (w) x 7.96m (h) with 8 no. feed hoppers, 22 roof mounted extract fans and which would house 59,000 birds.

The proposed gatehouse would be constructed of timber cladding walls and juniper green box profile metal sheeting roof measuring 10m (l) x 7.5m (w) x 4.07m (h).

The proposed dwelling would be a 2 storey 3-bedroom constructed with a brick finish under a tiled roof with a proposed footprint of approximately 130sqm and overall ridge height of 7.36m. The associated domestic garage would be a double-garage, again of brick and tile construction, measuring 6m (l) x 6m (w) x 4.75m (h).

Consultations

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

- Arccott Parish Council, Blackthorn Parish Council, Piddington Parish Council, Ambrosden Parish Council, Agricultural Consultant, Berks, Bucks and Oxon Wildlife Trust (BBOWT), CDC Ecology, OCC Drainage

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

- CDC Environmental Protection, CDC Licensing, Environment Agency, Natural England, OCC Highways, Thames Water

52 letters of objection have been received and no letters of support have been received.

Planning Policy and Constraints

The site sits relatively centrally in relation to a number of villages; being approximately 1km from the villages of Lower and Upper Arnott which lie to the west and south-west of

the site respectively, Blackthorn ~840m to the north, with the village of Piddington ~1.5km to the east and Ambrosden ~1.8km to the north-west. The River Ray flows across land to the north of the site at a distance of ~410m at its closest point to the application boundary. The site is partially within an area of high flood risk (Flood Zones 2 & 3). The majority of the site is within the Ray Conservation Target Area. The Field South of River Ray Local Wildlife Site (LWS) lies to the west/north-west of the site approximately 340m away and Meadow Farm Meadows LWS lies approximately 440m to the north/north-east. A Public Right of Way (PRoW) (ref. Footpath 110/1/10) crosses land west/north of the site.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of the Development
- Landscape and Visual Impact
- Environmental Pollution and Nuisance
- Residential Amenity
- Ecological & Biodiversity
- Highways Safety
- Flooding Risk & Drainage

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

1. Proposals represent unjustified sporadic new residential development within open countryside;
2. Adverse visual harm;
3. Ecological Impacts and lack of nett Biodiversity gain;
4. Drainage and flood-risk issues.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is an area of agricultural land to the north of Palmer Avenue located approximately 1km east of the village of Lower Arnott. The surrounding area of land is typically characterised by open agricultural fields with hedgerow boundaries, with no significant variation in land levels across the site. In terms of built form there is an existing single store structure within the site and a further small single storey building immediately adjacent the site to the west of the site. There is a group of single storey structures adjacent to the east of the site bounded by mature hedgerows and trees enclosing the site. Palmer Avenue bounds the site to the south, with the B4011 running parallel to the east of the site; with views available from these highways across the site.
- 1.2. The site sits relatively centrally in relation to a number of villages; being approximately 1km from the villages of Lower and Upper Arnott which lie to the west and south-west of the site respectively, Blackthorn ~840m to the north, with the village of Piddington ~1.5km to the east and Ambrosden ~1.8km to the north-west. To the east and south of the site are existing MOD facilities. Bullingdon Prison lies approximately 540m south of the site.

2. CONSTRAINTS

- 2.1. In terms of site constraints, the application site sits in open countryside with typical agricultural field hedgerows bounding the site. The River Ray flows across land to the north of the site at a distance of ~410m at its closest point to the application boundary. The northern and north-west corner of the site lies within an area of high flood risk (Flood Zone 2 & 3), and there are records of two ponds being within the site. The Ray Conservation Target Area washes over the majority of the site. The Field South of River Ray Local Wildlife Site (LWS) lies to the west/north-west of the site approximately 340m away and Meadow Farm Meadows LWS lies approximately 440m to the north/north-east. Arnott Bridge Meadows SSSI lies ~1.2km to the west of the site. A Public Right of Way (PRoW) (ref. Footpath 110/1/10) crosses land west/north of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the erection of a free-range egg production unit, with associated gatehouse, agricultural workers dwelling with detached garage, new access track and access onto Palmers Avenue.
- 3.2. The proposed poultry building would be a profiled metal clad building measuring 159m (l) x 35m (w) x 7.96m (h) with 8 no. feed hoppers, 22 roof mounted extract fans and which would house 59,000 birds.
- 3.3. The proposed gatehouse would be constructed of timber cladding walls and juniper green box profile metal sheeting roof measuring 10m (l) x 7.5m (w) x 4.07m (h).
- 3.4. The proposed dwelling is contended to be necessary for the running of the business and is proposed to be a 2 storey 3-bedroom property constructed with a brick finish under a tiled roof, with a proposed footprint of approximately 130 sq m and overall ridge height of 7.36m. The associated domestic garage would be a double-garage, again of brick and tile construction, measuring 6m (l) x 6m (w) x 4.75m (h).
- 3.5. In terms of the operation of the business the applicant indicates that the birds are brought in as young laying stock and remain in the egg production unit for some 14

months. After this time the flock is removed and the whole building fully cleaned down internally and the new flock introduced to restart the egg production cycle. The birds would have direct access from the east and west elevations of the building to dedicated pasture which would be electric fenced (1.2m high fencing) to keep out predators. The proposed poultry farm would require bulk food delivered to the farm by six or eight-wheeler HGVs 3 times a month and stored in the silos on site. The applicant further indicates that the proposed farm business has a provisional contract with a company to supply the free-range eggs, and which would collect the eggs in a 7.5 tonne lorry three times a week. Waste from the hens is proposed to be cleared out by way of a conveyor belt system, which would be operated every 10 days, removing approximately 14 tonnes from the internal conveyor belt systems via an external conveyor belt into a parked trailer outside the building.

- 3.6. The applicant has supplied amended and additional information during the course of the application, in response to officer and consultee comments in relation to the lack of detailed supporting information and inconsistencies and errors with the submitted documentation. Officers have given the applicants the opportunity to address deficiencies in the submission, with the unfortunate result that the application has gone beyond its original statutory determination target date. An extension of the determination period was subsequently agreed with the applicant via their agent.
- 3.7. BBOWT requested a meeting with the applicants to further discuss their concerns and look at potential biodiversity enhancements going forward. Whilst the applicants have agreed to meet with BBOWT, officers are not aware at the time of the preparation of this report whether the meeting had taken place, or the outcomes of any such meeting. The applicant requested a further extension of the determination period to allow for that meeting to take place. Officers considered that a further extension of time was not appropriate in this instance as the meeting was unlikely to resolve all the issues relating to the application, and it was not in anyone's best interests for the application to remain unresolved.
- 3.8. Given the nature and scale of the proposed development the application has been screened in accordance with the requirements of the Town and Country Planning (Environmental Impact Assessment (EIA)) Regulations 2017. Whilst the proposal is Schedule 2 development by virtue of being an 'Intensive livestock installation' with a floor area greater than 500 sq m, which exceeds the relevant threshold and therefore falls under category 1(c) of the schedule, it was considered that the proposal would not have more than local importance. It was therefore concluded that given the nature of the development with the proposals being an above ground installation, unlikely resulting in significant production of waste, pollution, nuisances or detrimental impacts on human health, with regard to EIA development regulations and not producing significant traffic movements or emissions, it is unlikely to give rise to complex, long term or irreversible impacts and did not, therefore, require the submission of an Environmental Statement (ES).

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. 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. A further consultation exercise was undertaken following the submission of additional information during the application. Whilst comments have been received and duly considered during the application prior to the preparation of this report, given the additional consultation exercise undertaken, the final date for comments is not until 06/08/2019; any comments received after the preparation of this report and before the committee meeting will be appropriately reported in a written update on the application.

6.2. 52 letters of objection have been received during the application. The comments raised by third parties received to date are summarised as follows:

- Increased air pollution (including dust and ammonia deposition) having a detrimental impact on health and wellbeing and general living environment; including impacts on nearby residents, prison, business offices, workshops, MOD offices, hotel and schools;
- Ground pollution because of chemicals used at the site and waste from the chickens, and the potential contamination of surface water run-off leaking into the water table;
- Odour issues resulting from proposed development impacting on surrounding properties including the nearby prison and further afield Graven Hill and Bicester Village;
- Potential detrimental noise impacts, because of additional vehicular movements, extract fans, and noise generated by the chickens;
- Potential health and nuisance issues arising from increased infestation of insects and vermin;
- The Council should undertake their own independent odour impact assessment;
- Detrimental visual impacts on valued rural landscape and the Conservation Target Area;
- Detrimental ecological impacts; including impacts on LWS, Nature Reserve and surrounding flora and fauna from ammonia deposition;
- Impacts on electricity and water utilities;
- The site is in an area of high flood risk and prone to regular flooding, and there is the potential for chicken faeces to filter into the river, contaminating the water, which provides a source of drinking water for livestock and wildlife;
- Highway safety issues resulting from increased traffic associated with the development;
- There is a need for an Environmental Impact Assessment;
- There is a lack of adequate supporting information with the application; in respect of noise impact; odour impact; transport; landscape impact and mitigation; ecology and manure disposal;

- There are a number of inconsistencies and inaccuracies within the supporting information (including how much waste will be produced and also the distance to the closest residential property);
- The proposals do not protect and enhance the biodiversity of our natural environment and is not a sustainable development with no links to existing residential areas;
- Potential impacts on existing live, work and training activities and future expansion of MOD operations on neighbouring site. Further MOD military training exercises have the potential of startling birds;
- There is limited benefit arising from the proposals, and no need for addition poultry units given that there are already three existing units within the area;
- There has been too much development in the general Bicester area, and the Arncott area has seen a number of unwelcome and unwanted projects;
- Property devaluation.

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

7. RESPONSE TO CONSULTATION

7.1. 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

7.2. AMBROSDEN PARISH COUNCIL: **Objects**; commenting on: a lack of information and inconsistencies in submitted documents as to how waste will be managed; potential pollution risk to the River Ray; dissatisfaction with odour and noise filtration and that the proposed dwelling should be located nearer the proposed building.

7.3. ARNCOTT PARISH COUNCIL: **Objects** on the grounds of the potential detrimental impacts on the health and wellbeing of villagers through: odour impact, reduced air quality, increased vehicle movements, health risks from dust and further the potential for chicken faeces having detrimental impacts on the surrounding environment and leaching into the surrounding land areas, ditches and hedgerows during times of rainfall.

7.4. BLACKTHORN PARISH COUNCIL: **Objects** on the grounds of odour impact.

7.5. PIDDINGTON PARISH COUNCIL: **Objects** on the same grounds as Arncott PC above.

CONSULTEES

7.6. AGRICULTURAL CONSULTANT: **Objects**, commenting on the general lack of information in relation to the operation of the business (including: who will the eggs be produced for and quantum of manure that would be produced and how it would be managed) and further information and justification supporting the need for the agricultural workers dwelling.

- 7.7. BERKS, BUCKS AND OXON WILDLIFE TRUST (BBOWT): **Objects** on the following grounds:
- *Impact on the wildlife of Meadow Farm Local Wildlife Site and BBOWT nature reserve, and other designated sites and BBOWT reserves in the Upper Ray Meadows area.*
 - *Potential impact on staff and volunteers based at Meadow Farm, and on visitors to the site, and therefore on our office, reserve, educational and visitor operations carried out at the site.*
 - *Potential hydrological and flooding impacts, particularly in relation to Arncott Bridge SSSI, Field South of the River Ray LWS and the River Ray itself.*
 - *Insufficient information*
 - *Further details required regarding Net Biodiversity Gain*
- 7.8. BUILDING CONTROL (CDC): **No objections** or comments to make.
- 7.9. ECOLOGY (CDC): **Objects**, commenting that further information is required to demonstrate that impacts on biodiversity on site will be mitigated fully and importantly that there will be an overall net gain for biodiversity at the site. With further concerns with regards to potential off-site impacts on the nearest Local Wildlife Sites and Upper Ray Meadows in general.
- 7.10. ENVIRONMENT AGENCY: **No objections**, subject to a condition requiring the development to be carried out in accordance with the submitted Flood Risk Assessment. Further comments on the need for an environmental permit.
- 7.11. ENVIRONMENTAL HEALTH (CDC): **No objections**, subject to conditions securing details in relation to dust and odour management as submitted during the application and appropriate details in respect of the proposed ventilation fans.
- 7.12. LANDSCAPE SERVICES (CDC): **Objects**, on the grounds of visual and landscape impact.
- 7.13. LICENSING (CDC): No comments to make.
- 7.14. LOCAL DRAINAGE AUTHORITY OCC (LDA): **Objects**, on the grounds that: The Flood Risk Assessment is inadequate given that the site is within Flood Zones 2 & 3; The site is at risk of Surface water flooding/overland flow; potential Groundwater issues not investigated, and it has not been demonstrated water quality will be maintained post development.
- 7.15. LOCAL HIGHWAYS AUTHORITY OCC (LHA): **No objections**, subject to standard conditions in respect of width of the access, surfacing, drainage and visibility splays and protection of visibility splays going forward; and further the need for a S278 agreement for the development of the bell-mouth junction at the access.
- 7.16. NATURAL ENGLAND: **No objection** but recommends that officers seek further information from the Berks, Bucks and Oxon Wildlife Trust to ensure the Council has sufficient information to fully understand the impact of the proposal on LWSs before determining the application.
- 7.17. PLANNING POLICY (CDC): No formal comments received.
- 7.18. THAMES VALLEY POLICE: No formal comments received.

- 7.19. THAMES WATER: **No objections, subject to a condition** requiring that: no properties are occupied until confirmation has been provided that either: - all water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan. This condition is considered necessary by Thames Water as they have identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD 3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- Villages 1: Village Categorisation
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in open countryside
- TR7: Development attracting traffic on minor roads
- TR10: Heavy Goods Vehicles
- AG2: Construction of farm buildings
- AG3: Siting of new or extension to existing intensive livestock and poultry units
- AG4: waste disposal from intensive livestock and poultry units
- C8: Sporadic development in the countryside
- C14: Countryside management projects
- C28: Layout, design and external appearance of new development

- ENV1: Development likely to cause detrimental levels of pollution
- ENV12: Development on contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010
- Noise Policy Statement for England 2010 (NPSE)
- Cherwell Countryside Design Summary (1998)
- Oxfordshire Wildlife & Landscape Study (OWLS)
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)

8.4. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

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

- Principle of the Development
- Landscape and Visual Impact
- Environmental Pollution and Nuisance
- Residential Amenity
- Ecological & Biodiversity
- Highway Safety
- Flooding Risk & Drainage

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996 as well as a number of Adopted Neighbourhood Plans (although none of which are relevant to the application site in this instance).

Policy Context

- 9.3. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental.
- 9.4. Whilst considered as a whole, the proposals include a number of distinct elements including both agricultural development and residential development.
- 9.5. In terms of the agricultural elements, the NPPF advocates the support of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. This also includes the development and diversification of agricultural and other land-based rural businesses.
- 9.6. Saved Policy AG2 of the CLP 1996 is similarly supportive of the principle of farm buildings in the countryside, in that it supports new farm buildings where they are designed and sited such that they do not intrude into the landscape or residential areas.
- 9.7. In terms of assessing new residential development, Cherwell District Council can demonstrate a five-year supply of deliverable housing sites. In addition to this, the Written Ministerial Statement of 12th September 2018 provides for a temporary change to housing land supply policies as they apply in Oxfordshire. Until the adoption of the Joint Statutory Spatial Plan, the Oxfordshire Authorities are required to demonstrate a 3-year supply of deliverable housing sites (as well as meeting their requirements in respect of the Housing Delivery Test). As such, policies for determining the application are only to be considered out of date (in accordance with paragraph 11d – footnote 7 of the NPPF) where a 3-year supply of deliverable sites cannot be demonstrated. The presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 9.8. In respect of the proposed new residential dwelling, as the site is located on agricultural land in the middle of open countryside the proposals for new residential development therefore stands to be assessed against Saved Policy H18 of the Cherwell Local Plan 1996.
- 9.9. Policy H18 of the Cherwell Local Plan 1996 sets out that a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan. Paragraph 79 of the NPPF echoes these provisions.

Assessment

- 9.10. As noted above the proposals include several distinct elements including both agricultural development and residential development; with the applicant contending the proposed dwelling is necessary for the operational needs of the proposed new egg production business. Given the nature of the proposals the Council has sought advice from an independent agricultural consultant (AC) in respect of the proposed scheme.
- 9.11. The application is supported by an Assessment of Need & Design and Access Statement, which sets out a limited overview of the business, a description of the proposals, a statement with regards to the functional need and drawing a conclusion. This document has been updated during the application process to correct inconsistencies and to add further information in response to comments made by the Council's AC and officers with regard to the lack of information.
- 9.12. However, whilst the document has been updated, the AC remains of the opinion that there is a lack of information in respect of the new business enterprise that would allow for a conclusive opinion to be formed that the business would be sustainable going forward, or that there is an essential need for a new residential dwelling to support any such business, or that any such need could not be met by an existing dwelling within the nearby villages. Officers see no reason to reach a different conclusion to that of the AC.
- 9.13. The applicant has provided detailed accounts for their existing business, W Potters & Sons (Poultry Ltd), and the AC confirms that the last three years' trading accounts are positive and show an economically viable business with a strong asset base. And further in addition, a cash flow document has been provided showing that after initial investment the business will trade profitably.
- 9.14. However, the AC notes that the stand-alone unit at Lower Arccott is to be run as a separate trading account which, he was informed at his site meeting with the applicant, would shortly be set up and would be known as 'W Potters & Sons (Poultry Ltd) No2 Retirement Benefits Scheme'; however, from the information submitted to date the AC remains unclear as to how the Lower Arccott site would be run and accounted for in practice, commenting that, *'If the Lower Arccott site is to be run separate and apart from W Potters & Sons (Poultry Ltd) then it will effectively be a new business with no trading history'*.
- 9.15. Being an isolated rural site, the site is not considered a sustainable location for new residential development with no links to existing residential areas or access to public transport; and future occupants would be highly reliant of on the use of a car for basic needs. However, such concerns have to be weighed up against whether there is an essential need for a new dwelling in such rural locations.
- 9.16. In terms of the policy context with regard to demonstrating an essential need for a new dwelling, the supporting text to saved Policy H18 states:

"Essential' will normally be interpreted as a proven necessity for a worker to live at or very close to the site of their work i.e. it is necessary for the proper functioning of the enterprise for a new dwelling to be occupied by a worker in connection with it. Sufficient details should be provided to enable an assessment of the size, nature and viability of the existing or proposed enterprise together with details of the number and tenure of existing dwellings related to the holding or estate. Where there is any doubt that a dwelling is required for the proper functioning of an enterprise, or where a new business is being proposed, it will be necessary to supply adequate financial information to demonstrate that the proposals are sound.

In particular the Council will wish to be satisfied that such need as might exist could not be reasonably secured in a nearby settlement”.

- 9.17. As to whether an essential need is demonstrated in this instance for a new residence to support the new egg production business in this application: The applicants contend that there are a number of operational needs, including animal welfare, vermin control, disease and illness monitoring, emergencies and security. However, officers are not satisfied that it has been satisfactorily demonstrated that other options have been explored and reasonably discounted, e.g. operatives living in a nearby local village, use of a night-watchman at times when the site is not manned and the use of automated systems, that would negate the need for a permanent new dwelling in this location. Or that the location of the dwelling some 330 metres away from the poultry building with proposed landscaping on intervening land would be effective in providing adequate monitoring of the poultry enterprise.
- 9.18. Further to the above it is considered that insufficient information has been supplied that demonstrates that the proposals are based on a sound business plan or that this would be a sustainable business enterprise going forward; with the potential that, should permission be granted and dwelling constructed, and the business then fail, one would simply be left with a residential dwelling in an unsustainable location contrary to District’s rural housing strategy and local and national policy guidance in relation to isolated new dwellings.
- 9.19. The applicant has provided several extracts from appeal decisions (for similar types of development and need for an essential dwelling) to support the current application. Whilst these decisions reflect a snap shot of decisions made by Planning Inspectors, and their assessment of the issues in relation to the relevant individual applications, planning law requires that each application must be assessed on its own merits and in the context in which it is set. The context of the applications on which the Inspector comments are made may have very different circumstances (and it is noted that some of the comments relate to applications for temporary dwellings, which this application is not) to those of the current application and as such officers have given little weight to the consideration of the appeal decision extracts in reaching their conclusion with regard to whether an essential need is demonstrated.

Conclusion

- 9.20. Whilst it is considered that there is general policy support for new agricultural buildings and rural businesses in many situations and rural locations, in this instance there are significant concerns with regards to the environmental impacts of the proposed development, both physical and perceptual. In addition, it has not been satisfactorily demonstrated that an essential need exists for a new permanent dwelling in this location. The proposals would see a substantial new agricultural building, associated development and a new residential dwelling being introduced on what is currently a greenfield site in open countryside. As the proposed dwelling cannot be justified based on an identified essential need, and it is considered that the overall development would result in undue environmental harm, in part through intrusion into the valued rural landscape, the proposals significantly conflict with the provisions of the Development Plan policies identified above (discussed further below) and are therefore considered by officers to be unacceptable in principle.

Landscape and Visual Impact

Policy Context

- 9.21. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 9.22. Policy ESD13 of the CLP 2031 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 normally 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, or impact on areas judged to have a high level of tranquillity.
- 9.23. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.24. Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited so they do not intrude into the landscape or residential areas and where appropriate landscaping schemes should be included and materials should be chosen so that development fits sympathetically into its rural context.

Assessment

- 9.25. The landscape around the site is located within both the Alluvial Lowlands character type and the Wooded Farmland character type within the Oxfordshire Wildlife & Landscape Study (OWLS) 2004.
- 9.26. The OWLS note that the Alluvial Lowlands is characterised by a regular pattern of medium-sized hedged fields with permanent pasture and arable cropping. Broad alluvial plains. The OWLS set out that the key characteristics comprise of a mixed farming pattern with regular fields with both arable cropping and pasture; densely scattered hedgerow trees of ash and willow; dense willow corridors bordering a large number of ditches and is sparsely settled.
- 9.27. The OWLS note in relation to the nearby Local Wildlife Site (LWS) 'Field south of River Ray' notes that: *'This field of wet pasture is used for cattle grazing. The field has not been agriculturally improved through the use of fertilizers or herbicides or through ploughing and reseeded. Meadows such as this are a nature conservation priority in the UK. This field lies next to another County Wildlife Site which together form a much larger continuous area of this habitat. The field has a distinct ridge and furrow pattern which is a sign of medieval ploughing'*.
- 9.28. The OWLS states that the Woodland Farmlands is characterised by a mosaic of woodland, enclosed pasture, arable fields as well as scattered farms and settlements. The OWLS set out that the key characteristics comprise of large blocks of ancient woodland and a large number of plantations; a varied field pattern of arable land and pasture enclosed by woodland and hedges; species rich

hedgerows with many hedgerow trees and dispersed settlement pattern with settlements and scattered farms.

- 9.29. The Council's Countryside Design Summary (1998) encourages sensitive and appropriate development across the District and sets out specific advice relevant to this case. This divides the Cherwell District into four broad areas and this site is identified as lying within the Clay Vale of Otmoor area. The landscape of the area is described as generally flat, low-lying area crossed by the meandering Rivers Ray and Cherwell, which drain into the Thames at Oxford. The Design Summary also sets out that arable farming is the primary agricultural land use of the area, and that the wider Otmoor area is of significant ecological importance. The Countryside Design Summary sets out that new development should look to prevent damage to ecologically important habitats and to maintain its capacity to take floodwater; new development will not normally be acceptable within the floodplain. Further that Loss of hedgerows should be avoided, as this will damage landscape character by creating monotonous exposed plains.
- 9.30. The application is supported by a Landscape and Visual Impact Assessment (LVIA), submitted during the application, which has considered the potential impacts on the landscape character and amenity of the site and surrounding area. The visual assessment was carried out by Viento Environmental Limited; fieldwork was undertaken to identify several viewpoints (six) in the immediate and wider setting of the site.
- 9.31. The Council's Landscape Officer (LO) has reviewed the documentation and, whilst it is considered to be of sufficient detail for a development of this scale, it is considered that the LVIA does not accurately reflect the likely potential visual impacts of the proposed development.
- 9.32. Regarding the landscape impacts, the LVIA considers that there is medium landscape character sensitivity and that, when considering the scale and nature of the development changes would result in moderate/minor or minor impacts on landscape character; concluding that: *'In landscape character and visual amenity terms, in combination with the landscape enhancement proposals, the proposed development would be a suitable fit within the context of its immediate surroundings and would result in limited changes to views and landscape character within the local area...'*. Unfortunately, Officers do not agree that the level of landscape effect would be minor.
- 9.33. From visiting the site, officers consider that the site and surrounding land is more typical of the Alluvial Lowlands character type, given the level, openness and the large-scale arable fields with long distance views across the site. The LO shares this view and notes the landscape in the vicinity is very flat with low hedges and very scattered trees, which do not provide much screening.
- 9.34. The proposed poultry building is sited in an isolated position in the middle of open countryside. The applicant has stated that: *'The building is sited within a natural hollow of the landscape and does not affect long distance views from amenity areas therefore minimising the impact of the building on the landscape, in addition to this there is a proposed landscaping planting scheme'*. Whilst the proposed poultry building would be sited in a slight natural depression, both the LO and the case officer consider this would not be sufficient to screen what would be a substantial new building.
- 9.35. In terms of the proposed landscaping scheme there is little detail submitted at this stage and it is considered that what mitigation is proposed is inadequate. A few trees scattered at random is not considered to provide adequate screening of the

poultry building. No species are given and further there is no clarity on how any new planting would be protected from the hens destroying the tree roots. Viewpoint 4 (VP4) of the LVIA from the PRow is impacted the most yet there is no difference between the treatment on the north-western side of the building as shown in the submitted photo-montage; however, this would appear to conflict with the detail of the proposed landscaping plan Figure LV1 of the LVIA. There is an existing small single storey structure that sits in the field adjacent the site and is markedly visually prominent when viewed from the adjacent highways to the south and north-east; officers consider that similar viewpoints would be experienced of the proposed poultry building.

- 9.36. The proposed dwelling would be sited some 42m north of the adjacent highway with detached double garage on intervening land. The proposed dwelling would be screened from the highway by the introduction of a new tree belt. This is not considered to be good practice and would be contrary the Alluvial Landscape Character Type within which the majority site sits.
- 9.37. The proposed gate house would sit in a similar open position as the existing single storey structure in the adjacent field to the west of the site and would likely have similar level of prominence in the open landscape.
- 9.38. The Landscape Strategy as expressed within OWLS looks to maintain the tranquil nature of the landscape and promote the restoration and enhancement of hedgerows, hedgerow trees and tree-lined watercourses. Including:
- Strengthening the field pattern by planting up gappy hedges using locally characteristic species such as hawthorn, and hedgerow trees such as oak and ash.
 - Promoting environmentally-sensitive maintenance of hedgerows, including coppicing and layering when necessary, to maintain a height and width appropriate to the landscape type.
 - Enhancing and strengthening the character of tree-lined watercourses by planting willows and ash and, where appropriate, pollarding willows.
 - Conserve the surviving areas of permanent pasture and promote arable reversion to grassland, particularly on land adjacent to watercourses.
- 9.39. The proposals, with potentially significant new tree planting and removal of hedgerows required to facilitate the construction of the proposed poultry building, would appear to be in direct conflict with the OWLS landscape strategy which looks to protect and sustain the character and appearance of the valued rural landscape.

Conclusion

- 9.40. The proposals would result in a substantial new poultry building, gatehouse and new dwelling being introduced on an area of open countryside; and it is considered that it has not been demonstrated that the impacts of such development could be successfully mitigated through an appropriate landscaping scheme. It is considered that the proposals would cause undue visual intrusion into the open countryside and be to the detriment of the general character and appearance of the surrounding valued rural landscape; thereby demonstrating significant conflict with the provisions and aims of the Development Plan policies identified above and are therefore considered by officers to be unacceptable in terms of landscape and visual impacts.

Environmental Pollution and Nuisance

Policy Context

- 9.41. Saved Policy ENV1 of the adopted Cherwell Local Plan states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other type of environmental pollution will not normally be permitted.
- 9.42. Policy ESD8 states that: *'Water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted'*.
- 9.43. Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 states that: *'Development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space'*.
- 9.44. Saved Policy AG3 of the adopted Cherwell Local Plan notes that in the interests of the avoidance of pollution, new intensive livestock and poultry units or extension to existing units that require planning permission will be resisted where they would have a materially detrimental effect on nearby settlements or dwellings due to smell.
- 9.45. Saved Policy AG4 of the Cherwell Local Plan 1996 states that proposals for new intensive livestock or poultry units or extensions to existing units as may be permitted in the plan area will be required to include suitable provision for waste disposal. The text supporting saved Policy AG4 notes that when inadequate provision is made for waste disposal, there is a serious risk of smell problems or pollution to watercourses and ponds.
- 9.46. Paragraph 183 of the NPPF states that: *"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities."*

Assessment

- 9.47. The applicant has indicated that they will require an Environmental Permit, as the proposed number of birds exceeds the threshold limit of 40,000. The Environment Agency (EA) stated that as part of the application the applicant will have to prove there will be no detrimental impact from ammonia releases on sensitive receptors as well as having an odour management, manure management and pest control management plans agreed before the permit is granted or have agreed to improvement conditions stipulating such works/targets would be achieved within a specified time period. The IPPC permit covers issues such as on-site noise, emissions (including odour) and waste generated on site and their management as well as issues of concern in relation to the surrounding environment. Notwithstanding the above the Local Planning Authority will need to be satisfied that the proposed use can be regulated effectively, without undue environmental harm.
- 9.48. The proposed development is of a nature that has the potential to produce noise and odours. There are some residences and commercial properties in the areas surrounding the site of the proposed poultry unit. The closest residential dwellings and commercial buildings in relation the application site boundary are at:

- Wild Meadow, approximately 250 metres to the north-west of the boundary of the application site;
- Bridge Farm approximately 420 metres to the north-west of the boundary of the application site;
- Meadow Farm, approximately 500 metres to the north-west of the boundary of the application site;
- MOD facilities to the east and south of the site.
- Bullington Prison approximately 540m south of the site.
- Those within the surround settlements of Lower and Upper Arnott which lie to the west and south-west of the site respectively, Blackthorn ~840m to the north, with the village of Piddington ~1.5km to the east and Ambrosden ~1.8km to the north-west.

9.49. Further sites of ecological importance also have the potential to be affected by the proposed development.

- The Field South of River Ray Local Wildlife Site (LWS) approximately 340m west/north-west of the site;
- Meadow Farm Meadows LWS approximately 440m to the north/north-east of the site.
- Arncott Bridge Meadows SSSI approximately 1.2km to the west of the site.

Assessment of Noise

9.50. A Noise Impact Assessment (NIA) prepared by 'Matrix Acoustic Design Consultants', which reviews plant (for example ventilation) and transport noise (for example manoeuvring, unloading and loading) generated from the proposed development, has been submitted during the application in response to the Council's Environmental Protection Officer (EPO) and Third Party comments. The submitted NIA alongside the application has been conducted in accordance of BS4142:2014 'Methods for Rating and Assessing Industrial and Commercial Sound', to determine the typical background noise levels at the nearest dwellings to the proposed development.

9.51. It is noted that the proposed fans have yet to be confirmed, but for the purpose of the assessment typical units used in free-range egg units have been assumed, (namely Big Dutcham FF091-6DT units). The NIA states that the fans are to be thermostatically controlled, with the total number of fans operating at any one time dependent on the bird's ventilation requirements. The document states the high stage (100% ridge extract fans operating) would typically only be triggered when the external temperature exceeds 23°; this therefore is only expected to occur during the daytime period (07:00 – 20:00hrs), and that during the evening and night this temperature is not expected to be exceeded (20:00-07:00).

9.52. In addition, the NIA states that the majority of transport movements, for example egg collections, will only occur during the working day (07:00 – 20:00hrs). The NIA concludes that the nearest residential receptors would experience, at worst, very low to negligible levels of noise as a result of the transport activities.

9.53. The NIA concludes that: '*On the basis that the proposed development (assessed using typical extract fans and assumed very low background noise levels) will not result in an adverse noise impact at the nearest dwellings, we conclude that on noise grounds it is acceptable*'. The Council's Environmental Protection Officer has reviewed the NIA and considers it appropriate in terms of method of assessment and the conclusions reached; raising no objections on the grounds of potential noise impacts. Officers see no reason to reach a different conclusion than that of the EPO.

- 9.54. It is worth noting that the IPPC permit covers that matter of noise pollution beyond the installation boundary. Given the above, officers consider that proposed poultry unit can be regulated effectively, without producing materially detrimental levels of noise pollution.

Assessment of Odour

- 9.55. The applicants have submitted Odour Impact Assessment (OIA) ('Dispersion Modelling Study of the Impact of Odour' report) and 'Odour Management Plan' during the application in response to officer and third-party concerns.
- 9.56. The OIA identifies that the main source of odour from the proposed poultry house would be from the chimneys of the ridge/roof mounted fans, and in hot weather, from the gable end fans, with some further emissions from open pop holes. The chickens would have access to daytime ranging areas outside of the house and some odour would arise from the manure deposited on the ranging areas.
- 9.57. The Odour Impact Assessment uses computer modelling to assess the impact of odour emissions from the proposed poultry building. The odour emission rates from the proposed poultry houses have been assessed and quantified based upon an emissions model that takes into account the internal odour concentrations and ventilation rates of the poultry building. The odour emission rates obtained were then used as inputs to an atmospheric dispersion model which calculates exposure levels in the surrounding area.
- 9.58. The Odour Impact Assessment concludes that the result of the modelling indicate that the 98th percentile hourly mean odour concentration at all nearby residential properties and commercial businesses would be below the Environment Agency's benchmark for moderately offensive odours. Thus, based on this, such odours should not give rise to a significant proportion of complaints when referring to research by UK Water Industry Research (UKWIR).
- 9.59. Concerns have been raised by third parties regarding the storage of manure created by the proposal in terms of odour and the potential issues this may create in terms of pests. The applicant states that the method of disposal of the poultry manure produced by the development is through export from the application site and spreading on land owned by the operator (thus the manure is not to be stored on the application site). The OIA indicates that the manure is proposed to be disposed of by way of a conveyor belt system which would be operated every 5 - 7 days removing approximately 16 tonnes from the internal conveyor belt systems via an external conveyor belt into a parked trailer outside the building.
- 9.60. It is worth noting that the spreading of manure as a sustainable fertilizer is controlled by the Nitrate Pollution Prevention Regulations 2015, and the DEFRA Code – Protecting our Water, Soil and Air: A Code of Good Agricultural Practice (CoGAP); further that exporting manure to other farmers is an acceptable practice under the NVZ and Environmental Permitting Regulations.
- 9.61. The Council's Environmental Protection Officer has reviewed the detailed Odour Impact Assessment (OIA) and Odour Management Plan (OMP) and has raised no objections in relation to odour pollution, subject to the OMP being implemented and secured going forward. The EPO has indicated that the OIA sufficiently establishes that the odour at the nearest sensitive receptors will be within the applicable guidelines.
- 9.62. Whilst there is potential for odour, officers see no reason to disagree with this assessment from the EPO. Officers are also aware that the Environmental Permit

will ensure that odour and waste arising from the proposal is controlled by the EA to statutory standards and this is a significant consideration. Thus, Officers are satisfied that the proposed poultry unit can be regulated effectively, without causing materially detrimental levels of odour pollution to nearby receptors.

- 9.63. Whilst it is acknowledged that third parties have raised concerns with the use of this modelling to represent the odour impacts of the proposal and that the Council should undertake its own independent assessment, Officers consider the submitted evidence to be robust. Furthermore, no alternative technical evidence of harm has been provided to counter the applicant's submission.
- 9.64. As with a previous recent application 19/00423/F for proposed poultry units at Mixbury, Officers again consider it appropriate to refer Members to an appeal within the district from 2017 for a similar sized poultry unit (see 16/01706/F and APP/C3105/W/17/3166498). Modelling was utilised when formulating the Odour Impact Assessment, and this outlined that the proposal would not cause materially detrimental levels of odour pollution to nearby receptors. The Council's Environmental Protection Officer did not object to the application on this matter. However, the application was refused by the Council in relation to odour emissions. The appeal was subsequently allowed as the Inspector was satisfied with the submitted Odour Impact Assessment. The Inspector was also mindful of the advice within paragraph 183 of the NPPF in that the operation of the enterprise and any emissions would be tightly controlled by an Environmental Permit that has been issued by the Environment Agency. Costs were also awarded to the appellant as it was considered that the Council's failure to produce evidence to substantiate this reason for refusal amounted to unreasonable behaviour.
- 9.65. Concerns have been raised from third parties regarding fly infestation and vermin. During the assessment of previous applications, it has been noted that fly infestation is not a problem associated with modern poultry units; as flies breed in damp litter, and new modern poultry houses with biomass heating systems maintain dry litter conditions. There is no storage of used litter outside the houses at any time, litter is transported in covered trailers, fly infestation would not be in the best interests of the proposed business.
- 9.66. Concerns have also been raised from third parties regarding vermin. The proposed development is required to operate a pest control protocol and have formal pest control contracts in place. Dead birds would be collected by an approved contractor of the National Fallen Stock Disposal Scheme prior to this they will be stored in a secure container in line with the animal by-products Regulations 2003. Pest control for rats would be carried out by an approved agency. Preventative measures would be used to control flies to include fly screens and fly controls replaced periodically to prevent the flies entering the building from the outside. Furthermore, the submission notes that the design of the development includes sealed buildings which are vermin proof and enclosed feeding systems with no external storage of feedstuffs which could attract vermin.

Assessment of Air Quality and Dust

- 9.67. Concerns have been raised in relation to dust pollution and the potential for poor air quality. The assessment of dust from poultry farms formed part of a DEFRA research project. The results of DEFRA project AC0104 confirmed with research that dust was diluted over short distances of 100m to normal background levels. As there are no receptors within 100 metres it is considered that the proposal does not pose a risk of public health issues in this respect.

Assessment of Pollution to Watercourses & Ponds

- 9.68. The River Ray flows across land north of the approximately 410m site and a large area of the application site falls with the flood plain of this main river.
- 9.69. There is conflicting information within the application as to how the site would be drained and how surface water run-off will be dealt with. The submitted FRA presents a surface water management plan for the site based on attenuation, with runoff from the main impermeable surfaces to be routed to an attenuation basin (which it is noted would appear to be located within Flood Zones 2 & 3); however, the Design and Access Statement (DAS) indicates the use of underground storage tanks for both clean surface water and dirty water primarily arising from the washing down process.
- 9.70. As note above the proposals would require an IPPC permit which requires that dirty water is contained within an approved containment system and further that the effluent of containment system must conform to the requirements of Schedule 2 of 'The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010. The DAS notes that at the end of each cleaning process, the dirty water tank is to be emptied by vacuum tanker.
- 9.71. The County Council's Drainage Officer raises objections to the application considering the FRA to be inadequate and that there has not been sufficient consideration of potential ground water and pollution issues within the application and how such could be mitigated against; with the potential existing for pollutants arising from the site potential seeping into the nearby watercourse and water-table, particularly in times of flooding which are known to occur, thereby detrimentally impacting on water resources. In this respect such potential is identified in Section 7. Off Site Impacts of the FRA, stating that: *'Also, in the event the attenuation basin cannot cope with a certain rainfall event, exceedance runoff will naturally flow north towards River Ray'*.
- 9.72. Given the lack of robust detail of the proposed drainage of the site and lack of assessment of potential ground water issues, officers consider that it has not been demonstrated that the development could take place without it causing materially detrimental levels of pollution to watercourses and ponds.

Assessment of Lighting

- 9.73. The application is supported by a 'Lighting Design Report', which indicates that the proposed poultry installation means that some light sources will be required to allow safe and effective activities within the site to take place.
- 9.74. Whilst the proposals would see the introduction of a light source where currently none exists, it is proposed at a level that would be consistent with such typical agricultural installations and is at a level that would unlikely result in any significant impacts on visual amenity or ecology in this instance.

Conclusion

- 9.75. Whilst the proposals could be considered acceptable in terms of noise, odour, air quality and lighting, it is considered that it has not been demonstrated that the proposed development could be undertaken without it causing materially detrimental levels of pollution to watercourses and ponds, contrary to the provisions and aims of development plan policies identified above and guidance within the NPPF.

Residential Amenity

Policy Context

- 9.76. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: '*new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space*'.

Assessment

- 9.77. The potential impacts on residential amenity of the proposed development in terms of odour, noise, air quality and light are assessed above, and are considered acceptable in these regards.
- 9.78. In respect of the proposed new dwelling, given the rural context of the site and that it is not located in close proximity to any residential properties it is considered that there would be no significant harm resulting from the proposed development of new dwelling on the site on the residential amenity of neighbours.
- 9.79. The proposed poultry building would be a significant structure in the open countryside, however given its relatively remote location and relationship with neighbouring properties it is considered that the building would not result in any direct impacts on residential amenity.

Conclusion

- 9.80. It is considered that given the context of the site and its relationship with neighbouring properties that it is unlikely there would be any significant impact on neighbour amenity in terms of loss of light, loss of privacy or over domination as a result of the proposed development, further that the proposed dwelling would provide for an acceptable living environment. The proposals are therefore considered acceptable in terms of residential amenity.

Ecology & Biodiversity

Legislative context

- 9.81. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species' (EPS), and the adaptation of planning and other controls for the protection of European Sites.
- 9.82. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.83. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur,

the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

- 9.84. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.85. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.86. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.87. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.88. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.89. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.90. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.91. These policies are both supported by national policy in the NPPF and 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, unless a licence is in place.
- 9.92. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.93. Natural England's Standing Advice states that a Local Planning Authority (LPA) only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.
- 9.94. It also states that LPAs can also ask for a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey').
- 9.95. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard there are mature trees and hedgerows within and adjacent the site, which therefore has the potential to be suitable habitat for bats and breeding birds.
- 9.96. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.97. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/very likely that Natural England (NE) will not grant a licence then the Council should refuse planning permission; conversely, if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

- 9.98. The application is supported by an Extended Phase One Habitat Survey (EPOHS) including a Protected Species assessment, which sets out to establish the baseline ecological condition of the site and to identify and evaluate any potential impacts which the scheme may have, taking account of any mitigation and enhancement to the ecology which the scheme can offer. The EPOHS acknowledges that the proposed change of land-use would have implications for habitats and species of ecological significance, including the loss of a 50m section of hedgerow, thus necessitating an assessment of the ecological value of the site; however, considers the majority of the site to consist of improved grassland of minimal ecological value.
- 9.99. An assessment of wider impacts has been made through a Modelling of the Dispersion and Deposition of Ammonia report. This has considered ammonia deposition on protected and notable sites in the vicinity and concludes that they are sufficiently far away for level to be below the Environment Agency's threshold. Natural England has reviewed the ammonia report and is content that the proposed development would not damage or destroy the interest features for which the nearest SSSI (Arcott Bridge Meadows) and therefore has no objection.
- 9.100. BBOWT and the Council's Ecologist (CE) have both sustained objections to the proposals from the outset and subsequent to the receipt of additional information submitted during the application. There remain concerns with regard to the lack of assessment of the potential impacts on the LWSs in proximity to the site, in particular regard of ammonia emissions and sources of pollution arising from chicken faeces.
- 9.101. The CE considers the submitted ecological report and its conclusions is acceptable with regards to protected species which are not a particular constraint on site (with the exception of nesting birds and lighting issues for bats). However, she notes that the report omits to say that the site is within the Ray Conservation Target Area (CTA). The report makes some suggestions for ecological enhancement which may be beneficial in this location and fit in with the general aims of the CTA (pond restoration, hedgerow management etc.); however, very little reference is made within the report to the inevitable impacts of ammonia on the vegetation on site and off site; concerns echoed by BBOWT.
- 9.102. The applicant's have submitted a proposed landscaping plan (as part of the LVIA) during the application, which shows proposed planting of native trees; however, there is no detailed species or planting information to support this plan. It is acknowledged that the proposed trees are likely to have some biodiversity value it is unclear as to why they have chosen these in this location and how and to what extent this will mitigate for impacts. A new tree belt or belts would have the potential for assisting in mitigating potential ammonia emissions, but this requires careful consideration about the types of trees and their positioning in relation to the proposed source of the emissions; something that appears lacking from the current submission with a somewhat random pattern of tree planting shown on the submitted landscaping plan.
- 9.103. NE indicates that the area provides habitat for a number of wading birds and bat species including the rare Bechstein's bat. No mitigation has been proposed for farmland birds. The CE considers that more information is needed to demonstrate that impacts on biodiversity on site will be mitigated fully and importantly that there will be an overall net gain for biodiversity as required by policy, in particular a net gain which is within the aims of the CTA in which the site is situated.

Conclusions

- 9.104. The NPPF (Conserving and enhancing the natural environment) and Policies ESD 10 and ESD 11 of the CLP 2031 requires that a net gain in biodiversity is sought in new development. This is achieved by protecting, managing, enhancing and extending existing resources, and by creating new resources. If significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, or if such development would prevent the aims of a Conservation Target Area being achieved, then development will not be permitted.
- 9.105. As noted above there are concerns with regard to potential for pollutants to find their way into the nearby River Ray and also seeping into the water-table; which could potentially have wider impacts on the nearby Local Wildlife Sites identified above and surrounding agricultural land. Notwithstanding the relatively low ecological value of the site itself, the proposals include elements that would be to the detriment of ecological and biodiversity value for which there appears to be very little detail of mitigation or compensatory measures of such impacts.
- 9.106. Officers consider that it has not been adequately demonstrated that the proposed development would not result in detrimental impacts on the ecological and biodiversity at the site and nearby designated Local Wildlife Sites and further would not provide a net gain in biodiversity opportunities. The proposals are therefore considered to be contrary to the provision and aims of both national and local development plan policies identified above and unacceptable in this regard.

Highway Safety

Policy Context

- 9.107. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.108. The NPPF (Para. 108) advises of the need to have due regard for whether new development includes:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.109. Policy ESD15 of the CLP 2031 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”*
- 9.110. Policy SLE4 of the CLP 2031 states that: *“New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.”* Policy SLE4 also 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...Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”*

- 9.111. Saved Policy TR7 of the CLP 1996 states that: *“Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.”*
- 9.112. Saved Policy TR10 of the CLP 1996 states that: *“Development that would generate frequent Heavy Goods Vehicle movements through residential areas or on unsuitable urban or rural roads will not be permitted.”*

Assessment

- 9.113. The Management Plan supporting this application states that: *‘Proposed poultry farm will once in use need bulk food delivered to the farm by six or eight-wheeler HGVs, the usual sized vehicle for agricultural use in this rural area. The feed will be delivered 3 times a month and stored in the silos on site. The farm business has a provisional contract with a company to supply the free-range eggs, which will collect the eggs in a 7.5 tonne lorry three times a week’*. Further movements would be required in relation to the disposal of manure from the site. Access would be taken directly from Palmers Avenue via an improved access point into the site.
- 9.114. The LHA has assessed the proposals and raise no objections, subject to conditions requiring details of the proposed access to be approved and vision splays being created and maintained going forward; and further that a Section 278 agreement will be necessary to create the bell-mouth access from the highway.
- 9.115. Palmer Avenue is a busy road used by cars and HGVs. The LHA considers that, notwithstanding that the number of potential employees is unclear (14.8 no. equivalent full-time employees suggested in the needs assessment, whilst only 2 no. indicated on the application forms), the vehicle movements associated with the operation of the site would likely have a negligible impact on the highway network. Further that the vision splays are acceptable to and from the site.
- 9.116. In relation to parking and turning areas on the site, officers are content that there is adequate space on the site for parking and manoeuvring.
- 9.117. Taking all transport matters into account officers see no reason not to agree with the opinion of the LHA do not consider that the proposal would unduly impact upon the safe and efficient operation of the surrounding road network.

Conclusion

- 9.118. Subject to conditions and a Section 278 agreement, it is considered that the proposal would not cause significant detrimental harm to the safety and convenience of highway users and is therefore considered acceptable in terms of highway safety.

Flooding Risk & Drainage

Policy Context

- 9.119. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.120. Policy ESD7 of the CLP 2015 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.

Assessment

- 9.121. A site-specific Flood Risk Assessment (FRA) with associated Surface Water Management Plan (SWMP) has been submitted alongside the application. The Environment Agency's flood maps indicate that whilst the main poultry building, gatehouse and dwelling is not within a higher risk flood zone and is within Flood Zone 1, the northern end and north-west corner of the site including the proposed access track, is within Flood Zones 2 & 3. The FRA and its recommendations are subsequently based on the development as being only being in flood zone 1 only.
- 9.122. Whilst the Environment Agency (EA) raises no objection to the proposals subject to the development being carried out in accordance with the submitted FRA, the County Council's Drainage Team have sustained an objection based on an inadequate flood risk assessment with further concerns relating to potential groundwater issues not having been investigated or it being satisfactorily demonstrated that water quality would be maintained post development. As noted above the case officer and ecologist share these concerns.
- 9.123. The FRA indicates that flood risk from all sources is low at the site excepting surface water and fluvial. Further that Surface Water (SW) risks derive from the poorly draining clay-dominated soils which exist on the site. The soils at the site are characterised by a low permeability which therefore indicates that infiltration is not a viable method of surface water management. A single attenuation basin is therefore proposed for managing the surface water runoff from the roof drainage, concrete apron surrounding the building and the access track, discharging into an existing ditch and end in River Ray.
- 9.124. As noted above (in the Assessment of Pollution to Watercourses & Ponds) there is conflicting information within the application with regards to how the site would be drained and it remains unclear as to which strategy would be implemented.
- 9.125. Policy ESD 7 requires that where a site-specific Flood Risk Assessment is required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. Given that the FRA has not been based on the correct flood zone classification for the site, it is considered that appropriate SuDS compliant drainage cannot be properly assessed, to ensure that development would allow for satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property.
- 9.126. Thames Water (TW) raise no objections to the proposals on drainage grounds as the application indicates that both surface water and foul sewage would not be discharge into existing public systems and therefore would not impact on existing capacity. TW does, however, raise concerns with regards to an identified inability of the existing water network infrastructure to accommodate the needs of this development proposal. TW has contacted the developer in an attempt to agree a position on water networks but has been unable to do so in the time available and as such requests a condition requiring confirmation to have been provided that either:- all water network upgrades required to accommodate the additional flows from the development have been completed or a housing and infrastructure phasing plan has been agreed with TW to allow additional properties to be occupied. Should the Council resolve to grant planning permission, such matters would need to be addressed through an appropriate condition to ensure that

sufficient capacity is made available to accommodate additional demand anticipated from the new development.

Conclusion

- 9.127. It is considered that the applicants have failed to demonstrate that the proposals would not increase the flooding risk on the site or elsewhere and therefore does not accord with Policies ESD6 and ESD7 of the Cherwell Local Plan (2011-2031) Part 1.

Other matters:

- 9.128. Third party comments are made with regards to the area seeing a number of unwanted developments coming forward in the past. Each application must be assessed on its own merits at the time of application and needs to be assessed in the context in which it sits. Previous development is not considered to materially affect the acceptability or otherwise of the application assessed above.
- 9.129. Third parties have also raised concerns with regard to devaluation of property. This does not constitute a material planning consideration and therefore has not been assessed within the context of the application.
- 9.130. The MOD raises concerns that the proposals might affect future expansion of MOD facilities and further that MOD live training may result in the startling of birds. Officers are not aware of any detailed proposals for MOD facility expansion at this time, and as such this cannot be considered in the context of this application. With regards the potential for birds to be startled by MOD operations, this is something for the applicant to consider in whether the site is appropriate or not going forward; and not something that would constitute a reason to withhold the granting of planning permission in this instance.

Human Rights and Equalities

- 9.131. The Human Rights Act 1998 (“HRA”) sets out fundamental freedoms which have been laid out by the European Convention on Human Rights (“ECHR”). In making any decisions, Cherwell District Council (“the Council”) should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 9.132. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

- 9.133. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

- 9.134. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.
- 9.135. Officers have considered that, in the event that the application is granted planning permission, there will not be any discrimination (or potential discrimination) on neighbours.

Duty under The Equalities Act 2010

- 9.136. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.137. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. 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.
- 10.2. Given the above assessment in the light of current guiding national and local policy context, it is considered that proposals represent an inappropriate form of development, including new residential development beyond the built-up limits of the village, for which no essential or identified need has been demonstrated. Whilst the proposals are considered acceptable in terms of residential amenity and highway safety it is considered that they fail to preserve the overriding character and appearance of the area and would result in significant environmental impacts.
- 10.3. The addition of this sizeable new building and associated infrastructure would result in a detrimental upon the rural character and appearance of the landscape. Officers consider that the proposal would cause significant harm to the landscape character of the area. In addition, officers consider that there would be significant harm to the immediate locality and harm to the enjoyment of users of the nearby Public Rights of Way.
- 10.4. In addition to the above, it is considered that insufficient information has been submitted in relation to ecology and biodiversity, flood risk, drainage and pollution control to enable the LPA to properly consider and assess these matters and conclude that the development would be acceptable in these respects.
- 10.5. However, there remains a need to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable

development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.

- 10.6. The proposed development would create new employment on the site and would support jobs within the associated services industry within the poultry sector, for example, haulage contractors, chick suppliers, poultry feed suppliers, veterinary and medicine, cleaning contractors and pest control contractors. New development also provides some construction opportunities. In terms of social benefits, the proposal would contribute in meeting national food security.
- 10.7. Officers consider that the economic and social benefits identified above are not sufficient to outweigh the significant identified harm in this instance. It is considered that there would be significant adverse impacts to the natural environment, through intrusive development which fails to reflect or reinforce the local distinctiveness, which further conflicts with the environmental and sustainability policies of the Development Plan. As such it is considered the harm and conflict with development plan policy clearly outweighs any benefits in this case.
- 10.8. The proposals are therefore considered contrary to the above-mentioned policies and as such the application is therefore recommended for refusal for the reasons set out below.

11. RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

1. The proposed dwelling constitutes sporadic residential development in the open countryside, beyond the built-up limits of the nearest settlement, for which it has not been demonstrated that there is an essential need. In its proposed location the dwelling would therefore be an unjustified and unsustainable form of development. As such the proposal is considered to be contrary to saved Policies C8 and H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. By virtue of its scale and siting, the proposed development would result in significant and demonstrable harm to the character and appearance of the area, and harm to the landscape character of the area, the enjoyment of users of the nearby Public Right of Way, and this harm significantly and demonstrably outweighs the need for the proposal and the benefits arising from the proposal, including the production of affordable food. The proposal is therefore contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies AG2, C8 and C28 of the Cherwell Local Plan 1996 and government guidance in the National Planning Policy Framework.
3. The applicants have failed to adequately demonstrate that the proposed development would not result in detrimental impacts on the ecological and biodiversity at the site and nearby designated Local Wildlife Sites, and further would not provide a nett gain in biodiversity opportunities at the site. The proposals would also prevent the aims of the Ray Conservation Target Area being achieved. The proposal is therefore contrary to Policies ESD10 and ESD11 of the Cherwell Local Plan 2011-2031 Part 1 and government

guidance in the National Planning Policy Framework with regards to 'Conserving and enhancing the natural environment'.

4. The applicants have failed to demonstrate that the proposed development could be undertaken without it causing materially detrimental levels of pollution to the River Ray and ponds within the vicinity of the site. The proposal is therefore contrary to Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policies AG3, AG4 and ENV1 of the Cherwell Local Plan 1996 and government guidance in the National Planning Policy Framework.
5. By virtue of an inadequate Flood Risk Assessment and lack of clear drainage proposals, the applicants have failed to demonstrate that the proposed development would not increase the flooding risk on the site or elsewhere and therefore does not accord with Policies ESD6 and ESD7 of the Cherwell Local Plan (2011-2031) Part 1.

CASE OFFICER: Bob Neville

TEL: Bob Neville

19/00777/F

Land To Rear Of No. 23 To 29 Crouch Street Banbury



1:700

19/00777/F

Land To Rear Of No. 23 To 29 Crouch Street Banbury



Case Officer: James Kirkham

Applicant: Jane Sands

Proposal: Erection of three new dwellings

Ward: Banbury Cross And Neithrop

Councillors: Cllr Hannah Banfield
Cllr Surinder Dhesi
Cllr Cassi Perry

Reason for Referral: Called in by Councillor Woodcock for the following reasons: Highways and heritage grounds

Expiry Date: 24 June 2019

Committee Date: 15 August 2019

This application was deferred from the July Planning to allow for a Committee Members Site Visit, which will have taken place on Thursday 15th August

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

The current application seeks permission to erect 3 dwellings on the site. The dwellings would be accessed via Cork Lane which is a service lane to the rear of the properties on Crouch Street.

Consultations

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

- Banbury Town Council, Councillor Woodcock

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

- CDC Conservation, OCC Highways, CDC Ecology, OCC Archaeology, CDC Tree Officer, CDC Environmental Protection

14 letters of objection have been received.

Planning Policy and Constraints

The application site is located within the Banbury Conservation Area and also within the setting of a number of listed buildings, including those to the south of the site on Crouch Street. This includes 21 and 22 Crouch Street which are both Grade II listed. A large pine tree exists on the opposite site of Cork Lane to the application site which is protected by a tree preservation order.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Heritage, design, and impact on the character of the area
- Highways
- Residential amenity
- Ecology impact
- Other matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable 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 a parcel of garden land located to the south of Cork Lane which is a small service lane to the rear of the properties in Crouch Street (to the south and West Bar Street (to the north) with access from Beargarden Road. This is a private road and serves a number of car parks principally to the uses on West Bar West.
- 1.2. A brick wall encloses the northern boundary for much of its length with Cork Lane which also includes one double prefabricated garage and 1 single prefabricated garage. A large pine tree exists on the opposite site of Cork Lane which is protected by a tree preservation order. The site falls in a north easterly direction by approximately 2 metres.

2. CONSTRAINTS

- 2.1. The application site is located within the designated Banbury Conservation Area and also within the setting of a number of listed buildings, including those to the south of the site on Crouch Street. This includes 21 and 22 Crouch Street which are both Grade II listed. A large pine tree exists on the opposite site of Cork Lane to the application site which is protected by a tree preservation order.
- 2.2. There are records of swifts and Common Pipistrelle bats within 250m of the site. The site also lies within an area of elevation radon gas.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application seeks permission to erection 3 dwellings on the site each of which would have 2 bedrooms. Each plot would have 1 parking space. Plot 1, which would be situated to the south west of the site and would be single storey, with plots 2 and 3 being low 2 storey building. They would be constructed of brick under slate roofs with timber detailing and have been designed to take visual cues from ancillary outbuildings. The majority of the existing brick wall along Cork Lane would be retained with the existing pre-fabricated garages removed to provide access points to the dwellings.

3.2. *Timescales for Delivery*: The applicant has not given an indication of timescales for delivery.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/00036/F	Erection of 9 dwellings (7 no. 2 - beds and 2 no. 1 - beds) and all associated works	Application Withdrawn

4.2. This was withdrawn following concerns being raised regarding the access and heritage impacts.

5. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
16/00345/PREAPP	Pre-Application Enquiry - A new development of 8 No 3 storey town houses with garden areas and parking and additional parking for 23 to 29 Crouch Street. Access is to be gained through the existing garages off Cork Lane or by removal of no 29 Crouch Street to give access from Crouch Street

18/00231/PREAPP Construct five new dwellings

Concerns were raised regarding the intensification of the use of Cork Lane and the use the junction between Beargarden Road/Cork Lane. Concerns were raised over the design, form and scale of the dwellings and the impact on the Conservation Area. Concerns were also raised regard the relationship with the protected tree and impact on residential amenity.

18/00295/PREAPP Three new dwellings

The Highway Authority advised that, on balance and given the removal of the existing 3 garages on the site which could be used as parking spaces, 3 dwellings was considered to be acceptable by the highway authority. Some concerns were also raised over the arrangement and form of the building. Concerns were also raised over the relationship with the neighbouring properties. It was considered that officer were likely to support 3 dwellings on the site.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was 13.06.2019, although comments received after this date and before finalising this report have also been taken into account.

6.2. 14 letters of objection have been received. The comments raised by third parties are summarised as follows:

- Residential frontages on Cork Lane are out of character with the historic street pattern.
- The layout, position, scale, depth and appearance of the buildings are not in keeping with the more narrow plan form and simple detail of the other outbuildings. The number of roof lights is excessive
- The two storey scale of the buildings is not subservient or appropriate for the lane. Any dwellings should be single storey.
- The proposal would cause harm to the character and appearance of the Conservation Area
- Detrimental impact on trees including pine tree covered by the TPO.
- The site appears to be previously been associated with part of the estate of Cambrian House (21 and 22 Crouch Street) which is a Grade II listed building. The proposal would be harmful to the setting of this and lead to the loss of some of its former ground.
- Insufficient details on materials etc. of the proposal.
- The proposal should make enhancements to Cork Lane.
- Overdevelopment of the site.
- Loss of important green space and trees.
- Access is inappropriate for the development being single lane and narrow in many places. It is already used by the surrounding car parks causing conflict. The proposal will make this situation worse.
- The existing garages are not used.
- Visibility at the access with Beargarden Road is substandard.
- Insufficient parking and servicing for the dwellings.
- Waste collection facilities are inadequate.
- Detrimental impact on ecology given loss of garden. This use accommodates bee hives and lots of wildlife
- Increase in pollution.
- Loss of privacy and overlooking to neighbouring properties.
- Impacts of construction on access, traffic and residential amenity.
- Detrimental impact to neighbouring businesses through disturbance during construction.
- No need for further housing.

- Concern over extent of redline not including access to the highway (this has now been amended).
- The red line includes land not in applicants control such as land to the rear of 5-7 West Bar Street. This make Cork Lane appear wider than it is.
- The application is not valid given some of the information is out of date. It contains lots of inconsistent information.
- Development of the site would be against the title deeds on the land

6.3. The above is a summary of the comments. Full details copies of the comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. 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.

COUNCILLORS

7.2. COUNCILLOR WOODCOCK: **Objects.** As indicated by local residents, Cork Lane is a private carriageway, that even now is very difficult to access by car for visitors to the local veterinary hospitals. Adding 3 dwellings, and the extra vehicles that this would entail (let alone construction traffic), would make this even worse and unbearable for users of this road. Furthermore, this is a conservation area and I do not feel that adequate attention has been paid to the impact on the local listed buildings by this application. The Planning Committee of Banbury Town Council, which has a record of being generally supportive to reasonable applications for development in the centre of Banbury, has already indicated its objection to the development, and so I ask that the committee take this feedback into account in making their decision.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.3. BANBURY TOWN COUNCIL: **Objects** due to narrow access with poor visibility and unacceptable traffic generation.

CONSULTEES

7.4. OCC HIGHWAYS: **No objections** subject to conditions on car parking provision, construction traffic management plan and cycle parking provision. Given the centrally located position of the dwellings the level of parking provision is considered acceptable. Given the reduction in the number of dwellings from the earlier scheme, the intensification of Cork Lane is now marginal and considered acceptable. A CTMP condition is proposed given the restrictions and limitations of the site and surroundings adopted highway network. This is to prevent any construction traffic from blocking Cork Lane, and parking on Beargarden Road.

7.5. CDC CONSERVATION: **No objection.** The area is predominately residential with the properties mostly dating to the mid-19th Century, with larger villas to the north on West Bar Street and three storey terraced houses to the South on Crouch Street. Also located on Crouch Street to the south of the application site is a pair of semidetached Villas which can be dated to 1840 and are Grade II Listed. The lane onto which the application site faces is a service lane which would have historically

housed outbuildings and the boundary walls associated with the properties backing onto it.

- 7.6. The significance of the area lies in its character as a 19th century suburb. Although within the setting the application site is not considered to be within the curtilage of the Listed Buildings. The lane has its own character as a service lane with ancillary outbuildings.
- 7.7. There was a previous scheme proposed for this site which consisted of 9 dwellings; this was considered to be detrimental to the character of the area and to result in unacceptable harm to the conservation area and setting of the nearby Listed Buildings. This scheme proposes three dwellings and is considered to be more appropriate for the site as it better addresses the constraints in terms of the impact upon the heritage assets. The buildings broadly take on the form of outbuildings to the rear of the properties that face onto Crouch Street. This design and form of buildings is considered to complement the historic outbuildings that remain on Cork Lane. The existing wall that also runs along Cork Lane is proposed to be largely retained or rebuilt and this is welcomed.
- 7.8. The design and appearance of the buildings is considered not to result in harm to the setting of the nearby Listed Buildings or the character of the conservation area in this location. However, the materials used would be key to the success of the development. The materials used should match the neighbouring buildings and the brickwork in particular should match in terms of colour, texture, face bond, size, jointing, pointing and mortar mix. The window and door openings contained within the new buildings should also be carefully detailed and the joinery should be traditional. Overall it is considered that the proposal for three dwellings would result in a development that would preserve the character and appearance of the Conservation Area.
- 7.9. OCC ARCHEOLOGY: **No objections.**
- 7.10. CDC TREE OFFICER: **No objection** subject to condition requiring a full tree survey, protection of retained trees and arboriculture method statement.
- 7.11. CDC ENVIRONMENTAL PROTECTION: **No objections** subject a Construction Environmental Management Plan condition to protect amenity of neighbouring properties, ground investigation conditions and provision of ducting for EV charging points.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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 – Improving Transport and Connections
- BSC2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- ESD1 – Mitigating and Adapting to Climate Change
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and Natural Environment.
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23 - Features in conservation areas
- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development
- ENV12 – Contaminated Land
- TR7 – Minor Roads

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Banbury Conservation Area Appraisal
- Banbury Vision and Master Plan SPD (2016)
- Cherwell Residential Design Guide SPD (2018)

8.4. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

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

- Principle of development
- Heritage, design, and impact on the character of the area
- Highways
- Residential amenity
- Ecology impact
- Other matters

Principle of Development

- 9.2. Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) states that measures will be taken to mitigate the impact of development within the District on climate change. This includes development which seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 9.3. The application site lies within the built up limits of Banbury in proximity to the town centre. Paragraph B.88 of the CLP 2031 Part 1 sets out the principle of residential development in Banbury and states that housing growth will be focused in and around Banbury to ensure housing development within the District needs only take place in the locations that are most sustainable and most be capable of absorbing this new growth. Therefore it is considered that subject to other material considerations discussed below, the principle of developing the site is acceptable as it is situated in a geographically sustainable location with good access to services and facilities and close proximity to the town centre.

Heritage Impact

Legislative and policy context

- 9.4. The site is located within Banbury Conservation Area and is also within the setting of a number of Grade II listed building to the south of the site on Crouch Street. There are also a number of locally listed buildings in the vicinity of the site.
- 9.5. 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.*
- 9.6. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.7. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.8. Policy ESD15 seeks to ensure that new development contributes positively to an area's character and identity. It goes on to note that development should be designed to deliver high quality safe, attractive and durable places to live and should

be designed to integrate with existing streets and respect the form, scale and massing of existing properties and use appropriate detailing and materials.. Saved Policy C23 of the CLP 1996 states there will be a presumption in favour of retaining buildings, walls and trees and other features which make a positive contribution to the Conservation Area. The NPPF advises high quality buildings and places are fundamental to what the planning system should achieve. Paragraph 127 states developments should function well, be visually attractive, be sympathetic to local character and history and maintain a strong sense of place.

Assessment

- 9.9. The site lies within the Banbury Conservation Area and is situated within the West Bar Character Area within the Conservation Area Appraisal (CAA). The CAA notes in this area there are a number of rear service lanes serving larger properties and these include Cork Lane where the application site is located. These add to the richness of the area and relate to the historic layout and evolution of the Conservation Area. It goes on to state that: *'The removal of the boundary walls and coach houses on the rear service lane (Cork Lane) to West Bar Street south for car parking has significantly and unnecessarily reduced the level of enclosure.'* The CAA also notes the loss of such features as a threat to the Conservation Area. The application site retains a brick wall for much of its length to Cork Lane that positively contributes to the area and these elements are largely being retained in the current proposal. The access points to the parking provision have been largely located in the areas of the existing garages to reduce the extent of the removal of the walls and the provision of small pedestrian gates in this wall is not considered to harm the significance of the structure.
- 9.10. The CAA also identifies a positive vista looking from Cork Lane towards the town centre adjacent to the site which is a further constraint of the site. It also notes that the tall evergreen hedge and trees visible from Crouch Street (to the side of 22 Crouch Street) contribute significant relief to the tightly grained urban area in Crouch Street and are positive features of the area.
- 9.11. Whilst rather degraded in a number of places, mainly given the loss of rear boundary treatments, the character of Cork Lane is effectively a historic rear service lane serving the properties to the north and south and is viewed as a lower order street in the hierarchy of spaces in the Conservation Area. Officers consider it is important that any development proposals respect this hierarchy of streets. The western end of Cork Lane and the land immediately to the east of the site accommodates a number of outbuildings which appear as ancillary structures and reinforce this character.
- 9.12. The scheme has been developed with the character and arrangement akin to outbuildings and coach houses to reinterpret this type of development, which is considered to be appropriate for this context and was encouraged at pre-app. Plot 1 is set back in the plot behind the taller element of the wall with Cork Lane and is designed with an L shaped plan form and is single storey. The form of the building is relatively simple with pitched roof form. The elevations have an informal arrangement to provide a contemporary take in an informal arrangement of outbuildings and full details of the materials and detailing can be controlled through condition. It is also noted that many public views of this being would be screened by the existing wall. The arrangement also allows for the retention of the higher part of the boundary wall and provides some separation from the protected tree.
- 9.13. Plots 2 and 3 would be arranged in linear arrangement closer to Cork Lane, which would reflect the simple layout and form of traditional outbuildings and coach houses, which generally have a functional form and close relationship to the lane.

They would be situated slightly behind the existing walls, to allow the retention of the existing walls which currently encloses Cork Lane which are considered to positively contribute to the character and appearance of the Conservation Area. They would be low 2 storey building (approx. 6.9m to ridge, 4.1 to eaves) at the tallest point and would have their overall bulk and scale broken up through changes to the ridge and eaves height with smaller elements of the building to the side. Whilst ideally they would have been slightly lower in height and have a shallower plan form, on balance this is considered to be acceptable. They would step down Cork Lane having regard to the fall in the land across the site and full details of levels could be controlled though condition. The elevations would be constructed of brick and have slate roofs which would reflect the materials used traditionally in the location. The arrangement of windows, doors and detailing on the buildings would also echo former outbuildings such as the use a boarded openings and informal and more organic fenestration. The Conservation Officer has raised no objection to the scheme and overall it is considered that the proposed development provides for a contemporary interpretation of former outbuildings and coach houses, which would be in character with the other buildings in Cork Lane and reflect the lower order of this lane in the Conservation Area.

- 9.14. Concerns have been raised that the proposal would result in the enclosure of Cork Lane and would also result in the loss of the green space. Whilst it is noted that the application site is currently undeveloped as garden land, the Conservation Officer has not raised any objection to the loss of this space in principle. The site is in an urban location and, while in such locations residual open spaces can make a positive contribution to the character of the area, through provision of amenity space or providing a setting to dense built form, in this instance the open nature of the site is not considered to be a significant contributor to the character and appearance or significance of this part of the Conservation Area. In fact it is noted in the Conservation Area Appraisal that one of the key threats in this area is the loss of enclosure to this street through the removal of boundary walls and coach houses. The proposed development is considered to be beneficial in this respect, i.e. allowing opportunity for the majority of the wall to remain and for its retention to be required long-term, and officers consider it strikes an appropriate balance between providing enclosure and providing a sufficiently broken up form and layout to ensure it does not appear out of scale with the other buildings.
- 9.15. Objections have been made regarding the loss of the green space and there being a deficiency within the locality. However, this area of land is not a public green space and is private garden. It is not designated green space and has no public access. Therefore this issue is not considered to carry significant weight in determining the application and the main issue is whether the loss of the space would be acceptable in terms of the impact on the character and appearance of the area which is not considered to be harmful.
- 9.16. Concerns have been raised that part of the application site appears to have been historically connected to Cambrian House, which is a Grade II listed building, situated on Crouch Street. However, there is no certainty over this and this land is now clearly separate from the house being separated into a number of plots which has occurred over a number of years and has already resulted in the erosion of the connections between this property and the application site. The Conservation Officer is of the view that the site is not within the curtilage of this property and does not consider the proposal would adversely impact on the significance or setting of this listed property which is already experienced in an urban context.
- 9.17. A number of trees also exist within the proximity of the site which are considered to be important to the Conservation Area. These include a Pine tree which is protected by a Tree Preservation Order and exists on the opposite site of Cork Lane to the

north of the site. There are also 2 Category B trees (Yew and Cypress) which exist towards the south west corner of the site in the garden of 22 Crouch Street. All these trees would be retained as part of the development and the Councils Arborist has raised no objection to the scheme subject to conditions. Consideration has been given to the design and position of the dwellings to help to reduce potential future conflict between the properties and trees and on balance this is now considered to be acceptable.

- 9.18. Overall, on balance, the proposal is considered to preserve the character and appearance of the Conservation Area and the setting of the nearby listed building. The proposal would relate to the existing character and context of Cork Lane and would echo the form and appearance of ancillary outbuildings. The proposal is therefore considered to be acceptable in this regard.

Highways

Policy Context

- 9.19. Policy SLE4 of the Cherwell Local Plan Part 1 states that development which is not suitable for the roads that serve the development and which would have a severe traffic impact will not be supported and that new development should facilitate the use of sustainable modes of transport such as public transport, walking and cycling. It also requires that new development provide financial and/or in-kind contributions to mitigate the transport impacts of development. Saved Policy TR7 states that development that would attract large numbers of cars onto unsuitable minor roads will not normally be permitted. This policy is more aged and therefore needs to be considered in the context of the policy in the NPPF which is outlined below.
- 9.20. The NPPF has similar themes requiring opportunities to promote walking, cycling and public transport to be identified and pursued and ensuring that patterns of movement are integral to the design of schemes. It also requires that safe and suitable access to the site can be achieved for all users and that development would only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Assessment

- 9.21. The proposed development would utilise Cork Lane to access the parking spaces for the dwellings from Beargarden Road. Each dwelling would have 1 parking space which given the size of the dwellings (2 bed) and the location of the site within close proximity of the town centre is considered to be acceptable.
- 9.22. In the earlier application for 8 dwellings on the site the Local Highway Authority (LHA) objected to the scheme given the intensification of the use of the junction between Cork Lane and Beargarden Road which has sub-standard visibility in the northerly direction and also the intensification of the use of Cork Lane. The current application now proposes a substantially reduced scheme with 3 dwellings on the site and this includes the removal of 1 single garage and 1 double garage, which could all be used for parking at the current time.
- 9.23. Cork Lane is approximately 4.6 metres wide for the first 40 metres from Beargarden Road which is sufficient for two cars to pass at slow speeds albeit most drivers would wait. Further along Cork Lane it reduces in width which means 2 vehicles are less able to pass and in practice term vehicles pull into the side and allow other vehicles to pass given there is relatively good forward visibility. Cork Lane is already used to access a number of sizable parking areas which serve the both

residential and commercial properties on West Bar Street and a veterinary surgery that exists at the end of Cork Lane.

- 9.24. The application is accompanied by Transport Statement which undertook a traffic count of the existing use of Cork Lane which noted 77 vehicle movements (57 in, 20 out) in the a.m. peak hour. The proposed development is likely to generate 2 vehicle movements in the AM peak and 2 in the PM peak. This is considered to have a negligible impact on the use of the junction with Beargarden Road or the operation of Cork Lane. Furthermore the loss of the 3 garages which currently exist on the site also need to be taken into account as these could already generate a similar level of traffic. Therefore whilst it is accepted that the access and junction is not ideal, given the above factors the proposed development is considered to be acceptable from a highways perspective and there is no objection to the current application from the LHA given the reduced number of dwellings.
- 9.25. Concerns have also been raised by objector regarding waste collection. Discussion have been undertaken with the Council's waste collection team who have advised that the Council's Waste Collection Team already reverse along Cork Lane to collect rubbish and this arrangement would continue. A bin collection point is provided at the western end of the development (closest to Beargarden Road) for residents to use on bin collection day which is considered to be an acceptable arrangement.
- 9.26. Concerns have also been raised over the impacts of construction traffic. The impacts of construction traffic are for a limited period of time and are therefore generally given less weight in planning decisions given their temporary nature. However, given the tight nature of the access in this case the Highway Engineer has requested a Construction Traffic Management Plan which can be controlled through planning condition.
- 9.27. Cork Lane is a private road and some concerns have been raised over the applicant's right of access over this. The applicant has stated that she does have rights over Cork Lane and notice has been served on the relevant owners as the access is included in the application site. The existing garages which exist on the site would appear to support the applicant's statement. Furthermore a condition is proposed to ensure the vehicular access to the site is provided and parking laid out prior to the first occupation of the development. If the applicant did not have legal rights over this land she would not be able to comply with this and the planning permission would not override legal rights.

Conclusion

- 9.28. The proposed development is not considered to result in a significant impact on the use of Cork Lane or Beargarden Road given the scale of the scheme, the existing traffic flows and the loss of the existing garages. Therefore the development is not considered to result in a severe impact on highway safety.

Residential Amenity

Policy context

- 9.29. 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. The NPPF also notes that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Saved Policy ENV12 seeks to ensure that potentially contaminated land is suitable for their intended use.

Assessment

- 9.30. The proposed dwellings will face over the rear areas of the properties to the north of Cork Lane however given the distance to the habitable areas of these properties and the scale of the proposals there is not considered to result in a significant impact on their residential amenity in terms of loss of privacy, light or outlook.
- 9.31. The back to back two storey separation distance between plots 2 and 3 and the existing 3 storey properties to the north of the site on Crouch Street (number 23-29) would comply with the Councils guidance on separation distance for 2 storey properties and is therefore not considered to result in a significant loss of privacy or overlooking between these properties.
- 9.32. The proposed development on Plot 1 would be single storey and as such is not considered to result in any significant level of overlooking to the neighbouring properties including those on Crouch Street. The rear element of this property would be relatively overlooked by the neighbouring properties. However, given the off-set relationship of the property with 23-29 Crouch Street and the different orientation of 22 Crouch Street and presence of trees this is not considered to be to such a significant level to justify refusal.
- 9.33. In terms of the amenity of the future residents, care has been taken with the design and siting of the dwelling to ensure the existing operation of Cork Lane would not have a significant impact on their amenity and the dwellings provide sufficient inside and outdoors space to provide a good standard of amenity.

Ecology Impact

Legislative context

- 9.34. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.35. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.36. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.

- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 9.37. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.38. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.39. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.40. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.41. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.42. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all

- 9.43. The earlier application on the site was (in 2018) was supported by a detailed Ecological Survey. The existing site comprises of a mixture of typical garden habitats, including scrub, trees, amenity grass and a number of outbuildings. The habitats on site are widespread and no rare species are present; however, the site does provide suitable habitat for foraging for birds and bats, nesting birds and habitats for invertebrates. The Council's Ecologist (CE) considers the survey to be appropriate and has raised no objection to the scheme subject to the works being carried out in accordance with the mitigation measure outlined in the report. The CE has, however, stated that the proposal should include further landscaping and enhancement and this should be secured through conditions on the provision of swift brick/boxes in the dwellings and the submission of a Landscape and Ecological Management Plan (LEMP)
- 9.44. Officers are satisfied, on the basis of the advice from the CE and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development 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.

Other matters

- 9.45. The site is located within a 50m buffer of potentially contaminated land and therefore the Environmental Protection Officer has requested planning conditions on ground investigation and remediation, if necessary, to ensure the site is suitable for residential accommodation.
- 9.46. During the course of the application the red line of the application site has been amended to include the access to the highway. The applicant has stated that she has served the correct ownership certificates on the relevant land owners, although it is noted that some of the third parties have contested this. This has been raised with the applicant who has reiterated all owners have been served notice. It should be noted that land ownership in itself is not a material planning consideration and the duty remains on the applicant to serve the correct ownership certificates and comply with other legal requirements falling outside of the planning remit.
- 9.47. The application does contain a number of references to the previously submitted scheme for 8 dwellings on the site; however, officers have considered that application on the basis of the submitted plans for 3 dwellings, and therefore these errors have not impacted on the officers' judgements.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. 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 11 of the NPPF, permission should therefore be granted. The site would provide additional housing in a geographically sustainable location and will provide social and economic benefits in respect of providing new housing stock in a sustainable location. The proposal is considered to preserve the character and appearance of the Conservation Area and not cause harm to the setting of the nearby listed buildings. The use of the access would not be ideal. However, given the existing situation this is not considered to lead to any significant level of harm and there is no objection to the scheme from the highway authority. Overall, when viewed as a whole, the scheme is considered to be sustainable development, and it is recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS/REASONS FOR REFUSAL

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.

Compliance with 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 forms and drawing numbers 001 E, 002 E, 201 E, 212 D, 220 D, 210 D, 221 D, 222 Rev D and 226

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.

Levels

3. No development shall take place until details of all finished floor levels of the building and finished levels of the site in relation to existing site levels and levels of adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be constructed other than in strict accordance with the approved levels.

Reason: In order to safeguard the visual amenities of the area in accordance with advice within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Construction Traffic Management Plan

4. Prior to the commencement of development, a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall not be carried out other than in accordance with the approved details.

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

Access

5. Prior to the commencement of the development hereby approved, details of the means of access between the land and the adopted highway, including position, layout and vision splays shall be submitted to and approved in writing by the

Local Planning Authority. Thereafter, and prior to the occupation of the development hereby approved, the means of access shall be constructed to the satisfaction of the local planning authority and shall be retained thereafter in accordance with the approved details.

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

Parking provision

6. The proposed parking and turning areas shall be provided in accordance with the approved plans before first occupation of the development hereby permitted. The access, parking and turning facilities shall thereafter be retained for use in connection with the development for those purposes only.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking to comply with Government guidance in Section 12 of the National Planning Policy Framework.

Land Contamination Desk Study / Site Walkover

7. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Intrusive Investigation

8. If a potential risk from contamination is identified as a result of the work carried out under condition 7, 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.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the

development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Scheme

9. If contamination is found by undertaking the work carried out under condition 8, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Works

10. If remedial works have been identified in condition 9, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Landscape and Ecological Management Plan

11. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate a net gain in biodiversity and shall include the provision of integrated swift nest bricks and a range of bat and bird boxes. Thereafter, the development shall not be carried out other than in accordance with the approved LEMP including the provision of the enhancements prior to the first occupation of any dwelling.

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.

Ecological Survey Compliance

12. The development hereby approved shall be carried out in accordance with the recommendations set out in Section 5 of the Ecological Impact Assessment carried out by Swift Ecology on 6th December 2017.

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.

Retained Trees

13. No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works. If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority. In this condition a “retained tree” is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the occupation of the first dwelling.

Reason: To protect the existing trees on and adjacent to the site in accordance with Policies BSC10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Tree Survey

14. Prior to the commencement of the development and notwithstanding the submitted details, an arboricultural survey, undertaken in accordance with BS:5837:2012 (and all subsequent amendments and revisions) and a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. Therefore the development shall not be carried out other than in strict accordance with the approved tree protection measures.

Reason: To protect the existing trees on and adjacent to the site in accordance with Policies BSC10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Arboricultural Method Statement (AMS)

15. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions to include a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall not be carried out other than in strict accordance with the approved AMS.

Reason: To protect the existing trees on and adjacent to the site in accordance with Policies BSC10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Hard landscaping

16. Unless an alternative time frame is agreed in writing by the developer and the Local Planning Authority, no development shall commence above slab level unless a scheme for the landscaping the site has been submitted to and

approved in writing by the Local Planning Authority, which shall include details of the soft and hard landscaping including planting, hard surface areas, pavements, pedestrian areas and steps. The approved scheme shall be implemented prior to the first occupation of the development and shall be retained as such thereafter.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity in accordance 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.

Bin store

17. Prior to the first occupation of the dwellings, the bin collection store as shown on the approved plans to the front of Plot 1 shall be provided for the use for all residents of the development hereby permitted. It shall thereafter be permanently retained as ancillary to development and used for no other purpose.

Reason : In the interest of well planned development and visual amenity of the area in accordance 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.

Architectural detailing

18. Notwithstanding the details shown on the approved plans, further details of the architectural detailing of the exterior of the development, including eaves and verge details/treatment and details of the timber boarding details shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance 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.

Brick Sample Panel

19. The external walls of the building shall be constructed in brickwork, of a type, colour, texture, face bond and pointing which is in accordance with sample panels (minimum 1 metre squared in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority before the commencement of the brickwork. The sample panels shall be constructed in a position that is protected and readily accessible for viewing in good natural daylight from a distance of 3 metres. The panel shall be retained on site for the duration of the construction contract.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development and to preserve the significance of the heritage asset and in accordance 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.

Sample of roof materials

20. Samples of the slates to be used in the covering of the roof of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building above eaves level. The development shall be carried out in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance 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.

Window and door details

21. Notwithstanding the details on the submitted plans, details of the construction, including cross sections, cill, headers, reveal and colour / finish of the proposed windows and doors to a scale of not less than 1:10 shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of that work. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance 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.

Boundary treatments

22. Notwithstanding the details on the approved plan 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 prior to the commencement of those works. Such approved means of enclosure shall be erected prior to the first occupation of any of the buildings and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Roof lights

23. All rooflights shall be conservation grade rooflights and shall fit flush with the plane of the roof and shall not project forward of the roof slope into which they are inserted.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance 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.

Cycle Parking Provision

24. Notwithstanding the provisions of Classes A-E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no extension, alteration or outbuilding shall be provided without the grant of further specific planning permission from the Local Planning Authority with the exception of outbuilding/structures approved under condition 24 of this permission.

Reason: To protect the character and appearance of the Conservation Area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

Rainwater goods

25. All rainwater goods, including all rainwater gutters and downpipes, shall be cast iron or aluminium manufacture and painted black unless alternative details are otherwise first approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area and the significance of the heritage asset in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

PD withdrawal

26. Notwithstanding the provisions of Classes A-E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no extension, alteration or outbuilding shall be provided without the grant of further specific planning permission from the Local Planning Authority.

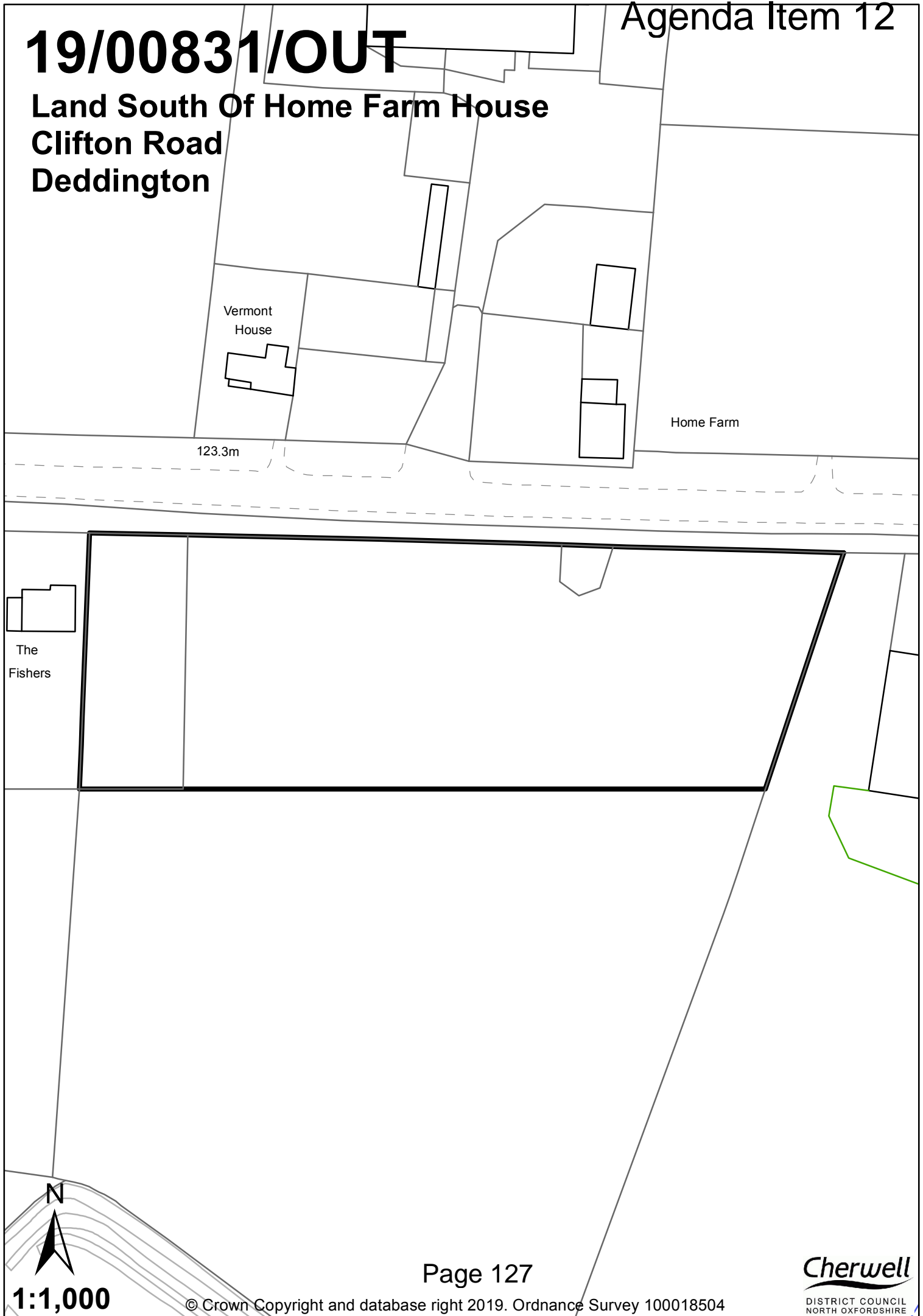
Reason: To protect the character and appearance of the Conservation Area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: James Kirkham

TEL: 01295 221896

19/00831/OUT

**Land South Of Home Farm House
Clifton Road
Deddington**



123.3m

Vermont House

Home Farm

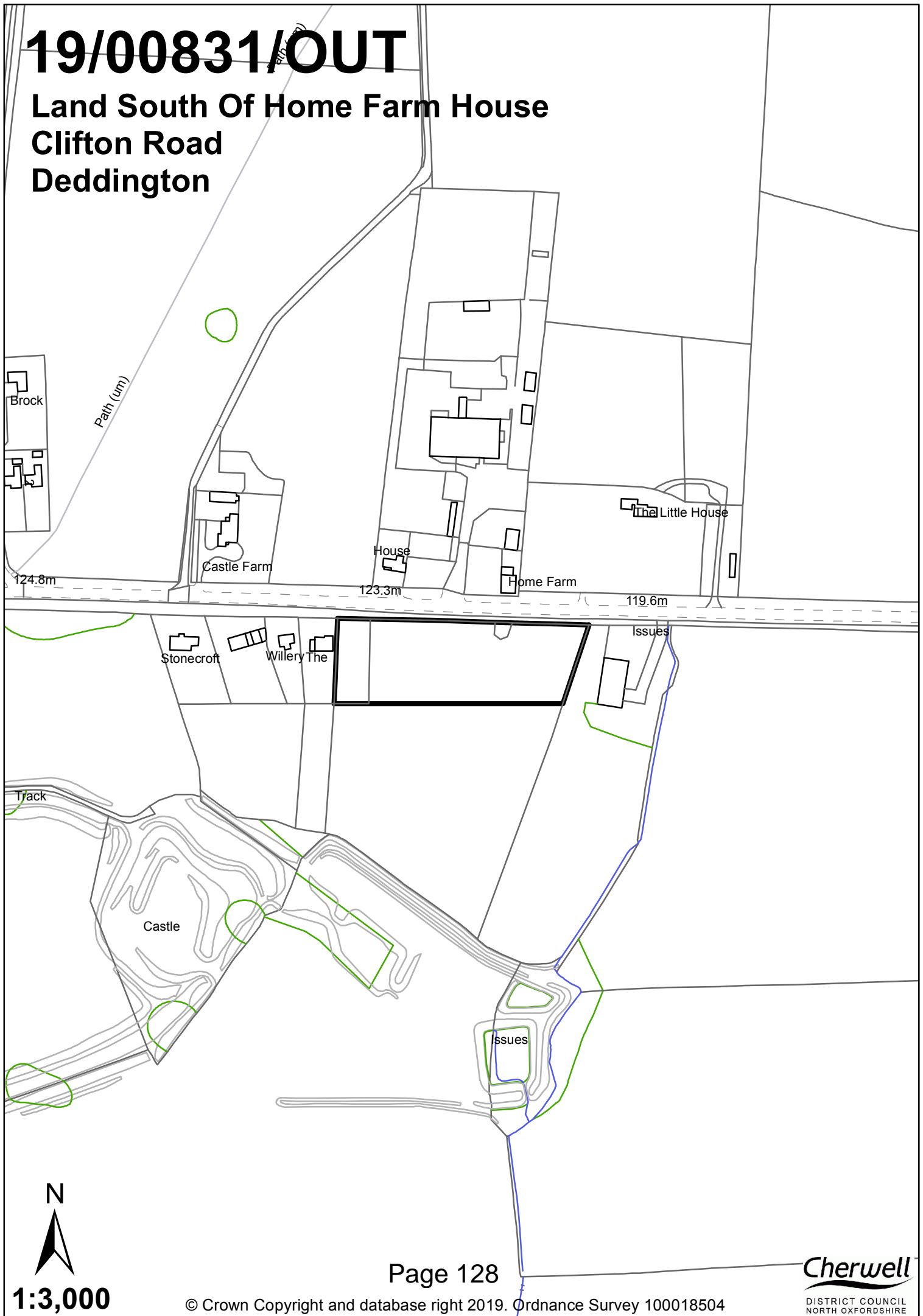
The Fishers



1:1,000

19/00831/OUT

Land South Of Home Farm House
Clifton Road
Deddington



Brock

Path (um)

124.8m

Castle Farm

House

Home Farm

The Little House

119.6m

Stonecroft

Willery The

Issues

Track

Castle

Issues



1:3,000

Case Officer: James Kirkham

Applicant: Harcourt Deddington Limited

Proposal: OUTLINE - Residential development of up to 15 dwellings

Ward: Deddington

Councillors: Councillor Hugo Brown, Councillor Mike Kerford-Byrnes and Councillor Bryn Williams

Reason for Referral: Major development

Expiry Date: 31 August 2019

Committee Date: 15 August 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

The application site is a part of an agricultural field located to the east of Deddington. The current application seeks outline permission for up to 15 dwellings on the site. All matters are reserved except access, which would be in approximately the same location as the existing field access onto Clifton Road.

Consultations

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

- Deddington Parish Council, OCC Highways, OCC Archaeology, Lead Local Flood Authority, Historic England (raises concerns), Oxfordshire Architectural and Historic Society

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

- OCC Education, OCC Property, CDC Ecology, CDC Tree Officer, CDC Environmental Protection, CDC Strategic Housing, CDC Leisure and Recreation, CDC Building Control, Thames Valley Police, Thames Water

29 letters of objection have been received.

Planning Policy and Constraints

The application site is within the setting of Deddington Castle which is a Scheduled Ancient Monument (SAM) located approximately 90 metres to the south of the site. Deddington Conservation Area also exists approximately 150 metres to the west of the site and the SAM to the south of the site is also within the Conservation Area. The site is identified to be Grade 2 agricultural land and there are records of protected species including badgers within 250m of the site. The site is located within the area designated for Deddington Neighbourhood Plan. The site is also located in an area of elevated arsenic and radon gas (though both are relatively common in the district).

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of development
- Impact on the character and appearance of the area
- Heritage impact
- Highways
- Residential amenity
- Affordable housing
- Flood Risk and drainage
- Ecology
- Infrastructure
- Other matters

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

1. The proposal would be poorly related to the existing built and natural environment and would result in harm to the setting of the nearby heritage assets.
2. The site is poorly connected to the services and facilities in the village and public transport links to encourage sustainable opportunities for travel.
3. The proposal provides insufficient information regarding archaeology to fully understand the impacts of the development.
4. The proposal does not adequately demonstrate safe and suitable access.
5. The proposal fails to demonstrate an appropriate drainage strategy for the site.
6. The proposal does not provide or secure open space or affordable housing on the site or mitigate the impacts of the development on off-site infrastructure such as education, community facilities etc.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is an agricultural field located to the south of Clifton Road to the east of Deddington. The land includes a hedgerow with trees to the frontage and an agricultural access. A former agricultural building, which obtained planning permission for use as a MOT testing and incident car repairs, exists to the west of the site along with a grouping of trees. A small grouping of dwellings in a linear arrangement exists immediately to the west of the site which are detached from the main built limits of Deddington. There are a number of dwellings and a commercial area to the north of the site, arranged in loose and sporadic arrangement with undeveloped fields separating them. The site falls gently in south easterly direction. The southern boundary is currently open with the larger agricultural field.

2. CONSTRAINTS

- 2.1. The application site is within the setting of Deddington Castle with is a Scheduled Ancient Monument (SAM) which located approximately 90 metres to the south of the site. Deddington Conservation Area also exists approximately 150 metres to the west of the site and the SAM to the south of the site is also within the Conservation

Area. The site is identified to be Grade 2 agricultural land and there are records of protected species including badgers within 250m of the site. The site is also located in an area of elevated arsenic and radon gas.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application is made in outline, with all matters reserved except access, for up to 15 dwellings on the site. The plans show the provision of a new access with footways either side in approximately the same location as the existing agricultural access.
- 3.2. An indicative site layout plan has been submitted which shows the provision of 15 dwellings on the site, arranged in a cul-de-sac arrangement with the dwellings back onto Clifton Road, and consisting of 10 detached dwellings, 3 terrace dwellings and a pair of semi-detached dwellings.
- 3.3. *Timescales for Delivery*: No indication has been provided on the timescale for deliver of the site.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly related to the site. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
13/01941/OUT	Outlined – Erection of 7 dwellings	Appeal dismissed

- 4.2. The above related to a site on St Thomas Street in Deddington. The key issue at the time was the impact on the setting of Deddington Castle and the Conservation Area. The appeal was dismissed because of the proposal's impact on the setting of heritage assets.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **1st August 2019** although comments received after this date and before finalising this report have also been taken into account.
- 6.2. 29 letters of objection have been received by residents. They can be summarised as follows:

- Principle of development: Site does not form part of the Neighbourhood Plan; the site is too remote, poor accessibility and pedestrian connections to centre of village and services; no need for the development
- Impact on form and character of the village: Impact on character and appearance and visual amenity of area including issues of pattern of development, layout, density and setting of the village. Harm to the identity

of the village. Harmful intrusion into the open countryside and harmful to the boundary of village. Layout, design, appearance and materials inappropriate for the site

- Impact on heritage assets: Impact on Conservation Area and setting of Deddington Castle including similar appeal in the village.
- Impact on highway safety: Access is unsuitable given proximity to other junctions and unsafe given vehicle speeds. Traffic generation and impact on highway capacity.
- Impact on neighbours from noise and disturbance, light pollution, loss of light, loss of privacy and overshadowing
- Impact on local amenities (including Doctors / School)
- Request for contributions to Holly Tree Club.
- Foul water disposal
- Loss of trees
- Impact on ecology and wildlife
- Impact on archaeology
- Would create a precedent for similar developments in Deddington and the surrounding area. Development allows for future development further to the south.

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

7. RESPONSE TO CONSULTATION

7.1. 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

7.2. DEDDINGTON PARISH COUNCIL: **Objects** on traffic and access ground. However, if granted the following should be required: an archaeological survey; a traffic survey including consideration of the access point; upgrading of the pavement into Deddington; mitigation from headlights shining into neighbour; traffic calming measures; demonstrate how drainage will be dealt with; a pedestrian route into Earls Lane and provision of play area. Also requests several financial contributions if the application should be granted including to early years education, library, day care, Windmill Community Centre, sports field, play area and contributions to the bus service and electric charging points. Also requests traffic calming (including vehicle activated sign and relocation of 30mph speed limit, provision of fibre optic cable and affordable housing.

CONSULTEES

- 7.3. OCC HIGHWAYS: **Objects** due to lack of opportunities for sustainable travel to and from the site and lack of continuous and safe walking route to village centre, facilities and bus stop.
- 7.4. The proposed development is situated 830 metres from the village centre and nearest bus stop, which means that the opportunities for sustainable travel to and from the site are limited. It is connected to the village by a sub-standard footpath that is narrow, unlit and terminates where there is not a safe crossing point to the opposite side of the highway. This footway, which extends along the south side of the B4031 to its junction with Earls Lane. From just west of the junction, there is a footway on the north side of the B4031 towards the village centre. The Deddington Neighbourhood Plan aspires to promote more sustainable movement and transport patterns, through both the location of development and reduced dependency on the motor car as a mode of travel, greater use of public transport and an increased number of journeys on foot and by bicycle.
- 7.5. There is no bus service along the B4031 between Clifton and Deddington, and, given the location of this development 830m from the nearest bus stop (OCC guidance is that dwellings should be within a 400m walk distance of bus stops), and the poor walking route, this would suggest it is unlikely many trips would be made on foot, and, although some may be made by bicycle, it is likely the majority would be by private car (**Reason for objection**). Should the Planning Authority be minded to grant permission, improvements must be made to create a continuous, high-standard footway with a safe crossing point, linking to existing footways towards the village centre
- 7.6. Safety of pedestrian routes - A footway exists on the southern stretch of the Clifton Road from Deddington to Clifton. However, this footway is narrow, substandard in locations, unlit and there is no safe crossing point from the southern side of the footway where it terminates and then begins again on the northern side of the road.
- 7.7. From visiting the site, due to poor visibility at the curvature of the road as it enters the main village past the Earls Lane junction, it is unlikely to be possible to introduce a safe crossing point to allow safe pedestrian connectivity into the main part of the village. Further, introducing a crossing further towards Clifton and on the eastern side of the Earls Lane junction would not be effective as no footway existing along Earls Lane in this location.
- 7.8. Additionally, the shortest route to the primary school is via Earls Lane which as stated above has no footway and is a rat run through the village to avoid the village centre and the four-way signalised junction. This is not considered a safe walking route (**Reason for objection**).
- 7.9. Vehicle Speeds and Access - Accident data obtained for the standard 5-year window that is used to access whether an access can be considered safe from the Council's Traffic and Road Safety Team indicates road speeds in this area are high, with speed being a contributing factor to the accidents that occurred.
- 7.10. During my site visit where I spent approximately half an hour at the site, and despite wearing high visibility clothing I observed many vehicles that appeared to be exceeding the posted speed limits in both directions. Neither the Design and Access Statement or Planning Statement refers to there having been a speed survey conducted at the site to indicate the actual speeds in the vicinity of the site.
- 7.11. The proposed access to the site is taken off Clifton road via what is currently a farm access to an overgrown agricultural field. Visibility in both directions is appropriate for the posted speed limits. However, it must be adequate for actual speeds, and no

speed survey has been carried out to demonstrate this. A drawing must be provided showing achievable visibility splays to meet the requirements for actual speeds. **Reason for objection.** Further, because of the straight alignment of the Clifton Road, there is the potential to approach the site at very high speeds and therefore traffic calming should be provided as part of the S278 scheme (see below).

- 7.12. Site layout - The application is for outline permission with all matters reserved, except for access. Therefore, the layout will be considered in greater detail at a later stage.
- 7.13. If the LPA is minded to grant planning permission, this development should contribute to the wish list by providing traffic calming measures on the B4031, for the reasons stated above, and that the 30mph speed limit is extended further out towards Clifton, with a Vehicle Activated Sign These should be installed by the developer under S278 along with the necessary footway works. The detail of the traffic calming measures should be agreed. Request legal agree to section access, footway improvements, traffic calming, relocation of 30mph limit and VAS. Also request contributions towards consultation of TRO and traffic calming.
- 7.14. LEAD LOCAL FLOOD AUTHORITY: **Objects.** Insufficient drainage/flooding/SuDS information provided to undertake a full technical assessment of the proposal. The proposal is not aligned with Local or National Standards.
- 7.15. OCC EDUCATION: **No objections** subject to conditions securing financial contributions towards early years provision, primary education (Christopher Rawlins CE Primary) and secondary education (towards The Warriner School).
- 7.16. OCC PROPERTY: **No objection** subject to a contribution towards expansion of capacity at Deddington Library including the provision of additional book stock.
- 7.17. OCC ARCHAEOLOGY: **Objects.** The site is located in an area of archaeological potential 130m north of the scheduled ancient monument of Deddington Castle, a C11 motte and bailey castle and a C12 enclosure castle (SM 21807). The motte and its W bailey survive as an impressive group of earthworks, with the enclosure castle built into the NE corner. Although the scheduled area of the castle is outside of the proposed development area it is possible that aspects of the castle could survive within the development area.
- 7.18. The site is also located immediately south of a possible Romano British settlement site consisting of a series of probably roman pits recorded in the 1870s. A burial was also reported. The proposal site is also located 290m SW of a medieval shrunken village (PRN 9437) which survives as a series of earthworks related to the holloway and crofts. The holloway is thought to be an original continuation of the line of Clifton Road. As there is evidence of medieval settlement along this possible continuation of the road then it is possible that further medieval settlement existed along the current Clifton Road, on the northern side of the proposed development area. This development could therefore impact on previously unknown archaeological features related to the medieval settlement and the scheduled castle.
- 7.19. The applicant has submitted a desk-based assessment for the site which highlights that the site has the potential to contain Roman and Medieval deposits. The assessment also highlights that an archaeological evaluation will be required to ascertain the presence and significance of archaeological remains if present within the site.
- 7.20. In accordance with the National Planning Policy Framework (NPPF 2019), recommend that, prior to the determination of this application the applicant should

therefore be responsible for the implementation of an archaeological field evaluation. The results of this evaluation will need to be submitted along with any planning application for the site and should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken.

7.21. Historic England will need to be formally consulted to provide comment on any impacts on the setting of the scheduled monument of Deddington Castle.

7.22. HISTORIC ENGLAND: **Raises concerns.**

7.23. The Significance of a heritage asset is normally considered to be the sum of its heritage values - evidential, historic (illustrative and associative), aesthetic and communal. Consideration of significance concerns not just the heritage asset itself, but also any contribution made to significance by the setting of the asset, where setting means the environs in which the asset is experienced. The earthworks of Deddington Castle, and the results from excavations, indicate that it is an 11th-century Norman motte and bailey castle, and that a 12th-century enclosure castle was constructed within the earlier fortification. The western bailey survives as an extensive raised area surrounded by high outer banks and an external ditch. The high mound of the motte is in the north-east corner of the western bailey and survives partially, having been cut through for the creation of the enclosure castle. A second bailey to the east of the motte is mainly known from aerial photographs but some earthworks survive. The castle is one of the best preserved earthwork monuments relating to the period in Oxfordshire. Unlike other similar castles, it appears to have been located remotely from the original village of Deddington and this separation has been perpetuated over time. The isolation may be connected with its status as the location of the 'caput' (lead site) of an 'honour' or estate, possibly of Odo, Bishop of Bayeux and the brother of William I.

7.24. The scheduled castle has very high evidential value - archaeological remains relating to construction and use of the castle, including waterlogged remains within the ditches. The proposed development would not impact on these. The castle also has high historic (illustrative) value in demonstrating how the Normans deliberately dominated the surrounding landscape militarily and physically by choosing an elevated site, and how the castle stands separate from the village - the existing mainly open setting contributes to that significance. Although there is tree cover around the edges of the castle, there are still places where its dominant position can be appreciated, and the views are improved during the winter when the trees are not in leaf.

7.25. The communal value of the castle is clear, as a valued asset - the site is much used for walking and is well-visited. Views out from the castle across the open countryside are clearly part of what is valued and enjoyed by visitors. The central motte area is in the care of the Secretary of State and is managed by English Heritage.

7.26. *Impact* - There will be no impact on the evidential value of the scheduled monument.

7.27. There would be some negative impact on the historic (illustrative) value of the monument caused by the construction of the housing in what is currently an open field, causing a change to the setting. While it is true that there are already some buildings west of the application site and beyond Clifton Road, it is considered further infill as incremental negative change to the mainly open setting. In summer with the trees in leaf there are only small glimpsed views of the application site from

the top of the motte - the applicant's Archaeological Desk-based Assessment (RPS July 2019) is incorrect in saying that the site cannot be seen at all. These views will be clearer in winter (the trees are mainly deciduous) and Historic England guidance on setting (referenced above) is that seasonality and impermanence of screening should be taken into account. The current management of the monument has led to quite dense tree growth, but future good management would require some shrub clearance and thinning of trees (tree roots, and possible windthrow, are damaging to archaeological deposits and earthworks) including some of the many trees currently being choked by ivy growth. It is therefore likely that more open views will be available in the future.

- 7.28. The DBA proposes tree screening for the new development as mitigation. While this may provide some screening, this is a long-term measure, and that existing buildings show it is not particularly effective as the upper parts of buildings are still visible, particularly when seen from the raised viewpoints on the motte and west bailey. The new development would still read as housing when viewed, and not as rural space.
- 7.29. Regarding views towards the castle from Clifton Road and the development site, it is currently not possible to appreciate the castle from these locations. It may be that winter conditions or a change in tree management would alter this, making the top line of the motte and bailey faintly discernible, but without further evidence it is not possible to be sure. Either way, it is unlikely that this would significantly change my conclusion below on the level of harm.
- 7.30. Taking into account the impact discussed above, it is considered that the development would cause harm, but certainly less than substantial harm, to the significance of the scheduled monument (as contributed to by its setting). This agrees with the conclusions of the applicant, whose Heritage Statement states that the development will cause less than substantial harm. The concept of less than substantial harm is covered in the National Planning Policy Framework (NPPF) 2019, paragraphs 193, 196. There is no formal scale for less than substantial harm, but the harm caused will certainly be at the lower end of the range. Your local authority will need to balance this harm against any public benefit from the development, as required by the NPPF, paragraph 196. Paragraphs 193 and 194 of the NPPF require that great weight should be given to the conservation of a designated asset, irrespective of the level of harm, and that any harm should be fully justified.
- 7.31. The Deddington Conservation Area includes the entire area of Deddington Castle, and the mainly open setting of the castle is clearly also the setting of this part of the conservation area and contributes to its significance. Therefore advises that the same level of less than substantial harm would be caused to the conservation area and this should also form part of the balancing exercise.
- 7.32. The application site has considerable potential to contain undesignated heritage assets in the form of archaeological remains. Historic England endorses the advice from Oxfordshire County Council that the application should not be determined until an archaeological evaluation (trial trenching) has been carried out. Until this has been done, and the results made available, it is not considered the application is compliant with the NPPF, paragraph 189.
- 7.33. CDC CONSERVATION: **Comment awaited.**
- 7.34. OXFORDSHIRE ARCHITECTURAL AND HISTORICAL SOCIETY: **Objects.** The proposed development would be harmful to the setting of the SAM by bringing urban development too close to the rural nature of the monument.

- 7.35. CDC LANDSCAPE: **Comments**. A landscape buffer should be planted to the south of the site with the SAM to help screen the development. A local area of play is required. The site is visually contained by the frontage planting and planning on the western boundary and this should be retained. An arboricultural plan indicating the extent of the root protection areas must be submitted.
- 7.36. CDC ARBORICULTURE: **Requests condition** for method statement in relation to the trees.
- 7.37. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions on noise mitigation from traffic noise, land investigation regarding contamination, air quality impact assessment and provision of ducting for EV charging points.
- 7.38. CDC STRATEGIC HOUSING: **No objection** subject to the provision of 35% affordable dwellings. Of these 5 affordable units, we recommend the following indicative mix of tenures and sizes:
- Rented - 2 x 1b2p Maisonettes and 2 x 2b4p Houses
- Shared Ownership - 1 x 2b4p House
- 7.39. Also outline the standards the dwellings would be expected to meet.
- 7.40. CDC LEISURE AND RECREATION: **Request contributions** for offsite outdoor and indoor sports facilities and community halls in accordance with the Development Contributions SPD.
- 7.41. CDC BUILDING CONTROL: A Building Regulations application will be required.
- 7.42. THAMES VALLEY POLICE: Comment. The development should follow the Secure by Design principles.
- 7.43. THAMES WATER: **No objection**. Request informative be added in respect of measures to discharge ground water into the public sewer. Advise that in regard to waste water network and waste water process infrastructure capacity there is no objection to the proposal. There is also no objection with regard to the water network and water treatment infrastructure capacity.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation
- Villages 2 – Distribution Growth Across the Rural Areas
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- C8 – Sporadic development in the open countryside
- C25 – Development affecting the site or setting of a scheduled ancient monument
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- C33 – Local gaps
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Annual Monitoring Report (AMR) 2018
- Developer Contributions SPD
- Cherwell Residential Design Guide SPD

8.4. Deddington Neighbourhood Plan is currently being developed. Consultation on the draft (submission) plan ended on the 21st December 2018 and the plan has now been submitted to the independent examiner to consider. The examiner has raised a number of initial queries and clarifications. This plan and its policies therefore hold limited weight in decision making at the current time as it will need to be subject to examination by the independent inspector and then subject to a referendum. The most relevant policies are:

- DED - HOU1: Sustainable housing growth
- DED - HOU2: Housing location
- DED - HOU3: Housing mix
- DED - HOU4: Housing design and village character
- DED - HOU5: Estate infrastructure
- DED - HOU6: Affordable housing
- DED - ENV1: Protection and enhancement of the historic environment of the Parish

- DED - ENV2: Protection and enhancement of the natural environment of the Parish
- DED - ENV3: Infrastructure requirements
- DED - ENV4: Impact of street lighting
- DED - COM1: Inclusive communities
- DED - COM2: Community facilities and services
- DED - COM3: Children's play areas and public open space
- DED - COM4: Integrated approach
- DED - COM5: Modernisation of facilities
- DED - COM6: Open spaces, sport and recreation
- DED - MOV1: Transport impacts
- DED - MOV2: Estate roads
- DED - MOV3: Parking
- DED - MOV4: Non-car movement

8.5. Council Corporate Priorities

Cherwell District Council's Business Plan for 2019-20 sets out the Council's three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

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

- Principle of development
- Impact on the character and appearance of the area
- Heritage impact
- Highway safety
- Residential amenity
- Affordable housing
- Flood Risk and drainage
- Ecology
- Infrastructure
- Other matters

Principle of Development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.
- 9.3. 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. Paragraph 7 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system – the three strands being the economic, social and environmental roles. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 9.4. 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 year housing land supply.
- 9.5. The Written Ministerial Statement of 12 September 2018 now considers important policies for determining the application to be out of date only where a 3 year supply of deliverable sites cannot be demonstrated.
- 9.6. The Cherwell Local Plan 2011-2031 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.7. Policy Villages 1 of the CLP 2031 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Deddington is a Category A village.
- 9.8. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that: *"A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014"*. This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.
- 9.9. Policy Villages 2 then sets out that, when identifying and considering sites, particular regard will be given to the following criteria:

- *“Whether the land has been previously developed land or is of less environmental value;*
- *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
- *Whether development would contribute in enhancing the built environment;*
- *Whether best and most versatile agricultural land could be avoided;*
- *Whether significant adverse landscape impacts could be avoided;*
- *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
- *Whether the site is well located to services and facilities;*
- *Whether necessary infrastructure could be provided;*
- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
- *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
- *Whether development would have an adverse impact on flood risk.”*

9.10. The Deddington Neighbourhood Plan has been submitted for examination so is only considered to carry limited weight in decision making at the current time. However, there are several policies relevant to the principle of the development. Policy DED – HOU1 of the emerging Neighbourhood Plan indicates the delivery of approximately 50 new dwellings will be supported in Deddington during the plan period (2015-2031) comprised of developments of 10 or more dwellings. It also states the cumulative total number of dwellings which may be built on any one site during the plan period shall not exceed 20. Policy DED-HOU2 also provides criteria-based policy to assessing new residential development within Deddington.

Assessment

9.11. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built up limits of the village given its physical and visual relationship to the existing built form. The applicant contests this assessment. However, officers consider that sites must have a clear urban grain and close relationship with the existing built up limits of villages to be considered as being within the built limits. In this case the application site clearly forms part of a wider agricultural field, which sits away and separate from the established built up limits of the village. Whilst there is sporadic development either side of the site along Clifton Road which has occurred over a number of years and the open fields between the building and separated located from the main built form of the village means officers conclude the site is not considered to be within the built limits of the village.

9.12. Deddington is recognised as a ‘Category A’ village and is one of the larger villages in the District with a relatively wide range of services and facilities compared to other Category A settlements. It has a relatively regular bus service (S4 route – approximately hourly), which runs between Banbury and Oxford. Overall therefore it is considered to be one of the more sustainable Category A villages.

9.13. The acceptability of the proposal therefore needs to be tested against the criteria listed in Policy Villages 2 of the CLP 2015 (as set out above), as well as other material planning considerations. However, in the first instance it is important to consider the matter of scale and quantity of development at Deddington, is in accordance with the overarching housing strategy of the CLP 2031.

- 9.14. The Council's AMR 2018 (published December 2018), identifies that at 31 March 2018 developable sites existed for 746 homes at Category A villages under Policy Villages 2 of the CLP 2031 (and therefore 4 remaining from the Policy Villages 2 requirement) as of March 2018. A review of these sites identified that for one of these sites permission had not been issued and in the case of another the consent had lapsed. In officers' view therefore 713 of the 746 were capable of being delivered. At 31st March 2019, 271 of the 750 had been delivered, with sites under construction that when completed will have delivered a further 311 (aggregate total thus far of 582). As of 31st March 2019 permission had been granted for a further 168 dwellings under Policy Villages 2, making a total of 750 dwellings either completed, commenced or permitted. There are other sites, e.g. Stone Pits, Deddington, with resolutions to approve but permission not yet formally granted.
- 9.15. The 750 dwellings to be delivered at Category A villages is not an upper limit, but the policy describes it as a 'total' and significant deviation from this may result in unconstrained growth in less sustainable locations which would conflict with the housing strategy of the Development Plan which has a strong urban focus. This conclusion has been endorsed by Inspectors in various recent appeal decisions received by the Council, including appeals at Kirtlington (27 August 2015 - APP/C3105/W/14/3001612), Weston on the Green (8 February 2017 - APP/C3105/W/16/3158925), and Finmere (17 May 2018 - APP/C3105/W/17/3169168). Therefore, it is considered that the position in which the Council finds itself in regard to the allocation under Policy Villages 2 means that there is no urgent need to grant permission for significant additional growth under this policy and must be a matter considered in the planning balance.
- 9.16. The proposal would lead to the number of permissions being granted at Category A villages exceeding the 750 dwellings in Policy Villages 2. However, officers do not consider, in this particular instance, i.e. specific to Deddington at this time, that the proposal could be regarded as a departure from the Council's rural strategy, for the following reasons.
- 9.17. Firstly, it is noted that to date none of the 750 dwellings approved under Policy Villages 2 has been granted at Deddington but that Deddington is one of the larger Category A settlements. Whilst it is important to note that there is no distribution requirement within the policy, if the 750 dwellings were shared out pro-rotta based on population size then Deddington would be required to have 37 dwellings. Whilst it is acknowledged that permission was granted for 85 dwellings at Deddington Grange adjacent to the northern built up limits of Deddington this did not count towards the 750 homes allocated under Policy Villages 2 since that permission was granted prior to 31st March 2014.
- 9.18. A resolution to grant planning consent exists on a site to the west of the village for 21 dwellings (18/02147/F). However, this permission has not yet been issued, given legal agreement negotiations, and in any case would result in material exceedance of the 750 – but the resolution to approve was made at a time when the 750 figure had not been reached.
- 9.19. Secondly, whilst the draft Neighbourhood Plan only holds very limited weight at the current time it is noted that it is seeking to make provision for up to 50 new dwellings in the plan period – albeit that it has a limit on the size of any one development, i.e. it restricts developments to a maximum of 20 dwellings on any single site.
- 9.20. The NPPF places great importance on boosting the supply of homes – that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (NPPF, Para

59). And further, that: '*Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly*' (NPPF, Para 59).

- 9.21. Therefore, whilst acknowledging there is no urgent need to release additional land in the rural area under Policy Villages 2, given that Deddington has not received any of the 750 dwellings permitted, given that this proposal is for up to 15 dwellings and no more, and also having regard to the direction of travel with the Neighbourhood Plan, it is considered that in this particular instance this level of additional growth at Deddington would not be seen to undermine the wider rural housing strategy. However, Policy Villages 2 requires the consideration of a wider number of issues and for the reasons outlined below and elsewhere in this report it is not considered that the principle of developing the site for residential purposes would comply with Policy Villages 2.
- 9.22. One of the criteria within Policy Villages 2 is whether the site is well located to services and facilities. The application site to the eastern side of the village and is separated away from the main built form of the village. It is located approximately 800 metres from the village centre which contains a variety of services and bus stops. The Local Highway Authority (LHA) has noted that the footpath to the village is sub-standard, narrow, unlit and terminates along Clifton Road where there is not a safe crossing point for pedestrians to cross. The LHA therefore considers that given a combination of the distance to the services and the poor quality of these routes it is likely to deter future residents going on foot and encouraging sustainable forms of travel. No upgrading of the routes is proposed as part of the application. Furthermore, the bus service is located over 800 metres from the site and is not well connected to the site. Therefore, whilst the wider village includes a good range of services and facilities given the poor connections between the site and these services and facilities this is considered to be a matter that weighs against the development.

Conclusion

Overall, on balance, and having regard to the factors above it is considered that the principle of this scale of growth could be acceptable on this site in Deddington in the context of the Council's housing strategy and the emerging local plan. However, the poor walking routes to the services and facilities weighs against the development. Furthermore, regard also must be had to the proposal being assessed against the other relevant criteria of Policy Villages 2 and the other relevant policies and guidance, which is discussed below.

Impact on character and appearance of area

Policy context

- 9.5. 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.
- 9.6. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.23. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should:*

- *Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
- *Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.”*

9.24. 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.”*

9.25. Policy Villages 2 also states regard will be had to whether a proposal would have significant adverse impacts on heritage, whether development could contribute to enhancing the built environment and whether significant adverse landscape and impacts can be avoided in determining applications under that policy.

9.26. 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 and Saved Policy C8 seeks to limit sporadic development beyond the built limits of settlements.

- 9.27. Saved Policy C33 states the Council will seeks to retain any undeveloped gap with is important in preserving the character of a loose knit settlement structure or maintaining the setting of heritage assets.
- 9.28. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.
- 9.29. Policy DED-HOU2 of the emerging Neighbourhood Plan states that proposals which would disproportionately extend the building up limits or spoil the setting of the village will not be supported. Policy DED-HOU4 states that development abutting greenfield land should be sensitive to how it relates to the adjacent landscape and approach to the village and that all development should reflect the surrounding vernacular architecture, building typology and character of the streetscape and make a positive contribution to the distinctive character of Deddington.

Assessment

- 9.30. The application site is located at a key entrance to the village which has a strong rural approach which positively contributes to the rural setting and character and appearance of the village. The area includes a number of groups of buildings; however, they are set between parcels of open land, such as the application site, which imparts very loose knit and spacious character and appearance the area where views are available out into the wider landscape. This includes views across the application site to the south. This provides a soft and gentle transition between the wider countryside and main built up area of Deddington and the application site contributes positively to this.
- 9.31. The proposed development would harmfully impact on the loose knit settlement pattern in this area and result in a harmful urbanisation of the site and the wider locality to the detriment of the rural setting of the village. It would result in further ribbon development along the Clifton Road. The development would be clearly visible when approaching and leaving the village along Clifton Road and would be at odds with the surroundings character of the area. The creation of development of this size, detached from the main built form of the village by open land, would be out of character with the loose knit pattern of development in this area and would appear incongruous in this location resulting in the creation of a small modern housing estate with little integration with the existing built environment. Whilst the landscape and visual impacts would be relatively localized they would no doubt be harmful and incongruous given the context particularly along Clifton Road and views from the south. The application is not accompanied by a Landscape Visual Impact Assessment, but officers also consider that views of the site are likely to be available from some part of the Chapmans Lane, which is a public right of way to the south of the site, exists particularly in winter months when vegetation is more sparse. In these views the proposed development is likely to stand out given the intervening topography.
- 9.32. Furthermore, the indicative layout submitted with the application shows that to accommodate the proposed number of dwellings on the site it is likely to result in the creation of a cul-de-sac form of development with development provided in depth. This would be out of keeping with the linear arrangement and pattern of the development to the west of the site where dwellings. Furthermore, the indicative layout shows dwellings with their rear gardens and elevations on to Clifton Road which would be totally at odds with the surrounding development where dwellings have generally addressed the main road. Whilst these plans are only indicative officers consider that given the size and shape of the site that type of layout would be likely to be required to provide this number of dwellings on the site and this

demonstrates that the site would be poorly related and integrated with the existing built environment.

- 9.33. Given the application is made in outline, details of the scale, layout and appearance of the dwellings would be reserved for future application. However, the Design and Access Statement should provide a framework to demonstrate how a successful development could be achieved. The concerns regarding the indicative layout are outlined above. The Design and Access Statement submitted with the application provides some details on the appearance of the dwellings, but officers have significant further concerns regarding the intended design and detailing of the dwellings as they would appear to be based on inappropriate modern development rather than the more locally distinctive vernacular form and materials as required by the Cherwell Residential Development Design Guide SPD. Examples of this include proposals to include gault/buff brick, coursed limestone, or white render and complex building forms rather than the traditional ironstone and simple architectural style which strongly characterises Deddington.
- 9.34. Overall, therefore, the development of the site is considered to be poorly related to the pattern of development in the locality, harmful to the character and appearance of the area and setting of the village and result in a harmful visual intrusion to the open countryside. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan Part 1, Saved Policies C28, C30 and C33 of the Cherwell Local Plan 1996, Cherwell Residential Design Guide SPD (2018) and advice in the NPPF.

Heritage Impact

Legislative and policy context

- 9.35. The site is within the setting of a Conservation Area and also within the setting of the Scheduled Ancient Monument of Deddington Castle. 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*. Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.36. Conservation Areas and Scheduled Monuments are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (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. It goes on to state any harm to the significance of a designated heritage asset or its setting should require clear and convincing justification. Where development 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.
- 9.37. Paragraph 189 of the NPPF states that where a site has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 9.38. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance. Policy Villages 2 requires consideration to be given to whether significant adverse impact on heritage can be avoided.

- 9.39. Saved Policy C25 states that in considering proposals which affect the setting of a Scheduled Ancient Monument the Council will have regard to the desirability of maintaining its overall historic character.

Assessment

- 9.40. The original application did not include any assessment in respect of the impact of the development on the nearby heritage assets and Historic England and the County Archaeologist raised concerns regarding a lack of information in that respect. Since that time a Heritage Assessment and Desk Based Archaeological Assessment have been submitted. Comments are awaited Conservation Officer on these and will be reported in the update to committee. However, based on the information provided to date the below represents the current opinion of officers.
- 9.41. The proposed development is located within the setting of the Deddington Castle which is a Scheduled Ancient Monument (SAM). This is an earthwork motte-and-bailey castle, with separate bailey either side of a central motte, which dates back to the eleventh or twelfth century. The Castle Grounds represent the west bailey with a central motte. The eastern bailey is roughly equal in area to the main bailey with evidence of late medieval fishponds or quarries. Historic England states it is nationally important and is one of the best-preserved earthworks relating to the period in Oxfordshire. Unlike other similar castles, it appears to have been located remotely from the original village of Deddington. The isolation from the village may be connected with its status as the location of the lead site of an estate. Whether deliberate or not, the setting of the asset remains largely open countryside to the main boundaries. The castle has illustrative value in demonstrating how the Normans dominated the surrounding landscaping and the existing open setting of the castle contributes to that significance. This assessment was agreed with by a Planning Inspector in dismissing an appeal to the west of the site (13/01941/OUT refers).
- 9.42. Whilst there are instances of more modern development which have encroached onto the open space around the castle, with the result that the natural buffer between the village and castle has been eroded, these are not considered to be positive aspects and are not considered to justify further harm to the setting of the Castle. The proposal would impact on the open setting of the Castle to the north and diminish its sense of isolation from the village. Given the proximity and topography of the area views would be available from the Castle towards the site (and vice versa) which would lead to an urbanisation of the setting. Whilst many views would be filtered through vegetation, the presence of the development would still be visible. The inter-visibility would be higher and more prominent in winter months when the filtering effect of the deciduous vegetation would not be as effective as in summer months. Historic England has also pointed to the fact that management of the SAM in the future is also likely to result in the removal of some of the screening. In addition to the above the likely layout and density of the site would result in the built form of the dwellings being closer to and more prominent than the existing housing to the west of the site, which would further exacerbate the harm of the development.
- 9.43. However, it is accepted that the site forms only part of the setting of the castle and the significance of the castle includes factors other than the values associated with its setting. Therefore, the overall harm to significance of the Castle would be 'less than substantial' in the context of the NPPF. That is not to say that it would be unimportant and the NPPF advises that any harm to heritage assets require clear and convincing justification. Paragraph 134 of the NPPF requires the harm to be balanced against the public benefits of the scheme.

- 9.44. The SAM also forms part of the Conservation Area and it is considered that for the same reasons the proposal would harm the significance of the Conservation Area through change to its setting. There is also considered to be further harm to the setting of the Conservation Area in respect of the impact of the development on the rural setting of the village. The site is located at the edge of the village and the existing approach has a strong rural character and appearance which positively contributes to the rural setting of the Conservation Area. The urbanisation of the site and the loss of openness, including some views out to the wider countryside, would erode this rural approach. Furthermore, given the proposed developments detached siting away from the main settlement form, alongside its density and likely layout, it is considered the development would appear incongruous within its immediate context and within the rural approach to the Conservation Area.
- 9.45. Overall, therefore, the proposal would result in harm to the setting of the Deddington Castle and the Conservation Area. This harm would be 'less than substantial' in the context of the NPPF but carries significant weight in determining the application. The benefits of the scheme therefore need to be weighed against this harm. In this case the benefits of the scheme include the economic and social benefits associated with the provision of 15 new dwellings including 5 affordable units. Whilst these benefits carry significant weight, given that the Council can demonstrate an appropriate housing land supply and the significant progress made on the rural housing allocations under Policy Villages 2, these benefits are not considered to outweigh the harm arising from the scheme. The proposal is therefore considered to conflict with the Policy ESD15 and advice in the NPPF in this respect.
- 9.46. The proposed development also has the potential to affect buried archaeology at the site. The County Archaeologist (CA) has noted that site lies in an area of archaeological potential to the north of the scheduled ancient monument of Deddington Castle. Although the scheduled area of the castle is outside of the proposed development area it is possible that aspects of the castle could survive within the development area. The site is also located immediately to the south of a possible Roman British settlement site and 290m south west of a medieval shrunken village which includes series of features which are thought to be an original continuation of the line of Clifton Road. As there is evidence of medieval settlement along this possible continuation of the road then the CA considers it is possible that further medieval settlement existed along the current Clifton Road, on the northern side of the proposed development area. The CA therefore considers the proposed development could impact on previously unknown archaeological features related to the medieval settlement and the scheduled castle.
- 9.47. The applicant has submitted a desk-based assessment for the site which highlights that the site has the potential to contain Roman and Medieval deposits. The assessment also highlights that an archaeological evaluation would be required to ascertain the presence and significance of archaeological remains if present within the site. The CA therefore considers that a programme of field evaluation needs to be undertaken prior to positive determination of the application to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation. This information can be used for identifying potential options for minimising or avoiding damage to the archaeology and on this basis, an informed and reasonable decision can be taken. In the absence of this information the CA objects to the applicant and Historic England has stated they concur with these views. Officers agree with findings of the CA that there is insufficient information at the current time to make an informed judgement in respect of impact of the development on archaeological feature on the site. The proposal is therefore contrary to Policy ESD15 and advice in the NPPF, which requires that sufficient information is provided to assess the potential impact of development on heritage assets.

Highway safety

- 9.48. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”* Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”* The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.
- 9.49. Policy DED-HOU2 of the emerging neighbourhood plan states regard will be had to the distance from the centre of Deddington and Deddington Health Centre and whether the proposed development would be connected to the local community in particularly in relation to pedestrian and cycle access to the centre of Deddington and whether the proposed residential development would seek to minimise the impact of the scheme on traffic congestion with appropriate road safety mitigation measures. Policy DED- MOV4 states that opportunities will also be sought to create pedestrian and, where appropriate, cycle routes connecting new developments with neighbouring developments.

Assessment

- 9.50. The development would include a new access from Clifton Road to serve the new housing. This would be located in approximately the same location as the existing agricultural access and would include a footpath into the site connecting with the existing footway along Clifton Road leading into the village.
- 9.51. The application site lies within a 40mph limit. However, the Local Highway Authority (LHA) comments that vehicle speeds appear to be higher in the area and no speed surveys have been conducted by the applicant at the site to indicate the actual speeds in the vicinity of the site. Whilst visibility from the proposed junction appears to be adequate for the posted speed limits, the LHA considers that it must be adequate for actual speeds, and with the absence of any speed survey being carried out it has not been demonstrated this could be achieved and the LHA raises an objection on that basis. Officers agree with this assessment.
- 9.52. The LHA has raised no objection to the application on the basis of traffic generation on the capacity of the local highway network and given the scale of the proposal it is not considered that the proposal could be regard to lead to severe highway impacts on the wider road network.
- 9.53. The LHA also states that given the straight alignment of the Clifton Road in this location, traffic calming measures including a vehicle activated sign and extension of the 30mph beyond the site should be provided to slow vehicles. The LHA also requests financial contributions to cover the cost of the Traffic Regulation Order for the speed limit change and traffic calming feature consultation. Given the principle issues regarding the development of the site these matters have not be pursued further with the applicant.

Conclusion

- 9.54. In light of the LHA's comments it is considered that it has not been demonstrated that safe and suitable access can be achieved to the site or to demonstrate that the

proposal would be acceptable in regard to highway safety. The proposal therefore conflicts with Policy SLE4 and advice in the NPPF in this respect.

Impact on neighbouring amenity

- 9.55. Policy ESD 15 of the CLP 2031 (Part 1) requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.56. The proposed development would be located away from many of the surrounding residential properties. The property which would be most significantly upon by the proposal is the dwelling immediately to the east of the site, The Fishers. This property contains a first floor bedroom window facing over the western boundary of the site which the occupier of this property has stated is the only window serving this bedroom. The indicative layout plan shows the rear elevations of the proposed dwellings within 16 metres of this windows which is likely to result in an unacceptable level of overlooking between the properties. The layout is only indicative and could potentially be amended to address this issue and therefore does not form a reason for refusal. However, it does raise further concerns with officers regarding the layout of the site and the relationship with the village and how the development would accommodate the number of dwellings proposed.
- 9.57. Concerns have also been raised from the occupier of the property on the opposite side of Clifton Road at the entrance to the site. They raise concerns that the proposed development would lead to noise and disturbance, including headlights of vehicles using the access shining into their windows, given the position of the access. Whilst it is noted that there would be some impact on this property in this respect, this is not an uncommon occurrence in a semi-rural environment and is not considered to be a matter which would justify refusal of the application.

Affordable Housing and Housing Mix

- 9.58. Policy BSC3 of the Cherwell Local Plan (2011-2031) states that development on the site should make provision for 35% affordable housing with 70% of the affordable housing to be affordable rent and 30% as intermediate homes such as shared ownership. Policy BSC4 states that new development will be expected to provide a mix of home to meet current and expected future demand creating socially mixed and inclusive communities.
- 9.59. Policy DED-HOUS3 of the emerging neighbourhood plan seeks to ensure appropriate housing mix. Policy HOU6 states that the majority of affordable rented units should be one-bedroomed.
- 9.60. The applicant has committed to providing 35% affordable housing on the site in line with Policy BSC3 which equates to 5 dwellings on the site. The detailed housing mix would be determined at reserved matters stage and at the current time the plans are only indicative. The Council's housing officer has raised no objection to this and has provided a suggested mix. Full details of the mix of the market and affordable housing would be determined at reserved matters stage. The affordable housing would need to be secured by a legal agreement. However, in the absence of such a legal agreement the proposal is contrary to Policy BSC3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the NPPF.

Flooding Risk and Drainage

- 9.61. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists

development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.

- 9.62. The current is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding.
- 9.63. The applicant has submitted a Drainage Strategy, which includes a concept drainage scheme which includes permeable paved areas and attenuation tanks. The Lead Local Flood Authority (LLFA) has objected to this as it considers there is insufficient information to undertake a technical assessment of the proposal and it is not aligned with local or national standards. The LLFA highlights that without adequate testing to demonstrate whether infiltration is a suitable a means of dealing with surface water within the application site an outline strategy cannot be undertaken. The LLHA also considers that insufficient justification has been provided within the strategy to disregard certain drainage solutions and therefore the proposed tanking and oversized pipes, which are proposed under the roads as proposed, are not justified. A number of other concerns are also raised regarding the strategy. It is therefore considered that the application has been accompanied by insufficient information in this regard and the proposal is considered to be contrary to Policy ESD7 of the Cherwell Local Plan and advice in the NPPF.
- 9.64. It is understood that the development immediately adjacent to the site is not connected to the main sewer. The drainage strategy notes that there is a public foul sewer approximately 125m to the west of the site and notes that foul drainage from the proposal will be discharged to this. Based on the local topography a pumped solution would be required, which would require a pump in the south eastern extent of the site and require a 10m easement from dwellings. Thames Water has raised no objection to the development in regard to foul water sewage or water network provision and the development is therefore considered to be acceptable in that regard.

Ecology

Legislative context

- 9.65. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.66. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.67. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 9.68. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.69. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.70. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.71. These policies are both supported by national policy in the NPPF and, 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, unless a licence is in place.
- 9.72. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.73. The current application has been accompanied by an Ecological Appraisal which has been considered by the Council's Ecologist (CE). The site is not subject to any statutory or non-statutory designations. The CE is satisfied that there are no significant protected species issues on this site and the suggested mitigation measures in the report are all appropriate including those to avoid disturbance to mammals, reptiles and birds. A separate lighting strategy would be required which can be secured through condition. The proposals do, however, result in the loss of

some semi-improved grassland which whilst not of high ecological value will result in a loss to biodiversity. There do not appear to be any particular measures taken within the illustrative layout to create new habitat and achieve a net gain for biodiversity on site, which local policy and national policy support. Currently there is no clear demonstration that a net gain will be achieved. Given the size of the site it is considered that a planning condition could be used to ensure that any reserved matters that came forward demonstrated a net gain in biodiversity

- 9.74. The ecological appraisal makes a number of suggestions for features of enhancement within the built environment which could contribute to preventing a net loss in opportunities for wildlife and should be incorporated – such as bat boxes, integrated swift bricks, hedgehog highways and invertebrate friendly planting. The details of these could be secured through a Landscape and Ecological Management Plan.

Impact on Local Infrastructure

Policy Context

- 9.75. Policy INF1 of the CLP 2015 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.”*
- 9.76. Policy BSC11 of the CLP 2015 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.”* Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.
- 9.77. The Developer Contributions Supplementary Planning Document (SPD) setting out its position in respect of requiring financial and on site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 9.78. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development;
 - c) Fairly and reasonably related in scale and kind to the development.
- 9.79. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning

permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

9.80. The proposed development requires the provision of general amenity green space (approx. 0.1ha) and a local area of play (100 sq m activity zone – 400 sq m including buffer) in accordance with the minimum standards of provision outlined in Policies BSC10 and BSC11 of the Cherwell Local Plan to meet the needs of the new residents. The indicative layout makes no provision for either of these areas of open space and therefore the proposal would fail to make adequate provision for new residents in this respect. The applicant has stated that a financial contribution could be made to enhance facilities elsewhere but given the distances to other facilities this is not considered to be appropriate on this site and on-site provision should be made instead. Therefore, based on the current submission the proposal fails to comply with Policy BSC10 and BSC11 of the Cherwell Local Plan and advice in the NPPF in this respect.

9.81. In the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council

- Provision of and commuted sum for maintenance of open space (existing mature trees -£198.82 per tree, hedgerow - £20.49m2, informal open space/landscape buffers - £9.74m2, balancing pond - £50.98m2)
- Provision of a local play equipment and maintenance costs
- Off-site outdoor sports facilities capital provision – £30,255.45
- Off-site indoor sports facilities - £12,524.20
- Community hall facilities - £16,989.29
- £106 per dwelling for bins
- Affordable housing provision – 35%

Oxfordshire County Council

- £7,671 early years provision
- £103,567 primary school contribution
- £75,010 secondary school contribution
- £4,441 Deddington library contribution
- £3,120– Traffic regulation order for relocation of speed limited and traffic calming build out.
- £1,600 for traffic calming feature consultation
- S278 Agreement will be required to secure mitigation/improvement works, including:
 - Formation of a new site access
 - Provision / improvements to footpath to village centre
 - Relocation of the speed limit signs
 - A Vehicle Activated Sign

9.82. CDC's Developer Contributions SPD states that new residential development will be expected to contribute towards the provision of additional health care infrastructure generated by its population growth where there is insufficient existing capacity, well located to serve the development. Whilst the Oxfordshire Clinical Commission Group has been consulted, comments have not been received from this consultee

and they have indicated they are only likely to comment on larger applications. Thus, officers do not consider that they can request contributions towards health care infrastructure.

Conclusion

9.83. A number of items would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts. Given the application is not acceptable for other reasons these matters have not be progressed. In the absence of a legal agreement to secure these matters the proposal is therefore contrary to Policies INF1, PSD1, BSC3, BSC10 and BSC11 of the Cherwell Local Plan (2011-2031) Part 1, the Developer Contributions SPD (2018) and Government guidance contained within the National Planning Policy Framework.

Other Matters

9.84. Saved Policy ENV12 of the CLP1996 sets out that development on land which is known or suspect to be contaminated will only be permitted if

- (i) Adequate measures can be taken to remove any threat of contamination to future occupiers of the site.
- (ii) The development is not likely to result in contamination of surface or underground water resources
- (iii) The proposed use does not conflict with other policies in the plan.

9.85. The site is on land which is potentially contaminated and the Council's Environmental Protection Officer has therefore recommended that phased contaminated land conditions need to be attached should permission be granted. Officers agree with this assessment.

9.86. Regarding air quality, the Council's EPO requests that ducting is provided for the future installation of Electric Vehicle charging infrastructure in order to make resident parking places EV ready for future demand. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan. It is considered reasonable and necessary for this to be secured through a condition of any permission given.

9.87. Policy ESD1 of the CLP 2031 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2031 seeks to achieve carbon emission reductions. Policy ESD3 of the CLP 2031 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. These matters could be controlled through a condition.

9.88. In relation to the best and most versatile agricultural land, which is one of the criteria in Policy Villages 2, the site lies within an area identified as grade 2 and 3 on the Councils mapping system; therefore, at least part of the site is considered to be the Best and Most Versatile Agricultural Land. The development would result in the loss of this land for agriculture and this harm weighs against the development in the planning balance.

9.89. The proposal would also be low density and not make efficient use of land which is a further factor weighing against the development.

10. PLANNING BALANCE AND CONCLUSION

10.1. The planning system seeks to achieve social, economic and environment objectives in mutually supportive ways to achieve sustainable development. In this application the proposed development is considered to be contrary to the Development Plan and NPPF when read as a whole. The main policy against which to consider the application is Policy Villages 2 (PV2) and the criteria within. While in the case of Deddington, at this time, it is considered that the proposal would not conflict with the principle of providing a total of 750 dwellings at Category A villages, in this instance when assessed against the subsequent criteria of PV2 the proposed development is not previously developed land and would result in harm to the setting of the scheduled ancient monument and the setting of the Conservation Area. This harm is not considered to be outweighed by the social and economic public benefits arising from the scheme. It would also fail to contribute to enhancing the built or natural environment and would use land identified as best and versatile land. The proposal would be poorly related to the pattern of development in the locality, harmful to the character and appearance of the area and setting of the village and result in a harmful visual intrusion to the open countryside. Further weighing against the development is the poor quality of pedestrian links to villages' services and facilities and public transport. It has also not been demonstrated that suitable and safe vehicular access could be provided to the site or that the principles of sustainable drainage would be delivered through the scheme. The proposal would fail to provide sufficient amenity space and play space for the future residents and in the absence of a legal agreement the impacts on local infrastructure and provision of affordable housing would not be secured.

10.2. Whilst the proposed development would result in the social and economic benefits of providing 15 new units in a Category A village, including 5no units of affordable housing, these matters are not considered to outweigh the significant environmental and social harm arising from the scheme. The proposed development is therefore not considered to represent a sustainable form of development or comply with the Development Plan when read as a whole and it is therefore recommended that planning permission be refused.

11. RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

1. By virtue of its poorly integrated relationship with existing built development, its extension beyond the built limits of the village and its scale and location, the proposed development would cause significant and demonstrable harm to the character and appearance of the area and the rural setting of the village and would fail to reinforce local distinctiveness. For the same reasons the proposal would also result in 'less than substantial' harm to the setting of the nearby Scheduled Ancient Monument and Conservation Area and the harm stemming from the proposals are not considered to be outweighed by any public benefits. The proposal is therefore contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policies C28 and C33 of the Cherwell Local Plan 1996, Cherwell Residential Design Guide SPD (2018) and Government guidance contained within the National Planning Policy Framework.
2. The development proposed, by reason of its relationship and poor pedestrian connections to the centre of the village and service and facilities (including bus

stop) and taking into account Cherwell District Council's ability to demonstrate an up-to-date housing land supply, would not provide good access to services and facilities and public transport in the interests of reducing the need to travel and promoting sustainable transport options. Therefore the proposal is contrary to Policies ESD1, SLE4 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, and Government guidance contained within the National Planning Policy Framework.

3. By reason of the site's location in an area of known archaeological interest with high potential for significant archaeological deposits to survive on site, and in the absence of a detailed and adequate archaeological field evaluation, the Local Planning Authority cannot be satisfied that the proposal would not result in unacceptable and unavoidable harm to archaeological assets. Thus, the proposal conflicts with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.
4. The application submission fails to demonstrate that suitable and safe access to the site can be provided in the interests of highway safety given the lack of information regarding the vehicle speeds near the site. The proposed development therefore conflicts with Policy SLE4 of the Cherwell Local Plan (2011-2031) Part 1 and advice in the National Planning Policy Framework.
5. The submitted Drainage Strategy is inadequate and does not provide sufficient information to demonstrate that a drainage strategy based on Sustainable Urban Drainage Systems has been explored for the site. The proposal is therefore contrary to Policy ESD7 of the Cherwell Local Plan and advice in the Written Ministerial Statement on Sustainable Drainage Systems (Dec 2014).
6. In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure (including education, open space, sports facilities, community facilities, highway infrastructure and affordable housing) directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, mix and balanced communities, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. This would be contrary to Policies INF1, PSD1, BSC3, BSC10 and BSC11 of the Cherwell Local Plan (2011-2031) Part 1, the Developer Contributions SPD (2018) and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: James Kirkham

TEL: 01295 221896

Agenda Item 13

Cherwell District Council

Planning Committee

15 August 2019

Appeals Progress Report

Report of Assistant Director Planning and Economy

This report is public

Purpose of Report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

2.1 New Appeals

18/01841/F - 22 Campbell Close, Bicester, OX26 6RY - Demolition of part of existing house and garage and erection of new two bedroom dwelling (re-submission of 18/00402/F)

18/01894/OUT - OS Parcel 4300 North Of Shortlands And South Of High Rock, Hook Norton Road, Sibford Ferris, Oxfordshire, OX15 5QW - Outline planning permission with all matters reserved for up to 25 dwellings with associated open space, parking and sustainable drainage – To be decided by Hearing

1900231/Q56 - Brockford Farm Agricultural Building, Tadmarton Heath Road, Hook Norton, OX15 5BU - Change of use of building and curtilage from agriculture to single dwellinghouse with associated physical works

2.2 New Enforcement Appeals

None

2.3 Appeals in progress

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.

Method of determination: Public Inquiry

Key Dates

Start Date: 04.09.2018 **Inquiry Date:** 29.07.2019 **Decision:** Awaited

18/00792/OUT - Land At Tappers Farm, Oxford Road, Bodicote, Banbury, OX15 4BN - Outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no dwellings, with associated works and provision of open space

Method of determination: Hearing – Wednesday 4th September

Key Dates:

Start Date: 20.06.2019 **Statement Due:** 25.07.2019 **Decision:** Awaited

18/01074/F - Stonelea, School Lane, Great Bourton, Banbury OX17 1QY. Appeal by Mr and Mrs Martin against the refusal of Planning Permission for Two dwellings with new shared access from School Lane.

Method of determination: Written Reps.

Key Dates:

Start Date: 07.12.2018 **Statement Due:** 11.01.2019 **Decision:** Awaited

18/01332/F - Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton – Appeal by Mr C Smith and Mr R Butcher - 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

Method of determination: Public Inquiry

Key Dates:

Start Date: 29.01.2019 **Inquiry date:** 15.10.2019 **Decision:** Awaited

18/01436/F – Land Adjacent and West of Roba, Camp Road, Upper Heyford – appeal by Sharon Haddy & Mandy Borton against the refusal of Planning Permission for Erection of three residential dwellings.

Method of determination: Written Reps.

Key Dates:

Start Date: 18.01.2019 **Statement Due:** 22.02.2019 **Decision:** Awaited

18/01501/F – The Pheasant Pluckers Inn, Burdrop, Banbury, OX15 5RQ - Change of use from Class A4 (ACV Listed) to Class C3 dwellinghouse.

Method of determination: Written Reps.

Key Dates:

Start Date: 17.05.2019 **Statement Due:** 21.06.2019 **Decision:** Awaited

18/01727/F – 126 Churchill Road, Bicester, OX26 4XD - Externally re-clad and re-image an existing office and the attached industrial brick factory,

storage and distribution unit. This includes splitting the existing industrial unit into 5 separate areas with additional DDA access and Accessible WC provision to all areas.

Method of determination: Written Reps.

Key Dates:

Start Date: 02.07.2019 **Statement Due:** 06.08.2019 **Decision:** Awaited

18/01822/F - Bicester Service Station, Oxford Road, Bicester, OX26 1BT -

Re-development of the existing service station including the retention of the existing petrol filling station (PFS) and kiosk; demolition of existing restaurant building and construction of a drive-thru coffee-shop; construction of a restaurant building on land currently used for HGV parking; associated parking provision; retention of existing vehicular access from Oxford Road and reconfiguration of internal access routes to serve the development; creation of separate pedestrian/cycle access; all associated engineering and landscape works - re-submission of 17/01967/F

Method of determination: Written Reps.

Key Dates:

Start Date: 24.06.2019 **Statement Due:** 29.07.2019 **Decision:** Awaited

18/02056/OUT – Land North of Merton Road, Ambrosden - OUTLINE -

Erection of up to 84no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd - All matters reserved except for means of access.

Method of determination: Public Inquiry

Key Dates

Start Date: 20.05.2019 **Inquiry Date:** 20.08.2019 **Decision:** Awaited

19/00163/F - Part Land East And Adj To Roundabout At Junction Of Bicester Road, Launton -

Erection of accommodation building and associated ancillary external works to accommodate gas fuelled demand response electric generation facility to support the National Grid.

Method of determination: Written Reps.

Key Dates:

Start Date: 30.04.2019 **Statement Due:** 04.06.2019 **Decision:** Awaited

Enforcement appeals

None

- 2.3 Forthcoming Public Inquires and Hearings between 16 August and 19 September 2019

18/02056/OUT – Land North of Merton Road, Ambrosden - OUTLINE -

Erection of up to 84no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd - All matters reserved except for means of access.

Method of determination: Public Inquiry

Inquiry Start Date: 20.08.2019 (expected to last 4 days)

18/00792/OUT - Land At Tappers Farm, Oxford Road, Bodicote, Banbury, OX15 4BN - Outline application (all matters reserved except for access) for the demolition of existing buildings and erection of up to 46 no dwellings, with associated works and provision of open space
Method of determination: Hearing
Hearing date: 04.09.2019

2.4 Results

Inspectors appointed by the Secretary of State have:

1. Dismissed the appeal by Mr and Mrs R Hooke for the erection of new detached dwelling with integral garage. Steamways, 8 Rectory Close, Wendlebury, OX25 2PG – 18/00848/F (Delegated)

The Inspector considered that the main issues relating to this proposal were the impact on the character and appearance of the area, and flood risk.

The Inspector found that the proposed dwelling would be set back from the street frontage, would not be highly visible in the street scene, would fill the plot width (but that this would follow the pattern of other properties in the street), and that its siting would provide sufficient garden and parking provision. The Inspector therefore concluded that the proposal would not result in overdevelopment of the site or appear cramped and would be in keeping with the form and character of the area.

The Inspector noted that the appeal site is located within Flood Zones 2 and 3 as identified by the Environment Agency's flood mapping, and is therefore considered to be at a medium to high risk of flooding, and that the footprint of the dwelling itself would be on land identified as Flood Zone 2. The Inspector noted that in such cases the Local Planning Authority must apply the Sequential Test and that the onus is on the applicant to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

The Inspector concluded that the Flood Risk Assessment (FRA) submitted as part of the appeal did not demonstrate that there are no reasonably available sites of a lower probability of flooding, and as such found that development on this site would fail the Sequential Test. The Inspector thus concluded that due to the lack of evidence to demonstrate suitable alternative sites in areas of a lower probability of flooding the proposal failed to comply with Policy ESD8 of the CLP 2031 and the relevant paragraphs of the Framework. Accordingly the Inspector dismissed the appeal.

The Inspector found that that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, had not been demonstrated by the Local Planning Authority and accordingly refused the Appellant's claim for costs. In particular the Inspector noted that the Appellant had chosen not to engage in any pre-application discussions with the Council and found that taking five days to return a

telephone call compared to the Council's stated aim of doing so in three days was not significant.

2. Allowed the appeal by Mr J Pickup for RETROSPECTIVE - Brick wall with pier caps. 13 Longford Park Road, Banbury, OX15 4FU – 18/01734/F (Delegated)

The inspector considered that the main issue of the appeal was the effect of the development on the character and appearance of the area. The appeal was for retrospective permission for the erection of a brick wall with pier caps and flower beds to the front of the application dwelling.

The council had argued that the development was out of proportion and out of keeping with the relatively minor scale boundary treatments along the spine road of the Longford Park development. The inspector concluded that the brick wall did not interrupt the coherent boundary treatments along Longford Park Road due to its sensitive design, high quality materials and siting on a corner plot. These details allow it to sit comfortably within the streetscene.

The inspector therefore allowed the appeal.

3. Dismissed the appeal By Mrs H Beckett for First floor side extension. 2 Grimsbury Drive, Banbury, OX16 3HL – 18/01891/F (Delegated)

The application was for a first floor side extension to a semi-detached, two storey property located on a residential street to the east of Banbury town centre. The Inspector considered that the main issue of the appeal was the effect of the scheme on the character and appearance of the area.

The Inspector stated that the scale of the roof element would be wholly disproportionate to the simple and well-proportioned elevational features of the host dwelling, and its detailed design would appear contrived and awkward. The Inspector concluded that the scheme would result in harm to the uniform and simple character of Grimsbury Drive and would be in conflict with Saved Policies C28 and C30 of the Cherwell Local Plan 1996, Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Paragraph 130 of the NPPF as it would detract from the established local character and appear an incongruous addition to the streetscene.

The appellant submitted an additional plan detailing how the property could be altered through permitted development from a hipped to gabled roof as a means to justify the appeal scheme. The Inspector found that the existence of a permitted development 'fallback' does not serve to justify the harm arising from the appeal scheme. The appeal was therefore dismissed.

4. Dismissed the appeal by Brunel Securities LLP And The Curtis Family for Outline development for up to 7,161 m2 of B2 and/or B8 industrial development with ancillary offices (B1a), access and landscaping. OS Parcel 8233 South Of Baynards Green Farm, Street To Horwell Farm, Baynards Green – 18/00672/OUT (Committee)

The Inspector considered the main issues to be:

- Whether the site is an appropriate location for employment having regard to national and local policy.
- The effect on the character and appearance of the area, including whether it would preserve or enhance the setting of the barn at SP 5487 2940, a Grade II Listed Building.

The Inspector noted that the site was located in the countryside, outside of a settlement, and that Policy SLE1 directs employment development to existing employment sites and the main urban settlements, states that in rural areas employment development should be located within or on the edge of category A villages identified in Policy Villages 1, unless exceptional circumstances are demonstrated, and sets out the criteria which new employment in rural areas is required to meet.

The Inspector disagreed with the Appellant that there was a complete policy vacuum, and that delay in the delivery of Local Plan Part 2 did not in this case provide exceptional circumstances to justify the appeal proposal.

The Inspector noted that the proposal was made on a speculative basis, and agreed with the Council that it was for the market to decide, alongside any planning constraints, what size units come forward on allocated sites. The Inspector found that the Appellant had not adequately demonstrated that the speculative needs could not be met on the allocated sites, and found that there was insufficient substantive evidence to support the Appellant's view that there were doubts that smaller format units would be suitable and appropriate on the edge of Category A villages.

In addition the Inspector found that, in the absence of any identified end user for the appeal development, there was no evidence to show that the sites identified by the Council as being available could not meet the needs of a business looking to locate in the area, especially since the Council was able to identify that businesses are successfully operating from similar units, and there was insufficient evidence to support the Appellant's claim that SMEs are having to compromise on their requirements due to lack of supply.

The Inspector agreed with the Council that it had not been adequately demonstrated that it was necessary in this case to site a development in an unsustainable location inaccessible by non-car modes of transport.

The Inspector agreed with the Council that the proposal would result in urbanisation of the countryside, would be visible from certain vantage points around the site and that the use of appropriate materials would not mitigate the harm, and concluded that the proposal would harm the character and appearance of the area.

The Inspector also found that the proposal would fail to preserve the setting of the Listed Building and would cause less than substantial harm to its significance as a heritage asset, and that there would be no public benefits to outweigh this harm.

Accordingly the Inspector dismissed the appeal.

5. Dismissed the appeal by J&R Homes for 2 No one bed bungalows. 2 Hudson Street, Bicester, OX26 2EP – 18/02046/F (Delegated)

The Inspector considered the main issues to be the effect on the character and appearance of the area, and whether the proposed development would make adequate garden provision for future occupants.

The Inspector noted that a key characteristic of the area is that dwellings are noticeably set back from the pavement with good sized front garden spaces, contributing to a sense of spaciousness in the surrounding area.

The Inspector found that, whilst the dwellings would appear similar in design to nearby bungalows in The Crescent, the relatively shallow depth of the site and footprint of the bungalows proposed meant that they would be positioned much closer to the pavement than the vast majority of other single and two storey dwellings in the immediate area. The Inspector therefore found that this would result in a cramped design at odds with the prevailing spacious character.

The Inspector also noted the height difference of the bungalows to existing garages close by meant that their relative positioning adjacent to the pavement was not directly comparable. The Appellant had contended the appeal proposal would allow for a staggered transition in building heights between those garages and the adjacent two storey dwellings. The Inspector concluded that providing a transition between the existing two storey dwelling and garages was due very limited weight in the absence of any evidence as to why the absence of a transition is harmful. The Inspector also noted that whilst the density of the appeal proposal accorded with the prevailing character, its siting did not.

The Inspector found that the size of rear gardens was appropriate for the size of dwelling proposed. The Inspector found that there would not be any harmful degree of overlooking from the appeal proposal to existing neighbours due to the angle and distance from adjacent dwellings.

Notwithstanding, the Inspector concluded that the proposal would materially harm the character and appearance of the area, and in view of this fundamental conflict would conflict with the development plan, read as a whole. Accordingly the appeal was dismissed.

6. Dismissed the appeal by Mr and Mrs Martin for Two dwellings with new shared access from School Lane. Stonelea, School Lane, Great Bourton, Banbury, OX17 1QY – 18/01074/F (Delegated)

The Inspector considered the main issues to be the effect of the development on (i) the character and appearance of the area; and (ii) the living conditions of existing and future occupiers.

The Inspector concluded, contrary to the view of the Council, that the appeal site is located within the built up limits of Great Bourton, finding it to be physically connected to the village, relating to an area of domestic garden, edged by a natural defined boundary, and neither open or rural in character. The Inspector also found the small scale of the proposal to be appropriate to the size of the village and its level of service provision, and held that it would not be out of place with the form and character of the village.

However, the Inspector considered that the two-storey gable of plot 2 would be at odds with the prevailing build line and character of the immediate area and would appear incongruous in context.

In addition, the Inspector agreed with the Council – and the Appellant – that “the proposal would result in a poor standard of amenity and living environment for both the occupiers of the existing dwelling and that of plot 1, through the potential lack of privacy”.

The Inspector concluded that the harm to the character and appearance of the area and the living conditions of existing and future occupiers would outweigh the benefits of the scheme and accordingly dismissed the appeal.

2.5 Appeals Withdrawn

17/02394/OUT - OS Parcel 9100 Adjoining And East Of Last House, Adjoining And North Of Berry Hill Road, Adderbury – Appeal by Hollins Strategic Land LLP against the refusal of Planning Permission for Outline planning permission for up to 55 dwellings with associated landscaping, open space and vehicular access off Berry Hill Road.
Appeal withdrawn 13th June 2019

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:

Kelly Wheeler, Principal Accountant, 01295 225170,
Kelly.wheeler@cherwell-dc.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:

Jennifer Crouch, Deputy Principal Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
jennifer.crouch@oxfordshire.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:

Jennifer Crouch, Deputy Principal Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer
jennifer.crouch@oxfordshire.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clarke

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Sarah Stevens, Interim Senior Manager, Development Management
Contact Information	sarah.stevens@cherwell-dc.gov.uk