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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee
Date: Thursday 10 September 2020
Time: 4.00 pm
Venue: Virtual meeting

Membership

Councillor James Macnamara (Chairman)

Councillor Andrew Beere
Councillor Hugo Brown
Councillor Colin Clarke
Councillor Chris Heath
Councillor David Hughes
Councillor Cassi Perry
Councillor George 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 Surinder Dhesi
Councillor Tony Illott
Councillor Ian Middleton
Councillor Douglas Webb
Councillor Bryn Williams
Councillor Sean Woodcock

Councillor Conrad Copeland
Councillor Timothy Hallchurch MBE
Councillor Tony Mephram
Councillor Richard Mould
Councillor Fraser Webster
Councillor Barry Wood

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 - 10)

To confirm as a correct record the Minutes of the meeting of the Committee held on 13 August 2020.

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.

Planning Applications

7. **Land North Of Hill Farm, Hill Farm Lane, Duns Tew, OX25 0JJ** (Pages 13 - 30)
20/00574/F

8. **Land Adj To Unit E25, Telford Road, Bicester** (Pages 31 - 49) **19/02081/F**

Review and Monitoring Reports

9. **Appeals Progress Report** (Pages 50 - 54)

Report of Assistant Director Planning and Development

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.

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwellandsouthnorthants.gov.uk or 01295 221591 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.

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 Lesley Farrell, Democratic and Elections
democracy@cherwellandsouthnorthants.gov.uk, 01295 221591

Yvonne Rees
Chief Executive

Published on Wednesday 2 September 2020

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held as a Virtual meeting, on 13 August 2020 at 4.00 pm

- Present: Councillor James Macnamara (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 Cassi Perry
Councillor Lynn Pratt
Councillor George Reynolds
Councillor Les Sibley
Councillor Surinder Dhesi
- Substitute Members: Councillor Barry Wood (In place of Councillor Mike Kerford-Byrnes)
Councillor Conrad Copeland (In place of Councillor Katherine Tyson)
- Apologies for absence: Councillor Maurice Billington
Councillor Mike Kerford-Byrnes
Councillor Barry Richards
Councillor Katherine Tyson
- Officers: Sarah Stevens, Interim Senior Manager – Development Management
Samantha Taylor, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor
Lesley Farrell, Democratic and Elections Officer
Natasha Clark, Governance and Elections Manager

53 Declarations of Interest

6. Urgent Business - Land adjacent to the Oxford Canal, Spiceball Park Road, Banbury, - 20/01103/DISC.

Councillor Barry Wood, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor George Reynolds, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

7. Saltway Farm, Broughton Road, Banbury, OX16 9UL.

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

Councillor Colin Clarke, Declaration, as he was related to the applicant and would leave the meeting for the duration of the item.

8. 36 Bridge Street, Banbury, OX16 5PN.

Councillor Barry Wood, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor George Reynolds, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Surinder Dhesi, Non Statutory Interest, as an employee who works at this application site.

9. Coach Park, Compton Road, Banbury.

Councillor Barry Wood, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Colin Clarke, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor George Reynolds, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Ian Corkin, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Non Statutory Interest, as a member of the Executive and would leave the meeting for the duration of the item.

54 **Requests to Address the Meeting**

There were no requests to address the Committee

55 **Minutes**

The Minutes of the meeting held on 16 July 2020 were agreed as a correct record and would be signed by the Chairman in due course.

56 **Chairman's Announcements**

The Chairman made the following announcement:

1. The Chairman informed the Committee that the next meeting of the Committee on 10 September 2020 may require an earlier start of 2pm. The Committee would be updated before Friday 21 August 2020.

57 **Urgent Business - Land adjacent to the Oxford Canal, Spiceball Park Road, Banbury, - 20/01103/DISC**

The Chairman advised the Committee that he had agreed to add one item of urgent business to the agenda, application 20/01103/DISC – Land adjacent to the Oxford Canal, Spiceball Park Road, Banbury. The matter could not be included on an earlier agenda due to the holding objection which had just been removed that day. A decision was required before the next scheduled meeting of the Committee to ensure no significant delays and risks that may impact on the delivery of the Castle Quay 2 project.

The Committee considered application 20/01103/DISC for the discharge of condition 14 (Bridge Details) of application 17/00284/REM at land adjacent to the Oxford Canal, Spiceball Park Road, Banbury for Ian Wallace on behalf of Cherwell District Council.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That Planning Condition 14 of 17/00284/REM (details of the design for the pedestrian bridge crossing the canal) be discharged based upon the plans and documents submitted with the application.

58 **Saltway Farm, Broughton Road, Banbury, OX16 9UL**

The Committee considered application 20/00904/F for the erection of 3no Agricultural Buildings at Saltway Farm, Broughton Road, Banbury OX16 9UL for Nigel & Carole Morris.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/00904/F subject to the following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

Time Limit

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

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

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:

- 001 – Site Location Plan
- 105 Rev A – Proposed Block Plan
- 108 – Barn 1 Plans and Elevations
- 109 – Barn 2 Plans and Elevations
- 110 – Barn 3 Plans and Elevations
- Flood Risk Assessment (20/064 – April 2020)

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.

Use of Barns

3. The development hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (l) of the Town and Country Planning Act, 1990 (as amended), and for no other purpose whatsoever.

Reason: To ensure that the development is used for agricultural purposes only, compatible with its isolated rural location, and because certain other uses would result in an unsustainable form of development, and in accordance with Policies PSD1 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Detailed Drainage Strategy

4. No development shall take place until a Detailed Design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. 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 in Oxfordshire”
 - Detailed design drainage layout drawings of the SuDS proposals including cross section details.
 - Details of how water quality will be maintained during construction.
 - Infiltration test results to BRE365 to be submitted.
 - Evidence of groundwater depth test results to be submitted.
 - Discharge Rates, discharge volume, sizing of features - attenuation volume, detailed drainage layout with pipe numbers, SUDS, network drainage calculations, phasing

The approved drainage system shall be carried out in strict accordance with the approved Detailed Design prior to the first use of the buildings and shall be maintained as such thereafter.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to accord with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Outline Design Infiltration

5. The development hereby permitted shall not commence until full Detailed Design details of the proposal, implementation, maintenance and management of a surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:
- Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 - Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - Flood water exceedance routes, both on and off site;
 - A timetable for implementation;
 - Site investigation and test results to confirm infiltrations rates

The approved surface water drainage scheme shall be carried out in strict accordance with the approved Detailed Design prior to the first use of the buildings and shall be retained as such thereafter.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development and to accord with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Completion and Maintenance of Sustainable Drainage – Shown on Approved Plans

6. No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan, (including contact details of any management company)

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter and to accord with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

59

36 Bridge Street, Banbury, OX16 5PN

The Committee considered application 20/01130/CDC for external elevation alterations to the existing brick facade, including facade finish materials & shopfront at 36 Bridge Street Banbury OX16 5PN for Cherwell District Council.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That authority be delegated to the Assistant Director Planning and Development to grant permission for application 20/01130/CDC subject to the following conditions (and any amendments to those conditions deemed necessary):

CONDITIONS

Time Limit

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

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, PMBAM-PWA-00-00-DR-A-0100-G1
Site Plan, PMBAM-PWA-00-00-DR-A-01010G1
Existing & Proposed Elevations, PMBAM-PWA-00-ZZ-DR-A-0105-G1

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.

Details of Render

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

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within Section 16 of the National Planning Policy Framework.

Details of Hardstanding

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

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within Section 16 of the National Planning Policy Framework.

Details of the Artwork

Full design details of any artwork on the side elevation (Drawing: Existing & Proposed Elevations, PMBAM-PWA-00-ZZ-DR-A-0105-G1) as shown shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within Section 16 of the National Planning Policy Framework.

Details of Glazing

Full design details of the glazing, sliding doors and infill panels shall be

submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within Section 16 of the National Planning Policy Framework.

60 **Coach Park, Compton Road, Banbury**

The Committee considered application 20/00329/CDC for the change of use from coach parking to car parking with modifications to the layout of hardsurfacing and landscaping at Coach Park, Compton Road, Banbury for Cherwell District Council.

In reaching its decision the Committee considered the officer's report and presentation.

Resolved

- (1) That permission be granted for application 20/00329/CDC subject to:
1. The completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following (and any amendments as deemed necessary):
 - a) A reasonable and proportionate financial contribution (to be negotiated by Officers) to go to Oxfordshire County Council to secure the provision and installation of appropriate off-site directional signs.
 2. The following conditions (and any amendments to those conditions as deemed necessary):

CONDITIONS

Time Limit

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

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

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:

Location Plan, Map Ref: CDC 00
Compton Road Car Park Existing and Proposed, CRCP-01
Compton Road Car Park Planting Plan CDCP-02

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.

Electrical Vehicle Charging Points

3. Prior to the commencement of the works hereby permitted, a scheme for the provision of electrical charging points within the development shall be provided. The electrical vehicle charging points shall be constructed and made available for use prior to the first use of the development and retained in accordance with the approved details thereafter.

Reason – in accordance with policies SLE4, ESD1, ESD3 and ESD5 of the Cherwell Local Plan 2011-2031 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

Signage Strategy

4. Prior to the first use of the car park, a signage strategy for the site shall be submitted and approved by the Local Planning Authority and the signage installed in accordance with the approved details. Thereafter the signage shall be maintained and retained in accordance with the approved details.

Reason- To ensure that traffic is directed appropriately in the interests of highway safety, in accordance with policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Details of Access and Egress

5. No development shall take place until full details of the means of access and egress between the land and the highway including position, layout, construction, drainage and vision splays have been submitted to approved by the Local Planning Authority. Thereafter, the means of access and egress shall be constructed and retained in accordance with the approved details.

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

61 **Appeals Progress Report**

The Assistant Director Planning 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 5.00 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

10 September 2020

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

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

	Site	Application No.	Ward	Recommendation	Contact Officer
7	Land North of Hill Farm, Hill Farm Lane, Duns Tew, OX25 0JJ.	20/00574/F	Deddington	*Approval	Matthew Chadwick
8	Land Adj to Unit E25, Telford Road, Bicester.	19/02081/F	Bicester East	*Approval	James Kirkham

*Subject to conditions

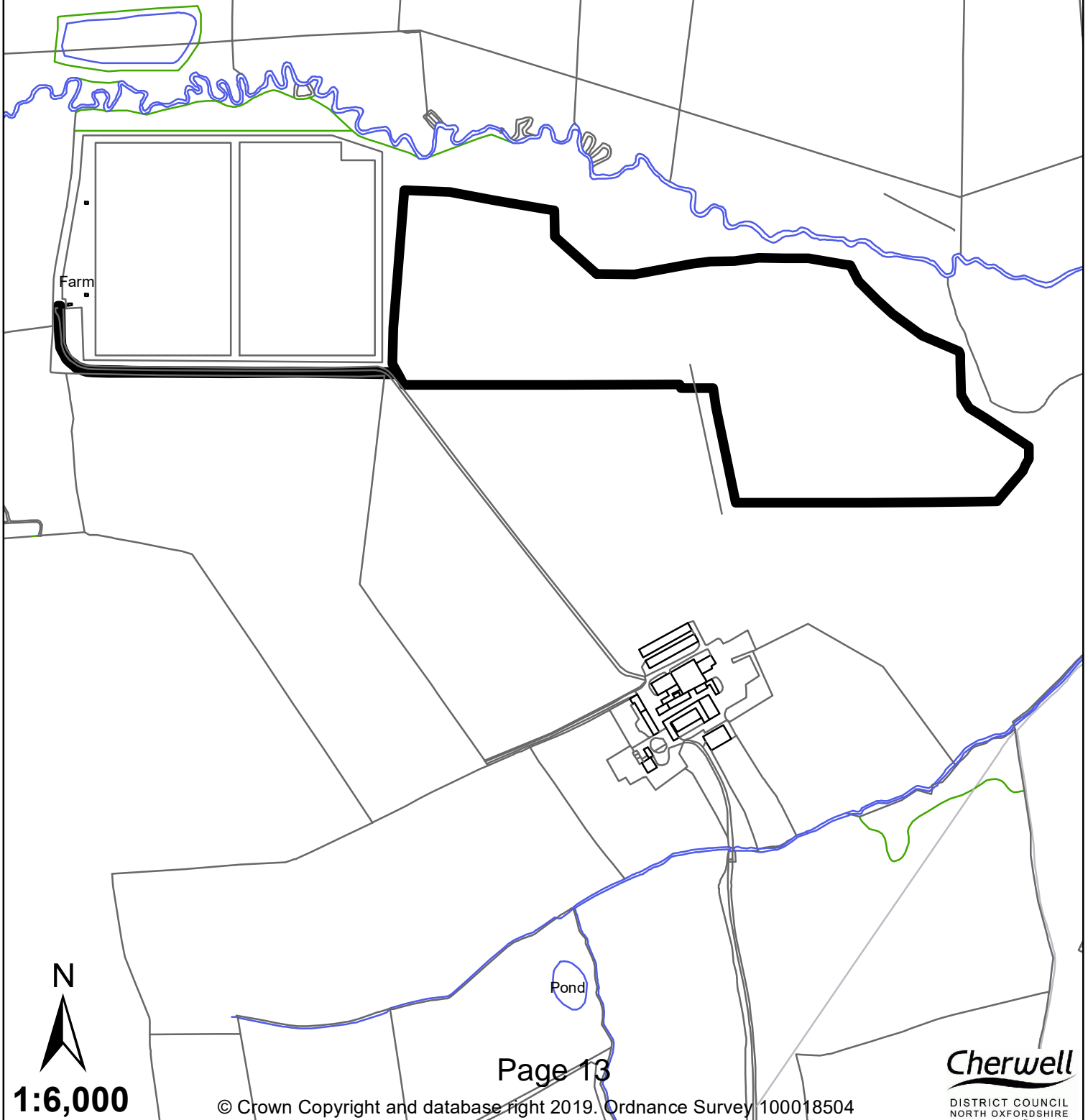
20/00574/F

Land North Of Hill Farm

Hill Farm Lane

Duns Tew

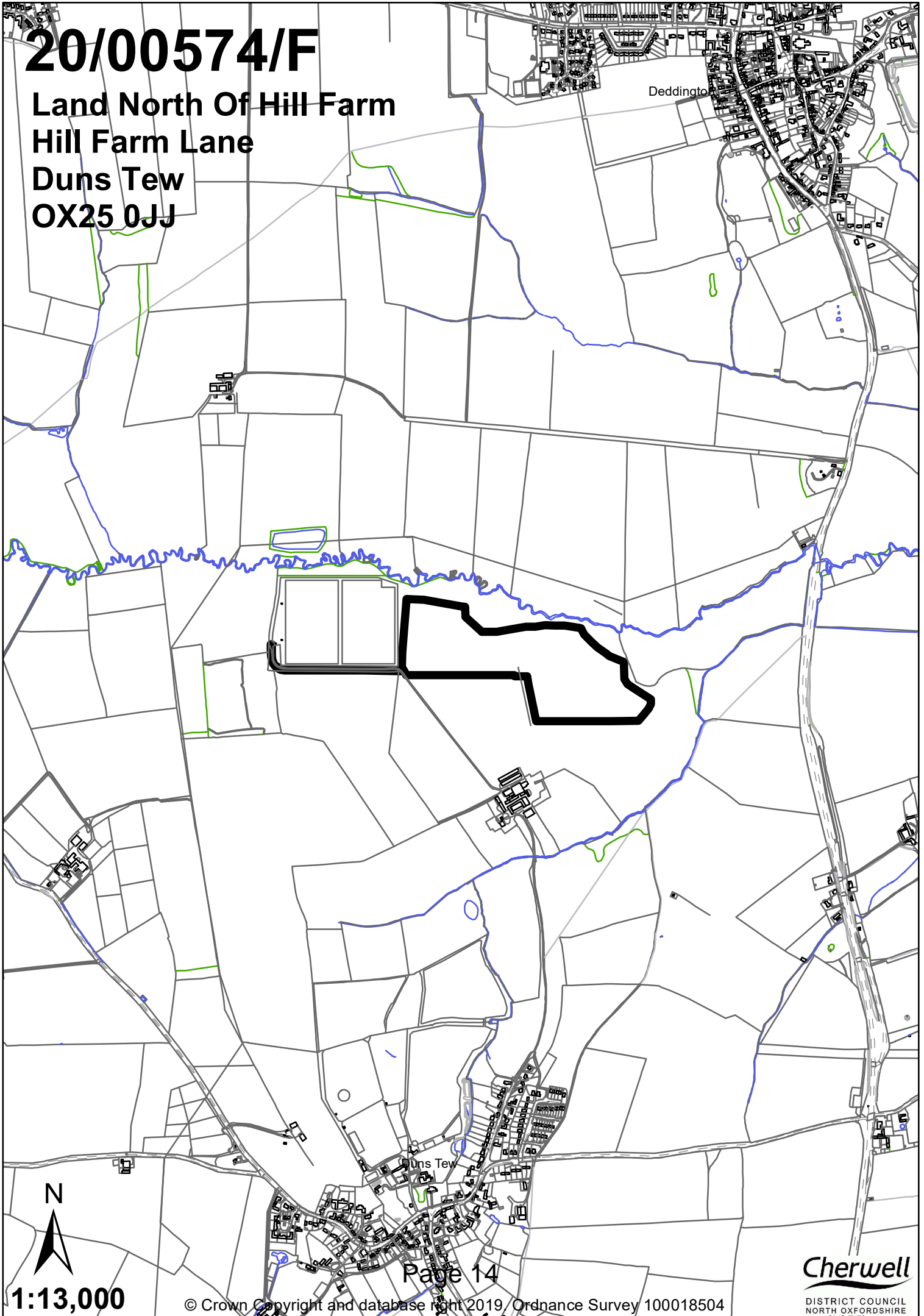
OX25 0JJ



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20/00574/F

Land North Of Hill Farm
Hill Farm Lane
Duns Tew
OX25 0JJ



Case Officer: Matthew Chadwick

Applicant: Greenheath NRG Limited

Proposal: Installation of a standalone Solar PV array, associated infrastructure, grid connection, access and landscaping

Ward: Deddington

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

Reason for Referral: Major development for commercial renewable energy schemes

Expiry Date: 14 September 2020

Committee Date: 10 September 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an agricultural field in arable use that forms part of the agricultural holding of Hill Farm as well as a strip of lane through other fields to provide an extended vehicular access track for the construction period. The farm complex is situated approximately 0.5km to the north of Duns Tew, a village in the southwest of the District close to the border with West Oxfordshire. The farm is accessed via a private track that follows local topography as it runs across gently rolling farmland to lead towards the main farm buildings. These buildings comprise several traditional vernacular agricultural buildings including two Grade II listed 18th century barns as well as more modern utilitarian farm buildings.
- 1.2. The levels of the application site drop from south to north so that it rolls down into a valley where a small stream (Deddington Brook) runs adjacent to the northern edge of the site. Further to the north the landscape rises up again towards the village of Deddington beyond. To the west of the application site is an existing solar site and to the east is an agricultural field.

2. CONSTRAINTS

- 2.1. The boundary of the Duns Tew Conservation Area lies approximately 1km to the south and the edge of the Deddington Conservation Area is almost 1.2km to the north. There are a number of public rights of way that pass in close proximity to the application site. The northern edge of the site lies within Flood Zones 2 and 3 and is within the floodplain of Deddington Brook.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the installation of ground mounted solar PV panels with associated infrastructure. The solar panels are to generate up to 8.92MW of energy with each array measuring approximately 2.21 metres in height. The inverters are to be set within the rows of panels. The substations are to be sited between the two sections of solar panels. The associated infrastructure varies in height up to a maximum of 2.6m high for the inverter.

- 3.2. The site is to be accessed from an existing agricultural access from the Oxford Road to the east. Improvements are proposed to the access and a temporary construction compound is proposed between this access and the site.
- 3.3. Planting is shown on the submitted plans to the north of the site, however this is outside of the red line boundary of the application site but is within the wider blue line site.
- 3.4. The plans have been amended during the course of the application to address the comments of the Environment Agency and Local Highway Authority. The red line application boundary has been amended to include the alterations to the access onto Oxford Road and, at the time of writing this report, the consultation for this change is still ongoing.

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>
15/00004/SO	SCREENING OPINION - Erection of a 5MW solar farm and associated infrastructure	Screening Opinion not requesting EIA
15/00570/F	Erection of 5MW PV Solar Farm and associated infrastructure	Application Permitted
16/00053/NMA	Non-Material Amendment to 15/00570/F - Amended layout is required to accommodate the requirements of the planning conditions of the permission (Protection of the Deddington Brook, no panels with Flood Zone 3 etc)	Application Permitted
16/00366/DISC	Discharge conditions 6 (Updated Badger Survey), 9 (Landscaping Scheme), 11 (Construction Traffic Management Plan), 12 (Archaeology Written Scheme of Investigation) & 15 (Landscaping Management Plan Deddington Brook Buffer Zone) of 15/00570/F	Application Permitted
17/00233/DISC	Discharge of condition 3 (written confirmation of first exportation of electricity) of 15/00570/F	Application Permitted
17/00279/DISC	Discharge of condition 10 (Schedule of landscape management) of 15/00570/F	Application Permitted
19/00911/F	Variation of Condition 3 of 15/00570/F – To extend the operational time to 40 years	Application Permitted

- 4.2. All of the above applications relate to the solar site to the northwest of the current application site.

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 **8 May 2020**, 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 all in support of the principle of a solar array on this site.

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: **No objections.**

7.3. DUNS TEW PARISH COUNCIL: **No objections**, but comments that any traffic related to the building, maintenance and any future decommissioning strictly adheres to the plan to access the site from the A4260 (or the track off North Aston Road should this not be possible) and that it will not go through the village at any time and in particular not use Hill Farm Lane. A further comment that the screening hedging and trees are planted and maintained as outlined in the plan, including reinstatement where necessary, to maintain the view and the environment.

OTHER CONSULTEES

7.4. CDC BUILDING CONTROL: **No objections.**

7.5. CDC CONSERVATION: **No objections.**

7.6. OCC DRAINAGE: **Objects**, commenting that evidence would be required from Environment Agency that consent has been given to develop in Flood Zones 2 and 3, especially in the light that the FRA identifies the EA modelling is inaccurate.

These comments were made before the amendments to the scheme and before the Environment Agency removed their objection to the scheme. No further comments received to date from OCC Drainage.

7.7. ENVIRONMENT AGENCY: **No objections**, subject to conditions that no development is within Flood Zones 2 and 3 and that a buffer zone is created.

7.8. CDC ENVIRONMENTAL PROTECTION: **No objections.**

7.9. OCC HIGHWAYS: **No objections** subject to a condition relating to visibility splays.

- 7.10. CDC LANDSCAPE SERVICES: **No objections**, subject to a condition relating to a landscape management plan.
- 7.11. THAMES VALLEY POLICE DESIGN ADVISER: Comments that a higher specification fencing should be used.

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)

- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 – Sporadic Development in the Countryside
- C28 – Layout, design and external appearance of new development

- 8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site falls within the Mid Cherwell Neighbourhood Plan and the following Policies of the Neighbourhood Plan are considered relevant:

- PD4: Protection of important views and vistas
- PD5: Building and Site Design

- 8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Climate Change Act 2008

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
- Flood risk
- Highway safety
- Loss of agricultural land
- Ecology
- Residential Amenity

Principle of Development

- 9.2. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 9.3 The National Planning Policy Framework (NPPF) provides positive encouragement for renewable energy projects. Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future and should support renewable and low carbon energy and associated infrastructure. Paragraph 154 of the NPPF states that when determining applications for renewable and low carbon development local planning authorities should approve such applications if its impacts are or can be made acceptable.
- 9.4 Policy ESD5 of the CLP 2031 states that renewable and low carbon energy provision will be supported wherever adverse impacts can be addressed satisfactorily. The potential local environmental, economic and community benefits of renewable energy schemes will be a material consideration in determining planning applications.
- 9.5 In principle, therefore, there is policy support for development of this nature. However, the overall acceptability of development is dependent on other material considerations.

Impact on the character and appearance of the area

- 9.6. Guidance in determining applications for renewable and low carbon energy projects is set out in the Planning Practice Guidance (PPG). The PPG advises that “the need for renewable or low carbon energy does not automatically override environmental protection and that cumulative impacts require particular attention, especially the increasing impact that such developments can have on landscape and local amenity as the number of turbines and solar arrays in an area increases”. It continues that “particular factors a local planning authority will need to consider include:
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
 - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
 - the proposal’s visual impact, the effect on landscape of glint and glare (see guidance on landscape assessment) and on neighbouring uses and aircraft safety;

- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
 - the need for, and impact of, security measures such as lights and fencing;
 - the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
 - the energy generating potential, which can vary for a number of reasons including, latitude and aspect.”
- 9.7. Policy ESD13 of the Cherwell Local Plan 2011-2031 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.
- 9.8. The site slopes gently from south to north and is currently in agricultural use. The proposed development would be visible from the PROWs in the immediate vicinity and from the Oxford Road to the east.
- 9.9. The Landscape and Visual Impact Assessment submitted with the application looks at thirteen important viewpoints surrounding the site and makes an assessment as to the impact that the development would have in the wider landscape. The impacts of the development from these viewpoints range from minor to major; however, the major impacts are from very localised viewpoints. Planting is proposed to the north of the application site which would mitigate views from this direction. The solar array would be viewed in the context of the existing solar array to the west of the site.
- 9.10. The Council's Landscape Officer has assessed the scheme and has no objections to the proposal on landscape and visual impact grounds, subject to a condition relating to a landscape management plan.
- 9.11. Consideration has been given to the cumulative landscape and visual impacts of the development of this site and the existing solar farm immediately to the north. Officers consider that these cumulative impacts would not be significantly harmful to the character of the wider landscape. Whilst the proposal would result in two solar farms in close proximity to one another it is considered that they would not become a defining characteristic of the local landscape. The proposed development therefore complies with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031, Policy PD4 of the Mid Cherwell Neighbourhood Plan and Government guidance contained within the NPPF.

Heritage impact

- 9.12. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards, and should respect the historic environment including Conservation Areas and listed buildings.
- 9.13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Likewise, Section 66(1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 9.14. The site is not located within a conservation area and there are no listed buildings within the site itself. Both the Deddington and Duns Tew Conservation Areas are over 1km away from the site and the Grade II listed building at Hill Farm is over 200m away from the site. The Council's Conservation Officer has offered no objections to the scheme. Given the separation distances between these heritage assets and that there would be no direct views from these assets to the site, it is considered that the development would not cause harm to the setting or significance of the heritage assets.
- 9.15. A heritage assessment has been submitted with the application, with a geophysical survey undertaken. The geophysical survey carried out across the site identified the remains of a ridge and furrow cultivation and several probable settlement enclosures or structures running back from a single long ditch orientated approximately east-to-west. This closely mirrored the geophysical features identified by a similar survey in 2016 in the field immediately to the west for application 15/00570/F, which were subsequently determined to be the remains of two settlement foci within a Mid-Late Iron Age clothes-line settlement. The results from the current survey, taken in conjunction with the cropmark of a rectangular enclosure to the west, and a Romano-British (villa) settlement to the east, would indicate that the base of the valley was occupied by numerous small settlements at or just above the limit of flooding.
- 9.16. The heritage assessment states that the impact of the proposed development on the buried archaeological resource would be permanent and irreversible, but could be mitigated through design, as it was for the adjacent site which had a similar feature but archaeological conditions were imposed to ensure that appropriate mitigation was carried out. The report concludes that the overall harm to heritage assets would be negligible. Officers consider that this conclusion is reasonable and that, subject to conditions, the development would not cause harm to the archaeological assets and that the development is acceptable in this regard.
- 9.17. The County Council's Archaeologist has not commented on the proposals. It is considered important to include a condition requiring a staged programme of archaeological evaluation and mitigation to ensure that the impact on the archaeological feature on the site is mitigated. It is considered that subject to a condition in this regard, that the development would not cause harm to the heritage assets on the site or in the surrounding area and would comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF.

Flooding/Drainage

- 9.18. Policy ESD6 of the Cherwell Local Plan 2011 – 2031 states that the Council will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding.
- 9.19. The site lies within Flood Zone 1, 2 and 3 and a Flood Risk Assessment (FRA) has been submitted with the application. The Environment Agency (EA) initially objected to the proposals, as some of the solar array was within Flood Zones 2 and 3. Following amendments to the scheme, the solar array has been moved southwards into the site so that none of it now sits within Flood Zones 2 and 3. The solar panels are to be raised above existing ground level to offer flood resilience to the structures and no concrete or hard standing is proposed. The security fencing surrounding the site has also been moved so that it is not within Flood Zones 2 and 3. The EA subsequently removed its objection, subject to a condition that all built development is outside of Flood Zones 2 and 3.

9.20. The Lead Local Flood Authority (LLFA) has raised an objection to the application proposals. This objection related to the EA's initial objection and the LLFA has not commented on the amended information following the EA's removal of its objection. Given that the EA has no objections to the scheme and that no built development would be located in Flood Zones 2 and 3, it is considered that the development would not create any drainage issues or increase risk of flooding elsewhere and that the proposal thus complies with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF.

Highway safety

9.21. A construction access for the development is proposed through the existing agricultural access onto Oxford Road. Improvements are proposed to this access and the track leading up to the site. The access from Oxford Road is proposed to be improved by widening the existing farm access, reducing the gradient, providing adequate visibility splays and providing diverging and merging lanes. On completion of the solar farm it is proposed that the access from Oxford Road would be scaled back to provide a simple field access which would be used by agricultural vehicles to access the farmland and for occasional maintenance vehicles accessing the solar array.

9.22. A construction traffic management plan has been submitted alongside the application. A temporary construction compound is proposed between the site and the Oxford Road and gates are proposed which are set back 20m from the highway to allow a construction vehicle to pull off the road. The designated route for HGV construction traffic would be via Junction 10 on the M40 via the B430 and B4030 to the A4260, Oxford Road turning left into the site. HGVs would turn left out of the site on to the A4260 and travel northwards to Junction 11 on the M40 at Banbury.

9.23. The Local Highway Authority (LHA) originally raised concerns regarding the access onto Oxford Road, as it was considered that the proposed access design would impact on highway safety. Following amendments to the scheme to improve the access, the LHA removed its objection. It is therefore considered that the development would not cause harm to the safety of the local highway network, subject to these improvements being secured in a Section 278 agreement and the protection of the visibility splays being secured in a planning condition. The proposed development therefore complies with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF.

Loss of agricultural land

9.24. An Agricultural Land Classification report has been submitted with the application. This states that the entirety of the site is located within Grade 3b, which the Government define as 'moderate quality agricultural land... capable of producing moderate yields of a narrow range of crops, principally:

- cereals and grass
- lower yields of a wider range of crops
- high yields of grass which can be grazed or harvested over most of the year'.

9.25. This land falls outside of the best and most versatile agricultural land which the Government encourages to protect from significant, inappropriate or unsustainable development proposals. It is therefore considered that the proposals would not result in the loss of the best and most versatile agricultural land and that the development is therefore acceptable in this regard.

Ecology

Legislative context

- 9.26. 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.
- 9.27. 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.
- 9.28. 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.
- 9.29. 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.
- 9.30. 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

- 9.31. 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.

- 9.32. 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.
- 9.33. 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.
- 9.34. 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.
- 9.35. This policy is 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.
- 9.36. 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

- 9.37. Natural England (NE)'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
- 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')

- 9.38. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and dormice.
- 9.39. 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 local planning authority should then consider whether NE 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.
- 9.40. 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 NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.41. The application is supported by a preliminary ecological appraisal. This report concludes that there is potential for bats, nesting birds and badgers to be affected by the development and proposes mitigation measures including bat and bird boxes, gaps in the security fencing to allow badgers to enter and exit and a buffer zone along the northern boundary of the site. The recommendations of this report will be required by condition and it is considered that subject to this condition that the proposals comply with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 and Government guidance contained within the NPPF.

Residential amenity

- 9.42. There are no dwellings in close proximity to either the panels or the construction access. As a result, it is considered that the proposals would not cause harm to the amenities of neighbours and that the development would comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 and Government guidance within the NPPF in this regard.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate earlier. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development and need to achieve the economic, social and environmental objectives in mutually supportive ways.
- 10.2. Economic objectives – The location of the proposed development in an area where there is adequate irradiation means that the solar farm development would be economically viable. Added to this is the capacity of the local infrastructure to link the development to the national grid and the proximity to another solar farm to enable sharing of infrastructure.
- 10.3. Social objectives – No local social benefits of the development have been put forward by the applicant however the development will deliver renewable energy to the national grid helping to support local infrastructure. The development will not result in significant detriment to the living amenities of nearby dwellings.
- 10.4. Environmental objectives – Whilst there may be some harm caused to the local environment due development on a greenfield site this is considered temporary in nature, would not result in the loss of Best Most Versatile agricultural land and the

visual impact can be mitigated with additional planting. The wider environmental benefits of providing renewable energy are considered to outweigh this harm.

- 10.5. Overall, when considered as a whole, the economic, social and wider environmental benefits of the scheme are considered to weigh in favour of the proposal and to outweigh any adverse effects on landscape character and visual amenities of the area. It is therefore considered to represent a sustainable form of development and it is recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION 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)

CONDITIONS

Time Limit

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

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

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: Duns Tew Energy Park location Plan (PV-0446-02 Rev 9,3); Site Layout Plan (PV-0446-02 Rev 28.5); 20 ft Storage Cont. Elevation Plan (1939/D003 v.1); Outside of Redline Boundary Planting Scheme (PL401 Rev P04); Security Fencing (1939/D001 v.1); Table 4L11 20° for PV-Panel QCells QPLUS-G4 1670x1000x32 (17010001 Rev A); Access Road / CCTV Detail (1939/D002 v.1); 40 ft Storage Cont. Elevation Plan (1939/D004 v.1); Hill Farm, North Aston Road, Duns Tew Proposed Access Track (Appendix 6.1); Proposed Construction Access (Appendix 6.2); Hill Farm, North Aston Road, Duns Tew Proposed Field Access (Appendix 6.3) and Tracking Analysis 16.5m Artic Vehicle (4159-TR02 Rev A).

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.

Temporary Permission

3. The permission shall expire no later than 40 years from the date when electricity is first exported from any part of the array to the electricity grid network ('First Export Date'). Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after the event.

Reason - In order to safeguard the amenities of the area and protect the rural character of the landscape and to comply with Policies ESD 13 and ESD15 of

the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Not later than 24 months before the end of this permission, a decommissioning and site restoration scheme shall be submitted to and approved by the Local Planning Authority, such scheme to include the management and timing of any works and traffic management plan to address likely traffic impact issues during the decommissioning period. The approved scheme shall be fully implemented within 12 months of the expiry of this permission.

Reason - To ensure the environment is protected during decommission in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping Implementation

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(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscape Maintenance

6. Prior to the clearance of the site a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

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

Archaeology

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

Reason - To safeguard the recording of archaeological matters within the site in

accordance with the NPPF.

8. Following the approval of the Written Scheme of Investigation referred to in condition 7, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2019).

Ecology

9. The development hereby approved shall be carried out in accordance with the recommendations set out in Sections 5 and 7 of the Preliminary Ecological Appraisal carried out by Western Ecology dated August 2019

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

Flood risk and biodiversity

10. The development shall not be carried out other than in accordance with the submitted flood risk assessment reference 2640/FRA, version D4, by Hafren Water, dated May 2020 and the following mitigation measures:

- All built development must be located within Flood Zone 1
- The solar structures shall be designed to be open to flood water

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason - To ensure that fluvial flood risk is not increased off site in accordance with the requirements of Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the NPPF.

11. No development shall take place until a scheme for the provision and management of a minimum eight metre wide ecological buffer zone alongside the Deddington Brook 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 scheme.

Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting and fencing. The scheme shall include:

- plans showing the extent and layout of the buffer zone which should be a

minimum 8 metre width, measured from the top of the bank and where possible include all of flood zone 3.

- details of any proposed planting scheme (for example, native species)
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.

Reason - To reduce flood risk locally and make provision for biodiversity enhancements in accordance with the requirements of Policies ESD6 and ESD10 of the Cherwell Local Plan 2011-2031 Part 1. Such details are required prior to development commencing to ensure this buffer zone is protected during construction so that there is no risk of increased flooding.

Lighting

12. No external lighting shall be installed within the site area unless agreed in writing with the Local Planning Authority.

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

Highways

13. The vision splays shown on drawing number Appendix 6.2 shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

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

14. The development shall be carried out in strict accordance with the recommendations set out within the Construction Traffic Management Plan Revision B prepared by ADL Traffic and Highways Engineering Ltd dated April 2020.

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

15. No development shall commence unless and until full design details of the proposed gatehouse, security gate and fencing as shown on drawing titled 'Proposed Construction Access' (Appendix 6.2) 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.

Reason - In the interests of the visual amenities of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Removal of PD

16. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the site other than those approved as part

of this consent without the grant of further specific planning permission from the Local Planning Authority.

Reason - In the interests of preserving the intrinsic natural beauty of the countryside from inappropriate development in accordance with the requirements of Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, replacing or re-enacting that Order) no fixed plant or machinery, buildings or structures shall be erected, altered, extended or installed at the site without the grant of further specific planning permission from the local planning authority other than that which is explicitly approved by this permission.

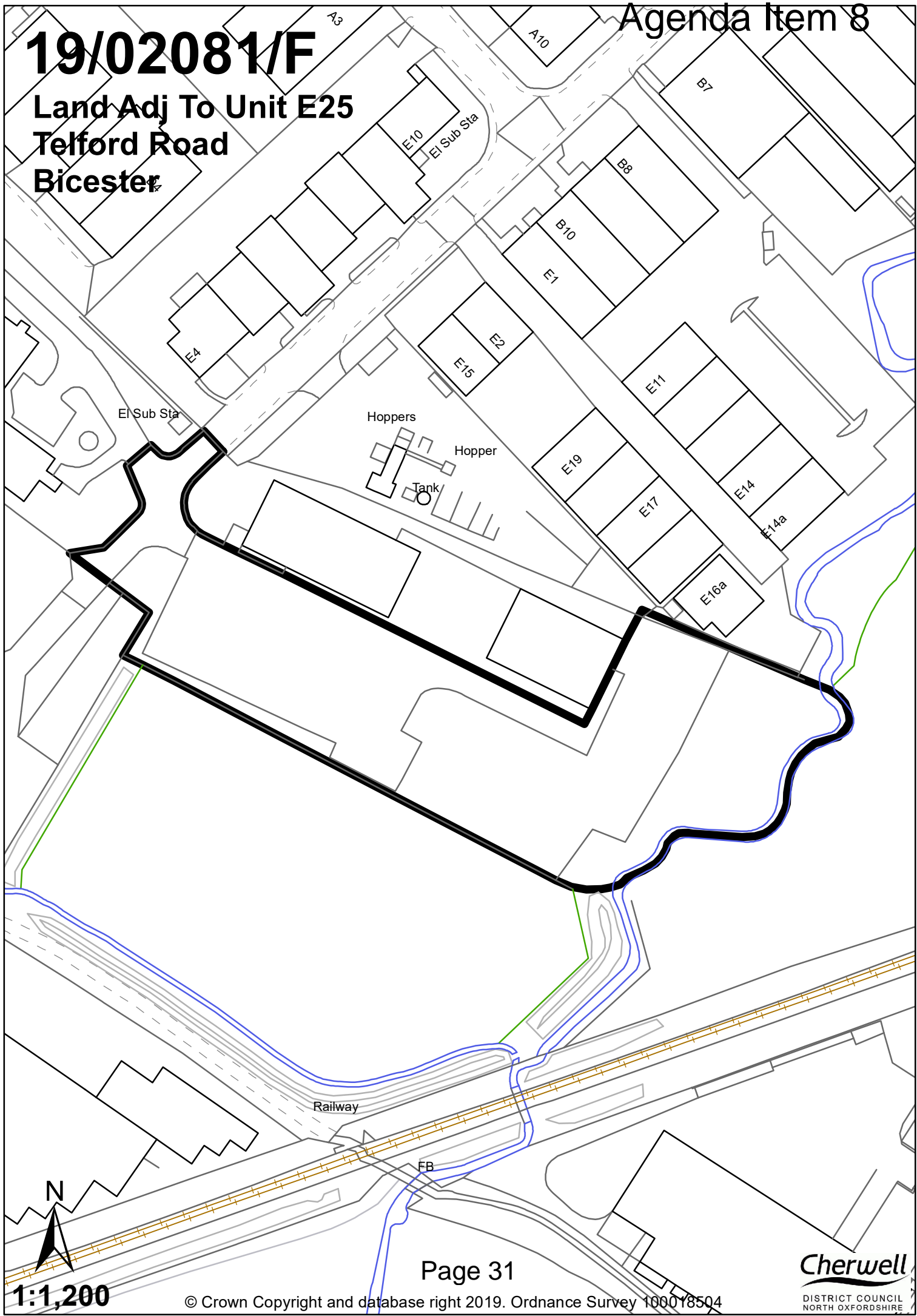
Reason - To ensure that further works do not result in significant cumulative harm to the natural environment in accordance with the requirements of Policies ESD10 and ESD13 of the Cherwell Local Plan 2011-2031.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

19/02081/F

Land Adj To Unit E25 Telford Road Bicester

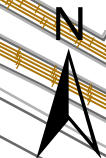


1:1,200

19/02081/F

**Land Adj To Unit E25
Telford Road
Bicester**

Industrial Estate



1:3,500

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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: James Kirkham

Applicant: Knight

Proposal: Erection of four Class B2 units of varying sizes with associated car parking and landscaping - Resubmission of 19/00545/F

Ward: Bicester East

Councillors: Cllr. Sean Gaul, Cllr. Richard Mould and Cllr Tom Wallis

Reason for Referral: Major development

Expiry Date: 30 September 2020

Committee Date: 10 September 2020

1. APPLICATION SITE AND LOCALITY

1.1. The application site is a vacant area of industrial land located within an existing commercial area to the east of Bicester. It is accessed from the Telford Road, which includes several commercial units to the west of Launton Road. The land is currently laid to hard standing and is partly overgrown. The site is relatively level with the commercial units to the north although it is raised from the marsh land to the south which is noted as an existing green space on the Local Plan proposals map. A watercourse runs to the east of the site.

2. CONSTRAINTS

2.1. The application site is located partly within Flood Zone 2 and partly within Flood Zone 3. It is also located within 20 metres of a Main River (as defined by the Environment Agency) to the east of the site. It is also identified as potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The current application seeks permission to erect 4 new industrial units on the site (use class B2 – General Industrial). They would vary in size between 430sqm and 530sqm. They would be arranged in a single linear block and would be accessed from the Telford Road to the north west using the existing access to the commercial units to the north. The units would be 7.25 metres high and would be finished in a silver composite metal cladding.

3.2. 38 parking spaces would be provided on the site to the north and the east to serve the proposed units.

4. RELEVANT PLANNING HISTORY

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

05/01708/F –Application approved on 14th October 2005 for the erection of 4 No. B2 buildings, potentially dividable into 14 units. Associated new and modified parking, hardstanding and cycle storage (amendments to 05/00123/F).

05/00123/F – Application approved on 20th May 2005 for the erection of 4 No. B2 buildings, potentially dividable into 14 units. Associated new and modified parking, hardstanding and cycle storage (as amended)

04/00742/F – Application approved on 4th June 2004 for the construction of a new building and yard for the purpose of general plant hire business

04/00741/F – Application approved on 4th June 2004 for the construction of a new building and yard for the purpose of access hire business.

01/02172/OUT – Application approved on 15th February 2002 for the erection of B1 (light industrial/office) units (2,306sqm) and associated parking together with modifications to extend car parking of existing buildings, as amended.

97/00018/F – Application approved on 3rd October 1997 for a building for the repair and maintenance of mobile cranes and equipment together with office accommodation for support services. This application has a legal agreement attached specific to that particular development. This is available to view on public access.

The above consents have all lapsed without being implemented.

5. PRE-APPLICATION DISCUSSIONS

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

18/00037/PREAPP - Proposal for 10 No. Class B General industrial Units of varying sizes with associated car parking and landscaping.

5.2. It was advised that whilst the principle of development may be acceptable there was considerable concerns regarding flood risk and highway matters. It was advised that development in Flood Zone 3B would not be supported.

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 **31 October 2019**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties

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: **No objections.**

OTHER CONSULTEES

- 7.3. ENVIRONMENT AGENCY: Originally objected to the scheme raising concerns regarding the site being in Flood Zone 3B and also the Flood Risk Assessment not being adequate in respect of the cut and fill exercise and climate change allowance. Further to the receipt of additional information and amendments the EA raises **no objections** subject to the development being carried out in accordance with the Flood Risk Assessment.
- 7.4. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to a detailed drainage design being conditioned. The scheme is no longer in Flood Zone 3B.
- 7.5. OCC HIGHWAYS: **No objection** subject to a legal agreement to secure contributions towards a bus shelter on Boston Road, Travel Plan Monitoring Fee, and an obligation to enter into a S278 to design and construct an new signalised crossing on Launton Road (approx. 30m west of junction with Boston Road) including the removal of existing pedestrian refuge. Also request condition for a Travel Plan, Construction Traffic Management Plan, cycle parking, and car parking provision
- 7.6. CDC ECOLOGY: **No objections** subject to conditions. The Ecology Report and Reptile Surveys are acceptable and the recommendations should be conditioned. Limited landscaping is provided and a net gain in biodiversity should be secured including details of bird, bat and insect boxes.
- 7.7. NATURAL ENGLAND: **No objections.**
- 7.8. THAMES WATER: **No objections** regarding foul or surface water capacity.
- 7.9. THAMES VALLEY POLICE: **No objections** subject to condition
- 7.10. OCC ARCHEOLOGY: **No objections.**

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
- SLE1: Employment Development
- SLE4: Improved Transport and Connections
- ESD1-5: Climate Change and Sustainable Construction
- ESD6: Flood Risk
- ESD7: Sustainable Drainage Systems

- ESD10: Protection and Enhancement and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: New development design
- ENV1: Pollution Control

8.3. Other Material Planning Considerations

- Developer Contributions SPD (2018)
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Highways
- Flood Risk and Drainage
- Ecological Impact
- Design, and impact on the character of the area
- Other matters

Principle of Development

Policy context

9.2. Legislation in the form of Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined against the provisions of the development plan for the area unless material considerations indicate otherwise.

9.3. The adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015) is the principal development plan document for the District that sets out a strategy and overarching policies to provide for sustainable growth within the District to meet identified need through to 2031. It primarily focuses new growth in the District to Banbury and Bicester whilst limiting it elsewhere in order to provide for the most sustainable form of growth over the plan period. Amongst other things it identifies a number of strategic sites for employment development in and around Bicester so that they are provided in carefully considered proportions in order to deliver a sufficient number and type of jobs to reduce the need for out-commuting from Bicester arising from the new housing which would be unsustainable.

- 9.4. Policy SLE1 of the CLP 2015 states that employment development will be focused on existing employment sites and intensification will be permitted subject to compliance with other policies in the plan and other material considerations.

Assessment

- 9.5. The application site is located in an area identified in the Development Plan as an existing strategic employment site. The provision and intensification of employment uses in these areas is supported by Policy SLE1 subject to other considerations. Furthermore, it is noted that the proposed development would provide a source of new employment within the built limits of the town positively contributing to the economic objectives of the NPPF. This would accord with Policy SLE1 of the Cherwell Local Plan and Government guidance in the NPPF which seeks to reduce the need to travel. Overall, therefore, the principle of the development is considered to be acceptable subject to other material considerations.

Highways

Policy context

- 9.6. Policy SLE4 of the Cherwell Local Plan Part 1 states that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. The NPPF has a similar thrust and also requires that safe and suitable access is achieved for all. Policy SLE4 also seeks to ensure that new development is accessible by a variety of sustainable transport modes and that the use of such modes as walking and cycling is maximised.

Assessment

- 9.7. The current application would utilise the existing access from Telford Road to access the site and would provide 38 parking spaces to serve the new industrial units. The Local Highway Authority (LHA) has raised no objection in respect of traffic generation and this is likely to be relatively modest given the scale of the scheme. Furthermore, the level of parking serving the site and provision of cycle parking is considered acceptable.
- 9.8. The LHA has, however, raised some concern regarding the sustainability of the location given the distance to residential areas and the poor cycle links to the surroundings to attract sustainable forms of travel. The LHA notes that the Launton Road does not currently have adequate crossing points for cyclists in the vicinity of the site and the existing pedestrian refuge is not wide enough for cyclists. Furthermore, the volume of traffic makes it difficult to cross to encourage walking. The LHA has therefore requested that the application secures the provision of a new signalised crossing of Launton Road to make the site more accessible. The LHA has also stated that the site is 450m from the bus stop on Boston Road which is generally accepted to be an acceptable walking distance. However, the existing bus stop requires upgrading to make it more attractive to use by users of the development including the provision of a shelter. In order to improve this the LHA requests a contribution.
- 9.9. These matters have been discussed with the applicant who has agreed to enter into a legal agreement to secure these matters and this is considered to overcome the concerns regarding the sustainability of the location and to improve cycling and public transport links. The LHA raises no objection on that basis.

- 9.10. In terms of pedestrian links it is proposed to provide a 1m wide footpath into the site from Telford Road. Whilst the width of this is not ideal given the constraints of the landownership it is considered to be acceptable. Full details of this route can be secured through condition.
- 9.11. Overall with the above contributions secured and the proposed planning condition it is considered that the proposed scheme is acceptable from a transport sustainability perspective.

Flood Risk and Drainage

Policy

- 9.12. Policy ESD6 of the Cherwell Local Plan (2011-2031) Part 1 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 towards areas at lower risk of flooding by applying the sequential approach to development and also the exception policy where applicable. It also seeks to ensure development is safe from flood risk and does not increase the chances of off-site flooding.
- 9.13. Policy ESD7 of the Cherwell Local Plan (2011-2031) Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

- 9.14. The site lies within Flood Zone 2 and 3 on the Environment Agency ("EA") Flood Risk maps. Given this the proposal needs to be considered in the context of the sequential test to Flood Risk which seeks to guide development away from areas of flooding.
- 9.15. The proposed use is classified as a Less Vulnerable use in flood risk terms and during the course of the application the application has been significantly reduced in size to ensure it no longer encroaches to any of the wider site which is Flood Zone 3B (functional flood plain as shown in the Strategic Flood Risk Assessment).
- 9.16. Given the above the Exception Test outlined in the NPPF does not need to be applied. However, the development is required to show that it will be safe from flooding and will not increase flood risk elsewhere in the locality.
- 9.17. The proposed development includes a flood plain compensation scheme by providing voids under the proposed building to allow flood waters to be accommodated underneath it with 1 metre wide openings every 5 metre length of wall. A 'cut and fill' exercise is also proposed which essentially allows for some of the areas of the site to be raised to accommodate the development whilst other areas are lowered to compensate for this.
- 9.18. The results of this are that there would be an overall net gain in flood plain storage of 164.07 cubic metres across the site and would mean there was no off-site increase likelihood of flooding. The finished floor level of the building is also to be set no lower than 69.8 AOD to ensure it is safe from flooding. The applicant has also provided additional evidence to demonstrate to the EA how climate change allowances have been considered in the submitted Flood Risk Assessment ('FRA'). Safe access and egress is also demonstrated in the submitted FRA as the access is raised from the modelled flood levels. The scheme also includes the use of SuDS features within the site with the use of permeable paving to the parking areas,

underground attenuation tanks and flow control devices to release water to the adjacent water course at a controlled rate.

- 9.19. The EA and Lead Local Flood Authority have considered the technical reports submitted and now raise no objection to the application subject to conditions to secure the above mentioned measures and further details of the surface water drainage scheme. Officers agree with this assessment.
- 9.20. In regard to the sequential test, a sequential assessment has been submitted alongside the application. This firstly states that the application is within a designated employment site within the Cherwell Local Plan (2011-2031) Part 1 and that Policy SLE1 of the Local Plan states that employment development will be focussed on existing employment sites. Thus, the proposal would be in accordance with this policy and it is argued that there are limited alternative locations which allow for this, but without any evidence for this.
- 9.21. However, in the evidence base for the Local Plan, there is a need for new commercial space in Bicester such as proposed in the application and this application seeks to address this. In addition, as a material consideration, consent for commercial buildings has been historically given on this site as outlined in the planning history section of the report. Furthermore, some of the site is already laid to concrete hardstanding so is not free from all development. In addition, it is noted that many of the allocations in the Local Plan in Bicester have been taken up by much larger units than what is proposed under the current application and the remaining allocations such as Bicester 10 and Bicester 4 are not for B2 (general industrial) purposes.
- 9.22. Taking a pragmatic approach on alternative sites and considering all these matters together it is considered, on balance, that the sequential test is passed, and that there are no other sites suitable and available for the development proposed at lower risk of flooding.
- 9.23. In regards to foul drainage it is proposed to connect to the existing Thames Water network who have raised no objection to the application.

Conclusion

- 9.24. Overall the proposal is considered to provide a development that would be safe from flood risk and would not increase the likelihood of flooding elsewhere. It would also, on balance, pass the sequential approach. The development is therefore considered to comply with the aforementioned policies.

Ecology Impact

Legislative context

- 9.25. 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.
- 9.26. 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.

- 9.27. 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.
- 9.28. 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.
- 9.29. 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

- 9.30. 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.
- 9.31. 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.
- 9.32. 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.

- 9.33. 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.
- 9.34. 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 (LPAs) 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

- 9.35. The application site is currently partially undeveloped, has overgrown vegetation and is close to the main river to the east and wetlands to the south and therefore has the potential to be suitable habitat for protected species.
- 9.36. 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 European protected species 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 LPA should then consider whether Natural England (NE) 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. 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 NE will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether NE will grant the licence then the Council may grant planning permission.
- 9.37. The current application has been accompanied by a Preliminary Ecological Appraisal which has assessed the habitats on site. This identified a number of potential habitats on the site which could be impacted by the development including reptiles and bats which are protected species. Further reptile surveys have been carried out and reptiles have been found to be present although in low numbers. The applicant has put forward a mitigation strategy for reptiles which the Council's Ecologist ('CE') considers to be acceptable and can be secured by condition. Further bat surveys of the trees have also been undertaken; however, these found negligible potential for bats to be present and the CE has therefore advised this is not a constraint to the development. The CE has raised no objection to the impact on existing habitats on site subject to conditions.
- 9.38. The proposal will also need to secure a net gain in biodiversity and details of this will need to be secured through condition. The CE advises that the provision of bird, bat and inset boxes on the buildings and trees would help to secure this.
- 9.39. Based on the above Officers are satisfied that the proposal is acceptable from an ecological perspective subject to conditions.

Design and impact on character and appearance

Policy context

- 9.40. Policy ESD13 states proposals will not be permitted if they would cause undue visual intrusion into the open countryside, be inconsistent with local landscape character or harm the setting of settlements. Policy ESD15 states that new development will be expected to complement and enhance the character of its context through sensitive design and siting and be designed to deliver high quality, safe, attractive and durable places to live and work. The NPPF also outlines that high-quality development is fundamental to achieving sustainable development.

Assessment

- 9.41. The site is a natural extension to the existing commercial area and would not be visually intrusive in its context. It is predominately surrounded by other commercial buildings and the areas to the south and east which are not developed are covered with trees and vegetation which would screen the development in the wider visual context.
- 9.42. The proposed building would have a similar mass and scale to the existing commercial buildings in the locality. There is a mix of building styles and materials in the area and the proposal is considered to sit comfortably alongside the existing built form and would provide contemporary industrial units with the use of silver metal cladding.
- 9.43. Thames Valley Police has requested a condition which ensures the final design and detailing reduces the opportunities for crime and this is supported by officers given the area has limited surveillance in the wider context.
- 9.44. Overall, therefore, the impact of the development on the character and appearance of the area is considered to be acceptable subject to planning conditions, and the proposal thus compliant with Policy ESD15 in this regard as well as the relevant paragraphs of the NPPF.

Other matters

- 9.45. Policy ESD15 of the Cherwell Local Plan Part 1 requires a good standard of amenity for future and proposed residents. Saved Policy ENV1 seeks to restrict development which would be materially harmful by way of noise or air pollution. The proposed development is considered to be a sufficient distance from any neighbouring properties to ensure it does not cause detrimental impacts on their amenity in terms of noise and disturbance or other impacts.
- 9.46. In terms of sustainable construction, Policy BSC3 requires all new non-residential development to meet at least BREEAM 'very good' standard and this could be secured through a planning condition. The application includes an Energy and Sustainability Statement which outlines various methods to improve the efficiency of the building and proposed photovoltaic panels on the roof of each building to generate electricity. This would provide a 20% reduction in CO2 emissions based on the current Building Regulation. Full details of this can be secured through condition alongside details of electrical vehicle charging points to comply with Policies ESD1-ESD5 of the CLP 2015.

10. PLANNING BALANCE AND CONCLUSION

10.1. Paragraphs 7 and 8 of the NPPF state that the purpose of the planning system is to contribute to the achievement of sustainable development. This means the planning system has three overarching objectives – economic, social and environmental – which are interdependent and need to be pursued in mutually supportive ways.

10.1. The proposed development would contribute to the economic, environmental and social objectives by providing a new area of employment in a sustainable location. The proposed development is considered to be acceptable in regard to its visual and highway impacts and whilst the proposal would be in an area of Flood Risk it has been demonstrated it would not increase flood risk elsewhere and given outlined above is considered to comply with sequential test.

10.2. When viewed a whole the proposed development is therefore considered to constitute a sustainable form of development and it is recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, 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 FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of £9,000 (index linked) for improvements to bus stop on Boston Road
- b) Provision of £1,240 Travel Plan Monitoring Fee
- c) An objection to enter into a S278 Agreement to secure the following:
 - Design and construction of new signalised crossing on Launton Road approximately 30 metres west of the junction with Boston Road.
 - Removal of existing pedestrian refuge.
 - Surfacing works either side of the proposed crossing.

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 30th SEPTEMBER. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides adequate highway infrastructure to encourage sustainable means of Transport to make the impacts of the development acceptable in planning terms contrary to Policy SLE4 and ESD15 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework

CONDITIONS

1. The development to which this permission relates shall be begun not later

than the expiration of three years beginning with the date of this permission.

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Flood Risk Assessment and Drainage Statement, prepared by Infrastruct CS Ltd, reference 2536- ICS-XX-RP-C-001D, Revision D, dated 4 August 2020, Transport Statement (Ref 502.0057/TS/4, Reptile Survey Report (Ref 20-3086 V.2 June 2020), Extended Phase 1 Survey Report (Ref 18-3223 V3 June 2020) and drawing numbers 100F, 101K, 102K, 103H, 104D and 105F

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

3. Prior to the commencement of works a Construction Traffic Management Plan (CTMP) shall be submitted to the Local Planning Authority and agreed in writing. This should identify;

- The routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman,
- Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network),
- Details of wheel cleaning / wash facilities to prevent mud, etc from migrating on to the adjacent highway,
- Contact details for the Site Supervisor responsible for on-site works,
- Travel initiatives for site related worker vehicles,
- Parking provision for site related worker vehicles,
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours,
- Engagement with local residents

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

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

Note: The CTMP should follow Oxfordshire County Council's template.

4. Prior to commencement of development, details of measures to be incorporated into the proposals demonstrating how Secured by Design (SBD) principles and standards on physical security will be integrated shall be submitted to and approved in writing by the authority. The development will thereafter be carried out in accordance with the approved details.

Reason: To reduce the potential for crime in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework.

5. Prior to any works above slab level full details of the pedestrian access to the site from Telford Road including street lighting has been submitted and

approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the development and thereafter retained.

Reason: To provide pedestrian access to the site and to encourage sustainable forms of travel in accordance with Policy SLE4 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework.

6. Notwithstanding the details on the approved plans, prior to any works above slab level full details of the cycle parking areas, including dimensions and means of enclosure, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall not be brought into use until the cycle parking areas and means of enclosure have been provided within the site in accordance with the approved details and thereafter the areas shall be retained solely for the purpose of the parking of cycles.

Reason: To encourage the use of sustainable modes of transport in accordance with Policy SLE4 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

7. (a) Prior to the commencement of development above slab level, a design stage BREEAM certificate confirming that the development shall be constructed to at least a BREEAM Very Good standard shall be submitted to and approved in writing by the Local Planning Authority.

(b) Within 6 months of the occupation of the development hereby permitted, a final BREEAM certificate shall be submitted confirming that the development has achieved BREEAM Very Good standard.

Reason : To ensure energy and resource efficiency practices are incorporated into the development in accordance with Policy ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1, and the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

8. Prior to the first use of the development hereby permitted a framework travel plan shall be submitted and approved to the Local Planning Authority (LPA) for approval before first occupation of the site. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To promote sustainable modes of transport in accordance with Policy SLE4 of the Cherwell Local Plan Part 1 (2015) and advice in the National Planning Policy Framework.

9. No development shall take place until a Detailed Design, Surface Water Management Strategy and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The Detailed Design shall be based upon the Outline Design principles set out in the following documents and drawings:

- 2536-ICS-RP-C-07.001C - Flood Risk Assessment and Drainage Strategy (1) – Revision C, dated 4th June 2020.
- 2536-TELF-ICS-01-XX-DR-C-0200-S2-P06 - Proposed Drainage Strategy
- 2536-TELF-ICS-01-XX-DR-C-0206-S2-P04 - Flood Volumes Comparison Proposed
- 2536-TELF-ICS-01-XX-DR-C-0205-S2-P04 - Flood Volumes Comparison Existing

The details shall include a compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire", Detailed design drainage layout drawings of the SuDS proposals including cross section details, detailed design clearly demonstrating how exceedance events will be managed and Pre and Post development surface water flow paths to be identified on plan. The Drainage Maintenance Plan shall be in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, to be prepared and submitted as stand-alone document including contact details of any management company.

The approved drainage system shall be implemented in strict accordance with the approved Detailed Design prior to the use of the building commencing and shall thereafter be managed and maintained in accordance with the approved management and maintenance plan in perpetuity.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter in accordance with Policy ESD7 of the Cherwell Local Plan Part 1 and Government guidance within the National Planning Policy Framework

10. No development shall not commence above slab level until full details of the sustainability and energy proposals (based on the submitted report) has been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the buildings hereby permitted and unless otherwise agreed in writing by the Local Planning Authority shall be retained as such thereafter.

Reason: To encourage the use of sustainable construction and renewable energy in accordance with Policy ESD1 to ESD5 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

11. A method statement for enhancing biodiversity on site, to include features integrated into the fabric of the buildings, planting and bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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 Section 15 of the National Planning Policy Framework.

12. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of any part of the development, and retained as such thereafter.

Reason : To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

13. Prior to the first occupation of any building hereby approved, a record of

the approved SuDS details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans (in both .pdf and .shp file format);
- Photographs to document each key stage of the drainage system when installed on site;
- Photographs to document the completed installation of the drainage structures on site.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter in accordance with Policy ESD7 of the Cherwell Local Plan Part 1 and Government guidance within the National Planning Policy Framework and section 21 of the Flood and Water Management Act 2010.

14. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level. The hard landscaping shall be provided prior to the first occupation of the development and the approved soft scheme shall be implemented by the end of the first planting season following occupation of the development.

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

15. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason : To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord 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.

16. A schedule of materials and finishes to be used in the external walls and roof(s) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

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.

17. Prior to the first occupation of the development the parking, turning and loading and unloading shown on the approved plan(s) shall be provided on site and shall be permanently set aside and reserved for that purpose.

Reason : In the interests of highway safety, to ensure the provision of adequate off-street car parking [and turning/loading/unloading] to comply with Government guidance in the National Planning Policy Framework.

18. The development hereby approved shall be carried out in strict accordance with the following details unless otherwise agreed under a separate discharge of planning condition:

- Recommendations at Sections 9.9, 9.13, 9.15, 9.21, 9.23 of Extended Phase 1 Survey Report Lockhart Garratt June 2020).
- Reptile Mitigation Strategy outlined in Section 6, Reptile Survey report, Lockhart Garratt, June 2020
- Recommendations at Section 6 of Bats – Tree Inspection Report, Lockhart Garratt (Ref 20-3123 Version 1)

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

19. The development shall be carried out in strict accordance with the submitted Flood Risk Assessment and Drainage Statement, prepared by Infrastruct CS Ltd, reference 2536-ICS-XX-RP-C-001D, Revision D, dated 4 August 2020, including the following mitigation measures:

- Finished floor levels shall be set no lower than 69.80 metres above Ordnance Datum (AOD).
- 164m³ of compensatory floodplain compensation storage shall be provided
- A floodable void as outlined in Section 5.2 and shown in Drawings no. 104 – Front elevation and section proposed and no. 105 – Rear and side elevations proposed shall be provided underneath the building

These mitigation measures shall be fully implemented prior to the first occupation of the building. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: This condition is sought in accordance with paragraph 163 of the National Planning Policy Framework to reduce the risk of flooding on-site and elsewhere. In particular to reduce the risk of flooding to the proposed development and future occupants, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provide and to prevent flooding elsewhere by ensuring that the flow of

flood water is not impeded and the proposed development does not cause a loss of floodplain storage

20. 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 the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason - This site has been previously land filled. Although the site investigation concluded that the site does not pose a threat to controlled water, there is the possibility that undetected contamination may exist on site.

Informative Notes to Applicant

1. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-yourdevelopment/Working-near-or-diverting-our-pipes>
2. Attention is drawn to a Legal Agreement related to this development dated XXX which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.

CASE OFFICER: James Kirkham

TEL: 01295 221896

Agenda Item 9

Cherwell District Council

Planning Committee

10 September 2020

Appeals Progress Report

Report of Assistant Director Planning and Development

This report is public

Purpose of Report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

2.1 New Appeals

20/01232/DISC - Land to the South West of Tadmarton Road, Bloxham, Oxfordshire OX15 4HP- Discharge of condition 22 (Car Park Management Plan) of 13/00496/OUT

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 26.08.2020 **Statement Due:** 30.09.2020 **Decision:** Awaited

Appeal reference – 20/00024/REF

2.2 New Enforcement Appeals

None

2.3 Appeals in progress

19/00831/OUT - Land South Of Home Farm House, Clifton Road, Deddington, OX15 0TP - OUTLINE - Residential development of up to 15 dwellings

Officer recommendation – Refusal (Committee)

Method of determination: Written Representations

Key Dates:

Start Date: 03.03.2020 **Statement Due:** 09.04.2020 **Decision:** Awaited
Appeal reference – 20/00010/REF

19/02444/OUT - Land South Of Home Farm House, Clifton Road, Deddington, OX15 0TP - Outline planning permission for the residential development of up to 14 dwellings - all matters save for the means of access are reserved for subsequent approval - revised scheme of 19/00831/OUT
Officer recommendation – Refusal (Committee)

Method of determination: Written Representations

Key Dates:

Start Date: 03.03.2020 **Statement Due:** 09.04.2020 **Decision:** Awaited
Appeal reference – 20/00007/REF

19/00969/F - Bowler House, New Street, Deddington, OX15 0SS – Single storey rear extension forming new Sun Room
Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 27.01.2020 **Statement Due:** 02.03.2020 **Decision:** Awaited
Officer recommendation – Refusal (Delegated)
Appeal reference – 20/00009/REF

19/00970/LB – Bowler House, New Street, Deddington, OX15 0SS - Single storey rear extension forming new Sun Room
Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 20.02.2020 **Statement Due:** 26.03.2020 **Decision:** Awaited
Appeal reference – 20/00008/REF

19/02267/F – 1 Beechfield Crescent, Banbury, OX16 9AR - First floor side extension. Single storey rear extension.
Officer recommendation – Refusal (Delegated)

Method of determination: Householder (Fast Track)

Key Dates:

Start Date: 27.06.2020 **Statement Due:** N/A **Decision:** Awaited
Appeal reference – 20/00017/REF

19/02399/F – Cowpastures Farm, Arcott Road, Piddington, OX25 1AE - Redevelopment of site; demolition of existing buildings and erection of building for B8 use.
Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 18.06.2020 **Statement Due:** 23.07.2020 **Decision:** Awaited
Appeal reference – 20/00020/REF

19/02465/LB – Cedar Lodge, North Side, Steeple Aston, OX25 4SE -
Creation of jib door and stair, and associated works to include the removal of ceiling joists

Officer recommendation – Refusal (Delegated)

Method of determination: Written Reps.

Key Dates:

Start Date: 09.07.2020 **Statement Due:** 13.08.2020 **Decision:** Awaited

Appeal reference – 20/00021/REF

20/00167/F – Esso, Banbury Service Station, Oxford Road, Bodicote, OX15 4AB - RETROSPECTIVE - to retain storage container to rear of petrol filling station kiosk

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 07.07.2020 **Statement Due:** 11.08.2020 **Decision:** Awaited

Appeal reference – 20/00023/REF

20/00174/Q56 – Barn, Folly Farm, Grange Lane, Sibford Ferris, OX15 5EY - Change of Use and conversion of 1no agricultural building into 1no self-contained dwellinghouse (Use Class C3) including associated operational development under Part 3 Class Q (a) and (b)

Officer recommendation – Refusal (Delegated)

Method of determination: Written Representations

Key Dates:

Start Date: 01.07.2020 **Statement Due:** 05.08.2020 **Decision:** Awaited

Appeal reference – 20/00022/REF

Enforcement appeals

None

- 2.4 Forthcoming Public Inquires and Hearings between 11th September 2020 and 8th October 2020

None

2.5 Results

Inspectors appointed by the Secretary of State have:

Dismissed the appeal by Mrs V Cherry for Removal of dead/dying leylandii hedge approximately 20 metres. To be replaced with pressure treated close board fencing 1.8m high. 21 Coppice Close, Banbury, OX16 9SW

Officer recommendation – Refusal (Delegated) 19/01685/F

Appeal reference – 20/00015/REF

The application was for the removal of a dead/dying leylandii hedge along the front and side boundary of the application property and replacement with a pressure treated close board fence at 1.8m in height. The council refused the

application on the basis of the impact on the character and appearance of the street scene as the fence would represent an overly prominent and incongruous feature at odds with the open and spacious character of the area. The inspector agreed that due to its positioning and the topography of the locality, the fence would appear to be a strident and incongruous addition and would have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would fail to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 (2015) and Policy C28 of the Local Plan.

Dismissed the appeal by Mr V Fas for Retrospective - Replace existing part fence (6 ft 6" high x 17 ft long), part hedge (7-8 ft high) boundary on Dryden Avenue, with new 5 ft high x 6 ft wide wooden fence panels and 1 ft high concrete gravel boards and concrete posts. 1 Derwent Road, Bicester, OX26 2JA
Officer recommendation – Refusal (Delegated) 19/01621/F
Appeal reference – 20/00018/REF

The retrospective proposal was for the erection of a 2m high boundary fence on amenity land. The Inspector considered the main issues to be the proposal's impact on the character and appearance of the area and the loss of open amenity space. The Inspector concluded that the fence appeared 'stark and prominent' in contrast to the well landscaped amenity area which is a feature of this part of Bicester. In respect of the loss of the open amenity space, it was determined that the narrow strip of land had little amenity value other than enabling vegetation for screening. Whilst acknowledging that the appearance of the area could be compromised as a result of the land not being maintained, the Inspector reasoned that this did not outweigh the visual harm caused. The appeal was therefore dismissed.

3.0 Consultation

None

4.0 Alternative Options and Reasons for Rejection

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

Option 1: To accept the position statement.

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

5.0 Implications

Financial and Resource Implications

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

Comments checked by:
Karen Dickson, Strategic Business Partner, 01295 221900,
karen.dickson@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:
Matthew Barrett, Planning Solicitor 01295 753798
matthew.barrett@cherwell-dc.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:
Matthew Barrett, Planning Solicitor 01295 753798
matthew.barrett@cherwell-dc.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