

Applicant:	H2O Urban & Canal & River Trust	
Proposal:	Redevelopment of site comprising the erection of 10 residential dwellings (Use Class C3); formation of new boaters car park; conversion of existing outbuildings to form ancillary accommodation to residential properties, new ELSAN facilities for boaters and storage for boaters and the demolition of outbuildings and structures associated with the CEMEX operations as identified on the plans; together with two new vehicular accesses and associated landscaping and parking.	
Ward:	Kidlington West	
Councillors:	Cllr Alan Mackenzie-Wintle Cllr Sandra Rhodes Cllr Alaric Rose	
Reason for Referral:	Major Development (10 dwellings or more)	
Expiry Date:	26 October 2017	Committee Date: 22 November 2018
Recommendation:	Approve	Extension of time: 15 December 2017

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

Proposal

Planning permission is sought for the demolition of some of the existing outbuildings and structures on the site, including the concrete batching plant, and the erection of 10 residential dwellings running parallel to the Oxford Canal. A number of the outbuildings would be converted too so that they are ancillary to the residential properties.

This planning application is back at Planning Committee after the original decision was quashed at judicial review. The report has been revised to address issues raised during the Judicial Review process.

Consultations

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

- Kidlington & District Historical Society

13 Letters of objection have been received.

Planning Policy

Part of the site lies within the Langford Lane Wharf Conservation Area and the site abuts the Oxford Canal Conservation Area. Whilst there are no listed buildings within close proximity to the site, a locally listed building is situated to the north east of the site (1 and 3 Langford Lane Wharf). The site is on potentially contaminated land. The site has some

ecological potential as there are SSSIs located within 2 Kilometres of the site and the site is located within the Lower Cherwell Valley Conservation Target Area. Furthermore, a number of Legally Protected Species have been recorded within the vicinity of the site.

The site is located within 20 metres of a 'Main River'.

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

Conclusion

The key issues arising from the application details are:

- Principle of the Development;
- Impact on the Appearance and Character of the Area;
- Impact upon the Setting and Significance of the Nearby Locally Listed Building;
- Residential Amenity;
- Highways Safety;
- Ecological Impact and Trees;
- Drainage and Flooding Risk;
- Potentially Contaminated Land;
- Planning Obligations;
- Local Finance Considerations.

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

RECOMMENDATION - GRANT PERMISSION SUBJECT TO LEGAL AGREEMENT AND CONDITIONS

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site ("the site") is located on the north edge of the village of Kidlington; its south eastern boundary runs adjacent to the Oxford Canal (the towpath, Public Right of Way 265/33/10, runs alongside the site boundary). The site is separated from the canal corridor by a brick & stone wall with a height of approximately 2 metres which runs from the southern corner of the site for around half of the site frontage. This then gives way to overgrown vegetation before the hard boundary is established again in the form of the outbuilding which runs along the back of the towpath.
- 1.2. The site is accessed from Langford Lane, which is located to the north of the site, giving access onto an unnamed road which forms part of the highway and serves the site.
- 1.3. The site and the surrounding area are relatively flat. The site is set within an urban context containing a mixture of uses, with modern commercial uses to the west including a number of car showrooms and modern offices buildings with more

industrial units on the southern side of the canal. Immediately opposite the site, on the other side of the canal, is a former office complex which has been recently converted to residential use under prior approval (13/00948/CPA). To the east of the site is the Highwayman public house. Immediately to the north east lies a pair of semi-detached stone cottages which are set at an angle, facing towards the canal with gardens to the front.

- 1.4. The site is rectangular in shape, covering an area of approximately 0.38 hectares. Within the southern end of the site is the CEMEX concrete batching plant which contains is largely an open yard, although there are two buildings within it in addition to a relatively larger hopper structure. Adjoining this area is the boater's car park, which also contains an ELSAN facility and refuse bins for the boaters. To the north east of the car park is an open area which is used as amenity space and contains four outbuildings (some with connections to the canal).
- 1.5. Part of the site lies within the Langford Lane Wharf Conservation Area and the site abuts the Oxford Canal Conservation Area. Whilst there are no listed buildings within close proximity to the site, a locally listed building is situated to the north east of the site (1 and 3 Langford Lane Wharf). The site is on potentially contaminated land. The site has some ecological potential as the Rushy Meadows Special Site of Scientific Interest (SSSI) and Shipton-on-Cherwell and Whitehill Farm Quarries SSSI are within 2 Kilometres of the site and the site is located within the Lower Cherwell Valley Conservation Target Area. Furthermore, a number of Legally Protected Species have been recorded within the vicinity of the site including the Osprey, European Water Vole, European Otter, West European Hedgehog and Common Lizard. In addition, the site is located within 20 metres of a 'Main River'.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1 Planning permission is sought for 10 residential dwellings in a relatively linear form following the line of the canal. These dwellings consist of four pairs of semi-detached dwellings (6x two storey, three bed, and 2x three storey, four bed), and two detached dwellings to the south western part of the site which would be three storeys in height and would accommodate 4 bedrooms. The dwellings are proposed to be constructed from a mixture of red and buff brick under artificial slates.
- 2.2 The dwellings are proposed to have a joint covered bin and cycle store each and these would sit to the front of the dwellings. These would be constructed from timber under plain tile roof. The dwellings would each have their own private amenity area which would be sited to the rear of the dwellings and run to the canal towpath.
- 2.3 Two new vehicular accesses are proposed from the highway. One would be formed through a boundary wall to give a single road to the proposed 10 dwellings. The dwellings are proposed to be provided with at least one parking space directly at the front and 13 spaces proposed elsewhere (9 of these are proposed for visitors). The other access, which is closer to Langford Lane, would serve as a road to 14 parking spaces to be used by boaters.
- 2.4 A pathway is proposed to run from the car park serving the boaters to the canal towpath and would meet the canal towpath between the proposed dwellings and the existing cottages to the north east of the site and this would result in the loss of a small section of wall running adjacent to the towpath. The area proposed to accommodate the boaters' parking would also include a new structure for housing bins used by the boaters, replacing the bins within the site.

- 2.5 A lay-by is proposed just outside the site, which would be for a vehicle servicing the waste from boaters. The applicant's agent has verbally advised that this service would only need to take place monthly.
- 2.6 The applicant seeks to retain four of the outbuildings to the north-east of the site. The coal house, which abuts the towpath, is proposed to serve as a storage area for both plot 1 and boaters and it would also include the boaters' ELSAN facilities area. A former air raid shelter just behind the stable building is proposed to be used as a boaters' store. The Washhouse further to the rear of the stable building is proposed to be used as a store for plot 1 and would be enclosed within the curtilage of plot 1 by hedging. The stone shed to the rear of plots 1 and 2, would serve as storage areas for these properties. It is proposed to demolish two outbuildings near to the CEMEX site and structures associated with the CEMEX operations including the hopper building.
- 2.7 In relation to landscaping, it is proposed to retain the stone and brick wall on the south eastern boundary of the site. Where there is no such hard enclosure on the south eastern boundary, it is proposed to erect a post and rail timber fence to a height of 1.1 metre height. An automated barrier of a height of 1 metre is proposed at the entrance to the driveway serving the proposed dwellings. A stone wall is proposed along the northern boundary of the site. A bin store for collection date is proposed close to the access to serve the dwellings.
- 2.8 A screening opinion (ref: 16/00065/SO) issued by Cherwell District Council on September 2017 stated that an Environment Statement was not required for this application.
- 2.9 This application went before Members in April this year and there was a resolution to approve the application in line with the Officer recommendation. However, after the decision notice was issued the lawfulness of this decision was challenged by a neighbouring land owner and the decision was quashed by the High Court following a Judicial Review. The item is now back before members and the committee report has been revised to address the matters raised in the Judicial Review process.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 98/01902/F - Change of use of existing non-residential to (permanent) residential moorings along a section of the Oxford Canal, plus provision of car park (11 spaces), refuse compound and associated landscaping (Part Retrospective) - APPROVED on 12th January 1999.

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:
- 16/00052/PREAPP - Proposed redevelopment to provide 10 no. family homes, re-use of non-statutory heritage buildings, provision of boaters facilities - CLOSED 29th March 2016. A relatively similar scheme was put forward at the pre-application stage, however less detail was provided (for example in relation to the appearance and scale of the proposed dwellings). The pre-application response stated that if an application is to be submitted, it will need to be demonstrated that the proposal complies with the criteria set out in Policy SLE1 of the Cherwell Local Plan Part 1 with respect to the loss of the existing employment use on the site. Subject to this, the principle

of residential development on the site could be considered acceptable. It was also noted that the demolition of the two buildings on the site, within the Langford Wharf Lane Conservation Area, will require sufficient justification. Furthermore, the report stated that care will need to be taken to ensure that the proposed dwellings and associated landscaping and means of enclosure preserve the historic character and appearance of the area, and it will need to be demonstrated that the proposal would make a positive contribution to the Conservation Area's character and appearance. It was stated that a noise survey will need to be submitted with an application to demonstrate that the proposal will provide a good standard of amenity for any future occupants given the location of the site within close proximity to commercial uses.

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 07.12.2017, although comments received after this date and before finalising this report have also been taken into account.

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

- The loss of employment land would be contrary to Policy SLE1 and the Kidlington Masterplan;
- Does not contribute to the need for affordable housing;
- Overdevelopment of the site;
- The dwellings are very large;
- The site should be used as a green space instead;
- Impacts negatively on the sense of openness highlighted in the Kidlington Conservation Area Appraisal;
- A former resident of one of the nearby cottages was responsible for the survival of the Oxford Canal and this resident was also located to the last boatman owner;
- Should not place a 6 foot wooden fence (now a hedge) immediately in front of the wash house. The wash house is of historical significance and linked to the row of cottages to the north east and the proposal would erode this historic link. The wash house should remain linked with the cottage;
- The wash house is a key feature of the collection of buildings that contribute to retaining the sense of enclosure, which, helps define the setting of the cottages;
- The path should go by the side of plot 10;
- Has a negative impact upon the setting of the cottages;
- Overlooking the canal boats;
- Loss of privacy to the cottages due to the position of the path and height of the hedging;
- The hedging to the side of Plot 1 would not provide adequate privacy for the future occupier of this property;
- Noise experienced by neighbouring properties;
- Noise experienced by the future occupiers of the proposed dwellings due to the proximity of the dwellings to the Essentra Components staff car park...The land to the north of the existing staff car park is owned by Essentra and is reserved for future expansions of operations and the presence of residential development adjoining this site would jeopardise Essentra's ability to expand its operation;

- An inadequate noise assessment has been provided by the applicant – e.g. it only assesses the noise environment from one location on the site which is some distance away from Essentra and other nearby businesses and does not make reference to the 24 hour operation of the adjoining operator;
- Concerned about the brick wall along the tow path;
- The doors to the rear of the ELSAN facilities and boaters store should not be to the rear as this would cause disturbance/loss of privacy for the cottages;
- Would cause ecological harm;
- Land Ownership concerns.

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

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. KIDLINGTON PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

6.3. CANAL & RIVERS TRUST: **No objections.**

6.4. ENVIRONMENT AGENCY: **No objections**, subject to staged land contamination conditions and that no piling or any foundation designs using penetrative methods shall be used unless formally agreed with the Local Planning Authority.

6.5. OCC LOCAL HIGHWAY AUTHORITY: **No objections** subject to conditions.

6.6. THAMES WATER: **No objections** in relation to surface water infrastructure capacity or sewerage infrastructure capacity.

NON-STATUTORY CONSULTEES

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

6.8. CDC BUSINESS SUPPORT UNIT: **No comments received.**

6.9. CDC CONSERVATION: Generally supportive of the application, but considers that some aspects of the application need to be improved – i.e. division of the wash house from the cottage and that the dwellings sit behind a large wall.

6.10. CDC ECOLOGY: **No objections** subject to conditions.

6.11. CDC ENVIRONMENTAL PROTECTION: It is still not clear exactly what impact the other commercial uses would have on the proposed development.

6.12. CDC LANDSCAPE SERVICES: **No objections** subject to conditions and off-site contributions towards the refurbishment of a nearby LAP.

6.13. CDC PLANNING POLICY: **No comments received.**

- 6.14. CDC RECREATION AND LEISURE: Have requested contributions towards sports facilities and community halls
- 6.15. RAMBLERS ASSOCIATION: **No comments received.**
- 6.16. CDC SCHOOL ORGANISATION OFFICER: **No objections.**
- 6.17. CDC STRATEGIC HOUSING: **No objections.** The proposal for 10 dwellings is below the threshold for requesting affordable housing.
- 6.18. THAMES VALLEY POLICE DESIGN ADVISOR: **No comments received.**
- 6.19. KIDLINGTON & DISTRICT HISTORICAL SOCIETY: **Objects** to the application. It destroys the historical relationship of many years between the wash house and the existing cottages and therefore its significance. The Wash house will become a rather pointless garden shed in the garden of Plot 1. As the garden of plot 1 is quite large, it would be possible to change this arrangement.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1 - Presumption in Favour of Sustainable Development
- SLE1 - Employment Development
- SLE4 - Improved Transport Connections
- BSC1 - District Wide Housing Distribution
- BSC2 - The Effective and Efficient Use of Land - Brownfield Land and Housing Density
- BSC11 - Local Standards of Provision – Outdoor Recreation
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy and Allowable Solutions
- ESD3 - Sustainable Construction
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDs)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11 - Conservation Target Areas
- ESD15 - The Character of the Built and Historic Environment
- ESD16 - The Oxford Canal
- Policy Villages1 - Village Categorisation
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C5 - Protection of ecological value and rural character of specified features of value in the district
- C23 - Retention of features contributing to character or appearance of a conservation area
- C28 - Layout, design and external appearance of new development
- C29 - Appearance of development adjacent to the Oxford Canal
- C30 - Design of new residential development
- ENV1 - Environmental pollution
- ENV12 - Contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Kidlington Masterplan Part 1 (December 2016)
- Cherwell District Council: Home Extensions and Alterations (2007)
- Kidlington Conservation Area Appraisal (2009)
- Oxford Canal Conservation Area Appraisal (2012)
- Cherwell District Employment Land Review (2012)
- Constructive Conservation in Practice: Historic England (2015)
- Cherwell Residential Design Guide Supplementary Planning Document (SPD) (July 2018)
- Developer Contributions Supplementary Planning Document (SPD) (February 2018)

8. APPRAISAL

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

- Principle of the Development
- Impact on the Appearance and Character of the Area;
- Impact upon the Setting and Significance of the Nearby Locally Listed Building;
- Residential Amenity;
- Highways Safety;
- Ecological Impact and Trees;
- Drainage and Flooding Risk;
- Potentially Contaminated Land;
- Planning Obligations;
- Local Finance Considerations;
- Other Matters.

Principle of the Development

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that decisions should apply a presumption of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

- 8.4. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore paragraph 11 of the NPPF will therefore need to be applied in this context.
- 8.5. There are two elements to the principle of the development in this case: the first being from a spatial strategy point of view in relation to where housing should be sited within the district; and the second being a land use point of view.
- 8.6. Moving on to the first aspect, i.e. the spatial strategy in relation to where housing should be sited within the district, Policy Villages 1 of the Cherwell Local Plan (2011-2031) Part 1 recognises Kidlington as Category A village. Category A villages are considered the most sustainable settlements in the District's rural areas and have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Within Category A villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement. This proposal is considered to be 'minor development' within the built up limits of the settlement and could be acceptable in principle, but this is subject to other considerations, including whether the proposal is in compliance with the Council's land use strategy, discussed below.
- 8.7. In relation to the Council's land use strategy, it is noted within Policy SLE1 of the Cherwell Local Plan (2011-2031) Part 1 that the Council will, as a general principle, continue to protect existing employment land and buildings for employment (B class) uses. Policy SLE1 of the Cherwell Local Plan Part 1 states that: *"In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met:*
- *The applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term;*
 - *The applicant can demonstrate that there are valid reasons why the use of the site for the existing or another use is not economically viable;*
 - *The applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment*

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

New dwellings will not be permitted within employment sites except where this is in accordance with specific site proposals set out in this Local Plan."

- 8.8. Policy SLE1 then sets out where employment development should be focussed. However, after this it is stated that: *"New dwellings will not be permitted within employment sites except where this is in accordance with site specific proposals set out in the Local Plan."*
- 8.9. Paragraph 118 of the NPPF states that planning decisions should:
- Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

- Promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively
- 8.10. Paragraph 121 of the NPPF states that Local Planning Authorities should: *“Take a positive approach to applications for alternative uses of land which is currently developed, but not allocated for a specific purpose in plans, where this would help meet identified development needs. In particular, they should support proposals to use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or site or the vitality and viability of town centres, and would be compatible with other policies in this Framework.”*
- 8.11. A section of the site is used as a concrete batching plant and the proposal would result in the loss of this employment site (a B2 use – general industry).
- 8.12. A third party has noted that because Policy SLE1 states that new dwellings will not be permitted within existing employment sites, the proposed development should be refused. However, when reading Policy SLE1 as a whole, the general message is that employment uses should be retained unless the criteria as set out in paragraph 8.7 of this report can be met. Furthermore, this approach is consistent with Government guidance contained within the NPPF which allows for flexibility depending on the specific circumstances of the proposal put forward and does not place blanket restrictions on such development. Thus, to explicitly state that no new dwellings will be permitted within employment sites would be inconsistent with Government guidance within the NPPF.
- 8.13. Given this, Officers will now assess whether the proposal for a non-employment use meets the criteria within Policy SLE1 as set out in paragraph 8.7 of this report. Whilst the applicant’s agent has not demonstrated any of the three criteria in the bullet points in paragraph 8.7 of this report, it been has argued that there are other planning objectives that would outweigh the value of retaining the site in an employment use. As noted in the Planning Statement, the proposal would result in the loss of approximately 0.1 hectares of commercial land, and officers agree that the land in question has limited alternative commercial potential. The majority of the site is not in an employment use.
- 8.14. The concrete batching plant is also not likely to employ many people, and it is considered that its change of use would not significantly limit the amount of employment space available either in Kidlington or the district as a whole, nor would it if have a material impact on levels of economic growth in the District.
- 8.15. The applicant’s agent also argues that the removal of CEMEX business would lead to an enhancement to the significance and setting of the Langford Wharf Conservation Area which the site is located within. The applicant’s agent states that the use of the site by CEMEX provides an industrial character to the conservation area which detracts from the historic quality of the site and the wider canal corridor. This will be assessed later in this report in order to make an assessment on whether there are any planning objectives that would outweigh the value of retaining the site in an employment use.
- 8.16. A third party has noted that the Kidlington Masterplan seeks to protect land to the south of Langford Lane for employment purposes. It is true to note that one of the themes of the Kidlington Masterplan is *‘to support the growth of an integrated cluster of high value employment uses to the west of the village including Langford Lane, London Oxford Airport and Begbroke Science Park.’* However, the Kidlington Masterplan does not specifically identify the site as part of any growth proposals and

explicitly highlights the need for the preparation of an employment strategy for Kidlington to be prepared. Furthermore, the Masterplan does not state that this land should be protected for employment purposes.

- 8.17. It is noted that a third party has questioned whether Policy Villages 1 is relevant in respect of this application because they are of the opinion that Policy SLE1 specifically deals with how housing should be treated in that the policy informs a decision maker where not to put residential development. Officers disagree with this and consider that Policy Villages 1 is highly relevant in the consideration of housing development within the district. This policy contributes in setting out the Council's spatial strategy in relation to housing and aims to site housing in the most appropriate locations from a general sustainability point of view. In addition, Policy SLE1 has also been considered in relation to the principle of the development in this case given that the site is on an employment site.
- 8.18. Given the above, it is considered that the principle of residential dwellings on this site could be acceptable. However, the proposal's overall acceptability is also clearly dependent on other material considerations which I will now go on to discuss.

Impact on the Appearance and Character of the Area including Conservation Areas

- 8.19. Part of the site is within the Langford Lane Wharf Conservation Area, a designated heritage asset, including two buildings proposed for demolition. The site also lies adjacent to the Oxford Canal Conservation Area.

Policy

- 8.20. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 notes that with respect to buildings in conservations areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 8.21. Paragraph 189 of the NPPF states that: *"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance."*
- 8.22. Paragraph 193 of the NPPF states that: *"When considering the impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."* Paragraph 194 of the NPPF goes on to state that: *"Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification"*
- 8.23. Paragraph 196 of the NPPF states that: *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."*
- 8.24. Paragraph 200 of the NPPF states that Local Planning Authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance.

- 8.25. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPF goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.26. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.27. Paragraph 131 of the NPPF states that: *“In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”*
- 8.28. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”* Furthermore, Policy ESD15 of the Cherwell Local Plan states that new development proposals should: *“Conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG.”*
- 8.29. Saved Policy C23 of the Cherwell Local Plan 1996 states that: *“There will be a presumption in favour of retaining buildings, walls, trees or other features which make a positive contribution to the character or appearance of a Conservation Area.”*
- 8.30. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with existing buildings.
- 8.31. Saved Policy C5 of the Cherwell Local Plan 1996 notes that the council will seek to protect the rural character of the Oxford Canal through the control of development.

- 8.32. Historic England guidance (set out within 'Constructive Conservation in Practice') encourages a positive and collaborative approach to conservation that focusses on the active management of change in ways that recognise and enhance the historic significance of places, while accommodating the changes necessary to ensure their continued use and enjoyment.
- 8.33. It is noted in the Kidlington Conservation Area Appraisal that this conservation area was designated, *"in order to protect this historic corner of Kidlington, a reminder of the establishment and development of transport-driven commerce which revolutionised the village from the 18th century onwards."* Officers therefore consider that it is important that any development does not prevent the understanding of the importance of the area as an important transport interchange.
- 8.34. The Conservation Area Appraisal notes that little now remains of the wharf. Langford Lane Wharf remains in use as a mooring for canal boats. The Conservation Area Appraisal goes on to state that although its buildings, notably the cottages, are hemmed in by the concrete batching site to one side and the main arterial road to the other, they remain an interesting and attractive group of buildings which act as a reminder of the commercial character of Langford Lane between the late 18th century and 20th century. Thus, the Conservation Area Appraisal again appears to note that the site is of illustrative historical value as it serves as a reminder of the past industrial function the site use to play and that Langford Wharf Conservation Area is largely of historical significance.
- 8.35. It is noted within the Kidlington Conservation Area Appraisal that when originally constructed the wharf and the canal-side building (now 1 and 3 Langford Lane Wharf to the north of the site) were intended for commercial use. The Conservation Area Appraisal goes on to note that the site would have been busy with coal and other goods being unloaded and transported on. These buildings are of late 18th Century origin, contemporary with the canal building of 1790, built in the local vernacular. The date of conversion of the canal side building to cottages is unknown. Langford Lane Cottages used to comprise of 6 cottages, but the building was decreased in scale in the late 19th Century and now comprises a pair of two-storey dwellings. These cottages would have been used by workers on the canal, responsible for simple maintenance, lock keepers, to ensure the smooth running of locks, and possibly, toll collectors, therefore this is considered to be key building during the evolution of this site.
- 8.36. This building is therefore considered to be essential in the understanding of the industrial function the site use to play and the building is considered to be of significant historical value. Furthermore, No.3 was lived in by a canal man named Jack Skinner who is attributed as playing a major part in keeping the Oxford Canal open, and this adds further to the historical value of this building. The building is also considered to be of some architectural value. It is worthwhile noting that the Kidlington Conservation Area Appraisal marks this as a positive landmark within the Langford Wharf Conservation Area. Thus, this building is considered to make a positive contribution to the Langford Wharf Conservation Area as well as the Oxford Canal Conservation Area. This building is not within the site area, but is within close proximity to it. Thus, the proposal has the potential to impact upon this building and therefore the significance of Langford Wharf Conservation Area and the significance of the Oxford Canal Conservation Area and its setting.

Coal sheds

- 8.37. The Kidlington Conservation Area Appraisal states that to the south end of the cottages is a long, low mid-19th century brick range, with a plain tile roof (this is likely referring to the coal-shed). The Conservation Area Appraisal notes that this

building is of unknown function, but that it apparently represents an enlargement and adaptation of an earlier stone building, presumably like the first phase of the cottages, and was a late 18th century commercial building. It appears that the earlier stone forms part of the wall of this building and historical mapping shows that this structure pre-dates 1875. This coal-shed building runs adjacent to the canal. Given the above, it is probable that this building once served the canal wharf and acts as a reminder of the commercial character of Langford Lane. It is therefore considered to make positive contribution to the significance of the Langford Wharf Conservation Area.

- 8.38. The current proposals include the retention the coal shed building, which is proposed to serve a storage area for both Plot 1 and boaters and to include the boaters' ELSAN facilities area. Rain water goods are proposed on the western elevation of the building. Furthermore, cast iron is proposed to be fixed to the existing door opening at the north of the shed and 3 cast iron airbricks are proposed into the northern gable wall. The alterations to the building are considered to be relatively minor and the retention of this building is welcomed by officers given the positive contribution it makes towards the significance of the Langford Wharf Conservation Area. The building would also be given a viable use which will secure the long term retention of this building. Thus, it is considered that this element would not cause harm to the significance of the Langford Wharf Conservation Area.

Stone shed

- 8.39. To the south of the cottages, but to the south west of the coal range, is a relatively small stone shed, which also runs adjacent to the canal. Given the building's siting, close to the coal shed and adjacent to the canal, and that it pre-dates 1875 when looking at historical mapping, it is likely that this served the canal wharf. This building is also considered to make positive contribution to the significance of the Langford Wharf Conservation Area.
- 8.40. The stone shed would be to the rear of plots 1 and 2 and would act as storage areas for these properties. The later blockwork infill to the western side of the stone shed is proposed to be removed and replaced with stone to match the gables. External alterations are also proposed to the internal configuration of this building and the openings. The building is also proposed to be re-roofed in plain clay tiles (currently slate) to match the adjacent coal shed range, and be fitted with cast iron rainwater goods.
- 8.41. Given its positive contribution to the significance of the Langford Wharf Conservation Area, the retention of this building is welcomed by officers. The removal of the blockwork with a traditional material is considered to be a positive alteration and the other changes to this building are considered to be acceptable as it would not undermine the understanding that it once served the canal. The building would also be given a viable use which will secure the long term retention of this building. Thus, it is considered that this element would not cause harm to the significance of the Langford Wharf Conservation Area.

Washhouse building

- 8.42. To the west end of the cottages is a single storey brick outhouse with plain-tiled roof and chimney (the washhouse building). The Kidlington Conservation Area Appraisal notes that this building would probably have been constructed in the mid-19th century. The Kidlington Conservation Area Appraisal goes on to note that this would have presumably been built as a washhouse for the residents of the cottages. The date of construction of the washhouse is not so clear from using historical mapping. However, it appears that the washhouse was constructed to serve to the domestic

function of the cottages rather than the canal itself. Whilst it is understood that the cottages themselves were canal workers' cottages, this washhouse building does not directly relate to the commercial activities which took place at the site. Thus, whilst of some historical interest because it serves as an example of traditional canal-side architecture and its link to the workers' cottages (which serves as a reminder to how this section of the canal evolved over time itself), officers do not consider the historical interest of this building to be as great as the cottage, shed and coal range referred to above which relate directly to the past commercial activities. That said, the building is also considered to have some charm and is of some architectural value.

- 8.43. The washhouse building is proposed to be used as a store for plot 1 and would be enclosed within the curtilage of plot 1 by hedging. This building is to be proposed mainly unaltered, apart from the removal of the ivy growing over it, and any necessary repairs to the roof, brickwork, window and door, subject to further detailed survey once the vegetation has been removed. Cast iron rainwater goods are also proposed to be added to the eaves to prevent deterioration of the brickwork.
- 8.44. Third parties have raised concerns with the loss of the visual connection between the cottages and the washhouse. The means of enclosure between the washhouse and the cottages has now been softened with the replacement of a fence with a hedge, but the washhouse would be separated from the cottages to some extent. The Conservation Officer has also raised concerns with this division and has cited that there is a cultural link between the structures.
- 8.45. Officers do understand the concerns of third parties and the Conservation Officer. However, as noted before, the Kidlington Conservation Area Appraisal states that the Langford Wharf element was designated to protect this historic corner of Kidlington, which serves as a reminder to the establishment and development of transport driven commerce which revolutionised the village from the 18th century onwards. Thus, the Kidlington Wharf Conservation Area is largely of historical significance due to the existence of buildings which served the canal. The washhouse was constructed to serve the domestic function of the cottages rather than the canal itself therefore Officers consider that this washhouse is not of significant historical interest, although it is of some historical interest. Whilst the Conservation Officer has noted that one of the people responsible for the survival of the canal lived in one of the cottages, there is no justification of why this makes the significance of the wash-house itself greater.
- 8.46. The division of this building from the workers' cottages by hedging is considered to cause some harm to the significance of the Langford Wharf Conservation Area as it erodes the historic understanding between these two buildings (i.e. the wash house served the workers' cottages). Whilst the hedging between the wash-house is not proposed to be relatively high (at 1.2 metres high and 0.9 metres high) therefore still allowing for some understanding between these buildings, there is no guarantee the hedging would be maintained at this height as it could be increased to ensure privacy. Furthermore, there is nothing to prevent the occupiers of No.3 Langford Lane from erecting a fence between this property and the wash house for privacy reasons.
- 8.47. However, it is also worthwhile noting that the proposal would result in the retention of this building, which is welcomed given that it is of some historical and architectural value. Furthermore, the use of this building as storage for plot 1 would provide a viable use for this washhouse which will secure the long term retention of this building which is considered to be positive by Officers. Whilst it is acknowledged that the occupiers of the cottages have stated that they would like to take on the ownership of this building there is no guarantee of such an arrangement taking

place in practice. The Conservation Officer has also not objected to this element of the proposal. Thus, it is considered that the division of the washhouse from main cottage is acceptable as the public benefits as outline in this paragraph outweigh the above identified harm to the significance of the conservation area caused by the division of the wash-house from the workers' cottages.

Air raid shelter

- 8.48. To the south of the cottages, but to the north of the coal shed, is a WWII air raid shelter. This is a relatively small brick building and is of relatively recent construction in comparison to a number of other buildings in the vicinity. Given the purpose and age of this building it is not considered to make a large contribution to the significance of the conservation area.
- 8.49. The retention of the air raid shelter is also proposed, which would be used as a boater's store. The roof of the air raid shelter is noted to be deteriorating, and it is proposed to put an additional layer of cement over the building to consolidate the surface and prevent the ingress of moisture and dirt, which could encourage plant growth. The alterations proposed are not considered to cause harm to the significance of the Langford Wharf Conservation Area.

Boundary walls

- 8.50. Along the south eastern boundary of the site and adjacent to the towpath is a boundary wall. Most of this wall comprises limestone and red brick. The Heritage Appraisal states that the brickwork in general appears to have been laid sometime between the construction of the canal in circa 1789 and the mid-19th century. The walling appears on the earliest historic maps and I have no reason to disagree with the age of these walls. There appears to be some later parts to the wall, however, which have infilled previous sections, and these are out of keeping with and unsympathetic to the original materials used. The Kidlington Conservation Area Appraisal recognises this wall as a strong means of enclosure. This wall is highly visible to towpath and canal users. Given the above and the use of traditional materials, the wall is considered to be of some historical and architectural interest and makes a positive contribution to the Langford Wharf Conservation Area.
- 8.51. Extending for a length of some 19m between the driveway of the cottages and the access to the boaters' car park, a continuous wall, built largely of limestone rubble delineates the north-western boundary of the application site. As noted in the Heritage Appraisal submitted on behalf of the applicant, there is little detail regarding the significance of this wall, although it looks likely to have been a form of enclosure on the 1877 Ordnance Survey map, and is recognised in the Heritage Appraisal as making 'some contribution to the character of the application site'. Officers note that this boundary wall is not identified as a 'positive landmark' or 'strong means of enclosure' in the Visual Analysis of the Langford Lane Wharf Conservation Area. However, this wall is considered to be of some architectural interest and makes a positive contribution to the Langford Wharf Conservation Area.

Other structures

- 8.52. Further to the south west of the cottages are two relatively large brick outbuildings which sit in the Langford Wharf Conservation Area. One of these outbuildings is situated adjacent to the canal and is in a relatively dilapidated state. This building appears to have been constructed around the 1950s. Given its relatively young age and its siting away from the other group of buildings, this building is not considered to form part of the historic wharf and is considered to be of limited historic interest.

The building is in a dilapidated state and overall officers consider that this building makes a negative contribution towards to Langford Wharf Conservation Area.

- 8.53. The current proposals include the demolition of this building which in light of the above is considered acceptable. That said, part of the building is formed by the historic wall which runs along the south eastern boundary of the site. It is proposed to retain the wall but the gable element built on top of the original wall will be removed, therefore returning the wall to its original height and appearance. The retention of this part of the wall is welcomed by officers given that this feature makes a positive contribution to the significance of the conservation area. Further details of the removal of this structure are requested as a condition should planning permission be granted in order to preserve the appearance of this wall.
- 8.54. The other building is sited at the entrance to the CEMEX site. The Heritage Impact Assessment submitted on behalf of the applicant states that this building is of 20th Century construction and of limited to no historical significance, and is not highlighted as being a positive landmark or contributing to the appearance or character of the conservation area in the Kidlington Conservation Area Appraisal. However, when looking at historical mapping, a building on a relatively similar footprint to the existing building appears to be displayed on an 1875 map therefore there is some possibility that this building pre-dates 1875. That said, when viewing historic mapping, it appears that this building fronted the original Langford Lane and was separated from the Wharf. Given this and the distance of this building away from the other canal buildings referred to above, it is possible that there was no direct physical relationship between this building and the canal. Officers also do not consider the building to be of any special architectural interest. Thus, given the above and that the building is not a designated heritage asset or non-designated heritage asset, officers consider that this building has a neutral impact upon the significance of the Langford Wharf Conservation Area. This building is proposed to be demolished, which in light of the above is considered acceptable.
- 8.55. There is a large hopper to the west of the site, which just sits outside the Langford Wharf and Oxford Canal Conservation Areas, and this modern industrial structure is considered to be an alien feature within the locality. This structure is highly visible from Banbury Road Canal Bridge to the north east of the site and the towpath and is considered to dominate the Langford Wharf Conservation Area, to the detriment of its historical significance.
- 8.56. The removal of the hopper is proposed as part of this application and this is considered acceptable. However, whether the replacement of the hopper with this residential development would provide an enhancement to this southern section of the Langford Wharf Conservation Area will be discussed below.
- 8.57. There is also a pair of timber domestic sheds within a private garden space to the southwest of the stone shed. Given the temporary nature and small scale of these buildings, these are considered to have a neutral impact upon the Conservation Area. Thus, their proposed removal is considered to be acceptable and not cause harm to the Langford Wharf Conservation Area.
- 8.58. Other than the three structures to be demolished as discussed above, the only other structure due to be removed is the 1.8m high red brick wall lying to the north-west of the Stone Shed, which it is in close proximity too and runs parallel with. It appears from historic mapping that this formed part of a larger wall which connected with the south western gable of the coal shed and it provided a sense of enclosure. Given the relatively poor condition of the wall and that most of it has been removed, it is difficult to understand that this once provided such a sense of enclosure and the removal of this feature is considered acceptable.

New development proposed

- 8.59. The Kidlington Conservation Area Appraisal notes that views up the canal in a north east direction (towards the coal shed, stone shed and the cottages) contribute positively to the conservation area's character. However, the south western end of the Langford Wharf Conservation Area (which includes the two red brick buildings to the south east of the site and the hopper) is noted as being an area requiring enhancement. In addition, the Kidlington Conservation Area Appraisal notes that the canal and associated towpath and grass verge provides both a focus and creates a sense of openness within the area.
- 8.60. There is currently not a strong street pattern, especially as the existing buildings were constructed adjacent to the pre-existing highway of Langford Lane which has now moved further north.
- 8.61. The overall arrangement of the proposed dwellings presents a regular frontage to the Oxford Canal with rear gardens to the properties running onto the canal boundary. The rear elevations of these buildings face towards the canal and have been given the appearance of principal elevations of canal warehouse type buildings, but they have been reinterpreted in a contemporary manner. As these proposed dwellings would run adjacent to the canal and would not be set back too far from this waterway, this would be somewhat characteristic of such warehouse buildings which have a link with the canal. Officers consider that such a design approach is an acceptable solution given the context.
- 8.62. It is proposed to retain the walling along the south east boundary of the site. This existing walling would serve as the rear boundary treatment for the proposed dwellings. The only new means of enclosure to the rear of these properties would be a 1.1m metre post and rail timber fence set behind existing vegetation about 2m high therefore this would not create a hard and unattractive boundary along the towpath.
- 8.63. The Conservation Officer has raised concerns that the buildings do not directly address the canal, but that they sit behind the existing walling on the south east boundary. However, as noted, this wall is considered to make a positive contribution to the conservation area therefore its removal to create a scheme which directly addresses the harm would result in some harm to the significance of this conservation area. This is considered to be an acceptable solution, given that these buildings are still relatively close to the canal and face towards it, and because the wall would be maintained.
- 8.64. Notwithstanding the above, it is still considered to necessary to prevent the rear gardens from appearing overly domestic to give the impression that these are warehouse buildings. As the gardens would be visible from the canal it is considered necessary to remove the permitted development rights for outbuildings within the gardens of these buildings and preserve the openness between these buildings and the canal. Close boarded fencing is proposed to divide the rear gardens of these properties, and whilst such a material is rather uninspiring the need to divide the gardens is understood and the fencing would be mostly set behind the means of enclosure on the south east boundary of the site. However, it is considered necessary to remove permitted development rights for new means of enclosure on the site so as to prevent these gardens from appearing overly-domestic.
- 8.65. In terms of visibility from Langford Lane, these dwellings would be set back from this highway and set behind landscaping therefore these dwellings would not be highly prominent from Langford Lane. Sheds are proposed to the front of each dwelling and these would store bins and bicycles. These structures would also not be highly

visible from Langford Lane given the scale and siting of these structures. Furthermore, this arrangement would screen such domestic features from the towpath. Thus, this arrangement is considered acceptable.

- 8.66. The entrance to the site is due to be reconfigured, and as such, this will impact upon the existing wall delineating the north western boundary of the site. The access to serve the proposed dwellings will result in the partial demolition of this structure, so will the inclusion of a pump station. As noted above, this structure is considered to make a positive contribution to the Langford Wharf Conservation Area as it is of architectural and historic interest. Thus, the partial loss of this wall would result in some harm to the significance of the Langford Wharf Conservation Area. However, this harm is considered to be limited given as the partial removal of this feature is not considered to undermine the understanding of this site as a former industrial hub that was connected to the canal. It is worthwhile noting that this wall is not listed, nor is it considered to be labelled as a positive landmark in the Kidlington Conservation Area Appraisal. The relatively small pump station that is proposed next to this wall is considered acceptable given its location screened from Langford Lane by vegetation and its relatively small scale.
- 8.67. A new 1.2 metre high stone wall is proposed on part of the north west boundary of the site near the entrance to the boaters' car park. It is noted that this wall would be constructed in stone to match the existing north western stone wall, and that stone from the partial-demolition of the existing north west wall to form the access for the dwellings will be used in the construction in this new wall. As this feature would be set back from Langford Lane and would use similar materials to the existing wall it is proposed to run linear to, Officers consider this element to be acceptable subject to an appropriate stone sample panel.
- 8.68. The new section of 0.7 metre high stone wall proposed at the north eastern corner of the site would have a negligible impact upon the significance of the conservation area given that similar materials to existing in the locality are to be used and due to the small scale of this wall.
- 8.69. A bin collection point is proposed close to the visitor entrance which would be screened from the road serving the access by an existing wall along the north western boundary and proposed hedging. Furthermore, bin collection area would be screened by the existing dwellings from the towpath. The siting of this bin collection point is therefore considered acceptable.
- 8.70. A timber walled boaters' bin area is proposed immediately to the east of the boaters' car park. This structure would be relatively small and screened from the towpath by existing dwellings. Furthermore, this structure would be screened from Langford Lane by the proposed stone wall and vegetation. This is considered to be acceptable
- 8.71. The level of hard surfacing proposed in the site is considered to be appropriate and would not result in the site becoming too urbanised in this semi-rural location. A layby is proposed outside of the site for a refuse vehicle to use (in connection with the pump station), but again, this feature is not considered to have an undesirable urbanising effect.
- 8.72. The Council's Landscape Officer has requested certain amendments to the trees and planting mixes proposed in the landscape plan, for example the removal of one species is recommended so as to prevent potential root disturbance to paths. Given this an amended landscaping scheme is will be recommended as a condition should planning permission be granted.

- 8.73. The Landscape Officer has also requested a cross-sectional detail of the swale to ensure the gradients are not too steep, just in case standing water proposes a threat to children and the gradients need to be shallow. Details of the swale can be requested in a condition requesting plans of the land levels.
- 8.74. Your officers consider that these dwellings would sit comfortably on the site and would provide a good standard of amenity for future occupiers in terms of the garden space and living space proposed.
- 8.75. In terms of scale, six of the dwellings would be of a two storey scale, whilst four of the dwellings at the south western end of the site would be at three storey scale. The scale of these buildings would not be uncharacteristic for canal warehouse buildings which tend to vary in scale. Furthermore, the two storey buildings would be sited closer to the two storey cottage building to the north east of the site, whilst the three storey building would be sited further away from this cottage and closer to warehouses and offices, some of which are three storeys in scale.
- 8.76. In terms of the appearance of the dwellings, as noted before, there are 6 two storey dwellings to the north east and 4 three storey dwellings to the south west. These two different sets of buildings are proposed to be constructed from different materials so as to appear as two different stages of canal side development and give the scheme a more organic appearance. The use of a red brick is considered to be appropriate given that most traditional canal buildings on this stretch of the Oxford Canal tend to be constructed from red brick or stone.
- 8.77. Your officers agree with the Conservation Officer that the design could have been even more innovative, for example the loading gables typically found on canal buildings could have provided a great opportunity to add interest to the facades in a contemporary way. That said, officers still consider that the design of the dwellings is of a relatively high quality, especially because they would respect the historic context they would be situated within. The removal of permitted development rights for extensions to these buildings is recommended to maintain the appearance of warehouse buildings.
- 8.78. In terms of the impact upon the Langford Wharf and Oxford Canal Conservation Areas, the nearest dwelling would be sited over 25 metres away from the existing cottages and this would be two storey in height. The three storey dwellings would be sited further away from these cottages. No dwellings are proposed between the cottages and any of the existing outhouses. Given the scale and the siting of the proposed dwellings, it is considered that these dwellings would not over-dominate the historic structures to the north east.
- 8.79. Given that the proposed dwellings would be set back from the canal and not in between the group of historic buildings to be remained, your officers consider that the positive views north-west view up the canal (identified in the Kidlington Wharf Conservation Area Appraisal) would not be unduly compromised. Furthermore this would retain the visual connection between this set of existing buildings so one can still understand the history and evolution of the site.
- 8.80. Thus, there would be some harm to the significance of the Langford Wharf Conservation Area with the loss of the historical connection between the washhouse and cottages as well as with the loss of a section of the north western wall on the site. As a result of this, and despite there being no other harm to the significance of the Langford Wharf Conservation Area, there would be some degree of conflict with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1. However, Policy ESD15 refers the decision maker to the NPPF. As stated already, Paragraph 196 of the NPPF informs the decision maker that where there is less than substantial harm

to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 8.81. In this case, the proposal would provide the public benefit of the long term viable use for the washhouse building. Furthermore, the loss of the concrete batching plant use with its large hopper and the replacement of it with the proposed development would remove the modern industrial setting to the Langford Wharf Conservation Area which made a negative contribution to the significance of this conservation area and its setting. Officers consider that the proposed development that would replace this use would provide the Langford Conservation Area with a more tranquil setting and a form of built development which is much more sympathetic to the setting of this conservation area.
- 8.82. Regarding the area displayed in the Kidlington Conservation Area appraisal as requiring enhancement to the south west of the site, this would be re-organised as part of the development. Officers consider the removal of some of the untreated vegetation within this outlined area would lead to some environmental enhancements, as would the removal of former dilapidated British Water Ways building. It is considered that the proposed use would more likely lead to the ongoing maintenance of this part of the site and a condition has been attached requesting full details of how this site would be maintained and managed.
- 8.83. In addition, the Kidlington Masterplan displays that the application site is within the 'northern gateway' area, which and the Masterplan encourages public realm improvements at the entrance to the settlement including improved views and access onto the Canal and Langford Lane Wharf Conservation Area. Furthermore, the Kidlington Masterplan encourages the upgrading of the Oxford Canal tow path so as to present opportunities for improved walking and cycling for leisure activities and commuting into Oxford.
- 8.84. Development can therefore have the potential to provide enhancements to this gateway area. As noted above, the proposal is considered to result in an overall enhancement to the area displayed as requiring enhancement in the Kidlington Conservation Area Appraisal and it is also considered to enhance the south west setting of the Kidlington Wharf Conservation Area. The environmental improvements along this part of the canal route running through the settlement will assist in creating a more attractive route for people to use.
- 8.85. There would be some harm with the partial loss of the north western wall and the loss of the historic connection between the washhouse and the cottages. However, there would be public benefits due to environmental improvements as a result of the proposal, these being securing the viable use of outbuildings which make a positive contribution to the Langford Warf Conservation Area, the enhancement of the south western setting of the Langford Wharf Conservation Area as well as enhancement of the south western section of the Langford Wharf Conservation Area. In addition the environmental improvements along this part of the Oxford Canal would assist in creating a more attractive route for people to use, in line with the aims of the Kidlington Masterplan and would therefore enhance the setting of the Oxford Canal Conservation Area too. These public benefits are considered to significantly outweigh the identified harm to the significance of the Langford Wharf Conservation Area and overall therefore the proposal accords with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1.
- 8.86. In addition to the above, it is also considered that the overall scheme would not cause harm to the visual amenities of the locality.

Impact upon the Setting and Significance of the Nearby Locally Listed Building

- 8.87. Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the duty of Local Planning Authorities (when considering whether to grant planning permission for development which affects a listed building or its setting) to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.88. Paragraph 197 of the NPPF states that: *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 8.89. Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 states that new developments should, conserve and enhance non-designated heritage assets and that: *“Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG.”*
- 8.90. To the north of the site is the locally listed building of 1 and 3 Langford Lane Wharf. As noted previously, this two storey building serves as a reminder of the commercial nature of the area. The building is considered to be of illustrative historical value and architectural value. The Kidlington Conservation Area Appraisal notes that the cottages are occasionally blighted by the dust from the concrete batching site next door.
- 8.91. In terms of the impact of the proposed development upon this non-designated heritage asset, as noted before, the nearest dwelling would be sited over 25 metres away from the existing cottages and this would be two storey in height. The three storey dwellings would be sited further away from these cottages. The dwellings would also be set back from the canal towpath so as to allow north easterly views of this cottage from the towpath. These proposed dwellings would also not be sited between the outbuildings to be retained which used to serve the canal and the cottages. Thus, given the scale and the siting of the proposed dwellings, it is considered that these dwellings would not over-dominate this locally listed building, nor materially alter the historical understanding of the former canal courtyard.
- 8.92. The hard landscaping proposed, including the path between the cottages and the proposed dwellings and the walling, is not considered to result in the site becoming too urbanised in this semi-rural location and therefore it is considered that this hard landscaping would not materially alter the semi-rural setting these cottages are appreciated within.
- 8.93. Thus, the majority of the proposal would not cause harm to the significance of this locally listed building or its setting. However, the subdivision of the washhouse, as noted above, would erode the historic understanding between the washhouse and the workers’ cottages. This is considered to cause some harm to the setting of the workers’ cottages and thereby some harm to the significance of this non-designated heritage asset. Thus, there would be some degree of conflict with Policy ESD15 here. However, as noted already, the policy refers to the decision maker to the NPPF and Paragraph 196 of the NPPF informs the decision maker that where there is less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 8.94. In this case, and as alluded to above, the proposal would result in the retention of this washhouse building, which is welcomed given that it is of some historical and architectural value and it makes a positive contribution to the Langford Wharf Conservation Area, as well as the significance and setting of this locally listed

building. Thus, the proposal would secure the long term retention of this building and this public benefit is considered to outweigh the limited harm to the significance of this non-designated heritage asset (and the consequent slight conflict with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1).

Residential Amenity

- 8.95. Policy ESD15 of the Cherwell Local Plan Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph B.42 in the Cherwell Local Plan Part 1 states that: *“In all cases very careful consideration should be given to locating employment and housing in close proximity and unacceptable adverse effects on the amenity of residential property will not be permitted.”*
- 8.96. Paragraph 127 of the NPPF also notes that planning decisions should ensure that developments seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.97. Saved Policy C30 of the Cherwell Local Plan 1996 seeks to ensure: *“That new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the LPA.”*
- 8.98. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.
- 8.99. Paragraph 180 of the NPPF states that: *“Planning policies and 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:*
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;*
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and*
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*
- 8.93. Paragraph 182 of the NPPF goes on to state that planning decisions: *“Should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.”*
- 8.100. Paragraph 123 of the NPPF states that: *“Planning policies and decisions should aim to:*

- *avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.”*

8.101. The PPG adds to the above to state that in relation to observed effect levels:

- *”Significant observed adverse effect level: This is the level of noise exposure above which significant adverse effects on health and quality of life occur.*
- *Lowest observed adverse effect level: this is the level of noise exposure above which adverse effects on health and quality of life can be detected.*
- *No observed effect level: this is the level of noise exposure below which no effect at all on health or quality of life can be detected.”*

8.102. In relation to noise experienced by the potential occupiers of the development, the site is within relatively close proximity to a number of commercial uses. For example, Essentra Components, which has consent as a B8 use (storage and distribution) is located directly to the south west of the site, whilst further to the south west and across the Oxford Canal to the south east, there are a mixture of uses in B1 (business), B2 (general storage) and B8 uses. Thus, there is potential for nearby commercial uses to impact upon the amenities of these neighbouring properties. The site is also within relatively close proximity to the well use railway line.

8.103. Given this, a noise appraisal (which has been subject to revisions) has been submitted alongside the planning application. Monitoring was carried out at a single position on the site, within the former British Waterways operation yard, and this was carried out over a week. Levels were recorded in 15 minute samples, with the purpose of determining the equivalent continuous sound level LAeq, and the percentile LA90 (background noise level).

8.104. BS8233:2014 sets out desirable indoor ambient noise levels for dwellings (based on guidelines issued by WHO), for example for bedrooms these are 35dB between 07:00 to 23:00 and 30dB between 23:00 to 07:00. With respect to external amenity space such as gardens and patios, BS8233:2014 sets out that it is desirable for external noise levels not to exceed 50dB, with an upper guideline of 55dB, which would be acceptable in noisier environments

8.105. Between 7AM and 11PM, the highest hourly average level was recorded on a Thursday at 59.6db, whilst the lowest hourly average level was recorded on Friday at 48.6db. Between 11PM and 7AM the highest hourly average level was recorded on Tuesday at 53.9db, whilst the lowest hourly average level was recorded on Friday 46.3db.

8.106. Based on this, the noise appraisal states that the noise levels on the site should be classed as Lowest Observable Effect Level at this moment in time. However, the noise appraisal goes on to note that the noise climate across the site is dominated by the Cemex works when this is in operation. The noise appraisal states that whilst there are light industrial units present on the opposite side of the canal, no noisy works appear to be taking place in these units. The noise appraisal implies that the removal of the Cemex plant as part of the development will materially reduce the noise on the application site. It is stated that once this Cemex plant is removed, guideline values for external noise levels should be achieved. The noise appraisal

also notes that even if the weekday levels were up to 55dB, the internal noise criteria of BS8233:2014 would be adequately met with standard double glazed windows. The noise appraisal then concludes that with the removal of the Cemex site, it is highly likely that the noise levels on the site would be reclassified as No Observed Effect Level.

8.107. The Council's Environmental Protection Officer has raised concerns with a number of matters with the noise appraisal.

8.108. The Environmental Protection Officer has noted that it is unclear from the assessment what contribution the commercial/industrial units make during normal working hours towards the level of noise on the site. This is because the Cemex plant skews the result on the site. Furthermore the Environmental Protection Officer has stated that there is a lack of detail of the surrounding uses in the locality, for example their operations and their times of operation.

8.109. The applicant has responded on these matters stating that the uses across the canal are small business units (some in B2 uses) which are used for a variety of activities including car repairs. The applicant notes that these businesses face away from the site and have blank rear walls backing onto the canal, and as a consequence noise generated from their activities is not directed towards the site. It is noted that only a car park belonging to Essentra is on the south west boundary of the site and that the main HGV do enter or leave the Essentra site from the east, but off Langford Locks to the west.

8.110. However, unfortunately, the applicant has not provided specific details on the neighbouring uses. That said, having visited the site, officers are in agreement with the general description of activities taking place surrounding the site.

8.111. Regarding information about the noise during working hours on weekdays, the applicant has not provided a further assessment when the Cemex plant is not operating. Officers find this somewhat unfortunate, especially given that the Cemex site is within the control of the applicant. This would have provided for a more accurate understanding of the level of noise that could be experienced by the potential occupiers. The applicant has maintained that the Cemex plant is the dominant noise source in the vicinity and the removal of this element would likely make noise levels acceptable for potential occupiers.

8.112. Notwithstanding, even with the Cemex plant in operation the daily average external noise levels recorded on the site are very much close to the 55dB desirable noise level for external amenity space. Having visited the site on numerous occasions, Officers are of the opinion that the Cemex plant provides a great amount of noise on the site and it is considered that the removal of the Cemex plant would likely provide satisfactory noise levels for external amenity space.

8.113. With respect to internal spaces, the appraisal shows average daily levels ranging between 48.6dB to 59.6dB, whilst average night time ranged between 56.3dB to 53.9dB and this is with the Cemex plant on the site which, as implied, is clearly audible on the site. The noise assessment states that even if the weekday levels were up to 55dB, the internal noise criteria of BS8233:2014 would be adequately met by use of standard glazing and ventilation (standard trickle vent) configurations, if used in conjunction with masonry cavity wall construction. The noise appraisal states that minimum sound reduction performances of at least 32dB could potentially be achieved. Given that the results are based on the Cemex still being on the site, and this is clearly audible from the site, Officers are content that the desirable internal levels set out in BS8233:2014 can likely be achieved.

- 8.114. Essentra has raised concerns about the location of the noise monitoring equipment and has recommended that monitoring equipment is placed closer to the Essentra site. In response to this, the applicant argued that this would not significantly alter results because the CEMEX operations would remain the dominant noise source in the vicinity. It was also argued by the applicant that the presence of a car park as observed along the site boundary does not present a use which generates high levels of noise and is perfectly compatible with a residential development. Again, as noted before, officers would have preferred to see a noise assessment without the Cemex plant in operation and find this element of the response unfortunate. However, whilst the next door site is likely to result in some noise, notably due to the modest sized car park abutting the boundary of the site (which is noted to be in operation for 24 hours), officers are in general agreement with the applicant that this next door use should not result in unacceptable levels of noise for the occupiers, especially because only a small part of the car park protrudes beyond the front wall line of the nearest proposed dwelling. It is also worth noting that the building on the next door site, which is used for storage and distribution purposes, is over 50 metres away from this site. Furthermore, HGVs do not appear to enter the site on east side of the Essentra building take place within the site (instead this is off Langford Locks to the west).
- 8.115. Essentra has noted that the proposal would impact on operations and considers that the presence of residential development close to their site would restrict their ability to expand their business to the north. As noted above, Officers do not consider that the Essentra use would result in unacceptable levels of noise for the future occupiers. Furthermore, without an approved application for such expansion of the neighbouring business, Officers do not consider that the possibility of expansion being mentioned should be given much weight and justifies the refusal of the application.
- 8.116. However, it is noted that Paragraph 182 of the NPPF looks to prevent existing businesses having unreasonable restrictions placed on them as a result of development permitted after they were established. That said, it is considered that the surrounding commercial uses would not result in unacceptable levels of noise for the future occupiers, especially given the mitigation proposed and therefore officers hold the view that the proposal would not result in unreasonable restrictions on these existing businesses.
- 8.117. Thus, given the above, subject to appropriate mitigation it is considered that the proposal is likely to have no observed effect on the proposed occupiers of the site.
- 8.118. Concerns have been raised about potential noise for the residents of the canal boats and the cottages by third parties as a result of the proposed development. In terms of noise from the residential part of the development, it is worth noting that the site is located amongst other residential uses, these being the canal boats, the cottages and the development at Lakesmere Close directly across the canal. Thus, it is considered that the proposed residential use would not result in materially detrimental levels of noise for neighbouring residential properties.
- 8.119. Concerns have been raised about the positioning of the ELSAN facilities and boaters' store as these could cause disturbance for residential uses nearby. However, officers do not consider there would be much noise generated from the use of such facilities. It is worthwhile noting that there is activity along the canal already, especially because there is a towpath adjacent to the site.
- 8.120. There is potential for noise from the construction phase, but such noise would be short lived and the Council can take action against statutory nuisance under separate Environmental legislation, if required.

- 8.121. Given the distance of the proposed dwellings from the cottages (approximately 25 metres away at the closest point) and given that the proposed dwellings would be set to the side of these cottages it is considered that the proposed dwellings would not cause undue harm to these cottages in terms of loss of light or the creation of an overbearing effect. Whilst first floor windows are proposed in the north east side of the dwelling at plot 1, when taking into account the separation distance between the cottages and that there are no windows in the south west side elevation of the cottage building, it is also considered that the proposal would not cause undue harm to these cottages in terms of loss of privacy or overlooking. Other structures proposed as part of this development are considered to be sited so as to prevent undue harm to these cottages in terms of loss of light or the creation of an overbearing effect.
- 8.122. Across the Oxford Canal from the site are residential units on Lakesmere Close, but these would be at least over 26 metres away from the proposed dwellings. Thus it is considered that the proposal would not cause undue harm to these dwellings on Lakesmere Close in terms of loss of light, loss of privacy or overlooking, or the creation of an overbearing effect.
- 8.123. A resident of one of the canal boats has raised concerns in relation to overlooking, however given the nature of such accommodation next to a towpath, it is considered that this proposal would not cause undue harm in this respect.
- 8.124. The occupiers of one of the cottages have raised concerns about the location of the doors for the boater stores and ELSAN facilities and the route of the path to the boaters' car park in relation to privacy levels. Whilst Officers understand these concerns, the front gardens of these cottages serve as their only garden space and these are already open to public view along the towpath. Thus, Officers do not consider the new path and the location of the openings to these stores and facilities would cause undue additional harm to these cottages in terms of loss of privacy.
- 8.125. As alluded to further above, it is considered that the proposed dwellings would have an adequate standard of amenity given the size of the rooms within the dwellings as well as the area of garden allocated to each dwelling.

Highway Safety

- 8.126. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *"Be designed to deliver high quality safe...places to live and work in."* This is consistent with Paragraph 110 of the NPPF which states that: *"Developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles."*
- 8.127. The Local Highway Authority (LHA) has raised no objections to the application subject to conditions.
- 8.128. The LHA comments that the proposed site is well positioned on the edge of Kidlington and benefits from close proximity to a variety of employment sites. In addition to this, the site is within walking distance to bus stopes where local services can be accessed.
- 8.129. Due to the location of the site, enabling residents to walk a very short distance to bus stops along Langford Lane, the LHA states that it is necessary that the development bridges the gap between the development and Langford Lane. One of the plans submitted with the application shows a 2m wide pedestrian footpath which links with Langford Lane. However, the LHA has concerns as to how the intended users on the development site would access this proposed footpath and this has not

been made fully clear. The LHA recommends that such a path is created from the entrance to the boater's car parking area to run along the unnamed access road terminating onto Langford Lane. Further details of this can be conditioned and a Section 278 would need to be obtained in order to carry out any offsite works on existing highway.

- 8.130. In relation to the access to the residential dwellings, this has a wider junction radius to the left than the right to enable the type which is presumably intended to facilitate the swept paths of larger vehicles. The LHA states that this arrangement is likely to create visibility constraints to drivers egressing the site, as they would be partially obstructed by parked vehicles in the layby.
- 8.131. That said, the LHA has also commented that this layby is unlikely to be frequently used (as it is proposed for vehicles servicing the boaters' waster facility on a monthly basis). In addition, the LHA has stated that this access road is lightly trafficked, as it only serves the cottages to the east of the site, and would therefore command low speeds. The LHA has therefore noted that the deficient visibility, for when the layby is occupied, is unlikely to be a significant highway safety concern.
- 8.132. In addition, officers consider that this level of obstruction should be limited, especially given how far the parked vehicle would be from this junction. Furthermore, the line where vehicles would give way to those on the public highway would be set in a similar line to the entrance of the layby so officers consider that that parked vehicles in the layby would have a limited effect on the visibility from this junction.
- 8.133. The LHA considers the development in its current form is inappropriate to be offered for Section 38 adoption citing arrangements such as perpendicular parking on streets, width of the shared drive (which is 4.8m rather than 6m) and a lack of service strips. Whilst the Local Highways Authority encourages developers to create layouts that are to an adoptable standard and that will be offered for adoption, the Local Highways Authority do not object to the application on these grounds.
- 8.134. The LHA states that the proposed parking levels for both car and cycles are adequate for the development and do conform to OCC parking standards.
- 8.135. The LHA considers the development quantum is not large enough to trigger the need for a Transport Statement to be submitted in support of a planning application. However, the LHA has requested a condition which displays a site access layout drawing complete with visibility splays on the adjacent highway which meets standards set out in the Manual for Streets. This can be conditioned should planning permission be granted.
- 8.136. The LHA has requested that prior to the occupation of these dwellings, a Travel Information Pack would need to be so as to promote modes of sustainable transport. This can be conditioned should planning permission is granted.
- 8.137. The LHA states that the development would be unlikely to have any significant impact on the local highway. The Local Highways Authority goes on to note that once the construction phase of the proposal has been completed the vehicle movements associated with the proposal are considered minimal.
- 8.138. That said, the LHA has concerns relating to HGV movement during the construction period, and has therefore requested a detailed Construction Traffic Management Plan as a condition in order to outline the various measures that the applicant shall make to ensure that the local highway and adjacent properties are

not affected by the construction. This can be conditioned should permission be granted.

- 8.139. Officers see no reason to disagree with the LHA's assessment and it is therefore considered that the proposal would not cause adverse harm to the safe and efficient operation of the highway network.

Ecological Impact and Trees

- 8.140. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.
- 8.141. Paragraph 170 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on and providing net gains for biodiversity."*
- 8.142. Policy ESD10 of the Cherwell Local Plan Part 1 reflects the requirements of the Framework to ensure protection and enhancement of biodiversity. The Authority also has a legal duty set out in the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that: *"Every public authority must in exercising its functions, must have regard... to the purpose of conserving (including restoring / enhancing) biodiversity."*
- 8.143. Policy ESD11 of the Cherwell Local Plan Part 1 states that: *"Where development is proposed within or adjacent to A Conservation Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement."*
- 8.144. An Ecological Survey has been submitted alongside the application. Comments have been received from the Council's Ecologist. The Council's Ecologist has noted that the application site comprises largely of hardstanding, but that there are habitats of ecological value including a species rich hedgerow which will be lost as a result of the proposal as well as a number of existing trees. The Ecology Officer goes on to note that other habitats of low ecological value which will be lost include amenity grassland, tall ruderal and scrub. The Ecology Officer also stated that legally protected species, including otters and water voles, have been recorded from the canal adjacent to the site.
- 8.145. The Ecological Appraisal notes that the canal adjacent to the site was found to be unsuitable for construction of an otter holt or water vole burrows due to a concrete canal edge in this section. However, the Ecologist has stated that due to the presence of these protected species and the canal adjacent to the site, the Environment Agency pollution prevention guidelines should be followed to avoid pollution of the canal. This will be noted as an informative should planning permission be granted.
- 8.146. The Ecologist has noted that appropriate precautionary measures to safeguard protected species during site clearance have been outlined in the report and they

should be detailed within a Construction Environmental Management Plan (CEMP). This can be conditioned should planning permission be granted.

8.147. The bat survey results did not reveal the presence of roosts within any of the buildings. However, the report states that a low-moderate level of bat foraging and commuting activity was recorded during the surveys of common pipistrelle, soprano pipistrelle and noctule. None of the trees within the site were considered to have any bat roosting potential. The Ecologist has stated that an appropriate level of survey work has been undertaken, however given the roosting potential of the buildings, should these works be delayed beyond a year of the date of the surveys (i.e. by June 2018) then updated surveys may be required to determine if anything has changed. This can be conditioned should planning permission be granted.

8.148. The Ecologist has stated that the detailed external lighting scheme should be sensitively designed to avoid light spillage in particular along the proposed tree lines and existing trees on the western boundary, and adjacent to the canal to avoid impact on foraging/commuting bats given the activity in the site. A lighting scheme can be conditioned should planning permission be granted.

8.149. The Ecologist welcomes the proposed wildflower grassland and swale species within the submitted report. However, the Ecologist has stated that mitigation for loss of the species rich hedgerow should be included in the landscaping plans, through creation of species-rich hedgerow or tree planting. The Ecologist recommends that the proposed hedgerows in the northern part of the site are changed to a species-rich native hedgerow instead of using hornbeam. The Ecologist goes on to note that the proposed landscaping for the western boundary of the site appears to be quite 'gappy' and further planting of native trees and/or a native species rich hedgerow would also be recommended in this location to provide a wildlife corridor. A Landscape and Ecology Management Plan has been recommended as a condition for the reasons above.

8.150. The Ecologist welcomes the provision of bat and bird nesting opportunities within the site. That said, as swifts tend to nest in loose colonies the Ecologist is of the opinion that more than one swift box should be included within the scheme. The Ecologist has noted that bat boxes should also be integrated into the buildings, rather than placed on trees, as they are likely to last far longer. This can be conditioned should planning permission be granted.

8.151. The Ecologist has noted that access for hedgehogs should be provided within the residential gardens to help maintain habitat connectivity. The Ecologist goes on to note that pre-formed gravel boards with a suitable sized hole are available and should be used for the garden boundaries.

8.152. On the matter of trees, Policy ESD10 of the Cherwell Local Plan part 1 requires the protection of trees amongst other ecological requirements. Policy ESD13 of the Cherwell Local Plan Part 1 also encourages the protection of trees and retention of landscape features.

8.153. In relation to other trees on the site the report notes that the development would not impact upon the trees on the site and the Council's Arboricultural Officer has raised no objections to the proposal. It is considered that the scheme for 10 dwellings on the site could be undertaken without causing harm to these other trees within the main body of the site

8.154. A number of trees are proposed to be removed as part of the proposal and after having conducted a site visit officers are of the opinion that the trees proposed to be

removed are not of high amenity value, especially due to their lack of maturity and/or species and have a neutral impact upon the significance of the conservation area.

- 8.155. In relation to the trees proposed to be retained, measures will put in place so that the development would not materially damage these and these are considered.
- 8.156. In relation to trees, a Tree Protection Plan (TPP) has been submitted which refers to an Arboricultural Survey, however this does not appear to have been submitted alongside the application. The Planning Statement supporting the application notes that where possible the existing mature trees have been incorporated into the proposal and that existing trees in proximity to construction activity will be protected in accordance with BS 5837: 2012 'Trees in relation to construction'. This goes on to note that where trees have been retained special 'no dig' construction methods are to be used where the construction zone extends into the root protection areas. The Tree Protection Plan sets out which trees are to be retained and protected, and it shows the root protection area of these trees. The Tree Protection Plan also shows which trees are to be removed.
- 8.157. Having visited the site, officers consider that the trees proposed for removal are not of high amenity value and do not make a valuable contribution to the Langford Wharf Conservation Area, therefore officers hold the view that their removal is acceptable. In relation to the trees proposed to be retained, it is considered that subject to suitable construction methods these trees should not be damaged by the proposal. An Arboricultural Method Statement will therefore be attached as a condition should permission be granted.

Drainage and Flooding Risk

- 8.158. Policy ESD6 of the Cherwell Local Plan Part 1 states that site specific flood risk assessments (FRA) will be required to accompany development proposals of 1 hectare or more located in Flood Zone 1. The site is in Flood Zone 1 and is less than 1 hectare in area therefore an FRA is not required in this instance. It is worth noting that land within Flood Zone 1 is land which has a less than 1 in 1,000 annual probability of river flooding. The Environment Agency has not objected to the application on the grounds of increased flood.
- 8.159. Policy ESD7 of the Cherwell Local Plan Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 8.160. The Local Highways Authority, with the advice of the Oxfordshire County Drainage Department, has stated that a surface water drainage scheme for the site will need to be submitted with a planning application. This matter can be conditioned should planning permission be granted to ensure the satisfactory drainage of the site in the interests of public health and to avoid flooding of adjacent land and property. This will need to be based on sustainable drainage principles and make an assessment of the hydrological and hydro-geological context of the development.
- 8.161. In relation to sewerage infrastructure capacity, Thames Water has raised no objections.
- 8.162. Thus, it is considered that the development and its future users will be safe from flood risk and that the proposal would not increase the flooding risk elsewhere, subject to a drainage strategy.

Potentially Contaminated Land

8.163. Saved Policy ENV12 of the Cherwell Local Plan 1996 states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site and the development is not likely to result in contamination of surface or underground water resources.

8.164. The Council's Environmental Protection Officer has stated that the Ground Investigation Report submitted on behalf of the applicant meets to requirements of a desk study and site walkover. However, the report identifies that further gas monitoring is required and further soil sampling is required to ensure the assessment is compliant with current standards. Thus, further staged contaminated land conditions should be attached should planning permission be granted. The Environment Agency has requested similar conditions.

Planning Obligations

8.165. Policy INF1 of the Local Plan states that: *"Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities."*

8.166. The Authority is also required to ensure that any planning obligation sought meets the following tests, set out at Regulation 122 of the Community Infrastructure Regulations 2010 (as amended):

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

8.167. Policy BSC11 of the Cherwell Local Plan Part 1 states that: *"Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement."*

8.168. With regard to Policy BSC11, this highlights that schemes for 10 or more residential units trigger the requirement for a Local Area for Play (LAP) of a minimum size of 100 square metres of play activity with 300 metres of landscape buffer.

8.169. As 10 dwellings are proposed, this triggers the requirement for a LAP. The Council's Landscape Officer has stated that because the design layout does not allow for the use of a LAP on site, an offsite contribution is required. The Landscape Officer has noted that Brian Close Play Area is the closest play area to the site at approximately 300 metres away to the east (as the crow flies) therefore the refurbishment of this play area is the most sensible choice. The Landscape Officer also notes that this play area is in need of refurbishment and that a commuted sum of £23,068.60, based on the Council's current evidenced based figures, would be welcomed. The Landscape Officer states that the play area is owned and maintained by Kidlington Parish Council, where the sum of money should be directed. At the time of writing, the applicant's agent has raised no objections to this in principle. **A Legal Agreement has been agreed which secures the above requested contribution.**

- 8.170. The Council's Recreation and Health Team initially requested contributions for off-site sports and community provision. However, the Planning Practice Guidance notes that there are specific circumstances where contributions for affordable housing and tariff style section 106 planning obligations should not be sought including for schemes of 10 units or less and which have a maximum combined gross floor space of no more than 1,000 square metres. As the scheme is only for 10 houses, contributions toward off-site sports and community provision are not being sought. The Council's Recreation and Health Team have been made aware of the above and with content with this reasoning.
- 8.171. Whilst acknowledging that local school places are limited, Oxfordshire County Council's School Organisation Officer has not requested contributions given the relatively small scale of the scheme.
- 8.172. **Since the previous resolution by Planning Committee to grant permission a satisfactory Section 106 agreement has been completed.**

Local Finance Considerations

- 8.173. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a Local Planning Authority must have regard to a local finance consideration as far as it is material. This can include payments under the New Homes Bonus. The scheme has the potential to generate £88,248.66 for the Council under current arrangements once the homes are occupied. However, officers recommend that such funding is given only limited weight in decision making in this case given that the payments would have no direct relationship to making this scheme acceptable in planning terms and Government guidance in the PPG states that it is not appropriate to make a decision based on the potential for the development to raise money for a local authority or other Government body.

Other Matters

- 8.174. A third party has raised concerns in relation to land ownership. However, this is not a material planning consideration in this case.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. Paragraph 12 of the NPPF states that: *"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed."* Furthermore, Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*
- 9.3. In relation to the spatial strategy as to where housing should be sited in the district, the proposal seeks planning permission for 'minor' residential development within

the Category A village of Kidlington therefore the proposal would be in compliance with Policy Villages 1 on the Cherwell Local Plan (2011-2031) Part 1.

- 9.4. Moving on to the Council's land based strategy, there is potential conflict with Policy SLE1 of the Cherwell Local Plan (2011-2031) Part 1 in that it would result in the loss of part of an existing (approved) employment site.
- 9.5. In addition to the above, the proposal would also cause *less than substantial* (but limited) harm to the significance of the Langford Wharf Conservation Area with the partial loss north western wall and the loss of the historic connection between the washhouse and the workers' cottages. There would also be *less than substantial* (but limited) harm to the significance and setting of the non-designated heritage asset of the former workers' cottages on Langford Lane with the loss of the historic connection between the washhouse and the cottages. As a result of this, and despite there being no other harm to the significance of the Langford Wharf Conservation Area or the significance and setting of the locally listed building, there would be some degree of conflict with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1.
- 9.6. Despite the degree of conflict with Policy ESD15, this policy refers the decision maker to the NPPF. Paragraph 196 of the NPPF informs the decision maker that where there is *less than substantial* harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 9.7. It is considered that there would be public benefits due to environmental improvements as a result of the proposal, these being securing the viable use of outbuildings which make a positive contribution to the Langford Wharf Conservation Area, the enhancement of the south western setting of the Langford Wharf Conservation Area as well as enhancement of the south western section of this conservation area. In addition, the environmental improvements along this part of the Oxford Canal would assist in creating a more attractive route for people to use, in line with the aims of the Kidlington Masterplan and this would enhance the setting of the Oxford Canal Conservation Area too. The proposal would also make more efficient use of an underused site. In addition, the proposal would bring some social benefits including a contribution to the District's ongoing five year supply, and in general spatial terms the site is well located to the village of Kidlington and its services and facilities which would be accessible by walking and cycling. New development also commonly brings economic benefits including some construction opportunities.
- 9.8. The environmental, economic and social public benefits of the proposal outlined above are considered to convincingly outweigh the limited harm to the significance of the Langford Wharf Conservation Area and the limited harm to the significance and setting of the non-designated heritage asset of the workers' cottages. Thus, these benefits are considered to significantly outweigh the degree of conflict with Policy ESD15.
- 9.9. In relation to compliance with Policy SLE1, the majority of the site is not in an employment use, and the loss of employment land in this case would be relatively limited (~0.1 hectares), and it could be argued that this land would have limited alternative economic use. It is also considered that its change of use would not significantly limit the amount of employment space available either in Kidlington or the district as a whole, nor would it if have a material impact on levels of economic growth in the District. Furthermore, as discussed in Paragraph 9.7 above, it is considered that the proposal would secure environmental improvements, and these are considered to be significant when viewed together. The proposal would also

have economic benefits and social benefits as listed above. Officers consider that together, these environmental improvements and social and economic benefits convincingly outweigh the value of retaining the site in an employment use. The loss of employment land is therefore considered acceptable in this instance. It is therefore considered that the proposal would be in compliance with Policy SLE1 of the Cherwell Local Plan (2011-2031) Part 1.

- 9.10. It is therefore concluded that the proposal constitutes sustainable development and the application is therefore recommended for approval subject to the conditions set out below.

10. **RECOMMENDATION**

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

1. The completed planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991;
2. Conditions relating to the matters detailed below (the exact conditions and the wording of those conditions to be delegated to the Assistant Director for Planning Policy and Development).

Time

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

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

Approved Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Application form submitted with the application;
 - Planning Statement submitted with the application;
 - Heritage Appraisal by Canal & Rivers Trust dated July 2017 submitted with the application;
 - Heritage Impact Assessment and Justification Statement submitted with the application;
 - Transport Report by H2O Urban submitted with the application;
 - Drawing Number 22074-STL-P_001 submitted with the application;
 - Drawing Numbers: 22074-STL-P_005 Revision B; 22074-STL-P_006 Revision A; 22074-STL-P_010 Revision A; 22074-STL-P_011 Revision A; 22074-STL-P_020 Revision A; 22074-STL-P_021 Revision A; 22074-STL-P_022 Revision A; 22074-STL-P_023 Revision A; 22074-STL-P_030 Revision A; 22074-STL-P_035 Revision A; 22074-STL-P_040 Revision A; 22074-STL-P_041 Revision A; 22074-STL-XX-XX-DR-L-ZZZZ-09001 Revision PL04; 22074-STL-XX-XX-DR-L-ZZZZ-09401 Revision PL04; 22074-STL-XX-XX-DR-L-ZZZZ-09402 Revision PL04; 22074-STL-XX-XX-DR-L-ZZZZ-09403 Revision PL04; and 22074-stl-XX-XX-SP-L-4080-SP002 Revision PL04 received from the applicant's agent by e-mail on 7th

November 2017; and

- Design and Access Statement by Stride Treglown dated July 2017 received from the applicant's agent by e-mail on 7th November 2017.

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.

Material Samples

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

Reason: To preserve the significance of the Langford Lane Wharf Conservation Area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Window Details

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

Reason: To preserve the significance of the Langford Lane Wharf Conservation Area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Method of demolition

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

Reason: To preserve the significance of the Langford Lane Wharf Conservation Area, to ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Access Details

6. Prior to the commencement of the development hereby approved, full details of the

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

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

Surface Water Drainage Scheme

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

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ESD6 and ESD7 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

Construction Traffic Management Plan

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

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

Arboricultural Method Statement

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

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping Scheme

10. Notwithstanding the soft landscaping details within Drawing Numbers: 22074-STL-XX-XX-SP-L-4080-SP001-Outline Soft Landscape Specification Revision PL04 dated 26th October 2017 and 2074-STL-XX-XX-DR-L-ZZZZ-09140 Revision PL04

received from the applicant's agent by e-mail on 7th November 2017, no development shall take place until a soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

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

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

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

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) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Levels

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

Reason: To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Construction Environmental Management Plan

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

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

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

External Lighting

13. Prior to the commencement of development hereby approved above slab level, an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting scheme shall be carried out in accordance with the approved details and shall be retained as such thereafter.

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.

Bat and Bird Boxes

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

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

Pedestrian Access

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

Reason: In the interests of sustainability, to ensure a satisfactory form of development and in accordance with Policies PSD1, SLE4 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

Travel Information Pack

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

Reason: In the interests of sustainability, to ensure a satisfactory form of development and in accordance with Policies PSD1, SLE4 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscape Management Plan

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

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

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) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Contamination

18. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. If contamination is found by undertaking the work carried out under condition 18, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

20. If remedial works have been identified in condition 19, the development shall not be occupied until the remedial works have been carried out in accordance with the

scheme approved under condition 19. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Bat Survey

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

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

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.

Foundations

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

Reasons: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Removal of Permitted Development Rights

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

Reason: To preserve the significance of the Langford Lane Wharf Conservation Area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To preserve the significance of the Langford Lane Wharf Conservation Area, to ensure and retain the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
2. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
3. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
4. Due to the presence of protected species and because the Oxford Canal lies adjacent to the site, the Environment Agency pollution prevention guidelines should be followed to avoid pollution of the canal.
5. In relation to condition 14 the Council's Ecology Officer has noted the most effective type of boxes are integrated swift bricks within the walls of the new buildings and the swift conservation officer or the Council's Ecology Officer would be happy to provide further information regarding appropriate locations.
6. In relation to the targeted programme of interpretative historic building survey proposed for the BWB building to the south west of the site, it is recommended that the result of this are submitted to the Historic Environment Record at Oxfordshire County Council.
7. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the

development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.

8. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
9. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
10. In relation to condition 11, the swale will need to be consistent with the drainage plan requested under condition 7.
11. In relation to condition 8 the Construction Traffic Management Plan (CTMP) should incorporate the following in detail:
 - The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities - to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
 - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

12. In relation to condition 7 the drainage scheme should include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features (including details of who will be responsible for maintaining the SUDS & landowner details)
- Sizing of features - attenuation volume
- Infiltration tests to be undertaken in accordance with BRE365
- Detailed drainage layout with pipe numbers (to include direction of flow)
- SUDS (list the suds features mentioned within the FRA to ensure they are carried forward into the detailed drainage strategy)
- Network drainage calculations (to prove that the proposals will work)
- Phasing plans
- Flood Risk Assessment

13. A Section 278 agreement will be required to deliver off-site highway improvement works including a footway between site and Langford Lane.

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

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