

**Committee:** Planning Committee  
**Date:** Thursday 3 October 2013  
**Time:** 4.00 pm  
**Venue:** Bodicote House, Bodicote, Banbury, OX15 4AA

### **Membership**

<b>Councillor Rose Stratford (Chairman)</b>	<b>Councillor Alastair Milne Home (Vice-Chairman)</b>
<b>Councillor Ken Atack</b>	<b>Councillor Andrew Beere</b>
<b>Councillor Fred Blackwell</b>	<b>Councillor Colin Clarke</b>
<b>Councillor Tim Emptage</b>	<b>Councillor Michael Gibbard</b>
<b>Councillor Chris Heath</b>	<b>Councillor David Hughes</b>
<b>Councillor Russell Hurle</b>	<b>Councillor Mike Kerford-Byrnes</b>
<b>Councillor James Macnamara</b>	<b>Councillor D M Pickford</b>
<b>Councillor G A Reynolds</b>	<b>Councillor Gordon Ross</b>
<b>Councillor Trevor Stevens</b>	<b>Councillor Lawrie Stratford</b>

### **Substitutes**

<b>Councillor Diana Edwards</b>	<b>Councillor Andrew Fulljames</b>
<b>Councillor Simon Holland</b>	<b>Councillor Kieron Mallon</b>
<b>Councillor Jon O'Neill</b>	<b>Councillor P A O'Sullivan</b>
<b>Councillor Lynn Pratt</b>	<b>Councillor Nigel Randall</b>
<b>Councillor Nicholas Turner</b>	<b>Councillor Douglas Williamson</b>
<b>Councillor Barry Wood</b>	<b>Councillor Sean Woodcock</b>

## **AGENDA**

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

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

### 3. **Requests to Address the Meeting**

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

### 4. **Urgent Business**

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

### 5. **Minutes** (Pages 1 - 15)

To confirm as a correct record the Minutes of the meeting of the Committee held on 5 September 2013.

## **Planning Applications**

6. **Heyford Park, Camp Road, Upper Heyford** (Pages 19 - 30) **13/00153/DISC**
7. **Banbury Gateway, Acorn Way, Banbury, OX16 3JU** (Pages 31 - 35) **13/00227/F**
8. **The Bishops End, Burdrop, Banbury, OX15 5RQ** (Pages 36 - 43) **13/00781/F**
9. **Deerfields Farm, Canal Lane, Bodicote, OX15 4AD** (Pages 44 - 49) **13/00823/F**
10. **Land North of Bletchingdon Road, Bletchingdon** (Pages 50 - 75) **13/00833/F**
11. **Land North of Willowbank Farm, Fritwell Road, Fewcott** (Pages 76 - 103)  
**13/00944/F**
12. **Land south and adjacent to Cedar House, Souldern** (Pages 104 - 113)  
**13/00984/F**
13. **LR 17 Vicarage Road & LA 26 Webbs Way, Kidlington** (Pages 114 - 124)  
**13/00990/F**
14. **OS Parcel North of Adderbury Court, Oxford Road, Adderbury**  
(Pages 125 - 155) **13/00996/F**
15. **Land at Rowles Farm, Bletchingdon** (Pages 156 - 175) **13/01027/F**
16. **South Lodge, Fringford Road, Caversfield, Bicester**  
(Pages 176 - 227) **13/01056/OUT**
17. **Bicester Golf and Country Club, Akeman St, Chesterton**  
(Pages 228 - 241) **13/01102/F**
18. **Fairway Methodist Church, The Fairway, Banbury**  
(Pages 242 - 248) **13/01153/CDC**

## **Review and Monitoring Reports**

### **19. Decisions Subject to Various Requirements (Pages 249 - 253)**

Report of Head of Public Protection and Development Management

#### **Summary**

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

#### **Recommendations**

The Planning Committee is recommended to:

- (1) Accept the position statement.

### **20. Appeals Progress Report (Pages 254 - 258)**

Report of Head of Public Protection and Development Management

#### **Summary**

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

#### **Recommendations**

The Planning Committee is recommended to:

- (1) Accept the position statement.

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

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwellandsouthnorthants.gov.uk](mailto:democracy@cherwellandsouthnorthants.gov.uk) or 01295 221589 / 01295 227956 prior to the start of the meeting.

### **Declarations of Interest**

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

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

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

### **Evacuation Procedure**

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

### **Access to Meetings**

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

### **Mobile Phones**

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

### **Queries Regarding this Agenda**

Please contact Natasha Clark / Aaron Hetherington, Democratic and Elections  
[natasha.clark@cherwellandsouthnorthants.gov.uk](mailto:natasha.clark@cherwellandsouthnorthants.gov.uk), 01295 221589 /  
[aaron.hetherington@cherwellandsouthnorthants.gov.uk](mailto:aaron.hetherington@cherwellandsouthnorthants.gov.uk), 01295 227956

**Sue Smith**  
**Chief Executive**

Published on Wednesday 25 September 2013

## Cherwell District Council

### Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 5 September 2013 at 4.00 pm

- Present: Councillor Rose Stratford (Chairman)  
Councillor Alastair Milne Home (Vice-Chairman)
- Councillor Ken Atack  
Councillor Andrew Beere  
Councillor Fred Blackwell  
Councillor Colin Clarke  
Councillor Tim Emptage  
Councillor Chris Heath  
Councillor David Hughes  
Councillor Russell Hurle  
Councillor Mike Kerford-Byrnes  
Councillor James Macnamara  
Councillor D M Pickford  
Councillor G A Reynolds  
Councillor Gordon Ross  
Councillor Trevor Stevens  
Councillor Lawrie Stratford
- Substitute Members: Councillor Nigel Randall (In place of Councillor Michael Gibbard)
- Apologies for absence: Councillor Michael Gibbard
- Officers: Bob Duxbury, Development Control Team Leader  
Rebecca Horley, Principal Planning Officer  
Nigel Bell, Team Leader - Planning and Litigation /Deputy Monitoring Officer  
Chris Mace, Trainee Solicitor  
Aaron Hetherington, Democratic and Elections Officer  
Natasha Clark, Team Leader, Democratic and Elections

## 86 Declarations of Interest

### **6. Nell Bridge House, Aynho Road, Adderbury.**

Councillor D M Pickford, Conflict of Interest, as the applicant was known to her and she would not vote on the application..

Councillor David Hughes, Conflict of Interest, as the applicant was known to him.

Councillor Ken Atack, Conflict of Interest, as the applicant was known to him and he would not vote on the application..

Councillor Lawrie Stratford, Conflict of Interest, as the applicant was known to him.

**7. Paddock adjoining south east of 32 Mill Street, Kidlington.**

Councillor Tim Emptage, Non Statutory Interest, as a member of Kidlington Parish Council which had been consulted on the application..

**8. Tesco, Pingle Drive, Bicester.**

Councillor D M Pickford, Conflict of Interest, as a member of Executive..

Councillor G A Reynolds, Conflict of Interest, as a member of Executive.

Councillor Ken Atack, Conflict of Interest, as a member of Executive..

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

**9. Magnolia House, Banbury Road, Bicester.**

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

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

**10. Land adjacent to 53A Hamilton Close, Bicester.**

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

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

**15. 125 Parklands, Banbury, OX16 2TD.**

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

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

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

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

**16. Bicester Town Centre Development, Manorsfield Road, Bicester.**

Councillor D M Pickford, Conflict of Interest, as a member of Executive.

Councillor G A Reynolds, Conflict of Interest, as a member of Executive.

Councillor Ken Atack, Conflict of Interest, as a member of Executive..

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

**17. 1 Bessemer Close, Bicester.**

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

**18. Horton General Hospital, Oxford Road, Banbury OX16 9AL.**

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

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

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

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

87 **Requests to Address the Meeting**

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

88 **Urgent Business**

There was no urgent business.

89 **Minutes**

The Minutes of the meeting held on 8 August 2013 were agreed as a correct record and signed by the Chairman.

90 **Nell Bridge House, Aynho Road, Adderbury**

The Committee considered application 13/00648/F for a replacement 2 storey dwelling.

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

**Resolved**

That application 13/00648/F be refused for the following reason:

1. The proposal is for a new dwelling house sited in the countryside for which there is no essential need for the purposes of agriculture (or related pursuits) or low cost affordable housing. The proposal, therefore, represents sporadic development in the open countryside and will consequentially fail to conserve or enhance this area of high landscape value. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved policies H18, C7, C8, C13 and C28 of the adopted Cherwell Local Plan 1996.

91

**Paddock adjoining south east of 32 Mill Street, Kidlington**

The Committee considered application 13/00750/F for a detached dwelling.

Councillor Maurice Billington addressed the committee as local ward member.

Ian Coleman and Grahame Wareham, the architect and agent, spoke in support of the application.

Councillor Emptage proposed that application 13/00750/F be approved. Councillor Pickford seconded the proposal.

In reaching a decision, the committee considered the officers report, presentation and presentation of the local ward member and public speakers.

**Resolved**

That application 13/00750/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, and drawings numbered: 1204.002, 1204.003 and 1204.004.
3. Prior to the commencement of the development hereby approved, samples of the natural slates to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.
4. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural non-weathered limestone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

5. Prior to the commencement of the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.
6. Prior to the commencement of the development hereby approved, the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.
7. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.
8. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be 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.
9. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
10. Prior to the commencement of the development hereby approved including any demolition or works of site clearance a method statement for the protection of reptiles on site should be prepared and submitted to and approved in writing by the Local Planning Authority. Thereafter all works on site should be carried out in accordance with the approved details.
11. All site clearance (including vegetation removal) shall be timed so as to avoid the bird nesting/breeding season from 1st March to 31st August inclusive.
12. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 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 prior express planning consent of the Local Planning Authority.

13. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the west elevation of the new dwelling without the prior express planning consent of the Local Planning Authority.

92

### **Tesco, Pingle Drive, Bicester**

The Committee considered application 13/00783/ADV for various non-illuminated signage.

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

#### **Resolved**

That application 13/00783/ADV be approved, subject to the following conditions:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form and Drawing Nos; 2043(2113)/P/20, P/21, P/22, P/23 and P/24 submitted with the application.
2. That at the end of the period of 5 years from the date hereof this consent will lapse.

93

### **Magnolia House, Banbury Road, Bicester**

The Committee considered application 13/00795/F for the change of use from C3 to C2.

Shaun Robinson, spokesperson for residents of Taylor Road, spoke in objection to the application.

Paul Cook, the Managing Director of the company, spoke in support of the application.

In reaching their decision the Committee considered the officers' report, written update and presentations of the public speakers.

#### **Resolved**

That application 13/00795/F be approved, subject to the following conditions:

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the site location plan, 3 no. unnumbered drawings submitted with the application and the supporting statement (as amended 16<sup>th</sup> August).
3. Prior to the first occupation of the development hereby approved, a turning area and 4 car parking spaces shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction and vehicles may park off the highway. The turning area and parking spaces shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter the turning area and car parking spaces shall be retained in accordance with this condition for the parking and manoeuvring of vehicles at all times.
4. That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the building without the prior express planning consent of the Local Planning Authority.
5. That the premises shall be used only for purposes to accommodate up to 6 children and/or young people who are in the care of the local authorities and for no other purpose whatsoever including any other C2 use.
6. That the access to Magnolia House from Taylor Close shall be closed for use by vehicles and pedestrians between 21.00 and 08.00 on any day, and a management plan of its vehicular use outside of the above hours shall be submitted to and approved by the Local Planning Authority prior to first use of the building.

94

**Land adjacent to 53A Hamilton Close, Bicester**

The Committee considered application 13/00836/F for a single dwelling.

Mr Bourke-Borrowes, Chairman of North Aston Parish Meeting, spoke in support to the application.

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

**Resolved**

That application 13/00836/F be approved, subject to the following conditions:

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

Drawings: P/13/010/001 Rev B, P/13/010/002 and P/13/010/003

3. Prior to the commencement of the development hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved 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 schedule.
4. Prior to the commencement of the development full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.
5. Prior to the of the construction of the dwelling hereby approved, the proposed means of access between the land and the highway shall be widened to 3 metres and shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance
6. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the turning area and two parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Thereafter, and prior to the first occupation of the development, the turning area and car parking spaces shall be constructed in accordance with the approved details and shall be retained for the parking and manoeuvring of vehicles at all times thereafter.
7. Prior to the commencement of the development hereby approved, full details of the access vision splays, including layout and construction shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the dwelling, the vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be raised or allowed to grow above a maximum height of 0.5m above carriageway level.
8. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be 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.

9. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, brief details of enhancements to be included on site for birds and hedgehogs shall be submitted to and approved in writing by the Local Planning Authority. These should include bird boxes and opportunities for hedgehog hibernation and foraging. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
10. Clearance of ground vegetation shall take place at a time when both reptiles and hedgehogs are active (not late autumn or winter). Vegetation should be cleared methodically in a directional manner from one side of the site to the other and thereafter kept short until post-construction to ensure reptiles are unlikely to be present when construction works begin. Piles of debris and vegetation shall be removed manually to allow any wildlife to escape. During any site clearance and construction best practice with regards to wildlife shall be followed with all trenches and holes covered at night to avoid entrapment.
11. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling, without the prior express planning consent of the Local Planning Authority.

95

### **Land West of the Paddock, Heyford Road, Somerton**

The Committee considered application 13/00894/F for an extension to an existing outbuilding and conversion to single dwelling house.

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

#### **Resolved**

That application 13/00894/F be refused for the following reasons:

1. Somerton is a Category 2 settlement as defined in the Adopted Cherwell Local Plan 1996. Within such settlements, new residential development is restricted to conversions, infilling and small-scale development which can be shown to secure significant environmental improvements. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions as it will erode an established gap to the significant harm to the setting of the adjacent Somerton Conservation Area and to the established settlement pattern of the village. The proposal is therefore contrary to

Government guidance contained within the National Planning Policy Framework and saved policies H14, C23, C27, C28 and C33 of the adopted Cherwell Local Plan 1996.

2. The access from which it is proposed to serve the development is substandard in vision and geometric terms and movements generated as a product of this proposal will result in a detriment to the safety and convenience of other road users contrary to central Government guidance contained within the National Planning Policy Framework.

96

### **Land adjacent to No. 21 The Green, North Aston**

The Committee considered application 13/00962/F for the erection of 1 No. detached cottage and garaging, removal of self-seeded trees and installation of a private foul drainage system.

Mr Bourke-Borrowes, Chairman of the North Aston Parish Meeting, addressed the committee in support to the application.

Councillor Macnamara proposed that application 13/00962/F be approved. Councillor Kerford-Byrnes seconded the proposal. The proposal was voted on and subsequently lost.

Councillor Stratford proposed that application 13/00962/F be refused. Councillor Clarke seconded the proposal.

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

### **Resolved**

That application 13/00962/F be refused for the following reasons:

1. North Aston is identified as a Category 3 settlement in the adopted Cherwell Local Plan. Policy H15 states that within such settlements new residential development will be restricted to the conversion of suitable non-residential buildings or new dwellings where an essential need for agriculture, or other existing undertaking, can be established. It is the opinion of the Local Planning Authority that the proposal does not accord with these provisions and that it would be unsympathetic to its rural context and will neither preserve nor enhance the character and appearance of the Conservation Area, contrary to Policies H15 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
2. The access from which it is proposed to serve the development is substandard in vision and geometric terms, movements generated as a product of the proposal will result in a detriment to the safety and convenience of other road users contrary to Government guidance contained within the National Planning Policy Framework

97 **Land south and adjacent to Cedar House, Souldern**

The committee considered application 13/00984/F for 1 no. stone dwelling with parking area.

Councillor Macnamara proposed that consideration of application 13/00984/F be deferred for a formal site visit. Councillor Kerford-Byrnes seconded the proposal.

**Resolved**

That application 13/00984/F be deferred for a formal site visit.

98 **The Village Nursery, Shenington Gliding Club, Shenington**

The committee considered application 13/00985/F, which was a resubmission of 13/00475/F, for a proposed portable building to form new facilities for The Village Nursery with associated car parking.

Justine Malachard, local resident, spoke in support of the application.

Councillor Reynolds proposed that application 13/00985/F be approved. Councillor Randall seconded the proposal.

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

**Resolved**

That application 13/00985/F be approved, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms and drawings numbered: 001, 002, 102, 102 Rev A and 103 Rev A received 01 July 2013.
3. At the expiration of 10 years from the date hereof the building shall be removed from the site and the land shall be restored to its former condition on or before that date.
4. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, 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.

5. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

99 **125 Parklands, Banbury, OX16 2TD**

The Committee considered application 13/01003/F for a two storey and single storey side extension and 1.8m high close boarded fence around rear parking space.

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

**Resolved**

That application 13/01003/F be approved, subject to the following conditions:

1. That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing No. 002, 004 and 005.

100 **Bicester Town Centre Development, Manorsfield Road, Bicester**

The committee considered application 13/01020/ADV for various signage (49 No. non illuminated and 2 No. illuminated).

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

**Resolved**

That application 13/01020/ADV be approved subject to:

- (i) the expiration of the consultation period (10<sup>th</sup> September), and
- (ii) the following conditions:
  1. At the end of a period of five years form the date of this decision, this consent for the display of advertisements will lapse.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Drawing nos. 04075/P7-03 and 04 and the Schedule received with the application.
3. (a) No advertisement shall be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.  
  
(b) No advertisement shall be sited or displayed so as to:-
  - (i) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
  - (ii) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
  - (iii) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.  
(c) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.  
  
(d) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.  
  
(e) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
4. The maximum luminance of the 2 No. internally illuminated signs hereby approved shall not exceed 100 cds per sqm.

101 **1 Bessemer Close, Bicester**

The Committee considered application 13/01071/F for 6 no. lighting columns on car park.

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

**Resolved**

That application 13/01071/F be approved subject to the following:

1. The development to which this permission relates shall be begun not later than the expiration of one year beginning with the date of this permission.
2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and

documents: Application forms, Design and Access statement and drawings numbered:

- 7928-0435-K-33 Rev B

3. That the premises shall be used only for purposes falling within Class B8 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever.
4. That no power-driven machinery or equipment shall be operated or used in the building or on the site except during the following times:-

Monday-Friday - 8.30 a.m. to 6.00 p.m.

Saturday - 8.30 a.m. to 1.00 p.m.

Sunday and Public Holidays - No time.

## 102 **Horton General Hospital, Oxford Road, Banbury OX16 9AL**

The Committee considered application 13/01082/F for the provision of 3 no. proprietary smoking shelters.

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

### **Resolved**

That application 13/01082/F be approved subject to the following conditions:

1. That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing No. PS Rev A dated July 2013 and 6355.001.

## 103 **Decisions Subject to Various Requirements**

The Committee considered a report which updated Members on decisions which were subject to various requirements.

### **Resolved**

- (1) That the position statement be accepted

## 104 **Appeals Progress Report**

The Committee considered a report which updated Members on application which had been determined by the Council, where new appeals had been lodged, hearings scheduled or appeal results achieved.

**Resolved**

- (1) That the position statement be accepted

The meeting ended at 7.00 pm

Chairman:

Date:

### PLANNING COMMITTEE

3 October 2013

#### PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

#### **Human Rights Implications**

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

#### **Background Papers**

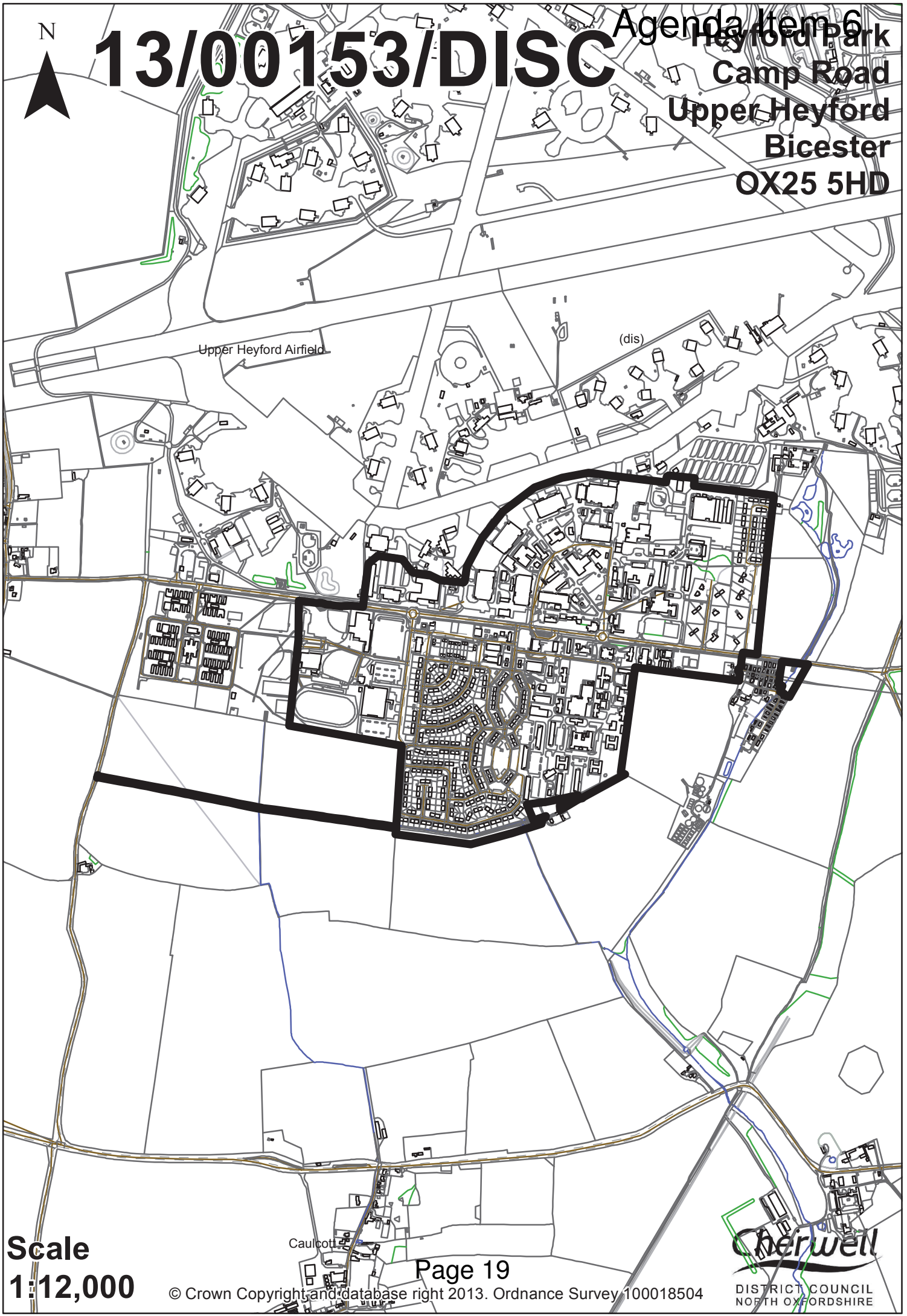
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

## Applications

	<b>Site</b>	<b>Application No.</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
6	Heyford Park, Camp Road, Upper Heyford	13/00153/DISC	The Astons and Heyfords	Approval	Andrew Lewis/ Clare Mitchell
7	Banbury Gateway, Acorn Way, Banbury, OX16 3JU	13/00227/F	Banbury Grimsbury & Castle	Reaffirm previous decision made on 16 <sup>th</sup> May 2013	Graham Wyatt
8	The Bishops End, Burdrop, Banbury, OX15 5RQ	13/00781/F	Sibford Gower	Approval	Graham Wyatt
9	Deerfields Farm, Canal Lane, Bodicote, OX15 4AD	13/00823/F	Bloxham and Bodicote	Refuse	Graham Wyatt
10	Land North of Bletchingdon Road, Bletchingdon	13/00833/F	Kirtlington	Approval	Paul Ihringer
11	Land North of Willowbank Farm, Fritwell Road, Fewcott	13/00944/F	Caversfield	Approval	Caroline Roche
12	Land south and adjacent to Cedar House, Souldern	13/00984/F	The Astons and Heyfords	Refusal	Laura Bailey
13	LR 17 Vicarage Road & LA 26 Webbs Way, Kidlington	13/00990/F	Kidlington North	Refusal	Bob Duxbury
14	OS Parcel North of Adderbury Court, Oxford Road, Adderbury	13/00996/F	Adderbury	Refusal	Tracey Morrissey
15	Land at Rowles Farm, Bletchingdon	13/01027/F	Kirtlington	Approval	Paul Ihringer
16	South Lodge, Fringford Road, Caversfield, Bicester	13/01056/OUT	Caversfield	Refusal	Rebecca Horley

17	Bicester Golf and Country Club Akeman St, Chesterton	13/01102/F	Ambrosden & Chesterton	Approval	Rebecca Horley
18	Fairway Methodist Church, The Fairway, Banbury	13/01153/CDC	Banbury Ruscote	Approval	Rebekah Morgan

# 13/00153/DISC



Scale  
1:12,000

**Site Address:**

Heyford Park  
Camp Road  
Upper Heyford

**Ref: 13/00153/DISC**

**Ward:** The Astons and Heyfords

**District Councillors:** Councillor Mike Kerford-Byrnes  
and Councillor James Macnamara

**Case Officer:** Andrew Lewis/Clare Mitchell

**Recommendation:** Approval

**Applicant:** Bovis Homes Ltd And Dorchester Group Ltd

**Application Description:** Discharge of Condition 8 of 10/01642/OUT (Design Codes)

**Committee Referral:** Major/ Design Code

**1. Site Description and Proposed Development**

1.1 The application site for this proposal is part of the former RAF/USAF Upper Heyford base. It is identified on the appended site plan and measures approximately 76.3 hectares in size, the Heyford base being approximately 505 hectares in total. This application covers the Technical and Residential Areas, including the Service and Recreational Zone, as defined within the Conservation appraisal.

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

1.3 In the Conservation Area Appraisal, the character of the Technical Area is described as:

“... characterised by the ‘campus’ layout of deliberately sited, mix function buildings, in an open setting with organised tree planting. The variation in building type is both a function of their differing use and the fact that there has been continual construction within the site as part of the different phases of development within the airbase. The setting of the 1930s aircraft hangers in an arc on the northern edge of the site provides a visual and physical edge to the site. The access to the Technical Site is dominated by Guardroom (100) and Station Office (52). To the east of these is the impressive 1920s Officers’ Mess(74) set within its own lawns. The style of these 1920s, red brick, RAF buildings is British Military.”

1.4 The Residential area is broken up into various sub zones. North of Camp Road are the RAF Officer’s Married Area (Category 10A) and the Airmen’s Housing and Bungalows (Category 10C). And to the South of Camp Road another area of Airmen’s Housing and Bungalows (Category 10C) and the RAF Domestic and Residential Section (Category 10B).

They are described in the appraisal as:

“10A Original RAF Officers’ Residential Section-The area is characterised by the 1920s red brick buildings, in a ‘leafy suburb’ setting of grass and organised tree planting. The low-density setting of the original buildings is

perpetuated in the buildings built adjacent in the 1950s.

10C Airmen's Housing and Bungalows- To the east of the Parade Ground is Carswell Circle (datestone 1925) short terraces of garden city style rendered buildings located originally in an open setting. The later southern second circle is a marriage of an open setting with the prevailing house design styles of the 1940s-50s. Red brick, estate house, smaller cousins to the officers' housing built on Larsen Road. There are a number of areas covered in the prefabricated bungalows; south of Camp Road and north of Larsen Road. There is a perfunctory attempt at landscaping, but the monotony of repeated structures is unrelenting. The bungalows themselves are functional but have no architectural merit.

10B RAF Domestic and Residential Section- The 1920s, red brick, RAF buildings to the south of Camp Road are laid out around and orientated towards the parade ground. The style of the buildings within the area is again British Military and because of their grid-like orientation the area has a strong 'campus' character distinct from the Technical Site to the north on the other side of the road. The area immediately south of the parade ground was developed during the period of RAF expansion in the 1930s. The area is dominated by the Institute (488) and H blocks (489, 498 and 500) set around it. This area has a coherent character distinct from the 1920s buildings. The general 'military architect' character of the area has been diluted by post-war alterations."

1.5 Also within the application site is a small area (Category 10E), School and Other Prefabricated Buildings which consists of a limited group of prefabricated buildings to the east of the 1920s parade ground. (The old school is in another area west of the application site).

1.6 A final category is the Service and Recreational Area (Category 10D) to the south of Camp Road and west of the residential area. It is described as:

"10D Service & Recreational Area-This area, located south of Camp Road west of the housing area, is very open in contrast to the areas either side. There is a limited number of service buildings spread across this area. The buildings are modern prefabricated structures in the rather dull utilitarian municipal style of the 1970s, now much reviled. Whilst the buildings maybe considered functional, they lack architectural merit. These buildings are interspersed with recreational sporting facilities and areas of parking. The layout of this area has no coherence."

1.7 Only two buildings within the application site are statutorily protected. They are buildings 126 and 129, the Battle Commend Centre and the Hardened Telephone Exchange; both are located in the Technical Area and are Scheduled Ancient Monuments.

However, there are several buildings also within the application site that make a positive contribution to the Conservation Area including in the Technical Area:

- i. Station Offices and Operations Block (Building 52)
- ii. Guardhouse (Building 100)
- iii. Officer's mess and single officer's quarters (Building 74)
- iv. Station Armoury Building (Building 125)
- v. Type A Aircraft hangars (Buildings 127, 320, 345, 350, 151 and 315)
- vi. Fire hydrants and other aspects of "little America" remaining.

And in the residential area:

- i. The Institute (Building 255)
- ii. Sergeant's mess (Building 455)
- iii. Dining Room and Cookhouse (Building 474)
- iv. Dining room and Institute (Building 488)
- v. Single sergeant's quarters (Building 459)
- vi. Barracks type C (Buildings 450, 480, 483, 471 and 466)
- vii. Barrack type B (Building 485)
- viii. Carswell Circle ( Buildings 530—534, 535—540, 544, 545 & 546)
- ix. Officers housing (Buildings 1-11&19).

- 1.8 The site has a number of mature trees, both individually and in groups, particularly north of Camp Road in the Trident and Officer's Married Area, and south of Camp Road in Carswell Circle. These were planted largely during the RAF occupation. During the USAF period more screen-planting was undertaken particularly to the south and west of the base.
- 1.9 In terms of the uses on site, its military use ceased in 1994. Since 1998 it has effectively functioned as a self-contained settlement under the ownership first of the North Oxfordshire Consortium and for the last three years by the current applicants, the Dorchester Group.
- 1.10 Commercial uses are spread across the flying field but within the technical area there are also a number of established businesses undertaking a wide range of operations. The major A type aircraft hangers are used for general industry and storage, primarily for car processing, but other buildings contain more modern high tech offices with research and development. There are also a wide range of workshops in some of the smaller premises.
- 1.11 South of Camp Road is a retail store and a number of community buildings including church, play group and community centre. These are surrounded by residential dwellings. These dwellings are all covered by a temporary planning permission first granted in 1998 that permitted the change from their military associated use and which has been renewed every five years or so, most recently in March of 2010 (ref 09/01254/F). The temporary permission also covers the community buildings. This permission does not expire until March 2015.
- 1.12 Over the last 10 years numerous applications have been made seeking permission to either develop the whole site or large parts of it and numerous of them have gone to appeal. The most significant was application ref 08/00716/OUT. Following a major public inquiry that commenced in September 2008 the Council received the appeal decision in January 2010 that allowed "A new settlement of 1075 dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure (as amended by plans and information received 26.06.08)." Although this permission included the flying field the field is not part of the current application. The uses and development permitted upon it at the appeal have been implemented by the applicants under the appeal permission.
- 1.13 The development of the settlement and technical areas has been delayed as the masterplan was refined. As a result, a new masterplan was drawn up which, whilst similar to the one considered at appeal, has been modified. The main reason for a fresh application arose from the desire of the applicant to retain more buildings on site. Apart from that, the most significant changes are a new area of open space centred on the parade ground, the retention of a large number of dwellings including 253 bungalows, and more of the heritage buildings, the demolition of which was previously consented. The retention of these buildings at their existing low density has meant the masterplan has expanded the development area west on to the sports field.

- 1.14 The revised masterplan was submitted as part of the outline application for “Proposed new settlement for 1075 dwellings, together with associated works and facilities, including employment uses, a school, playing fields and other physical and social infrastructure” and was granted permission on 22<sup>nd</sup> December 2011 (ref 10/01642/OUT). 57 conditions were imposed including that subject of this application, no 8, which states:

“No reserved matters applications shall be made for any phase until a Design Code for that phase of the New Settlement Area, as identified in Condition 7 above, has been submitted to and approved in writing by the Local Planning Authority.

The Design Code shall comprise:

- i) Land use, density, layout of streets and public spaces and character areas;
- ii) Landscape, including for the immediate setting of the new settlement, to include retained trees and vegetation, new planting, public open space, amenity space, children’s’ play areas, sports facilities, footpaths, public spaces, together with adoption arrangements and extent;
- iii) Surface water control, including design standards and methodology for sustainable drainage systems, details of specific features, including appropriate options for Sustainable Urban Drainage, swales, together with adoption arrangements and extent;
- iv) Public realm, including hierarchy of streets and public spaces, characteristics, dimensions, building line and or set backs, materials, means of enclosure, street furniture, including street lighting, and car parking, methods to control traffic speeds and create legibility, together with adoption arrangements and extent;
- v) Built form, including scale, materials, roof treatment, elevational treatment, treatment of landmark and marker buildings, key frontages and gateways;
- vi) Sustainable design, including the measures to be incorporated to ensure that the development complies with at least the minimum Code Level required by the Building Regulations in the Code for Sustainable Homes and to assess the impact this would have on appearance;
- vii) Car and cycle parking, including standards of provision by land use and dwelling type; and
- viii) Waste recycling, including how the Councils standards for individual householders’ waste and recycling bins are to be accommodated within the dwelling curtilage and refuse vehicle access to these obtained.

The development shall thereafter be carried out in accordance with the approved Design Codes.”

- 1.15 So, before detailed plans can be submitted for any part of the site, the developer has to produce Design Codes. The reason for this is “to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirement to achieve a high quality design as set out in the Environmental Statement, the Revised Comprehensive Planning Brief for the site, and Policies UH4 of the Non Statutory Cherwell Local Plan, H2 of the Oxfordshire Structure Plan 2016 and comply with Policies CC6, CC7 and H5 of the South East Plan 2009.”
- 1.16 It is unusual for Planning Committee to consider applications for the formal discharge of conditions but given the scale of the overall development it was considered appropriate to give Members an opportunity to consider what has been submitted in terms of the design code and gain an understanding of the principles that will apply to the site. Members will therefore be required to determine whether or not the submitted document is acceptable and gives sufficient guidance for the future development of Heyford Park.

## **2. Application Publicity and Consultation Responses**

- 2.1 It is not a statutory requirement to consult on applications for approval in compliance

with conditions but given the scale of the development and the precise wording of the condition it was considered appropriate to consult with local residents and the application has been advertised with site notices being posted at various locations around the site. No comments have been received in response.

2.2 Direct consultations have been undertaken with statutory bodies and the responses of English Heritage and the Highway Authority are summarised below. (N.B. These comments are made on version 4 of the drafted document. Version 5 is what is being presented to Committee)

2.3 English Heritage:

- Housing along Camp Road. It is important that the character of Camp Road as the thoroughfare dividing technical and domestic parts of the site remains. Its characterised by wide verges, street trees and relatively few roads leading off it. While building along the road has been accepted as part of the consented masterplan we are concerned about direct vehicular access off the road, which would break up the verges and dramatically change its character. Instead we would recommend vehicular access from the rear.
- The 'square about' on Camp Road looks fussy and over complex.
- The design codes for housing on the Trident give cause for concern. It is very important that the military character of this area is retained and any new housing does not look too domestic. At present the predominant building type are large-footprint low buildings which are generously spaced and it was envisaged in the outline application that there would be apartment here. A standard domestic housing type, high pitched roofs, individual front gardens and individual parking in front or to the side of each house will fatally compromise the character of this part of the conservation area. While there is merit in the arrangement of short terraces inspired by the Trenchard layout of the 1930s these should be kept to 2 storeys, adopt a more industrial aesthetic and keep parking and private gardens tucked away. There is no need for a step up towards the hangars either. The sharp differentiation in scale between hangers and other buildings is typical of a Trenchard era site, for instance Bicester.
- The Village Green. This is a very formal space, being a former parade ground and thus a high degree of formality is needed for the housing surrounding it. Terraces, rather than semis and detached houses would work rather better.
- The Rural Edge. This is a relatively narrow space and introduces an unhelpful level of complexity. I fear a change in building style and approach will just create confusion. It would make more sense to simply continue the main house type out to the edge.
- The core housing area. Here the small plot size means that it would be worth concentrating on semis and terraced houses and confine detached houses to the areas facing the SUDS, which look rather crowded together and will compare poorly with the order and formality of Carswell Crescent. While the officers houses have worked very well as detached properties this is largely because they have been set in much more generous gardens.

2.4 Oxfordshire County Council-Highways (Their full response can be viewed on line)

- An indicative street hierarchy is acceptable in principle for the main routes for cars and the two bus routes.
- Concern remains with the HGV access and its safety implications to the residential areas and the proposed Free School (Building 74) nearby
- There now appears to be on-plot turning areas for houses served off the Primary Street, which is acceptable.
- Primary Street (Camp Road) – the dimensions quoted for the infrastructure to be provided along this Primary Street are generally acceptable
- Secondary Street – No minimum set back is now stated, it is assumed there is no longer a privacy strip proposed/required. The 6.1m carriageway proposed is

acceptable and is an essential requirement as the Secondary Street is to be used as a bus route (two ways). As this route will be for buses the road/street width must be increased to 6.5m on corners to provide a satisfactory width for buses to turn and not encroach approaching vehicles.

- Tertiary Street – there is still a dimension missing from the section drawing for this street i.e. parking bays (only width shown of 2.5m, no length for bays on opposite side shown). The carriageway width of 5.5m to 6.5m is more than adequate for a refuse vehicle and a car to pass each other on such a street. I would suggest up to 6.5m is excessive for this type of street and OCC would accept a minimum width of 5.5. If HGV movements are proposed along this street type, this is considered undesirable and a minimum of 5.5m (6-6.5m on corners) will be required.
- Trident Tertiary Street-An average minimum width of 5.5m with allowance for narrower sections for kerb/tree line retention is rather vague, more firmer details are required for this new street type within the street hierarchy i.e. minimum widths only, not averages. Will there be a maximum width? Will HGVs use this route? Will coaches linked to the Free School use this route?
- Along the Tertiary Streets there appears to be a high number of on-street parking spaces being proposed. The principle of on-street parking is acceptable as long as the design concepts of MfS are achieved and there is clear inter-visibility between pedestrian, cyclists and cars (no obstructions from landscaping etc. I understand some of the existing businesses within Heyford Park will be served by some of the proposed Tertiary Streets, will such streets be able physically serve some of these units?
- Shared Surface (Community Street)-Any direct access points onto the shared surface area will require clear/unobstructed vision splays. Vision splays for single access points do not appear to be shown and will be obstructed by adjacent buildings i.e. require minimum of 2m x 2m splays (quoted in paragraph 3.33, but should be shown too). The proposed 4.5m – 5m carriageway width is deemed acceptable, although a wider width of 6m is considered necessary in specific areas opposite parking & garage arrangements – which has been stated below the cross section diagram
- Lanes (Green Edge) – this principle is acceptable subject to the type of highway materials to be used. Such Lanes could be private if no-through traffic is expected on them or they will only be serving up to 5 units (will require Private Road Agreement(s)). Width of 3.5m to 6m will be ok if varied in areas opposite on-plot parking provisions to provide passing areas
- Pleased to see all streets are to be designed in line with MfS and OCC requirements.
- Camp Road’s speed limit is expected to be 20mph design speed. The design speed for the lesser streets is 10mph.
- Traffic calming features to be imposed along Camp Road are yet to be agreed, but are expected to be a mixture of build outs, ramps/raised tables, road narrowing’s (including pedestrian crossing points in appropriate locations) etc.
- Crossing points shown along Camp Road are welcomed and are considered essential. Also there are no specific details on the type of crossings to be provided i.e. toucans, zebra, uncontrolled with road narrowings etc – this is required.
- Parking Strategies appear acceptable. However, the level of parking being quoted in the “Car Parking Provision at Heyford Park” is high.
- Approach is ok in principle for bus infrastructure
- Sustainable Design & Infrastructure-Drainage Engineer comments - The design code sets out a broad drainage strategy and in principal looks acceptable. However, a full design will be required and approved by OCC prior to the development commencing on site (also needed if OCC to adopt highway drainage).

her comments contained within it. Her comments can be seen in full on line on the Council's web page for the application.

### **3. Relevant National and Local Policy and Guidance**

- 3.1 Since the decision to grant planning permission in 2010 there have been significant changes in both national and local policy. Those referred to in para 1.15 have now largely been revoked or replaced, primarily the South East Plan. However, the Regional Strategy for the South East (Partial Revocation) Order 2013 which revoked the South East Plan with effect from 25<sup>th</sup> March included "The effect of Article 3 of this Order is to revoke all structure plan policies in the region with the ...significant... exception of ... policy H2 of the Oxfordshire Structure Plan 2016, which relates to the former air base at Upper Heyford in Oxfordshire."
- 3.2 The Structure Plan (OSP) which had effectively been replaced by the SEP included, unusually for such a strategic document, a site specific policy for Upper Heyford. This policy, H2, was saved by the SEP. Although the thrust of the OSP was to direct development towards urban centres, paragraph 7.7 of the Structure Plan advised that; "Land declared surplus by the Ministry of Defence at the former airbase at Upper Heyford represents an opportunity to achieve an appropriate balance between environmental improvements to a rural part of Oxfordshire, conservation of the heritage interest from the Cold War, and reuse of some existing buildings and previously developed land located in the former technical and residential areas of the base."

#### National Planning Policy Framework-March 2012

- 3.2 At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**,  
For **decision-taking** this means:
- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.
- 3.4 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 3.5 It goes on, in para 59 to say: "Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

#### Conservation Area Appraisal

- 3.6 The RAF Upper Heyford Conservation Area was designated in April 2006. A Conservation Area Appraisal (CAA) was produced for the site and adopted by the Council in April 2006. The CAA includes the historic significance of the site,

analyses its character and heritage assets, assess the special interest, negative factor affecting the site and summarises the issues. It describes the site as; 'The landscape setting and hardened concrete structures of the former RAF Upper Heyford have the power to communicate the atmosphere of the Cold War.'

The CAA identifies the following key areas in the summary of issues;

1. Protection of the Historic Buildings and Landscape
2. Vulnerability of the site to fragmentation
3. Reuse of the retained buildings
4. Incorporation of a new settlement

#### **4. Appraisal**

- 4.1 The Design Codes are an important part in ensuring that the masterplanning principles established at the outline stage are translated into a clear physical vision for the site that clearly sets out and defines the architectural and public realm character of different areas of the site. The Outline Application established a number of principles that set out how the design and urban design principles should be applied to the site. The codes take this as a starting point and set out how these principles should be interpreted in greater detail.
- 4.2 The negotiations on the Design Code has been long and at times arduous in the process, recognising the importance of the site being developed, the scale of the proposed development and the importance attached to the role the Design Codes will play. The process started in September last year and the first version of the codes was submitted in draft form in January this year. We are now on version five of the Design Codes and extensive collaborative discussions have been held with the development team to attain an appropriate level of prescription, development vision and the translation of these elements into the Design Code.
- 4.3 As now submitted the Design Code marks a substantial improvement on the initial codes. In particular, the importance of the sites heritage has been understood and a vision for the site established, which builds on its character and heritage.
- 4.4 The codes will form an active management document which will form the frame of reference for the developers, engineers and designers producing the Reserve Matters Applications for the site. The document will also be used by CDC officers in determining planning applications. It is therefore important that the document is structured to be readily accessible for all users. A number of key changes have been made to the document to improve this and a guide can be found which directs the user through to relevant areas of the document.
- 4.5 The nature and form of development at Heyford Camp is varied, with different characters reflecting the different uses across the site. To the South of Camp Road the majority of development is residential, with some community and sports facilities. To the north of Camp Road the nature of the built form is largely technical (bar a small residential pocket to the northeast). A brief analysis has been undertaken of the architectural context, which has informed the vision and the architectural cues for the site.
- 4.6 A vision for the site has been set out to provide the starting point for the Design Codes. The vision is to develop a new village, which builds on the existing character of the heritage and landscape of the site. The vision seeks to bring together these elements, reinforcing and enhancing the character through new development. Having established a vision that is supported by both the developers and Officers, the role of the design codes is to explain in technical detail how this vision will be interpreted in various areas of the scheme.

- 4.7 A number of key principles have been established within the Vision for the Design Codes which will be important in setting the scene for the specific character area codes.
- Architectural and character cues, drawn from the simple, military expression of the Arts and Crafts Movement at Heyford.
  - The retention of the campus layout of the Trident Area, with a new (more contemporary) approach to architectural design and details.
  - The integration of the existing buildings positively into the development scheme.
  - The establishment of a vibrant heart to the community at the village centre, with appropriate shops and facilities.
  - The enhancement of the existing character of Camp Road, through the retention of, and new provision of, landscaped verges and avenue trees.
  - The retention of existing mature trees and planting throughout the site.
- 4.8 The development area of Heyford Park has been divided into seven character areas each is defined in the document. These represent different sites conditions each with their own distinct character. There are also a number of special conditions which have been identified, where a specific response is required.
1. Village Centre - located in the heart of the site.
  2. Village Centre Residential – Camp Road residential frontage on either side of the Village Centre.
  3. Camp Road – main residential frontage along Camp Road.
  4. Village Green – major open space with a close spatial relationship to the Village Centre.
  5. Trident Area – residential renovation of the technical area which retains the campus style.
  6. Rural Edge – sensitive rural edge to development.
  7. Core Housing Area West – residential area to the north and south of Camp Road.
  8. Core Housing Area East – residential area to the north and south of Camp Road.
- 4.9 These are supplemented by special condition areas which have been highlighted as areas that require more detailed guidance than is set out in the general character area codes e.g. the landscaped corridor for sustainable drainage. Overall the special condition codes are very light, with the majority of codes coming from the core character areas. A number of edge types have been defined in the codes, which explain some of the key character cues for development in these areas.
- 4.10 A 'Regulating Plan' has been established. This sets out areas of visual linkages; key frontages; gateways into the site; landmark buildings and key corners. Building density is set out in more detail in the document. This establishes lower densities along Camp Road and the southeast edge of the site and higher densities within the Trident area. Building heights vary from 2 – 3 storeys across the site, with greater presence to the centre of the site along Camp Road, the Village Centre and the Trident Area.
- 4.11 The streets and public realm will form an important component of the site character. The current character of these elements at Heyford as it stands is varied, with some low key residential routes, the wide routes in the technical area and Camp Road. These areas will be important in providing continuity across the site. It is important that the movement network forms a well connected series of route ways which are fully coordinated with the existing layout and development. The importance of encouraging walking and cycling through the site is important to highlight, especially in relation to the Free School proposals and the configuration of open spaces and play areas.

- 4.12 The proposals for the movement network for the site are based around retaining Camp Road as the Central Axial Route that connects the site together. To the north of Camp Road there is very little change to the actual alignment of the routes, though they will be upgraded. To the south of Camp Road the new development will provide a stronger gateway into Carswell Circle. The new development to the south of Camp Road will be located on either side of the existing housing and a secondary loop, will form a bus route which runs connects the western and eastern areas of development through the Carswell Circle area.
- 4.13 Camp Road forms the main route through the site and its character is defined by its linear nature, and verdant verges and avenue tree planting. It is important that the core character of this route is maintained, while allowing for new development along its length, traffic calming, crossing points and bus stops
- 4.14 The secondary street accommodates a bus route and loops around the south of the site, through the existing Carswell Circle Area and around the Village Green to the East of the site. The street is designed with footpaths on either side with some structured on street parking and treed grass verges.
- 4.15 The tertiary streets provide low key connections between development areas. These routes are designed as traditional streets and will be residential in character. These streets will have some parking alongside structured verges and parking, similarly to the Secondary Streets.
- 4.16 The Trident Area has been identified as a special form of Tertiary Street and the strong geometry of these streets will be retained. It is intended that the physical structure will be retained, with upgrades as required to bring the routes up to modern standards
- 4.17 The shared surface streets will be very low key and will place emphasis on pedestrian and cycle movement above vehicular movement. The streets will be designed as spaces, which form part of the public realm, with incidental spaces for sitting etc. Parking will be a mixture of on plot and formally laid out in the street.
- 4.18 Small private driveways provide very low key access to small pockets of development. These will be narrow shared surface area, which will run for short lengths of the site.
- 4.19 Where possible, pedestrian connections between existing and proposed areas have been reinforced.
- 4.20 The configuration of parking will be an important influence on the character of areas. Different street types, character areas and building types will have a different approach to parking depending on the context.
- 4.21 Camp Road will not have any on street parking, apart from around the Village Centre. The majority of parking will be on plot, with garages and driveways. Some parking squares may be required in the Village Centre Area Residential. Other streets will have a mixture of on street and on plot parking.
- 4.22 One of the key characteristic of Heyford is the open nature of the site. This was discussed with the Design Team in April this year when it was agreed that the codes would make reference to the principle of open thresholds. CDC believe that this is one of the qualities that gives Heyford character. While there are areas where compromises can be struck, ie. Camp Road, where we would be happy to accept hedgerows along the road boundary, in other areas we strongly advice that the open character of the site is retained. The use of conditions should be

considered to prevent boundaries being permitted without planning permission.

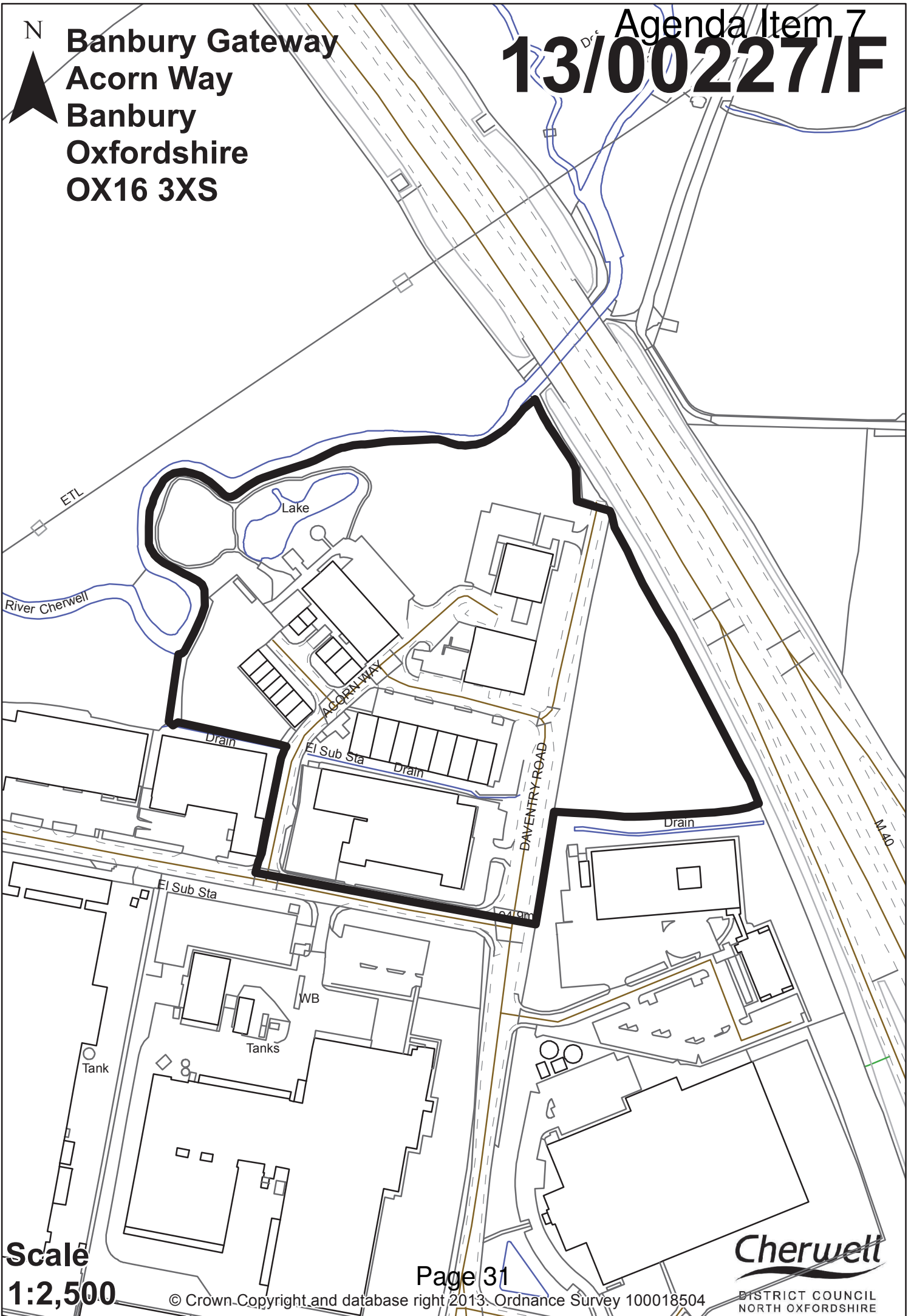
- 4.23 One thing Committee should be aware of with regard to this document, and something that has made it harder to process than normal, is that the continued evolution of the masterplan for Heyford has involved changes outside of the principle permission. In particular the introduction of the new through school and the retention of other buildings including the sports hall is not part of the design code as they were not part of planning permission 10/01642/OUT. They are given an acknowledgement but no more.
- 4.24 And with regard to Version 5 of the document, minor errors still appear in it and changes previously agreed have not taken place. The applicant has been asked to produce a further version which if received, and together with any further comments received from other bodies or the public, will be reported orally to Committee at the meeting.

## 5 **Conclusion**

The Code was first submitted to the Council in January. Substantial time has subsequently been taken and considerable energy expended by both representatives of the developer, the Council and other bodies in seeking to achieve a workable Design Code. Your Officers think this is the case with Version 5. It is important that whilst the general principles of the code are satisfactory to officers that the detail is agreed as the Code will be mandatory and future developers will be required to comply with the contents of the code. The Design Code will influence the overall character, layout and appearance of the development. It does not specify particular forms of architecture or design but will secure some consistency across the site and ensure that where it is important to protect existing residents for example this will be adhered to and developers will be aware of what is required of them before they purchase a parcel of land and begin to design their own schemes. They are not a substitute for good planning and detailed design guidance is still required with each Reserve Matters Application. The level of prescription has been kept at a level that provides guidance for the overall form and character of development and ensures that CDC can be confident of a consistent development approach. By approving the Design Codes the Planning Committee should be happy that the vision and character cues, as set out in the codes, present an appropriate development approach.

- 6. Recommendation:**  
**Subject to receipt of a revised Design code;**
- That members resolve to approve the design code for Heyford Park in accordance with condition 8 of planning permission 10/01642/OUT**

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Banbury Gateway  
Acorn Way  
Banbury  
Oxfordshire  
OX16 3XS



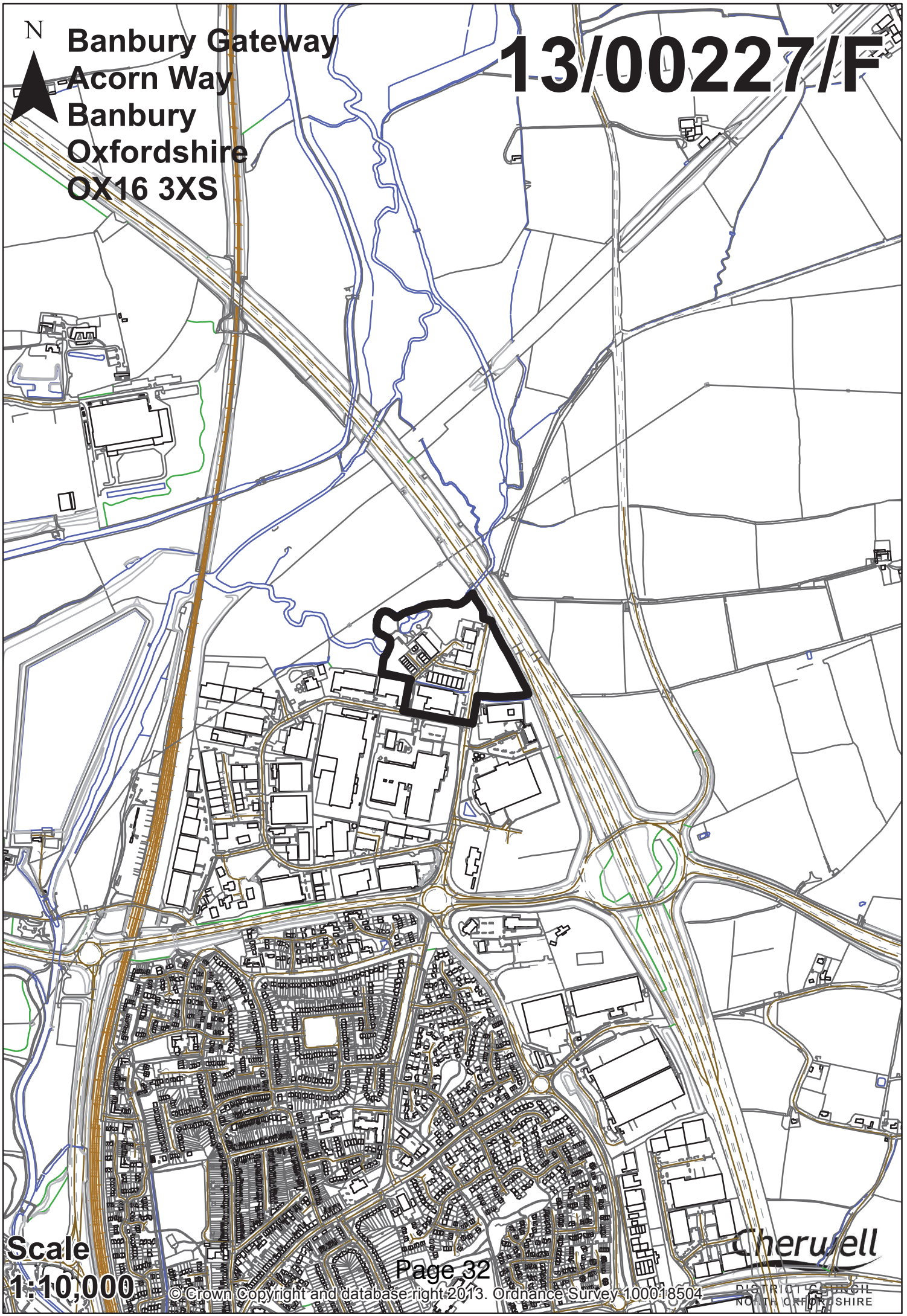
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**Banbury Gateway  
Acorn Way  
Banbury  
Oxfordshire  
OX16 3XS**

**13/00227/F**



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**Cherwell**

<b>Banbury Gateway Acorn Way Banbury OX16 3JU</b>	<b>13/00227/F</b>
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<b>Ward:</b> Banbury Grimsbury & Castle	<b>District Councillor:</b> Cllr. Andrew Beere, Cllr. Ann Bonner and Cllr. Margaret Cullip.
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<b>Case Officer:</b> Graham Wyatt	<b>Recommendation:</b> Reaffirm previous decision made on 16 <sup>th</sup> May 2013
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<b>Applicant:</b> LxB RP (Banbury) & Prodrive
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<b>Application Description:</b> Variation of condition 34 of 11/01870/F – Amendments to units 1 and 2.
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<b>1.</b>	<b>Reason for Committee Referral</b>
1.1	Members may recall this application when it was presented to committee on 16 <sup>th</sup> May 2013. This application sought amendments to units 1 and 2 which were approved under application 11/01870/F. Members resolved to support the application and approved the amendments subject to conditions, following the variation of a legal agreement which was tied to the original application 11/01870/F.
1.2	As the application was a departure from the development plan it was referred to the Secretary of State for a decision whether he wished to call the application in. The Secretary of State confirmed in his letter dated 10 <sup>th</sup> June 2013 that he did not intend to call the application in and permission could be granted. The application is currently the subject of a variation to the legal agreement issued under application 11/01870/F and has yet to be completed. Therefore, planning permission has yet to be issued.
1.3	However, on the morning of the committee of 16 <sup>th</sup> May 2013, an objection was received from Savills, which was distributed to Members of the Planning Committee. A further objection was also received from Turley Associates on 13 <sup>th</sup> May 2013, after the committee report was written. The applicant responded to the objections in their letter dated 10 <sup>th</sup> July 2013, which Members would not have seen as it was received some time after the committee decision of 16 <sup>th</sup> May 2013.
1.4	Following legal advice, the application is brought back before Members to consider whether to reaffirm the decision that was made on 16 <sup>th</sup> May 2013 in light of the objections that were made to the application from Savills and Turley Associates. A copy of each letter (Savills, Turley Associates and the applicant's response) is appended to this report. The Officer's committee report of 16 <sup>th</sup> May 2013 is also appended for information.
1.5	The objection received from Savills (and Turley Associates for that matter) commented that they consider it inappropriate to approve this application as it would undermine the Judicial Review that is currently being considered for application 11/001870/F, the effect of which would issue a new decision on the same site. Legal advice to the Council is that it can issue a decision despite the application it

	seeks to amend is the subject of a Judicial Review. The grant of planning permission does not remove the right of third parties to challenge the decision at the High Court and we should proceed to determine the application as we see fit.
<b>2.</b>	<b>Update for Members</b>
2.1	<p>The objections from Savills and Turley Associates identify the following areas of objection:</p> <ul style="list-style-type: none"> <li>• The changes to the proposed scheme would increase the scope for impact on Banbury town centre by increasing the number of units available at the site and enhancing its accessibility by private modes of transport, thereby creating a need for an updated Retail Impact Assessment (RIA) which has not been undertaken;</li> <li>• Reducing the size of the larger units would also further undermine the accuracy and appropriateness of the sequential assessment submitted as part of the original application; and</li> <li>• Additional car parking and unsustainable travel.</li> </ul>
2.2	<p>The applicant responded on 10<sup>th</sup> July 2013 that there is no requirement for an additional assessment of the impact on the town centre or a need for an updated RIA or a further sequential assessment as,</p> <p>“the original planning permission (11/0870/F) allowed [through condition 38] for no more than 15 x A1 units on the site and allowed these units to be between 465m<sup>2</sup> and 1800m<sup>2</sup> (GIA at ground floor level) (although 2 units can be above 1800m<sup>2</sup> threshold). This section 73 application [13/00227/F] is entirely consistent with those conditions and it would not therefore need further retail impact assessment to be done. Furthermore, the sequential assessment already carried out has not been undermined. Therefore, Members are in possession of all the necessary information to properly consider this application.”</p>
2.3	<p>Officers are in agreement with this reasoning and in particular that the nature of the amendments are not such as to require an updated impact or sequential assessment. The subdivision of units 1 and 2 to create 3 units (i.e. units 1, 2 and 14) allows a total of 11 A1 units on the site and the floorspace for each unit is not less than the prescribed 465sq.m. Further, units 1, 2 and 14 are providing very nearly the same amount of floorspace as units 1 and 2 did: there is an increase of 4sq.m. The garden centre floorspace has also been removed.</p>
2.4	<p>In response to the objection based on additional car parking and unsustainable travel, the applicant has stated:</p> <p>“The provision of additional car parking spaces would not serve to encourage new customers to the site, nor would it result in a modal shift. The additional spaces will provide visitors with greater choice of parking opportunity locally. At peak times this will enable visitors to spend less time circulating within the car park in order to look for a suitable car parking space. A Planning Inspector concurred with this view in a recent planning appeal relating to the construction of a car park deck. In upholding the appeal the Inspector commented that (paragraph 32) “it is generally accepted that trip generation to retail facilities is primarily determined by</p>

2.5	<p>floor area. The larger the store the more trips it will generate.” (APP/P3610/A/12/2186902). The quantum of additional car parking is small (40 additional spaces), and represents the most efficient use of this space, now that the commercial demand for a garden centre has diminished. The increase in car parking numbers represents an increase of less than 7% from the number of spaces proposed within the original scheme.”</p> <p>Officers concur with this assessment and do not consider that the objection on this ground is a reason to refuse the application. Members will further note from the Officer's report for the 16<sup>th</sup> May 2013 that the County Council as Local Highway Authority did not raise any objections to the proposal.</p>
3. 3.1	<p><b>3. Conclusion</b></p> <p>Members are requested to reconsider the application in light of the late objection received from Savills and the objection received from Turley Associates and reaffirm that despite these objections, the Council would have reached the same decision to approve the application subject to the variation of the legal agreement attached to application 11/01870/F and the conditions suggested within the Officers report of 16<sup>th</sup> May 2013</p>

**CONTACT OFFICER:** Bob Duxbury

**TELEPHONE NO:** Ext 1821

# 13/00781/F



**Bishops End**  
Westside Cottage  
**Burdrop**  
Wyburton  
**Banbury**  
Cottage  
**OX15 5RQ**

Barthrop Cottage  
The Little House

The Gables

170.9m



Barn Close

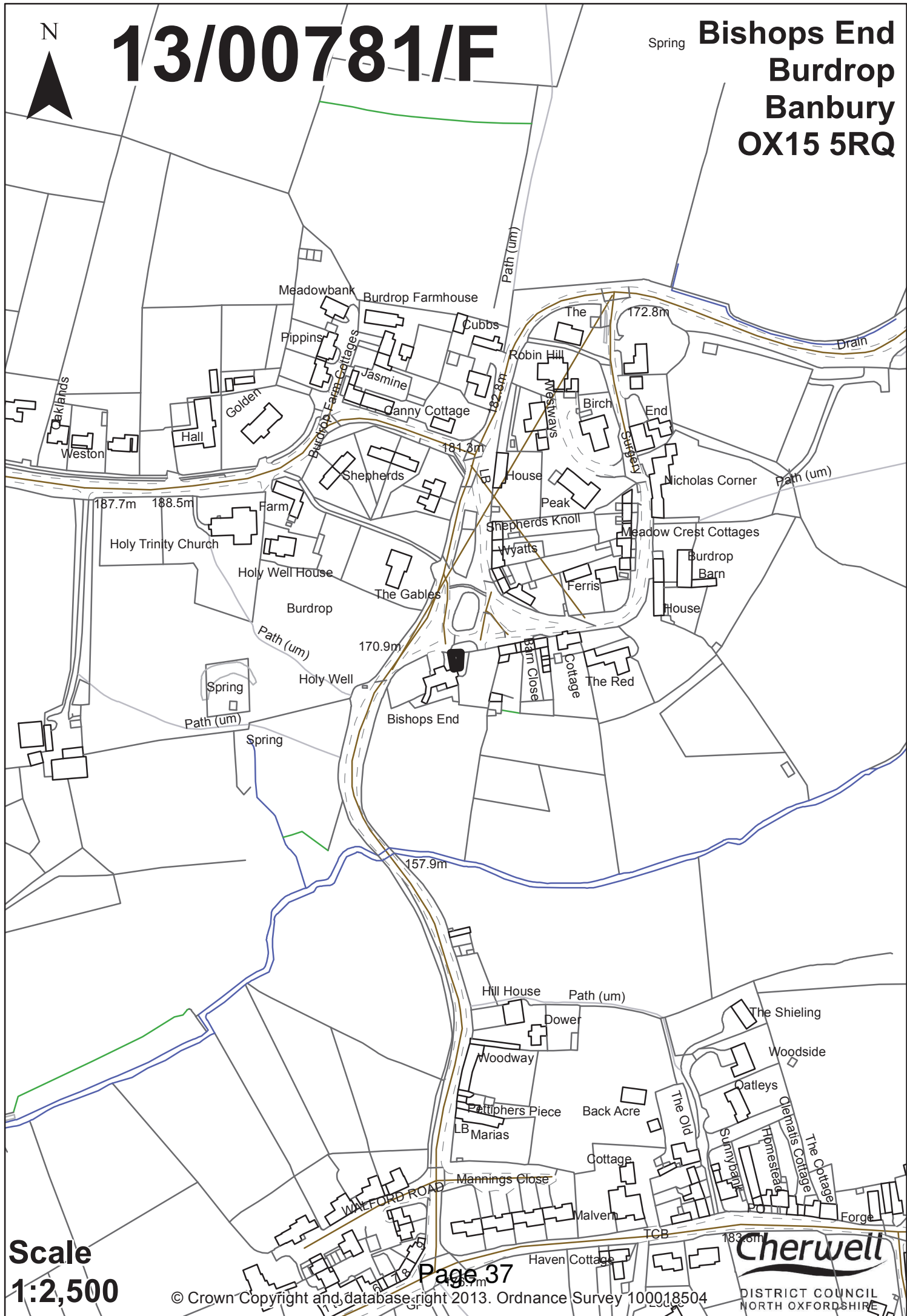
Bishops End

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# 13/00781/F

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OX15 5RQ**



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**The Bishops End  
Burdrop  
Banbury  
OX15 5RQ**

**13/00781/F**

**Ward:** Sibford Gower

**District Councillor(s):** Cllr Reynolds

**Case Officer:** Graham Wyatt

**Recommendation:** Approve

**Applicant:** Mr Geoffrey Noquet

**Application Description:** Change of use of a redundant barn/store into a 1 bedroom self contained holiday letting cottage.

**Committee Referral:** At the request of Cllr. Reynolds.

## **1. Site Description and Proposal**

- 1.1 **The applicant has appealed this application as the Council failed to determine the application within the statutory 8 week period. Therefore, the Council can no longer issue a decision on the application. It is brought before the committee to enable a view to be formed so that we can inform the Planning Inspectorate of the decision the Council would have made had it determined it within the statutory period.**
- 1.2 The application site is the Bishop Blaize public house, on the edge of Burdrop, overlooking the Sib valley. The building is within the Conservation Area but the property is not listed. To the front of the building is a barn, arranged perpendicularly to the main building, with a gable facing the road and a lean-to roof dropping from the level of the car park towards the 'front' of the public house building. The building has two floors.
- 1.3 The proposal seeks to convert the building into a self contained holiday let. The ground floor would provide a kitchen/dining area with stairs leading to the first floor which would then provide a bedroom and bathroom. The levels at the site allow access to the first floor from the car park and access to the ground floor from the front of the pub.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of a press notice, site notice and neighbour letters. The final date for comment on this application was 11<sup>th</sup> July 2013. Twenty four letters of objection were received (although some commentators sent in two objections) have been received as a result of the consultation process. The following material planning considerations were raised:
  - Loss of bottle store would not allow the public house to function;
  - Lack of parking at the site;

### 3. Consultations

- 3.1 **Sibford Gower Parish Council** – (Verbatim) This is a revival of a previous application (09/01275/F). The application was withdrawn when the applicants were informed that they would need a bat survey before proceeding with the work. They then proceeded without a bat survey and without planning permission to carry out the conversion, and applied for retrospective planning permission for the completed development. Despite the objections of Sibford Gower Parish Council this was granted (13/00116/F: New roof to barn; 3 No rooflights and door installed to upper floor). The barn was then ostensibly used as a base for a new unauthorised business in wood burning stoves; the intention is now to make the barn redundant by moving the “business” into the main property.
- 3.2 This would appear to be a very dubious procedure under planning law. Nevertheless the Parish Council was minded in 2009 to accept the earlier proposal for holiday letting accommodation, on condition that a section 106 agreement was reached which contained the following conditions:
- Permission should be granted for this change of use only in connection with the business of the public house and on condition that the public house was reopened.
- There should be an absolute legally binding provision that the conversion could never be sold separately from the public house.
- 3.3 Given the history of applications concerning this property we think that, if Cherwell is minded to consider this application, these two conditions are essential to prevent abuse of any permission granted.
- 3.4 **Sibford Ferris Parish Council** – Sibford Ferris Parish Council does not object to this proposal subject to certain conditions being imposed. Permission should be granted for this change of use only in connection with the business of the public house, if possible on condition that the public house was reopened. There should be a legally binding provision that the conversion could never be sold separately from the public house nor that it can become a residential property without the holiday letting restrictions. Given the history of applications concerning this property we think that, if Cherwell is minded to consider this application, these two conditions are important given the ongoing planning applications and appeals in relation to the property as a whole.

#### Oxfordshire County Council Consultees

- 3.5 **Highways** – No objection.
- 3.6 **OCC Archaeologist** - The proposals outlined in your letter would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

## **4. Relevant National and Local Policy and Guidance Policy Considerations**

### 4.1 Development Plan Policy

#### **Adopted Cherwell Local Plan (Saved Policies)**

H19: Conversion of buildings in the countryside

C28: Layout, design and external appearance of new development

Other Material Policy and Guidance

#### **National Planning Policy Framework**

## **5. Appraisal**

### 5.1 The issues raised by this development are:

- Planning history and background;
- Design of the converted building;
- Parking and highway safety; and
- Other matters.

#### **Planning history and background**

5.2 There is a long and substantial planning history relating to this site. That history, with relevant commentary has been set out in some detail in both the application report to 12/00678/F and in the Council evidence and eventual decision letter for 12/00020/ECOU. It is not necessary to repeat that history here, beyond noting that a withdrawn application in 2009 did seek to carry out works to the store, but that application was not progressed.

5.3 It should be noted that the lawful use of the site is a public house (A4). Until recently, the unauthorised use was as a dwellinghouse (C3) although at the time of writing this report it would seem attempts to revert the main building back to a pub (A4) had taken place which would comply with the requirements of enforcement notice 12/00020/ECOU. Whether the revision back to its lawful A4 use has occurred is a matter upon which we are seeking legal advice but that is not relevant for the assessment of the acceptability of this application.

5.4 Concerns have been raised that the store is in fact a “bottle store” and its loss would preclude the effective running of the pub. However, regardless of its designation within the use of the pub, the fact remains that there is ample room within other areas of the building where bottles and drinks can be stored. The change of use of the store to a holiday let will not hinder the operation of the building as a public house.

- 5.5 Many of the representations on the application have suggested that the application should be refused solely because it is retrospective, and that the applicants should be forced to put the building back to its former state. It is important to note that retrospective applications are a lawful way to proceed; they are provided for in the Acts and the relevant Orders and as such the Council must determine the application wholly on its merits as with any other planning application.

#### **Design of the converted building**

- 5.6 The design of the building remains largely unaltered externally to that which was approved under application 13/00116/F which allowed the new roof to the barn with three rooflights and a new door to the upper level. Internally, the development proposes a kitchen/dining room and lounge at ground floor. Internal stairs lead to the first floor where a bedroom a bathroom are proposed.
- 5.7 Being within the Conservation Area, to be acceptable the proposal must either preserve or enhance the character or appearance of the Conservation Area. For the same reasons as above, I consider that the proposal preserves the character of the Conservation Area. Furthermore, as the proposal does not harm the viability of the public house, the proposal does not affect the potential for that use to return; a consideration which is in itself important for the character of the area.
- 5.8 It is not uncommon for public houses and private dwellings to seek to utilise additional accommodation to create holiday lets. These are normally considered acceptable provided the new accommodation is created within an existing building which is not extended or altered significantly. The development should also not have a detrimental impact on the amenities of adjoining occupiers.
- 5.9 Policy H19 of the Adopted Cherwell Local Plan 1996 allows the conversion of buildings in the countryside providing it can be achieved without extensive re-building or alterations and would not cause significant harm to the character of the countryside. In this instance, it is considered that as the development represents a proportionate and well designed conversion that will not be unduly prominent nor detract from the character and appearance of the existing property or wider area as a whole. The proposal will not have a detrimental impact on the amenities of adjoining occupiers to an unacceptable level.

#### **Parking and highway safety**

- 5.10 Oxfordshire County Council Highway Authority have raised no objection to the application on the grounds of highway safety as sufficient parking to serve the dwelling would be retained on site. I see no reason to disagree with this assessment and consider the proposal to accord with Government guidance contained within the NPPF.

## 5.11 Other matters

Sibford Gower Parish Council have suggested that the application be the subject of a legal agreement to ensure that the use is association with the pub and that the building cannot be sold separately from the main building. These matters can be dealt with by condition and it is not necessary to require a legal agreement in this instance.

### Conclusion

- 5.12 In conclusion therefore taking into account the above appraisal it is considered that the proposal is acceptable and complies with the Government guidance contained in the NPPF and the other relevant development plan policies listed above.

### Recommendation

#### The Committee is asked to endorse the following

Had the application still been before the Council for determination it would have been approved with the following conditions

#### Conditions

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing No. 1, 2, 3, 4, 5, 6 and Design and Access Statement submitted in support of the application

Reason - For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with the National Planning Policy Framework March 2012.

3. That the building shall be used only for the purpose of holiday lets only and for no other purpose whatsoever, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy BE1 of the South East Plan 2009 and Policies C28 of the adopted Cherwell Local Plan.

4. The premises shall not be let to any person or connected group of persons for a period exceeding eight weeks in any one calendar year.

Reason: To ensure the premises are available for short term holiday let purposes.

5. Prior to the commencement of the development hereby approved, a plan showing a car parking provision for four spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

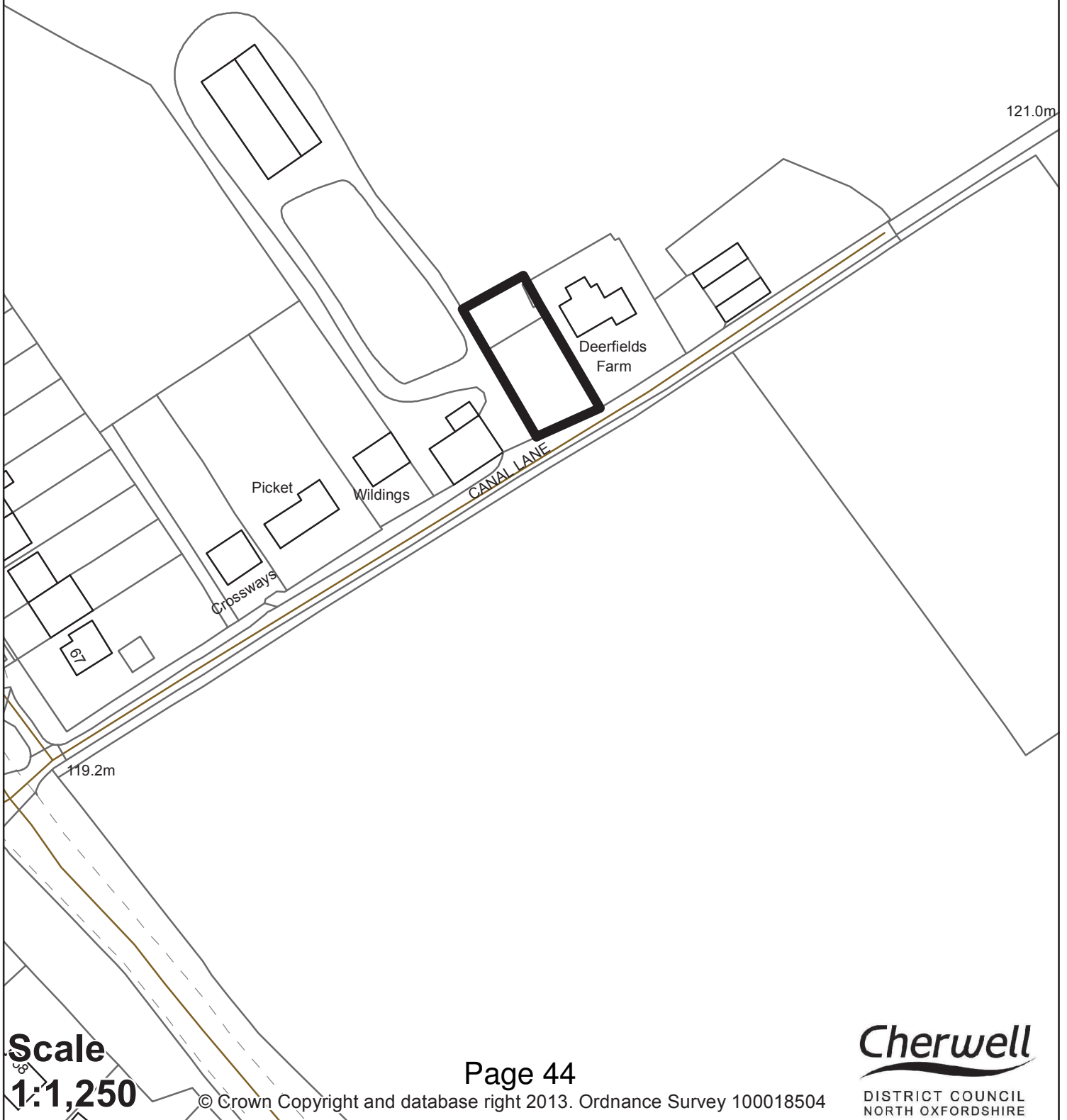
Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government advice in the National Planning Policy Framework March 2012.

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

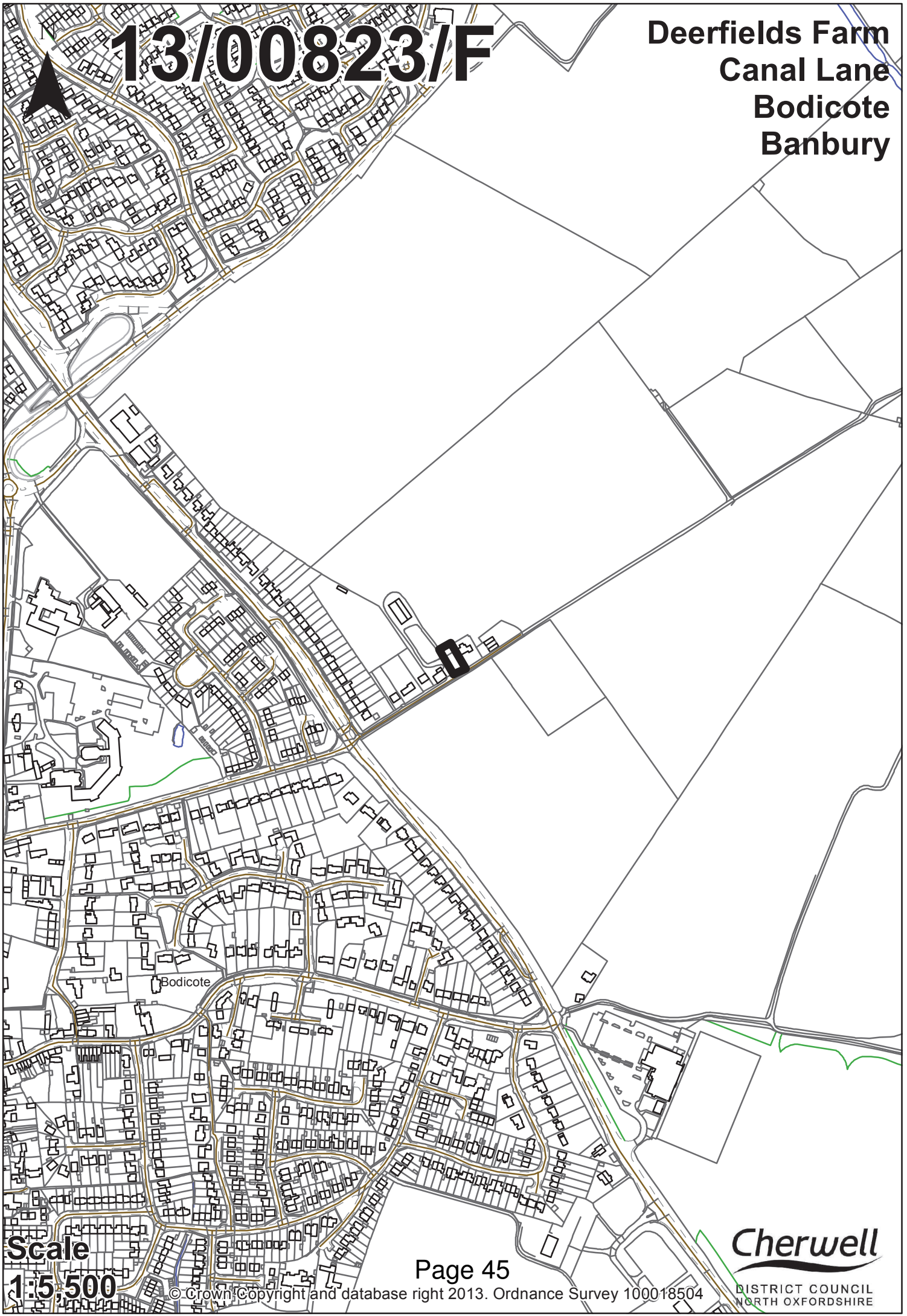
<b>CONTACT OFFICER:</b> Graham Wyatt
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<b>TELEPHONE NO:</b> Ext 1811
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**13/00823/F**

**Deerfields Farm  
Canal Lane  
Bodicote  
Banbury**



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**Page 45**

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Deerfields Farm  
Canal Lane  
Bodicote  
OX15 4AD**

**13/00823/F**

**Ward:** Bloxham and Bodicote

**District Councillor(s):** Cllr Heath and Cllr Smart

**Case Officer:** Graham Wyatt

**Recommendation:** Refuse

**Applicant:** Mr & Mrs N Morris

**Application Description:** Erection of 1 No. dwelling

**Committee Referral:** Applicant is a Council Member

### **1. Site Description and Proposal**

- 1.1 The application site is located to the south east of Bodicote and is accessed off Canal Lane. The lane is a bridleway which serves three properties and the property known as Deerfields. The area is generally rural in character with fields to the rear (north) of the site. To the south is a field that has recently been granted planning permission for housing development. To the north lies the Bankside development area which has long been identified for housing and has also been granted planning permission for housing.
- 1.2

The proposal seeks to erect a two storey dwelling on land between Deerfields and the agricultural barn that lies to the south west of Deerfields. The dwelling would be sited on the same building line as Deerfields. It is proposed to provide parking and turning areas to the front of the site and a private amenity area to the rear. The dwelling would provide 3 bedrooms, a dining room, lounge, kitchen, utility room and store. En-suite bathrooms are proposed for each bedroom.

- 1.3 The agent for the applicant states that the application is an in-fill plot and is submitted as such.

### **2. Application Publicity**

- 2.1 The application has been advertised by way of a press notice, site notice and neighbour letters. The final date for comment on this application was 15<sup>th</sup> July 2013. One letter of objection has been received as a result of the consultation process commenting on the following material planning considerations:

- Impact on highway safety;
- Noise and disturbance as a result of additional traffic movements;
- Drainage issues.

### **3. Consultations**

- 3.1 **Bodicote Parish Council** - No objection.

## **Cherwell District Council Consultees**

- 3.2 **Rights of Way Officer** – No objection subject to conditions

## **Oxfordshire County Council Consultees**

- 3.3 **Highways** – No objection subject to conditions.

## **4. Relevant National and Local Policy and Guidance Policy Considerations**

- 4.1 Development Plan Policy

### **Adopted Cherwell Local Plan (Saved Policies)**

- H13: Category-1 Settlements
- H18: New dwellings in the countryside
- C8: Sporadic development within the countryside
- C13: Areas of High Landscape Value (AHLV)

Other Material Policy and Guidance

### **National Planning Policy Framework**

## **5. Appraisal**

- 5.1 The issues raised by this development are:

- Planning History of the site
- Policy Context and principle of the development; and
- Design and impact on the character of the area.

### **Planning History of the site**

- 5.2 Planning permission was granted on appeal in 1984 for the dwelling now known as Deerfields. The application (CHN.509/83) was originally refused as the site was considered to be within the countryside and no proven agricultural need was put forward to allow the dwelling. The inspector that allowed the appeal accepted that a genuine agricultural need did exist and granted permission subject to a number of conditions. Condition 3 of the decision restricted the occupation of the dwelling to those actively engaged in agricultural activities. This condition remains extant today.
- 5.3 Since the grant of permission for the dwelling, additional permissions for agricultural barns have been approved. The latest permission was approved under application 13/00427/AGN confirming that the agricultural use of the site remains active.
- 5.4 The field to the south of the site was granted outline planning permission for 215 dwellings in 2005. The latest reserved matters application (13/00822/REM) is currently being considered by the Council. To the north, permission for housing development at Bankside has also been approved (05/01337/OUT refers)

## **Policy context and principle of the development**

- 5.5 Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas and refers to the location of housing where it will enhance or maintain the vitality of rural communities. Paragraph 55 also continues by indicating that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the re-use of redundant or disused buildings leading to enhancement of the immediate setting or where it is necessary for an agricultural worker to reside at their place of work.
- 5.6 Bodicote is identified as a Category-1 settlement under policy H13 of the adopted Local Plan whereby new dwellings are restricted to infilling, minor developments comprising small groups of dwellings within the built-up area of the settlement and the conversion of non-residential buildings. The applicant states that the development falls within the definition of infill and therefore should be supported.
- 5.7 Infilling is defined as a small gap in an otherwise continuous built up frontage that is suitable for one or two dwellings. H13 will therefore permit the construction of houses in small gaps in a village street where environmentally acceptable. However, it is not the intention behind H13 to permit the erosion of all gaps within a settlement as many spaces in village streets are important to their character and cannot be filled without detriment to their environmental quality. This is particularly the case in a loose-knit settlement pattern where spaces can be as important as the buildings. In this case the application site is a working area between the farmhouse and a barn, and in my opinion the developed frontage to Canal Lane finishes at the house to the west of the barn.
- 5.8 The applicant states that a new dwelling is required as Deerfields “will be occupied by family members and they [Mr and Mrs Morris] require a smaller unit of accommodation for just the two of them” (Design and Access Statement). There is no indication that the dwelling is required to serve an agricultural need. A gap of some 10m would be retained between the proposed dwelling and the barn to the west and 5m between the proposed dwelling and Deerfields. It is considered that, in this instance, the gap sits between a barn associated with the agricultural use at Deerfields farm and the agriculturally tied dwelling known as Deerfields. The gap is some 30m and is not a small gap, is in agricultural in use and does not form part of a residential frontage. In my opinion, I do not consider the site to be an infill plot and is therefore contrary to policy H13 of the adopted Cherwell Local Plan 1996.
- 5.9 It is noted that permission exists for new housing both north and south of the site. However, this does not overcome the fact that at the current time the site is within the open countryside and does not constitute an infill plot.

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

- 5.10 The proposed dwelling would be constructed of stone under a tiled roof and would provide accommodation over 2 floors. The ground floor would provide a lounge, dining room, kitchen, store, utility room study/bedroom with en-suite, hall, cloakroom, porch and carport. The first floor would provide a further two bedrooms, both with en-suite and a dressing room for the master bedroom.

5.11 Parking and turning areas would be provided to the front of the site and a private garden area to the rear. I find the design of the proposal largely acceptable and its impact on the character of the area at this point would not be significant. Therefore, I would not offer an objection on design grounds.

**Engagement**

5.12 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient determination of the application.

**Conclusion**

5.13 In conclusion therefore taking into account the above appraisal it is considered that the proposal is unacceptable and fails to comply with the Government guidance contained in the NPPF and the other relevant development plan policies listed above.

**6. Recommendation**

**Refusal** for the following reason:

1. Bodicote is a Category 2 village as defined in the Adopted Cherwell Local Plan 1996. Within such villages new residential development is restricted to conversions, infilling and small-scale development which can be shown to secure significant environmental improvements. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved Policies H14 of the adopted Cherwell Local Plan 1996.

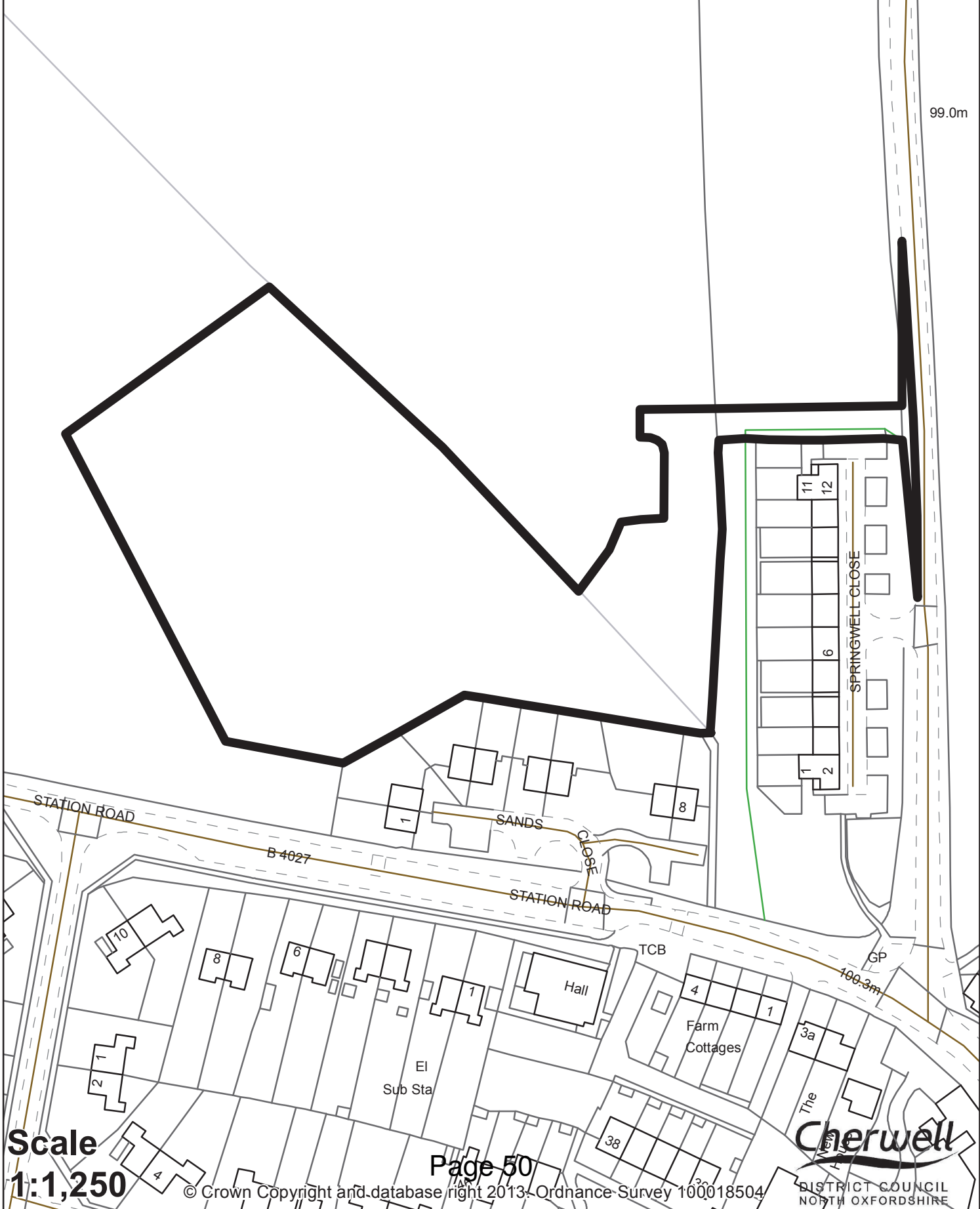
**STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

<b>CONTACT OFFICER:</b> Graham Wyatt	<b>TELEPHONE NO:</b> Ext 1811
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▲ 13/00833/F

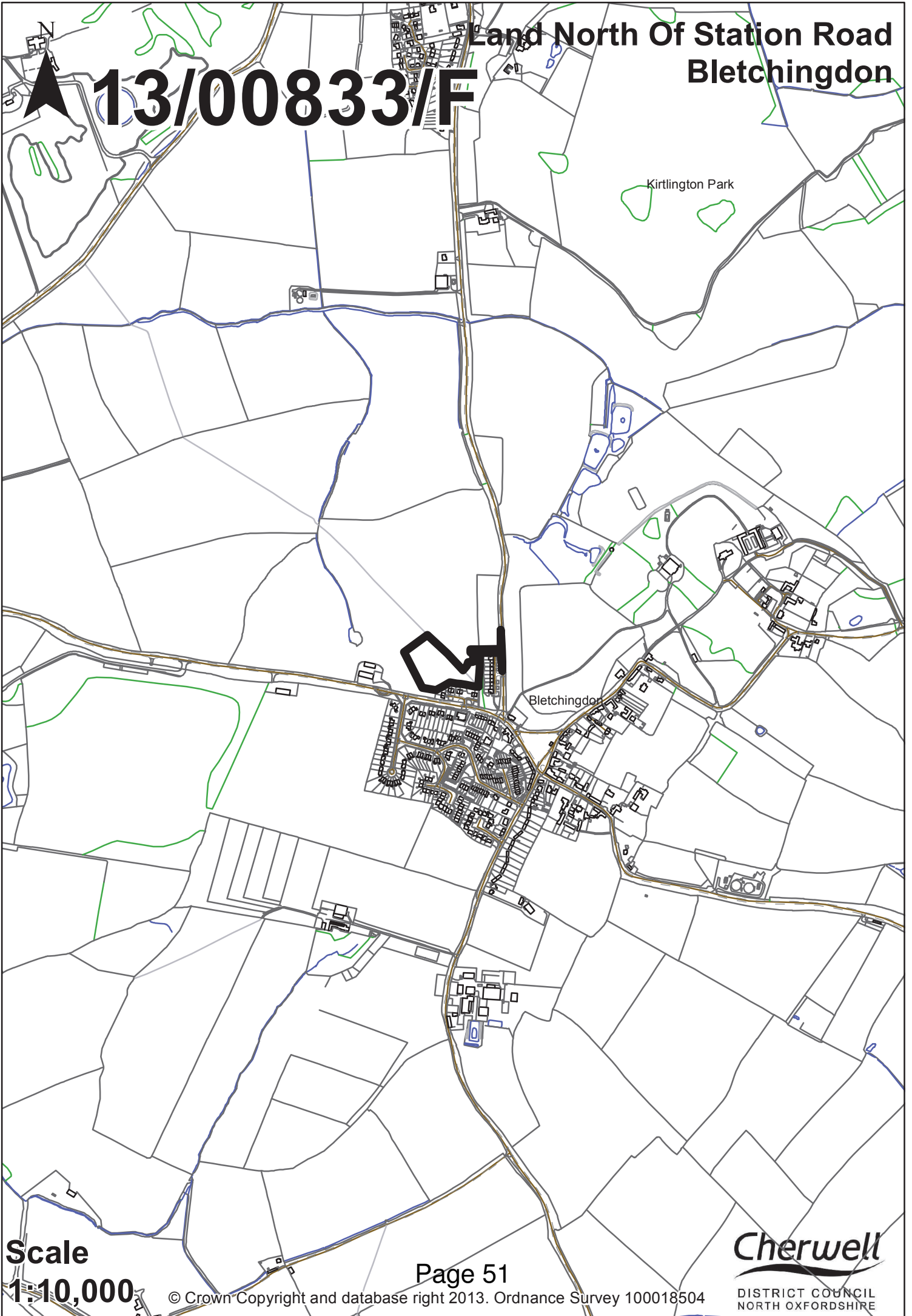
99.0m



Scale  
1:1,250

Land North Of Station Road  
Bletchington

▲ 13/00833/F



Scale  
1:10,000

# **Land North of Bletchingdon Road, Bletchingdon**

**13/00833/F**

**Ward:** Kirtlington

**District Councillor:** Cllr Holland

**Case Officer:** Paul Ihringer

**Recommendation:** Approval

**Applicant:** Duchy of Cornwall

**Application Description:** Primary school, village hall, access and parking.

**Committee Referral:** Major

## **1. Site Description and Proposed Development**

- 1.1 The application site occupies part of a field just beyond Bletchingdon's north western boundary. Unlike most of the rest of Bletchingdon the field lies outside the Oxford Green Belt. Aside from an access road on to Springwell Hill the site lies just outside the Bletchingdon Conservation Area.
- 1.2 Earlier in the year at the April Committee, Members approved (subject to a S106 agreement) an outline application for a new school, village hall, shop and 58 houses (13/00004/OUT refers). This current application seeks full planning permission for the school, village hall and associated parking as well as new access on to Springhill Road.
- 1.3 The principal elevation of the village hall faces Station Road and is designed so that it has the appearance of a large barn (11.6m ridge height) with a central 'barn door' opening in the gable end. Either side of the gable are two symmetrical 'buttress' like single storey wings. The school which shares some of the village hall's facilities is attached to the rear of the hall and wraps around a fully enclosed courtyard. The school will be served by a playing field, a games court, a hard play area, a play area for foundation children and an outdoor classroom. The school grounds will, by necessity, be fenced off from the rest of the development (gates will allow parents access to drop off and collect their children from the classroom).
- 1.4 OCC officers have provided advice throughout the design process, to ensure that the requisite standards are met, including sustainability targets. The architect has also had to be mindful of the operational needs of the shared school and village hall facilities and had to ensure that there is potential, if necessary, to extend the facility at some time in the future.
- 1.5 As with the school the main entrance to both the village hall is to the side (eastern elevation) of the building. The larger doors in the front elevation would normally only be opened for large events. A large double height hall space (80sqm), which can be divided into two when necessary with large folding doors, would be surrounded either side by a separate café and bar area, a parish office and archive as well as toilets and a large storage area.

- 1.6 The new building would be served by a 23 bay parking area, including 2 disabled spaces. The car park would be accessed via a new junction on to Springhill Road, just to the north of Springhill Close.
- 1.7 The layout is very different to that considered under the outline application. Given the tight deadlines involved in bringing the school forward, the applicant concluded that there would be insufficient time to seek a footpath diversion order to realign the footpath (FP 134/1) as had originally been proposed. There would also be too many unwanted complications in trying to accommodate the line of the footpath through the school campus. As a result, the footpath hugs the north eastern boundaries of the car park and the school grounds. During the application process the red line was amended so that a proposed play area to the east of the car park was deleted from the proposal. (permission is not being sought or this element of the development).

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 12<sup>th</sup> July 2013.

1 letter has been received. The following issues were raised

Material planning comments:

Highway safety - Station Road is busy and motorists sometimes ignore the speed limit

Non material comments:

There are better locations for housing

## **3. Consultations**

- 3.1 **Bletchington Parish Council:** No objections

### **Cherwell District Council Consultees**

- 3.2 **Design and Conservation Officer Team Leader:** Comments as follows:

“The proposals for the primary school on this 1.1 HA site follows the outline application which was approved for this and the adjacent area earlier in the year. The overall design approach and first principles which are set out within the Design Statement, provided with this application, are very much supported by the Council. However there are a number of concerns that the Council have about the translation of these principles into the final design and there are a number of key improvements that can be made to this scheme.

“The design review has been based on the information set out in the Design Statement, and the plans and elevations that have been provided with this application. Informal verbal feedback was given on the plans which were originally submitted with the application. This has led to a resubmission of revised plans where a number of small changes have been made.

### Site Setting / Context

"The site is located to the west of Bletchingdon, a small village 7.5 miles from Bicester and 8.5 miles from Oxford. The village has a historic core, including Bletchingdon Park, a Grade II listed house and St Giles Parish Church.

There have been various additions to the village in the interwar years and the late 20<sup>th</sup> century. The development will replace the existing village school and hall. The existing school is a Victorian stone built structure, while the existing hall is of more modern construction. The new proposals will offer a significant improvement to the village's facilities.

- The site comprises part of an arable field to the north of Station Road, Bletchingdon. The proposals form part of a larger plan for development in the area and the north and west of the school site will be framed by new housing development.
- The site boundaries have moved since the Outline Application to support the retention of a public right of way that runs from the south-eastern corner of the site, crossing the northern boundary and continuing out into the proposed housing development.
- Access to the site will be from Station Road to the south with some vehicular access from Springwell Hill to the east.
- The site is largely level, sloping gently down to the north west corner of the site.
- The site is bound to the east by mature hedgerows and trees which provide an interface between the school site and the existing housing.
- The southern boundary of the site is formed, for the most part by 2m high fencing to Sands Close and by a dry stone wall to Station Road.

### Site Layout

The development principles were established in the previous outline application. Key to this was using the school as an anchor to a community hub. The school sits on a prominent square that gives directly onto Station Road. There have been a number of key changes to the layout plan, which largely relate to the configuration of the primary school site in relation to the Public Right of Way and the rest of the development site. This change has created a number of layout issues which are difficult to resolve.

- A new village shop will be located to the west of the school square and a small café will form an integral part of the school hall.
- A formal symmetry for the school building and square has been established which opens out onto Station Road. It is critical that the built form fronting this space provides well fenestrated and active frontage.
- The main access to the school will be from the formal square for pedestrians, with Vehicular access to the school from Springwell Hill. Car parking sits directly behind Sands Close. Access for servicing will be from the street linking the site to Station Road.
- The site boundary for the school has changed since the Outline Application. The school is now located to the southwest of the public right of way. This has had an impact on the development to the southeast of the site. In the south east corner the community park / play area has been located, with some 'Masterplan Housing' indicated immediately to the northwest of this (along the POW). We have concern about this

configuration, as both the car park and community park are now in a tight corner edged with back gardens which will provide little or no surveillance.

- It is unclear as to how the development will be configured to the northwest of the POW. This is a tight space and it will be difficult to establish development which appropriately fronts onto the park, public right of way and street.

### Building Layout and Design

The key concepts for the building layout and design are supported by CDC. The scheme is based on an enclosed courtyard around which the classrooms are structured. The front of the building projects forward from the courtyard and a school / village hall projects out onto the main square. A number of school and community uses are wrapped around the hall providing flexible use. While this conceptual approach is supported, we have some serious reservations about the detailed configuration of the building onto the main square.

- The hall provides a strong architectural feature, forming the tallest part of the development, with a high gable which fronts onto the square. The hall is likely to be the highest building in the area, standing at 11.8m. It is felt that the scale is appropriate for the area and helps provide a clear hierarchy to this important building.
- The hall sits firmly upon the square with large format doors providing balanced features which correctly dominate this facade. While the detail of this is not quite clear in the elevations. It appears that there is a large glazed area containing glazed doors. On either side of this appear to be timber barn doors, which might or might not be usable. It is considered that this part of the structure is well fenestrated and directs the eye to this important entrance.
- The hall is wrapped by ancillary meeting rooms / services to the east and west. These are stepped back a little from the main hall and have less presence, making these wings subservient to the main hall. Again the structure of this is acceptable, though we have concerns about the organisation of the internal layout which has led to an approach to fenestration that is unacceptable.
- The two wings to the hall accommodate a range of uses, ranging from the Parish Office, meeting rooms, medical room, café / display areas, staff room / work area and kitchen, alongside a number of storage areas. The uses fronting onto the square are the village hall store to the left and toilets and the parish office to the right. The nature of these uses (bar the Parish Office) means that there is limited activity in these rooms but also makes it impractical to have anything but small windows. It seems that there is scope for the rooms around the hall to be reorganised in order to improve the fenestration in this area which at this moment is very limited.
- The main function of this building is a primary school however the main school entrance does not give onto the square or the main vehicular route but a side entrance which sits close to the car park. Orientation to this area from the square is not clear. Again this feels like a missed opportunity and this is the area should provide a clear sense of arrival.

### Materials and Details

The proposals set out a simple palette of materials, which are being applied to the building in a simple way.

- The main building structure is of natural stone. My only comments on this is that the stone should match that found in the village and that instead of random coursed stone a more structured approach is taken to laying the stone to give it an order similar to other buildings in the village.
- Parts of the building are of render such as the main gable façade for the hall. Again we are comfortable with this approach subject to an appropriate neutral colour being selected.
- Clay tiles are used on the roof with some zinc roofing in detailed areas.

#### Designing Out Crime

One of the key concerns that CDC have regarding this scheme is low level of surveillance of key spaces within the scheme. One of the key principles of Secure by Design is providing buildings where active uses front onto the public realm.

- In the case of the front façade of the school and community building, there are a number of uses such as café, offices, meeting rooms and kitchen that are located in this area of the building. It is therefore very disappointing to see that the main façade has the general store and toilets. While the parish office is also located on the south eastern corner of the building, it has no windows onto the square.
- The community park / play space and school parking area, similarly are poorly configured in relation to the existing site and the proposed school, and the car park, play area and public right of way will have very limited surveillance.

#### Conclusions

- The principle of the school fronting onto a square is very much supported, however there are a number of concerns that we have about the design and the detail of the building, where we strongly suggest that a further review is undertaken.
- The reconfiguration of the school boundary has a knock on effect to the rest of the masterplan approved at Outline and the implications of this has undermined the quality of the scheme.

3.3 **Conservation Officer:** No objections “No detrimental impact on the conservation area or setting of listed buildings.”

3.4 **Anti-Social Behaviour Manager:** Comments as follows:

“Further to your consultation of 23/08/13 I can confirm that I have examined the specialists report submitted by the applicants and can advise that they have assessed the noise impact of the proposed community building both in terms of the noise produced by fixed plant and equipment at the premises and in terms of the noise produced by activities involving the use of amplified sound within the building. In both cases they predict that no adverse affect will arise.”

3.5 **Environmental Protection Officer:** “As a sensitive development where the end users would be particularly vulnerable to contamination, I recommend the full contaminated land conditions”

3.6 **Landscape Officer:** Comments as follows (following the receipt of the final revision):

“The latest car park layout that you showed me today is an improvement in that there is more planting within and surrounding the car parking.

“The 2 trees that are in the 1m wide planting bed will need to be in constructed tree pits and we will need a detail of this to approve.”

3.7 **Arboricultural Officer:** Comments as follows:

After reviewing the amended layout / landscape drawing (13/1034/ESA/L/001), I am satisfied that the points previously raised by myself regarding the boundary proposals have been addressed. Details for the landscape design will need to be agreed identifying all proposed tree and shrub planting as well as detailed specifications for the 8 No structured cell planting pits for the 4 No proposed trees in the 'Entrance Plaza' and the 4 No trees proposed for the narrow beds adjacent to the proposed centralised parking bays.

3.8 **Ecology Officer:** Comments as follows:

“The landscape layout design for the school and grounds (drawing 13/1034/ESA/L/001) is a reasonable compromise as regards the use of the site and benefits for ecology, biodiversity enhancement and protection of the retained hedgerow. I have no further comments or suggestions therefore. Its success for wildlife will depend on management but these details should be included in an LEMP. The installation of a vertical railing fence should ensure that wildlife can still move on and off site. The conditions I previously suggested for the overall site still stand.”

3.9 **Biodiversity and Footpath Officer:** Comments as follows:

“Bletchington Footpath No 1 runs across the application site but no public path order will be required as the proposed development accommodates the right of way on its existing line (see 11.1 of the Design and Access Statement). This is a change from the outline application which would have required a Public Path Order to divert the footpath.”

## **Oxfordshire County Council Consultees**

3.10 **Highways Liaison Officer:** Comments as follows:

The application proposes three separate accesses onto Station Road and one access onto Springwell Hill for the new development. The LHA has concerns over whether so many new accesses are required onto Station Road, particularly the two westernmost accesses that may conflict with the

priority passing traffic calming feature where the speed limit changes from 30mph to 60mph.

Details will need to be provided of the eastern proposed access ('The Square') on Station Road in terms of layout, road markings, visibility splays, lane segregation etc. At 30m in width, this sort of access is not generally considered appropriate. Similarly, details of the proposed access onto Springwell Hill, including visibility splays, must be submitted for consideration and approval. It is considered that the proposed site accesses will be defined in greater detail and finalised at the detailed application stage. The new highway accesses will require separate consent from the local Highway Authority (informative).

Car and cycle parking provision must be provided in accordance with OCC standards. Parking and drop-off facilities for the school and village hall are proposed to be segregated from the remainder of the development. Again, this will be defined at the detailed planning stage. I would recommend that parking spaces for teaching staff, visitors and drop-off spaces are clearly defined. Safe and segregated pedestrian facilities will need to be provided from the drop-off area to the school for parents and children. Please see below further detailed Travel Plan Team's comments on the proposed layout of the school/ parking area.

For retail development, 1 car parking space per 14m<sup>2</sup> is required. Therefore 4 car parking spaces must be provided for the proposed shop. As the shop is proposed at the front of the development on Station Road, it is likely to attract parking on the main road and in the entrance to the estate, which is not desirable and could represent a risk to highway safety. This will need to be fully considered at the detailed design stage, and dedicated shop parking provided in an appropriate location.

The application states that the illustrative masterplan shows a layout that 'could accommodate 105 dedicated residential parking spaces, with a further 28 spaces for the school and community hall'. However, there only appear to be 60 residential parking spaces indicated on plans. OCC's residential car parking standards, which provide guidance on allocated and unallocated car parking, would require approx. 137 residential parking spaces, and these will need to be designed into the future detailed layout. Any garages must be a minimum of 3m x 6m internally.

As with all developments like this, car parking at the rear of dwellings tends to see vehicles parked on the road or verges to the front of properties giving rise to damage to adjacent verges or kerbing. This will need to be fully addressed at the detailed design stage.

All on-site roads will need to be built to an adoptable standard, including drainage, street-lighting, pedestrian facilities, visibility splays at internal junctions, access for emergency/servicing vehicles and provision of appropriate turning heads and large vehicle swept paths. A Section 38 Agreement will be required for any new public roads/footways to be provided within the development.

The Section 106 Heads of Terms identify the need for 'appropriate financial contribution based on the reasonable demand generated from the development' towards Highways/Transport Matters.

The LHA requests a transport developer contribution of £6,200 towards improving public transport infrastructure (enhancing the Blacks Head pair of bus stops, with the provision of modern bus stop poles flags and information cases and the provision of a northbound shelter, subject to the Parish assuming ongoing maintenance).

Additionally, a sum of £58,000 is requested towards improving the 25A bus service through enhanced evening services. The details of the additional evening services need to be determined through liaison with the bus operator, also taking into account funding secured from the Upper Heyford development.

A TA has been submitted and includes details of the site description, surrounding highway network, pedestrian and cycle provision, public transport provision, accident record, trip generation and distribution, observed, base and forecast traffic flows, junction analyses and proposed off-site highway works.

The proposed development is likely to generate 114 vehicular movements in the AM peak (0800-0900) and 46 in the PM peak (1700-1800) according to TRICS database.

The junction analyses indicate that the Station Road/ Lince Lane junction is not operating satisfactorily at present and will not do so in the future, with or without development-generated traffic. The proposed site access junction will operate satisfactorily during both peak hour periods in the future, with no queuing or noticeable delay, even with all development traffic using one junction. The other junctions modelled (The Causeway/ Station Road, Weston Road/ Station Road/ Islip Road/ Oxford Road, B4027/ Northbound slip and B4027/ Southbound slip) operate, and will continue to operate, within capacity with no queuing or significant delay. No mitigation is required at any of the junctions on the network surrounding the proposed development site.

The five year road collision history has been examined, with 42 road collisions reported for the surrounding area. Seven accidents occurred in Bletchington itself, of which the majority related to potholes and loose gravel and two related to the Station Road pinch point adjacent to the development. The TA proposes that mitigation might be introduced as part of the offsite highway works for the development in the form of a gateway feature for the village, thus rendering the pinch-point more noticeable to drivers.

A detailed pedestrian/cycle audit has been carried out and submitted with the TA. The conclusions of the audit propose various mitigation measures as follows:

11.4 The bus stop hard-standings are isolated from the footways. This requires mitigation such that all bus stops are accessible via a continuous footway and suitable crossing points.

11.5 With regard to crossing points, many dropped kerbs lack suitable tactile paving, and/or are misaligned with dropped kerbs, if they exist, on the opposite side of the road. This requires mitigation by moving dropped kerbs to provide continuous pedestrian routes through the village. Some will require the provision of tactile paving.

11.6 There is no footway on the northern side of Station Road in the vicinity of the site. A suitable footway will need to be provided here, along with a zebra crossing on Station Road to link the development site with the main area of housing in Bletchingdon.

As part of the development proposals, the north side of Station Road from the western boundary of the site to Springwell Hill will be furnished with a 1.8m wide footway with appropriate dropped kerbs. A gateway feature will be installed at the pinch point adjacent to the westernmost boundary on Station Road. A zebra crossing will be provided adjacent to the site to provide a safe route to school for children walking from the village. Suitable dropped kerbs will be provided between the site and the village centre, and footways realigned to rationalise the route from there to the proposed development site. Where necessary, bus stops will be connected to the footways.. Depending on the location(s) of the proposed site access(es) it may be necessary to move the pinch point further away from the village, together with its attendant 30mph signs. These items will need to be carried out under a Section 278 Agreement. In the opinion of the LHA, a humped zebra crossing on Station Road is required. This may require some changes to the traffic calming features/traffic regulation order, which would need to be addressed in the detailed design stage.

A Construction Traffic Management Plan (CTMP) is included in the TA, which sets out proposed measures to control and manage traffic relating to the construction element of the development. Certain details will need to be provided prior to commencement of development, as indicated in the CTMP. The proposed route for delivery vehicles is west out of the site onto the B4027, and not through Bletchingdon village itself.

A number of documents have been submitted with this application and an audit has been performed, the results of which are:

- The Residential Travel Plan is very well written and contains the majority of information required.
- Please amend the Contents page so every section is not listed as being on Page 1.
- Once the Travel Plan Co-ordinator has been identified, can the details (name, contact number/ email) be sent to Oxfordshire County Council?
- Oxfordshire Car Share has now been rebranded to Oxfordshire Lift Share due to some confusion over the interpretation of the name. Can any references to Oxfordshire Car Share please be amended?
- In regards to cycling measures, other things that can be considered (and would be helpful to the residents) are the name and location of the nearest bicycle shops and if they service bicycles (which could be included within the Residents Travel Packs) and if the residents would be

able to get an initial discount (which would need to be looked into by the Travel Plan Co-ordinator).

- Another way to try to encourage a reduction in single occupancy vehicle use is the home-working and the availability of broadband in the area. May be this could be explored by the Travel Plan Co-ordinator and promoted (if necessary) to the residents.
- Just for clarification could any short references to National Cycle Route 51 be changed from NR51 TO NCR51.
- There is concern about the proximity of the café and village hall to the School. What will the impact of the traffic coming from all of these buildings be on the area, especially during the 'pick up' and 'drop off' times for the primary school, and if the village hall is going to be partly used as a pre-school.
- Will any cycle parking be provided at the Primary School?
- A 'Drop Off Zone' for the primary school has been mentioned. Where will this be situated?
- Will there only be one access to the primary school. There is concern that if there is only one, a traffic pinch point will be created in mainly one area near to the school creating a potential safety hazard for pupils entering and leaving the school site.
- How will parking on the surrounding roads and Sands Close be discouraged? Typically parents who drive their children to school will try to park as near as possible to the site, especially if the nearby car park is full. We try to discourage parking on roads / streets around the school as it can potentially cause a safety hazard for children and residents of surrounding streets can find the extra parking a nuisance.
- The layout of the designated car park near to the school suggests that there will be a certain amount of manoeuvring to get in and out, especially if it gets full. Can the layout please be explained in more detail as there is concern that if parents wanting to drop off or pick up their children feel that it is complicated to park in the designated car park; they will be more inclined to park on the surrounding streets?
- Bletchingdon Primary's School Travel Plan is included as Appendix H of the TA. This Travel plan was put together in 2008 and so a lot of the targets and actions are now out of date. I would like to see an updated one which contains current figures, actions etc., which also mentions the relocation of the school. This should then to be updated again once the site has been occupied in the new location. It is of note that the original School Travel Plan identified a strong desire amongst parents and pupils to increase cycling levels to school, and this aspiration should be considered in light of the proposed new/replacement school location.

### 3.11 Transport Planner: Comments as follows:

"Primary schools tend to attract large numbers of car users at the beginning and end of the school day. We try to discourage parking on roads / streets around the school as it can potentially cause a safety hazard for children and cause a nuisance for local residents.

“Reasonable provision should be made for measures to prevent cars blocking the bus stops and the 25A bus route, including provision of clearways at the bus stops and yellow lines to the north of these bus stop clearways, extending into Springwell Hill.

Legal Agreement required to secure:

“The developer is requested to contribute a sum of £2,000 towards the provision of bus stop clearways at the Blacks Head pair of bus stops. These are seen as necessary in order to deter vehicles from parking over and blocking the bus stops.”

**3.12 Rights of Way Officer:** Comments as follows:

“The application does not propose to divert the existing definitive footpath that runs through the site. A number of changes are proposed to the nature and surfacing of this footpath. Comments have been received from OCC’s Field Officer:

“The plans suggest that there is to be regular vehicle crossing of the footpath. The plans show bound gravel where the footpath crosses however this would not be something that would be appropriate as a surface as it will be easily eroded by traffic. It does not appear to be a sensible choice of material given the proposed use of woodchip parking surfaces adjacent.

“I would request that adequate signage is provided, so vehicle users are aware of the public footpath crossing. Is there to be a surface for the footpath? A bound gravel surface would be something we would like to see here due to the nature of the site and likely use. I would be more than willing to discuss this further with the developers should they wish to.”

**3.13 Drainage Officer:** Comments as follows:

“Surface water is proposed to discharge to SUDS. This matter should be covered by planning condition.”

**3.14 Planning Archaeologist:**

“The proposals outlined in the proposal would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.”

**Other Consultees**

**3.15 Thames Water:** No objections subject to condition

**3.16 Police Architectural Liaison Officer:** No appraisal of application, standard advice reiterated in generic response.

**3.17 The Ramblers:** No comments received

**3.18 Oxford Field Society:** No comments received

3.19 **Open Spaces Society:** No comments received

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

C2: Development affecting protected species

C4 Creation of new habitats

C7: Landscape conservation

C8: Sporadic development in the open countryside

C27: Development in villages to respect historic settlement pattern

C28: Layout, design and external appearance of new development

C30: Design of new residential development

C31: Compatibility of proposals in residential areas

C32: Provision of facilities for disabled people

ENV12: Contaminated land

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission Focussed Consultation  
(March 2013)

The Local Plan (March 2013) is out for a second round of public consultation. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

BSC 9 Public Service and Utilities

BSC 10 Open Space, Outdoor Sport and Recreation Provision

ESD 1 Mitigating and Adapting to Climate Change

ESD 3 Sustainable Construction

ESD 6 Sustainable Flood Risk Management

ESD 7 Sustainable Drainage Systems (SuDs)

ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13 Local Landscape Protection and Enhancement

ESD 16 The Character of the Built Environment

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have

Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

R4: Rights of way and access to the countryside  
R9: Amenity areas  
R11: Community facilities  
TR1: Traffic generating development  
TR3: Transport assessments and travel plans  
TR4: Mitigation measures  
TR5: Road safety  
TR8: Pedestrian and cycle circulation  
TR9: Provision of cycle parking  
TR11: Parking  
EN40: Conservation areas  
D3: Local distinctiveness  
D5: The design of the public realm

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- The principle
- Design
- Neighbour impact
- Landscaping
- Highway safety

### **The principle**

5.2 The principle of both the village hall and the school were previously dealt with as part of the outline permission (13/00004/OUT) approved by Members earlier in the year. The relevant paragraphs from the report read as follows:

**Village hall** - As referred to previously, there is an extant permission for a village hall on part of the application site (07/02608/F renewed by 10/01712/F refer). The case officer for these applications concluded that it complied with Policy R11 of the Non-Statutory Cherwell Local Plan 2011 (NSCLP) which supports the construction of new village halls providing that they are: conveniently located for the population they are intended to serve; are appropriate in terms of scale, siting and design; and would not lead to a significant loss of amenity to adjacent properties.

Although there is no corresponding policy in either the adopted Cherwell Local Plan (CLP) or the emerging Local Plan (ELP) Paragraph 69 of the NPPF reaffirms the commitment to development that promotes community interaction:

*The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the*

*residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:*

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.

**School** - *Although there is no specific reference to schools in local policy the NPPF is unequivocal in its support of proposals that meet an identified need for new school places. Paragraph 72 of the NPPF reads as follows:*

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- give great weight to the need to create, expand or alter schools; and
- work with schools promoters to identify and resolve key planning issues before applications are submitted.

- 5.3 Officers are satisfied that there have been no changes to either local or national policy that would compromise this assessment - the proposed development is therefore considered to be acceptable in principle.

### **Design**

- 5.4 The Council's Design and Conservation Team Leader (DCTL) is largely supportive of the proposal and indeed commended the architects for the overall quality of the design, notwithstanding the fact that the architect was constrained by OCC's requirements for how the school has to function.
- 5.5 Misgivings were however expressed about some of the elements which it was felt could be improved. The principle objection to the scheme is the lack of fenestration on the front elevation of the village which faces Station Road. This was partly down to the Parish Council's general reluctance to have too many windows to maintain, but more to do with the fact that the windows serve the hall toilets and a store area.
- 5.6 The DCTL argued that if the internal layout were rearranged so that perhaps the café and parish office occupied the space to the front of the building not only could more fenestration be introduced but there would be better surveillance of the pedestrian square.

- 5.7 At a meeting involving the architect and the DCTL, the architect explained the rationale behind the design. Aside from taking into account the view of the local residents and the Parish Council, it was argued that the café would function better if were more integrated with the school/hall food prep area which logistically has to be incorporated into the school element. It was also maintained that having the main entrance to the village hall to side of the building (facing the car park and principle pedestrian access) would allow people to flow more naturally to the café and enclosed outdoor space beyond.
- 5.8 The applicant is hoping to submit the reserve matters application for the rest of the scheme in the near future. As part of the future proposal, there is an expectation that a village shop (the Duchy is in advanced discussion with a supermarket chain) will front onto the pedestrian square offering the surveillance that would be lacking from the front elevation of the village hall.
- 5.9 Whilst officers concur with the DCTL that an opportunity would still have been lost with the design of what will be a landmark building within the village, it is nonetheless concluded that these concerns over one element of what is considered to be a very well designed scheme and not so significant to warrant a refusal, particularly as the design has the support of the majority of the local community. It should also be noted that the applicant did take on board other criticisms e.g. the rear half hip on the rear end of the village hall was replaced with a gable end to match the front elevation.
- 5.10 The development is deemed not to unduly affect the character and appearance Bletchington Conservation Area, or its setting, and therefore complies with Policy C28 of the CLP and Government guidance contained within the NPPF.

#### **Neighbour impact**

- 5.11 Although the village hall/school and the proposed parking area will be in relatively close proximity to the rear boundaries of some of the properties on Sands Close, the impact on these neighbours would not be unduly significant. Amendments were made to the original layout of the parking area which will mitigate most of the potential harm. In response to comments submitted by the Anti-Social Behaviour Manager the applicant provided a noise impact assessment which demonstrated that the proposed attenuation would successfully mitigate any potential impact on the surrounding dwellings. The proposal therefore accords with Policy C31 of the CLP.

#### **Landscaping**

- 5.12 The Landscape Officer expressed concern about the proximity of the parking area to an existing hedge which forms the rear boundary of the properties on Sands Close. In addition to improving the amenities of these residents the reworked car park has resulted in an improved buffer for the hedge ensuring its long-term survival. Both the Landscape Officer and the Arboricultural Officer are happy with the revised scheme.

#### **Highway safety/parking**

- 5.13 The revision to the parking area which was the result of the concerns expressed by the Landscape Officer's was partly responsible for a reduction in the number of parking spaces from 27 to 23. The Highways Officer (HO) has however not queried the new layout (subject to condition). Although the applicant has addressed some of the HO's other queries, further detail is still

required in respect of the pedestrian/cycle access. This matter can however be dealt with by condition. It should also be noted that some of the comments made by the HO refer to the wider site which will be considered as part of the reserved matters application which is due to be submitted shortly.

#### **Planning contribution**

- 5.14 The financial contributions sought for the village hall and school will form part of a S106, which is close to being agreed, in respect of the outline application (13/00004/OUT) which was recommended for approval by Members earlier in the year.

#### **Consultation with applicant**

- 5.15 Good communications were maintained with the agent to ensure that the issues that arose were successfully dealt with.

#### **Conclusion**

- 5.16 Having previously established the principle, and notwithstanding the reservations expressed by the DCTL (some of which refer to the wider site), it is concluded that the proposed school and village hall complies with Policies C2, C4, C7, C27, C28, C31, C32 and ENV12 of the CLP and Government guidance contained within the National Planning Policy Framework.

## **6. Recommendation**

**Approval**, subject to the following conditions:

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

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

- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Thermal Modelling Report produced by Ridge and Partners LLP and dated August 2013; the Noise Impact Assessment dated 12 August 2013 the following approved plans: 1220 051; 1220 053; 1220 056a; 1220 200; 1220 300 D; 1220 310 B; 1220 311 B; and 13 1034/ESA/L/001.

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

- 3 Prior to the construction of the walls of the school and village hall hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved 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

schedule.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 Prior to the construction of the walls of the school and village hall hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in limestone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the relevant external walls identified on the approved plans shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the first use of the school or village hall hereby approved, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with a specification of the means of access as approved in writing by the Local Planning Authority. All ancillary works therein specified shall be undertaken in accordance with the said specification.

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

- 6 Prior to the first use of the school or village hall hereby approved, full specification details of the access road including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the school or village hall the development shall be constructed in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

- 7 Prior to the first use of the school or village hall hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government

guidance contained within the National Planning Policy Framework.

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

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

- 9 Notwithstanding the approved plans, prior to the first use of the school or village hall hereby approved a plan demonstrating improved pedestrian/ cyclist access from Station Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the school or village hall the development shall be constructed in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

- 10 A Green Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance Government guidance contained within the National Planning Policy Framework.

- 11 A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The CEMP shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site and shall include details of the consultation and communication to be carried out with local residents. Construction work shall thereafter be carried out in accordance with the approved CEMP.

Reason - To protect the amenities of the local residents, to avoid pollution and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

- 12 Prior to the construction of the walls of the school and village hall a drainage strategy detailing any on and/or off site drainage works, shall be submitted to and approved by, the local planning authority in consultation

with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed".

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

13 Prior to the construction of the walls of the school and village hall hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

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

(c) details of the hard surface areas (including those to the front of the proposed school), including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

BS3998: Recommendations for Tree Works.

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

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

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 16 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 17 Prior to the commencement of any approved tree works, any operations that present a risk to retained trees, or any operations to facilitate specialised tree planting (eg: tree surgery, trenching operations close to the Root Protection Areas of retained trees or construction of load-bearing structured cell planting pits), the applicant shall give the Local Planning Authority seven days written notice that works are due to commence.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 18 Prior to the commencement of the development hereby approved, full details of a scheme of supervision for the arboricultural protection measures, to include the requirements set out in a) to e) below, and which is appropriate for the scale and duration of the development works, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the arboricultural protection measures shall be carried out in accordance with the approved details.

a) Written confirmation of the contact details of the project arboriculturalist employed to undertake the supervisory role of relevant arboricultural issues.

b) The relevant persons/contractors to be briefed by the project arboriculturalist on all on-site tree related matters

c) The timing and methodology of scheduled site monitoring visits to be undertaken by the project arboriculturalist.

d) The procedures for notifying and communicating with the Local Planning Authority when dealing with unforeseen variations to the agreed tree works and arboricultural incidents

e) Details of appropriate supervision for the installation of load-bearing 'structural cell' planting pits and/or associated features such as irrigation systems, root barriers and surface requirements (eg: reduced dig systems, arboresin, tree grills)

Reason - To ensure the continued health of retained trees/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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19 Prior to the commencement of the development hereby approved, full details of all service trenches, pipe runs or drains and any other excavation, earth movement or mounding required in connection with the development, including the identification and location of all existing and proposed trees, shrubs and hedgerows within influencing distance of such services, 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 - 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20 All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees - Volume 4 and all subsequent revisions and amendments thereof.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 21 Prior to the construction of the walls of the school and village hall hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, 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 and specifications.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 22 Prior to the construction of the walls of the school and village hall hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, 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 and specifications.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 23 Prior to the first use of the school or village hall hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, shall be erected, in accordance with the approved details, prior to the first occupation of the school and village hall.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 24 Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'

and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason - To ensure that 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 25 If a potential risk from contamination is identified as a result of the work carried out under condition 24, 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 26 If contamination is found by undertaking the work carried out under condition 25, 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 27 If remedial works have been identified in condition 26, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 26. 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **PLANNING NOTES**

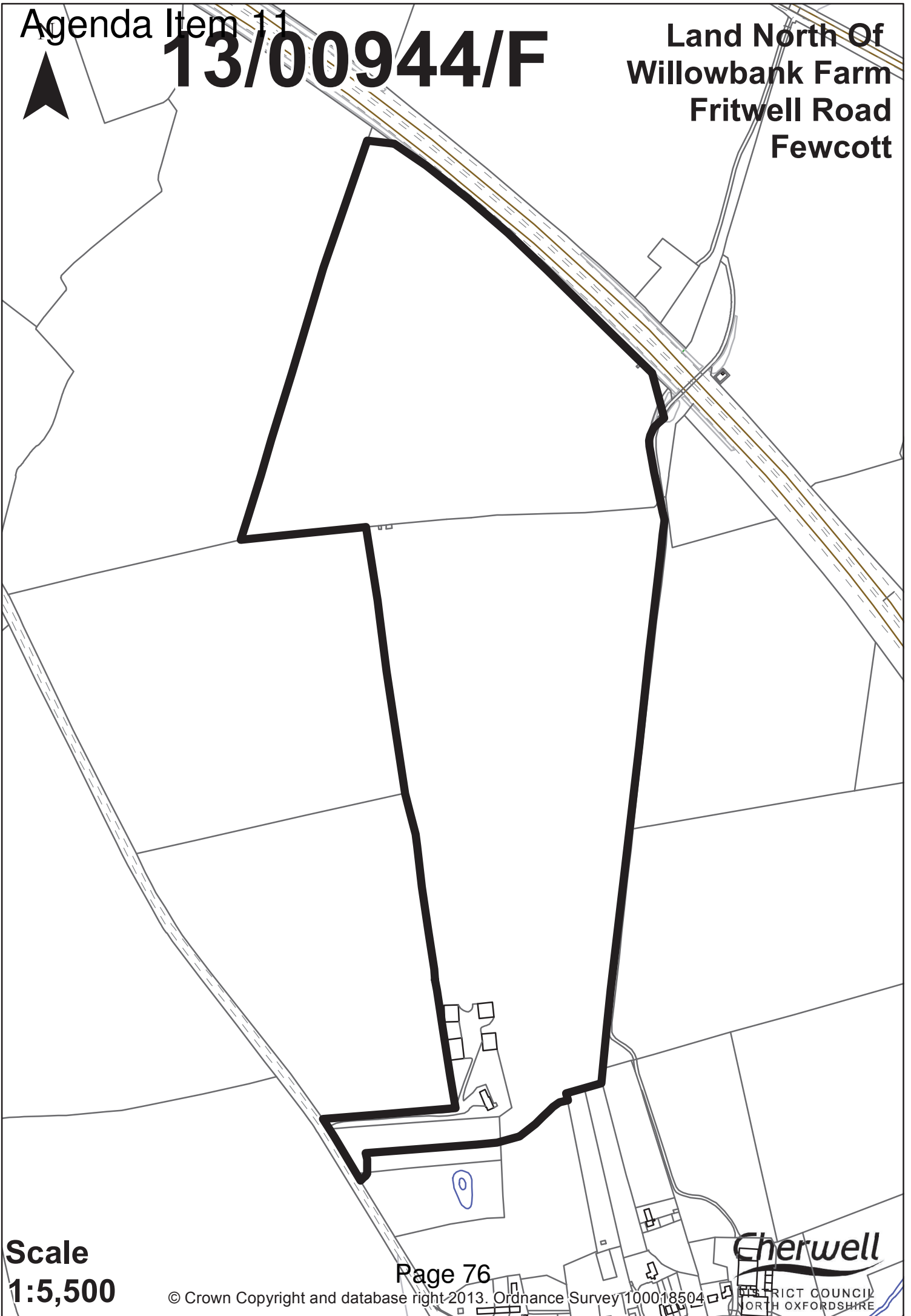
- 1 Prior to the commencement of development the Local Highway Authority has requested that that the applicant submits the S278 application, which is required for the works to the highway.

#### **Statement of Engagement**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

# 13/00944/F

Land North Of  
Willowbank Farm  
Fritwell Road  
Fewcott

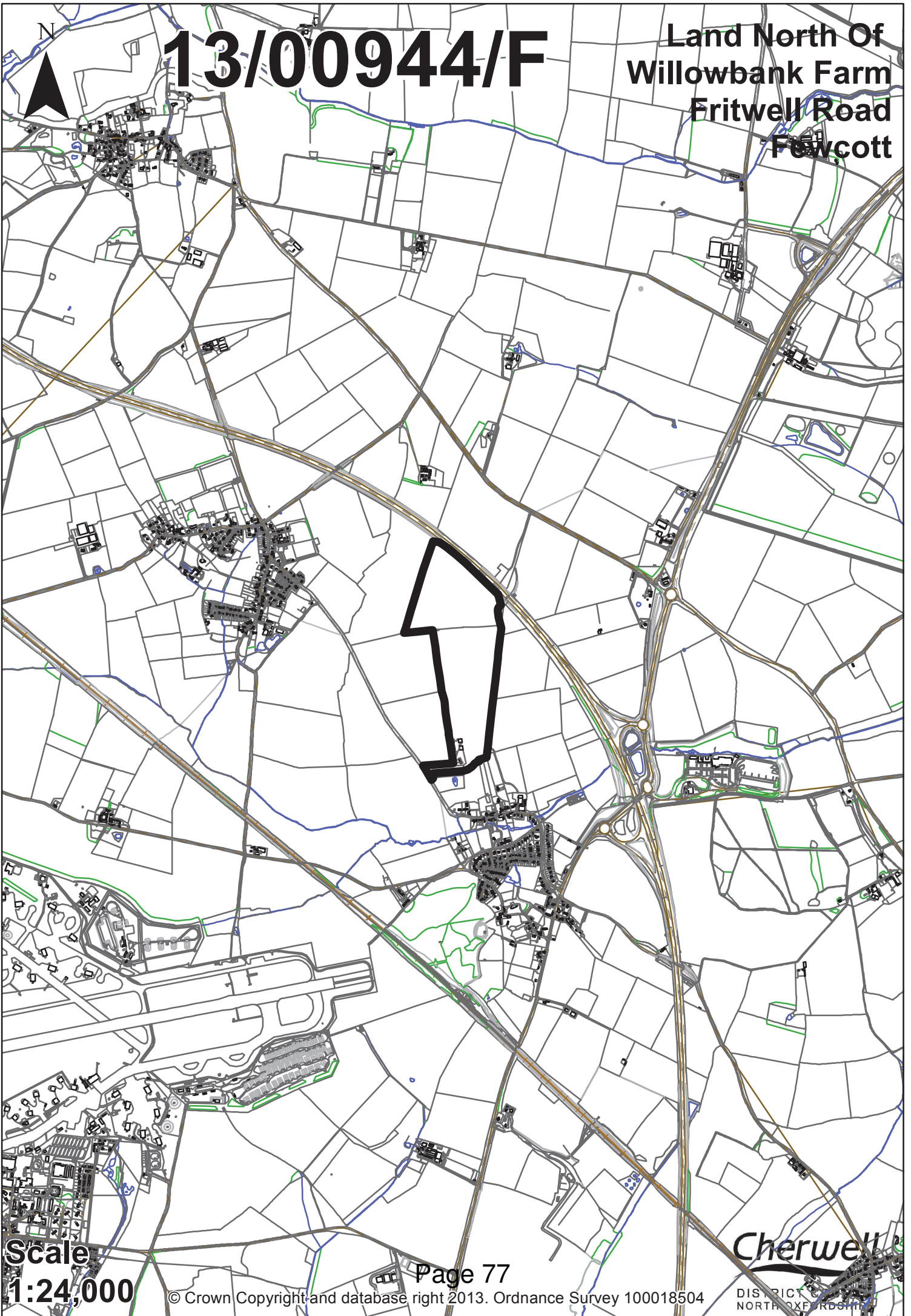


Scale  
1:5,500

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# 13/00944/F

Land North Of  
Willowbank Farm  
Fritwell Road  
Fowcote



Scale  
1:24,000

Page 77

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Site Address: Land North of Willowbank 13/00944/F  
Farm, Fritwell Road, Fewcott**

**Ward:** Caversfield

**District Councillor:** Cllr Jon O'Neill

**Case Officer:** Caroline Roche

**Recommendation:** Approval

**Applicant:** Bolsterstone Innovative Energy (Ardley) Ltd

**Application Description:** Extension of time limit to 08/02495/F – Erection of 4 no. turbines and ancillary development including a new site entrance, access tracks, a control building with substation and underground cabling. Erection of 1 no. anemometer monitoring mast and temporary construction compound.

**Committee Referral:** Major development

**Committee Date:** 3 October 2013

**1. Site Description and Proposed Development**

- 1.1 This application relates to a site and proposed development that has been considered by the Council previously, first in 2008/2009 (08/02495/F) and most recently in 2011/20012 (11/01932/F). Essentially the application is to extend the time period for implementation of a previous planning approval for four wind turbines and associated works. The application was approved by an Inspector appointed by the Secretary of State on 6 July 2010 following a Public Inquiry. In March 2013 a further Public Inquiry took place relating to two appeals against the refusal of the Council to discharge Condition 21 and 22 of the original consent and the refusal of the Council to vary Condition 21 of the original consent, each relating to aviation issues. The outcome of these appeals, in short, was that approval was given subject to amended and updated conditions. However the nature of the applications was such that the time period for implementation could not be extended. As such the three year period for implementation expired on 6 July 2013 and this current application was received 21 June 2013 and validated on 25 June 2013.
- 1.2 The site is an area of agricultural land located to the north of Willowbank Farm and south of the M40 motorway. It lies between the villages of Ardley with Fewcott to the south and Fritwell to the north west.
- 1.3 There has been some guidance published recently by the Department for Communities and Local Government entitled 'Planning practice guidance for renewable and low carbon energy' which will be discussed in greater detail throughout the report. However it sets out that, dependant on their generating capacity, not all renewable energy schemes will be determined by Local Planning Authorities. It is estimated that the proposal will have an installed capacity in the region of 10MW meaning that the Local Planning Authority remains responsible for the determination of the application rather than it being referred to the Secretary of State for Energy.

**2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letters, site notices and a press notice.

In the region of 111 letters of objection have been received in relation to the application and 1 letter in support. Both the letters of support and objection are from local residents.

Reasons for support are set out below;

- Provide clean energy

Reasons for opposing the scheme are set out below;

- Applicants overcome problems, existing conditions cannot be discharged
- Transporting the turbines will affect private properties, trespass, cause damage and be dangerous
- Technology not available to overcome radar issues – air safety remains paramount
- Proposal does not comply with Council's guidance of proximity of turbines to residential dwellings – Council should not ignore its own guidance
- Threat of turbines has had adverse effect on community for over 5 years – extension of time limit will prolong state of limbo
- Cumulative effects of incinerator chimneys
- Further industrialisation of countryside
- New guidance regarding localism – local communities should be listened to
- Negative social, economic and amenity impact
- No benefits for the community
- Landlocked wind farms don't provide enough energy to justify the disruption
- Information has been presented in an undemocratic manner
- School in close proximity to the site
- Noise from turbines
- House sales suffering and values have dropped
- Impact on birds
- All previous objections still relevant
- Allowing this application will set a further precedent
- Impact on bridleways and equestrian safety
- Conflicts with the Fewcott Conservation Area
- Poor wind resource. Further assessment of wind resource should be conducted – may have been environmental changes making scheme less viable
- Understood that no landowner has permitted installation of underground cables across their land – no grid connection nearby
- Funds should be set aside to secure the decommissioning of the turbines when they cease to operate
- Negative impact on conservation area and heritage assets
- Turbines dangerous – potential for blades to come off
- Turbines will exacerbate potential for flooding
- CO2 savings will be significantly less than predicted
- No more public time or money should be spent on considering this proposal
- Health risks from noise and shadow flicker

### **3. Consultations (full responses can be seen on the Council's website)**

3.1 Ardley with Fewcott Parish Council: (Submitted by ARUP – independent firm of designers, planners, engineers, consultants and technical specialists). Set out new material considerations that should justify the refusal of this extension of time application.

- Letter sets out the planning history of the site and proposals
- Unclear why another monitoring mast is required – request that this be removed from the description of development
- There have been changes to Development Plan since original application was allowed at appeal eg. South East Plan and Oxfordshire Structure Plan have been revoked and NPPF was adopted.
- July 2012 – Planning practice guidance for renewable and low carbon energy – application should be fully assessed against this document – paragraph emphasises the role of local communities
- One particular concern of the PC is the proximity of the turbines to residential

properties and impact on the visual landscape as well as safety of London Oxford Airport (LOA) users.

- CDC local guidance on proximity of turbines and residential amenity impacts – recommends separation distance of 800m – significant proportions of Fewcott and Fritwell are within this distance.
- Principal overriding reason why the development should not be granted a time extension is the reason why the development has not yet been implemented. Don't agree that the development has not been implemented for economic reasons – key reason is failure to discharge key conditions.
- The Government guidance which allows extensions to time limits was aimed at increasing the opportunities for developments to come forward during the economic downturn – principally commercial and residential schemes. Renewable energy and wind turbine developments have not experienced the same decline.
- Considered that the reason why this consent has not been implemented is not due to the economic downturn but due to the inability to discharge conditions
- Considered that the impacts of the proposal cannot be made acceptable therefore the application should be refused as set out in the NPPF.
- Ref. to para. 38 of Circular 11/95 Use of Conditions – unreasonable to impose conditions that developers could not comply with due to the involvement of a third party and where there is not a reasonable prospect of the action in questions being performed.
- Some of the environmental credentials of the development are understood by the PC and Arup but not at the expense of other environmental aspects including local communities and aviation safety
- Draw to attention the objection of the MOD (25 July 2013) where there are concerns about radar at Brize Norton
- No evidence to suggest that the remaining conditions can be discharged and the request for a five year extension is about keeping the application alive rather than based on communications between the applicant and LOA. Nothing to stop the applicant resolving the problems with radar safety with LOA then resubmitting a new application.
- Government guidance suggests that developments should only be granted extensions where there is improved prospect of sustainable development being brought forward more quickly – no evidence that this can be done therefore no justification for the extension of time limit.
- If minded to approve the scheme the PC seek involvement in S106 agreements in accordance with Governments recent announcement relating to community benefits from wind farm developments. A suitable Community Benefit payment should be agreed.

3.2 Fritwell Parish Council: Object in the strongest terms – all conditions including the time limit imposed by inspector should be complied with.

- Turbines within 500m of residential dwellings contrary to Council's own guidance which suggests a separation distance of 800m – Council would be in untenable position if it ignores this guidance
- Turbines overbearing on neighbouring residents – reinforced by the chimneys that have been erected at Energy from Waste centre. Chimneys and turbines will dominate the environment and diminish rural nature of the area
- Localism Act is proof that Government wants locals to have more of a say in the planning process which affect their areas. New Guidance of onshore wind farms should be considered as a material consideration.
- Clear that not all of the conditions can be complied with and the time limit should not be extended. Concern about access to the site by large vehicles – damage to roads and safety of residents
- If application is to be approved the same conditions must be imposed.

3.3 Bucknell Parish Council: Objects to the application on the following grounds;

- Potential distraction to road users, particularly on the M40
- Increased noise in a rural environment
- Detrimental visual impact

3.4 Souldern Parish Council: objects on the following grounds;

- Provision of information is undemocratic as it assumes all Parish Councillors and the community have access to a computer and the necessary skills, access to the information has not been possible
- Issues relation to flights paths and safety have not been addressed
- Difficult to support when it is not known how long it will take to return power achieved against construction and installation costs
- Doubts if there is any local support for these turbines and this should be material in considerations
- Sympathy for the communities of Ardley and Fewcott because of all the developments that have been 'dumped' on it. Detrimental impact on quality of life, property values all for the financial gain of one landowner
- Elected members have the opportunity to listen to the views of local residents and refuse the application
- Immense negative impact on rural landscape
- Social, economic and amenity impact on local residents will be negative
- Planning Committee should take account of its own guidance on siting of turbines
- Applicants should demonstrate to local residents that there will be no harm as a result of the proposal
- Concerning that 'Review of Renewable and Decentralised Energy Potential in South East England' (June 2010) identifies Cherwell District as having the most potential in South East region for commercial scale wind energy – do not believe this to be the case.

3.5 Middleton Stoney Parish Council: Objects on the following grounds;

- Applicants have had plenty of time to comply with the requirements of the conditions
- An entirely new application should be submitted for consideration to allow fuller consideration of the issues
- Visual intrusion and unwanted landmark along the M40
- Contravene purpose of Conservation Areas
- Villages will suffer from noise nuisance, effects on broadcast reception and loss of visual amenity
- Impact on air traffic radars – condition 22 remains unresolved

3.6 Hardwick with Tusmore Parish Council: Objects to the proposals as no new information has been submitted to justify the extension sought.

**Cherwell District Council Consultees**

3.7 Landscape Officer: (Some minor amendments made for clarity) This extension of time limit is being considered in the light of additional approvals of one turbine at Cherwell Valley services (86.5m) and 2 towers (82m) as part of Ardley Energy From Waste (EFW). The cumulative effects of the additional 3 tall structures on the existing approval for 4 turbines 125m high are to be assessed.

**Landscape Receptors**

The Cherwell Valley turbine will be 1.3km from the nearest turbine and Ardley EFW towers 3.1km away. All the structures are in a fairly confined area. This greatly reduces the effect on landscape receptors. Apart from this small cluster of turbines plus 2 towers there are no other similar developments in the visual envelope. Although 2 of the elements are towers rather than turbines they are narrow towers and are similar in height and scale to the turbines.

The cumulative development is located in an area viewed from areas defined as 'farmland plateau' and 'wooded estate lands'. Any additional development to the original proposal will have some influence but I believe that it will be limited as views from wooded estate lands particularly will be restricted due to intervening vegetation and undulating landform.

#### Visual Receptors

The scale of change to visual receptors depends on the cohesion or scattering of development, the number and scale. It is also related to the distance of the receptors from the development as distance generally reduces the magnitude of effect. In this case from most viewpoints the Cherwell Valley turbine appears as part of the Fewcott group. From some viewpoints the Ardley EFW towers are visually separated but reduced in impact by virtue of distance.

#### ZTV

It can be seen from the cumulative ZTV Fig.ADD5.2 which compares visibility of the Fewcott and Cherwell Valley turbines that the vast majority of the land within the 15km radius potentially has views of both. The Cherwell Valley turbine is visible in its own right from a few very restricted sites. The result is that the cumulative impact of the Cherwell Valley turbine on Fewcott is miniscule.

ADD5.3 compares the visibility of the Fewcott turbines and Ardley EFW towers. Sole visibility of the Ardley EFW towers is slightly greater than the Cherwell Valley turbine but only marginally.

ADD5.4 shows the combined and separate visibility of Ardley EFW towers and the Cherwell valley turbine. The lower heights of these 2 structures results in slightly less overall visibility.

Areas of overlap of visibility for the 3 developments form the vast majority of the ZTV meaning that there is very little additional potential visibility of the Ardley EFW towers and the Cherwell Valley turbine over the 4 Fewcott turbines.

#### VIEWPOINTS

1. Cumulative impact negligible due to distance of Cherwell Valley turbine from viewpoint. Ardley EFW towers obscured by vegetation
2. Cumulative impact of Cherwell valley turbine small due to distance and medium due to separation from main group.
5. Neither additional developments visible
6. Cherwell Valley turbine appears as part of original group, additional impact very small
7. Cherwell Valley turbine impact negligible due to distance. Ardley EFW towers obscured by vegetation
8. Ardley EFW towers obscured by vegetation. Cherwell Valley turbine has small impact due to distance and visual separation from the Fewcott group.
10. Original group at Fewcott visible.
13. None of the developments visible due to intervening vegetation
16. Fewcott group visible in distance. Ardley EFW towers just visible in distance

#### APPEAL DECISION 12 MARCH 2010

The inspector found that the landscape is already affected by large scale development including the M40 and Cherwell Valley Services and RAF bases at Upper Heyford and Croughton. He also commented on the effects of the proposal on the landscape character at the Tusmore and Stoke Lyne estates stating that from both, the turbines would be over 2.5 km away which in his view is ample capacity for the landscape to accept them without particular harm.

#### CONCLUSION

The ZTV evidence shows that there is very slight additional impact in terms of absolute visibility of the Ardley EFW towers and Cherwell Valley turbine over the Fewcott group.

From most viewpoints the Cherwell Valley turbine will appear as the 5th turbine in the group of 4, albeit smaller in height. In my view adding one turbine to a group of 4 in close proximity constitutes a slight adverse impact only.

The Ardley EFW towers are some distance away, but this distance mitigates the impact. There will of course be incremental change resulting from adding 2 more structures into the landscape but these are visually detached from the main group from most viewpoints.

I conclude that any cumulative landscape impact of Ardley EFW towers and Cherwell Valley turbine developments will be negligible to slight.

- 3.8 Ecology Officer: I have read through the ecological amendments, update surveys and assessments and little has changed on site with regards to the biodiversity present or that likely to be affected. I therefore have few comments to add to those previously made for 08/02495/F. The Ecological method statement and enhancement plan within the ES addendum June 13 Ch6.3 (which was previously refined through negotiations with Sarah Postlethwaite) is still relevant here and all works should adhere to it.
- 3.9 Arboricultural Officer: After reviewing the submitted information it would appear that the only arboricultural issue to be aware of is the protection and retention of the hedgerow boundaries due to the close proximity of the proposed access route around the site. All protective measures for the existing hedgerows may be addressed within a submitted and conditioned AMS.  
No arboricultural objections to the proposal (subject to a condition)
- 3.10 Conservation Officer: The impact on the setting of both the adjacent listed buildings and Fewcott conservation area remain the same (negative), however the introduction of the NPPF has changed the policy context with consideration for the significance of heritage assets (Point #132) and meeting the challenge of climate change (Points #97 + 98) being introduced. It remains my view that the siting of the turbines seems to have been driven more by energy production considerations than by consideration of setting. However, there are statements within the NPPF that maybe interpreted as supporting such a stance.
- 3.11 Countryside Officer: I appreciate that this application is for a time limit extension to an already approved application. However, it would be helpful to establish if any of the major circumstances relating to it have changed since it was approved and, if so, whether its consideration at this stage differs from before in any significant way.

I continue to share OCC's views on the rights of way that are affected (see OCC's 12/01/09 and 06/03/09 comments on 08/02495/F) and am querying whether these views might be taken into account to a greater extent or carry more weight at this stage?

- 3.12 Anti-Social Behaviour Manager: No further observations or objections in respect of this planning application.

### **Oxfordshire County Council Consultees**

- 3.13 Oxfordshire County Council has provided a single response incorporating all of the comments from individual departments. The view of the County Council is that there are no overall comments. However where there are relevant comments made these have been extracted and summarised below.

- 3.14 Highways: No objections subject to previous conditions being imposed
- 3.15 Archaeology: No objections subject to conditions
- 3.16 Drainage: No objections subject to conditions
- 3.17 Minerals and Waste Policy: No objections
- 3.18 Rights of Way: No comment

**Other Consultees (Full responses available on the Council's website)**

- 3.19 London Oxford Airport: (referred to in more detail in the main body of the report)
  - Letter sets out some of the planning history and the key findings of the Inspectors
  - Inspectors decision notice dated 5 March 2013 material consideration of significant weight.
  - LOA believe that mitigation is more remote now than was considered in 2010 since the new radar has been installed and local aviation factors have been understood by all interested parties.
  - Sets out matters of accuracy with the Addendum for example;
    - Far-fetched to say that discussions are on-going between applicant and LOA
    - Extremely positive to say that mitigation measures are implementable – no way balanced in the context of the Inspectors decision
    - Not necessarily the case that if a solution is found in relation to the Cherwell Valley Services turbine that it will be appropriate for four turbines – different scale of development
  - Government's Aviation Policy Framework (March 2013) should also be a material consideration
  - If permission is to be granted the conditions imposed by the Inspector should be re-imposed and see no reason to extend the time limit for 5 years
  - LPA's can refuse such applications where there has been changes to the development plan or other relevant material considerations
  - Any form of mitigation measure is unlikely to occur quickly
  - LOA object to the application
  - Further representation received seeking to ensure that new Government Guidance for renewable and low carbon energy is taken into consideration by the LPA especially in relation to aviation safety.
- 3.20 NATS Safeguarding: Proposal does not conflict with safeguarding criteria and as such no safeguarding objection to the proposal. Response only reflects position of NERL (that is responsible for the management of en route air traffic). Response does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise.
- 3.21 Royal Air Force Commander (Croughton/Fairford): Object due to interference with communications systems.  
 RAF Croughton is a United States Visiting Forces Communications Station utilizing both satellite and high frequency (HF) transmission systems. RAF Croughton is one of the receiver elements of the US Global HF Transmission System and is receiving very small signals in the 3 - 30 Mega Hertz range. Unfortunately, from the information received from the National Air Traffic Service (NATS) and OFCOM investigations into Wind Turbines, we believe that the construction of 4 Wind Turbines 4.5Kms from RAF Croughton would interfere with the reception of our HF communications systems.

The Wind Turbines are 130 metre tower constructions with a 20/50KwHr generator situated 4.5Kms South of RAF Croughton. We believe Wind Turbines would interfere with our communications in 3 ways. A turbine generator is effectively a large radio frequency (RF) emitter, radiating across the frequency spectrum which may be of sufficient power and harmonic frequency to interfere and swamp the small RF signals we receive at RAF Croughton. These Turbines produce the radio frequency radiation of a small industrial site and would affect the reception of our High Frequency signals traffic. They also interfere by reflection from the blades and refraction of the signal path. Please see the 2 reports sent with the letter, one NATS and one OFCOM.

Whilst we do not object to green energy and wind turbine construction, we need to ensure that any development does not adversely impact on USAF and State department communications traffic. From our investigations we cannot ensure that any development will not impact on our communications and from the studies can say that they do interfere with communications.

3.22 English Heritage (South East): The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

3.23 Natural England: This application falls within or is in close proximity to the Ardley Cutting & Quarry Site of Special Scientific Interest (SSSI). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(l) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Aside from the comments on designated sites above, we would expect the LPA to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

#### Protected species

If the LPA is aware of, or representations from other parties highlight the possible presence of a protected or Biodiversity Action Plan (BAP) species on the site, the authority should request survey information from the applicant before determining the application. The Government has provided advice on BAP and protected species and their consideration in the planning system.

Natural England Standing Advice is available on our website to help local planning authorities better understand the impact of development on protected or BAP species should they be identified as an issue for particular developments. This also sets out, when, following receipt of survey information, the authority should undertake further consultation with Natural England.

#### Local wildlife sites

If the proposal site is on or adjacent to a local wildlife site, e.g. Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site before it determines the application.

#### Local landscape

Natural England does not hold information on local landscape character, however the impact of this proposal on local landscape character (if any) is a material consideration when determining this application. Your authority should therefore ensure that it has had regard to any local landscape character assessment as may be appropriate, and assessed the impacts of this development (if any) as part of the determination process.

#### Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing

measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

3.24 Network Rail: The wind turbines are some 1000m from the boundary according to the site plans and a desktop measurement only, therefore we have no objection to the extension of time. Note included with regard to access over or under any railway bridges and the need to comply with the Highway Agency's regulations.

3.25 Crime Prevention Design Advisor: No comments

3.26 MOD Safeguarding:

The MOD objects to the proposal. Our assessment has been carried out on the basis that there will be 4 turbines, 125.00 metres in height from ground level to blade tip and located at the grid references provided by the developer:

Air Traffic Control (ATC) Radar

The turbines will be 34.1 km from, detectable by, and will cause unacceptable interference to the ATC radar at RAF Brize Norton.

Wind turbines have been shown to have detrimental effects on the performance of MOD ATC and Range Control radars. These effects include the desensitisation of radar in the vicinity of the turbines, and the creation of "false" aircraft returns which air traffic controllers must treat as real. The desensitisation of radar could result in aircraft not being detected by the radar and therefore not presented to air traffic controllers. Controllers use the radar to separate and sequence both military and civilian aircraft, and in busy uncontrolled airspace radar is the only sure way to do this safely. Maintaining situational awareness of all aircraft movements within the airspace is crucial to achieving a safe and efficient air traffic service, and the integrity of radar data is central to this process. The creation of "false" aircraft displayed on the radar leads to increased workload for both controllers and aircrews, and may have a significant operational impact. Furthermore, real aircraft returns can be obscured by the turbine's radar returns, making the tracking of conflicting unknown aircraft (the controllers' own traffic) much more difficult.

If the developer is able to overcome the issues stated above, the MOD will request that all turbines be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

3.27 Environment Agency: We have reviewed the documents associated with this proposal and we do not have any objections on flood risk grounds that the time limit of planning permission 08/02495/F is extended.

As condition 15 of the planning permission was recommended to be discharged in our letter dated 17 October 2012, we do not recommend that any of the conditions that we recommended in our letter dated 20 April 2009 are carried forward to the new planning permission.

3.28 MET Office: No concerns in relation to this proposal.

3.29 Joint Radio Company on behalf of UK Fuel and Power Industry: Assessment as to potential to interfere with radio systems operated by utility companies. Does not foresee any potential problems based on known interference scenarios

3.30 Civil Aviation Authority:

1. With regards to planning application 13/00944/F, which requests the extension of time limit to 08/02495/F (Erection of 4 no. turbines and ancillary development including a new site entrance, access tracks, a control building with substation and underground cabling. Erection of 1 no. anemometer monitoring mast and temporary construction compound), the Civil Aviation Authority (CAA) would offer the following comments:

- I. The CAA has no power to grant or deny permission for the erection of wind turbines. In this case the CAA would not routinely support or object a request to extend the time limit of previously granted planning permission. The responsibility for this decision lies solely with the planning authority.

- II. However, the CAA would expect all previously consulted aviation stakeholders to be re-consulted to establish the potential impact of the proposed time limit extension their operations.

- III. The CAA understands that the proposed developer has been consulting with aviation stakeholders with regards to finding a mitigation for the impact of the proposed turbines. It is incumbent upon the developer to liaise with the appropriate aviation stakeholder to discuss – and hopefully resolve or mitigate the aviation issues. If these discussions are continuing, it would seem reasonable to allow the consultation to continue toward finding a solution.

- IV. The CAA encourages full consultation between planning authorities, aviation stakeholders and wind turbine developers and in this particular case it appears that the CAA policy and guidance has been adhered to.

- V. The CAA is acutely aware of the hazard that tall structures, not just wind turbines, potentially pose to aviation. However, there are also many instances where tall structures and aviation, with careful and considered planning, can exist in harmony.

#### **4. Relevant National and Local Policy and Guidance**

##### 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C7 Topography and character of the landscape

ENV1 Detrimental levels of noise, vibration, smell, smoke or other types of environmental pollution.

##### 4.2 Other Material Policy and Guidance

###### National Planning Policy Framework

###### Proposed Submission Local Plan Incorporating Proposed Changes (March 2013).

The August 2012 document was sent out for public consultation on 29 August 2012. Proposed changes to the draft plan were sent out for further public consultation in March 2013. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case: The policies below are relevant.

ESD5: Renewable Energy

Planning and Climate Change; Supplement to Planning Policy Statement 1

Planning practice guidance for renewable and low carbon energy (July 2013) (DCLG)

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Type/nature of application
- Policy and Guidance changes
- Other material changes
- Landscape Visual and heritage impact
- Neighbour Impact
  - Noise
  - Council's Guidance in relation to separation distance
  - Shadow Flicker
- Aviation safety
- Community led renewable energy initiatives
- Equestrian Safety
- Benefits

### **Nature/type of application**

- 5.2 This is essentially an application to extend the time limit for implementing a planning permission made possible by the 'Greater flexibility for planning permission' guidance first published in October 2009 and updated in 2010. This process can only apply to applications determined during certain dates and as such can only apply to the original application (08/02495/F) as the appeal was determined prior to 1 October 2010. The Greater flexibility process, to extend the time limit for implementing consents, was introduced in order to make it easier for developers and local planning authorities to keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when the economic conditions improve. It is designed to be a more streamlined process for which the amount of information required at submission is reduced, the consultation process can differ and it also carries a reduced planning fee. The 'Greater flexibility' process does not however supersede other areas of legislation and in this case the applicant has had to supply a supplementary Environmental Impact Assessment and has also chosen to submit a policy update report. Together these reports seek to highlight and address any changes in circumstances since the earlier considerations of the proposal.
- 5.3 The guidance relating to applications submitted on the basis of 'Greater flexibility' sets out that LPAs should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. It sets out that the development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. It then directs LPAs to focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission. The process does allow for some flexibility in the length of time a consent is extended by and also the detail of the conditions that are applied to any extended application.
- 5.4 Given the level of examination this proposal has received in the past, through the consideration by the Planning Committee and at a planning inquiry, and the guidance relating to 'greater flexibility' it is considered unnecessary to cover all the material

considerations in full in this report but instead concentrate on where there have been any changes in circumstance such as with planning policies or site circumstances. The previous committee report and appeal documentation, including the Inspector's decision can be viewed via the Council's website under application references 08/02495/F and 11/001932/F.

### **Policy and Guidance Changes**

- 5.5 Since the last applications were considered for this site there have been various changes to planning policy. Planning Policy Statement 22: Renewable Energy (along with most other PPGs and PPSs) was replaced by the National Planning Policy Framework (March 2012) (NPPF). The Companion Guide to PPS22 was replaced by Planning practice guidance for renewable and low carbon energy (July 2013). The South East Plan was revoked (although not in its entirety) (February 2013). The Council published its own informal guidance relating to the Residential Amenity Impacts of Wind Turbine Development (February 2011) and it has published a Proposed Submission Cherwell Local Plan incorporating Changes (March 2013).
- 5.6 The NPPF is a broad document which covers most aspects of the planning system and focuses on the delivery of sustainable development. Chapter 10 of the document specifically deals with climate change and supports the delivery of renewable energy stating that it is central to the economic, social and environmental dimensions of sustainable development. It sets out that when determining planning applications, local planning authorities should:
- Not require the Applicant for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
  - Approve the application [unless material considerations indicate otherwise] if its impacts are (or can be made) acceptable...
- 5.7 The Department for Communities and Local Government recently published the Planning practice guidance for renewable and low carbon energy (July 2013) which is a material consideration. The document sets out that it should generally be followed unless there are clear reasons not to. It also highlights that 'Planning for Renewable Energy: A Companion Guide to PPS22' is cancelled. Up until July 2013 the 'Companion Guide' had still been a material consideration despite the cancellation of the PPGs and PPSs. The new document emphasises that planning for renewable and low carbon energy is still important in helping to ensure that the UK has a secure energy supply, reduce greenhouse gases, to slow down climate change and stimulate investment in new jobs and businesses. The document requires that Local Planning Authorities work with local communities in order to draw up plans which identify locations which are likely to be suitable for renewable or low carbon developments and that this should be done through the assessment of various criteria. The aim of this is that renewable and low carbon developments will be directed towards the most suitable locations giving developers and local residents more certainty and helping to prevent speculative developments.
- 5.8 At Paragraph 12 of the document it sets out that considerations for the allocation of land for wind turbine developments can include; proximity of grid connection; size of site; predicted wind resource; air safeguarding; electromagnetic interference and access for large vehicles.
- 5.9 Paragraph 15 goes on to state that;  
In shaping local criteria for inclusion in Local Plans and considering planning applications in the meantime, it is important to be clear that:
- The need for renewable or low carbon energy does not automatically override environmental protections
  - Cumulative impacts require particular attention, especially the

increasing impact that wind turbines and large scale solar farms can have on landscape and local amenity as the number of turbines and solar arrays in an area increases

- Local topography is an important factor in assessing whether wind turbines and large scale solar farms could have a damaging effect on landscape and recognise that the impact can be as great in predominantly flat landscapes as in hilly or mountainous areas
- Great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting
- Proposals in national Parks and Areas of Outstanding Natural Beauty, and in areas close to them where there could be an adverse impact on the protected area, will need careful consideration
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions.

5.10 Since the consideration of the first application for this development and the subsequent Public Inquiry the Council has produced its own informal guidance into the residential amenity impacts of wind turbine developments. It has been adopted as informal guidance and as such it is a material consideration in the assessment of the application. However it carries limited weight as it is not adopted policy. The implications of the guidance are set out elsewhere in the report.

5.11 In August 2012 the Council published the Proposed Submission Cherwell Local Plan for consultation purposes. In March 2013 a Focused Changes document was published for further consultation. The document contains a positive policy which states that the Council will support renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily. It states that planning applications involving renewable energy development will be encouraged provided there is no unacceptable adverse impact, including cumulative impact, on the following issues, which are considered to be of particular local significance in Cherwell;

- Landscape and biodiversity including designations, protected habitats and species, and Conservation Target Areas
- Visual impacts on local landscapes
- The historic environment including designated and non-designated assets and their setting
- The green belt, particularly visual impacts on openness
- Aviation activities
- Highways and access issues, and
- Residential amenity.

Whilst this document carries little weight in the consideration of the application it demonstrates that the Council is taking a more positive approach to renewable energy developments compared to previous adopted Local Plans which contained no reference to renewable energy.

5.12 The issues highlighted in the Proposed Submission Cherwell Local Plan, the Council's Amenity Impact guidance and the July 2013 DCLG Practice Guidance are all issues which were considered in relation to the previous applications and the conclusions reached by the Inspectors was that the development was acceptable subject to conditions. Paragraphs 101-109 of the 6 July Inspector's decision sets out the conclusions of the Inspector and how any potential harm was balanced against the benefits of the scheme.

#### **Other Material Changes**

5.13 There have been other applications for developments in the vicinity of the site that

when combined with the impacts of the four turbines have the potential to result in cumulative effects. The two key developments that should be considered in relation to cumulative impacts along with the four turbines at Willowbank Farm are a single wind turbine consented at Cherwell Valley Services (11/00524/F) and the Energy from Waste facility (EFW) consented at Ardley Fields Farm (09/00423/CM). The turbine at Cherwell Valley Services has not yet been constructed but would measure 86 metres in height to blade tip. The EFW facility has been commenced and is believed to be close to completion. It has a large building with a maximum height of 38 metres with a chimney stack measuring 80 metres in height. The most significant potential cumulative effect resulting from these three separate developments is the landscape and visual impact of them.

### **Landscape, Visual and Heritage Impact**

- 5.14 The Inspector, when assessing the original application, heard evidence from relevant parties as to the potential for landscape and visual impact. He also conducted a detailed site visit assessing the impacts from various public views and private properties and also assessed heritage impacts. He reached the following conclusions;

*“In summary of the effects of the appeal proposal on the settings of heritage assets, I have found...that there would be one site where the effect would be moderate/slight in the winter and slight in the summer. There would be 3 adverse changes of neutral/slight significance and 7 adverse changes of slight significance. Three further sites would have adverse changes of moderate/slight significance and 2 would have adverse changes of moderate significance. No greater harm would be caused, and no site would benefit.”*

*“The proposed development would have an overbearing effect on one house (currently occupied by the owner of the appeal site) and it would change many views in the area, but without perceptible harm to the views described to me or that I saw. There would be a change to the character of the landscape, but no harm in that respect”*

- 5.15 Despite recognising that there would be some degree of visual harm from the turbines the Inspector weighed this up against the other considerations and concluded that the benefits of the scheme outweighed the harm and approved the application.
- 5.16 The Applicant has provided an update to the landscape and visual impact assessment as part of the Addendum to the EIA. As there have been no significant changes to the site or to the proposal when considered in isolation the Addendum concentrates on assessing the cumulative impacts of the turbines in relation to the other approved schemes referred to above. The Council’s Landscape Officer has also made an assessment of the potential cumulative effects. Both the Council’s Landscape Officer and the Applicant conclude that there will be no significant cumulative effects. Although there have been some changes to the precise policies there are no new policies that would result in the level of harm being weighed more heavily in the balance of considerations. For example the NPPF whilst recognising the intrinsic character and beauty of the open countryside places greater weight on the conservation of landscape and scenic beauty within National Parks, the Broads and Areas of Outstanding Natural Beauty, none of which this site falls within. As such it would not in your Officers view be justified to recommend refusal on the grounds of landscape and visual impact.

### **Neighbour Impact**

- 5.17 There is a strong level of public opposition to this scheme and it is clear from the nature of the responses received in relation to this application that some of the issues previously considered remain of concern to local residents. The key concerns relate

to the proximity of the turbines to residential properties and the resultant impact in terms of overbearing/dominance of the turbines in the outlook from a private property, noise and shadow flicker. These factors are addressed below.

5.18 Noise

The guidance in the Planning practice document (July 2013) relating to the assessment of noise in relation to wind turbine developments sets out that 'The Assessment and rating of noise from wind farm' (ETSU-R-97) should be used by local planning authorities when assessing and rating noise from wind energy development. It also makes reference to good practice guidance prepared by the Institute of Acoustics. It was ETSU-R-97 that was used in the assessment of this scheme back in 2008 and by the Inspector during the first planning Inquiry. Following the Inquiry the Inspector granted permission for the development and imposed noise restrictive conditions. The Applicant has submitted an Addendum to the ES which sets out the cumulative noise effects of the proposed development along with the consented turbine at Cherwell Valley Services. This is a requirement of ETSU-R-97 in itself as well as being something that Officer's had expected to be assessed by the Applicant. The findings of the cumulative assessment are such that both developments can operate in compliance with either the requirements of ETSU-R-97 or the noise limits currently applied through the planning conditions. The Applicant has however carried out a more detailed analysis of the background noise levels and as a result has suggested that more stringent upper limits of noise levels can be imposed through the conditions if the Council sees fit to do so. It is reassuring to know that the noise from the turbines may be lower than first assessed but given that the Inspector found the effects of noise not to be harmful it is not considered necessary to deviate from the previously imposed conditions. Given that the cumulative effects are no greater than those previously considered and there are no other material changes in circumstance it is considered that the Council would not be able to defend a reason refusal that related to the noise impacts of the turbines.

Council's Guidance in relation to separation distances

5.19 As set out above the Council has produced its own informal guidance relating to the residential amenity impacts of wind turbine developments. Whilst the document recommends a separation distance of up to 800m between turbines and residential properties Chapter 3 sets out various appeal case examples where shorter distances have been considered acceptable as well as examples where shorter distances have been unacceptable. It is considered therefore that each proposal should be considered on a case by case basis. In this case an assessment was made by the Inspector in the 2010 public inquiry which has also been referenced in the Council's informal guidance.

5.20 The Inspector made the following comments in relation to separation distances;

*"55. As to the effects on views, the appeal development would be prominent in the outlook from some 50 houses in Ardley and Fewcott, another 50 or thereabouts in Fritwell, some 12 in Stoke Lyne and the house at Green Farm. But I remind myself that no protection exists for the benefit of a private view. Consequently, I do not regard as unacceptable the situation in which a turbine is prominent in the view from a domestic window. Rather, my concern is to recognise cases in which the effect on the living conditions of people in such houses would be one of unacceptable dominance or overbearing.*

*56. Evidence was given at the Inquiry that there is a risk of such an effect within up to 3 times the turbine height (to rotor tip), which in this case is 375 metres; this was based on observations at a wide number of finished wind farms. Attention was also drawn to a report Renewable Energy and Sustainable Construction Study, commissioned by the District Council, which recommends a buffer of 800 metres between individual dwellings and turbines on grounds of noise and visual effects but does not explain in any detail the rationale for the recommendation. The Inquiry was also referred to Scottish planning guidance (Scottish Planning Policy 6: renewable*

*Energy) which says that “development up to 2km is likely to be a prominent feature in an open landscape” and suggests a 2km distance should be used in Scotland as a mechanism for steering proposals to broad areas of search for wind farm sites, with individual proposals judged on a case by case basis. But it is dominance and overbearing, not prominence, that I address: and I determine this case on its merits. 57. One dwelling would be within 375 metres of a turbine: Willowbank Farm, the home of the owner of the appeal site. But I do not regard that circumstance as complete mitigation for the harm: the change must weigh in the balance...*

*61. In summary I find that the proposed development would have an overbearing effect on one house...*

- 5.21 Whilst the Inspector did not have the benefit of the Council's own guidance on separation distances it should be noted that the document still only carries limited weight and there is no new evidence to suggest that the Inspectors conclusions with regard to impacts on residential amenities were wrong. Furthermore, since the document was produced in February 2011 it has already become out of date to some extent as Planning Policy Statement 22 and its companion guide have been superseded by the National Planning Policy Framework and new guidance published by the Government in July of this year. This potentially further limits the weight that can be applied to it. It is noted however from the written representations of the public that they are expecting this document to carry significant weight and justify the refusal of this application to extend the period for implementation.
- 5.22 The guidance in the newly published Planning practice guidance for renewable and low carbon energy does not try to impose separation distances but instead sets out that;  
*“local planning authorities should not rule out otherwise acceptable renewable energy developments through inflexible rules on buffer zones or separation distances. Other than when dealing with set back distances for safety, distance of itself does not necessarily determine whether the impact of a proposal is unacceptable. Distance plays a part, but so does local context including factors such as topography, the local environment and near-by land uses.”*
- 5.23 In terms of an adequate separation distance the Planning practice guidance sets out that fall over distance (height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance. However this is often less than the minimum desirable distance between wind turbines and occupied buildings calculated on the basis of expected noise levels and due of visual impact. The proposal complies with the 'safe' distance and as assessed in the Addendum to the ES can comply with the noise impacts. The visual impacts in relation to residential amenity were assessed by the Inspector and with the exception of one house (that of the landowner) were considered to be acceptable. It is clear from the representations received that local residents were expecting the Council's own guidance to carry more weight and as such weigh more heavily in the balance towards refusing the application. However it is considered that the Inspectors decision which followed a detailed examination specifically in relation to this case weighs more heavily than district wide informal guidance.

#### Shadow Flicker

- 5.24 This was an issue considered by the Inspector and as it was recognised as only likely to effect a small number of properties within ten rotor diameters from the turbines for a period of up to 4.6 hours per year it was concluded that the effects of the phenomenon could be adequately addressed through planning conditions. It is considered that this is still an appropriate approach.

#### **Aviation Safety**

- 5.25 Since the first approval by the Inspector in July 2010 it has become apparent that matters relating to aviation safety have become quite complex. After an initial examination at the first Inquiry the Inspector concluded that there were two issues which required addressing through planning conditions. The first of which required the approval of a Safety Report addressing safety issues resulting from the penetration of the Outer Horizontal Surface of London Oxford Airport (LOA) (Condition 21). Over time and following lengthy negotiations between the Applicant and LOA this matter was satisfactorily addressed prior to being considered by the Inspector at the second Inquiry. The second issue was the matter of the safe operation of radar at London Oxford Airport which at the time of the first Inquiry had not been installed. Following the first Inquiry the Inspector was satisfied that with some modification a radar could be operated with the turbines in place without compromising the safe operation of LOA. As such condition 22 was imposed which required that;
- No development shall take place until written confirmation is received by the local planning authority and approved in consultation with London Oxford Airport and the Civil Aviation Authority that radar mitigation measures in accordance with CAP 764 (Policy and Guidance on Wind Turbines) (and any other relevant CAA guidance in force at the time) can be implemented by London Oxford Airport such that a radar operation at London Oxford Airport will be safe when the turbines become operational.*
- 5.26 However when this Council refused to discharge Condition 22 or vary the wording of the condition the Applicant appealed and a further Inquiry took place. This Inquiry focussed solely on aviation safety matters and by this time the radar had been installed. The conclusions of the Inspector highlighted that the renewable energy benefits of the scheme are beyond dispute but that officially safeguarded aerodromes such as LOA are protected in order to ensure that their safety and operation are not compromised by new development. It was considered that the local aerodrome operator, the Air Navigation Service Provider and the Air Traffic Services providers are best qualified to provide expert interpretation of what the impacts would be and how it will affect safety. In this instance Air Traffic Control at London Oxford Airport therefore have overall responsibility for safety. The Inspector concluded that the radar had been installed and was essential for safety and at the time of the Inquiry was not satisfied that the available mitigation measures were sufficiently robust to ensure that the radar operation in the complex airspace around LOA would be as safe as reasonably possible when the turbines became operational. As such he re-imposed condition 22 but with more precise wording.
- 5.27 Despite the parties agreeing at the Inquiry that there was likely to be some form of appropriate mitigation available in the future it would appear no further meaningful progress has been made to finding such a solution. LOA have even responded to the consultation and set out their view that there is unlikely to be a quick solution to the issue. Whilst some objectors are of the view that the development should be refused until a solution is found, and only at that time a new application submitted, an opposing view would be that Government guidance in the NPPF encourages the development for renewable energy to be approved where impacts 'can be made acceptable'. The previous decisions of the Inspectors, whilst pre-dating the NPPF, were implementing this positive approach by approving the scheme subject to the Applicant in conjunction with LOA making the impacts acceptable.
- 5.28 The consultation process on this application has resulted in two additional objections being received in relation to aviation matters. The DIO/MOD safeguarding department has objected to the proposal due to the potential effects on air traffic control radar at RAF Brize Norton and the Commander at RAF Croughton has objected in relation to the potential effects on the communications systems.
- 5.29 In relation to the first objection from the DIO/MOD Safeguarding department it is not clear why this is an issue at this stage when it was not raised as an issue during the

consideration of the previous applications, it is not clear if there have been any changes in circumstances that have resulted in this objection. Further clarification is being sought from the DIO/MOD. However a precautionary approach should be taken and in the event that no further clarification is received prior to the determination of the application a further condition should be imposed replicating the condition used in relation to radar mitigation at LOA.

- 5.30 The response from the Squadron Leader at RAF Croughton is also not fully understood as it is not clear what circumstances have changed since the previous application or why they have responded independently when it is believed that the DIO/MOD are responsible for ensuring the safe operation of their bases and responding to such consultations on behalf individual bases. Further clarification on this matter is being sought from the DIO/MOD and the Squadron Leader and it is hoped that an update can be provided to Members at Committee. However if no response is received it is considered that a precautionary approach should also be applied to this matter and an additional condition imposed.
- 5.31 The updated guidance (July 2013) provides very little by way of advice regarding air traffic and safety, it simply sets out the distances at which civilian aerodromes and Ministry of Defence aerodromes should be consulted and the fact that wind turbines have the potential to impact on air traffic movement and safety by way of collision or the operation of radar. The necessary consultations have been carried out and the issues of aviation safety have been considered at length during the public inquiries and nothing significant has change in this regard to result in an alternative recommendation on this basis.
- 5.32 It is clear that there is some difference in opinion as to the likelihood of a solution being found in relation to radar mitigation, this is not to say however that there will never be a solution. There is also concern that if this application were to be approved it would increase the risks to aviation safety. However previous inspectors have considered this matter and whilst not having been presented with a satisfactory final solution to the issues they were satisfied that an appropriately worded condition would ensure that aviation safety was not at risk. It is therefore proposed that similar conditions are re-imposed on any consent that may be issued to ensure aviation safety is not adversely affected. If the Applicant in conjunction with London Oxford Airport (and RAF Brize Norton) cannot find a solution to these matters the conditions will not be discharged and the consent can not be implemented. The extension of time limit does not affect the merits of the case but simply allows the relevant parties further time to try and find a solution.

### **Community led renewable energy initiatives**

- 5.33 There is a certain emphasis from Government, on encouraging community led renewable initiatives and the fact that other renewable energy developments should provide positive local benefit. However the guidance contained within the Planning practice document (July 2013) is directed towards local planning authorities establishing policies which give positive weight to renewable and low carbon energy initiatives and the potential for Neighbourhood Plans to include the communities aspirations or otherwise towards renewable energy. This guidance relates principally to policy and plan making and it makes no reference to the need to assess community benefits during the consideration of an application. The guidance does highlight the need to have regard to the planning concerns of the local communities. It is considered that the concerns of the local community are considered through the assessment of this and the previous applications as far as they relate to planning considerations. It is understood that there is a considerable amount of local opposition but despite this the assessments demonstrate to officers that there are not sufficient planning reasons to recommend the application for refusal bearing in mind this application is for the extension of time for implementation of a previously approved scheme.

### **Equestrian safety**

- 5.34 The original application was assessed for its impact on the safety of horses and their riders on the bridleway that crosses the site. It was considered that there may be some risk of horses being spooked by the turbines but in order to limit the risks mitigation was proposed and conditions were included on the consent. These conditions have not been discharged as part of the earlier application and as such it is intended that they be included on any consent which extends the time period for implementation.

### **Benefits**

- 5.35 The Inspector for the 2010 Inquiry assessed the benefits of the proposal and was satisfied that the claimed performance of the installation, in terms of energy generation, appeared feasible and that the saved carbon dioxide emission attributable to the scheme would be substantial. It is this benefit that weighed significantly in the Inspectors final decision. It is considered that there are no policy changes that would lead to a different conclusion. For example; the NPPF sets out that it is not necessary for Applicant to demonstrate the overall need for renewable or low carbon energy and that even small scale projects should be recognised as providing a valuable contribution to cutting greenhouse gas emissions; the DCLG guidance suggests that Government is still committed to new renewable and low carbon energy infrastructure; and the Proposed Submission Cherwell Local Plan contains policies which supports renewable energy developments.

### **Highway safety and construction traffic**

- 5.36 This was another matter considered before and during the first Inquiry. Whilst the Council did have initial concerns in relation to highway safety the Local Highway Authority in conjunction with the Applicant produced a Statement of Common Ground prior to the Inquiry that addressed the concerns and as such the reason for refusal on highway safety grounds was withdrawn. The inspector did however impose highway related conditions relating to the requirement to submit a construction method statement and details of alterations to the public highway. These conditions have not yet been discharged and as such should be included on a new planning permission.

### **Engagement**

- 5.37 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no significant problems or issues have arisen during the consideration of the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

### **Environmental Statement**

- 5.38 As this application is a subsequent application to an EIA development, it has been necessary to consider whether the originally submitted ES is adequate for the purposes of considering this application proposal. The original ES required updating to take into account the cumulative affects of additional developments in the vicinity. As such an addendum to the ES has been submitted which is considered to comply with the requirements relating to EIA. The information within the addendum to the ES and within the original ES has been taken into account in the assessment of this planning application as they are adequate to assess the environmental effects of the development and the proposal is in accordance with the information contained within these documents.

### **Conclusion**

- 5.39 Whilst there have been material changes in circumstances since the application was first assessed it is not considered that any of these lead to an alternative conclusion being reached on this application to extend the period for implementation. The Applicant has asked that the application be extended for a period of five years due to the complex nature of the aviation issues. The 'Greater Flexibility' guidance suggests that where there is appropriate planning justification longer or shorter permissions can be granted. Whilst the complexities of aviation issues are understood it is also relevant to note that guidance in relation to wind farm developments is changing on a regular basis as can be seen from the report above. Such guidance may or may not influence future decisions on wind farm developments and as such it is considered most appropriate to limit the length of time extension and impose a further three year extension in line with the standard approach. If this proves to be insufficient time to implement the consent the Applicant will be required to submit a further application which would need to be considered against any changes in circumstances that may arise. In the event of the application being approved the Council should impose the conditions in line with those included on the decision notice issued by the Inspector on 5 March 2013 with the addition of conditions relating to RAF Brize Norton and RAF Croughton if they are deemed to be appropriate. .

**6. Recommendation subject to;**  
**a) That it is resolved that in accordance with the provisions of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, that this report is approved as setting out the main reasons, considerations and measures of mitigation proposed with regard to the Environmental Statement and its Addendum.**  
**b) the following conditions;**

1) The development hereby permitted shall begin not later than three years from the date of this decision.

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

2) Written confirmation of the date on which the development first provided electricity shall be given to the local planning authority within one month of that event. The development hereby permitted shall be removed on or before the twenty-fifth anniversary of the date on which the development first provided electricity, and the land restored to its former condition in accordance with a restoration scheme submitted not later than the twenty-fourth such anniversary to and approved in writing by the local planning authority. The restoration scheme shall include, among other things, a timescale for the restoration of the site after the removal of the development, a description of the measures to be taken in the demolition and removal of the development hereby permitted and of the measures to be taken to ensure that contemporary standards of pollution control and protection of public and neighbouring interests will be met.

Reason – To ensure that the turbines are removed from the site at the end of their operational life in the interests of protecting the character of the countryside from derelict and unkempt structures and to comply with Policies C7 and C28 of the adopted Cherwell Local Plan.

3) No development shall take place until details of the external colours and finishes of the development hereby approved have been submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out as approved and the agreed colours and finishes shall not be changed without the prior written consent of the local planning authority.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4) The development hereby permitted shall be carried out in accordance with the following approved plans:

- 109/ES/002 D Proposed Site Layout
- 109/ES/005 C Vegetation Changes
- 109/ES/019 B Typical Wind Turbine
- 109/ES/020 A Typical Turbine And Transformer Foundation
- 109/ES/021 A Typical Crane Hardstanding
- 109/ES/022 B Typical Access Track Design
- 109/ES/037 A Site Access Arrangements
- 109/ES/023 B Typical Access Track And Drainage Details
- 109/ES/025 B Typical Cable Trench
- 109/ES/035 B Typical Control Building And Compound
- 109/ES/024 C Typical Anemometer Mast
- 109/ES/36 B Typical Construction Compound

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

5) All turbine blades shall rotate in the same direction.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6) No development shall take place until a construction method statement has been submitted to and approved by the local planning authority, including measures to secure:

- i) The monitoring and control of noise, vibration and dust caused by construction activity on the site;
- ii) Control of pollution or sedimentation and responding to any spillages or contamination during the construction phase, including among other things oil interceptors to serve vehicle parking and hardstanding areas;
- iii) Details of wheel washing equipment to ensure that no material is deposited on the nearby roads from vehicles travelling from the site;
- iv) The use of impervious bases and impervious bund walls to areas used for the storage of oils, fuels or chemicals on the site;
- v) Removal of the construction compound and all temporary buildings and the reinstatement of the whole site not subject to built development all within 6 months of the date on which the development first provided electricity;
- vi) The use of only approved routes to and from the site by traffic associated with the construction of the development hereby approved, or its decommissioning, and arrangements for parking and access at the site and for the storage of plant and materials there;
- vii) That no construction machinery shall be operated on the site, no process carried out on the site and no construction-related traffic shall enter or leave the site other than between 08:00 and 13:00 on Saturdays or between 07:30 and 18:00 on Mondays to Fridays unless previously approved in writing by the local planning authority, with no deliveries on Sundays or on Bank or other public Holidays;
- viii) Arrangements for outdoor artificial lighting (if necessary) so as to prevent nuisance to surrounding properties.

Development shall be carried out in accordance with the approved construction method statement.

Reason - In the interests of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7) i) No development shall take place at the site until a scheme for alterations to the public highway made necessary by the construction of the approved development

has been approved in writing by the local planning authority. The scheme shall include any changes that are necessary before construction of the approved development, after construction, before decommissioning and after decommissioning. A timetable shall be provided. The scheme shall be implemented as approved.

ii) No gate shall be placed across the site access closer than 15 metres to the highway boundary.

Reason - In the interests of highway safety and to safeguard the amenities of the occupants of the adjacent dwellings during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8) The development shall be carried out in accordance with the shadow flicker mitigation scheme dated December 2012 approved as part of application no. 08/02495/F.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9) No development shall take place until a baseline television reception study has been carried out in an area previously approved in writing by the local planning authority, and the results submitted to the local planning authority. Details of works necessary to mitigate any adverse effects to domestic television signals caused in the survey area by the development shall, if approved in writing by the local planning authority, be implemented before the turbine blades are first fitted. A scheme for subsequent reactive mitigation in response to independently validated claims that television reception is impaired by the development, shall be submitted for approval by the local planning authority. The turbines shall not be brought into use until the reactive mitigation scheme has been approved, and the approved scheme shall be implemented for the life of the development.

Reason - In order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework.

10) Written confirmation of the submission of the following details to the Ministry of Defence and the Civil Aviation Authority shall be provided to the local planning authority within 3 months of the date of this permission and there shall be no development until such confirmation has been given:

i) Proposed date of commencement of the development; and,

ii) The maximum extension height of any construction equipment to be on the site.

Reason: To ensure the MOD and CAA are aware of the first date when the turbines would possibly be present on radar or physically visible by pilots.

11) Written confirmation of the submission of the following details to the Ministry of Defence and the Civil Aviation Authority shall be provided to the local planning authority within 14 days of the completion of construction of the final turbine:

a) Date of completion of construction;

b) The height above ground level of the highest part of the built development (anemometry mast or turbine rotor tip);

c) The latitude and longitude of the highest part of the built development; and

d) The lighting details of the site.

Reason: To ensure the MOD and CAA are aware of the first date when the turbines would possibly be present on radar or physically visible by pilots.

12) The development shall be implemented in accordance with the planting scheme submitted as part of the Ecological Management Plan produced by Arcus, dated January 2013 approved as part of application no. 08/02495/F. All planting in the approved details shall be carried out in the first planting season after the development is complete, and any trees or hedging that dies during the first five years thereafter shall be replaced with healthy stock of similar size and species. All existing trees and hedges that are not to be removed shall be protected in accordance with BS

5837:2005 during the construction period.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13) If any wind turbine hereby approved fails to provide electricity for a continuous period of 9 months then a scheme for the decommissioning and removal of the failed turbine and any other ancillary equipment and structures relating solely to that turbine shall be submitted within 2 months to the local planning authority for their written approval. If the turbine remains failed at the end of a continuous 12-month period (including the initial 9 months previously mentioned) then it shall be removed in accordance with the approved decommissioning scheme. The decommissioning scheme shall set the timescale for removal.

Reason: To ensure that the turbines are removed from the site should they become obsolete in the interests of protecting the character of the countryside from derelict and unkempt structures and to comply with policy C7 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14) The development shall be implemented in accordance with the staged programme of archaeological work detailed in the Written Scheme of Investigation prepared by Archaeological Services WYAS dated August 2012 approved as part of application no. 08/02495/F.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

15) The development shall be implemented in accordance with the Ecological Management Plan produced by Arcus, dated January 2013 approved as part of application no. 08/02495/F.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16) The development shall be implemented in accordance with the scheme for the disposal of foul and surface water in accordance with the drainage scheme produced by Arcus dated June 2012 approved as part of application no. 08/02495/F.

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 ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17) All cabling on the site to and from the wind farm shall be underground.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18) Each turbine shall have an installed generating capacity of at least 2 megawatts.

Reason: To ensure the development generates the expected levels of energy and contributes to the provision of renewable energy in accordance with Government guidance contained within the National Planning Policy Framework.

19) i) The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when calculated in accordance with the attached Guidance Notes shall not exceed the values set out in the attached Tables 1(a) and 1(b). Noise limits for residential properties which lawfully exist or have planning permission for construction at the date of this decision but are not listed in the Tables attached shall be determined according to one of the two

following methods, as appropriate:

- a) A fixed limit of 35 dB LA90, 10min up to wind speeds of 10 metres per second at 10 metres height will apply to properties located outside the 35 dB LA90, 10min contour, as shown in Figure 10.1 of the Fewcott Windfarm Environmental Statement submitted in relation to application ref. 08/002495/F;
  - b) For properties inside the 35 dB LA90, 10min contour, as shown in Figure 10.1 of the Fewcott Windfarm Environmental Statement, the applicable noise limits shall be taken to be those of the nearest location listed in Tables 1(a) and 1(b) unless a minor change is reasonably requested by the local planning authority. The coordinate locations to be used in determining the location of each of the properties listed in Tables 1(a) and 1(b) shall be those listed in Table 2.
- ii) Within 28 days from the receipt of a written request from the local planning authority, follow a complaint to the local planning authority, the wind farm operator shall, at its expense, employ an independent consultant approved in writing by the local planning authority, to assess the level of noise emissions from the wind farm at the complainant's property following the procedures described in the attached Guidance Notes.
  - iii) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within 3 months of the date of the written request by the local planning authority unless otherwise extended in writing by the local planning authority.
  - iv) Upon notification in writing by the local planning authority of an established breach of the noise limits at i)(a) or i)(b) above, the wind farm operator shall within 28 days propose a scheme to the local planning authority to mitigate the breach and prevent its future occurrence. The scheme shall specify the timescale for implementation. If the scheme is approved by the local planning authority then it shall be implemented in accordance with the approved timescale. If the scheme is rejected by the local planning authority, then the wind farm operator shall revise the scheme and resubmit it within seven days so as to secure the local planning authority's approval, and the approved scheme shall be implemented.
  - v) Wind speed, wind direction and power generation data for each turbine shall be continuously logged and provided to the local planning authority at its written request and in accordance with the attached Guidance Notes within 28 days of the receipt of such request. Such data shall be retained by the wind farm operator for a period of not less than 12 months.
  - vi) No development shall take place until the technical specification including size, sound power level, control software (including noise management options) and design of the turbines as generally indicated in the Environmental Statement have been approved in writing by the local planning authority. Sound power levels derived from the manufacturer's warranty and test literature over the wind speed range of 4 metres per second to 12 metres per second at 10 metres above ground level shall not exceed those set out as the "Assessment Envelope" in Table 10.1 of the Environmental Statement.
- Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20) The nominated representative for the development agreed by the Applicant letter dated 11 July 2012 received in relation to application no. 08/02495/F shall act as a point of contact for the public and be available by convenient means on at least six days each week. The applicant shall notify the Local Planning Authority of any change to the nominated representative. The approved representative shall work within the approved details and shall have responsibility for liaison with the local planning authority in dealing with any noise complaints arising from the development during the period from start of work to completion of final site restoration. In the event that the local planning authority has given written notice to the wind farm operator three times in any 12-month period that it finds the nominated representative to be

not working within the approved details, the wind farm operator shall replace the nominated representative, within two weeks of receipt of the third written notice, with an alternative who has been approved by the local planning authority.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

21) No development shall take place until the parapets on the bridge that carries the road leading north-east from Fritwell (toward Green Farm) over the M40 motorway have been brought to the normal standard for bridges on equestrian routes recommended by the Design Manual for Roads and Bridges, and the development shall not be brought into use until a scheme for the provision of signs on the bridleway that passes nearest the site has been approved by the local planning authority and implemented. The purpose of the signs shall be to give equestrians advance warning of the proximity of the wind farm to the bridleway and the availability of an alternative route, and the signs shall be located so that alternative routes may conveniently be taken.

Reason: In order to safeguard the safety of the users of the bridleway and to comply with Government guidance contained within the National Planning Policy Framework.

22) The turbines shall only be operated in accordance with the terms of the Cyrrus Safety Report dated 14 May 2010.

Reason: In order to ensure aviation safety and to comply with Government guidance contained within the National Planning Policy Framework.

23) No development shall take place until a Radar Safety Report is received by the local planning authority and approved in writing, in consultation with London Oxford Airport and the Civil Aviation Authority, confirming that radar mitigation measures in accordance with CAP 764 (Policy and Guidance on Wind Turbines) (and any other relevant CAA guidance in force at the time) can be implemented by London Oxford Airport, such that the turbines hereby approved can be operated without creating an unacceptable risk to aviation safety. The turbines shall not be operated otherwise than in accordance with any mitigation measures set out in the Radar Safety Report.

Reason: In order to ensure aviation safety and to comply with Government guidance contained within the National Planning Policy Framework.

24) No development shall take place until a Radar Safety Report is received by the local planning authority and approved in writing, in consultation with the Defence Infrastructure Organisation (MOD Safeguarding) on behalf of RAF Brize Norton, confirming that radar mitigation measures in accordance with CAP 764 (Policy and Guidance on Wind Turbines) (and any other relevant CAA guidance in force at the time) can be implemented by RAF Brize Norton, such that the turbines hereby approved can be operated without creating an unacceptable risk to aviation safety. The turbines shall not be operated otherwise than in accordance with any mitigation measures set out in the Radar Safety Report.

Reason: In order to ensure aviation safety and to comply with Government guidance contained within the National Planning Policy Framework.

25) No development shall take place until a Report into the effects and appropriate mitigation on the Communications System at RAF Croughton is received by the local planning authority and approved in writing, in consultation with the Defence Infrastructure Organisation (MOD Safeguarding) on behalf of RAF Croughton, confirming that where adverse affects are identified mitigation measures can be implemented by RAF Croughton, such that the turbines hereby approved can be operated without creating an unacceptable risk to military communications at RAF Croughton. The turbines shall not be operated otherwise than in accordance with any mitigation measures set out in the approved Report.

Reason: To ensure the safe operation of military bases and to comply with Government guidance contained within the National Planning Policy Framework.

26) Unless otherwise agreed in writing by the local planning authority, the intensity of air navigation warning lights fitted to the turbines and anemometry mast shall not exceed 200 candela.

Reason: In order to ensure aviation safety and to comply with Government guidance contained within the National Planning Policy Framework.

27) The development hereby approved shall not be brought into use until written notice, signed by a Member of the Institution of Structural Engineers, has been provided to the local planning authority to the following effect:

i) That the manufacture of the wind turbines conforms to European Standard IEC61 400-1; and

ii) That the design and installation of the installation as a whole has been carried out in compliance with BS EN 61400-1:2005 *Wind turbines Design requirements*.

The maintenance operation and removal of the installation as a whole shall comply with BS EN 61400-1:2005.

Reason: In order to ensure the safe operation of the turbines and to comply with Government guidance contained within the National Planning Policy Framework.

(Include Noise Guidance Notes)

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.



## Land South And Adjacent To Cedar House Souldern



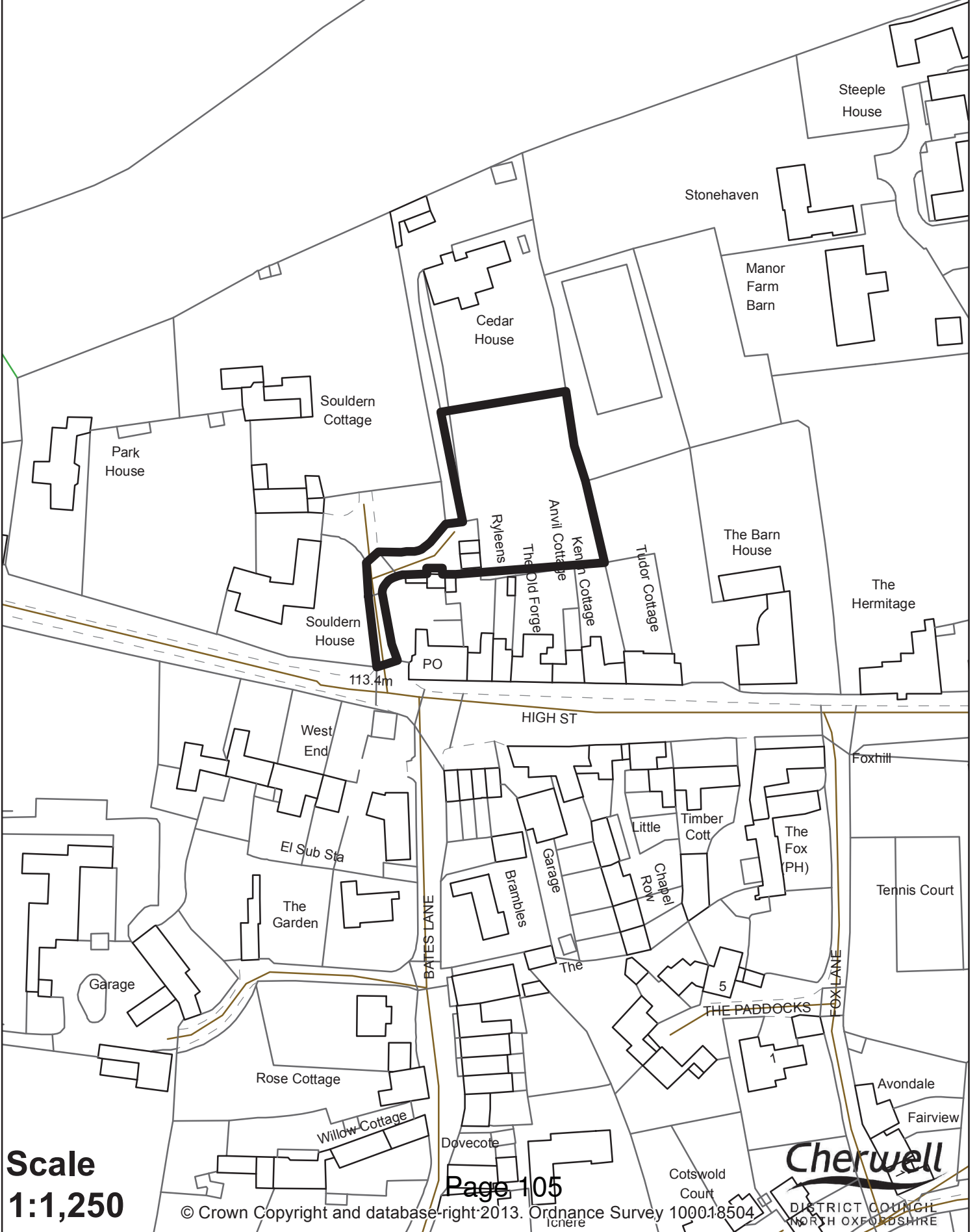
113.4m

Scale  
1:500



# 13/00984/F

## Land South And Adjacent To Cedar House Souldern



Scale  
1:1,250

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Site Address: Land south and adjacent  
to Cedar House, Souldern**

**13/00984/F**

**Ward: The Astons and Heyfords**

**District Councillor: Cllrs Macnamara and Kerford-Byrnes**

**Case Officer: Laura Bailey**

**Recommendation: Refusal**

**Applicant: Mr and Mrs I Porteus**

**Application Description: 1 no. stone dwelling with parking area**

**Committee Referral: Called in by Cllr Macnamara**

**Committee date: 3 October 2013**

**1. Site Description and Proposed Development**

- 1.1 The site is located on land to the south of the garden associated with Cedar House. It is located within the Souldern Conservation Area and in proximity to several Grade II listed buildings (Souldern House, Tudor Cottage and The Barn House). The site is located within an area of high archaeological interest, being situated within the historic core of the settlement. Cedar House is currently accessed via a private access road running from the road serving the small group of dwellings to the south west of the site (Souldern House and Souldern Cottage), which in turn connects onto the High Street.
- 1.2 It is asserted that the site forms part of the curtilage of Cedar House, although there is a very distinct boundary formed by a line of mature trees, running between the garden area of Cedar House and the site. It is unclear whether this land was originally included as part of the residential curtilage of Cedar House, but it would seem that the land has been maintained as such for a long period of time, such that a certificate of lawful use may be difficult to resist. The site is fairly well contained by large trees, hedgerows and walls around the perimeter.
- 1.3 The proposal seeks full permission for the erection of 1, one and a half storey, detached dwelling, with the formation of a separate parking and turning area from the access road currently serving Cedar House. The dwelling would be constructed from natural stone with a slate roof and timber fenestration.
- 1.4 Members will recall that a formal site visit was recommended at the last committee (5 September 2013).

**2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 22<sup>nd</sup> August 2013.

6 letters of objection have been received and in summary, raise the following issues:

- Highway safety and access problems
- Unsustainable location for further development
- Construction traffic
- Overlooking
- Loss of rural view
- Detrimental impact on the setting of a Grade II listed building

2 letters received, neither objecting or supporting, raising the following issues in summary:

- Trees along the boundary should be retained
- Excavation works may affect the stability of wall
- Concern regarding general infill in the village and increase in traffic

1 letter of support, raising the following points in summary:

- Tastefully designed
- Would enhance the local environment

### **3. Consultations**

3.1 Souldern Parish Council: No objections, but raises the following points in summary:

- Each case is considered on its merits and should not set a precedent
- The Parish will protect, as far as possible, the Conservation Area
- Dwelling should be sited further back
- Concerns over access
- Concern over use of access during construction and stone wall close to it

#### **Cherwell District Council Consultees (in summary)**

3.2 Conservation Officer: Objects to the proposal.

3.3 Tree Officer: No objection, subject to conditions.

#### **Oxfordshire County Council Consultees**

3.4 Highways Officer: No objection, subject to the imposition of a condition requiring the submission and approval of a parking and manoeuvring area specification and retention of those areas.

3.5 OCC Archaeologist: No archaeological constraints to this scheme.

#### **Other Consultees**

3.6 None.

### **4. Relevant National and Local Policy and Guidance**

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- H14: New residential development in category 2 settlements
- C1: Nature Conservation
- C2: Protected Species
- C7: Topography and character of landscape
- C14: Trees and landscaping
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

C33: Settlement pattern  
ENV1: Environmental protection

#### 4.2 Other Material Policy and Guidance

##### **National Planning Policy Framework**

##### **Cherwell Local Plan – Proposed Submission Local Plan Incorporating Proposed Changes (March 2013)**

Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

ESD10: Biodiversity and the natural environment  
ESD13: Local landscape protection and enhancement  
ESD16: Character of the built environment

Policy Villages 1: Village Categorisation  
Policy Villages 2: Distributing Growth Across the Rural Areas

#### **5. Appraisal**

##### 5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of the development
- Character and appearance of the Souldern Conservation Area
- Setting of listed buildings
- Highway safety
- Neighbour amenity
- Trees

##### **Relevant planning history**

5.2 There has been one application relating to the erection of a dwelling on this site (03/02641/F refers), which is identical to this current submission. The application was refused as the site does not constitute an infill plot, contrary to Policy H14 of the Adopted Cherwell Local Plan, would fail to preserve or enhance the character and appearance of the Conservation Area and would be cumulatively harmful, due to the precedent it would set for development of similar, unsatisfactory large gardens sites.

5.3 Pertinent to this reason for refusal, it is important to note that since this decision, an application for the erection of 1 dwelling on land adjacent to the Hermitage (Souldern) was approved by Members in August 2012. Their recommendation was contrary to Officer advice, which recommended that the application be refused for the following reason:

*Souldern is a Category 2 village as defined in the adopted Cherwell Local Plan. Within such villages new residential development is restricted to conversions, infilling and small-scale development which can be shown to secure significant environmental improvements. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions. Furthermore, the proposed dwelling, by virtue of its siting would connect Manor Farm with High Street and unacceptably threaten the long term future of trees in a Conservation Area and trees*

*protected by a Tree Preservation Order as the level of shading, leaf drop and fruit fall affecting the dwelling and private garden, and the proximity of trees to the dwelling and private garden, would be likely to lead to pressure from the future occupants of the dwelling to undertake works to the trees that would cause detriment to their appearance, health and long-term survival, consequentially causing substantial harm to the character and appearance of the designated Conservation Area and the visual amenity of the locality, whilst failing to respect the historic settlement pattern of Souldern. In addition, by virtue of its elevated positioning and proximity to Grade II\* listed building Manor Barn the proposed dwelling would detract from the setting of this designated heritage asset, causing substantial harm to its significance. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework – Delivering a wide choice of high quality homes, Requiring good design and Conserving and enhancing the historic environment, Policies H5, BE1, BE6 and CC6 of the South East Plan 2009 and saved Policies H14, C23, C27, C28, C30 and C33 of the adopted Cherwell Local Plan 1996.*

5.4 Indeed, the Inspector's decision relating to a previous refusal of planning permission for a dwelling on land adjacent to The Hermitage noted that there could be other sites where development may be proposed and where permission on this site (The Hermitage) might be used as support for the other development, thereby concluding that a precedent being set could be a material matter.

5.5 Members' rationale for the overturn in recommendation was based on the premise that the site could constitute an infill plot, on the basis that the site has a frontage (the track running from the High Street into the Manor Farm site).

5.6 Also of significance is a recently refused application (13/00597/F refers) for the erection of one dwelling on land to the rear of The Wall House (Souldern). The application was refused for the following reason:

*Souldern is a Category 2 Village as defined in the Adopted Cherwell Local Plan 1996. Within such villages new residential development is restricted to conversion, infilling and small-scale development which can be shown to secure significant environmental improvements. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions. Furthermore, the development of the site would erode the environmental quality of the area and fail to preserve or enhance the Conservation Area as this undeveloped gap is an important contribution to the loose knit character of this part of the Souldern Conservation Area which should be preserved. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved policies H14, C23, C28 and C33 of the adopted Cherwell Local Plan 1996.*

5.7 Whilst each application must be considered on its own merits, there are clearly similarities with the aforementioned sites and the current application, in that all of the sites comprise land which forms part of a large garden area associated with the main dwelling and debate has been had as to whether these sites constitute infill plots, in accordance with the requirements of H14. The original refusal of planning permission in 2003 (on this site) sought to avoid a proliferation of the very applications noted above, as the scope for precedent is patent.

#### **Principle**

5.8 In establishing the acceptability of the principle of the erection of a dwelling in this location regard should be paid to Government guidance contained within the National Planning Policy Framework and saved Policy H14 of the adopted Cherwell Local Plan.

5.9 Government guidance requires housing applications to be considered in the context

of sustainable development. Sustainable development has three dimensions: economic, social and environmental. Development should contribute to building a strong responsive and competitive economy, support strong, vibrant and healthy communities through the creation of a high quality built environment and contribute to protecting and enhancing the natural, built and historic environment.

- 5.10 Saved Policy H14 of the adopted Cherwell Local Plan concerns residential development within Category 2 Settlements such as Souldern. In Category 2 settlements, residential development will be restricted to conversions, infilling or other small scale development that can be shown to secure significant environmental improvement within the settlement.
- 5.11 Category 2 settlements are generally the smaller villages with a lesser range of services available, although some potential still exists within them for limited residential growth. Infilling is defined as a small gap in an otherwise continuous built up frontage that is suitable for one or two dwellings. Saved Policy H14 will therefore permit the construction of houses in small gaps in a village street where acceptable in all other regards. However, the intention behind saved Policy H14 is not to permit the erosion of all gaps within a settlement as many spaces in village streets are important to their character and cannot be filled without detriment to their environmental quality. This is particularly the case in a loose-knit settlement pattern where spaces can be as important as the buildings.
- 5.12 The Proposed Submission Local Plan (Incorporating Proposed Changes) seeks to designate Souldern as a category C village, which would restrict new residential development in Souldern to conversions only. This is on the basis that the level of community facilities in or around the village is not substantial enough to sustain a higher level of growth. This is important insofar as it demonstrates that Souldern is not the most sustainable location for additional growth moving forward.
- 5.13 Turning to the site itself, the site is situated in a 'backland' position, i.e. to the rear of the row of properties fronting the High Street. It would be accessed via a spur off a narrow, private access road, which currently serves Cedar House. The 'gap' between the rear elevation of Cedar House and the rear boundaries of the properties fronting the High Street spans approximately 70 metres. In this regard, I do not consider that the site complies with the definition of infill as it does not have a continuous built up frontage, nor could it be described as a 'small gap'.
- 5.14 It is therefore still considered that the proposed development would not constitute infilling. The existing site is not considered to detract from the environment within the settlement and it is therefore not considered that the erection of a dwelling in this location would secure significant environmental improvements. The principle of the erection of a dwelling in this location is not considered to accord with the requirements of saved Policy H14 of the adopted Cherwell Local Plan.

#### **Character and appearance of the Souldern Conservation Area**

- 5.15 Policies C28 and C30 seek to control all new development to ensure layout, design and external appearance are sympathetic to the character of the area and that they should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity with acceptable standards of amenity and privacy.
- 5.16 Policy C33 seeks to retain undeveloped gaps of land which are important in preserving the character of a loose knit settlement structure, or in maintaining the proper setting for a listed building/preserving a view of recognised amenity or historical value.
- 5.17 Government guidance contained within the NPPF – Conserving and enhancing the

historic environment, states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 56 of the NPPF expressly states that the Government attaches great importance to the design of the built environment. Good design, (which includes siting) is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

- 5.18 Souldern was designated a Conservation Area in 1988 but unfortunately has no corresponding appraisal as yet. The form of the village has changed over its lifetime, with the centre moving from the church to its present location to avoid flooding. The site in question lies behind the High Street frontage with access through a small lane. To the west of the site is a small enclave of properties, but to the east is a large swathe of green land in various ownerships, effectively cutting off Cedar House and Manor Farm from the main village. By retaining this area of open land, it emphasises the 'ribbon-like' and loose-knit development of Souldern along the High Street. These gaps in development are characteristic of Souldern, and their cumulative loss would destroy its character.
- 5.19 It is considered that the development of this site would fail to respect the historic settlement pattern of the village by eroding the historic gap between the properties on the High Street and Cedar House, which is a key characteristic of the Souldern Conservation Area in this part of the village. This would be contrary to central Government guidance contained within the NPPF and Policies C28 and C33 of the Adopted Cherwell Local Plan.

#### **Setting of listed buildings**

- 5.20 The site is close to several Grade II listed buildings (Souldern House ~40 metres to the south west, Tudor Cottage ~ 30 metres to the south east and The Barn House ~56 metres to the south east).
- 5.21 Paragraph 137 of the NPPF requires new development within the setting of heritage assets (including listed buildings) to preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset.
- 5.22 Due to the lower land levels within the application site and high boundary screening around the southern perimeter of the site, it is considered that the proposal would preserve those elements of the buildings' setting that make a positive contribution towards their significance.

#### **Highway Safety**

- 5.23 The application proposes to use the existing access serving Cedar House, creating a new courtyard to provide parking and turning to serve the proposed dwelling, by removing a section of stone wall adjacent to two small outbuildings on the boundary of the site. Due to the layout of the existing access, traffic speeds are likely to be very low. The splay around the junction with the High Street is considered to be adequate, with generally good visibility in both directions.
- 5.24 Several representations have been received raising concern in relation to the use of this access and detriment to highway safety. Many concerns relate to the use of the access during construction and the potential for damage to property, but this is not a material planning consideration. However, the Local Highway Authority has not raised an objection to the proposal, subject to a condition requiring the submission and approval of details relating to the surfacing and drainage of the parking and turning facility.

- 5.25 Consequently, it is considered that the proposed development would not cause

detriment to highway safety and as such, accords with central Government advice contained within the NPPF.

### **Neighbour amenity**

- 5.26 The dwelling is proposed to be sited in the southern portion of the land associated with Cedar House. The nearest neighbouring properties are those located on the High Street, directly to the south of the plot.
- 5.27 The dwelling is to be positioned ~ 2 metres off the southern rear boundary, which is screened by a ~ 3 metre high dense hedgerow, which is to be retained. It is also screened by stone boundary walls (up to 3 metres high) along the east and west boundaries. In this regard, it is not considered that the proposal would cause detriment to neighbour amenity by way of overlooking, over domination or loss of light.
- 5.28 Several representations raised concerns in relation to the intensified use of the access and potential for increased noise and disturbance. However, the erection of one additional dwelling is unlikely to be so detrimental as to warrant refusal of the application on this basis.
- 5.29 As such, it is not considered that the proposed development would cause detriment to proposed or existing occupant amenity by way of noise, disturbance, overlooking, overbearing or loss of light. The proposal would therefore comply with the requirements of Policy C30 of the Adopted Cherwell Local Plan and central Government guidance contained in the NPPF.

### **Trees**

- 5.30 The application is supported by an Arboricultural survey containing a method statement. The Council's arboricultural Officer concurs with the findings, individual categorisations and recommendations for the identified trees and is satisfied with the protective measures stipulated for the retained trees and the trees identified for removal including T1, T5 and T2 (should it be desired).
- 5.31 The submitted Arboricultural Method Statement (AMS) remains appropriate for the protection of retained trees and all works should be undertaken in accordance with the recommendations within, including the details regarding site supervision and monitoring. These measures could be included by condition.
- 5.32 In conclusion, the proposal (subject to conditions) would not detrimentally affect trees worthy and suitable for retention.

### **Engagement**

- 5.33 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through discussion with the applicant on site.

### **Conclusion**

- 5.34 The erection of a dwelling in this location does not constitute infilling as defined by saved Policy H14 of the adopted Cherwell Local Plan thereby rendering the principle of the erection of a dwelling in this location unacceptable. Notwithstanding, whilst the proposed development is not considered to cause harm in terms of neighbour amenity, highway safety or trees, this does not outweigh the harm that would be caused to the historic settlement pattern of the village of Souldern and the character

and appearance of the designated Conservation Area. It is for these reasons that the application is recommended for refusal.

**6. Recommendation**

**Refusal**, for the following reason:

1. Souldern is a Category 2 settlement as defined in the Adopted Cherwell Local Plan 1996. Within such settlements, new residential development is restricted to conversions, infilling and small-scale development which can be shown to secure significant environmental improvements. It is the opinion of the Local Planning Authority that the proposed development does not accord with these provisions. Furthermore, the development of the site would fail to preserve or enhance the Conservation Area as this undeveloped gap is an important contribution to the loose knit character of this part of the Souldern Conservation Area which should be preserved. The proposal is therefore contrary to saved policies H14, C28 and C33 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**STATEMENT OF ENGAGEMENT**

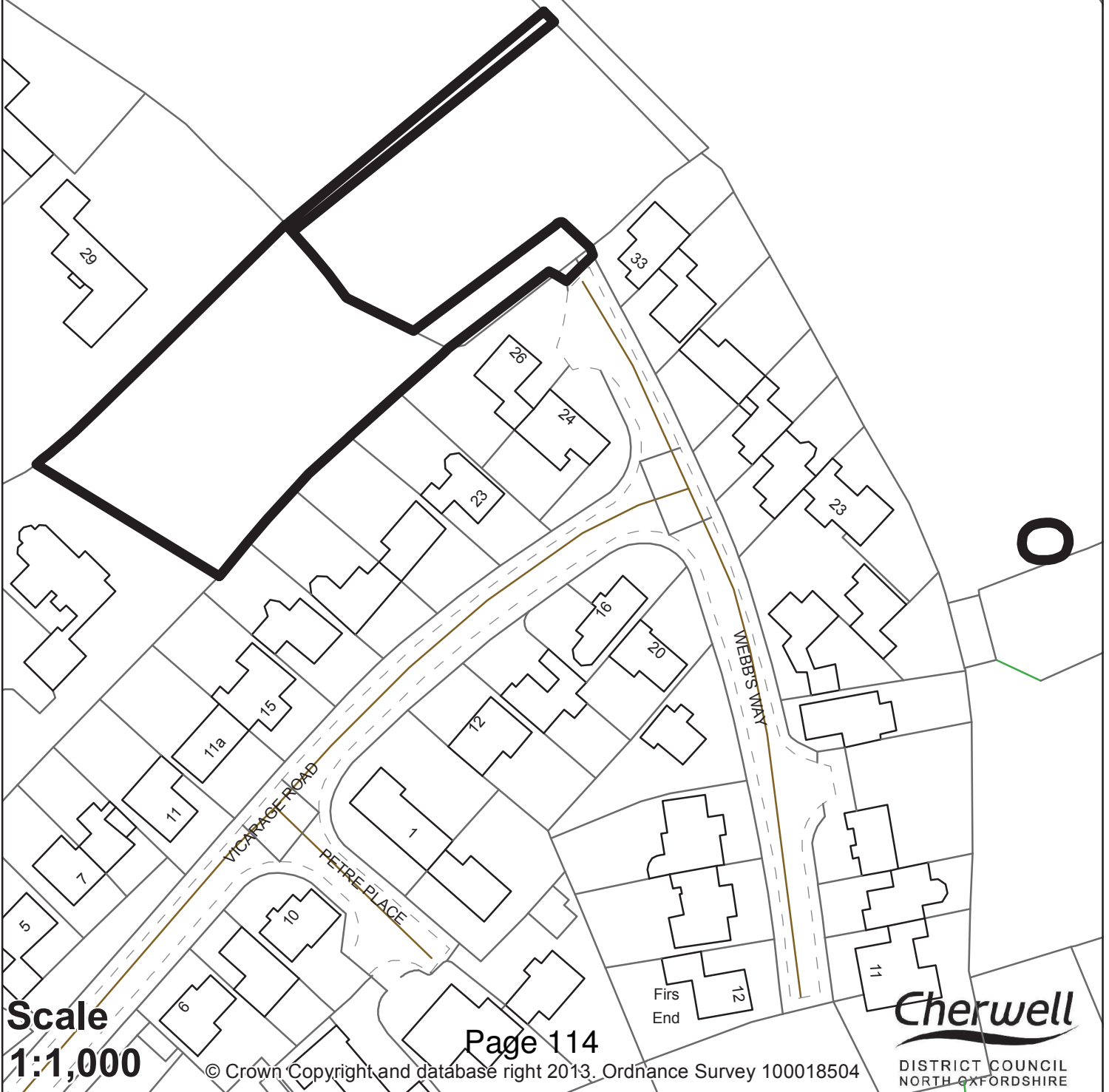
In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

**CONTACT OFFICER: Laura Bailey**

**TELEPHONE NO: 01295 221824**



**13/00990/F**

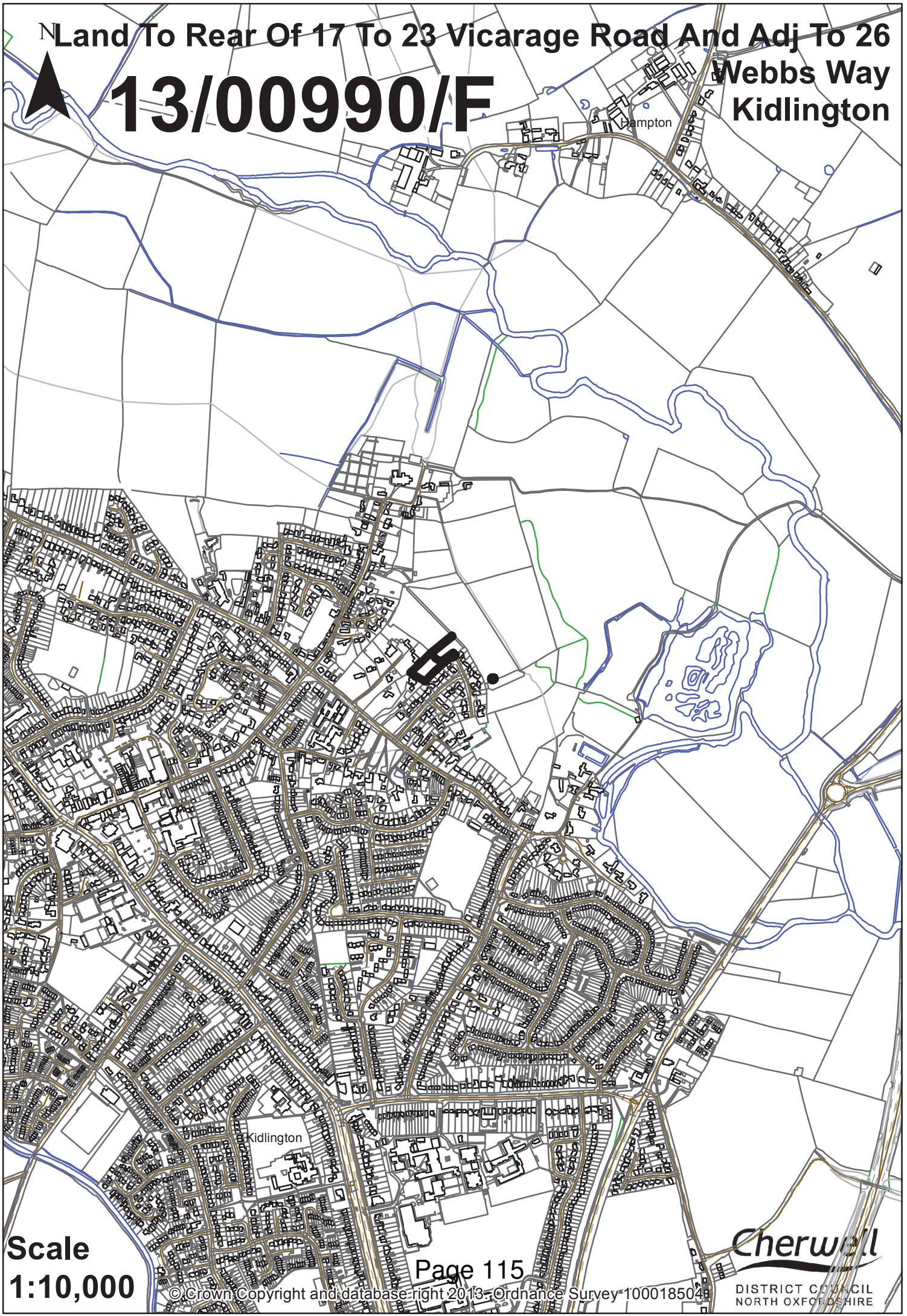


**Scale**  
**1:1,000**

Land To Rear Of 17 To 23 Vicarage Road And Adj To 26

Webbs Way  
Kidlington

**13/00990/F**



Scale  
1:10,000

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# LR 17 Vicarage Road & LA 26 Webbs Way, Kidlington

13/00990/F

**Ward:** Kidlington North

**District Councillor:** Councillor Rose  
Councillor  
Williamson

**Case Officer:** Bob Duxbury

**Recommendation:** Refusal

**Applicant:** Mr and Mrs Flint

**Application Description:** New dwelling and access

**Committee Referral:** In the light of the level of local interest

**Committee Date** 3 October 2013

## 1. Site Description and Proposed Development

- 1.1 The site comprises a strip of land, roughly rectangular in shape, which is located between Vicarage Road to the south east, The Coach House (43 Mill Street) to the south west; 29 Mill Street to the north west; and a field to the north east. The applicant intends to use part of the adjacent field to form an access track linking the site to a turning head on Webbs Way (northern end of Vicarage Road).
- 1.2 The entire site is located inside the Kidlington (Church Street) Conservation Area. Although not abutting the site boundaries, there are a number of listed structures within the vicinity including two grade II\* listed buildings.
- 1.3 Prior to the submission of two previous applications the site, which was overgrown with trees and bushes was cleared. No consent was sought to remove the trees which had protection afforded to them by their conservation area status. Since 2009 a fence has been erected sub-dividing the northern portion of the land from the western area of grazing land to the west. As the land between the fence and Webbs Way is no longer used for grazing it has become overgrown – this land is located inside the Oxford Green Belt (unlike the land forming the main body of the application site).
- 1.4 Planning permission is being sought for a new dwelling and detached garage served by a new access track constructed of turf reinforced mesh across the Green Belt land. The application also includes a provision to plant a new hedge to replace the fence referred to in the previous paragraph and a proposal to relocate the badger population to a nearby field.
- 1.5 Planning permission was previously refused for two similar proposal submitted in outline form. Both applications were dismissed at appeal (APP/C3105/A/11/2159035).

11/00234/OUT - erection of two dwellings and new access

11/00812/OUT - erection of single dwelling and new access

## 2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment was the 22<sup>nd</sup> August 2013.

22 letters have been received. The following issues were raised.

Material planning comments:

- Access contrary to Green Belt policy
- Urbanising affect
- Visual impact on the Conservation Area
- Ecology concerns (impact on a variety of animals most notably badgers)
- Potential flooding
- No change to the previous situation
- NPPF does not change the situation
- New track does not address the fundamental issue
- No VSC case that would outweigh the harm
- Potential precedent
- Loss of amenity to the occupiers of 26 Webbs Way (traffic and overlooking)
- Increase in traffic
- Landscape and Visual Assessment ignores the fact that the site is in a conservation area

Non material comments:

- Mr Flint (applicant) is the Managing Director of Pye Homes
- Will make the future development of the rest of the surrounding land owned by Pye Homes easier to develop
- Loss of view
- Encroaching onto land outside the applicants' control
- Shouldn't have been registered waste of taxpayers money
- No consultation with local people other than a letter
- Council should not have given pre-app advice on a development of this size
- Pye asked the Council to remove this field from the Green Belt in October 2012
- Told that no development would take place on land when buying house
- Object to personal mailing by the applicant
- Contrary to the aims of the Kidlington Masterplan
- Can an applicant apply for planning permission on land they don't own?

## 3. Consultations

### 3.1 Kidlington Parish Council: Objects

"The Parish Council objects to the application and supports the comments of the Planning Officer\* that:

"the insertion of a boundary treatment encloses the open field, the access is still across Green Belt land, and the design of the property does not create a good transition from the denser, smaller houses to the east to the larger properties to the west."

\*Comments made by the Conservation Officer not the Planning Officer.

## **Cherwell District Council Consultees**

### **3.2 Conservation Officer:** Comments as follows

“Unfortunately I do not believe that this new proposal addresses the reasons for refusal, either the previous application or the appeal decision. The insertion of a boundary treatment encloses the open field, the access is still across Green Belt land, and the design of the property does not create a good transition from the denser, smaller houses to the east to the larger properties to the west. As such, it is considered to be harmful to the conservation area.”

The design was amended as a result of these comments.

### **3.3 Ecology Officer:** Comments as follows:

“The submitted ecological surveys are sufficient at this stage however the badger survey may need updating at a later point. The applicant should also submit a full landscaping plan which includes how they intend to manage the land and hedgerows (both retained and newly planted) off site in particular those which would contain the replacement badger sett.”

### **3.4 Arboricultural Officer:** No objections (verbal).

## **Oxfordshire County Council Consultees**

### **3.5 Highways Liaison Officer:** No objections.

The access drive will need to be constructed to an agreed standard notwithstanding the description included within the design and access statement”

### **3.6 Archaeology Officer:** Comments as follows:

“The site of the proposed development lies between three 16<sup>th</sup>-century buildings, the vicarage, rectory and an associated dovecote. Further to this it is located approximately 100m south of an enclosure identified from crop marks (PRN 15099). It is possible that this enclosure ditch could delineate a larger complex and as such the development could disturb significant later medieval features.

“We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction.” (comments made in respect of 11/00812/OUT)

## **Applicant’s Agent**

3.7 A letter has been received from the Applicant’s Agent outlining her views with regard to the access track (see main body of report), commenting on the level of disturbance to properties in Webbs Way and stating that privacy will not be compromised. The letter draws attention to changes from the previous submissions and changes to policy brought about by the NPPF which leads them to consider the proposal acceptable.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

GB1: Development in the Green Belt

C2: Development affecting protected species

C4: Creation of new habitats

C7: Landscape conservation

C28: Layout, design and external appearance of new development

C30: Design of new residential development

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

Proposed Submission Local Plan Incorporating Proposed Changes (March 2013)

The Proposed Submission Local Plan incorporating Proposed Changes (March 2013) has been out for public consultation and representations are due to be reported to full Council shortly, following which the plan is due to be submitted. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

Natural Environment ESD10

Green Belt Policy ESD14

Built Environment ESD16

Policy Villages 1: Village Categorisation

Non-Statutory Cherwell Local Plan 2011

In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13 December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it can be considered as a material planning consideration. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

Green Belt Policy GB1 &GB1a

Protected Species EN25

Housing H1, H15

Listed Buildings & Conservation Areas NE39 , EN40, EN44

H15: Category 1 Villages

## **5. Appraisal**

### **The principle of the access track**

- 5.1 The key issue in this case, as with the 2011 applications dismissed at appeal, is the acceptability of the access track which is located inside the Green Belt. The applicants'

case is based on the fact that the National Planning Policy Framework (NPPF), which replaced the Planning Policy Guidance/Statements, supports the principle of engineering operations. PPG2: Green Belts, the Government guidance under which the appeals were assessed, did not explicitly include engineering operations in the description of acceptable development. Furthermore it is argued that the realignment of the track so that it runs along the boundary of the field and the using turf reinforced mesh in the construction of the track would mitigate any harm.

5.2 In documentation recently received the applicant agents make the following points:

**"Access Track**

1. *A fundamental change to planning policy contained within the NPPF now includes engineering operations in the list of developments that would not be inappropriate in the Green Belt: by definition this means that, all things considered, the access track in principle is acceptable.*
2. *This policy change requires the development to be assessed in a totally different light to the manner in which the previous refusals were assessed. As we mentioned this morning, we are concerned that the full implications of this policy change is not totally appreciated by the Case Officer dealing with the application.*
3. *The application does not require "very special circumstances" to be put forward for the scheme to be acceptable.*
4. *The access track running parallel to the south-east boundary will not physically intrude into the paddock; the construction materials, reinforced turf, where grass and wild flowers grow through, will further mitigate any visual intrusion of the access track.*
5. *Whereas, the track included in the earlier scheme meandered centrally across the paddock, which compromised the paddocks existing use, and therefore had a greater impact upon the Green belt. Contrary to this, the siting of the access track subject of this application does not compromise the existing function of the paddock. **The access track will not materially encroach into the countryside.***
6. *The planting of a hedge on the north eastern boundary effectively separates the garden and dwelling located within the settlement boundary of Kidlington and the paddock located within a more rural setting. This visual and physical separation will allow each of the different character elements: (1) the paddock to be viewed in a rural context and: (2) the dwelling and garden in a more urban one. (This is quite different to the previous refused scheme where there was no delineation between the urban and rural elements of the development) **The access track will not result in any urbanisation of the paddock.***
7. *Any "perceived impact" has been removed by the design of the track and the physical and visual separation of the paddock and dwelling. **There will be no perceived encroachment of the countryside by the proposed access track.***
8. *The proposed dwelling and garden will be separated from the paddock by a hedge and a gate. The access track will be separated from the houses on Webbs Way by a gate. In general terms, access tracks through the countryside are often not fenced (please see page 10 of the Design and Access Statement).*

*There is no reason why the part of the access track that runs across the paddock needs the protection of a fence.*

9 *The proposed gate at the end of Webbs Way requires a small amount of landscaping to be removed where a gate will be fixed. The new opening will significantly improve the openness of this part of Webbs Way and views across the countryside.*

10. *There have been comments from third parties, that the hedge included within the application that runs north-south across the paddock will impact the openness of the paddock. We would be happy for this element of the application to be removed on Officers advice.*

i. *There are no public vantage points to the paddock and the proposed track. The only public vantage point to the track will be standing by, and looks over the gate, at a 90 degree angle.”*

5.2A The fundamental consideration in this case is whether the engineering operation which consists of the formation of the access drive is appropriate development. As will be seen below engineering operations can be appropriate provided they do not conflict with the 5 purposes of the Green Belt set out at para 80 of the NPPF namely;

- to check the unrestricted sprawl of large built up areas;
- to prevent neighbouring towns from merging with one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

5.3 As stated by the applicant's agent above paragraph 90 of the NPPF does state that engineering operations are not inappropriate in the Green Belt but this is qualified with the proviso that *“they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt.”*

5.4 This guidance replaced the following advice in paragraph 3.12 of PPG2 which reads as follows:

*“The statutory definition of development includes engineering and other operations, and the making of any material change in the use of land. The carrying out of such operations and the making of material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.”*

5.5 Therefore the overall affect of the guidance documents is similar. Both state, albeit in differing ways, that engineering operations are acceptable providing that they do not conflict with *the purposes of including land in the Green Belt*. The next step in the consideration therefore becomes an assessment of the impact of the proposal upon either the openness of the Green Belt, or upon any of the purposes of the Green Belt. In your officers opinion the openness of the Green Belt is not fundamentally affected. However, it is considered that the access way will be an encroachment into the Green Belt.

- 5.6 I do not consider that the change of material and/or the re-alignment of the track to have materially affected the acceptability of the scheme. Paragraph 15 of the Inspectors report is quite clear on this point and states:

*“I consider it is inevitable that a road in this location, however discreet, would have a visual impact on the landscape and encroach upon the countryside in a sensitive location on the edge of the settlement. Even though the road and the land it would cross might not form part of a domestic curtilage it would be perceived as such and have an urbanising effect. In the absence of other factors which would outweigh the harm caused to the Green Belt by inappropriate development I consider both schemes would be contrary to the provisions of national guidance and policy GB1 of the Cherwell Local Plan.”*

- 5.7 As with the second appeal on this site, the proposal does not include any boundary treatment to segregate the access from the rest of the field. This is seen as an attempt to limit the visual harm on the Green Belt.
- 5.8 Whilst the field has evidently not been used for livestock in some time, it is possible that the field will be used in the future. It is also noticeable that the applicant recognises the need to have gates at either end of the access to keep any animals from accessing both Webbs Way and the domestic curtilage of the proposed new dwelling.
- 5.9 The justification for the proposed hedge, dividing off a section of the field parallel to the proposed dwelling boundary, is that it will limit the impact on the openness of the Green Belt. However as the Inspector previously acknowledged the access need not detract from the openness of the Green Belt – the appeals failed because the track represents an encroachment into the countryside. The Inspector in considering the last appeal concluded;

*I consider it is inevitable that a road in this location, however discreet, would have a visual impact on the landscape and encroach upon the countryside in a sensitive location on the edge of the settlement. Even though the road and the land it would cross might not form part of a domestic curtilage it would be perceived as such and have an urbanising effect.*

Unlike the applicants agent I continue to believe that this represents encroachment into the Green Belt.

- 5.10 Based on the assessment above I conclude that that the proposed development represents an unacceptable encroachment into the Green Belt and that it therefore fails to comply with Government guidance contained within the NPPF and Policy GB1 of the adopted Cherwell Local Plan (CLP).

The applicants' agent suggests that the encroachment is not significant in actual fact or perceived. However your officers consider that the opening of the access to Webbs Way will also open up views into the farmland of the Green Belt for the first time from this urban area and the access will therefore be obvious, albeit that it is accepted that this impact will only be experienced from standing close to the gateway. Nevertheless the inspector's reasoning quoted above is still sound.

#### **The principle of the dwelling**

- 5.11 Policies H9 and H10 of the adopted Cherwell Local Plan (CLP) were not saved following a review of the Plan by the Secretary of State in 2007. The principle of residential

development in Kidlington therefore is assessed against Policy Villages 1 of the Proposed Submission Local Plan Incorporating Proposed Changes (March 2013) (PSLP) and Policy H15 of the Non-Statutory Cherwell Local Plan 2011 (NSCLP). These policies limit development to infilling, minor development comprising small groups of dwellings within the built up limits and conversions of non residential buildings (NSCLP 22).

- 5.12 The above policies carry limited weight as they are not part of an adopted plan. Consideration therefore is given to the NPPF. The overarching objective of this guidance, in respect of new residential development, is the promotion of sustainable development for which there is an explicit presumption in favour. The NPPF also attaches great importance to good design and advises that it is a key part of sustainable development. The NPPF also advises that consideration should be given to connections and integration of new development into the natural, built & historic environment. It is concluded that a dwelling on the site could be acceptable if an acceptable access could be obtained.

#### **Design and neighbour amenity**

- 5.13 The Inspector in considering the previous appeal accepted the Council's original assessment that, notwithstanding the access, a single dwelling on the plot of land was acceptable. The applicants' did cede to the Conservation Officers request to delete the exposed chimney breasts from the design. Although I have slight reservations about elements of the design (the pastiche barn opening) I am satisfied that the design of the new dwelling will not harm the character and appearance of the conservation area (the large houses in the vicinity incorporate a number of different influences). I am therefore satisfied that the proposed dwelling is of an acceptable design that will not harm the character and appearance of the conservation area or unduly affect the setting of the nearby listed buildings.
- 5.14 In respect of neighbour amenity, I am satisfied that given the distance between the neighbouring properties and with the right landscaping scheme, the new dwelling would not unduly affect any of the neighbouring residents. It should be noted that whilst some of the residents in Vicarage Road currently enjoy views of the field and church beyond; loss of a view is not a material planning consideration.
- 5.15 Careful consideration has been given to the impact vehicles using the access track would have on the occupiers of 26 Webbs Way. The proposed track runs down the side of 26 Webbs Way. Whilst this does introduce some new disturbance to the side of the house which has none currently, the distances between the house and the driveway, and the intervening hedgerow will in my opinion be sufficient to that the level of disturbance is not of a scale that would warrant refusal.

#### **Highway matters**

- 5.16 Notwithstanding the objections from the neighbouring residents the Highways Liaison Officer has not queried the acceptability of the scheme as there as no highway safety issues and the applicant is proposing an acceptable level of parking. The development therefore accords with Government guidance contained within the NPPF.

## **Ecology**

- 5.17 Although I note the concerns of the neighbouring residents in terms of the impact the development will have on the local wildlife, the Council's Ecologist is nonetheless satisfied that subject to condition the proposed works will not unduly affect any protected species on the site. Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with Policy C2 of the CLP and Government guidance contained within the NPPF.

## **Other Matters**

- 5.18 Perhaps not unsurprisingly given the history of the site and the surrounding fields, a number of the neighbouring residents are concerned that if permission were to be granted, it would allow Pye Homes, who own the application site and the surrounding land, more leverage in getting an approval to develop more widely. This is not the case. The Green Belt status afforded the fields in question offer significant protection.

## **Consultation with applicant**

- 5.19 Officers have maintained communications with the agent to ensure that the issues that could be addressed were successfully dealt with during the application process.

## **Conclusion**

- 5.20 Based on the assessment above it is concluded that the proposed access would constitute an unacceptable encroachment into the Green Belt. The proposal is therefore recommended for refusal.

## **6. Recommendation**

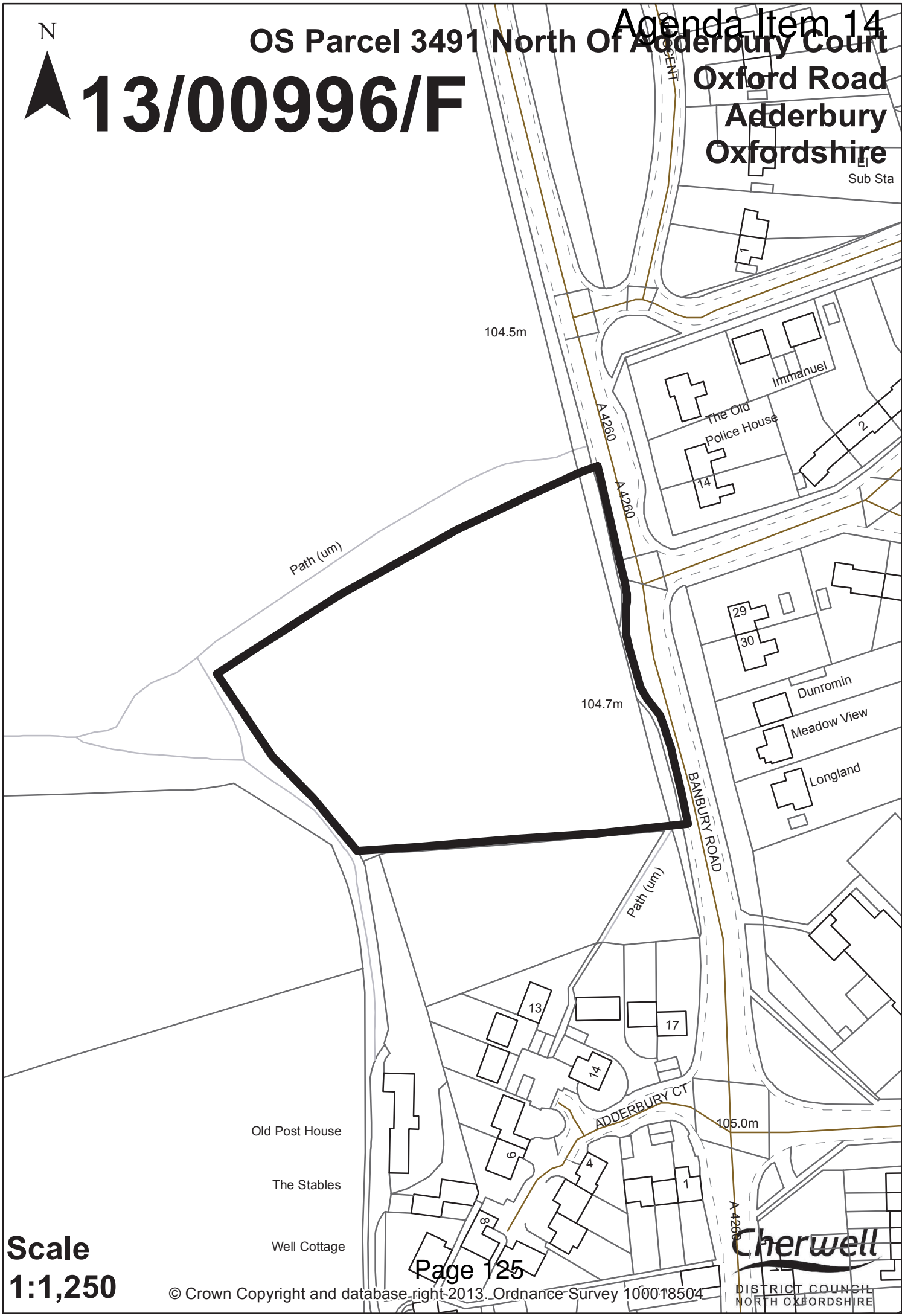
**Refusal**, for the following reason:

- 1) The proposed track which is located within the Green Belt land is inappropriate development as it would represent an encroachment into the countryside adversely affecting the rural character of the Green Belt and resulting in an urbanising effect. It is therefore contrary to saved Policy GB1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Statement of Engagement**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

N  
▲ 13/00996/F



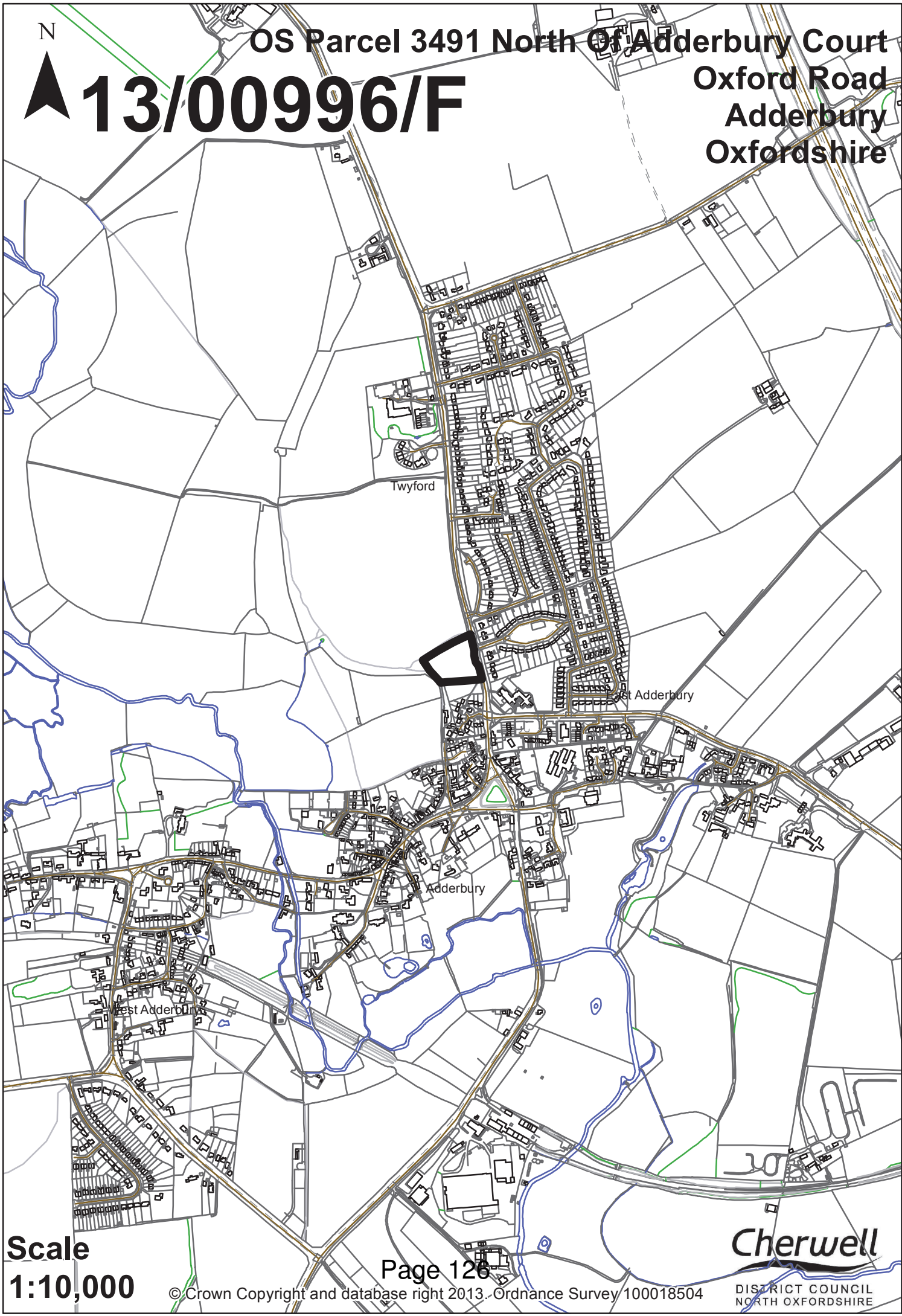
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OS Parcel 3491 North Of Adderbury Court

Oxford Road  
Adderbury  
Oxfordshire

▲ 13/00996/F



Scale  
1:10,000

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# **OS Parcel North of Adderbury Court, 13/00996/F Oxford Road, Adderbury**

**Ward:** Adderbury

**District Councillor:** Cllr Nigel Randall

**Case Officer:** Tracey Morrissey

**Recommendation:** Refusal

**Applicant:** Cala Homes c/o Agent Cerda Planning Ltd

**Application Description:** Proposed residential development of 26 units

**Committee Referral:** Major

**Committee Date:** 03.10.13

## **1. Site Description, Background and Proposed Development**

- 1.1 Planning permission is sought for the construction of 26 residential units on a site extending to an area of 0.8ha in size on the north-western boundary of Adderbury and to the east of the Banbury/Oxford Road (A4260). The site comprising rough grassland, slopes gently downhill from the highway, to the immediate south is a small area of open ground beyond which is Adderbury Court, a residential development of 18 dwellings. The only significant vegetation on the site is a section of unmanaged hedgerow to the east highway boundary.
- 1.2 Access to the site is currently obtained from the Banbury/Oxford Road just south of the existing sheltered bus stop; this is the access to be used for the proposed development, with one single road bending through into the site. There are a series of public footpaths running through and alongside the site (F/P 101/1, F/P101/10 and F/P101/11). Other than being within an Area of High Landscape Value, there are no other notable planning constraints.
- 1.3 The application has been submitted along with a Planning Statement, a Design and Access Statement, Landscape Plan, Landscape and Visual Assessment, Statement of Community Involvement, Layout Plans & Detailed Elevations, Flood Risk Assessment, Noise Report, Arboricultural Survey, Transport Assessment and Ecological Report

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, 3 No. site notices and press notice. The final date for comment was 8<sup>th</sup> August 2013. At the time of writing 29 letters/emails have been received raising objections on the following grounds:
  - Neighbourhood plan approaching final stages prior to referendum being called to determine the wishes of the residents for future development in the village – residents should choose the sites which are most sustainable and do the least damage to the village
  - This application is speculative and premature, bearing in mind that the Adderbury Parish Council (APC), delegated to The Adderbury Plan (TAP)

group, is currently very busy developing the Plan for submission to the Cherwell DC.

- Never seen a planning application being approved by the Cherwell DC for property development on a green field site in Adderbury. Adderbury Court itself was built on a brown field (previously a petrol filling station). Moreover, Griffin Close was also a brown field site (previously a fruit & veg wholesaler) as was the recent development in Greenhill which replaced the long-established Cheshire Home.
- Development would pre-determine the outcome of the community led process and is therefore inappropriate at this time
- Conservation survey indicates positive vista could be damaged
- SHLAA rejects the site because of its landscape impact – other site (north of Aynho Road) has greater potential and more appropriate.
- Primary school is not large enough for the significant amount of children requiring places
- Leaflet drop identified the wrong road and the leaflet does not contain other information regarding the precise location of the development. The map contained on the back of the leaflet provides no clear orientation or identification of any other closes or roads that might enable the reader to understand the location. Also specific information regarding the level of funding associated with education, highways and healthcare or indeed precisely what these facilities and/or additional services might be.
- Major scheme on a Greenfield site outside the village boundary
- Access to the site is very close to the existing bus stop and lights at the junction of A4260 and A41
- Increased traffic
- Houses should be for existing elderly residents who then free up homes for younger people.
- Drainage (water and sewage) problems – blocked pipes from existing system that has never been replaced or enlarged.
- Use of a green field site is inappropriate
- Parking problems exist in the village this will make it worse
- Exiting health care provision is poor this will make it worse
- Within about 200m, heading north from the Adderbury traffic lights, there are already 7 exits/entrances onto the A4260, namely Adderbury Court (traffic light controlled), The Rise, The Crescent/Kemps Road, Griffin Close, Twyford Grove, Greenhill and Summers Close. The proposed development will make exist/entrance number 8 and will place it less than 50m from the traffic lights.
- Over a thousand houses are already approved to be built on the southern edge of Banbury near Bodicote. Why do we need 26 dwellings to the north of Adderbury?
- Adderbury has already provided enough housing for the district and the proposed 30% affordable/social housing being put forward as part of this development is far too high for the village.
- Berkeley Homes (Oxford and Chiltern) Ltd submitted a planning application on OS Parcel 4100 adjoining and south of Milton Road Adderbury for the erection of 65 dwellings with associated access, open space and structural landscaping (application no. 13/00456/OUT). On 13 June 2013 the Planning Committee considered the application and unanimously rejected it. Surely most of the considerations that applied to that planning application, which caused the Committee to reject it, would apply to the application being submitted by Cala Homes?

### 3. Consultations

3.1 Consultation responses are summarised below. The full versions can be found on the Council's website.

#### 3.2 **Adderbury Parish Council:** Object.

a) APC primarily objects to this application on the grounds that it is an extension of the village boundary into open countryside. This is against CDC policies on the grounds that this site is outside of the village envelope and therefore an unsuitable site. PPS3 only allows the need for housing numbers to override other planning concerns if the site is suitable but APC does not believe this is such a site. There is no other housing in this area and the development site does not have any strong relationship with nearby residential areas. It is cut off from the nearest housing to the West (Adderbury Court) by APC amenity land and land which has been recently purchased by APC. There are two open fields to the East of this site before reaching Summers Close and there is open countryside to the south of the site. Houses in Oxford Rd are on opposite side of road and therefore are set back and removed from this field area. Houses on the Oxford Road are clearly divided from this site by the Oxford Road, which forms a very defensible boundary.

b) While there is limited building on the South side of the Oxford Road, APC do not feel this creates a precedent because two sites were brown field sites:

Adderbury Court was the old garage site and Greenhill House was previously the Cheshire Home. The other development on this south side is Summers Close which was given permission specifically as an Exception site for disabled residents, which it still is. The proposed site does not comply with any of these categories.

APC also believes that this site may have been included in restrictions on building which were imposed on the land as part of the Adderbury Court planning permission in the mid 1980s. If this is correct then APC also opposes the application on those reasons.

c) APC objects to this application as the Parish is fully engaged in the process of producing a Neighbourhood Plan, which will be completed this autumn. APC believes we have the right to complete this NP under the Localism Act and not to have this lawful process negated by an outside body such as a developer. Indeed, the Inspector at an appeal hearing on a different site in Adderbury in 2012 gave considerable weight to the Parish's wish to complete a NP and agreed that any development before its completion would undermine that process and therefore should not be allowed.

d) APC objects to this application as the site is an area of High Landscape Value and is designated as such in CDC's Adopted Local Plan. This site is

an extremely prominent site. It is set high on the side of the valley and will cause undue visual intrusion into open countryside.

- e) APC objects to this application as it will severely detract from the amenity value of this area of open countryside by the residents and public of Adderbury. The site is bounded on three out of four sides by public FPs. These are extremely well used by Adderbury residents and the FP101/11 forms part of the Adderbury circular walk. As such the proposed development would be very visible from these FPs and, even with the suggested screening, would detract from their amenity value as these would become FPs through or edging a housing estate rather than through open countryside as they are now. Also the public view from a further distance on the Adderbury Circular walk (FP 101/11) and from FP 101/14 and from FP 101/10 would all be compromised by this development. From the Oxford Rd to the North of the site the view into open countryside would be lost. Also APC feels development here will detract from the amenity value of the APC amenity area attached to Adderbury Court, which currently enjoys views over open countryside on all aspects. These would be lost. Because of the loss of amenity value and open countryside APC believes this application is not consistent with the local character of this part of the village.
- f) The APC objects to this application as there is no attempt by the developer to provide any amenity land within the site. Despite the loss of amenity value outlined above this developer has not provided any amenity land or area for play. APC finds that unacceptable.
- g) APC objects to this application as it does not comply with the emerging Local Plan. Particularly the SHLAA does not see this as a suitable site for development in Adderbury. The SHLAA says 'Development on the site would have an unacceptable impact on landscape character, and potentially impact on the setting of the village'. APC agrees with these comments and is opposed to this application on these grounds.
- h) The APC also objects to this application as it only includes 30% affordable housing, which APC believes is below the normal 35% affordable housing allocated in rural areas. APC is also concerned that the suggested mix of housing is too focused on 1 and 2 bed dwellings rather than family homes.
- i) APC is also concerned that Adderbury Primary School may be full and therefore any children in this site would need to be accommodated elsewhere. APC would be against this as we fundamentally believe children should be educated in their own community.

Should this application not be rejected, APC would like CDC Planning officers to consider more screening of this site and also a better mix of houses, including more affordable houses as well as some amenity land, together with suitable building materials which reflect the historic quality of housing in this village for what would be a prominent gateway site. However, APC hopes that the above concerns and points of objection will be taken into consideration by CDC and that this application will be rejected.

**Cherwell District Council Consultees**

- 3.3 **Head of Strategic Planning and the Economy:** The provision of housing would have economic and social advantages. However, as the Council can demonstrate that the district has a 5 year land supply, there is no pressing need to release the site. It is noted that the level of affordable housing proposed accords with emerging policy and the needs for affordable housing is of course high. However, affordable housing is being delivered and planned growth will generate significant additional supply. There would be harm through the loss of open countryside which, in principle, would not be warranted and not be sustainable in the absence of a clear need at this time. However, detailed consideration of the extent of the harm to the landscape or by way of visual impact will be required. (More detailed comments will be incorporated into the report at the relevant section)
- 3.4 **Urban Design Officer:** Objection received. The site is located in a prominent location of Adderbury. The design and layout of the site do not reinforce and enhance the character of the village. (Design comments will be incorporated into the report at the relevant section)
- 3.5 **Housing Officer:**  
There is a 35% affordable housing requirement as part of the application for 26 units, with a split of 70/30 between rented and shared ownership.

I would argue that in general the submitted proposal for affordable housing is currently unacceptable, there is a disproportionate amount of flats compared to the open market units, and the layout does not encompass the principle of integration and tenure blindness of the affordable housing.

Although I can accept the location of the affordable housing which I assume is to the north east of the site, I would have the following suggestions in terms of unit mix

Rent  
2x1b2p Flats preferably maisonette style  
2x2b4p Houses  
2x3b5p Houses

Shared Ownership  
3x2b4p Houses

The units should comply with a minimum of Code for Sustainable Homes level 3 preferably 4, and also should meet the HCA's HQI requirements.

50% of the rented units should comply to Lifetime Homes Standards

50% of the initial rental lets through CBL will be to those with a local connection to Adderbury.

The applicant should contact this office with regards to discussing and agreeing on the Register Provider which is to take on the affordable ownership and management.

- 3.6 **Landscape Officer:** I cannot support this application as it has considerable impact on users of the footpath network that virtually surrounds the site. Wider impacts have not been assessed and are uncertain. There is no LAP and public open space. There is no evidence that the levels work. The layout would result in an untidy edge to this part of Adderbury with built elements too close to the boundary. There is insufficient room for screen planting. (More detailed comments will be incorporated into the report at the relevant section)
- 3.7 **Arboriculturalist:** That the hedgerows be retained and reinforced by additional planting. Condition the submission of an Arboricultural Method Statement to include a tree protection plan. (More detailed comments will be incorporated into the report at the relevant section)
- 3.8 **Ecology Officer:** No objection subject to conditions. The site is not of high ecological value and there are few constraints in terms of protected species. It does constitute the loss of an area of rough grassland and scrub however which is likely to impact birds including foraging raptors, invertebrates and small mammals. The proposals make some concession to new planting of hedgerow and trees. The hedgerows could have the potential to constitute new BAP habitat however the layout shows buildings and garages placed right up against the proposed hedgerow which will negate much of their value to wildlife and leave them vulnerable to cutting at the wrong time of year for wildlife and poor management. It would be preferable if a buffer was allowed along each hedgerow in which some rough grassland was allowed to remain. This would allow nesting by birds and movement of small mammals along the hedge lines.

There is very little green space included within the proposals and therefore in line with the recommendations within the NPPF and CDC policies to look for biodiversity enhancements in developments I would expect a biodiversity enhancement plan which included features within the built environment for example built in bird and bat brick/boxes, green walls and enhancements at the edge of the development such as wildflower areas, bat boxes on Western boundary trees...

- 3.9 **Recycling and Waste Manager:** Comments awaited but it is expected that the developer will need to take into account the Waste and Recycling guidance where it is indicated that Section 106 contribution of £67.50 per property will be required.
- 3.11 **Recreation & Health Improvement Manager (Public Art):** A condition that a piece of functional or sculptural artwork is provided onsite to enhance either the entrance to the development or an open space - Cost and scale of the artwork to be appropriate to the development ( £2,500 - £4,000)
- 3.12 **Countryside Officer** - As this site is framed on nearly all its boundaries by a number of public footpaths, and sometimes the routes apparent on the ground are not the same as the definitive lines, I would recommend the following advisory note:

"Prior to laying out the right of ways on and adjacent to the boundaries of the site, the applicant should seek the advice of Oxfordshire County Council's

(OCC's) Rights of Way team to ensure that, in relation to the site, the paths are on their definitive lines "

### **Oxfordshire County Council Consultees**

3.13 Oxfordshire County Council has provided a comprehensive response relating to all aspects under their jurisdiction. The overall view is that the County Council raise no objection to the proposal with the exception of a holding objection raised in respect to rights of way as detailed below.

**Rights of Way:** Holding objection pending the receipt of further information from the applicant:

Key issues:

- Adderbury Footpath 1 (101/1) runs to the East of the site. There appears to be some confusion within the application concerning the position of this footpath. In the Landscape & Visual Appraisal it says that the footpath is 'within the site running parallel with the vegetation structure along the eastern boundary and the Banbury Road.' This is correct. However, the Public Rights of Way Statement says that this footpath 'runs along the main Banbury Road to the east of the site' and on the plan that accompanies the Rights of Way Statement the footpath is shown to run along the footway next to the road. This is not correct. The public footpath, as shown on the Definitive Map, runs within the field/site and is separated from the footway by the existing field boundary. The definitive footpath is not shown on the Site Layout Plan or the Context Masterplan. These plans need to be amended to show the footpath correctly and the applicants also need to advise how this will be accommodated within the development including the surface treatment.
- Adderbury public footpath 11 (101/11) runs along the Northern and Western boundaries, but outside the site and therefore should not be affected.
- The development will affect existing rights of way in the proximity of the site due to the amount and frequency of increased use. The development should provide the means to improve these rights of way to make them safer, and more convenient for year round commuting and recreational use

Legal Agreement required securing:

- Undertaking to improve public rights of way within the development site

**Transport and Planning Strategy (Transport Planner):** No objections subject to conditions, legal agreement and informatives

The developer is expected to contribute a sum of £27,000 towards the development of the s4 bus service between Deddington and Banbury, to provide 2 buses per hour along this section, along with an evening and Sunday bus service. The total cost of this enhancement is assumed to be £400,000 on

a reducing pump-priming basis, to produce an eventual commercially-viable bus service. The aspiration provision of this improved level of service is cross-referenced in the forthcoming Bus Strategy, and is required to provide the minimum credible level of service for journeys to work in Banbury. Pro-rata contributions will be requested from other development applications along this route;

**Transport Development Control:** No objection subject to conditions, legal agreement and informatives

**Drainage Officer:** No objection. A Flood Risk Assessment has been submitted. We have no objections the scheme or to the proposed drainage strategy detailed in the Flood Risk Assessment. There have however been instances of flooding from the Sor Brook downstream in another part of Adderbury and we would seek to reduce the amount of surface water entering the Sor Brook wherever possible even in an extreme weather event.

**Archaeology:** No objection. The proposals outlined in your letter would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

**Education:** No objection subject to conditions and a legal agreement.

Key issues:

The proposed development is projected to generate a demand for 8 primary school places (age 4-10), 7 secondary school places (age 11-15) and 1 sixth form places (age 16-19).

This development lies within the school planning area of Bloxham, and within the current designated areas of Christopher Rawlins CE (VA) Primary School and The Warriner (secondary) School.

Expansion of permanent primary school capacity in the area would be necessary as a direct result of this housing development.

Expansion of permanent secondary school capacity in the area would be necessary as a direct result of this housing development.

The development would also be expected to result in an increased demand upon special educational needs (SEN) schools, and expansion of permanent school capacity would be necessary as a direct result of this housing development. 1.02% of children across Oxfordshire are educated in SEN schools.

Legal Agreement required to secure:

- Developer contributions towards the expansion of permanent primary school capacity serving the area by a total of 8 pupil places. If expansion of existing school(s) is a feasible solution, providing effective and efficient provision of education, contributions will be sought based on Department for Education (DfE) advice for primary school extensions weighted for Oxfordshire and including an allowance for ICT and sprinklers – £11,582 per pupil place at 1st Quarter 2012 price base. We would therefore require a contribution of £92,656

(index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to primary school infrastructure for these homes. If instead a new school is required to serve the growth in this area, a contribution would be required towards the new build costs of this, at a rate reasonably related to the scale of this development.

- Developer contributions towards the expansion of permanent secondary school capacity serving the area by a total of 8 pupil places (including 16th form place). Contributions are sought based on DfE advice for secondary school extension weighted for Oxfordshire and including an allowance for ICT and sprinklers - £17,455 per pupil place at 1st Quarter 2012 price base and £18,571 per pupil place at 1<sup>st</sup> Quarter 2012 price base for sixth form places (the cost includes an allowance for.
- Developer contributions towards the expansion of permanent SEN school capacity by a total of 0.2 pupil places. We are advised to allow £30,656 per pupil place at 1<sup>st</sup> Quarter 2012 price base to expand capacity in special educational needs schools. We therefore require a contribution of £6,131 (index linked to from 1st Quarter 2012 using PUBSEC Tender Price Index) to special educational school infrastructure for these homes.

#### Detailed Comments:

Expansion of primary school capacity in the area would be necessary as a direct result of this housing development. Christopher Rawlins CE (VA) Primary School is approaching capacity and has had increased intakes in recent years. Several year groups are full. A recent review determined the Local Authority wishes to keep this school at this size due to its constrained site. Some of its catchment area is shared with Bloxham Primary School, which is also effectively full. Housing developments in Adderbury would be expected to contribute towards strategic expansion of primary school capacity in this area, which is likely to be achieved through expansion of a neighbouring school.

Expansion of secondary school capacity in the area would be necessary as a direct result of this housing development. This area feeds to the Warriner School, which is regularly oversubscribed, and effectively full in all but one year group. Increased local population as a result of local housing development, without expansion of the school, would adversely impact on the operation of parental preference and result in a loss of amenity to young people already living in the area, who would be less likely to secure a place at their first preference school as a direct result. Contributions are therefore sought from housing developments within the school's catchment area towards expansion of the school to ensure that the needs of the current and future population can be met.

#### **Property:**

No objection subject to the following conditions, legal agreement and informatives

#### Key issues

- The County Council considers that the effect of the application forming this development will place additional strain on its existing community infrastructure.
- The calculations are based on the same development as above.

It is calculated that this development would generate a net increase of:

• **79 additional residents including:**

- 50 residents aged 20+
- 5 residents 65+

Legal Agreement required to secure:

▪ Library	£ 6,715
▪ Waste Management	£ 5,056
▪ Museum Resource Centre	£ 395
▪ Adult Learning	£ 800
▪ Adult Day care	£ 5,500

**Total** £ **10,116**

Plus administration & monitoring £ 3,750

**Minerals and Waste Policy:** No objections

### Other Consultees

3.14 **Environment Agency:** comments awaited

3.15 **Thames Valley Police:** Refer the applicants to the principles and standards of the Association of Chief Police Officers (ACPO) crime prevention initiative for the built environment, Secured by Design (SBD). I urge them to incorporate said principles etc within the proposals and to contact me as soon as possible so that they may be advised on how to achieve this.

A condition has been recommended if approval is granted which would seek to ensure the development incorporates the principles of 'Secured by Design' and the NPPF.

## 4. Relevant National and Local Policy and Guidance

### 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies) (ACLPL)

H13: Category 1 Settlements

H18: New dwellings in the countryside

C2: Development affecting protected species

C4 Creation of new habitats

C7: Landscape conservation

C8: Sporadic development in the open countryside

C13: Areas of High Landscape Value

C28: Layout, design and external appearance of new development

C30: Design of new residential development

C31: Compatibility of proposals in residential areas

R12: Provision of public open space in association with new residential development

TR1: Transportation funding

ENV1: Pollution Control

Minerals and Waste Local Plan (1996)

## 4.2 Other Material Considerations - Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission (August 2012) and Focussed Consultation (March 2013) (PSLP)

The Local Plan (March 2013) has now been through public consultation. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

- BSC1: District Wide Housing Distribution
- BSC2: The Effective & Efficient Use of Land - Brownfield land & Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Protection & Enhancement of Biodiversity & the Natural Environment
- ESD13: Local Landscape Protection & Enhancement
- ESD16: The Character of the Built & Historic Environment
- Policy Villages 1: Village Categorisation – Cat A Adderbury
- Policy Villages 2: Distributing Growth Across the Rural Areas – Group 1 Adderbury

Strategic Housing Land Availability Assessment – Draft Final Report – March 2013 (SHLAA) - Appendix E – Rejected sites

Protocol for Preparing Neighbourhood Plans – March 2012

The Adderbury Plan (TAP) Draft dated 29<sup>th</sup> August 2013 (Neighbourhood Plan)

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning history of key applications within Adderbury
- Policy principles
  - Housing need
  - Prematurity
- Effect on the open countryside, landscape and visual amenity
- Layout and design
- Impact on residential amenity
- Highway safety

- Ecology
- Developer Obligations
- Pre-application community consultation

### **Planning History**

- 5.2 Adderbury has experienced a number of planning applications in the last 3 years, seeking consent for small scale residential development (35 – 65 dwellings), however none of which have been approved. The decisions made on these applications are considered to be relevant to the consideration of this current application now before Members for determination.

10/00270/OUT – Application for 65 dwellings South of Milton Road, Adderbury was REFUSED on the following grounds:

1. *'The proposal represents development beyond the built up limits of the settlement and will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year land supply of housing land required by PPS3 – Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone, a development of this scale is inappropriate at this time given the lack of provision of village facilities. As such the proposed development is contrary to the saved policies H13, H18 and C7 of the adopted Cherwell Local Plan and Planning Policy Statement 3 – Housing.'*

This application was subsequently DISMISSED at appeal with the Inspector reaching the following conclusion:

*'The potential benefits of the scheme proposed, including the contribution towards meeting affordable housing need, the provision of a replacement sports pitch, and the improvement to the appearance of this edge of the village, are recognised. I am mindful of the opportunity to bring the development forward at an early stage, with the land being available immediately for development with no significant physical constraints that might impede delivery. However, those considerations, even when taken together, do not outweigh the harm that would be caused by allowing residential development in the open countryside, with the associated adverse visual impact that I have identified, without sufficient justification. In this respect, I have found that, in all likelihood, the Council is able to demonstrate a rolling five year supply of deliverable housing sites for the District. In these circumstances, there is no suggestion in PPS3 that applications for housing should be considered favourably. I conclude on balance, therefore, that the appeal should not succeed.'*

- 5.3 10/00512/OUT - Application for 35 dwellings North of Milton Road, Adderbury was REFUSED for the same reason as 10/00270/OUT along with another reason relating to impact on heritage assets – no appeal was lodged.
- 5.4 11/01409/OUT – Another similar application for 65 dwellings South of Milton Road, was submitted in September 2011 following the Council identifying that it could no longer demonstrate a five year housing land supply. The target date

for this application was 29 December 2011 and soon after this date had passed the applicants submitted an appeal against its non-determination.

The appeal was subsequently DISMISSED despite the '*marked underprovision*' of a 5 year supply of housing land and with due regard to the NPPF which had just been issued. The decision was taken in the context of the requirement that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Of note also was the offer of a high level of much needed affordable housing and that the site could be delivered relatively quickly. These factors weighed in favour of the proposal. However, the following factors were identified by the Inspector as weighing against the proposal:

The site lies within the countryside and its development is contrary to the approved development plan. Although sustainable in location terms, the approach to the development of the site did not, in the Inspector's view, represent the basis of good design such that no overall conclusion could be reached on the proposal and whether or not overall it constituted sustainable development. Whilst not a strategic site it is of a significant scale in the context of Adderbury. Adderbury Parish Council had indicated a wish to produce a neighbourhood plan to inform the plan led approach to empower local people to shape their surroundings. Adderbury had made a more than adequate contribution to the supply of housing and there may be other sites available. Finally, the proposal was not supported by the local community.

- 5.5 12/00026/OUT - Despite the above appeal being lodged the applicants submitted a further application for 65 dwellings (resubmission of 11/01409/OUT) again on land South of Milton Road, believing that the application should be approved to avoid time and expense at the Inquiry that was due. The applicants considered that the change in housing land supply position since the appeal was determined was sufficient to outweigh all other considerations and that therefore the application should be approved.

The application was REFUSED on the following grounds:

- 1. The proposal represents development beyond the built up limits of Adderbury, a rural settlement where development is less sustainable than the urban areas, and where it will cause harm to the character and appearance of the countryside. Notwithstanding the Council's short term inability to demonstrate that it has the 5 year supply of housing land required by PPS3 Housing, the development of this site cannot be justified on the basis of a temporary land supply deficiency alone as it will result in an unplanned development potentially undermining the Council's emerging Core Strategy. As such the proposed development is contrary to the saved policies H12, H13, H18 and C7 of the adopted Cherwell Local Plan, Policies H15, H19 and EN34 of the Non-Statutory Cherwell Local Plan, Policies H2 and SP3 of the South East Plan, Planning Policy Statement 3 – Housing, Planning Policy Statement 7 – Sustainable Development in Rural Areas.*
- 2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority cannot guarantee that the infrastructure directly required to service or serve the proposed development will be provided, thus adding to the pressures on local*

*infrastructure and services, contrary to Policy CC7 of the South East Plan, Policies H5, TR1 and R12 of the adopted Cherwell Local Plan and Policies H7, TR4, R8, R9 and R10A of the Non-Statutory Cherwell Local Plan 2011.*

5.6 13/00456/OUT – Refused. This further application on land South of Milton Road again sought consent for 65 dwellings. Officers recommended the application be approved on the grounds that the Council could not demonstrate a 5 year housing land supply and that previous issues had been resolved. Members however refused the application at the June 2013 Committee for the following reasons:

- 1. The proposal represents development beyond the built up limits of Adderbury where there is no proven need for agriculture or other existing undertaking. Furthermore the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need, it represents sporadic development in the countryside which fails to maintain its rural character and appearance and which fails to conserve and enhance the environment. Furthermore in the context of housing delivery at Adderbury (including that local planning authorities should encourage community led local assessments of need and action planning to inform decision making processes in rural communities), it is considered the proposed development would adversely affect further consideration of how to sustainably meet rural needs through the production of Development Plan Documents and a Neighbourhood Plan (especially when the local community has made progress towards the preparation of a Neighbourhood Development Plan). The application is, therefore, contrary to Policies H6, H12, H13, H18, C8 and C13 of the adopted Cherwell Local Plan, Policy for Villages 2 of the Proposed Submission Local Plan Incorporating Changes March 2013 and government guidance contained in the National Planning Policy Framework.*
- 2. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policies OA1, TR4, R8 and R10A of the Non-Statutory Cherwell Local Plan 2011, Policy INF 1 of the Proposed Cherwell Local Plan Proposed Submission Draft March 2013 and government guidance contained within the National Planning Policy Framework.*

5.7 Despite the recent case history concluding such applications as refusals or dismissals at appeal, this is only one material consideration. The decisions are useful in that they highlight the various questions that need answering and they assist in identifying the issues which need to be addressed. Over time the issues may be solved and also may be weighed in the balance differently at any given moment in time. It is important to remember that each case needs to be considered on its own merits.

#### **Policy Principles**

5.8 The application site lies in an area of open countryside, beyond the built up limits of the category 1 village of Adderbury and is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or those of the Non-Statutory Cherwell Local Plan 2011. Saved and non-

statutory policies relating (amongst other things) to the countryside, landscape and design will need to be considered subject to examination of the weight they should be given according to their degree of consistency with the NPPF.

- 5.9 The proposed housing scheme, therefore, has to be assessed against Policy H18 of the adopted Cherwell Local Plan (ACLP). This limits residential development to agricultural workers dwellings and affordable housing. Quite clearly the development fails to comply with this policy.
- 5.10 Policy Villages 1 of the emerging Local Plan identifies Adderbury as a Category A village which remains similar to the adopted policy position in Policy H13. Due to their population size, range of services, accessibility, employment opportunities etc, these villages are considered to be the most sustainable. Categorising villages ensures the most sustainable distribution of growth across the rural areas and is an approach taken from the previous adopted Local Plan and featured in the Non Statutory Cherwell Local Plan.
- 5.11 Policy Villages 2: Distributing Growth Across the Rural Areas of the Proposed Submission Local Plan (PSLP) (amended in March 2013) places Adderbury in a group of 5 other villages. Having now taken into account completions and permissions, there is a combined limit for 252 new homes to be built in these settlements during the period 2012-2031 on sites that comprises ten or more dwellings. Not all the villages will necessarily accommodate a site and the precise number of homes to be allocated to an individual village will be set out in the Local Neighbourhoods Development Plan Document in the light of evidence such as the SHLAA.
- 5.12 The SHLAA identifies this site has having been rejected for residential development in Adderbury due to the unacceptable impact on landscape character and potential impact on the setting of the village.
- 5.13 The NPPF contains a presumption in favour of sustainable development and states that planning should “recognise the intrinsic character and beauty of the countryside, be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of an area, seek to secure high quality design and good standards of amenity” (para' 17).

#### Neighbourhood Plans

- 5.14 Paras 183 – 185 set out the guidance for neighbourhood planning, which give communities “direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan”. The production of a Neighbourhood Plan is clearly an opportunity for the residents of Adderbury to have direct involvement in the design and location of all future development. Where Neighbourhood Plans are prepared it is expected that this work will dovetail with the Council's own work on the Local Plan and associated documents.
- 5.15 It is understood that The Adderbury Plan (TAP) is at an advanced stage and the latest position, is that the Parish Council is now fully engaged in the process of producing a Neighbourhood Plan, which will be completed this Autumn.

- 5.16 The Draft TAP was produced on 29<sup>th</sup> August 2013, with further meetings having taken place in September 2013. Amongst other things TAP identifies locations that are considered most appropriate and sustainable locations for residential development (A - M and ranked 1 – 11). The site subject to this current application is within Zone A and rank no. 1, which is the preferred zone for residential development, being the most sustainable location close to the village centre. However the site specifically has also been identified as having a “positive vista” (specifics on this vista is unknown).
- 5.17 However for the purposes of this current application, whilst there is a draft Neighbourhood Plan in circulation, which is a material consideration, it carries little weight until Cherwell District Council considers the Plan appropriate, the next stages include independent examination, referendum and then onto adoption.
- 5.18 Having established in para 5.10 that the proposal conflicts with principle Policy H13 of the ACLP it is necessary to establish the status of that policy, what it is seeking to do and how much weight it should be given. In referencing the experience of the recent Bloxham appeals, the position is that Policy H13 of the adopted Local Plan seeks to achieve two main objectives. The first is to restrict the supply of housing (which needs to be weighed against the objective housing need test) and the second is to serve the purpose of protecting the countryside (which is ultimately a more subjective test). If the housing need argument is lost then Policy H13 is not automatically out of date because it still serves the purpose of protecting the countryside which remains very much a continued policy objective of the NPPF. The housing need and landscape impact assessments are discussed in the following paragraphs.

#### Housing need

- 5.19 With particular regard to the issue of housing need within the NPPF, it is noted that Local Planning Authorities (LPAs) are required to boost significantly the supply of housing by meeting assessed needs and identifying key sites critical to the delivery of the housing strategy over the plan period (para’ 47).
- 5.20 LPAs are expected to “*identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land*” (para’ 47).
- 5.21 Footnote 11 to paragraph 47 states, “*To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans*”.

- 5.22 Para' 49 states, "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*"
- 5.23 The district's housing land supply position has recently been updated (July 2013). **At the time of writing, officers consider that the district has a 5.8 year supply of deliverable sites for the period 2013-18 incorporating an additional 5% requirement and a 5.1 year supply with an additional 20% requirement.** As stated in paragraph 5.15 above, Local Plan policies which seek to protect the character and beauty of the countryside are not therefore considered to be out-of-date.
- 5.24 The Proposed Submission Local Plan (incorporating Proposed Changes) March 2013 carries limited weight. However, it provides for a total of 348 homes to be provided on sites of 10 or more dwellings at groups of rural villages (with a further 50 at Kidlington). This requirement is in addition to extant permissions as at 31/3/12 and a separate windfall allowance for small sites (less than 10) of 980 homes for rural areas.
- 5.25 Within this requirement of 348, Policy Villages 2 provides for a total of 252 homes to be provided at a group of six villages including Adderbury (the others being Ambrosden, Chesterton, Deddington, Launton and Hook Norton. This indicatively equates to some 42 homes per village. However, since 31/3/12, five further sites in that group of villages have been approved: a further 28 homes (37 in total) at Stanton Engineering, Hook Norton (last permitted on 8 March 2013, refs. 09/01450/F, 11/00585/F & 12/00472/F); 40 homes at Yew Tree Farm, Launton (permitted on 11 February 2013 – 11/01907/F); 44 homes at The Green, Chesterton (permitted on appeal on 21 February 2013 – 12/00305/OUT); 11 homes next to Chestnut Close, Launton (approved subject to legal agreement on 16 May 2013 – 13/00186/F); and, 90 dwellings at Springfield Farm, Ambrosden (approved subject to legal agreement on 16 May 2013 – 13/00344/HYBRID). This lowers the remaining requirement for the 6 villages to 30 dwellings.
- 5.26 The PSLP March 2013 states, "*...The precise number of homes to be allocated to an individual village will be set out in the Local Neighbourhoods Development Plan Document in the light of evidence such as the ...SHLAA. Sites will be allocated in either the Local Neighbourhoods DPD or in Neighbourhood Plans. In some cases, the approval of schemes will make it unnecessary to allocate sites. Regard will be had to the level of building that has already taken place in each village to avoid over development.*"
- 5.27 The development of 26 homes on the site would contribute in meeting the target envisaged by Policy Villages 2 and the number of dwellings proposed (26 homes) is not considered an unusual 'scale' for one of the district's more sustainable villages such as Adderbury (a category 1 village in both the saved (adopted) Local Plan 1996 and the Non-Statutory Local Plan 2011, and a Category A village in the Proposed Submission Local Plan - March 2013). In population terms, Adderbury (2819 residents) is also second largest rural parish after Bloxham (3374). The next are Yarnton with 2545 residents, Ambrosden (2248), Deddington (2146), Bodicote (2126) and Hook Norton (2117) (2011 Census).

- 5.28 Adderbury has made a significant contribution in recent years, but has not experienced the high levels of growth experienced by Bloxham and Yarnton. Adderbury Parish had 143 recorded housing completions from 2001 to 2012, including 87 within the Proposed Submission Plan period 2006 – 2012. The level of development (2006-2012) is comparable to Ambrosden (70 homes) but not as high as Bloxham (184) and Yarnton (201) which are in a different group of villages for a smaller level of development. It should be noted that Adderbury is smaller in population terms than Bloxham and larger than Ambrosden and Yarnton.
- 5.29 However, the new Local Plan is still in preparation and is the subject of unresolved objections. The NPPF states (paragraphs 150 & 151) that Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities, that they must be prepared with the objective of contributing to the achievement of sustainable development and should be consistent with the principles and policies set out in the NPPF.
- 5.30 The proposed development would result in the loss of open countryside. Detailed consideration of the extent of any harm on the landscape and by way of visual impact will be needed as required by existing and emerging Local Plan policies. The draft SHLAA considered that “Development on the site would have an unacceptable impact on landscape character, and potentially impact on the setting of the village” (ref. AD07).
- 5.31 Whilst it is accepted that the provision of housing would have economic and social advantages, as the Council can demonstrate that the district has a 5 year land supply, there is no pressing need to release the site.

#### Prematurity

- 5.32 Guidance on prematurity is provided in the Planning System: General Principles paras 17-19. The guidance advises where an emerging plan is out for consultation then refusal on grounds of prematurity will not usually be justified because of the delay in determining the future use of the land in question. The weight that can be given to an emerging plan depends on the stage of its preparation and the level of representations received which support or opposes the policy. Where an emerging local plan policy is the subject to a significant number of objections, this reduces the weight that can be attached to the policy.
- 5.33 Having established that the development of this site would be contrary to saved policies in the adopted local plan (principally H13 and H18), further consideration is given to the issues listed in para 5.1 to establish whether or not there would be any substantial harm caused as a result of deviating from these policy principles. A balanced judgement needs to be made considering the benefits of the proposals when weighed against the harm it might cause.

#### **Effect on the Open Countryside, Landscape and visual amenity**

- 5.34 The site lies beyond the built-up limits of the village in an area of open countryside and is unallocated. The surroundings are not of any particular historic or townscape sensitivity though it is within an Area of High Landscape Value addressed under Policy C13 of the ACLP. Such areas are environments which the Council will seek to conserve and enhance. Policies C7 and C8 of the adopted Cherwell Local Plan further seek to protect the landscape,

preventing sporadic development that would cause harm to the topography and character. The NPPF also advises that the open countryside should be protected for its own sake.

- 5.35 The applicant has undertaken a Landscape and Visual Impact Assessment (LVIA) which has been considered by the Council's landscape architect. Landscape character is the physical make up and condition of the landscape itself and the visual amenity is the way in which the site is experienced.
- 5.36 The LVIA concludes that "the proposal will introduce a new development edge incorporating additional positive landscape features and high quality built elements in line with the character assessment guidelines. In visual terms, the proposals will have a minor to moderate adverse effect upon the local setting, due to the loss of the existing open field, although the interrelationship with the existing urban areas will result in a sympathetic integrated development without significant harm to the visual amenities of the surrounding landscape. In landscape terms, the introduction of new landscape elements in keeping with the character of the area, and a well integrated built character will have a neutral effect. New trees and hedgerow strengthen the landscape structure and help to soften views from the wider countryside".
- 5.37 The Council's Arboricultural Officer advises that "there are sporadic hedgerows to the north and western boundaries. The most significant vegetation is a section of unmanaged hedgerow to the eastern highway boundary. A lot of the trees within the hedgerow are ivy covered. There is a large multi-stemmed sycamore with additional sycamore trees which provide some amenity to the area. The proposal is to remove all the hedgerows around the site and replace them. This wholesale removal seems rather drastic. It would be better to retain the hedgerows and fill in the gaps with additional planting. I would like to see the sycamore trees retained for the time being. The root protection zones for these trees would need to be taken into account in the layout. A tree protection plan should be submitted to take account of the RPA's of the trees within the eastern boundary hedgerow. There is a question over the responsibility for the maintenance of the hedgerows once the properties are constructed. There is not much separation between the hedgerows and the proposed properties".
- 5.38 The Council's Landscape Officer has commented as follows "The site is on the periphery of Adderbury and forms a small part of the valley slope to Sor Brook. There are long distance views to the West across the valley. The surrounding fields are currently in arable production. The wider area has good hedgerow and hedgerow tree cover although the actual site largely lacks this on the North and West sides. There is reasonably good tree and hedgerow vegetation to Oxford Road. The site falls over 7m in a NW direction from Oxford Road. This is very visible when standing at the low point on the NW corner of the site
- 5.39 Viewpoint 1 (VP) - Weak boundary to site, very thin and gappy. Development will intrude further into countryside obscuring current edge of Adderbury from this VP. The proposed apartment block will form a large built mass on the upper levels of this boundary. The public footpath runs along this boundary and there will be significant impact on users of this path from the proposed dwellings adjacent to it. The proposed hedgerow will not screen the development well enough for it to have minor impact.

- 5.40 VP2 - Boundary between site and road tall and scraggy hedge in winter the development of apartment blocks on the corner will be moderately visible. I don't see any space for additional boundary planting to mitigate the impact. Screening 5-10m wide would be required.
- 5.41 VP3 & 4 - The proposed access to the site will be very visible from these viewpoints. In order to get visibility splays it is likely that part of the boundary would need to be removed. Thus removing the screening. The access road will open up views into the site.
- 5.42 VP5 - Site visible due to lack of boundary planting. The footpath runs close to the boundary and there will be significant impacts from the access road and dwellings on the site. There does not seem to be any screen planting along the side of the parking bays to the left as you enter the site.
- 5.43 VP6 & 7 - Significant visibility in close proximity to the site due to poor ex vegetation and topography. The views illustrate that the current edge to Adderbury follows the contour line at this point. This creates an even appearance from a distance and a coherent edge
- 5.44 VP 8 - In summer the development would be partially visible as you travel along Oxford Road.
- 5.45 Wider impacts have not been considered, particularly from the West across the Sor Valley. It would be useful to have had wireframes of the proposed development. Location of dwellings in relation to edge are poor and incoherent.
- 5.46 In terms of the Council's SHLAA consideration of this site for housing, all greenfield sites, were reviewed for the suitability of sites against the likely impact upon identified landscape character types. This was based upon desktop analysis of relevant landscape character assessments, and site analysis, identifying the contribution that land around built up areas makes to the setting of settlements, and whether development provides opportunities to improve the existing urban fringe and/or establish enduring settlement boundaries. As detailed in paragraph 5.12 and 5.13 the site would have an unacceptable impact on landscape character and setting of the village.
- 5.47 It is considered that, as a matter of principle, the development of this site for a housing scheme would have a harmful impact on an important part of the open countryside and would cause harm to the setting of the village. The proposal is considered, therefore, to be contrary to saved Policies C7, C8 and C13 of the adopted Local Plan.

#### **Layout, scale and design**

- 5.48 Policies C28 and C30 of the ACLP seek to control all new development to ensure layout, design and external appearance are sympathetic to the character of the area and that they should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity with acceptable standards of amenity and privacy. The NPPF at paragraph 56 "attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". And

furthermore states that “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions” (para 64)

5.49 Whilst the site is part of a larger area recognised as having High Landscape Value and of particular environmental quality, the actual site has no more specific landscape designations. Policy C13 of the ACLP seeks to conserve and enhance such areas and as such a high design standard will be required.

5.50 The proposal seeks full consideration of the construction of 26 dwellings, along with access road and associated parking and amenity areas. In terms of the mix of accommodation proposed this is as follows:

Market housing = 17 no.

- 5 no. x 5 bed detached dwellings
- 7 no. x 4 bed detached dwellings
- 4 no. x 3 bed detached dwellings
- 1 no. x 2 bed apartments

Affordable housing (consistent with the identified need by the Council's Strategic Housing Officer) = 9 no.

- 2 no. x 3 bed semi-detached dwellings
- 5 no. x 2 bed apartments
- 2 no. x 1 bed apartments

5.51 In respect to the market mix this appears to be focused on larger properties rather than smaller 2 or 3 bedroom units, which is not consistent with Policy BSC4 of the Proposed Submission Local Plan. The overall design of such dwellings is covered further in the report, but essentially for the purpose of considering the mix of housing, the focus on large is generally unacceptable.

5.52 In support of the proposal the applicant's DAS has provided an analysis of the site layout, morphology, character, design studies and architectural detailing that have influenced the chosen scheme, taking into account topography, constraints and opportunities and the existing form and character of development in the vicinity.

5.53 The Design and Conservation Team Leader Officer has duly considered the scheme put forward and whilst there are some acceptable aspects to the proposal, the HPP&DM agrees that “the design and layout of the site do not reinforce and enhance the character of the village for the following reasons:

#### Site Setting / Context

The site has a gentle topography, which slopes down to the west. As this area of the village has seen little development, new housing in this area will have a clear impact on the setting of Banbury/Oxford Road and the character of the village as you enter it from the north.

- Banbury/Oxford Road is sat above the site and dealing with this level change is an important consideration in the scheme.

- The character of Banbury/Oxford Road varies though the village, but is consistent in the way that all dwellings front onto this route. To the south the historic core has an informal arrangement of terraces and town houses between 2 – 3 dwellings. To the north of the historic core, building is typically set back from the road with a regular rhythm of development early to mid 20<sup>th</sup> century development.
- There is a public footpath to the north and the west and the south of the site boundary and the development should positively relate to these routes.

#### Site Layout

The site layout is based around a cul-de-sac design, with predominantly large detached units informally distributed around the site. While the Design and Access places a lot of emphasis on the vernacular architecture and morphology of the village, this is not translated in the design and layout for the area.

- The site is located in a prominent location in Adderbury and the development should provide an appropriate setting for Banbury/Oxford Road. Established development within the historic core of Adderbury as well as the range of 20<sup>th</sup> century development along the Banbury/Oxford Road all front onto and provide active frontage onto the main routes through the village. The layout submitted does not demonstrate an appropriate response to this route. There is limited consistent active frontage and the principle access to dwellings is from the cul-de-sac to the rear. The entrance into the site is poorly articulated with a plain gable fronting onto Banbury/Oxford Road.
- No consideration has been given as to how development will relate to the two footpaths to the north and the west of the development. It is important that these features are fully integrated within the design, including providing surveillance to ensure the security of dwellings and the safe use of the path.
- The social housing is focused to the north east of the site, within the apartments and two houses. Furthermore, the scale and design of these dwellings is very different from others on the site and this development cannot be seen as tenure blind.
- The design and access statement dedicates a number of pages to the vernacular architectural detail and the morphology of the Adderbury. – Detached housing is very much a 20<sup>th</sup> century introduction of the pattern of Adderbury. While areas of the village are less formal in character, it is a difficult leap to advocate that the estate housing in a cul-de-sac form is a morphology that builds on the existing character of the village.

#### Housing Design

The Design and Access Statement contains significant information on the character of housing throughout the District. The layout has not considered how this relates to the way that houses sit together. The proposals for the site are predominantly for large detached housing of a variety of styles. Key

issues with each plot / house type are highlighted below. It is important to note that the drawings are inconsistent / mislabelled and there are two HT3 plans.

- Plot 1. There is a blank gable onto Banbury/Oxford Road.
- Plot 2. The fenestration of the main façade is very poor.
- Plot 3. Split level property. There is an entrance onto the Banbury/Oxford Road. There is no garden for this family sized property.
- Plot 4. This property backs onto Banbury/Oxford Road. The side / front elevation do not work well, and access to the front door is sited within the parking courtyard.
- Plots 5-6. These buildings back onto Banbury/Oxford Road. The location of the bathroom to the front of the dwellings leads to unsatisfactory fenestration of the front façade. These units are affordable and should be designed to be tenure blind.
- Plots 7-14 Apartments. The apartments are split level, with fake doors onto the street. The access arrangements to the units is poor, through the undercroft parking area and we have concerns about security of this area and legibility of the entrance.
- Plot 15. Poor fenestration.
- Plot 16. no comment.
- Plot 17, 25. Depth of kitchen window should be lowered to balance fenestration. The mix of brick and render is uncharacteristic of the village.
- Plot 18, 23, 24. The hipped roof gives is uncharacteristic of the village and gives an awkward form to the building. The ground floor fenestration is fussy and 'heavy' and the bay especially could be greatly improved.
- Plot 19, 20, 21, 22, 26. There are a multiple of details on the front façade which has led to a poorly designed façade. The combination of the gable and bay is especially difficult. The gable should be of a single material. The porch, with its column and overhang which projects over from the bay is also a difficult feature. Two dormers might sit better with the building than a dormer and a rooflight".

5.54 The Landscape Officer has commented on layout from a landscape impact perspective and identifies the following issues:

- The dwellings and garages are at odd angles to each other and to the boundary and this will result in an untidy edge.
- garages are very close to the periphery.
- One dwelling is right on the boundary leaving no room for landscaping.
- The constraints and opportunities plan in the DAS does not indicate views in and out and the constraints of these.
- The levels are such that dwellings could be designed to work with the level changes rather than imposed on them.
- Sections through the site would be useful as the dwellings and garages look tight and there is little space to work with.
- Dwellings don't front onto Banbury/Oxford Road as elsewhere in the vicinity

- 5.55 The Council's Landscape Team have confirmed that a Local Area of Play (LAP) would be required on the site. This play space would provide much needed green space and a focus for the development. The current plan does not provide this feature nor does it provide informal public open space, which is required to be approx 1,805m<sup>2</sup> based on the mix of properties given. A LAP is the smallest type of play space that can be requested and is generally aimed at young children. The Council's draft Planning Obligations SPD advises that a LAP is required within a 1 minute walk (400m) of a dwelling.
- 5.56 Government guidance contained in the new NPPF attaches great importance to the design of the built environment. Para 61 states "Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment." The NPPF requires good design when determining application and that poor design should be refused that fails to take the opportunity to improve the character of the area.
- 5.57 It is considered that whilst the proposal has been influenced by other development in the vicinity, unfortunately all the elements do not come together in such a way that the design and layout of the site reinforce and enhance the character of the village and also does not make provision for a LAP as required, therefore the scheme fails to comply with design, character and play policy provisions detailed above.

#### **Impact on residential amenity**

- 5.58 The proposed layout for the development demonstrates that the proposed dwellings could be accommodated on the site without causing harm to existing neighbouring properties. The positioning of the dwellings and their fenestration ensure that no unacceptable harm would be caused to residential amenity by way of loss of light, being over bearing or resulting in a loss of privacy.
- 5.59 The proposed layout achieves an acceptable standard of amenity in terms of private and public amenity space for the majority of the properties with the exception of plot 3, the garden for this unit is not clear.

#### **Highway Safety and Sustainability**

- 5.55 The application was submitted with a Transport Statement, the conclusions of which have been agreed with by Oxfordshire County Council as Local Highway Authority. Their comments on this are "the expected trip generation is likely to be negligible and is unlikely to impact on the surrounding road network. Some peak period traffic queues do occur on the southbound approach onto the B4100 junction to the south of the development. I think it is sensible to assume that this development will not create any additional problems on this road, as vehicles exiting the site during peak periods will queue on site from the main junction access. Southbound access onto Banbury Road will be enabled through gaps in the queue and driver courtesy".
- 5.56 The vehicular access point as shown on the submission is considered to be acceptable, no objection has been raised in respect to this or the amount of parking provision to serve the development, subject to necessary conditions.

- 5.57 In terms of sustainability, the development site is within reasonable access to several bus services which run along the adjacent Banbury Road, including the S4 which links into Banbury and Oxford; the main village centre is also within reasonable access from the development site by foot and bike.
- 5.58 It would be beneficial to improve pedestrian/cycle linkage onto Banbury Road from the northern half of the development, rather than rely on the proposed segregated pedestrian access to the north of the main vehicular access.
- 5.59 It is therefore considered that the proposal will not cause harm to highway safety subject to conditions and provides development within a sustainable location and complies with the guidance contained within the NPPF.

### **Rights of Way**

- 5.60 Oxfordshire County Council has raised a holding objection to the proposal on the basis that Adderbury Footpath 1 (10/11) runs to the east of the site. They advise that “there appears to be some confusion within the application concerning the position of this footpath. In the Landscape & Visual Appraisal it says that the footpath is 'within the site running parallel with the vegetation structure along the eastern boundary and the Banbury Road.' This is correct. However, the Public Rights of Way Statement says that this footpath 'runs along the main Banbury Road to the east of the site' and on the plan that accompanies the Rights of Way Statement the footpath is shown to run along the footway next to the road. This is not correct. The public footpath, as shown on the Definitive Map, runs within the field/site and is separated from the footway by the existing field boundary. The definitive footpath is not shown on the Site Layout Plan or the Context Masterplan. These plans need to be amended to show the footpath correctly and the applicants also need to advise how this will be accommodated within the development including the surface treatment”.
- 5.61 At the time of writing, this matter has not been addressed by the applicant and is essential as it has an impact on the proposed layout. Therefore on that basis without this clarifying information it is considered that the proposal will have an unacceptable impact on the existing and established Right of Way thus obstructing and/or dissuading the public from using the public right of way, contrary to guidance contained within the NPPF.

### **Ecology**

- 5.62 NPPF – Conserving and enhancing the natural environment requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109)
- 5.63 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;
- 5.64 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European

Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.

- 5.65 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places. Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place.
- 5.66 In this particular case, there was no evidence of protected species found within the site. The Ecologist has considered the findings in the report and concludes that the contents are acceptable, further enhancement measures should however be incorporated into the scheme and if the development does not take place within two years a further ecology survey be undertaken should the development be granted planning permission.
- 5.67 Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the National Planning Policy Framework -Conserving and enhancing the natural environment and Policy C2 and C4 of the adopted Cherwell Local Plan.

**Section 106 Agreement**

- 5.68 This type of application would require contributions to be made in the form of a section 106 agreement. This has not been completed and to date there has been no progress in terms of agreeing matters with the applicant. The draft heads of terms and likely required amounts (where known at this stage) can be summarised as follows:

	<u>Requirement</u>	<u>Total Amount</u>										
<b>CDC</b>	<p><b>Housing mix (70 affordable housing units)</b></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"><u>Rent</u></td> <td style="width: 50%; border: none;"><u>Shared Ownership</u></td> </tr> <tr> <td style="border: none;">2 x 1b2p Flats (preferably maisonette style)</td> <td style="border: none;">3 x 2b4p Houses</td> </tr> <tr> <td style="border: none;">2 x 2b4p Houses</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;">2 x 3b5p Houses</td> <td style="border: none;"></td> </tr> <tr> <td style="border: none;"><b>Total: 6</b></td> <td style="border: none;"><b>Total: 3</b></td> </tr> </table>	<u>Rent</u>	<u>Shared Ownership</u>	2 x 1b2p Flats (preferably maisonette style)	3 x 2b4p Houses	2 x 2b4p Houses		2 x 3b5p Houses		<b>Total: 6</b>	<b>Total: 3</b>	
<u>Rent</u>	<u>Shared Ownership</u>											
2 x 1b2p Flats (preferably maisonette style)	3 x 2b4p Houses											
2 x 2b4p Houses												
2 x 3b5p Houses												
<b>Total: 6</b>	<b>Total: 3</b>											
	<b>Public Open Space</b> @27.31/m <sup>2</sup> assuming minimum amount at 7,520 sqm (plus revenue management @ 10%)	None provided										
	<b>Childrens Play Areas</b> ▪ <b>1 No. LAP</b> (plus revenue management @ 10%)	None provided										

	<b>Existing hedgerow maintenance @38.96/m</b> (plus revenue management @ 10%)	£ TBA
	<b>Existing tree maintenance @£2,752/tree</b> (plus revenue management @ 10%)	£ TBA
	<b>Recycling and Waste @£67.50 per property</b>	£1,755
	<b>Public Art @ £150/property</b>	£3,900
	<b>Administration and Monitoring</b>	£TBA
<b>OCC</b>	<b>Transport</b> – towards the development of the S4 bus service between Deddington and Banbury	£ 27,000
	<b>Rights of Way</b> – undertaking to improve public rights of way within the development site.	
	<b>Education</b> <ul style="list-style-type: none"> <li>▪ <b>Primary</b></li> <li>▪ <b>Secondary</b></li> <li>▪ <b>SEN</b></li> </ul>	£ 92,656 £140,756 £ 6,131
	<b>Property</b> <ul style="list-style-type: none"> <li>▪ <b>Library</b></li> <li>▪ <b>Waste Management</b></li> <li>▪ <b>Museum Resource Centre</b></li> <li>▪ <b>Adult Learning</b></li> <li>▪ <b>Adult Day care</b></li> </ul>	£ 6,715 £ 5,056 £ 395 £ 800 £ 5,500
	<b>Administration &amp; monitoring</b>	£ 3,750

5.69 Any contribution sought needs to comply with the guidance in the NPPF which states that they should be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. To date the figures presented above have not been agreed by the applicant and no indication has been given as to whether or not they are likely to be.

### Engagement

5.70 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen regarding the submission during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application. Officers met with the applicant to ensure the policy position, particularly with regard to the housing need issue were transparent and understood.

### Conclusion

5.71 Given that the site is not a proposed strategic allocation in the adopted Cherwell Local Plan or the emerging Local Plan as it is not a strategic site

(albeit with objections to sites outstanding), prematurity is a consideration, the site is not needed in terms of achieving a five year housing land supply, and development in this location would have a landscape impact. Furthermore, the proposed design and layout of the site do not reinforce and enhance the character of the village and does not make provision for play space and extends development into and leads to the loss of open countryside, causing harm to the amenity of public rights of way, a planning policy objection is raised.

5.72 Balancing this level of harm against any benefits that would arise from the development it is recommended that the application be refused as detailed below.

## **6. Recommendation**

**Subject to the receipt of comments from the Environment Agency, Refusal, on the following grounds:**

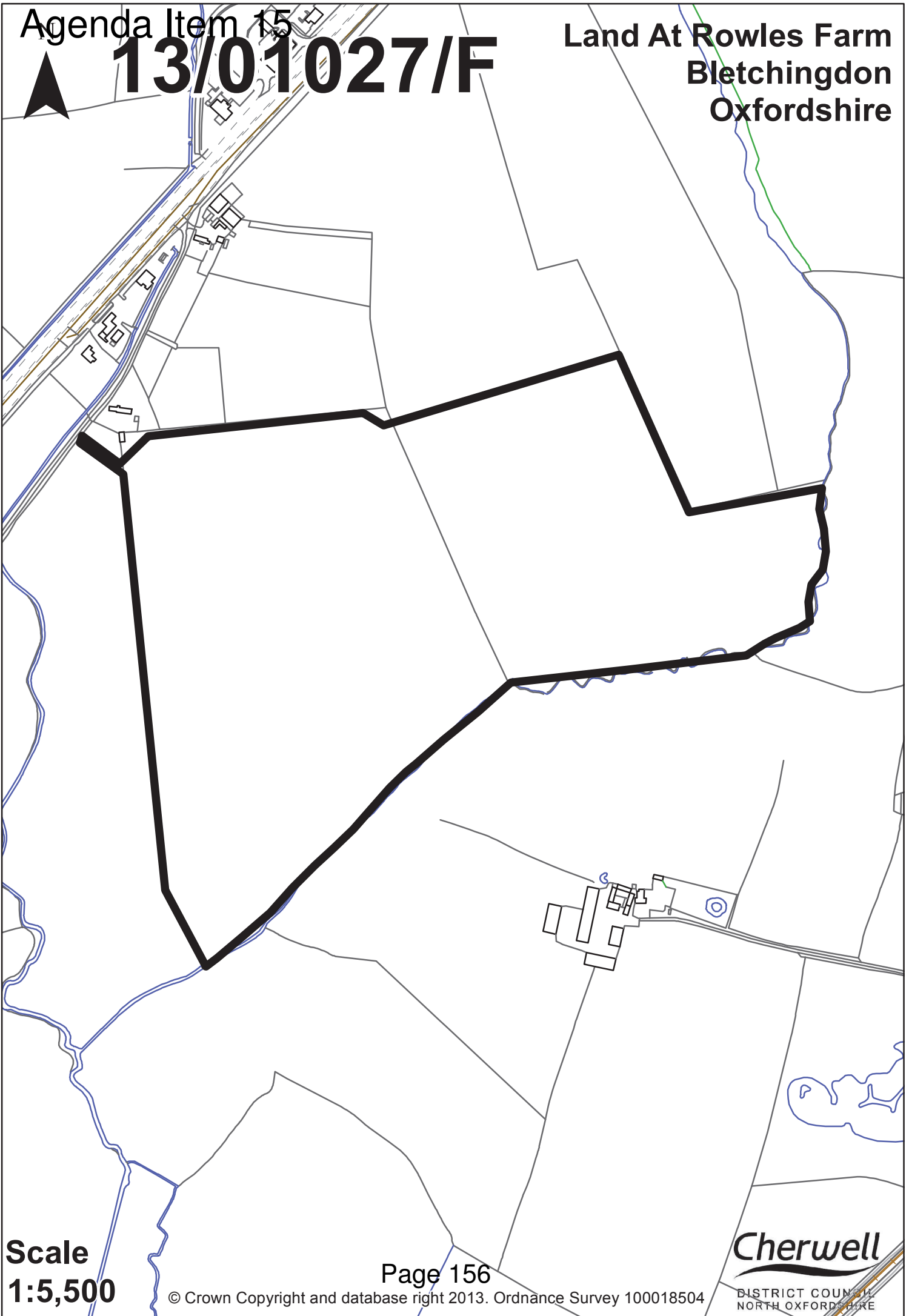
1. The proposal represents development beyond the built up limits of Adderbury in an area of countryside and is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or those of the Non-Statutory Cherwell Local Plan 2011 nor is the application site proposed for development as a strategic housing allocation in the Proposed Submission Local Plan March 2013. It is considered that given the Council's ability to identify a supply of specific, deliverable sites sufficient to provide 5 years worth of housing against its housing requirements with an additional buffer, the proposal represents sporadic development in the countryside which fails to maintain its rural character and appearance and which fails to conserve and enhance the environment and furthermore fails to meet the Council's objectives to meet housing need in a way that is in line with the spatial vision for the area. The application is, therefore, contrary to Policies H13, H18 and C8 of the adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.
2. In the absence of an amended plan/layout, it is considered that the proposal will have an unacceptable impact on the existing and established Right of Way Adderbury Footpath 1 (10/11) thus obstructing and/or dissuading the public from using the public right of way, contrary to Government guidance contained in the National Planning Policy Framework.
3. The site forms part of an Area of High Landscape Value and is prominently located adjacent to public rights of way. It is considered that the development of this site for a housing scheme would have a harmful impact on an important part of the open countryside and would cause harm to the rural landscape setting of the village and would reduce the amenity value afforded from the existing Rights of Way. The proposal is considered, therefore, to be contrary to saved Policies C7, C8 and C13 of the adopted Local Plan.
4. The proposed site layout and design of the proposed dwellings are considered to represent a form of development that does not reinforce and

enhance the character of the village. The resultant development would not create a high quality built environment nor would it reinforce local distinctiveness. The proposal is therefore contrary to Policies C28 and C30 of the adopted Cherwell Local Plan Government guidance contained within the National Planning Policy Framework 2012.

5. The proposed development does not make provision for a Local Area of Play, an infrastructure provision, which is considered to be required and necessary to make the proposal acceptable in planning terms. This would be contrary to Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework 2012.
6. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policies OA1, TR4, R8 and R10A of the Non-Statutory Cherwell Local Plan 2011, Policy INF1 of the Proposed Cherwell Local Plan Proposed Submission Draft March 2013 and government guidance contained within the National Planning Policy Framework.

#### **STATEMENT OF ENGAGEMENT**

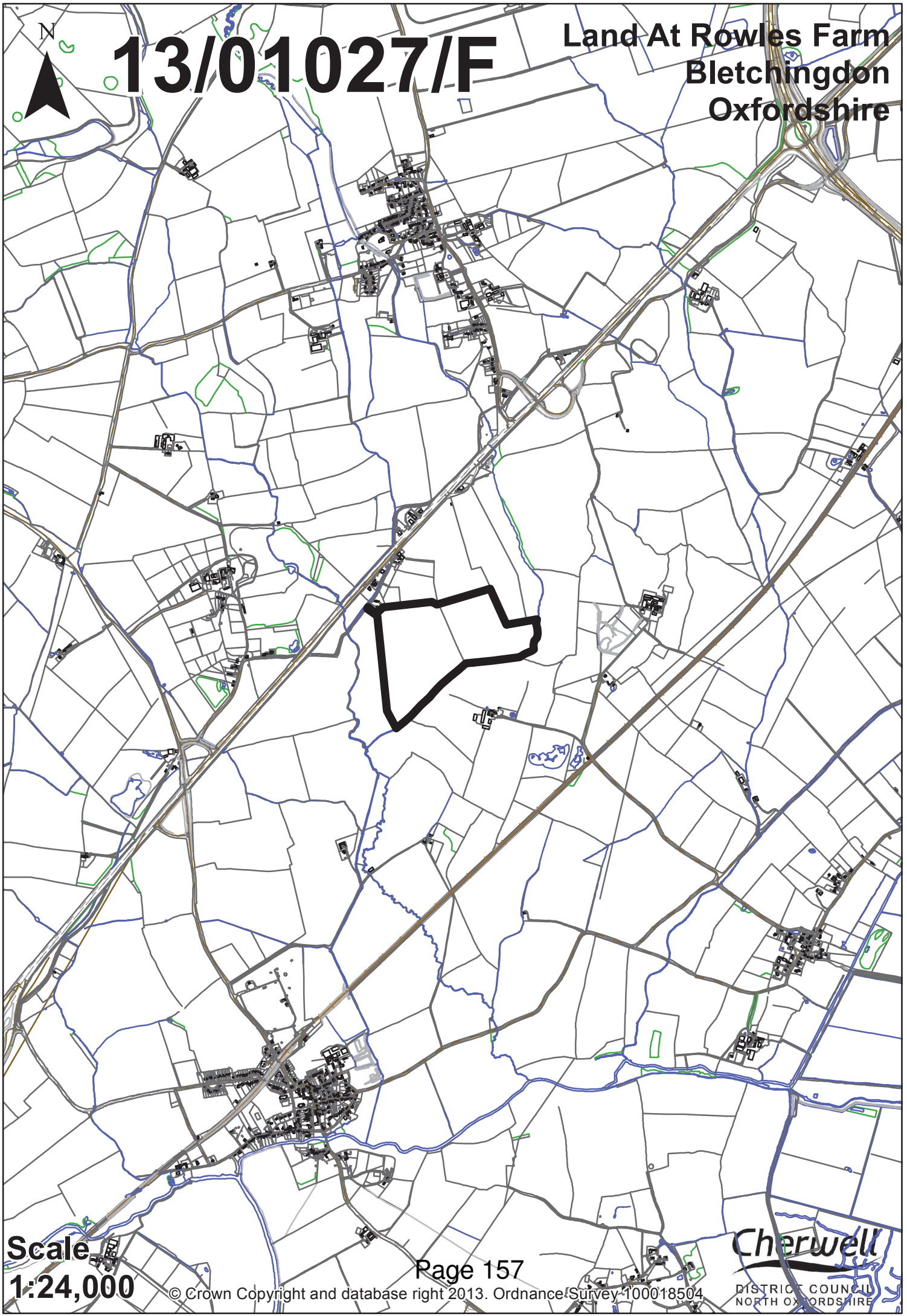
In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.





# 13/01027/F

Land At Rowles Farm  
Bletchington  
Oxfordshire



Scale  
1:24,000

Page 157

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# Land at Rowles Farm, Bletchington 13/01027/F

**Ward:** Kirtlington

**District Councillor:** Cllr Holland

**Case Officer:** Paul Ihringer

**Recommendation:** Approval

**Applicant:** Roc Energy Ltd

**Application Description:** Solar farm. Proposal also with associated equipment rooms, plant, security fencing, landscaping

**Committee Referral:** Major

## 1. Site Description and Proposed Development

- 1.1 The application site is located just over 1 kilometre to the south of the southern most edge (The Chequers Inn) of Weston on the Green and on the opposite side of the A34. The site incorporates a large proportion of two, largely flat, fields located between two arms of the Gallos Brook. The land is currently being used for arable purposes.
- 1.2 The fields are accessed via a short track servicing Rowles Farm. This track is linked to the A34 by a lay-by (Little Chef). Although most of the site is in a flood zone 1, part of the access road straddles flood zones 2 and 3. The grade II listed Barndon Farm is approximately 270m to the south of the application site and Otley Grange a similar distance to the east which is a scheduled ancient monument. The site lies inside the Oxford Green Belt.
- 1.3 Planning permission is being sought to install solar arrays with a height of 2.4m on just over 8 hectares of the two fields. The development will require 8 separate transformer compounds which incorporate a switchgear kiosk, transformer and switch (footprint of approx. 8m x 3m – the kiosk will have a height of 3.2m). They will be positioned at various points on the boundary of the site. In addition to these compounds, there will be a slightly larger DNO Switchroom and Substation Compound. These structures will be served by a stone track.
- 1.4 In order to protect the equipment, a 1.9m high perimeter fence will be erected (CCTV cameras will further protect the site from thieves and vandals). The line of a footpath (404/5) which cuts through the site near its eastern edge will be maintained by having a perimeter fence running either side. The applicant proposes to strengthen the existing planting with the aim of limiting the impact of the development on the surrounding area. The electricity generated would be linked to the grid by overhead power cables (do not form part of this application).

## 2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 21st August 2013.

12 letters have been received (four of the letters are identical). The following issues were raised

Material planning comments:

- Unacceptable in the Green Belt
- Adverse impact on the landscape
- Increase the potential for flooding
- Impact on the wildlife
- Ineffective way of producing energy
- Screening proposed will take too long to grow and will be ineffective
- M40 relocated in order to protect this landscape
- Impact on the setting of listed building
- Industrial appearance
- Impact on re-routed footpaths from Chiltern Rail development
- Impact on existing footpaths
- Visible from proposed Oddington crossing
- Highway safety implications in respect of the proposed access
- Loss of amenity due to proximity of track to rear boundary

Non material comments:

- Cost of upgrading cctv as solar farm could attract thieves
- Damage to water pipe line running under field
- No neighbour consultation as stated in the agent's report
- No indication as to the connection to the national grid
- Loss of view

### **3. Consultations**

3.1 **Weston-on-the-Green Parish Council:** Comments as follows:

“While the Parish Council support renewable energy projects in principle, there is some concern over this application being within the Oxford Green Belt and it's visual and environmental impact on Otmoor and those living in close proximity.”

**Cherwell District Council Consultees**

3.2 **Conservation Officer:** “The proposal will have a limited impact on the listed building” (verbal comments)

3.3 **Ecology Officer:** Comments as follows:

“The submitted ecological surveys are sufficient in scope and depth with the addition of the badger survey. However the survey came up with a number of recommendations which are not noted or implemented elsewhere within the plans that I can see, therefore a number of conditions are needed to address ecology.

“I have a question regarding the fencing of the site and badgers. The plans show full fencing around the boundary of the site however with badgers using

areas around the site fencing should allow access by badgers to forage preferably through being raised such that they can gain access underneath or through the use of badger gates if this is unfeasible (these should only be installed under advice from an ecologist). I have included this in a condition below or this could be negotiated beforehand.

“Also the applicant needs to confirm that they are retaining all mature trees on site otherwise a further climbing inspection of any trees to be removed to check for bats needs to be carried out prior to removal, again I have included this as a suggested condition below but if they can confirm no removal it could be omitted.

“Can the applicant confirm whether there will be any lighting likely to cause a disturbance to foraging bats which can constitute an offence. I understand the CCTV will be thermal imaging but any other lighting needed around control areas or access should be minimal, directional and employ baffles to minimise lightspill.

“The LEMP should include details of landscaping proposed, management for the lifetime of the development to benefit wildlife, details of hedgerow strengthening and planting proposals, seed mix used on site, buffers to hedgerows and management of such and any other proposed biodiversity enhancements.”

#### **3.4 Countryside Officer:** Comments as follows:

“The Footpath Statement relating to this application has confirmed that no Public Path Order will be required to enable the development. It has also confirmed that the lines of the public footpaths shown on the application plans are in accordance with the lines shown on the definitive map.

“However, I still have a query about the 2 metre security fencing around the perimeter of the panels and if this means that Weston-on-the-Green Footpath No 5 would be bordered on both sides by this fencing? (the Landscape and Visual Impact Assessment states that residual adverse impact (15 years after completion) in terms of views from Footpath No 5 would be significant – page 29).”

#### **3.5 Landscape Officer:** Comments as follows:

“Further to a site visit and subsequent consideration of the Enderby Associates Landscape and Visual Impact Assessment of June 2013 I confirm no objection to the proposals on landscape and visual impact grounds. If consent given I recommend that Enderby Associates' proposed landscape mitigation is implemented in accordance with a detailed landscape proposals under condition, along with a landscape maintenance specification and tree and hedgerow protection measures. In order to ensure the protection of all retained and influenced vegetation an Arboricultural Method statement is necessary for the trenching/cable laying, construction of the 8 LV Kiosks and Transformer Compounds, the DNO Switchroom and Substation compound, the weldmesh fencing, the stone surface trackways, the weldmesh security fencing and CCTV surveillance poles. The hedgerow and trees that divide the two fields is to be retained as it will reduce the visual impact and effects by

screening from localised views. This hedgerow must also be protected during the course of the works.”

**3.6 Arboricultural Officer:** Comments as follows:

“Due to time constraints I was unable to visit the site and assess the trees concerned. Due to their location, I would anticipate any amenity value to be low if not negligible and therefore it may be presumed that the trees are not significant enough to be considered a constraint to the proposal. That aside, I am concerned about habitat value and would recommend that, if not done so already by our ecologist, the tree is considered either within a bat survey or that all works will be in compliance with current environmental legislation and industry best practices.”

**Oxfordshire County Council Consultees**

**3.7 Highways Liaison Officer:** Comments as follows:

“The application proposes to construct a solar farm on agricultural land.

“The site is accessed off the A34, then via a private track used currently by a small number of residential/farm units.

“The access proposes no change to highway access or parking areas. An onsite parking area will need to be demonstrated on plans to accommodate maintenance vehicles etc.

“Once operational, the solar farm will generate minimal vehicular movements. The main traffic impact will be during construction phase, which is due to last 12-16 weeks. A construction plan traffic management must be submitted for consideration and approval.”

**3.8 Drainage Officer:** No objections

**3.9 Archaeology Officer:** Comments as follows:

“The site is located in an area of high archaeological potential as confirmed by the accompanying desk based assessment and therefore further information will be required on the nature and extent of any surviving archaeological features in order that the potential impact could be assessed. In addition there is no assessment of the potential setting issues with the scheduled monument 200m east of the site.”

Following the submission of additional information from the applicants, the Archaeology Officer agreed that a condition would suffice and removed their holding objection.

**Other Consultees**

**3.10 Environment Agency:** Objects for the following reason:

“The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National

Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to

- FRA doesn't take into account how the solar panels and ancillary buildings will affect the greenfield run-off characteristics of the site."

The applicant submitted a revised FRA in an attempt to overcome this objection. This additional information was being considered by the Environment Agency at the time of writing.

### 3.11 **English Heritage:** Comment as follows:

"The application concerns proposals for the construction of an extensive solar park, of approximately 42 hectares in extent at Rowles Farm, Bletchingdon, Oxfordshire. The application site is located within a low-lying and relatively level area of land within the Cherwell Valley, and would have potential implications for the wider setting of the scheduled ancient monument OX 170: Otley Grange, and for a grade II listed house at neighbouring Barndon Farm.

"The extensive scheduled monument at Otley Grange represents a short-lived Cistercian monastic foundation of 1137, and subsequent Grange and associated settlement. The site therefore retains important historical illustrative heritage values which relate to an important twelfth-century phase of monastic expansion, and to the organised economic landscapes which supported monastic and lay communities during the Medieval period. Paragraph 128 of the National Planning Policy Framework emphasises the need for applicants to describe the significance of heritage assets, including any contributions made to that significance by setting. In this case, such contribution to significance may derive from visual relationships between the Grange and the surrounding agricultural areas which fell within its control. The strongly agricultural and undeveloped character to the wider setting of the scheduled monument suggests that little significant change has occurred since the Medieval period.

"In this case, westward view-lines from the scheduled monument are almost entirely interrupted by intervening modern field boundaries, with characteristically high hedgerows and, in places, dense vegetative screening. Consequently, no direct views of the proposed application site are possible from any point within the scheduled monument. The lack of direct visibility is further emphasised by surrounding topography, with much of the proposed application site located within contours which would be at least five metres lower than those of the scheduled monument. Such a reduced elevation would further limit any direct visibility of solar arrays, which would themselves have a maximum of c.2.4 metres above ground level.

"Paragraph 132 of the NPPF states that great weight should be given to the conservation of designated heritage assets when considering the impact of

proposed developments, and further makes clear that the significance of such assets can be harmed or lost through development within their setting. In this case it is evident that, despite the relative proximity of the scheduled monument as a possible visual receptor, the proposed development would have very limited impact on the setting and significance. As such would not result in appreciable harm to the monument, English Heritage would not seek to object to the application."

## **Other Interested Bodies**

### **3.12 Campaign to Protect Rural England:** Comment as follows:

CPRE Oxfordshire believes renewable energy is desirable, but not at unacceptable cost to the countryside or the economy. In this particular case we object to the proposal on the following grounds:

- 1) Detrimental impact on the local landscape** (reference policy ESD5 of draft Local Plan. However much a solar farm is dressed up with rural imagery, it is essentially an industrial unit intruding on the character and essence of the surrounding agricultural land. The application talks of on-site equipment rooms, plant and security fencing. These all contribute towards an overall inappropriate feel of industrialisation. Further, what is not detailed is an assessment of the visual and environmental impact of the necessary grid connections, whether overhead or underground, duly confirmed by the appropriate utility company.

Concern over the 'alien' appearance to the landscape is compounded by the fact that the proposed site lies within the Oxford Green Belt on the edge of the Otmoor basin. We can only quote the NPPF in this respect. "The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics of Green Belts are their openness and their permanence. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances." Given strikingly meagre potential returns in the form of CO2-free energy solar farms in this country provide, increased production of energy from a renewable source can hardly be defined in this case as "very special circumstances".

- 2) Need to protect agricultural land for food production.** (reference paragraph B199 of draft Local Plan). The UK currently imports 40% of the food it consumes and this proportion is rising (Food Matters: Towards a strategy for the 21<sup>st</sup> Century). As global food prices rise and food security becomes an increasingly important issue, usable agricultural land should not be wasted by giving it over to inefficient renewable energy schemes. this application seems to us a particular case in point.

### **3.13 Oxford Green Belt Network:** Comment as follows:

"The Steering Committee of the Oxford Green Belt Network wishes to object to the above application on the following grounds.

"The application is contrary to national policy on Green Belts. The NPPF states in paragraph 91 that elements of many renewable energy projects will comprise inappropriate development and it is our view that this is the case in connection with the above application since any benefit from generating electricity is greatly outweighed by the proposed scheme's impact on the openness of the Green Belt.

"Openness needs to be defined and we would draw attention to a recent (5 July 2013) appeal decision (APP/V3120/C/12/2184527 and 28) concerning development (not solar farm) at Bayworth in the Vale of White Horse. In dismissing the appeal the inspector stated in paragraph 37 of his Appeal Decision that "Open means an absence of the built form regardless of how well a development is hidden from view" and he went on to say in paragraph 38 "the development has increased the built form in the locality. Accordingly the development is contrary to one of the five purposes of including land in the Green Belt".

"The agents acting for the applicants in this Rowles Farm case suggest in their Design and Access Statement that what is proposed would not compromise openness. But what we are considering here is an industrial operation involving, not only the solar panels on their frames, but 8 kiosk and transformer compounds, a switchroom and substation compound, metal fencing and surfaced trackways. The compounds rise to over 3 metres and the fencing to over 2 metres whilst the frames holding the solar panels rise to 2.4m. It is beyond our comprehension that all this can be said not to compromise openness, particularly in view of the appeal ruling above and the application, in our opinion, is not one that can possibly be justified in terms of special circumstances.

"The application is also, we believe, contrary to the policies set out in Cherwell DC's emerging Local Plan. Policy ESD14 on the Green Belt makes it clear that development will only be permitted if it maintains Green Belt openness and does not conflict with the purposes of the Green Belt or harms its visual amenities. Policy ESD5 on renewable energy also states that account must be taken of the effect of development on the Green Belt, especially to do with visual effect and openness. It is our opinion that this solar farm application is not one that could be approved when measured against these policies.

"The application has a lot to say about landscape and visual impact but we would draw attention again to the appeal ruling above where it states that openness is compromised even when development is hidden from view. Not only that, but the development would not in fact be hidden, as is admitted in the Design and Access Statement which agrees that there would be significant visual effects from the public footpaths that run north/south both to the west and the east of the site, as well as from both Rowles Farm and Barndon Farm. The popular Oxfordshire Way also runs north/south just to the east of the site.

"There are other points we might make: the loss of farmland involved, the archaeological interest in this particular site, and the danger from flooding to the west of the site, but our primary concern is with the harm to the Green

Belt. What is proposed involves encroachment into the countryside contrary to one of the fundamental purposes of Green Belt policy and, if allowed, it would destroy the openness of this particular portion of the Green Belt contrary to stated policies at National and District level. We hope that the application will therefore be refused by the Planning Committee.”

### 3.14 **Oxford Preservation Trust:** Comment as follows:

“Oxford Preservation Trust wishes to object to the above application within Oxford’s green belt and green setting of the city, the preservation and enhancement of which is one of the Trust’s core aims.

“This application would have an adverse effect on the openness of the Green Belt, one of the five purposes of including land within the green belt.

“The application makes clear that there will be the solar panels on frames rising to 2.4m, together with associated equipment needed such as kiosks and transformer compounds, switchroom and substation, surfaced tracks, compounds surrounded by 3 metre enclosures and metal fencing up to 2 metres.

“The Design and Access Statement states that there would be significant visual effects from the public footpaths and from Rowles Farm and Brandon Farm, and the well-used Oxfordshire Way also runs close to this site.

“In Cherwell District Council’s emerging Local Plan, Green Belt Policy ESD14 states that development will only be permitted if it maintains Green Belt openness, and does not conflict with the purposes of the Green Belt, or harm its visual amenities. Policy ESD5 on renewable energy states that the effect of development on the Green Belt, especially in relation to visual effect and openness, should be taken into account.

“In addition to the above, we are concerned allowing this would set a precedent for elsewhere in Oxford’s Green Belt, which would make it more difficult to defend harmful developments within it, of a similar nature. We urge the Planning Committee to refuse this application. “

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

GB1: Development in the Green Belt

C2: Development affecting protected species

C4: Creation of new habitats

C7: Landscape conservation

C28: Layout, design and external appearance of new development

C30: Design of new residential development

## 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning and Climate Change: Supplement to Planning Policy Statement 1

Planning Practice Guidance for Renewable and Low Carbon Energy

Proposed Submission Local Plan Incorporating Proposed Changes (March 2013)

The Local Plan (August 2012) is currently out for public consultation. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

ESD5: Renewable Energy

ESD16: Character of the built and historic environment

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- The principle
- Landscape and biodiversity designations
- Visual impact on local landscape
- The historic environment
- Highways and access
- Residential amenity
- Other matters

### **The principle**

5.2 The National Planning Policy Framework (NPPF) gives positive encouragement for renewable energy projects. One of the core planning principles set out in paragraph 17 is to *“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)”*.

5.3 Paragraph 93 notes that *“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”*. This positive attitude to renewable energy is reiterated in paragraph 14 which states that any adverse impacts of approving an application, which is considered to be sustainable, would have to significantly and demonstrably outweigh the benefits.

5.4 Paragraph 97 goes on to state that local planning authorities should “recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources” and that they should:

- *have a positive strategy to promote energy from renewable and low carbon sources;*
- *design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;*
- *consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and*
- *identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.”*

5.5 Furthermore, paragraph 98 of the NPPF advises that when determining planning applications, local planning authorities should:

- *not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;” and*
- *approve the application, unless material considerations indicate otherwise, if its impacts are (or can be made) acceptable...*

5.6 The NPPF also recognises the need to accord with European legislation. Paragraph 2 states that planning policies and decisions must reflect, and where appropriate, promote relevant EU Obligations and Statutory requirements. EU Directive 2009/28/EC requires increased renewable energy generation.

5.7 Given that of the adopted Cherwell Local Plan (CLP) was written in the mid 1990s there is little mention of the renewable energy in the Council’s Development Plan. By contrast the Proposed Submission Local Plan Incorporating Proposed Changes (March 2013) (referred to as the PSLP) makes specific mention to renewable energy and reflects the positive approach of the NPPF. Policy ESD5 sets out a list of criteria against which applications renewable energy should be assessed - they reads as follows:

- Landscape and biodiversity including designations, protected habitats and species and Conservation Target Areas
- Visual impacts on local landscapes
- The historic environment including designated and non designated assets and their settings
- The Green Belt, particularly visual impacts on openness
- Aviation activities
- Highways and access issues and;
- Residential amenity

5.8 Paragraph B.199 which supports Policy ESD5 also seeks to direct solar farms away from the district’s highest quality agricultural land. Using DEFRA’s

Agricultural Land Classification, land is put in to one of six categories (1, 2, 3a, 3b, 4 and 5). Grade 1 and 2 land, the most fertile, is considered to be too good to be used for renewable energy.

- 5.9 The key consideration of those set out above is the impact on the Green Belt. Paragraph 91 of the NPPF states that many renewable projects will compromise inappropriate development. Officers have determined that, given the nature of the development, the openness of the Green Belt will be compromised and that, therefore, if the proposed development is to be supported, a compelling very special circumstances (VSC) case must be established in accordance with paragraphs 87 and 88 of the NPPF.
- 5.10 When assessing the application against the criteria set out in Policy ESD5, it is therefore concluded that there have to be more positives or conversely fewer negatives with solar farms inside a Green Belt than those proposed elsewhere in the district. This approach is consistent with recent case law; a good example being an appeal for a solar farm near Epping Forest (APP/J1535/A/12/2173989) where the harm to the landscape ultimately tipped the balance against the development.

#### **Landscape and biodiversity designations**

- 5.11 The application site is not inside, or in close proximity to, any recognised landscape or biodiversity areas. Notwithstanding the comments of one of the objectors, the Council's Ecologist is satisfied that subject to condition the proposed works will not unduly affect any protected species on site. Consequently it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with Policy C2 of the CLP and Government guidance contained within the NPPF.

#### **Visual impact on local landscape**

- 5.12 Your officers concur with the Landscape Officer's appraisal that the visual impact on the surrounding area will be limited as it will be relatively well screened by existing and proposed planting. Although the footpaths that pass through and close by to the site appear to be used infrequently (no doubt due to the presence of the A34 which cuts across a number of footpaths) the visual harm will still be significant particularly in respect of the short section that cuts through the site (an intervening established hedge limits the impact on the footpath running parallel with the site's western boundary).

#### **The historic environment**

- 5.13 Both English Heritage and the Council's Conservation Officer have concluded that the harm to the settings of both the scheduled ancient monument and the grade II listed Barndon Farm would be minimal. The site topography coupled with the existing boundary hedges, which would be strengthened where necessary, would mean that the panels and ancillary equipment (2.4m-3.2m in height) would be obscured from these heritage assets. The development is therefore considered to comply with Government guidance contained within the NPPF as well as Policy C28 of the CLP.

- 5.14 The objection from the County's Archaeologist was influenced by the experience of dealing with another solar farm elsewhere in the district. In that instance the developer, in order to reduce the risk of theft, proposed to encase the cabling linking the arrays in concrete. Whilst the applicant confirmed that their proposal would be less invasive, the OCC's Archaeologist still had reservations, but agreed that any potential impact could successfully be mitigated by condition.

#### **Highways and access**

- 5.15 The site will be accessed off the A34 lay by and via the small no through road serving Rowles Farm and two other properties. The applicant estimates that there will be 196 HGV movements during the construction phase spread out over a period of 50 days. Once operational, the solar farm would only be visited infrequently, by car or light van, as the site can be monitored remotely. Aside from requiring clarification on a couple of points via condition the Highways Officer has not raised any objections.

#### **Residential amenity**

- 5.16 Although there may be some disruption to the properties on the no through road serving Rowles Farm, this will be for a short period and an approved construction plan will ensure that the impact on the neighbours will be limited. As the closest property will be a minimum of 150m from the solar panels and views of the solar farm will be largely obscured by the existing boundary hedges, officers are of the opinion that any harm to the neighbouring residents would be limited.

#### **Other matters**

- 5.17 Although Policy ESD5 identifies aviation activities as a potential issue, solar panels absorb light and are therefore not designed to reflect it. Therefore, when asking airport operators to comment on other solar related applications, they do not tend to query the acceptability of panels.
- 5.18 Unfortunately the application site has not been assessed using DEFRA's Agricultural Land Classification which grades agricultural land on a scale of 1 to 5 (Grade 1 land being the most fertile land). The two fields are however identified as having a '*20.1-60.0% likelihood of being best and most versatile land*'. This would appear to confirm the applicant's assertion that the land would be classified as 3a, 3b or 4 under the Agricultural Land Classification. The temporary use of the land as a solar farm would therefore accord with Policy ESD5 of the PSLP.
- 5.19 The applicant has submitted additional information to address the Environment Agency's reason for refusal. Assuming that they are satisfied with the information submitted, the flooding issue would not affect the acceptability of the scheme.

#### **Green Belt**

- 5.20 The applicant acknowledges that the development is contrary to Green Belt Policy and has submitted a VSC case. Their case is unsurprisingly centred on the contribution the solar farm will make to renewable energy targets. The 10MW capacity is enough to meet the needs of 2,500 homes.

5.21 The European Renewable Energy Directive signed by the member nations of the EU requires the UK to meeting renewable targets - the Government is committed to producing 15% of all electricity from renewable sources by 2020 (UK Renewable Energy Strategy). Although the South East Plan (SEP) has been largely revoked, it provides the only information for identifying regional targets. Based on the SEP figures the applicant estimates that the Thames Valley would have to produce 209MW or renewable energy by 2016. This application it is argued would contribute to meeting this target and despite its Green Belt location would have much less of an impact than wind farms.

5.22 Set against this is the harm that the solar arrays, equipment and boundary fencing will cause to the openness of the Green Belt, even if the equipment does not remain in the field in perpetuity. This harm will be exacerbated given the proximity of the two footpaths which run through and adjacent to the site.

### **Conclusion**

5.23 The NPPF and the emerging local plan give support to the development of renewable energy. However the proposed development is located in the green belt and, due to its impact on openness, is inappropriate development for which VSC need to be demonstrated if planning permission is to be granted. The VSC case made by the applicants rests on the contribution to renewable energy generation that the site would provide.

5.24 Having carefully considered the impact of the proposed solar farm, the only harm identified is limited to views of the proposed development from the public footpaths adjacent and crossing the site. The views from the footpath adjacent to the site can be mitigated by the boundary hedgerow and planting. The main harm therefore arises from views from the footpath crossing the site.

5.25 It is therefore necessary to weigh the benefits of the scheme in terms of its contribution to the production of renewable energy to the harm caused to the openness to the Green Belt. On balance it is considered that the benefits of the proposal overcomes the harm the development would cause to the openness of the Green Belt. This should not be seen as a green light to all such proposals in the Green Belt as other sites may have constraints or greater harm than the current proposal. Officers therefore recommend the current application for approval subject to applicant successfully overcoming the Environment Agency objection and the conditions set out below.

### **Consultation with applicant**

5.26 Good communications were maintained with the agent to ensure that the issues that arose were successfully dealt with.

## **6. Recommendation**

**Approval**, subject to:

- a) The applicant successfully addressing the objection raised by the Environment Agency;
- b) Subject to referral to the Secretary of State;

c) The following conditions:

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

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

- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Heritage Assessment prepared by Thames Valley Archaeological Services (RFB 13/94); the Extended Phase 1 Habitat Assessment prepared by Enims and dated June 2013; The Landscape and Visual Impact Assessment prepared for Enderby Associates and dated June 2013; The Traffic Management Plan dated July 2013 and the following approved plans 1015177-013-01; ROC-1001/1004v1; ROC-1001/1001v1.5; ROC; ROC-1001/1003v1.1; ROC-10011005v1; and ROC-10011005v1.5.

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

- 3 That the solar arrays and associated equipment and fencing shall be removed from the site as soon as reasonably practicable when no longer required for electricity generation.

Reason - In order to safeguard the amenities of the area and protect the rural character of the landscape and to comply with Policies C7 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 4 No external lighting shall be installed within the blue line application area unless agreed in writing with the Local Planning Authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5 In the case where the development hereby approved has not commenced within 1 years from the date of the approved Badger survey report prepared by Enims, dated July 2013, prior to the commencement of the development hereby approved, an update survey shall be undertaken to establish changes in the presence, abundance and impact on badgers. The survey results, together with any necessary changes to the method statements or mitigation required 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.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 6 All works shall be carried out during daylight hours. Best practice with regard to mammals on site shall be followed with trenches covered at night and known foraging routes remaining unobstructed. Any fencing around the site boundary shall allow continued access across the site for badgers. A plan of the fencing structure proposed or alternative access to be used to allow this 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.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7 All site clearance and preparation works including vegetation removal shall be timed so as to avoid the bird nesting/breeding season and the active reptile and great crested newt season from 1st February to 1st October inclusive. Removal of the hedgerow at the Southern end of the central hedge shall only take place between November and April inclusive.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8 All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

- 9 No mature tree shall be removed on site without first being fully surveyed by a qualified person to determine whether bats are utilising them. The survey results, together with any necessary method statements, mitigation or licence applications 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.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 10 No works, structures or storage of materials shall be carried out within 8m of the watercourses to the South and East of the site boundary.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 12 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

- 13 The development shall be implemented in accordance with the approved construction traffic management plan dated July 2013 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

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

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

- 15 Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 14, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording

and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

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

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

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

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

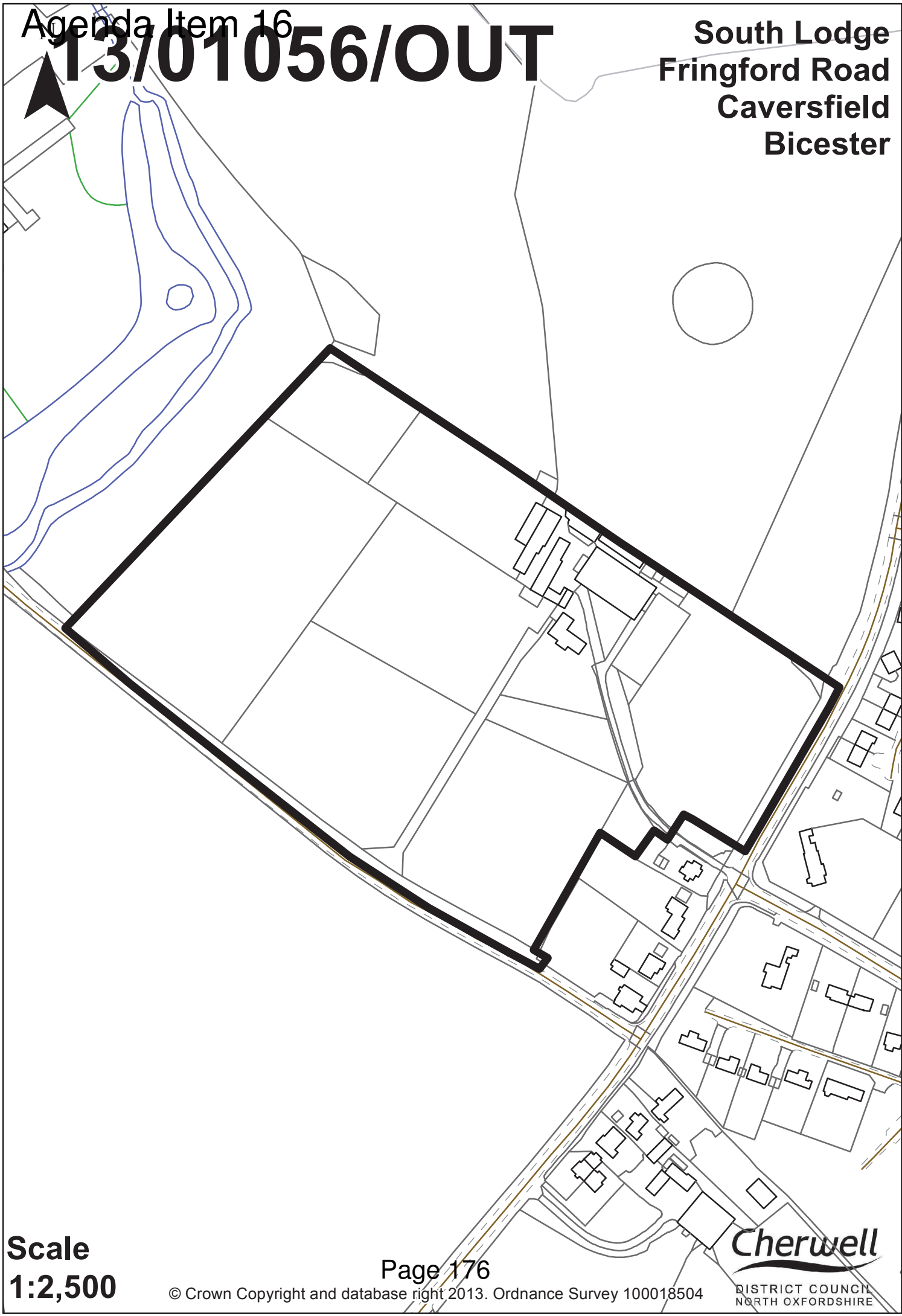
#### **Statement of Engagement**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.



# 13/01056/OUT

South Lodge  
Fringford Road  
Caversfield  
Bicester

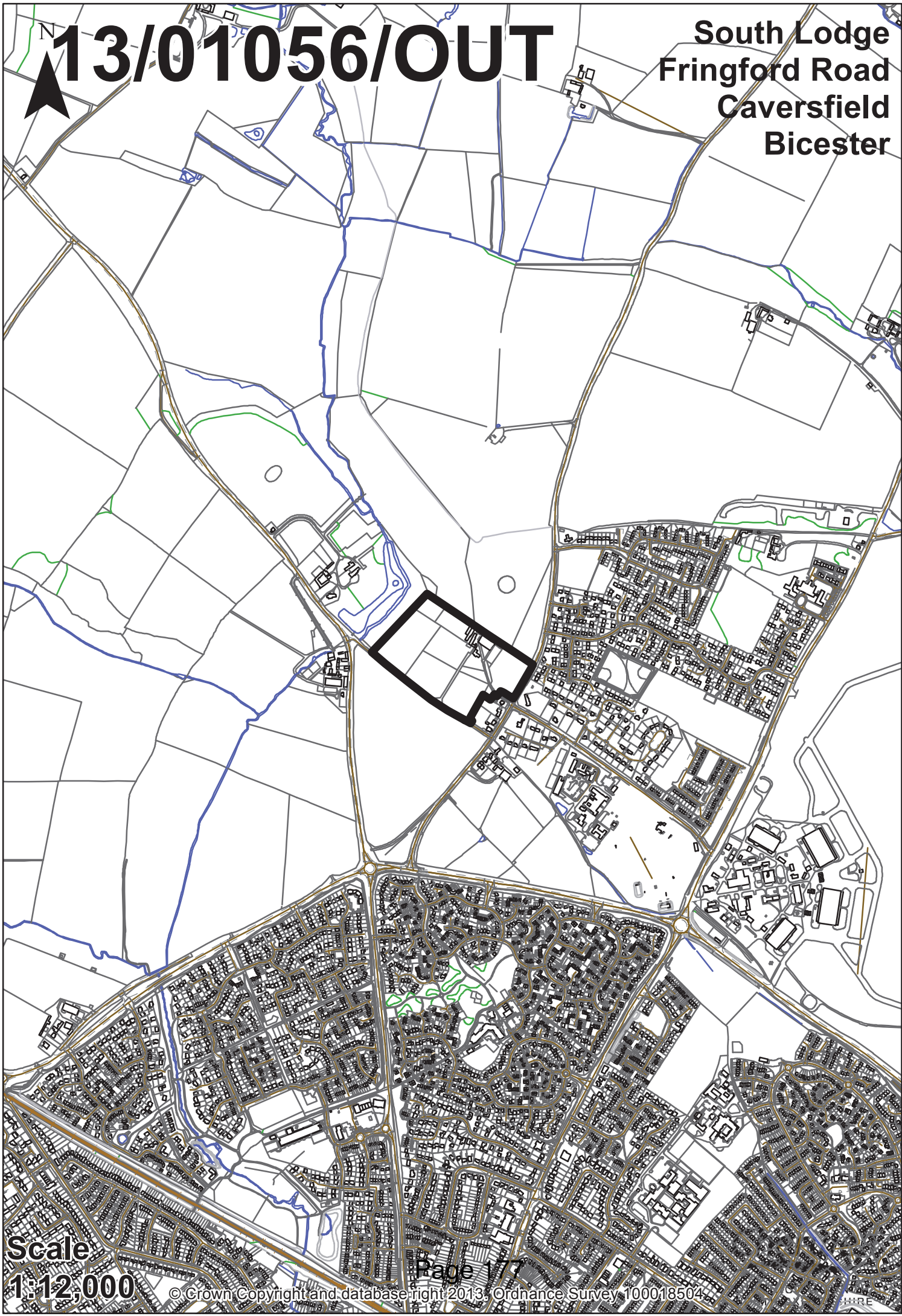


Scale  
1:2,500



# 13/01056/OUT

South Lodge  
Fringford Road  
Caversfield  
Bicester



Scale  
1:12,000

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# South Lodge, Fringford Road, Caversfield, Bicester

13/01056/OUT

**Ward:** Caversfield

**District Councillor:** Cllr Jon O'Neill

**Case Officer:** Rebecca Horley

**Recommendation:** Refusal

**Applicant:** Cala Homes c/o Agent Cerda Planning Ltd

**Application Description:** OUTLINE – Up to 200 residential units, access, amenity space and associated works

**Committee Referral:** Major

**Committee Date:** 3 October 2013

## 1. Site Description, Background and Proposed Development

- 1.1 This is an outline application for up to 200 residential units, access, amenity open space and associated works, which are noted as including a new village shop/hall. The application is on behalf of CALA Homes (Midlands) Ltd. The application indicates that approval is being sought for the access only leaving appearance, layout, landscaping and scale as reserved matters for subsequent determination.
- 1.2 The site extends to an area of 7.1 hectares and comprises of rough grassland to the western side of Fringford Road within which there is a dwelling and associated outbuildings. A small section of the north west boundary to the site is formed by a stone wall, the rest being fencing, beyond which is a mature woodland part of the wider setting of the listed church and Caversfield House. To the south west is an unnamed road linking Fringford Road to the B4100 Banbury Road. This is largely hedge and tree lined, as is the boundary to Fringford Road save for a group of 4 no. private dwellings in the southern corner which are not part of the red line site. The northeast boundary has not been subject of a detailed survey but can be described as mostly 'fence-lined'.
- 1.3 Access to the site is currently obtained from either the unnamed road on the southwest boundary or off Fringford Road positioned just north of the 4 No. properties and directly opposite Skimmingdish Lane. Both access tracks are gated and lead to South Lodge but the proposal seeks to remove the unnamed road access point and create just one access off Fringford Road further north away from the 4 private units. The layout shows that the existing vehicular access onto Fringford Road would become a pedestrian route through the development only. There are no public footpaths in, adjacent or adjoining to the site though there is a public footpath which runs across the north of the site approximately 200m away.
- 1.4 Although the application is in outline an indicative site plan has been submitted along with a Planning Statement, a Design and Access Statement, Landscape Strategy, Statement of Community Involvement, Layout Plans & Detailed Elevations, Flood Risk Assessment, Arboricultural Report, Transport Statement, Ecological Assessment and a Concept Masterplan drawing.

- 1.5 It can be noted that this site is constrained by being adjacent to a Conservation Area, the boundary for which is on the east side of Fringford Road between the rear garden of No. 5 Barnfield Close and the rear garden of No. 1 Skimmingdish Lane. The land is also potentially contaminated, otherwise there are no other notable planning constraints.

## 2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, 2 No. site notices and press notice. The final date for comment was 8<sup>th</sup> August 2013. At the time of writing 24 letters/emails have been received raising objections on the following grounds:

- Increased traffic
- Road known locally as Aunt Em's Lane cannot sustain more traffic
- Given the Eco-Bicester site so close there is really no need for more housing in this particular area
- Existing utilities already cannot cope – sewers regularly block, we have power cuts and water pressure is very low.
- Existing junctions are unsafe
- Effect on wildlife
- Drainage problems
- Use of a green field site is inappropriate
- Other new housing schemes (eg Kingsmere) already can't sell their homes
- Caversfield will be swamped with new housing if Eco Bicester goes ahead too
- Caversfield is a village – totally unsuitable for this type of development
- There is no need for housing such that green field sites should be released
- The Bicester Masterplan has relief areas but they should only be released if there is a need
- We do not want an estate of commuter houses within a village environment
- Impact on the listed church – St Laurence's
- This proposal will hasten the demise of a rural village and calling the address Fringford Road makes it sound more urban
- There's a history of planning refusals here
- The plans are inconsistent – particularly when compared to the flood risk plans
- The flood risk to existing neighbouring properties is too high
- 2.5 storey high buildings might be ok in an urban environment, not in a rural environment
- Effect on the 4 No. houses in the corner is unacceptable
- The site of the old DCTA is now the residential development known as the Garden Quarter so the traffic report will be wrong
- A lot of information in the traffic report is incorrect
- The development of this site would start the coalescence of the village of Caversfield with the town of Bicester
- Views from the green buffer across the open countryside will be obstructed
- Loss of horse riding facility
- Effect on flora and fauna
- Increase in air pollution
- Insufficient facilities and amenities in this area
- Increase in commuter times
- Insufficient school places
- Fringford Road is currently 40mph and the visibility is not conducive to having a large number of vehicles either joining or leaving this road

- Increase in noise
  - The site floods and a balancing pond will be insufficient
  - This development will set a precedent for others
  - Increase in anti-social behaviour with the increase in population – already the police are unable to deal with problems at the current level
  - Unsafe, particularly for children as there is no street lighting and poorly maintained paths
  - Effect on historical heritage
  - Loss of agricultural land
  - There's no natural barrier to the site to the north so there's nothing to stop it spreading
  - A proper buffer should be provided
  - The path shown through the site is misleading because it doesn't lead to anywhere, certainly not onto any public right of way.
- 2.2 The applicant also engaged with the community identifying a number of issues, the key ones being traffic/congestion; overdevelopment; new amenities for Caversfield and affordable housing. These are noted in the submitted planning statement which also highlights the applicants views on the benefits of the proposal, considered to be the provision of much needed housing; immediately delivered market and affordable housing; biodiversity enhancement; implementation of sustainable drainage techniques which will provide betterment to the existing situation and finally the proposal is support the 3 dimensions of sustainable development by contributing to a growing village economy, meeting the housing needs of future generations and protecting the environment.

### **3. Consultations**

- 3.1 Consultation responses are summarised below. The full versions can be found on the Council's website.
- 3.2 **Caversfield Parish Council:** Object.

#### **Local area**

- The emerging Local Plan for Cherwell categorises Caversfield as a 'Category C' village with the only type of development agreed as 'conversions' and no infilling or minor / major development. This development, therefore, does not conform to Cherwell District Council's emerging Local Plan.
- The 1996 Local Plan classes Caversfield as a Category 3 settlement restricted to the conversion of non-residential buildings in accordance with policy H21, or a new dwelling [not dwellings] when an essential need for agriculture or other existing undertaking can be established.
- It is understood that Cherwell District Council now has its five-year supply of housing required by Government.
- The proposal is outside the built environment of the village envelope and it would set a precedent for the village to create a 'ribbon development' all the way up the west side of Fringford Road towards Fringford which would not be in keeping with the village and about which the villagers have serious concerns.
- Although there is no agreed green buffer on the west side of Fringford Road, it was hoped that the farmland would have been an adequate green buffer to protect the village from further development. Without this area,

Caversfield would easily get subsumed into the Eco Town and Bicester itself, thus losing its character and status as a village.

- The fields on the west side of Fringford Road have a wide range of fauna and flora including newts, deer, bats and buzzards and the hedgerow is understood to be about 1,000 years old. Development to any of these fields would have a detrimental impact on this fauna and flora.
- The developer continually refers to Caversfield as being part of Bicester. This is not true. Caversfield is a village, just to the north of Bicester, with its own identity and character.
- Adjoining the proposed development is Caversfield's Parish Church, St Lawrence, which is listed as Grade II\* and is not a 'chapel' as stated by the developer.

### **Water and drainage**

- The current water pressure for Caversfield is barely acceptable, often recorded as 0.8 bar. Adding a further 200 houses to this causes great concern.
- The general infrastructure for water services, both fresh, waste water and sewerage is currently at its limit.
- There is currently no mains drainage on Fringford Road to the south of Skimmingdish Lane.

### **Highways**

- The Parish Council has serious concerns about the affect the development will have on the wider network of village roads.
- The Developer mentions access using the unnamed road, colloquially known as 'Aunt Em's Lane' as a means of accessing the Banbury Road (B4100). This road is a very narrow lane and access at both ends can be dangerous with difficult sight lines. It is certainly not suitable for the numbers of cars which might potentially use it and for those who will be using it from the Eco Town.
- The other roads within Caversfield are also likely to be used more. Both Skimmingdish Lane and Thompson Drive join the A4421 to Buckingham, but they are residential roads which the villagers do not wish to encourage as 'rat runs'; the turnings out onto the A4421 are also becoming more and more dangerous with greater traffic numbers using the road, both incoming and exiting the road.
- The turning out onto Southwold Lane (A4095) from Fringford Road would also have to be reconsidered. Villagers can currently wait for up to five minutes to turn right onto the ring road and this will only be exacerbated by more cars using the road.
- Mention of the driver training facility on Skimmingdish Lane gave the Council concern as it indicates that the Residential Travel Plan consultants had not noticed that this facility is now being developed by *City and Country* into luxury apartments (as per the Local Plan as they are building conversions), known as The Garden Quarter. A project which has been in progress for at least the last eighteen months.
- There is no public bus stop on Skimmingdish Lane at Paynes End, as has been stated in the Travel Plan, as this is on MOD land for the use of the children of US Service Personnel.
- The existing traffic movement figures in the Consultants' Residential Travel Plan are likely to be skewed in relation to the existing residents because of the high number of elderly people who live at Cherwood House nursing home but who do not own cars.

### **Education**

- No consideration has been made as to where the children living on the development will go to school. The catchment school for the area, Southwold CP school, is almost full in the lower years (Year 3, Key Stage 1 and Foundation); whilst years 4, 5 and 6 have some space at present, this will only be for the next two years. The other two local schools which many parents in Caversfield choose to send their children to, Bure Park and Fringford, are both understood to be at capacity.

### **The development**

#### **Flooding**

- The field for the proposed development has been recorded as flooding and the Gate House has flooded in the past. The field to the south of 'Aunt Em's Lane' floods regularly, particularly close to the junction of Fringford Road.
- The proposed attenuation pond has been situated in the wrong place. The lowest part of the land is at the back of the current houses. The attenuation pond would not help with the capture of run-off water from the development, and if it did overflow, would be likely to flood Fringford Road – where the current drains would not be able to cope.
- The roundabout at the junction of Bure Park, Southwold Lane and the B4100 regularly floods now.

#### **Green Space / Outdoor provision**

- The Parish Council believes that the green space provision is minimal and is not sufficient for the development. Caversfield's provision for green space is extremely limited as the only green areas are privately owned (by the MOD and other developers). Whilst it looks as though the village has a great deal of open land, none of it, apart from one small area in Old School Close is officially accessible.
- Within the development, there is no outdoor provision for activities for teenagers and very little for younger children.

#### **Amenities**

- Whilst a shop has been suggested, the Parish Council understands that this is already in the plans for the Garden Quarter Development on Skimmingdish Lane and so would not be needed.
- Whilst a village hall has been suggested, the Parish Council has concerns about the running of such a building and would require a substantial long-term endowment to assist in the running and upkeep of the building. The Parish Council also has concerns about the size of the building and villagers have concerns about the siting of it particularly close to the existing houses on the Fringford Road.
- The only thing which villagers have requested in recent years has been an area for allotments, but this has been completely ignored.

### **3.3 Bicester Town Council**

Objects to this application on the grounds of overdevelopment in that it would form a bridge between the new northwest development and the current Caversfield development and it is not in the proposed local development plan.

### **Cherwell District Council Consultees**

#### **3.4 Head of Strategic Planning and the Economy:**

A planning policy objection is raised.

The emerging Local Plan has considered growth options around Bicester for Strategic Allocations of 400+ dwellings. A wider area of land (but including the application site) was considered as an option in the Options for Growth consultation paper in September 2008 (Site K: South and West of Caversfield) but not considered to be a reasonable alternative due to potential coalescence with Caversfield.

The Landscape Sensitivity and Capacity Assessment (LSCA), Halcrow 2010 indicated that the site (K: South and West of Caversfield) had moderate capacity to accept residential development in the two triangles of land in the south of the site, provided this did not adversely affect the setting of the RAF Bicester conservation area and stopped short of the corner at Home Farm to maintain a buffer around Caversfield. The report concluded that the northern portion of the site has low capacity to accept development. It was noted that the site may form an emergency landing area for aircraft using RAF Bicester; and that this may need to be considered as a constraint.

In progressing the Local Plan and in view of the landscape constraints at the town further landscape evidence was commissioned. (available at <http://www.cherwell.gov.uk/index.cfm?articleid=3244>). The 'Bicester: Green Buffer Report March 2013' considered the wider application site and concluded that; *"The area of land extending between the former DLO Caversfield site and the edge of the Strategic Development Site at Bicester 1, and from the northern edge of Bicester to the northern extent of parkland historically associated with Caversfield House, has been defined as Green Buffer to maintain the gap between these existing and proposed areas of settlement. This will prevent their coalescence and maintain their separate identities."*

The report clarifies that the main purposes of the Caversfield Green Buffer is to:

- Prevent coalescence and maintain a gap between development at the former DLO Caversfield site, Caversfield and the planned future edge of Bicester in the form of the proposed North-west Bicester Eco-town development
- Protect the setting of the historic hamlet of Caversfield and its associated area of parkland
- To assist with the protection of the setting of the residential area associated with the former Bicester Airfield as an historic feature and designated Conservation Area

#### Development Plan and Other Local Plan Policies

*Adopted Cherwell Local Plan 1996 and Non-Statutory Cherwell Local Plan 2011*

The application site lies in an area of countryside and is not allocated for development by either the saved policies of the adopted Cherwell Local Plan 1996 or those of the Non-Statutory Cherwell Local Plan 2011. Policies relating (amongst other things) to the countryside, landscape and design will need to be considered subject to examination of the weight they should be given according to their degree of consistency with the NPPF.

#### *Proposed Submission Local Plan 2012 and Focused Changes 2013*

The application site is not proposed for development as a strategic housing allocation. A site for 200 dwellings is also below the Councils definition of a

strategic size (400 dwellings) used to identify housing led sites for the Local Plan. This definition has been consistently used throughout the Plan making process for the allocation of strategic sites in both Banbury and Bicester.

#### Housing Land Supply and the NPPF

The NPPF contains a presumption in favour of sustainable development and states that planning should recognise the intrinsic character and beauty of the countryside (para' 17). It states (para' 49) that housing applications should be considered in the context of this presumption and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The district's housing land supply position has recently been updated (July 2013). At the time of writing, the district has a 5.8 year supply of deliverable sites for the period 2013-18 incorporating an additional 5% requirement and a 5.1 year supply with an additional 20% requirement. Local Plan policies which seek to protect the character and beauty of the countryside are not therefore considered to be out-of-date.

#### Whether it would be appropriate to release the site

The application relates to a release of housing land ahead of completion of the Local Plan and ahead of the independent Examination of the Plan's proposals and policies. Government Guidance on 'The Planning System: General Principles' remains extant and provides advice on the issue of 'prematurity'.

The strategic sites identified in the PSLP March 2013 have been the subject of representations many of which are objections, and a number of alternative strategic sites, including the application site, are being promoted through the Local Plan process. Consultation on the Proposed Changes to the Proposed Submission Local Plan has recently been completed (23 May 2013). Representations are being considered but it has not yet been determined what final changes to the Plan will be required. A date has not yet been set for Submission of the Local Plan.

The issue of potential prematurity (including cumulative impact) must therefore be considered. However this has to be balanced against other material considerations.

The proposed development conflicts with the emerging Local Plan. The Plan has been through several rounds of consultation and is now supported by an extensive evidence base. Paragraph 216 of the NPPF indicates that weight may also be given to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to policies in the NPPF (the closer the policies in the emerging plan to the policies in the emerging framework, the greater the weight that may be given).

The evidence base for the emerging local plan is now substantially complete and the local plan has reached an advanced stage. The Proposed Submission Local Plan was prepared following the publication of the NPPF and the policies

are considered to be generally consistent with the NPPF. It is considered that the first and third bullet points of paragraph 216 of the NPPF are met and therefore some weight can be given to the emerging plan policies.

However the requirements of the second bullet point limits the weight given to the emerging plan policies relating to the site as there are unresolved objections relating to the non-allocation of the site. A balanced judgement is therefore required in the light of other material considerations.

#### Conclusions

On balance, given that the site is not a proposed strategic allocation in the adopted Cherwell Local Plan or the emerging Local Plan as it is not a strategic site (albeit with objections to sites outstanding), prematurity is a consideration, the site is not needed in terms of achieving a five year housing land supply, and development in this location would have a landscape impact, would conflict with the purposes of the Green Buffer, leading to coalescence with Caversfield and would extend development into and lead to the loss of open countryside, a planning policy objection is raised.

#### **3.5 Urban Design Officer:**

Objects to the proposal because the design for this site cannot be separated from the way that it sits within its setting. Therefore, while a number of principles that the scheme promotes would be appropriate in another setting, they are not appropriate here.

#### Site setting/context

A major concern that the Council has about this development proposal is the context within which it sits. The area has a rural character and while there is a group of four houses to the southeast of the site boundary, this side of Fringford Road has had no substantial development. The geometry of the site and the way it sits within the landscape will therefore clearly have an impact on the rural character and setting of this area.

#### Site Layout

The principles applied to the site layout would provide an appropriate starting point for design if this was an infill site within one of the market towns, however in this context where any development will have a clear impact on the rural character of the area the design approach is considered inappropriate.

- While reference is made to high, medium and low density development it is not clear what is meant by this as no density range is given. A review of the plans shows a very even density plan with very little variation. This has led to crisp edges to the site, which will read very strongly in the landscape.
- The existing landscape structure is being retained. It is proposed that gaps in the landscape will be filled and the concept of landscape buffers have been raised, which will potentially provide a dense landscaped edge, which while screening parts of development will provide a dense edge which will also change the character of the landscape.

#### Design Detail

Reference has been made to using materials and details for different character areas which respond to the existing vernacular architecture. There are a number of concerns we have about some of the details and materials. Consideration has been given to Designing Out Crime.

#### **3.6 Housing Officer:**

No objection in principle to this residential development on the fringes of Bicester. The development will require a 35% affordable housing provision due to its location within a rural parish boundary, equating to 70 units.

There should be a 70/30 split between rented and intermediate housing which could include shared ownership.

The following tenure and unit mix should be for the affordable housing provision:

<u>Rent</u>	<u>Shared Ownership</u>
6 x 2b2p Flats	6 x 2b4p Flats
6 x 2b4p Flats	12 x 2b4p Houses
20 x 2b4p Houses	3 x 3b5p Houses
12 x 3b5p Houses	<b>Total: 21</b>
5 x 4b6p Houses	
1 x 1b2p Bungalow (wheelchair adapted)	
1 x 2b3p Bungalow (wheelchair adapted)	
<b>Total: 49</b>	

The affordable units should meet Code for Sustainable Homes level 3 as a minimum and preferably Code 4.

The units should meet the HCA's Design and Quality Standards including HQI requirements

50% of the rented should be designed to Lifetime Homes with an appropriate number to wheelchair standard as detailed above.

The affordable units should be dispersed in clusters of no more than 15 units unless otherwise agreed, with blocks of flats being monotenure to provide consistent and comprehensive management approaches.

The application should discuss with the Housing department the preferred RP which is to own and manage the affordable units.

### 3.7 Landscape Officer:

#### Emerging CDC Policy

The application site's appropriateness for residential development needs to be addressed under emerging CDC policy.

According to the Submitted Cherwell Local Plan - March 2013 the application site is actually a part of 'Green Buffer' land to restrict the encroachment of the Bicester urban edge in order to: ***'Prevent coalescence and protect the gaps between the existing/planned edge of the towns and surrounding settlements to keep them free from built development that would harm the character of the Green Buffers.'*** The LDA Bicester Green Buffer Report also states that the Caversfield Green Buffer will ***'Prevent coalescence and maintain a gap between development at the former DLO Caversfield site, Caversfield and the planned future edge of Bicester in the form of the proposed North-west Bicester Eco-town development'***

#### Landscape Visual Impact Assessment

With The application site and its proposals have not been subjected to a comprehensive landscape visual impact assessment - the D & A Statement does not address the following criteria:

- sensitivity of Receptor/Magnitude of Change - Landscape, culminating in determination of Significance; and
- Sensitivity of Receptor/Magnitude of Change - Visual Change, culminating in determination of Significance

I would advise that a full Landscape Visual Impact Assessment is carried out under the most current guidance for the Landscape Institute and the Institute of Environmental Management and Assessment: Guidelines for Landscape and Visual Impact Assessment Third Edition. Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity published by the Countryside Agency must also be consulted.

Walker receptors on the PRoW (153/1) will experience a significant visual effect of the residential development because of the open un-vegetated section of northeast boundary. However, when walking further southeast the woodland block adjoining the boundary will provide a substantial screen.

The north western boundary is adjacent to woodland block which will screen any views from the adjacent Caversfield House to the northwest and the approach from the west on the un-named road.

From the un-named road to the southwest of the site the boundary hedgerow allows glimpses of the site for vehicle user receptors. There is a wider gap in the hedgerow at the eastern end of the site where housing will be more visible. From the property/farm called Green Acres west of the B4100 receptors here will experience a degree of visual impact because there is no intervening field boundary hedgerow and trees.

The existing trees on Fringford Road will screen the development from users of the road and the Garden Quarter residencies to the east, however the site will be seen from the entrance to South Lodge where the boundary is devoid of vegetation. There will be an attenuation area between the boundary and the edge of the built form which will mean the visual impact will be less with intervening planting.

A South Lodge residential receptor will be experience significant visual and construction impacts if the development proceeds. The aforementioned attenuation and no-build areas will provide a green buffer for this receptor.

The Cherwell District Landscape Assessment states that the area where the application site rests is a **Repair Landscape**:

***Development in these areas must be sensitively sited, designed and integrated to ensure that the rural, unspoilt character of the landscape is maintained.*** The site's character has changed because of the current land use of formal paddocks etc. It goes on to say ***However, precisely because the existing structure is so strong, these landscapes should be able to absorb limited areas of sensitive development.*** I agree that the woodland blocks to the northwest and the east will provide strong visual containment and screening to a residential development. It goes on to indicate that the specific enhancement measures are:

***'Good management of hedgerows. Removal of hedges should be strongly resisted and gapping up carried out where hedges are becoming thin.'*** The hedgerow on the un-named road will be subject to this requirement as it

will provide enhanced screening to the development for vehicle receptor users on the un-named road and the B4100

#### The POS/Play Provision

The proposed provision is not adequate in respect of area and facilities. From a rough measurement of the POS areas the approximate total area is 5,400 sq m whereas the SPD formula requires 1.51 ha per 1000 urban dwellers. With approximately 498 people on the site (200 homes x 2.49 Oxford average) the minimum amount of POS should be 7,520 sqm.

The LAP provision is inadequate because the 100 m walking catchment from the furthest dwelling is not achieved. There must be at least 5 LAPs to achieve the appropriate standard of LAP provision. The small areas of POS must be increased to accommodate LAPs with a minimum 100 sq m play activity areas.

The LEAP location is central and adequately covers the 400 m walking catchment for the site. The activity area is measured must be a minimum of 400 sq m; the area appears to be slightly under this quantity on the masterplan.

The planning obligation requirements include public open space, 5 No. LAPs, 1 No. LEAP, attenuation ponds, swales/ditches/watercourse maintenance, proposed woodland, existing hedgerow maintenance and existing tree maintenance.

#### Street scene

The masterplan does not propose any tree planting within the streets. It is essential to accommodate street trees for enhanced amenity and environmental benefits, plus the visual mitigation of the built form that will result.

### **3.8 Arboriculturalist:**

No objection in principle.

The application is supported by an arboricultural survey undertaken in accordance with BS5837:2012 and would agree with the findings and categorisations of the trees, hedgerows and woodlands identified within. The trees and features I would consider to have the most retainable valuable are the majority of boundary trees (apart from G3) and the hedgerows along the southern and eastern boundary, trees 27, 28, 29, 30, 31 within the actual site itself and the large, prominent woodland block G1 parallel to the western boundary.

The Public Open Space areas appear to be inadequate with regards to future tree planting and landscaping with an increase in allocated POS necessary to achieve this without compromising species choice or adjacent dwellings.

The retained trees 27, 28, 29, 30 and 31 will create a sense of maturity for the site as well as the provision of valuable wildlife habitat. The concerns here relate to the close proximity of the adjacent plots to the east of the trees and the significant reduction in natural light levels that these dwellings will experience from the afternoon onwards as a result of the dense canopies of the trees which still have expected increases in annual growth. It would be advisable to rotate the aspect of these dwellings to a more south facing orientation in order to extend the useful life expectancy of these trees and to provide the maximum natural light levels into the dwellings themselves.

Similar concerns are for the dwellings located towards the western boundary where the woodland block (G1) will reduce natural light levels. An ecological corridor / buffer zone is proposed between the woodland and residential boundaries and it may be advisable to increase the width of this corridor to 15.0m to increase the distance between woodland and boundaries. This increases the benefits to wildlife of the corridor as well as improving the natural light levels into the dwellings.

All tree proposed for planting in the hard surface permeable paved areas will need to be planted within specially engineered planting pits designed to provide the best below-ground conditions for the tree to develop without the risks of the typical associated ground disturbances. The pits should comprise of load bearing 'cells' and root barrier membranes to allow for the inclusion of non-compacted soil of a volume sufficient to support the maturing trees.

### 3.9 **Ecology Officer:** No objections subject to conditions.

The surveys carried out to date are sufficient in scope and depth although should sufficient time elapse update surveys may be needed for some species. The site is not of high ecological value however it does have a number of ecological constraints on site which need to be mitigated for and a number of features which should be retained. There is no definition of what their suggested 'ecological corridor' on the plans entails and whether this will also be publicly accessible and how it will be managed. This information should be included in an LEMP at some point.

The **hedgerows** qualify as BAP habitat therefore should be retained, strengthened or replaced which I see is included within the D & A statement. In addition however a buffer to each hedgerow of 5m should be maintained in order to retain their ecological value to nesting birds, small mammals, reptiles and great crested newts and managed accordingly. Buffers are not obvious from the proposed masterplan which suggests building or amenity grass right up to hedges.

**Mature trees** on site should be retained for their ecological value and appropriate buffers placed around them in order to retain their value for wildlife.

There are a number of important Section 41 species **birds** breeding either on site or in close proximity therefore enhancements for birds should be included within the plans in particular there are house sparrow records and facilities for nesting sparrows should be included within the residential areas also. Given local records provision for swifts within the built environment would also be beneficial in this location.

There are some records of **bats** foraging along the boundaries. Therefore as mature trees and hedgerows are stated as being retained a sensitive lighting scheme needs to be submitted which takes account of bats usage of the site as well as the inclusion of bat boxes on mature trees and within the fabric of the dwellings which would be appropriate enhancements.

An **EPS licence** will be needed to deal with the **great crested newts** which are breeding close by and may use the site as terrestrial habitat. A full mitigation plan should be submitted but preliminary proposals suggest that a licence is likely to be obtained from the point of view of maintaining favourable conservation status if the proposed ponds on site are managed appropriately.

A full reptile mitigation plan needs to be submitted as a small grass snake population was found on site.

The planting recommendations within section 4.9 of the report are broadly appropriate and should be referred to for landscaping plans.

Under the recommendations of the NPPF the plans should include enhancements for biodiversity above and beyond mitigation to achieve a net gain where possible. Therefore I would like to see the inclusion of a plan of enhancements to encompass those recommended within the submitted ecological report and above but which might also include areas of wildflower planting, sympathetic management of open space, green walls or roofs etc.

It has been suggested by a member of the public (who is I believe the owner) that the adjacent field to the South has the potential to be of Local Wildlife Site quality. We currently have no records or confirmation of this and it is not a proposed site as yet. I would not foresee a major impact from this development on that field because of the separation of the road and general proposals but possible impacts should be taken into consideration by the applicants.

3.10 **Recycling and Waste Manager:** Comments awaited but it is expected that the developer will need to take into account the Waste and Recycling guidance where it is indicated that Section 106 contribution of £67.50 per property will be required.

3.11 **Safer Communities Urban & Rural (Community Development) and Recreation & Health Improvement:** Comments awaited but generally contributions are sought for community development on schemes over 50 units

3.12 **Recreation & Health Improvement Manager (Public Art):**  
The public art should seek to unify the development with the existing village scene and support the developments legibility. Sites for public art to be located should be identified in the detailed application. Outline artist briefs should be submitted for approval at the same time. CDC Arts Manger to be included in selection of artists along with local elected representatives. A contribution of £150 per dwelling would be sought from the development.

3.13 **Environmental Protection Officer (Contaminated Land):** Comments awaited

#### **Oxfordshire County Council Consultees**

3.14 Oxfordshire County Council has provided a comprehensive response relating to all aspects under their jurisdiction. The overall view is that the County Council object to the proposal and have a number of concerns, particularly transport.

Summarised comments in relation to each County matter are provided below and the full details are attached to this report at *Appendix A*.

At the time of writing this report, the following additional information was received:

Consideration has been given to the additional information submitted which comprises a Transport Assessment and an incomplete set of Appendices.

The information we have seen does not substantially change the main concerns raised in our original consultation response.

Additionally, the TA raises/reinforces the following concerns:

- Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot. Table 5.1 of the TA does not demonstrate this. Additionally, some of the bus services included in the TA are irrelevant because they either no longer operate or they operate on such a low frequency they are unlikely to provide an attractive alternative means of transport.
- The TA's accident analysis is not up to date – accident records have only been considered to November 2012.
- No details of parking proposals, and the standards included in the TA only cover residential car parking, not shop parking or cycle parking standards.
- The access visibility splay plan in the TA is not acceptable. It is not scaled, does not include the highway boundary or third party land ownership and makes no reference to trees/ vegetation to be removed (if permitted). A safe access has therefore not been demonstrated, and given the size of the development the Local Highway Authority would expect a second emergency access to be provided.
- The TA demonstrates that the development will contribute to increased capacity at various junctions in future years, and the Local Highway Authority would seek a S106 contribution towards strategic highway improvements, as well as the direct mitigation works previously raised. No such mitigation works or contributions are proposed by the developer.

Final comments from colleagues on the traffic modelling are still awaited which will provide a detailed set of comments on the TA if required. In conclusion, the Local Highway Authority still has concerns regarding this application and these concerns are sufficient to warrant a recommendation of refusal of planning consent.

### **3.15 Transport and Planning Strategy (Transport Planner):**

Object for the following reasons:

- The proposed development is not ideal in sustainability terms as it is quite remote from the town centre and local amenities and cannot be served by a meaningful bus service.
- The nature of Fringford Road and the nearby B4100 and A4095 links, as well as the high vehicle speeds and lack of street lighting, may deter walking and cycling movements to and from the site.
- Increased traffic movements associated with background growth in Bicester is likely to make it difficult to cross the Fringford Road on foot or bicycle.
- The site is too small to sustain its own commercially viable public transport service, and the continuation of the nearby 22/23 bus service cannot be assumed as it requires considerable ongoing subsidy which is at risk of being reduced or cut as part of any further spending reviews.
- This outline planning application fails to provide a detailed Transport Assessment, as was previously requested in pre-application discussions with Oxfordshire County Council. For this reason I am unable to submit a complete informed Transport & Planning Strategy response to this application.
- The developers must submit a detailed Transport Assessment.

- At this stage I am unable to comment on the expected impact of the development on the local and strategic highway network without the necessary details from a Transport Assessment.

### 3.16 **Transport Development Control:**

Object for the reasons given below:

#### Key issues

- *Lack of required information*, including but not restricted to a Transport Assessment in accordance with the National Planning Policy Framework, all developments that generate significant amounts of movement should be supported by a Transport Assessment. The likely impact of this development on the highway network cannot be evaluated without this information.
- *Concerns regarding the sustainability of the location* and lack of sustainable transport infrastructure in the vicinity of the site, namely cycle/pedestrian links and access to bus services. A Transport Assessment would be expected to take account of whether the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- *Highway safety concerns*, including:
  1. An adequate, safe highway access for the site has not been demonstrated. It is unclear whether the required access vision splay can be achieved within land owned or controlled by the applicant.
  2. The existing accident history at junctions in the vicinity of the site has not been examined. It is unclear whether this development is likely to increase risk to highway users at these junctions.
  3. There is a substandard vision splay at the junction of Unnamed Road and Fringford Road south of the site. This development is likely to intensify vehicular use of this junction and may increase risk of road collisions due to lack of visibility of approaching vehicles at this junction.
  4. The proposed layout of the pedestrian footpath through the site is likely to lead pedestrians to cross Fringford Road at the junction with Skimmingdish Lane without any dedicated crossing facilities on the pedestrian desire line. There is a risk to pedestrians, including vulnerable road users.

### 3.17 **Rights of Way:**

No objection but the development should provide a contribution to enable connection to be made through to the surrounding public rights of way network. To this end a legal agreement is required to secure a contribution of £15,000 to link through the field to the connecting public right of way.

### 3.18 **Drainage Officer:**

No objection. A Flood Risk Assessment has been submitted. It is proposed that runoff from roofs will discharge to individual shallow soakaway systems, runoff from drives will discharge via permeable paving or swales and runoff from roads will discharge via swales, gullies or permeable paving. A SUDS drainage scheme for the site will be required for consideration and approval prior to commencement of development – this should be conditioned.

### 3.19 **Archaeology:**

No objection subject to conditions because the site does have potential to contain archaeological features which would be disturbed by this development. The application should be responsible for ensuring the implementation of an

archaeological monitoring and recording action to be maintained during the period of construction.

### 3.20 Education:

No objection subject to conditions and a legal agreement.

#### Key issues

• The application is in outline so an assessment has been made on the likely housing mix as follows:

6 No. x 1b dwellings

69 No x 2b dwellings

98 No x 3b dwellings

27 No x 4+b dwellings

• The proposed development is projected to generate a demand for 54 primary school places (age 4-10), 42 secondary school places (age 11-15) and 5 sixth form places (age 16-19).

• This development lies within the school planning area of Bicester and within the current designated areas of Southwold Primary School and Bicester Community College (secondary).

• Expansion of permanent primary school capacity in the area would be necessary as a direct result of this housing development.

• Expansion of secondary school capacity in the area would be necessary as a direct result of this housing development.

• The development would also be expected to result in an increased demand upon special educational needs (SEN) schools, and expansion of permanent school capacity would be necessary.

#### Legal Agreement required to secure:

£625,428 to primary school infrastructure

£1,116,250 to secondary school development

£36,787 to SEN

### 3.21 Property:

No objection subject to the following conditions, legal agreement and informatives

#### Key issues

• The County Council considers that the effect of the application forming this development will place additional strain on its existing community infrastructure.

• The calculations are based on the same development as above.

It is calculated that this development would generate a net increase of:

#### • **505 additional residents including:**

• 34 resident/s aged 65+

• 32 residents 13-19

• 353 residents 20+

#### Legal Agreement required to secure:

▪ Library	£ 42,925
▪ Fire and Rescue Services	£ 2,000
▪ Waste Management	£ 32,320
▪ Museum Resource Centre	£ 2,252
▪ Adult Learning	£ 5,648
▪ Adult Day care	£ 37,400
▪ Integrated youth support service	£ 6,336

▪ Registration Service	£ 6,800
<b>Total</b>	<b>£135,954</b>
Plus administration & monitoring	£ 9,572

### 3.22 Minerals and Waste Policy:

No objections

### 3.23 Ecology:

No objections. Mitigation could be conditioned.

## Other Consultees

### 3.24 Environment Agency:

Following a second examination of the evidence the Environment Agency (EA) are maintaining their objection to the proposal.

In the absence of an acceptable Flood Risk Assessment (FRA) the EA **object** to the grant of planning permission and recommend refusal on this basis for the following reasons:

- The applicant has not demonstrated that the storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site.
- The applicant has not demonstrated that the peak discharge rate for all events up to and including the 1 in 100 chance in any year critical storm event, including an appropriate allowance for climate change, will not exceed that of the existing site.

This may increase the flood risk on site and in surrounding areas.

In order to overcome this objection, the applicant must demonstrate through their surface water strategy that the proposed development will not create an increased risk of flooding from surface water. Surface water for up to the 1 in 100 chance in any year storm event, including an allowance for climate change, must be safely contained on site. It may be acceptable for limited flooding to occur in parts of the site during this event, ensuring that buildings are not affected by flooding and the site can be safely navigated by users. Where this flooding will be within roads or pathways, the applicants must ensure that safe access and egress is still available.

The applicant should complete Section 5.9 of the Flood Risk Assessment which appears to be incomplete.

The applicant should provide calculations to verify the storage volume and peak discharge rate and confirm that the 1 in 100 chance in any year storm event, including an allowance for climate change, is **safely contained on site**. These should detail the Micro Drainage calculations undertaken and summarised in the table contained in Section 7.11 of the Flood Risk Assessment.

The calculations should detail the level of the proposed attenuation area, the level of the drain into which it discharges and demonstrate that the low areas of the site to the south can still drain to the attenuation, when the water level in the attenuation is high, without water leaving the site. The method of flow control

should be specified.

The surface water strategy should be carried out in accordance with the National Planning Policy Framework and PPS25 Practice Guide giving preference to infiltration over discharge to a watercourse, which in turn is preferable to discharge to surface water sewer.

Further advice and guidance is offered in the EA's letter dated 19<sup>th</sup> September.

### **3.25 Thames Water:**

#### Waste Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like a 'Grampian Style' condition imposed to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

#### Water Comments

Thames Water recommend an informative be attached to any planning permission. 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.

### **3.26 CPRE**

Objects to this proposal on grounds that it would effect the setting of a designated Conservation Area. Development on land in the open countryside is contrary to policy. This is a green space which prevents urban sprawl and should remain as a barrier. Coalescence between neighbouring settlement should be halted. This is not a sustainable location. The site, being open scrubland, will contain many species of flora and fauna which will be lost. This site has not been identified for development and is outside the Masterplan. There is no longer a need for more housing. 200 houses on a very small site is inappropriate on the edge of a village. 2.5 storey buildings are out of keeping with the rural area. The site is next to a green buffer which should be extended to prevent further applications. Caversfield will lose its identity.

### **3.27 Thames Valley Police**

No objection in principle but have significant concerns about design and layout. Addressing these concerns will reduce the chances of Police objections being raised at reserve matters stage. Of particular concern are the parking courts, car ports, communal parking areas, recessed entrances, landscaping, LEAP and other play areas. A condition has been recommended if approval is granted which would seek to ensure the development incorporates the principles of 'Secured by Design' and the NPPF.

Also the provision of infrastructure to mitigate against this impact is requested which totals £32,100 (£22,000 for 2 No. Cameras, 2 No. police bicycles and kit at £1,600 and 2 No. Mobile IT equipment at £8,500). All these are considered compliant with tests laid down in the NPPF.

## **4. Relevant National and Local Policy and Guidance**

#### 4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies) (ACLPL)

- H15: Category 3 Settlements
- H18: New dwellings in the countryside
- C2: Development affecting protected species
- C4 Creation of new habitats
- C7: Landscape conservation
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C31: Compatibility of proposals in residential areas
- C32: Provision of facilities for disabled people
- R12: Provision of public open space in association with new residential development
- TR1: Transportation funding
- ENV1: Pollution Control

#### 4.2 Other Material Considerations - Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan - Proposed Submission (August 2012) and Focused Consultation (March 2013) (PSLP)

The Local Plan (March 2013) is out for a second round of public consultation. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

- BSC1: District Wide Housing Distribution
- BSC2: The Effective & Efficient Use of Land - Brownfield land & Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Protection & Enhancement of Biodiversity & the Natural Environment
- ESD13: Local Landscape Protection & Enhancement
- ESD15: Green Boundaries to Development
- ESD16: The Character of the Built & Historic Environment
- ESD18: Green Infrastructure
- Policy Villages 1: Village Categorisation C
- Policy Villages 2: Distributing Growth Across the Rural Areas
- Proposals Map Allocation – Extended green buffer

Green Buffer Report – March 2013

Strategic Housing Land Availability Assessment – Draft Final Report – March 2013

Not featured.

## Non-Stat Cherwell Local Plan 2011

OA1 – General Policy

TR4 – Mitigation Measures

R8 – Playing Fields

R10A – Built Sport and Recreational Facilities

### **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Planning history
- Policy principles
  - Housing need
  - Prematurity
- Effect on the open countryside, landscape and visual amenity
- Effect on heritage assets
- Layout and design
- Highway safety
- Flooding & drainage
- Ecology

#### **Planning History**

5.2 CHS.999/88 – Appeal allowed for the erection of a dwelling house and single storey annex for a groom. The appeal decision makes reference to the site in terms of it being “in open countryside outside the limits of a settlement”.

5.3 Other planning history is largely confined to relatively minor matters associated with the operation of the riding stables or the residential dwelling.

#### **Policy Principles**

5.4 Notwithstanding the view held by the applicants that “The site lies within an urban environment and adjoins the urban area of Caversfield”, the view is strongly held by planning officers and noted in our recent policy documents that the site lies beyond the built up limits of the category 3 village of Caversfield and it is not an allocated site with the adopted Cherwell Local Plan (ACLP). The proposed housing scheme, therefore, has to be assessed against Policy H18 of ACLP. This limits residential development to agricultural workers dwellings and affordable housing. Quite clearly the development fails to comply with this policy. This position is consistent with the case history.

5.5 Policy Villages 1 categorises Caversfield as a Category C village which remains similar to the adopted policy position in Policy H15. Due to their population size, location, range of services, accessibility, employment opportunities etc, these villages are considered to be the most unsustainable. Categorising villages ensures the most sustainable distribution of growth across the rural areas and is an approach taken from the previous adopted Local Plan and featured in the Non Statutory Cherwell Local Plan.

5.6 Policy Villages 2: Distributing Growth Across the Rural Areas of the Proposed Submission Local Plan (PSLP) (amended in March 2013) continues to recognise that Caversfield would be an inappropriate location to allocate any

housing growth. The SHLAA makes no reference to Caversfield and this site having been dismissed as a possible an option in the Options for Growth consultation paper back in September 2008 (Site K: South and West of Caversfield) but not considered to be a reasonable alternative due to potential coalescence with Caversfield. Further, the Landscape Sensitivity and Capacity Assessment (LSCA), Halcrow 2010 concluded that the northern portion of the site has low capacity to accept development noting also that the site may form an emergency landing area for aircraft using RAF Bicester; and that this may need to be considered as a constraint.

5.7 The other report of particular interest to Caversfield is the Bicester: Green Buffer Report March 2013 which has provided additional evidence in support of the Local Plan's stance on landscape constraints. This site is within the Green Buffer in order *"to maintain the gap between these existing and proposed areas of settlement. This will prevent their coalescence and maintain their separate identities."* The report clarifies that the main purposes of the Caversfield Green Buffer is to:

- Prevent coalescence and maintain a gap between development at the former DLO Caversfield site, Caversfield and the planned future edge of Bicester in the form of the proposed North-west Bicester Eco-town development
- Protect the setting of the historic hamlet of Caversfield and its associated area of parkland
- To assist with the protection of the setting of the residential area associated with the former Bicester Airfield as an historic feature and designated Conservation Area

5.8 The NPPF contains a presumption in favour of sustainable development and states that planning should recognise the intrinsic character and beauty of the countryside (para' 17). It states (para' 49) that housing applications should be considered in the context of this presumption and that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

5.9 Housing need

The district's housing land supply position has recently been updated (July 2013). At the time of writing, the district has a 5.8 year supply of deliverable sites for the period 2013-18 incorporating an additional 5% requirement and a 5.1 year supply with an additional 20% requirement. Local Plan policies which seek to protect the character and beauty of the countryside are not therefore considered to be out-of-date.

5.10 Prematurity

This site is also being considered as one of a number of potential sites to be released for housing as part of the Local Plan process. A number of alternatives strategic sites (400 units plus) are currently being considered so this application raises the issue of potential prematurity and this has to be balanced against other material considerations because there are unresolved objections relating to the non-allocation of the site.

5.11 Guidance on prematurity is provided in the Planning System: General Principles paras 17-19. The guidance advises where an emerging plan is out for consultation then refusal on grounds of prematurity will not usually be justified because of the delay in determining the future use of the land in question. The weight that can be given to an emerging plan depends on the stage of its preparation and the level of representations received which support or opposes

the policy. Where an emerging local plan policy is the subject to a significant number of objections, this reduces the weight that can be attached to the policy.

- 5.12 Having established that the development of this site would be contrary to saved policies in the adopted local plan (principally H15 and H18), further consideration is given to the issues listed in para 5.1 to establish whether or not there would be any substantial harm caused as a result of deviating from these policy principles. A balanced judgement needs to be made considering the benefits of the proposals when weighed against the harm it might cause.

### **Effect on the Open Countryside, Landscape and visual amenity**

- 5.13 The site lies beyond the built-up limits of the village in an area of open countryside and is unallocated. Although not an Area of High Landscape Value, policies C7 and C8 of the adopted Cherwell Local Plan seek to protect the landscape, preventing sporadic development that would cause harm to the topography and character. The NPPF also advises that the open countryside should be protected for its own sake (see paragraph 5.8 above).
- 5.14 The applicant's view is that this is an area of urban character and this may form part of the reasoning behind why there is little in the submission relating to the effect on the rural landscape and no landscape visual impact assessment has been undertaken. Cherwell District's Landscape Assessment which informed the adopted Cherwell Local Plan noted this to be an area of unspoilt character and that any development would need to be sensitively sited, designed and integrated. Over time the site's character has changed because of the current land use of formal paddocks but these retain a strong link to the rural context of this area.
- 5.15 This site is visible from the public domain particularly from the road sides and there are specific viewpoints that people experience from the public footpath. Only views from the western side (Caversfield House area) are naturally screened due to the woodland. There are ways to mitigate the impact of the proposed built form but these will be confined to screening and will not address the principle issue of the loss of the openness experienced in this green buffer area.
- 5.16 This part of the open countryside, also serves the purpose of being an important part of the gap between the settlements of Bicester and Caversfield. Keeping the site open and rural will assist in preventing their coalescence and maintain their separate identities particularly with regard to the former DLO Caversfield site, Caversfield and the proposed North-west Bicester Eco-town development. Maintaining gaps between settlements is a long established aim of the planning system ensuring that urban sprawl is contained. In allocating this site as a green buffer this recognises its openness of character and rural context which should be preserved not just for its own sake but also it serves the purpose of preventing settlement coalescence.
- 5.17 It is considered that, as a matter of principle, the development of this site for a housing scheme would have a harmful impact on an important part of the open countryside even at this outline stage. The proposal is considered, therefore, to be contrary to saved Policies C7 and C8 of the adopted Local Plan.

### **Heritage Assets**

- 5.18 The site is close to the RAF Bicester Conservation Area, the boundary for which lies on the opposite side of Fringford Road near the proposed access point.
- 5.19 It is noted from para 5.16 above that this site serves an important function as a settlement gap which has been recognised by its notation in the green buffer. This allocation also serves the function of recognising that this will ensure that the site will protect the setting of the historic hamlet of Caversfield and its associated area of parkland. It will also assist with the protection of the setting of the residential area associated with the former Bicester Airfield as an historic feature and designated Conservation Area.
- 5.20 It is further noted from the Bicester Green Buffer Report that built development would be harmful to the setting and identify of Caversfield. An important feature of the 'domestic areas' (identified within the Conservation Area appraisal) is the spacious, informal landscaped setting of grass and mature trees.
- 5.21 The view is held that development of this site for housing would wholly conflict with these principles and would cause harm to the historic setting of the heritage asset of the Conservation Area, contrary to Government guidance contained within the NPPF and Policy

#### **Layout, scale and design**

- 5.22 Policies C28 and C30 seek to control all new development to ensure layout, design and external appearance are sympathetic to the character of the area and that they should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity with acceptable standards of amenity and privacy. This outline application seeks to reserve matters all matters of landscaping, layout, appearance and scale for later determination so the comments made here may relate to their indicative submission and there are certain matters of principle that can be concluded.
- 5.23 The Design and Conservation Officer has considered the proposal and whilst the layout per se is not objectionable, the context within which it sits makes it wholly inappropriate. The scheme proposed would be acceptable in a more urban context but sited in open landscape and given the geometry of the site it will have a harmful impact on the rural character and setting of the area. This includes the proximity of the Conservation Area.
- 5.24 Putting to one side the principle of the development, the application includes schematic details of the layout and appearance and the view is held that given the context of the site, the layout, as indicated, introduces a suburban layout approach which is out of keeping with the existing settlement pattern of Caversfield.

#### **Highway Safety**

- 5.25 The vehicular access point as shown on the submission is not a reserved matter. The County Council, as Highway Authority, has expressed concern about its adequacy because the submission has failed to clarify that the required vision splay can be achieved. The development is likely to lead to an increase in traffic that will use the unnamed road/Fringford Road junction which is substandard in vision terms to the detriment of the safety of road users.

Other road users may also be vulnerable due to the proposed layout introducing a pedestrian footpath onto a highway where there is no crossing facility.

- 5.26 The sustainability of the sites location has also been brought into question due to the lack of transport infrastructure in the vicinity. At the time the County Council responded to the application, no Transport Assessment had been submitted but this has now been received and there may be an update available to Members at the Committee but at the present time, the County Council are objecting to the development on grounds of lack of information required to address the outstanding issues, despite the applicants having been advised of the importance of such.

### **Flooding & Drainage**

- 5.27 This is not an area of high flood risk but a Flood Risk Assessment (FRA) has been undertaken and scrutinised by the Environment Agency (EA), a statutory consultee on such matters. The EA have reported that, as a result of this proposal, there may be an increased risk of flooding at the site and in the surrounding areas but cannot confirm because of the absence of an acceptable FRA. The EA object to the grant of planning permission and recommend refusal because of the inappropriate allowance for climate change and the failure of the applicant to demonstrate that infiltration to dispose of all surface water from the site is achievable through the techniques proposed, especially in view of the ground conditions and groundwater level.
- 5.28 The level of increased risk to flooding is considered unacceptable and contrary to Government guidance contained within the NPPF and Policy ESD6 of the PSLP.

### **Ecology**

- 5.29 Ecology concerns have been raised by objectors and a report has been submitted which has been considered by the Council's ecologist who finds that whilst more detail is required there should not be any insurmountable problems. A refusal on these grounds would not be likely to be sustainable.

### **Section 106 Agreement**

- 5.30 This type of application would require contributions to be made in the form of a section 106 agreement. This has not been completed and to date there has been no progress in terms of agreeing matters with the applicant. The draft heads of terms and likely required amounts (where known at this stage) can be summarised as follows:

	<u>Requirement</u>	<u>Total Amount</u>												
<b>CDC</b>	<b>Housing mix (70 affordable housing units)</b>													
	<table border="0"> <tr> <td><u>Rent</u></td> <td><u>Shared Ownership</u></td> </tr> <tr> <td>6 x 2b2p Flats</td> <td>5 x 4b6p Houses</td> </tr> <tr> <td>6 x 2b4p Flats</td> <td>1 x 1b2p Bungalow</td> </tr> <tr> <td>6 x 2b4p Flats</td> <td>(wheelchair adapted)</td> </tr> <tr> <td>12 x 2b4p Houses</td> <td>1 x 2b3p Bungalow</td> </tr> <tr> <td>20 x 2b4p Houses</td> <td>(wheelchair adapted)</td> </tr> </table>	<u>Rent</u>	<u>Shared Ownership</u>	6 x 2b2p Flats	5 x 4b6p Houses	6 x 2b4p Flats	1 x 1b2p Bungalow	6 x 2b4p Flats	(wheelchair adapted)	12 x 2b4p Houses	1 x 2b3p Bungalow	20 x 2b4p Houses	(wheelchair adapted)	
<u>Rent</u>	<u>Shared Ownership</u>													
6 x 2b2p Flats	5 x 4b6p Houses													
6 x 2b4p Flats	1 x 1b2p Bungalow													
6 x 2b4p Flats	(wheelchair adapted)													
12 x 2b4p Houses	1 x 2b3p Bungalow													
20 x 2b4p Houses	(wheelchair adapted)													

	3 x 3b5p Houses 12 x 3b5p Houses <b>Total: 21</b>	<b>Total: 49</b>
	<b>Public Open Space</b> @27.31/m <sup>2</sup> assuming minimum amount at 7,520 sqm (plus revenue management @ 10%)	£205,371.20
	<b>Childrens Play Areas</b> ▪ <b>No. LAPs</b> ▪ <b>1 No. LEAP</b> (plus revenue management @ 10%)	£153,100 £118,354 £ 27,145.40
	<b>Attenuation Ponds</b> @ £16.26/m <sup>2</sup> (plus revenue management @ 10%)	£ ?
	<b>Swales/ditch/watercourse maintenance</b> @ £54.55/m <sup>2</sup> (plus revenue management @ 10%)	£ ?
	<b>Proposed Woodland</b> @ 20.33/m <sup>2</sup> (plus revenue management @ 10%)	£ ?
	<b>Existing hedgerow maintenance</b> @38.96/m (plus revenue management @ 10%)	£ ?
	<b>Existing tree maintenance</b> @£2,752/tree (plus revenue management @ 10%)	£ ?
	<b>Recycling and Waste</b> @£67.50 per property	£13,500
	<b>Community Development</b>	£ ?
	<b>Public Art</b> @ £150/property	£30,000
	<b>Administration and Monitoring</b>	£2,000
<b>OCC</b>	<b>Transport</b>	£ ?
	<b>Rights of Way</b>	£15,000
	<b>Education</b> ▪ <b>Primary</b> ▪ <b>Secondary</b> ▪ <b>SEN</b>	£ 625,428 £1,116,250 £ 36,787
	<b>Property</b> ▪ <b>Library</b> ▪ <b>Fire and Rescue Services</b> ▪ <b>Waste Management</b> ▪ <b>Museum Resource Centre</b> ▪ <b>Adult Learning</b> ▪ <b>Adult Day care</b> ▪ <b>Integrated youth support service</b> ▪ <b>Registration Service</b>	£42,925 £ 2,000 £32,320 £ 2,252 £ 5,648 £37,400 £ 6,336 £ 6,800
	<b>Administration &amp; monitoring</b>	£9,572
<b>Other</b>	<b>Thames Valley Police</b>	£32,100

- 5.31 Any contribution sought needs to comply with the guidance in the NPPF which states that they should be necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. To date the figures presented above have not been agreed by the applicant and no indication has been given as to whether or not they are likely to be.

### **Engagement**

- 5.32 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen regarding the submission during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application. Officers met with the applicant to ensure the policy position, particularly with regard to the housing need issue and the importance of this site as an important gap in a 'rural' location, were transparent and understood.

### **Conclusion**

- 5.33 Given that the site is not a proposed strategic allocation in the adopted Cherwell Local Plan or the emerging Local Plan as it is not a strategic site (albeit with objections to sites outstanding), prematurity is a consideration, the site is not needed in terms of achieving a five year housing land supply, and development in this location would have a landscape impact, would conflict with the purposes of the Green Buffer, leading to coalescence with Caversfield and would extend development into and lead to the loss of open countryside, a planning policy objection is raised. It is considered also that the setting of the historic context of Caversfield and its Conservation Area would be harmed as the indicative layout and appearance fails to respect the settlement pattern.
- 5.34 Balancing this level of harm against any benefits that would arise from the development it is recommended that the application be refused as detailed below.

## **6. Recommendation**

### **Refusal, on the following grounds:**

1. The proposal represents development beyond the built up limits of Caversfield where there is no proven need for agriculture or other existing undertaking and the application has not been made on the basis that it is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need in an unsustainable location, it represents sporadic development in the countryside which fails to maintain its rural character and appearance and which fails to conserve and enhance the environment by introducing an incongruous, prominent, urbanising and discordance built form into this rural setting to the detriment of the visual amenities of the area. The application is, therefore, contrary to Policies H15, H18, C7, C8, C28 and C30 of the adopted Cherwell Local Plan, Policies ESD13, ESD15 & ESD18 and Villages 1 and 2 of the Proposed Submission Local Plan Incorporating Changes March 2013 and Government guidance contained in the National Planning Policy Framework.
2. Development of this site would erode an important green buffer gap between the planned expansion of Bicester and the village of Caversfield

which would be harmful to the setting and identity of Caversfield itself and also that of the setting of the RAF Bicester Conservation Area as it would fail to preserve or enhance its setting contrary to Policies ESD15 and ESD16 of the Proposed Submission Local Plan Incorporating Changes March 2013 and Government guidance in the National Planning Policy Framework.

3. The applicant has failed to demonstrate that the proposed access is adequate in terms of its visibility so close to a junction which already suffers from substandard visibility. Together with the proposed pedestrian layout and general lack of information with regards the parking requirements the proposed development would be detrimental to the safety and convenience of highway users, contrary to Government guidance contained within the National Planning Policy Framework.
4. The proposed submitted Flood Risk Assessment has failed to provide a allowance for climate change and failed to demonstrate that infiltration to dispose of all surface water from the site is achievable through the techniques proposed, especially in view of the ground conditions and groundwater level contrary to Policy ESD6 of the Proposed Submission Local Plan Incorporating Changes March 2013 and Government guidance in the National Planning Policy Framework (and Technical Guidance).
5. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policies OA1, TR4, R8 and R10A of the Non-Statutory Cherwell Local Plan 2011, Policy INF 1 of the Proposed Submission Local Plan Incorporating Changes March 2013 and government guidance contained within the National Planning Policy Framework.

#### **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

**OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO CONSULTATION ON THE  
FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Cherwell

**Application no:** 13/01056/OUT

**Proposal:** OUTLINE - Up to 200 residential units, access, amenity space and associated works

**Location:** South Lodge Fringford Road Caversfield Bicester OX27 8TH

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**This report sets out Oxfordshire County Council's view on the proposal.**

**Annexes to the report contain officer advice and the comments of local members.**

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**Overall view of Oxfordshire County Council:-**

- Object for the reasons given below

**Comments:**

Oxfordshire County Council has a number of concerns, particularly transport, with this application which are outlined in Annex 1.

**Officer's Name:** Daniel Round

**Officer's Title:** Locality Manager – Bicester/Banbury

**Date:** 24 August 2013

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**ANNEX 1**  
**OFFICER ADVICE**

## RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

**District:** Cherwell

**Application no:** 13/01056/OUT

**Proposal:** OUTLINE - Up to 200 residential units, access, amenity space and associated works

**Location:** South Lodge Fringford Road Caversfield Bicester OX27 8TH

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### TRANSPORT & PLANNING STRATEGY

#### Recommendation

- Object for the reasons given below

#### Key issues:

- My initial consideration is that this proposed development is not ideal in sustainability terms as it is quite remote from the town centre and local amenities and cannot be served by a meaningful bus service. Bicester town centre and Bicester North Station are not within easy walking distance of the development site, approximately 2.5km and 2.3km respectively, making it difficult to promote sustainable travel, particularly walking.
- The nature of Fringford Road and the nearby B4100 and A4095 links, as well as the high vehicle speeds and lack of street lighting, may be a deter walking and cycling movements to and from the site. Although, the proposed off-site highway works which include the provision of a footway along the western side of Fringford Road and the provision of a pedestrian crossing between the proposed access and Skimmingdish Lane to link to the existing eastern footway, may provide some marginal improvement.
- Increased traffic movements associated with background growth in Bicester is likely to make it difficult to cross the Fringford Road on foot or bicycle.
- The site is too small to sustain its own commercially viable public transport service, and the continuation of the nearby 22/23 bus service cannot be assumed as it requires considerable ongoing subsidy which is at risk of being reduced or cut as part of any future spending reviews. The current routeing arrangement for the 22/23 bus services is quite convoluted, running through the Caversfield and Southwold / Bure Park estates, making for a long bus journey which does not provide an attractive sustainable travel option for some routine journeys, such as journeys to and from work.
- This outline planning application fails to provide a detailed Transport Assessment, as was previously requested in pre-application discussions with Oxfordshire County Council. For this reason I am unable to submit a complete informed Transport & Planning Strategy response to this application.
- The developers must submit a detailed Transport Assessment.
- At this stage I am unable to comment on the expected impact of the development on the local and strategic highway network without the necessary details from a Transport Assessment.

- None

Conditions:

- None

Informatives:

- None

Detailed Comments:

**Officer's Name:** Adam Kendall Ward

**Officer's Title:** Transport Planner

**Date:** 31 July 2013

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## RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

**District:** Cherwell

**Application no:** 13/01056/OUT

**Proposal:** OUTLINE - Up to 200 residential units, access, amenity space and associated works

**Location:** South Lodge Fringford Road Caversfield Bicester OX27 8TH

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### TRANSPORT DEVELOPMENT CONTROL

#### Recommendation

- Object for the reasons given below

#### Key issues:

- **Lack of required information**, including but not restricted to a Transport Assessment. In accordance with the National Planning Policy Framework, all developments that generate significant amounts of movement should be supported by a Transport Assessment. The likely impact of this development on the highway network cannot be evaluated without this information.
- **Concerns regarding the sustainability of the location** and lack of sustainable transport infrastructure in the vicinity of the site, namely cycle/pedestrian links and access to bus services. A Transport Assessment would be expected to take account of whether the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people, and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
- **Highway safety concerns**, including:
  1. An adequate, safe highway access for the site has not been demonstrated. It is unclear whether the required access vision splay can be achieved within land owned or controlled by the applicant.
  2. The existing accident history at junctions in the vicinity of the site has not been examined. It is unclear whether this development is likely to increase risk to highway users at these junctions.
  3. There is a substandard vision splay at the junction of Unnamed Road and Fringford Road south of the site. This development is likely to intensify vehicular use of this junction and may increase risk of road collisions due to lack of visibility of approaching vehicles at this junction.
  4. The proposed layout of the pedestrian footpath through the site is likely to lead pedestrians to cross Fringford Road at the junction with Skimmingdish Lane without any dedicated crossing facilities on the pedestrian desire line. There is a risk to pedestrians, including vulnerable road users.

#### Detailed Comments:

##### Introduction

The application seeks outline planning permission for 200 dwellings, amenity space and a community building, including approval for reserved matters of access, appearance and layout.

The existing use of the site comprises grassland, a barnhouse and equine buildings. A site visit has been carried out for the purposes of assessing this proposal.

### Pre-application discussions

The application has been the subject of pre-application discussions with the Local Highway Authority. The following advice was provided on 22/01/13:

*The proposed 200 dwellings are to be located between the B4100 and the Fringford Road (near the village of Caversfield), such a location raises accessibility, sustainability and safety concerns i.e. limited local facilities (school, local shops etc), bus service, lack of footway links etc. The local highway network serving the area has an accident history and I have concerns about the design and capacity of a number of junctions within the area, such as the junction of the A4421/Skimmingdish Lane and the junction onto the B4100 opposite Home Farm.*

*The junctions that will require your consideration/assessment for a future Transport Assessment in terms of their design, safety record and their capacity are listed below (please note I have highlighted junctions where I know there is an accident history).*

- A4095/A4421;
- A4421/Skimmingdish Lane;
- Skimmingdish Lane/Fringford Road (accident history);
- B4100/and the rural road to Fringford Road (junction opposite Home Farm on bend) (accident history);
- Fringford Road/rural road to B4100;
- Fringford Road/A4095 (accident history);
- B4100/A4095;
- A4095 (Howes Lane)/Bucknell Road;

*I have attached the County Council's TA scoping note which also sets out all the information required for a future TA submission.*

### *Modelling (Saturn)*

*My colleagues in the Local Transport Strategy Team for Bicester (LTS) have said that your proposal can use the SATURN model to look at the impact of your development on the local highway network due to the potential cumulative impact. The County Council officer contacts are Aron Wisdom and Jacqui Cox (01865 815700).*

### *Access Arrangements*

*The principle of two access points serving a site of 200 dwellings is acceptable; however without more detailed plans showing the actual location of the access points proposed, with the appropriate vision splays (to be assessed) and the type of access design being proposed I cannot provide any further feedback at this time. I would however state that I have serious concerns with increasing vehicular traffic on the rural lanes adjacent to the site (towards the B4100) and Fringford Lane due to its rural nature, width, high hedges, lack of footways (if I recall correctly) and accident history.*

### *Other issues*

*Rights of Way through the site must be checked to ensure no footpath diversions are required etc.*

*The highway boundary adjacent the site must be investigated (County Council's Land & Highway Records team can help 01865 815700)*

Site drainage and the impact on the area (County Engineer contact is Gordon Hunt (01865 815571) must be considered. Development to accord with SUDS.

Required documents for future submission and design requirements:

- A robust Transport Assessment (TA Scope yet to be agreed);
- A Travel Plan;
- Scaled vehicle access drawings;
- Development layout to accord with MfS (and to be constructed to OCC specifications);
- Car parking standards to OCC/CDC adopted standards;
- Cycle parking standards to OCC standards;
- Tracking plans;
- Pedestrian and Cycle Audit;
- Safety Audits on proposed access arrangements (and subsequent highway mitigation requirements);
- Transport Contribution towards transport strategy of Bicester and public transport infrastructure and enhancements to existing/new bus services.
- Construction Traffic Management Plan (CTMP).

### Transport Assessment

Despite the above pre-application advice, no Transport Assessment has been submitted for consideration and approval, and most of the above specified required documents are also missing. Hence, it is not possible to properly evaluate the transport/ highway impacts of this application. **(Concern – missing assessments, further information required)**

### Access

The application proposes a new vehicular access onto Fringford Road. The detail of this proposed access, including visibility splays, has not been submitted for consideration and approval. Vision splays of 2.4m x 120m will be required, provided that the 85<sup>th</sup> percentile speed of traffic in the vicinity is 40mph in line with the local speed limit. Such a vision splay would extend past the applicant's red-line application boundary, and would likely necessitate the removal of third party trees and vegetation to the north of the site. It has not been demonstrated that a safe, adequate access to the public highway can be achieved. **(Concern – highway safety)**

It is not clear whether the three existing vehicular accesses to the site referred to in the Design and Access Statement are proposed to be closed off as part of these proposals. **(Further information required)**

A pedestrian access to the site is proposed onto Fringford Road opposite the junction with Skimminish Lane. There are concerns with this proposal to cross pedestrians over Fringford Road in such close proximity to a junction with no dedicated pedestrian crossing facilities. **(Concern – highway safety)**

### Parking

No information has been provided on the proposed car parking layout of the site. I would expect to see a car parking plan, and evidence that the required level of parking can be achieved onsite without the likelihood of overspill parking onto the public highway. **(Concern – lack of parking information)**

Similarly, cycle parking for the site must be provided in line with OCC standards.

## Residential Travel Plan

A Residential Travel Plan has been submitted as part of this application. The content of this document is quite general, with a lack of specific detail on matters such as car parking, cycle parking, rights of way, highway infrastructure improvements, travel plan initiatives and measures. It is unclear how the data in Table 4.1 has been derived – ‘as the crow flies’ distances or real travel isochrones? I would disagree with statement 6.7.1 that ‘motorbikes, scooters and mopeds are sustainable modes forms of transport’.

The timetable of measures in Table 7.3 includes primarily ‘soft’ (promotional etc) measures with short timeframes. The travel plan needs to include a mixture of ‘soft’ and ‘hard’ (infrastructure) measures with both short and long timescales. Future responsibilities for the monitoring and coordinating of the travel plan are unclear. The Non-Motorised User (NMU) audit makes no reference to the specific needs of road users who are on horseback or the needs of disabled people, and does not propose any recommended highway/ infrastructure improvements. **(Revised Travel Plan required)**

The travel to work census data included in the travel plan shows that Caversfield parish has a very high proportion of single occupancy car use (78.23% compared to 62.06% for Cherwell district as a whole). It is unclear how the modal shift target specified in 7.1.6 has been determined and whether it is reasonable and achievable, given that the site is clearly in quite an unsustainable location. **(Concern – sustainability)**

Existing one metre wide footways are referred to as ‘reasonable’ and cycling connections (including rural roads with speed limits of 60mph) referred to as ‘excellent’ within the travel plan. I consider that the existing pedestrian and cycling infrastructure is not in line with current standards and is not adequate for the likely increase in use from such a large development. **(Concern – pedestrian/ cycling infrastructure)**

### Drainage

A Flood Risk Assessment has been submitted. It is proposed that runoff from roofs will discharge to individual shallow soakaway systems, runoff from drives will discharge via permeable paving or swales and runoff from roads will discharge via swales, gullies or permeable paving. A SUDS drainage scheme for the site will be required for consideration and approval prior to commencement of development. **(Condition)**

### Layout/site comments

Plan shows an indicative pedestrian crossing – as the Fringford Road has a 40mph limit, the only options would be either a signal controlled crossing or refuge. Consideration should be given to whether a 30mph speed limit may be more appropriate for this location, rather than

40mph. If traffic speeds can be lowered to 30mph, a zebra crossing could be considered as a feasible type of pedestrian crossing. All highway works will require separate consent from OCC as Local Highway Authority and will require a Section 278 Agreement, safety audits and detailed design checks. **(Condition, Informative – highway works)**

I note from site visit that the visibility from the unnamed road to the south onto Fringford Road is substandard. Given that the proposal is likely to intensify vehicular use of the unnamed road, this is a concern. **(Concern – visibility at unnamed road/ Fringford Road junction)**

The application proposes to create new public roads within the site. All estate layout must be to OCC specification, and a Section 38 agreement is required. Details of highway adoption proposals, carriageway widths, swept path/ tracking information for service/

delivery vehicles etc is required for consideration and approval. **(Further information required)**

#### Developer Contributions

OCC would request a developer contribution towards highway and transport improvements in the vicinity as a result of this proposal, however in the absence of a Transport Assessment this contribution cannot yet be quantified. **(S106 required – transport contributions)**

#### Rights of Way

Please refer to separate comments from OCC's Rights of Way Team.

#### Conclusion

Given the lack of information submitted with this application and the highway safety and sustainability concerns identified above, I **object** to the proposal.

**Officer's Name:** Judy Kelly

**Officer's Title:** Senior Engineer

**Date:** 01 August 2013

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**RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL****District:** Cherwell**Application no:** 13/01056/OUT**Proposal:** OUTLINE - Up to 200 residential units, access, amenity space and associated works**Location:** South Lodge Fringford Road Caversfield Bicester OX27 8TH

## RIGHTS OF WAY

### Recommendation

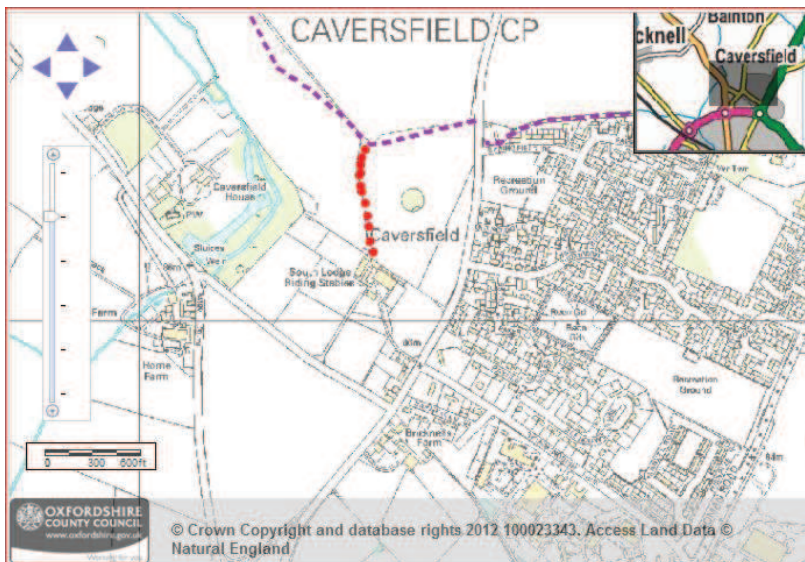
- No objection

### Key issues:

- Development should provide contribution to enable connection to be made through to the surrounding public rights of way network.

### Legal Agreement required to secure:

- Contribution of £15,000 secured through s106 to negotiate a link through the field to the connecting public right of way (suggested route marked with red dots below). Contribution to cover negotiation, enabling agreement, implementation and project management



### Detailed Comments:

There are no recorded public rights of way but there is a nearby footpath – Caversfield Footpath1. Given the site's location and also as the indicative masterplan shows a footpath through the site and out along this alignment, a modest contribution should enable the link to be negotiated and implemented.

**Officer's Name:** Paul Harris**Officer's Title:** Countryside Access and Information Officer**Date:** 25 July 2013

**RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL****District:** Cherwell**Application no:** 13/01056/OUT**Proposal:** OUTLINE - Up to 200 residential units, access, amenity space and associated works**Location:** South Lodge Fringford Road Caversfield Bicester OX27 8TH

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**DRAINAGE****Recommendation**

- No objection

**Key issues:**

- Suds type drainage should be implemented

**Legal Agreement required to secure:****Conditions:**

- ....

**Informatives:**

- ....

**Detailed Comments:****Officer's Name:** MIKE SMITH**Officer's Title:** SENIOR DRAINAGE ENGINEER**Date:** 06 August 2013

## RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

**District:** Cherwell

**Application no:** 13/01056/OUT

**Proposal:** OUTLINE - Up to 200 residential units, access, amenity space and associated works

**Location:** South Lodge Fringford Road Caversfield Bicester OX27 8TH

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### ARCHAEOLOGY

#### Recommendation

- No objection subject to the following conditions, legal agreement and informatives

#### Key issues:

- The site has the potential to contain archaeological features which would be disturbed by this development.

#### Legal Agreement required to secure:

- None

#### Conditions:

F6 Prior to any demolition on the site, the commencement of the development hereby approved and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

F7. Prior to any demolition on the site and the commencement of the development hereby approved, and following the approval of the Written Scheme of Investigation referred to in condition [F6], a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason - To secure the proper recording of the building which is of archaeological or historic importance, to comply with Government advice on conserving and enhancing the historic environment contained within the National Planning Policy Framework and Policy BE6 of the South East Plan 2009.

Informatives:

- None

Detailed Comments:

The site is located in an area of archaeological potential adjacent to a deserted medieval village (PRN 1016)(SP 5839 2540). The C10<sup>th</sup> Church of St Lawrence is located 190m north west of the site (PRN 5106). A faint cropmark of a possible ring ditch has been recorded 160m to the north of the site (SP 5857 2523). This feature is likely to be either the remains of a Bronze Age Barrow or the remains of a parkland planting features as other, circular, clumps of trees are recorded in the area.

Iron Age and Roman settlement has been recorded at Slade End Farm 500m SE of the site (PRN 16025) and a series of linear features and possible pits have been recorded through geophysical survey 380m NE of the site (PRN 17498)(SP 5913 2558) and a complex of Later Prehistoric rectilinear enclosures have also been recorded by geophysical survey approximately 1km to the SW (PRN 15958). Evaluation 320m SW of this proposal site however did not record any archaeological features.

The site has been the subject of a geophysical survey which recorded a number of features which may be of archaeological origin. The report however also concludes that several areas of the site were disrupted by geological or magnetic interference which may have masked further features and therefore it is possible that further features may survive on the site. Not all archaeological features will be identified through geophysical survey and it is also possible that archaeological features may survive on the site which were not recorded by the survey.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition as suggested above.

If the applicant makes contact with us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

**Officer's Name:** Richard Oram  
**Officer's Title:** Planning Archaeologist  
**Date:** 31 July 2013

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## RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL

**District:** Cherwell

**Application no:** 13/01056/OUT

**Proposal:** 200 residential units

**Location:** South Lodge, Fringford Road, Caversfield, Bicester

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### EDUCATION

#### Recommendation

- No objection subject to the following conditions, legal agreement and informatives

#### Key issues:

- The application is in outline. In the absence of a housing mix, our assessment of the impacts of the proposal and our required contributions are based on the following preliminary assessment mix has been used:
  - 6 No. x One Bed Dwellings
  - 69 No. x Two Bed Dwellings
  - 98 No. x Three Bed Dwellings
  - 27 No. x Four+ Bed Dwellings.
- We will reassess our infrastructure requirements when detailed information becomes available.
- The proposed development is projected to generate a demand for 54 primary school places (age 4-10), 42 secondary school places (age 11-15) and 5 sixth form places (age 16-19).
- This development lies within the school planning area of Bicester, and within the current designated areas of Southwold Primary School and Bicester Community College (secondary).
- Expansion of permanent primary school capacity in the area would be necessary as a direct result of this housing development.
- Expansion of permanent secondary school capacity in the area would be necessary as a direct result of this housing development.
- The development would also be expected to result in an increased demand upon special educational needs (SEN) schools, and expansion of permanent school capacity would be necessary as a direct result of this housing development. 1.11% of children across Oxfordshire are educated in SEN schools.

#### Legal Agreement required to secure:

- Developer contributions towards the expansion of permanent primary school capacity serving the Bicester area by a total of 54 pupil places. If expansion of an existing school(s) is a feasible solution, providing effective and efficient provision of education, contributions will be sought based on Department for Education (DfE) advice for primary school extensions weighted for Oxfordshire and including an allowance for ICT and sprinklers - £11,582 per pupil place at 1<sup>st</sup> Quarter 2012 price base. We would therefore require a contribution of **£625,428** (index linked to from 1<sup>st</sup> Quarter 2012

using PUBSEC Tender Price Index) to primary school infrastructure for these homes. If instead a new school is required to serve the growth in this area, a contribution would be required towards the new build costs of this, at a rate reasonably related to the scale of this development.

- A new secondary school is planned for this area to meet the needs of local housing development. Contributions are sought from this development towards the new build costs of this school, at a rate of £23,750 per pupil place at 1<sup>st</sup> Quarter 2012 price base. We would therefore require a contribution of **£1,116,250** (index linked to from 1<sup>st</sup> Quarter 2012 using PUBSEC Tender Price Index).
- Developer contributions towards the expansion of permanent SEN school capacity by a total of 1.2 pupil places. We are advised to allow £30,656 per pupil place at 1<sup>st</sup> Quarter 2012 price base to expand capacity in special educational needs schools. We therefore require a contribution of **£36,787** (index linked to from 1<sup>st</sup> Quarter 2012 using PUBSEC Tender Price Index) to special educational school infrastructure for these homes.

#### Conditions:

- Planning permission to be dependent on a satisfactory agreement to secure the resources required for expansion of education provision.

#### Detailed Comments:

Southwold Primary School increased its admission number to 60 in 2011; the higher numbers working through the school will remove currently spare capacity, and require an additional classroom to be brought into use within the main building. Demand for Bicester primary school places has risen rapidly in recent years, with the 2012/13 Reception cohort over 30% larger than the Year 6 cohort. A strategic approach to expanding primary school capacity across the town will be required to meet the demands of the local population and housing growth. Housing development will be expected to contribute towards this expansion of capacity, even where it is not provided at the nearest school to the development.

Bicester secondary schools currently have spare capacity, but this will be filled as the higher numbers now in primary school feed through. The large scale housing development planned for the town will require new secondary school establishment(s), the nature of which will be determined following local consultation. All housing developments in the area would be expected to contribute towards the cost of the new establishment(s)

**Officer's Name:** Diane Cameron

**Officer's Title:** School Organisation Officer

**Date:** 19 July 2013

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The county council's legal fees in drawing up and/or completing a legal agreement will need to be secured.

## **Fire and Rescue**

Oxfordshire Fire & Rescue Service (OFRS) assumes that access to the proposed sites and to the premises will be in accordance with the guidance in the current edition of Approved Document B to the Building Regulations volumes 1 & 2.

### Water Supplies for Fire fighting:

It is strongly recommend the provision of adequate and appropriate water supplies (fire hydrants) in accordance with the guidance in the current edition of Approved Document B to the Building Regulations volumes 1 & 2. It is also recommend that the development conforms to British Standards BS 9999:2008 (Code of practice for fire safety in the design, management and use of buildings – Section 23 Water supplies for fire and rescue service use - 23.2 Location and access to external water supply) & BS 9990 (Code of practice for non-automatic fire-fighting systems in buildings – Section 5, Private fire hydrants - 5.2 Provision and Siting)

### Automatic Water Suppression Systems:

Oxfordshire Fire and Rescue Service also believe that fitting of Automatic Water Suppression Systems (AWSS) will materially assist in the protection of life, property and fire fighter safety. AWSS such as sprinklers and water mist systems do save lives; therefore OFRS strongly recommend the provision of such systems particularly in new build properties for the proposed sites.

### Flood Management:

OFRS advise that planning developments will take into account the provisions of the Flood Management Act 2010.

### Fire and Rescue Infrastructure

Bicester is currently a Retained Duty System (RDS) station providing 2 fire appliances and a regional response vehicle for the Detection, Identification and Monitoring (DIM) of hazardous substances. In view of the increased demands from recent new development, the station is periodically supplemented by a further staff member on an add hoc basis to undertake operational duties and augment the availability of RDS employees

A building project is already programmed to refurbish the fire station. This will involve the incorporation of the former ambulance station, general maintenance and specific provision for the DIM vehicle.

The increased workload arising from this and other proposed development in Bicester will require a change to the staffing arrangements at Bicester fire station. This in turn will require further space and facilities to be available at Bicester. The cost of the required works has been estimated at £70,000. Approximately 7,000 new homes are planned to be built in Bicester during the plan period. This equates to £1,000 per dwelling at 1<sup>st</sup> Quarter 2012 price base

The required contribution from this development is:

$$\text{£10} \times \text{200 (number of dwellings)} = \text{£2,000}$$

## Library

Oxfordshire County Council has an adopted standard for publicly available library floor space of 23 m<sup>2</sup> per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc), totalling 27.5 m<sup>2</sup> per 1,000 population.

The existing Bicester library is having to operate below the county council's adopted standard and cannot be expanded further on its current site. Outline permission for the Bicester town centre redevelopment scheme provides for a relocated and expanded library to come forward in phase three of the town centre scheme. The cost of the new, relocated library has already been met, but financial contributions will be required from the proposed developments in towards continuing to improve library services within the town.

The current cost of extending a library is £2,370 per square meter at 1<sup>st</sup> Quarter 2012 price base. The proposal would also generate the need to increase the core book stock held by the local library by 2 volumes per additional resident. The price per volume is £10.00. The total cost equates to £85 per person at 1<sup>st</sup> Quarter 2012 price base.

The full requirement for the provision of library infrastructure and supplementary core book stock in respect of this application would therefore be based on the following formula:

$$\text{£85} \times \text{505 (the forecast number of new residents)} = \text{£42,925}$$

## Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, county councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.

The proposed residential development will increase demand for recycling facilities in the area. The nearest household waste recycling centre (HWRC) we provide is Ardley HWRC.

The HWRC strategy, which included a proposal to close Ardley HWRC and open a new site at Kidlington, was agreed by Cabinet on 19 April 2011 following a formal consultation. However, in light of wider changes our countywide plans for the long-term future of HWRCs are currently under review while we consider a number of factors. These include significantly higher levels of planned growth in Bicester as well as the decision not to go ahead with a new recycling centre based at Kidlington. The outcome of reuse trials currently underway at Alkerton and Stanford HWRCs will also play a significant part in defining future plans for the service.

Regardless of the review of HWRC provision, in view of the additional demand that would be generated by the proposed development for reuse, recycling and composting facilities in Bicester we will seek contributions towards meeting the increased demand on a pro rata basis per new dwelling.

A new site serving 20,000 households costs in the region of £3,000,000; this equates to £64 per person at 1<sup>st</sup> Quarter 2012 price base

**£64 x 505 (the forecast number of new residents) = £32,320**

### **County Museum Resource Centre**

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000; this equates to £5 per person at 1<sup>st</sup> Quarter 2012 price base.

**£5 x 505 (the forecast number of new residents) = £2,525**

### **Adult Learning**

The Adult Learning Service (ALS) offers a wide range of educational and recreational courses to cater for all ages and abilities. The Adult Learning Service in Bicester is currently based at Bicester Community College.

The proposed development at SW Bicester Phase II and other planned development in and around Bicester will generate further demands on the Adult Learning Service. To adequately address the increased needs, contributions are required to the provision of 70 sq. m. space to provide a classroom and ICT suite together with an office and storage space. Provision would be made either in conjunction with the proposed new Bicester town centre library or within a community building, depending on the outcome of the county council's review of how it delivers services.

Contributions are calculated by multiplying the likely increased demand for ALS based upon the average number of new users, expected from the development, for the service by the equivalent cost-per-user to provide Adult Learning infrastructure. A new 2 classroom facility costs £440,000 at 1<sup>st</sup> Quarter 2012 price base. This facility will provide for 1,350 learners per annum; this equates to £326 per learner. At least 5% of the adult population are likely to take up adult learning; this equates to £16 per person

The SW Bicester Phase II development is expected to generate 1250 people aged 20+.

**£16 x 353 (forecast number of new residents aged 20+) = £5,648**

### **Social & Health Care - Day Care Facilities**

To meet the additional pressures on day care provision the county council is looking to expand and/or improve day care facilities in Bicester.

A new Day Care centre offering 40 places per day (optimum) and open 5 days per week costs £11,000 per place at 1<sup>st</sup> Quarter 2012 price base. Based on current and predicted usage figures we estimate that 10% of the over 65 population use day care facilities. Therefore the cost per person aged 65 years or older is £1,100.

**£1,100 x 34 (the forecast number of new residents aged 65+) = £37,400**

### **Integrated Youth Support Service**

The Early Intervention Service offers high quality early intervention and specialist services to children, young people and families with additional complex needs, both through county council staff and across partner agencies.

All community partner agencies are actively involved in service delivery to ensure integrated and inclusive solutions to best improve outcomes for children and young people from birth to 19 years (up to 25 years where there are special educational needs).

The Bicester Early Intervention Hub was opened recently at the Courtyard Youth Arts Centre. It is already operating at capacity in the delivery of specialist services.

The Courtyard Centre needs expansion/improvement and the site has the capacity to be enlarged. This development would create further demands on the Early Intervention Hub facilities in Bicester, the impact of which would need to be addressed by contributions towards improving the Courtyard centre to create additional capacity (either by new or enhanced provision).

The county council estimates that a new youth centre providing 235 sq. m. of accommodation will cost £595,000 to build excluding land (price base 1Q 12). A centre of this scale would provide for a catchment population of approximately 3,000 people aged 13-19. Expressed as a cost per person aged 13-19 the cost equates to £198 (£595,000 / 3,000)..

The corresponding contribution required to mitigate the impact of this development would be:

**£198 x 32 (forecast number of new residents aged 13-19) = £6,336**

### **Registration Service**

The Bicester registration office is located at the Garth. It offers birth, death, marriage and civil partnership registrations plus the full range of celebratory ceremonies including marriages. The office will need to expand in order to cope with the additional demands that will be placed on the office as a result of planned future development in Bicester.

Whilst the accommodation is adequate to deal with current demands, the planned development will generate more registrations and additional celebratory services; additional office space to accommodate a second registrar is likely to be needed. A new 85 sqm office would cost £240,000. Including this proposal approximately 7,000 new dwellings are planned for Bicester up to 2025/26. This equates to £34 per dwelling at 1<sup>st</sup> Quarter 2012 price base

Impact of this development is calculated as:

**£34 x 200 (number of dwellings) = £6,800**

### **Administration**

Oxfordshire County Council requires an administrative payment of **£9,572** for the purposes of administration and monitoring of the proposed S106 agreement, including elements relating to Education.

### **Indexation**

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

### **General**

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

**Officer's Name:** Oliver Spratley  
**Officer's Title:** Asset Strategy Support Officer  
**Date:** 22 August 2013

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**RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL****District:** Cherwell**Application no:** 13/01056/OUT**Proposal:** OUTLINE - Up to 200 residential units, access, amenity space and associated works**Location:** South Lodge Fringford Road Caversfield Bicester OX27 8TH

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**MINERALS & WASTE POLICY****Recommendation**

- No comment

**Key issues:**

- .....

**Legal Agreement required to secure:**

- .....

**Conditions:**

- ....

**Informatives:**

- .....

**Detailed Comments:****Officer's Name:** Peter Day**Officer's Title:** Minerals & Waste Policy Team Leader**Date:** 19 July 2013

**RESPONSE TO CONSULTATION ON THE FOLLOWING DEVELOPMENT PROPOSAL**

**District:** Cherwell

**Application no:** 13/01056/OUT

**Proposal:** OUTLINE - Up to 200 residential units, access, amenity space and associated works

**Location:** South Lodge Fringford Road Caversfield Bicester OX27 8TH

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## **ECOLOGY**

### **Recommendation**

- No objection

### **Key issues:**

- Protected species mitigation

### **Legal Agreement required to secure:**

### **Conditions:**

- ....

### **Informatives:**

### **Detailed Comments:**

Small population of grass snakes present on site and great crested newts present in the wider area. A mitigation strategy to ensure these species are not harmed during construction should be submitted at a later stage. The landscaping plan should include a majority of native species. A deeper area incorporated into the dry swale that retains water all year round would be preferable as it will provide replacement habitat for the grass snakes and any great crested newts.

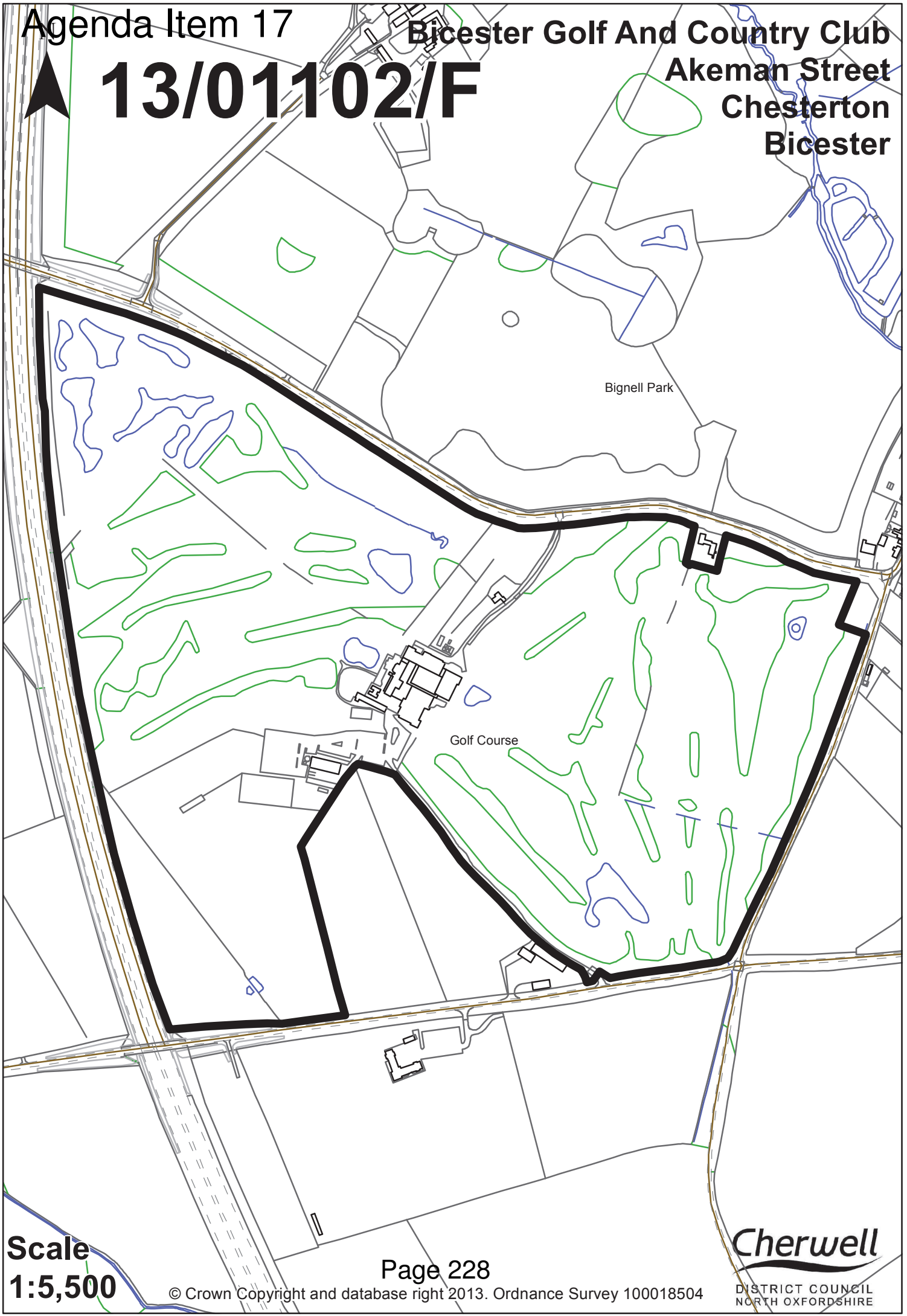
**Officer's Name:** Sarah Postlethwaite

**Officer's Title:** Protected Species Officer

**Date:** 25 July 2013

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▲ **13/01102/F**



Bignell Park

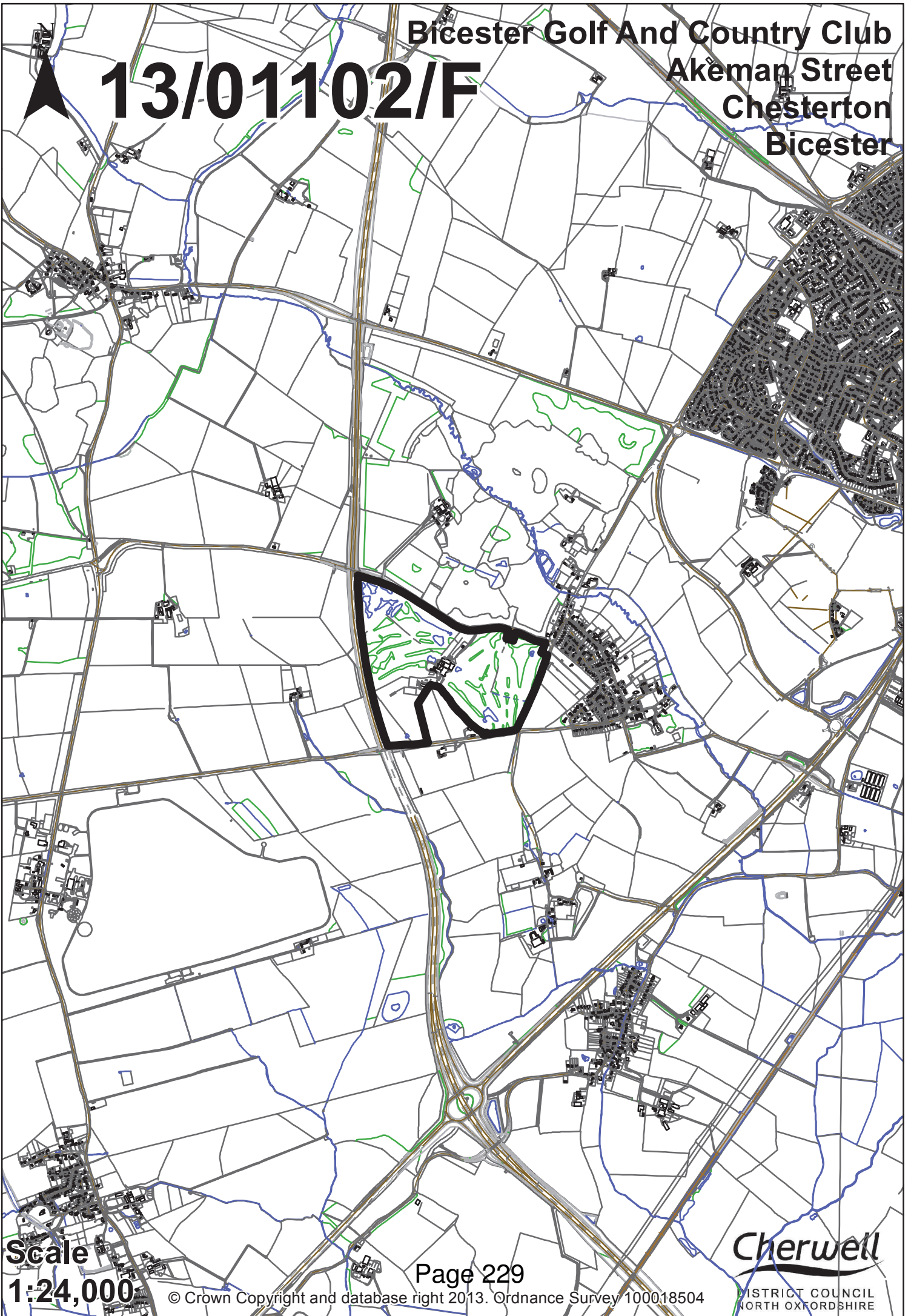
Golf Course

Scale  
**1:5,500**

Bicester Golf And Country Club  
Akeman Street  
Chesterton  
Bicester



**13/01102/F**



Scale  
**1:24,000**

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

# **Bicester Golf and Country Club Akeman St, Chesterton**

**13/01102/F**

**Ward:** Ambrosden & Chesterton

**District Councillor:** Cllr Andrew Fulljames

**Case Officer:** Rebecca Horley

**Recommendation:** Approval

**Applicant:** Bicester Hotel Golf and Spa Ltd, c/o agent

**Application Description:** Two storey extension to existing hotel with roof accommodation to form 51 new bedroom

**Committee Referral:** Major

**Committee Date:** 3 October 2013

## **1. Site Description, Background and Proposed Development**

- 1.1 Bicester Golf and Country Club is located to the southwest of Bicester town and on the edge of Chesterton. The main facilities offered at the Club include golf, health & fitness and tennis though it also caters for events such as weddings and conferences. Also with the siting of the Club being so close to other tourist attractions like Bicester Village and Oxford, there is increased demand to stay for short breaks. The hotel currently provides accommodation for 50 bedrooms.
- 1.2 The full planning application proposes to extend the hotel with a 2 storey extension to provide 51 new bedrooms (net increase of 49) over 3 floors, thereby effectively doubling the capacity. The extension will be attached to the north side of the hotel complex. It is proposed to be 40m long in a U-shape. The proposed height, at 10.5m will be identical to the existing building with similar width gables. With accommodation in the roofspace, dormers are an additional feature to the otherwise unfettered roofslopes of the existing building.
- 1.3 The whole site extends to 46 hectares and is in an area that is potentially contaminated. The Conservation Area boundary lies to the far north east corner of the wider site, some 500m from the siting of the actual development proposal. A public footpath crosses the site commencing at the southern access point to the site off Akeman Street, past the west side of the building complex and exiting on the northern road (A4095).

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 29<sup>th</sup> August 2013. At the time of writing no letters/emails had been received

## **3. Consultations**

- 3.1 **Chesterton Parish Council:** Gives qualified support to this application, given that the occupancy rates are over 90% which demonstrates a need for further accommodation.

Visually it will not make undue impact. Our reservations are very much around the additional traffic that will be generated much of which is via Akeman Street and the 'allotments road' linking the A4095 to Akeman Street. This section of road is the subject of ongoing discussions with OCC Highways and is a constant concern to us given:

- a) its width (with edges eroded through cars passing);
- b) the lack of a footpath on a road which generates a high level of pedestrian activity; and
- c) several 'near misses' which have been reported to the Police.

One obvious problem is for vehicles turning left from the A4095 (from the B430 direction) with very limited vision. The PC has already been requested to provide a footpath to the allotments entrance for safety reasons but the problem is wider than this – a footpath is needed along the whole section of this road as a matter of urgency. We are already commissioning a traffic census on this road.

Please give some weight to our reservations. A previous planning application for the Hotel carried with it a condition for a 'green travel plan' but this was never implemented and was eventually rescinded. The situation has worsened since this earlier application was approved with conditions.

#### **Cherwell District Council Consultees**

**3.2 Planning Policy Officer:** Comments awaited

**3.3 Environmental Officer (Contaminated Land):** Records do not indicate contamination may affect this development so a condition or informative is recommended in case there are any unsuspected contamination found during the development.

**3.4 Arboricultural Officer:** The only arboricultural concerns with this application are ensuring the protection of the individual trees subject to TPO 01/1991 during construction and the submission of an appropriate planting scheme to compliment the built structure. Both concerns can be addressed through the provision of 1 No AMS and a landscaping scheme both of which should be conditioned should the application be approved.

**3.5 Ecology Officer:** The presence of fish makes great crested newts less likely and we could proceed on that assumption, however a method statement referring to the preparation of the site should be submitted which should detail how any vegetated areas are to be made progressively unsuitable for reptiles during a time when they are active (which would also cover amphibians) before any works begin should be submitted to us for approval. This should also include measures of best practice such as covering trenches at night and where and how materials will be stored. Any landscaping should use native species.

In line with NPPF recommendations to seek gains for biodiversity within development I would recommend that three nesting provisions for swifts are included within the new extension building or existing building in the form of bricks or nesting boxes. Advice should be sought on appropriate positioning.

External lighting should be minimised and directed away from vegetation.

**3.6 Biodiversity & Countryside Officer:** No objection as the footpath which runs across the site will not be affected.

#### **Oxfordshire County Council Consultees**

### 3.7 **Transport and Planning Strategy:** No objection.

The location of the existing Bicester Golf and Country Club and the rural character of the connecting road, Green lane, make it very challenging to access by non-car means. There are no pedestrian and cyclist facilities to link the facility with the nearby Chesterton Village or to bus services that serve this village and connect onto Bicester or Oxford. Green Lane is essentially an unlit rural single carriageway which would be unattractive to pedestrians and cyclists wishing to access the site, largely due to the perceived safety risk and the inconvenience from the lack of facilities.

The Planning, Design and Access Statement's conclusions that the proposal is 'sustainable' because there is no identified increase in traffic movements is very questionable. Sustainability should not just be determined on whether there is an impact on from traffic generation. It should also be based on the availability and proximity to sustainable transport infrastructure and services e.g. footways, cycleways and bus services. The developer's assessment fails to acknowledge access to the site by non-car means. Any extension of the hotel will generate increased travel demand from both guests and staff. Ideally, they should have a choice on mode of access, rather than being restricted to access by car or taxi.

To conclude, it is acknowledged that this is an established facility and that this extension proposal is unlikely to have an adverse impact on the surrounding road network in terms of trip generation.

### 3.8 **Transport Development Control:** No objection subject to a condition relating to a travel plan. The principle issues relate to sustainability, car parking provision, impact on the highway network and travel plan.

The location of the hotel is not considered to be sustainable in purely transport terms. However, the hotel is an established use on the site and in light of the National Planning Policy Framework consideration must be given wider sustainability issues and enabling the continued growth and use of an established business and social and leisure facility.

No change is proposed to the existing access or parking arrangements. The existing accesses are suitable for the likely increase in traffic. The existing car park is underused therefore the lack or increase in parking provision is considered acceptable. It is unlikely that overspill parking would result in parking on the highway or associated highway safety issues.

The additional 49 rooms are proposed are unlikely to generate a significant amount of traffic, or to cause severe harm to the local highway network.

It is recommended that an updated Travel Plan is submitted for approval to reduce trips to the site and encourage use of more sustainable modes of transport where possible.

### 3.9 **Drainage:** No objection following the receipt of further information from the applicant.

The application form states that a pond is being used to drain the proposed buildings surface water. Information was required on how this would be done and calculations needed to be carried out to ascertain whether there is sufficient capacity in the pond.

3.10 **Archaeology:** No objection. The proposals outlined in the application would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

#### **Other Consultees**

3.11 None

### **4. Relevant National and Local Policy and Guidance**

#### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies) (ACLP)

T2: Hotels within the built up limits of a settlement

T5: Hotels beyond the built up limits of a settlement

C2: Development affecting protected species

C7: Landscape conservation

C8: Sporadic development in the open countryside

C28: Layout, design and external appearance of new development

C32: Provision of facilities for disabled people

#### **4.2 Other Material Considerations - Policy and Guidance**

National Planning Policy Framework 2012

Cherwell Local Plan - Proposed Submission (August 2012) and Focussed Consultation (March 2013) (PSLP)

The Local Plan (March 2013) is out for a second round of public consultation. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

SLE2: Securing Dynamic Town Centres

SLE3: Supporting Tourism Growth

ESD7: Sustainable Drainage Systems

ESD10: Protection & Enhancement of Biodiversity & the Natural Environment

ESD13: Local Landscape Protection & Enhancement

ESD16: The Character of the Built & Historic Environment

PPS4: Planning for Town Centres Practice Guide 2009

Cherwell Tourism Development Study 2008

Good Practice Guide on Planning for Tourism 2006

### **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Policy principle
- Sequential test
- Vitality of town centres
- Visual amenity/landscape impact
- Layout and design
- Highway Safety
- Ecology

### **Relevant Planning History**

- 5.2 CHS.344/90 – Planning permission granted for the demolition of all existing buildings forming the golf HQ except existing bungalow and erection of new golf HQ

03/01050/F – Approval granted for a reapplication for the partially implemented permission CHS.344/90 to show redesigned extension to the existing golf clubhouse with, inter alia, 52 bedrooms.

04/01399/F – Approval for a 2 storey extension to golf club and erection of stable office and golf cart store building

09/01357/F – Approval for the removal of condition 7 of 03/01050/F which said that the overnight accommodation shall be occupied only by members of Bicester Golf and Country Club, their guests and members of visiting golf societies.

### **The Policy Principles**

- 5.3 The National Planning Policy Framework re-emphasises the Government's view of what sustainable development means in practice for the planning system. There are 3 dimensions: an economic role with the emphasis on contributing to building a strong, responsive and competitive economy; a social role reflecting the community's needs by supporting strong, vibrant and healthy communities and an environmental role by contributing to protecting and enhancing the natural, built and historic environment. To achieve sustainable development these economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 5.4 There is clearly a presumption in favour of sustainable development and applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is the starting point and proposals should accord with it. Where the development plan is absent, silent or out of date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 5.5 With regard to tourism developments, generally these are regarded as a town centre uses which ought to be considered in terms of their siting by applying a sequential test. Town centre locations are preferred, then edge of centre before consideration should be given to out of centre locations and these should be accessible and well connected to the town centre.
- 5.6 The NPPF also seeks to ensure that a prosperous rural economy is supported in order to create jobs where development is sustainable. In particular, sustainable rural tourism and leisure development should be supported where they benefit businesses

in rural areas and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

- 5.7 At a more local policy level and with regard to local development plan principles, the adopted local plan includes saved policy T5 which addresses new hotels beyond the built up limits of a settlement. It specifically states that 'Proposals to extend existing hotels .....will be acceptable provided they conform to the other relevant policies in this plan'. The Proposed Submission Local Plan again, through Policy SLE2, directs that proposals consider a sequential approach to the siting of the new facilities and that they should be genuinely accessible by a choice of means of transport other than the private car. Policy SLE3 supports proposals for new or improved tourist facilities in sustainable locations.
- 5.8 To conclude on policy principles, the proposal is considered to comply with the principle policy T5 of the local plan so should be approved unless it can be demonstrated that there would be significant harm as indicated by assessing it against other relevant policies in the local plan (namely C2, C7, C8, C28 and C32). In this case, and in line with the NPPF, it is also considered appropriate to ensure and that the site is genuinely sustainable by the submission of an acceptable sequential analysis with evidence. Overall, the development should be considered positively and subject to the specifically identified issues listed in paragraph 5.1.

### **Sequential test**

- 5.9 The submission has been supported by a sequential analysis in line with the requirements of the NPPF and the Proposed Submission Local Plan. The purpose of the test is to ensure that the vitality and viability of town centres is supported which in turn will ensure the development is sustainable. The new Premier Inn at southwest Bicester has provided for 84 bedrooms but high occupancy rates remain. The report considers that there are no known hotels in the Cherwell District within an existing golf, leisure or country club complex which are better located sequentially and this application is also seeking to provide for the 'high end' of the market (4/5 star).
- 5.10 In applying the sequential test consideration needs to be given to the operational needs of the proposal and whether the sites considered are suitable for the development. Being close to existing facilities is a relevant factor. The submitted report considers several new sites within the district associated with the Proposed Submission Local Plan, extensions to existing hotels and included locations not associated with leisure uses concluding that none were reasonably able to meet the identified needs of the applicant. It is argued that whilst some existing hotel premises are sequentially more preferable, they do not relate well to the identified area and the sites tend to be constrained by their size.
- 5.11 Officers are satisfied that a sequential analysis has been appropriately and thoroughly undertaken and there is no doubt that there are sites that would be described as sequentially superior in terms of their siting closer to town centres than this one. This needs to be weighed in the planning balance when reaching the decision bearing in mind the other relevant factors material to the case.

### **Vitality of town centres**

- 5.12 The NPPF advises that then assessing leisure applications outside of town centres an impact assessment should be undertaken but this is only generally a requirement where the proposal does not comply with the development plan (part of the planning balance addressed below). Nevertheless, consideration has been given to the impact of the proposal on existing committed and planned investment in the town centre in the catchment area and impact of the proposal on the town centre vitality and viability.
- 5.13 Whilst the catchment area of the hotel could be considered to be quite wide, certainly beyond Chesterton and perhaps even Bicester, the sequential analysis considered sites in the district as a whole. Of principle interest would be the effect on Bicester, being the closest town to the proposal and given the recent opening of the town centre re-development scheme the view is held that there would be no harm caused to this centre. Chesterton, being a village, has no established centre as such.

### **Visual amenity/landscape impact**

- 5.14 The Bicester Golf and County Club is centrally located within the grounds and not readily visible from the public domain of the surrounding road network. A public footpath crosses to the west side of the building complex but it passes away towards the northwest, away from the proposed siting of the new extension. For much of the public footpath route, the existing buildings of the club house will screen the new development. Views will also be possible from the south but being contained within the rest of the developed area, the effect is less evident.
- 5.15 It is considered that the proposed siting of the extension is sympathetic to its environment and will not appear as an odd or discordant feature in the landscape though some softening of the immediate surroundings would be of benefit, hence the recommendation to include a landscaping scheme. This will also serve to ensure that individual trees subject to TPO 01/1991 will be protected during construction and the submission of an appropriate planting scheme to compliment the built structure.

### **Setting of the Conservation Area**

- 5.16 The location of the Conservation Area and it's boundary beyond the far north east corner of the wider site is noted. Given that the boundary is on the other side of the road, at some considerable distance from the actual proposal building and with the extensive boundary and on site landscaping particularly at that affected corner, the setting of the Conservation Area is not considered to be a constraint to the development.

### **Layout and design**

- 5.17 Good design is indivisible from good planning and a key aspect of sustainable development. Whilst it is not appropriate to impose architectural styles it is proper to seek to promote or reinforce local distinctiveness. As this site is relatively remote, contained and screened from public view, its impact is not so pronounced. Nevertheless, the applicant has sought to ensure that the height of the proposed extension does not exceed that of the original building which is a key consideration, as are the proposed materials which are all intended to match the existing building.
- 5.18 The new two storey extension will be attached to the existing hotel on its northern side so relatively well related to the existing built development being connected to the existing structure. Whilst the use of the roof will minimise the extent of the

development, it does require the additional of dormers and doors with Juliette balconies not generally features of the original building except as end gables on the first floor (not in the roof). That said, it is not considered to be so offensive as to warrant refusal on these grounds particularly given the sites context where there is no need to reinforce any particular local distinctiveness of character.

### **Highway Safety**

- 5.19 It can be noted that the Highway Authority has no objection to the proposal subject to the recommended amendments being made and required standards being met. Of notable interest is the view held that this is an established facility and the extension proposal is unlikely to have an adverse impact on the surrounding road network in terms of trip generation. In considering the comments made by the Parish Council there would appear to be some unresolved issues relating to highway safety but officers are confident that the condition for a 'green travel plan', as recommended by the County Council is the correct approach to addressing this issue appropriately.

### **Ecology**

- 5.20 Confirmation has now been received that the pond nearby contains fish so the issue with regard to European Protected Species, most notably great crested newts, can be addressed by conditions, as recommended.

### **The Planning Balance**

- 5.21 The proposal is considered to be compliant with the relevant saved policies of the Local Plan (development plan) which weighs heavily in its favour. The NPPF advises that development proposals that accord with the development plan should be approved without delay.
- 5.22 Although officers consider that there are sequentially preferable sites available, as directed by the NPPF consideration needs to be given as to whether or not there would be a significant adverse impact on proposals for the town centre or its vitality and viability and given the opening of the recent town centre re-development scheme in Bicester there is unlikely to be any substantial harm caused.
- 5.23 Consideration has also been given to recognising that whilst the location of the hotel is not considered to be sustainable in purely transport terms it is an established use at the site. Also the proposal is unlikely to have an adverse impact on the surrounding road network in terms of trip generation. As the design is acceptable and no harm would be caused to the visual amenities of the landscape, the balance falls in favour of the proposal.

### **Engagement**

- 5.24 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen regarding the submission during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

### **Conclusion**

5.25 Based on the assessment above, it is concluded that, whilst the proposed development fails the sequential test, in all other respects it does accord with Local Plan policy and government guidance and represents sustainable development having demonstrated that there would be no harm caused to the interests identified including, effect on the vitality and viability of the town centre/s, visual amenity and landscape impact, design and layout, the setting of the Conservation Area, highways and ecology. This application is therefore recommended for approval subject to conditions in line with the details below.

## **6. Recommendation**

**Approval**, subject to the following conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site location plans SK.12-543-03 & 04; Block Plan & Elevation SK.12-543-02; proposed GF – SK.13-543-10; Proposed FF – SK.13-543-11; Proposed 2nd Floor – SK.13-543-12 and Proposed Elevations – SK.13-543-13, Planning, Design and Access Statement, application forms received with the application and letter from Steve Karpa dated 10 September 2013.

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

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

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that the development is constructed and finished in

materials which are in harmony with the materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a method statement for site clearance to minimise harm to reptiles and amphibians shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a plan of the location and type of artificial nesting sites for swifts on the new or existing building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. All species used in any planting proposals associated with the development shall be native species of UK provenance.

Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

10. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

11. The extension shall be used only for the purpose of a hotel and for no other purpose whatsoever, including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

1. The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and

validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.

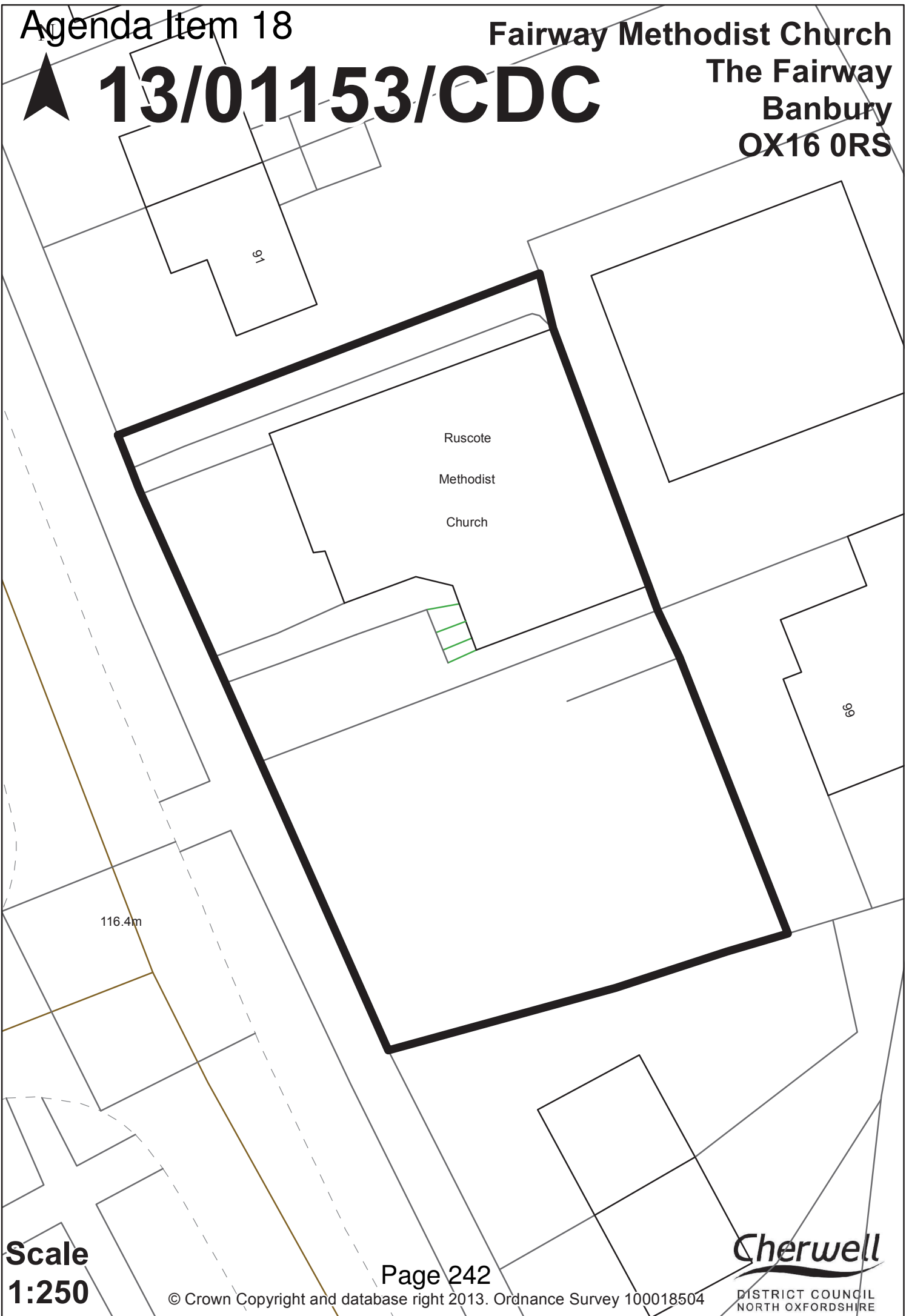
2. No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by Oxfordshire County Council Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team. Also no changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.
3. Nesting birds are legally protected under the Wildlife & Countryside Act 1981 (as amended). Should nesting birds be present on the building they and their nests cannot be disturbed until all young are fledged. Any nests removed or blocked as part of the proposed works should be replaced with a similar nesting opportunity - for example in the form of a nest box. Please contact the Cherwell District Council Ecologist if further advice is needed.

**STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.



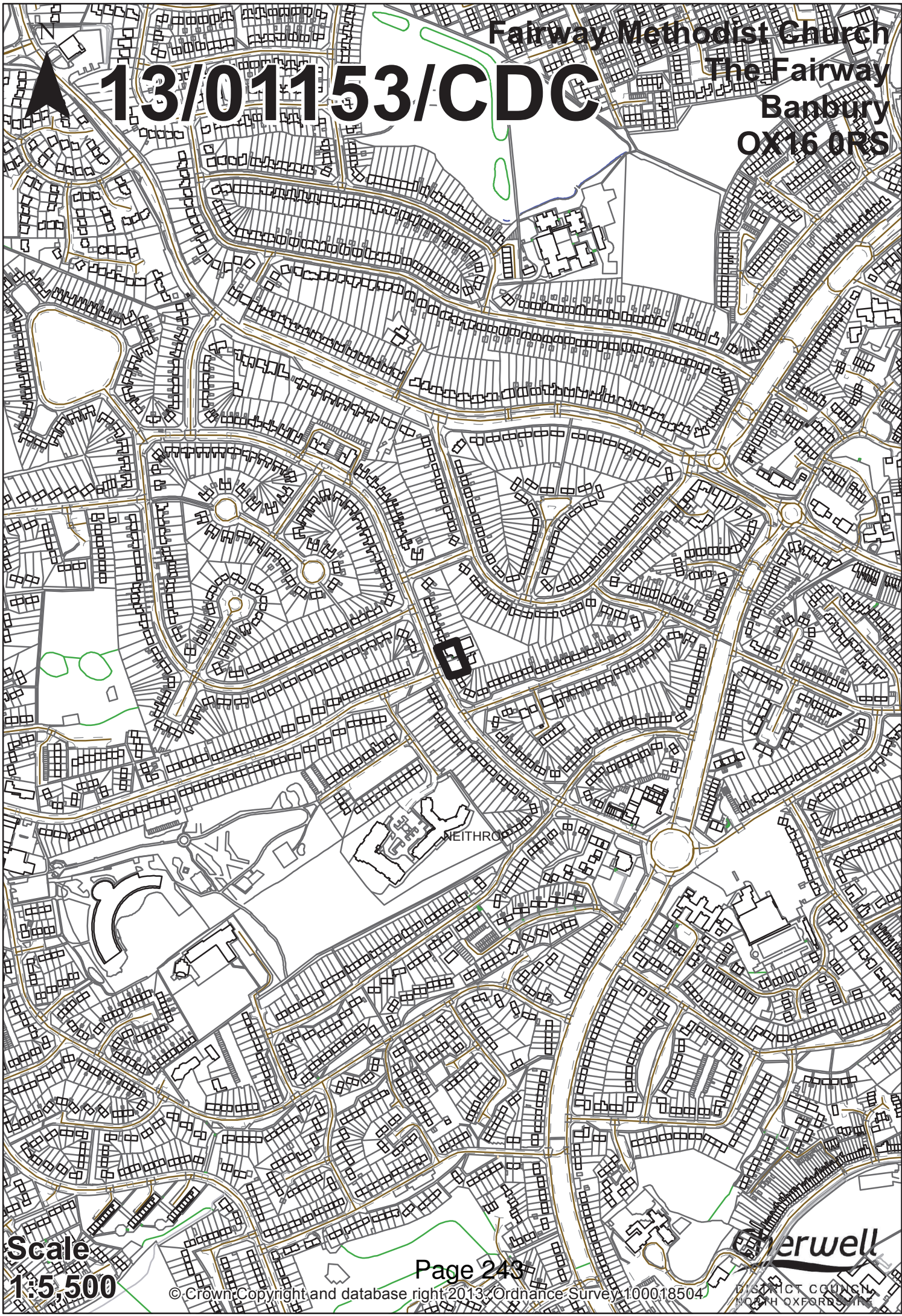
**13/01153/CDC**



**Scale  
1:250**

Fairway Methodist Church  
The Fairway  
Banbury  
OX16 0RS

▲ 13/01153/CDC



Scale  
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Page 243

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 **Oxford**  
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DISTRICT COUNCIL  
NORTH OXFORDS

**Site Address: Fairway Methodist Church,  
The Fairway, Banbury**

**13/01153/CDC**

**Ward:** Banbury Ruscote

**District Councillor:** Gordon Ross and Sean Woodcock

**Case Officer:** Rebekah Morgan

**Recommendation:** Approval

**Applicant:** Cherwell District Council

**Application Description:** Demolish existing single-storey church facility and provide a new-build two storey church building with a two bedroom residential unit on the first floor.

**Committee Referral:** Cherwell District Council application

**1. Site Description and Proposed Development**

- 1.1 The application property is large, detached building constructed in brick. The property was built c.1960's as part of the wider expansion of residential properties in the area.
- 1.2 The application seeks consent to replace the existing church building with a new building that will incorporate the existing church use on the ground floor and accommodate a two bedroom flat on the first floor.
- 1.3 The new building would measure approximately 10m x 8m, with an eaves height of 5.6-5.9m and a ridge height of 9.3-9.6m. (Please note the site slopes away to the rear).

**2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 26th September 2013. No correspondence has been received as a result of this consultation process.

**3. Consultations**

- 3.1 Banbury Town Council: Awaiting comments

**Cherwell District Council Consultees**

- 3.2 Arboricultural Officer: Awaiting comments
- 3.3 Ecology Officer: Awaiting comments
- 3.4 Environmental Protection Officer: No objections; subject to conditions

**Oxfordshire County Council Consultees**

- 3.5 Highways Liaison Officer: No objections; subject to conditions.

**4. Relevant National and Local Policy and Guidance**

- 4.1 Development Plan Policy

- C28: Layout, design and external appearance of new development  
C30: Design of new residential development

## 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Proposed Submission Local Plan Incorporating Proposed Changes (March 2013)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of the development
- Visual Amenity
- Neighbouring Amenity
- Highway Safety

### **Principle of the development**

5.2 The proposal seeks to replace the existing church building with a replacement building that would primarily have the same use. The use is established in this location and does not conflict with the surrounding residential use.

5.3 The addition of a residential unit on the first floor of the building is acceptable in principle as the surrounding area is predominantly residential.

### **Visual Amenity**

5.4 The existing church building is dated in its appearance and of little architectural merit. Therefore, the loss of the building does not cause concern.

5.5 The replacement building is simpler in its form and incorporates architectural detailing within the design. The ridge height of the replacement building would be approximately 0.6m higher than the neighbouring dwelling.

5.6 The replacement building would be set back from the road inline with the neighbouring properties. This would prevent the building appearing overly prominent within the street scene whilst the design of the building differentiates it enough to allow it to stand out and be easily identifiable as a community facility.

5.7 The proposed materials are appropriate for the context of the site; the use of bricks and render are reflective of the materials used on residential properties within the vicinity of the site.

5.8 The proposal would not have a detrimental impact on visual amenity and comply with government guidance on requiring good design contained within the National Planning Policy Framework and Policy C28 of the adopted Cherwell Local Plan.

### **Neighbouring Amenity**

5.9 The replacement building is taller but does not extend as far back into the site as the existing building. There is a gap of approximately 5m between the proposed building and the adjacent neighbouring property; as this property does not have windows in

the side elevation, the proposed building would not appear overly dominant or overbearing when viewed from this property.

- 5.10 Due to the location of proposed windows and the distances between the site and residential dwellings, the proposal would not result in harmful overlooking of the neighbouring properties.
- 5.11 The proposed development would not cause harm to neighbouring amenity and accords with the core principles of the National Planning Policy Framework and Policy C30 of the adopted Cherwell Local Plan.

#### **Highway Safety**

- 5.12 The application does not propose any changes to the access or the existing car parking arrangements.
- 5.13 The Local Highway Authority has raised no objections to the application. A condition requiring specification details of the parking and manoeuvring areas has been recommended. As the proposal does not propose to change the existing arrangements, I do not consider this condition to be necessary.
- 5.14 The proposal would not have a detrimental impact on highway safety and complies with government guidance contained within the National Planning Policy Framework.

#### **Engagement**

- 5.15 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

### **6. Recommendation**

**Approval**, subject to the following conditions:

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

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

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement and drawings numbered: 007/01 rev. C, 007/04 rev. B, 007/05 rev. D and 007/06 rev. D received 27 August 2013.

3. Prior to the commencement of the development hereby approved, samples of the bricks to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6.. Prior to the commencement of the development hereby approved, samples of the render to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, samples of the tiles to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. Contamination has been identified in contaminated land assessment works submitted with this application. 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. If remedial works have been identified in condition 6, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 6. 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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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 Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

**STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

## Cherwell District Council

### Planning Committee

3 October 2013

<b>Decisions Subject to Various Requirements - Progress Report</b>
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### Report of Head of Development Management

This report is public

#### Purpose of report

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

#### 2.0 Report Details

**The following applications remain outstanding for the reasons stated:**

Subject to Legal Agreement with Cherwell District Council

01/00662/OUT	Begbroke Business and Science Park, Sandy Lane, Yarnton
(24.3.11 and 24.5.12)	Subject to legal agreement re: off-site highway works, green travel plan, and control over occupancy now under discussion. Revised access arrangements refused October 2008. Appeal dismissed. Decision to grant planning permission re-affirmed April 2011. New access road approved April 2011 and now complete and open for use.

Discussions being held between OCC and applicants

	on requirements
10/00640/F (re-affirmed 24.5.12)	Former USAF housing South of Camp Rd, Upper Heyford  Subject to legal agreement concerning on and off site infrastructure and affordable housing. May be withdrawn following completion of negotiations on 10/01642/OUT
11/01494/OUT (13.6.13)	Site C Ploughley Road, Upper Arncott & Site D & E Ambrosden Road, MOD Bicester  Subject to legal agreement and departure procedures
12/01020/F and 13/00211/F (18.4.13)	10-11 Horsefair, Banbury  Agreement completed and planning permission issued on 28 August 2013
12/01193/F (3.1.13)	Land SW Bicester Village  Sec Of State decided not to call-in application. Legal agreement re off-site infrastructure
12/01209/F (3.1.13)	Site of Tesco, Pingle Drive, Bicester  Sec Of State decided not to call-in application. Legal agreement re off-site infrastructure
12/01710/F and 12/01711/F and 13/00740/OUT (28.2.13) and (8.8.13)	Buildings 74 and 593 Heyford Park  Subject to revised legal agreement
12/01789/OUT (13.6.13)	Land off Warwick Road, North of Hanwell Fields, Banbury  Subject to legal agreement
13/00004/OUT (18.4.13)	Land N of Station Rd. Bletchingdon  Subject to legal agreement re affordable housing, and on-site and off-site infrastructure
13/00158/OUT and 13/00159/OUT (13.6.13)	Land adjoining Foxhill and West of Southam Road, Banbury and Hardwick Farm, East of Southam Road, Banbury  Subject to legal agreement re affordable housing, and on-site and off-site infrastructure
13/00186/F (16.5.13)	Land NE of Chestnut Close, Launton  Agreement completed and planning permission

issued on 4 September 2013

13/00227/F (16.5.13)	Banbury Gateway, Acorn Way, Banbury Subject to reference to the National Planning Casework Unit and to need to amend existing legal agreement
13/00265/OUT (13.6.13)	Banbury AAT Academy (formerly Banbury School) Ruskin Road. Banbury Subject to legal agreement re affordable housing, and on-site and off-site infrastructure
13/00343/F (16.5.13)	Building 583 Heyford Park, Upper Heyford Subject to withdrawal of objections by OCC and Sport England and to the amendment of existing legal agreement
13/00344/Hybrid (16.5.13)	Springfield Farm, Ambrosden Subject to legal agreement re affordable housing, and on-site and off-site infrastructure
13/00358/LB (16.5.13)	1-5 Juniper Court St.Johns Road, Banbury Secretary of State has now granted Listed Building Consent
13/00395/F (13.6.13)	Thornbury House, 40 The Moors, Kidlington Agreement completed and planning permission issued on 30 August 2013
13/00424/F (16.5.13)	Building 3135 Heyford Park, Upper Heyford Subject to amendment of existing legal agreement
13/00433/OUT (11.7.13)	Land at Whitelands Farm, Middleton Stoney Rd.Bicester Subject to legal agreement concerning on-site and off-site infrastructure
13/00444/OUT (11.7.13)	Land West of Edinburgh Way, Banbury Subject to legal agreement concerning on-site and off-site infrastructure
13/00502/CDC	Crown House, Christchurch Court, Banbury Subject to completion of legal agreement with OCC

### **3.0 Consultation**

None

### **4.0 Alternative Options and Reasons for Rejection**

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

Option 1: To accept the position statement.

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

### **5.0 Implications**

#### **Financial and Resource Implications**

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

Comments checked by:

Kate Drinkwater, Service Accountant, 01327 322188,  
[kate.drinkwater@cherwelladnsouthnorthants.gov.uk](mailto:kate.drinkwater@cherwelladnsouthnorthants.gov.uk)

#### **Legal Implications**

5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,  
[nigel.bell@cherwell-dc.gov.uk](mailto:nigel.bell@cherwell-dc.gov.uk)

#### **Risk Management**

5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,  
[nigel.bell@cherwell-dc.gov.uk](mailto:nigel.bell@cherwell-dc.gov.uk)

**Wards Affected**

All

**Links to Corporate Plan and Policy Framework**

A district of opportunity

**Lead Councillor**

None

**Document Information**

<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
<b>Report Author</b>	Bob Duxbury, Development Control Team Leader
<b>Contact Information</b>	01295 221821 <a href="mailto:bob.duxbury@cherwell-dc.gov.uk">bob.duxbury@cherwell-dc.gov.uk</a>

# Agenda Item 20

## Cherwell District Council

### Planning Committee

3 October 2013

<b>Appeals Progress Report</b>
--------------------------------

### Report of Head of Development Management

This report is public

#### Purpose of report

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

#### 1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

#### 2.0 Report Details

##### New Appeals

- 2.1 **12/01772/F – The Mount, Green Lane, Swalcliffe** – appeal by Mr P Bradshaw against the refusal of planning permission for the construction of a tennis court at The Mount, Green Lane, Swalcliffe, Banbury – Written Reps

**13/00238/EUNDEV- Northside Lodge, Caversfield House, Caversfield** – appeal by Mr D Kleinman against the service of an enforcement notice alleging a breach of planning control namely without planning permission, the erection of a close board timber fence and trellis – Written Reps

**13/00133/ECOU- Park Farm Cottage, St Giles Close, Wendlebury** – appeal by Mr Joseph Rice against the service of an enforcement notice alleging a breach of planning control namely without planning permission, the material change of use of the land from residential use to a mixed use of residential and business use for offices- Written Reps

**12/01745/F – 38 Middleton Road, Banbury** – appeal by Emaar Construction Ltd for the variation of condition 1 of 07/01428/F that required the applicant to pay infrastructure contributions secured by a S106 agreement relating to the demolition of the existing building. Erection of 14 no. apartments, bicycle store and bin store together with parking, landscaping, boundary walls, fences and revised access. Re-submission of 07/00569/F- Written Reps

**12/01580/F- Little Stoney and The Cottage, Paradise Lane, Milcombe** - appeal by Mr J Hester against the refusal of planning permission for the demolition of 2 no. dwellings and the construction of 4 no. dwellings with garages- Written Reps

**13/00597/F- The Wall House, High Street, Souldern** – appeal by Mr R Arneil against the refusal of planning permission for the erection of 1no. dwelling – re-submission of 12/01616/F – Written Reps

### **Forthcoming Public Inquiries and Hearings between 3 October 2013 and 31 October 2013**

- 2.2 **Inquiry commencing at 10.00am on Tuesday 29 October 2013** in the Council Chamber, Bodicote House, White Post Road, Bodicote, Banbury to consider the appeal by Prudential Pensions Ltd against the refusal of application 13/00301/OUT for residential development comprising up to 85 dwellings with new access, public open space and associated infrastructure at land North of Gaveston Gardens and the rear of Manor Farm, Banbury Road, Deddington

#### **Results**

**Inspectors appointed by the Secretary of State have:**

- 2.3 **Allowed the appeal by Lloyds Pharmacy against the refusal of application 12/01504/F for the replacement of a shop front at 34 Sheep Street, Bicester (Delegated)** – In the Inspector’s view, the proposal will, subject to the imposition of a condition requiring details of the materials and the finish of the canopy to replace the overly large ridge tiles on the corners, preserve the character and appearance of the conservation area and the setting of the adjacent listed building

**Part dismissed and part allowed the appeal by Ms Pamela Nickell against the refusal of application 12/01035/LB for the erection of a frameless glass extension in courtyard and amendments to the permitted scheme for minor internal layout changes, alterations to existing ground floor door and window openings, the insertion of one new ground floor window and the insertion of additional conservation style rooflights at Wingtree Cottage, 16 Main Street, Wroxton (Delegated)** - The Inspector considered that the frameless glass extension would reduce the existing sense of openness in the area that is part of the characteristic layout. It would also blur the current external distinction between the cottage and the outbuildings and as a result would diminish the significance of the heritage asset. The remaining elements of the proposal would not diminish the heritage significance and were therefore found to be acceptable.

**Dismissed the appeal by Mr Robert White against the refusal of application 12/01255/F for the construction of additional four bedroom two storey detached dwelling at Oxford Lodge, Bletchington, Kirtlington (Delegated)** – The Inspector commented “the introduction of the proposed built form in this location would considerably reduce the sense of isolation in the setting and appearance of Oxford Lodge, eroding its characteristic as a former gatehouse to the Park. The proposal would require a relatively wide breach in the boundary wall to the detriment of its historic quality as an enclosing curtilage structure to the Park.”

**Dismissed the appeal by Ms Geraldine Jennings against the refusal of planning application 12/01462/F for the demolition of existing outbuildings and the erection of one single storey dwelling at 4 Home Farm Cottages, Station Road, Bletchington (Delegated)** – The Inspector concluded that the construction of the new building proposed would represent inappropriate development in the Green Belt. The Inspector also stated that a single dwelling is likely to make little difference to the overall housing supply in the Council’s area and in this context noted to grant of outline planning permission (13/0004/OUT) for 58 dwellings elsewhere in the village.

**Allowed the appeal by Mr I Werren against the service of an enforcement notice 13/00051/ECOU alleging a breach of planning control namely without planning permission, a change of use of the land from public amenity land to domestic curtilage at land adjacent to 14 Avon Crescent Bicester (Delegated)-** From the evidence, the Inspector concluded that the allegation in the notice of a change of use from public amenity to domestic curtilage is incorrect, in that ‘domestic curtilage’ is not a use of land. The appeal was therefore allowed and the enforcement notice was quashed.

**Allowed the application for an award of costs against the Council relating to the service of enforcement notice 13/00051/ECOU at 14 Avon Crescent Bicester-** The Inspector stated that “ the reasons for issuing the notice are muddled and do not support the breach of planning control actually alleged.. As I also set out, the alleged breach is not actually a use of land at all. I therefore conclude that the Council failed to carry out a proper investigation of the circumstances before issuing the notice and misunderstood what are very clearly established principles of law regarding ‘curtilage’ in describing the alleged breach of planning control as it did” These are among the examples of unreasonable behaviour as set out in cost Circular 03/2009 and as a result, the appellant has incurred unnecessary and wasted expense in dealing with the appeal.

**Allowed the appeal by Crown House Properties (Oxford) Ltd against the service of an enforcement notice 12/00238/EUNDEV alleging a breach of planning control in that the porches on the front of units 3 and 5 on the land have not been constructed in accordance with the approved plans at The Old Courthouse, 42 Crown Road, Kidlington (Delegated)** – Although the issued notice was technically flawed, the Inspector was able to correct the notice without causing injustice to any party and went onto to conclude that the development as carried out preserves the architectural style of No. 42 and is not out of keeping with the character of the wider Conservation Area. Planning permission was granted and the enforcement notice was quashed.

**Dismissed the application for an award of costs against the Council relating to the service of an enforcement notice 12/00238/EUNDEV at The Old Courthouse, 42 Crown Road, Kidlington** – In the Inspector’s view, the issuing of the notice, nor the Council’s reluctance to withdraw it had not resulted in unreasonable behaviour thereby causing the appellant to incur unnecessary or wasted expense.

**Allowed the appeal by Mr Kevin Minns against the refusal of application 12/00643/OUT for the demolition of existing buildings, erection of 170sqm of Class B1 office development, 10 no. dwellings and associated access at Land at Station Road, Enslow, Kidlington (Committee)** – The Inspector considered that in view of the shortfall in the supply of housing land within the District, the provision of 10 new dwellings, and the financial contribution towards the provision of affordable housing would be considerable benefits of the proposal and would not be outweighed by the harm arising from the provision of housing within a category 3 village.

### **3.0 Consultation**

None

### **4.0 Alternative Options and Reasons for Rejection**

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

Option 1: To accept the position statement.

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

### **5.0 Implications**

#### **Financial and Resource Implications**

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

Comments checked by:

Kate Drinkwater, Service Accountant, 01327 322188,  
[kate.drinkwater@cherwelladnsouthnorthants.gov.uk](mailto:kate.drinkwater@cherwelladnsouthnorthants.gov.uk)

#### **Legal Implications**

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Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,  
[nigel.bell@cherwell-dc.gov.uk](mailto:nigel.bell@cherwell-dc.gov.uk)

### **Risk Management**

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

Nigel Bell, Team Leader – Planning and Litigation, 01295 221687,  
[nigel.bell@cherwell-dc.gov.uk](mailto:nigel.bell@cherwell-dc.gov.uk)

## **6.0 Decision Information**

### **Wards Affected**

All

### **Links to Corporate Plan and Policy Framework**

A district of opportunity

### **Lead Councillor**

None

### **Document Information**

<b>Appendix No</b>	<b>Title</b>
None	
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
<b>Report Author</b>	Bob Duxbury, Development Control Team Leader
<b>Contact Information</b>	01295 221821 <a href="mailto:bob.duxbury@cherwell-dc.gov.uk">bob.duxbury@cherwell-dc.gov.uk</a>