

Committee: Planning Committee
Date: Thursday 14 March 2019
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor David Hughes (Chairman)	Councillor James Macnamara (Vice-Chairman)
Councillor Andrew Beere	Councillor Maurice Billington
Councillor Phil Chapman	Councillor Colin Clarke
Councillor Ian Corkin	Councillor Surinder Dhesi
Councillor Chris Heath	Councillor Simon Holland
Councillor Mike Kerford-Byrnes	Councillor Alan MacKenzie-Wintle
Councillor Richard Mould	Councillor Cassi Perry
Councillor D M Pickford	Councillor Lynn Pratt
Councillor G A Reynolds	Councillor Les Sibley

Substitutes

Councillor Mike Bishop	Councillor John Broad
Councillor John Donaldson	Councillor Timothy Hallchurch MBE
Councillor Tony Ilott	Councillor Tony Mepham
Councillor Barry Richards	Councillor Nicholas Turner
Councillor Douglas Webb	Councillor Barry Wood
Councillor Sean Woodcock	

AGENDA

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

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

3. **Requests to Address the Meeting**

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

4. **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 - 7)

To confirm as a correct record the Minutes of the meeting of the Committee held on 14 February 2019.

6. **Chairman's Announcements**

To receive communications from the Chairman.

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

Report of Assistant Director of Planning and Economy

This will be circulated at the meeting.

Planning Applications

8. **Hardwick Hill, Southam Road, Banbury** (Pages 10 - 31) **18/01614/F**
9. **OS Parcel 4278 North West of Lessor Grange, Milcombe** (Pages 32 - 46)
18/01707/F
10. **OS Parcel 4278 North West of Lessor Grange, Milcombe** (Pages 47 - 61)
18/01724/F
11. **OS Parcel 4278 North West Of Lessor Grange, Milcombe** (Pages 62 - 75)
18/01708/OUT
12. **Meadow Barn, Merton Road, Ambrosden, OX25 2LZ** (Pages 76 - 96)
19/00055/F
13. **The Old Rectory, Stoke Lyne, Bicester, OX27 8RU** (Pages 97 - 105) **19/00244/F**
14. **Evelyns Farm, Brill Road, Horton Cum Studley, OX33 1BZ** (Pages 106 - 122)
18/02150/F
15. **Land North West Of Fabis House, Rattlecombe Road, Shenington** (Pages 123 - 138)
19/00014/F
16. **Land North West Of Fabis House, Rattlecombe Road, Shenington** (Pages 139 - 150)
19/00015/LB

17. **The Hill, Dover Avenue, Banbury, OX16 0JE** (Pages 151 - 156) **19/00014/NMA**

Review and Monitoring Reports

18. **Appeals Progress Report** (Pages 157 - 166)

Report of Assistant Director for Planning Policy and Development

Summary

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

Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

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

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

Evacuation Procedure

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

Access to Meetings

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

Mobile Phones

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

Queries Regarding this Agenda

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

Yvonne Rees
Chief Executive

Published on Wednesday 6 March 2019

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 14 February 2019 at 4.00 pm

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

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

Substitute Members: Councillor Douglas Webb (In place of Councillor Maurice Billington)

Also Present: Councillor Dan Sames – Ward Member, speaking on item 7

Apologies for absence: Councillor Maurice Billington
Councillor Simon Holland

Officers: Robert Jolley, Assistant Director: Planning & Economy
Paul Seckington, Senior Manager Development Management
Matt Chadwick, Senior Planning Officer
Stuart Howden, Principal Planning Officer
Aaron Hetherington, Democratic and Elections Officer

144 **Declarations of Interest**

12. Unit 1, Plot 1, Thorpe Way, Banbury, OX16 4SP.

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would therefore leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would leave the chamber for the duration of the item.

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

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

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

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

13. Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury.

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

Councillor Colin Clarke, Declaration, as a member of Banbury Town Council which had been consulted on the application and a separate declaration as a member of the Executive and would therefore leave the chamber for the duration of the item.

Councillor G A Reynolds, Declaration, as a member of the Executive and would therefore leave the chamber for the duration of the item.

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

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

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

13. Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury.
Councillor Surinder Dhesi, Non Statutory Interest, as a member of Banbury Town Council which had been consulted on the application.

145 **Requests to Address the Meeting**

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

146 **Urgent Business**

There were no items of urgent business.

147 **Minutes**

The Minutes of the meeting held on 17 January 2019 were agreed as a correct record and signed by the Chairman.

148 **Chairman's Announcements**

The Chairman made the following announcement:

1. Under the Openness of Local Government Bodies Regulations 2014, members of the public were permitted to film, broadcast and report on the meeting, subject to the efficient running of the meeting not being affected.

149 **Land North Of Merton Road, Ambrosden**

The Committee considered application 18/02056/OUT, an outline application for the erection of up to 84no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd - All matters reserved except for means of access at Land North of Merton Road Ambrosden for Gladman Developments Ltd.

Councillor Dan Sames, addressed the committee as Ward member.

Maureen Cossens, Ambrosden Parish Council and Pamela Roberts, Vice Chairman of CPRE addressed the committee in objection to the application.

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

Resolved

That application 18/02056/OUT be refused for the following reasons:

1. The development proposed, by reason of its scale and siting beyond the built up limits of the village, in the open countryside and taking into account the number of dwellings already permitted at Ambrosden as well as Cherwell District Council's ability to demonstrate an up-to-date five housing land supply, is considered to be unnecessary, undesirable and unsustainable development that would lead to an over concentration of new housing development in Ambrosden, which would undermine the housing strategy and prejudice a more balanced distribution of rural housing growth planned for in the Cherwell Local Plan (2011-2031) Part 1. Thus, the proposal is unacceptable in principle and contrary to Policy Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the

National Planning Policy Framework.

2. The development proposed, by reason of its siting beyond the built up area of the village to the south west of the village, excessive scale and poorly integrated relationship with existing built development, would cause local landscape harm and a significant amount of harm to the character and appearance of the countryside, as well as cause considerable harm to the character and appearance of the area and would fail to reinforce local distinctiveness. It would also result in 'less than substantial' harm to the significance of the Grade II* listed Church of St Mary and the harm stemming from the proposal is not considered to be outweighed by any public benefits. Thus, the proposal is contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell local Plan 1996 and Government advice within the National Planning Policy Framework.

3. In the absence of the completion of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of safeguarding public infrastructure, mitigating highway safety concerns, encouraging use of sustainable modes of transportation, delivering mixed and balanced communities by the provision of affordable housing and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, SLE4, BSC3, BSC4, BSC9, BSC10, BSC11, BSC12, ESD1 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

150

Motor Fuel Ltd, Bloxham Service Station, South Newington Road, Bloxham, OX15 4QF

The Committee considered application 18/01113/F for a new recessed forecourt canopy lights, which was retrospective, at Motor Fuel Ltd, Bloxham Service Station, South Newington Road, Bloxham, OX15 4QF for the Motor Fuel Group.

Amanda Baxter, neighbour to the application site, addressed the committee in objection to the application.

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

Resolved

That application 18/01113/F be refused for the following reasons:

1. The canopy lighting, due its excessive illuminance, has an urbanising and harmful impact on the rural character of the area and on the setting of the grade II listed building Killowen House and the Bloxham

Conservation Area. As such, the proposal has a visually intrusive impact, harmful to the intrinsic character of the surrounding area. Therefore, the development is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy BL11 of the Bloxham Neighbourhood Plan 2015-2031 and Government guidance contained in the National Planning Policy Framework.

2. The canopy lighting, due its excessive illuminance and resulting light spill, causes harm to the amenities of the occupiers of Killowen House due to the amount of light intrusion into the windows of the house facing South Newington Road. This harm significantly and demonstrably outweighs the benefits of the lighting, not least because the level of lighting has been shown to exceed that which is required for the purpose of illuminating the petrol station forecourt. Therefore, the development is contrary to Policies ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, saved Policies C28 and C31 of the Cherwell Local Plan 1996, Policy BL9 of the Bloxham Neighbourhood Plan 2015-2031 and Government guidance contained in the National Planning Policy Framework.

151 **Evelyns Farm, Brill Road, Horton Cum Studley, OX33 1BZ**

The Committee considered application 18/02150/F for the demolition of three asbestos clad industrial units and asbestos clad garage, conversion of indoor pool building and former greenhouse to form a single dwelling together with new garage and work from home office, improved vehicular access and landscaping at Evelyns Farm, Brill Road, Horton Cum Studley, OX33 1BZ for Mr B Hearn.

Councillor Corkin proposed that consideration of application 18/02150/F be deferred to allow a formal site visit. Councillor Hughes seconded the proposal.

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

Resolved

That consideration of application 18/02150/F be deferred to allow a formal site visit.

152 **Park Farm Agricultural Barn, New Street, Deddington**

The Committee considered application 18/00472/DISC for the discharge of Conditions 4 (Weatherboarding sample), 5 (door and window details), 6 (Parking and manoeuvring details) and 7 (Desk study and site walk over) of 18/00971/F at Park Farm Agricultural Barn, New Street, Deddington for Mr & Mrs Bryn Williams.

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

Resolved

That authority be delegated to the Assistant Director: Planning and Economy to discharge Conditions 4, 5, 6 and 7 of planning permission 18/00971/F.

153 **Park Farm Agricultural Barn, New Street, Deddington**

The Committee considered application 18/00475/DISC for the discharge of Conditions 4 (Weatherboarding sample) and 5 (door and windows) of 18/00972/LB at Park Farm Agricultural Barn, New Street, Deddington for Mr & Mrs Bryn Williams.

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

Resolved

That authority be delegated to the Assistant Director: Planning and Economy to discharge Conditions 4 and 5 of Listed Building Consent 18/00972/LB.

154 **Unit 1, Plot 1, Thorpe Way, Banbury, OX16 4SP**

The Committee considered application 18/02193/F for the installation of external air conditioning units and lights to Units 1, 2, 3, 4, 5 & 6 at Thorpe Way and Units 21, 22, 24 at Thorpe Place at Unit 1, Plot 1, Thorpe Way, Banbury, OX16 4SP for Cherwell District Council.

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

Resolved

That application 18/02193/F be approved and authority be delegated to the Assistant Director: Planning and Economy to grant permission, subject to the conditions set out below (and any amendments to those conditions as deemed necessary)

Time Limit

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Site Plan Units 1-7 Site Plan Units 18-24 (NTBS3086/04); Units 1-5 Elevations

(NTBS3086/01); Unit 6 Elevations (NTBS3086/02) and Units 21-24 Elevations (NTBS3086/03).

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

The Committee considered application 19/00026/DISC for the discharge of condition 13 (construction environmental management plan) of 17/00284/REM at Land Adjacent To The Oxford Canal, Spiceball Park Road, Banbury for Cherwell District Council.

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

Resolved

That authority be delegated to the Assistant Director: Planning and Economy to approve the details submitted subject to the minor amendments and clarifications considered necessary by officers as summarised in the report,

The meeting ended at 5.20 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

14 March 2019

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

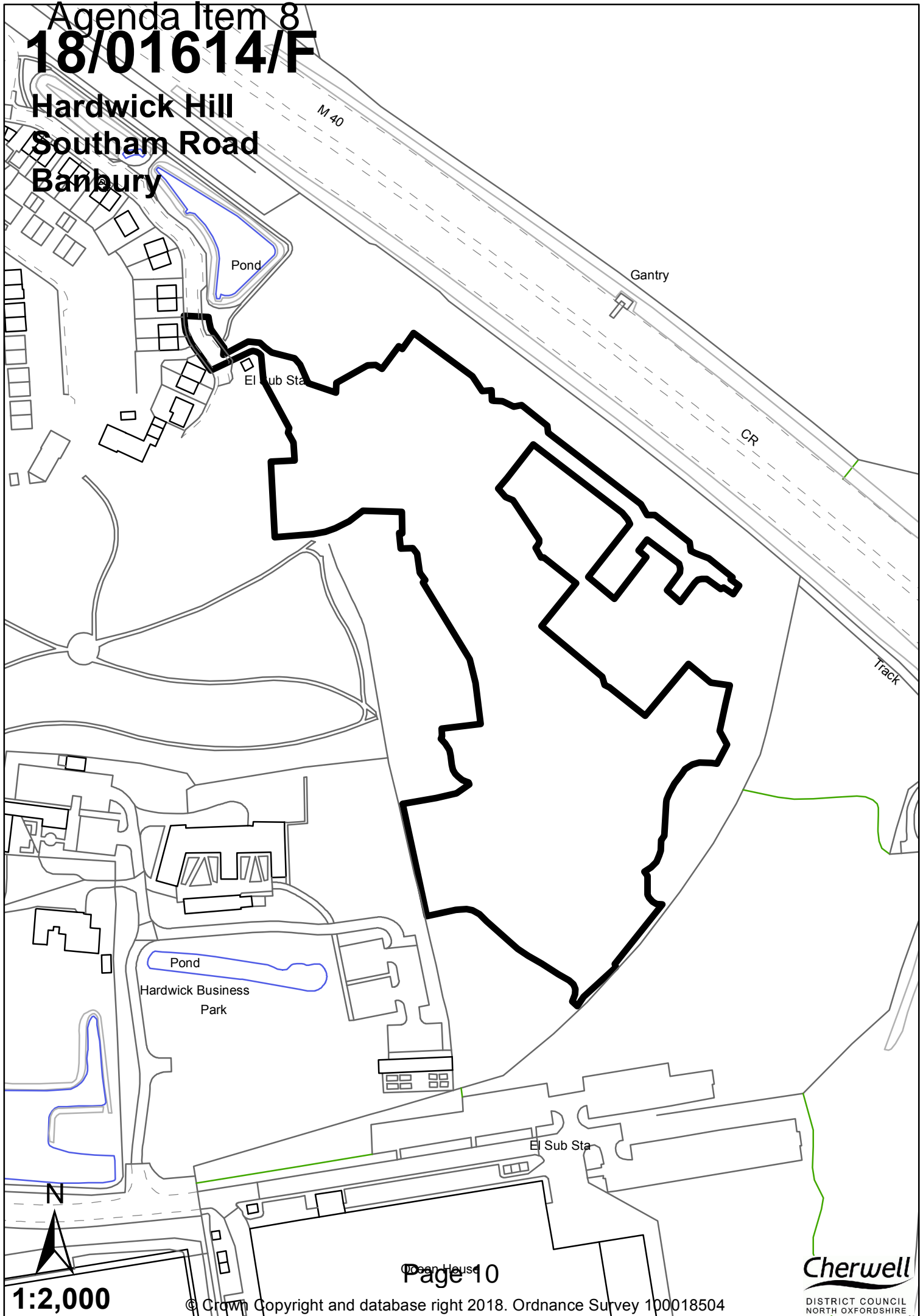
Background Papers

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

	Site	Application No.	Ward	Recommendation	Contact Officer
8	Hardwick Hill Southam Road Banbury	18/01614/F	Banbury Hardwick	Approval	Stuart Howden
9	OS Parcel 4278 North West of Lessor Grange Milcombe	18/01707/F	Deddington	Approval	Bob Neville
10	OS Parcel 4278 North West of Lessor Grange Milcombe	18/01724/F	Deddington	Approval	Bob Neville
11	OS Parcel 4278 North West Of Lessor Grange Milcombe	18/01708/OUT	Deddington	Refusal	Bob Neville
12	Meadow Barn Merton Road Ambrosden OX25 2LZ	19/00055/F	Bicester South And Ambrosden	Approval	Michael Sackey
13	The Old Rectory Stoke Lyne Bicester OX27 8RU	19/00244/F	Fringford And Heyfords	Approval	Sarah Greenall
14	Evelyns Farm Brill Road Horton Cum Studley OX33 1BZ	18/02150/F	Launton And Otmoor	Refusal	Matthew Chadwick
15	Land North West Of Fabis House Rattlecombe Road Shenington	19/00014/F	Cropredy, Sibfords And Wroxton	Approval	Matthew Chadwick
16	Land North West Of Fabis House Rattlecombe Road Shenington	19/00015/LB	Cropredy, Sibfords And Wroxton	Approval	Matthew Chadwick
17	The Hill Dover Avenue Banbury OX16 0JE	19/00014/NMA	Banbury Ruscote	Approval	Matthew Chadwick

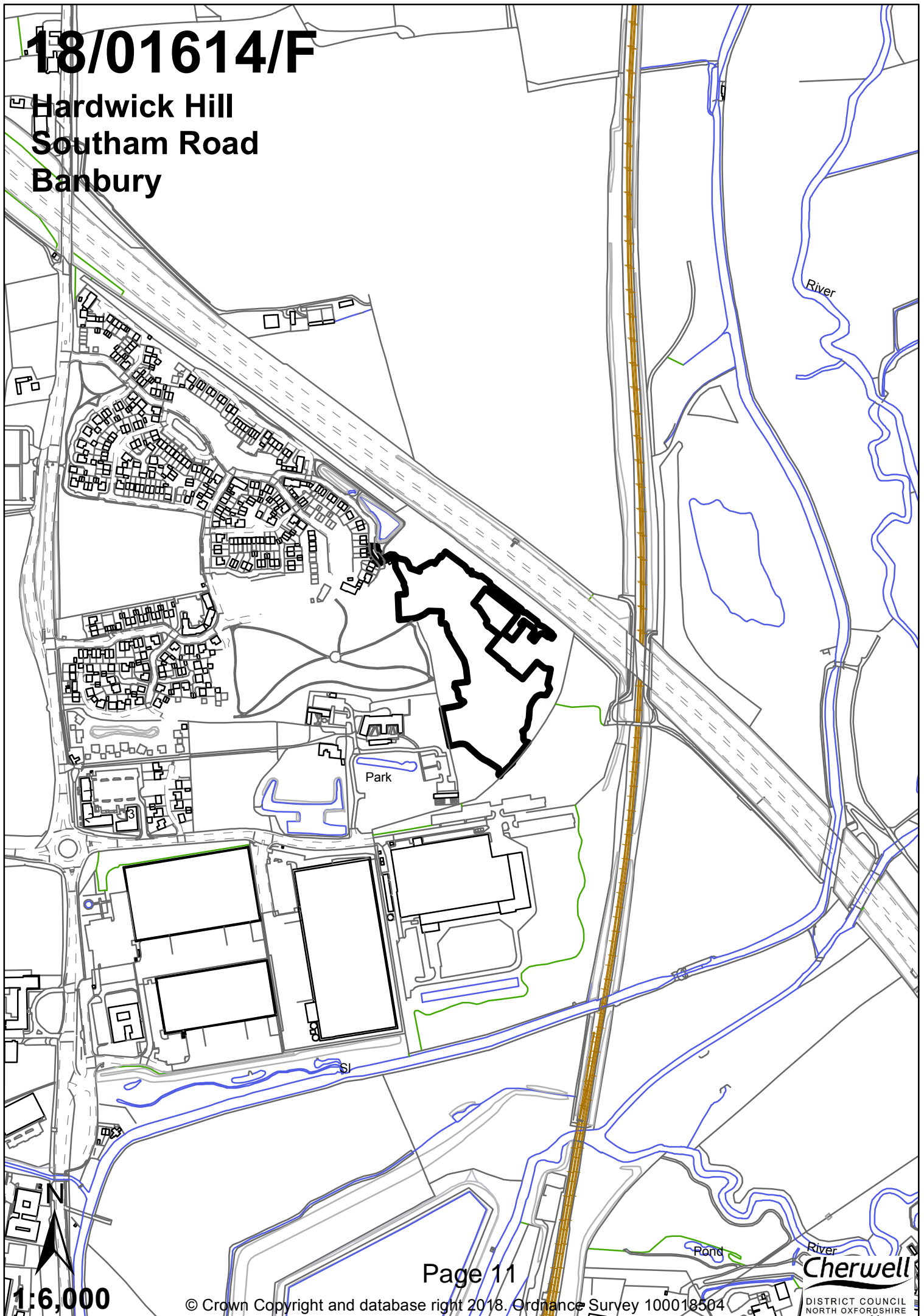
Agenda Item 8 18/01614/F

Hardwick Hill
Southam Road
Banbury



18/01614/F

Hardwick Hill
Southam Road
Banbury



Case Stuart Howden

Officer:

Applicant: Bellway Homes Limited (Northern Home Counties)

Proposal: Full planning application for 83 dwellings comprising a partial re-plan of the approved layout under reserved matters phase 2 (LPA ref: 15/00961/REM) to include an uplift of 23 no. dwellings and a revised mix across the development parcel, and associated development

Ward: Banbury Hardwick

Councillors: Cllr Tony Illot
Cllr J A Donaldson
Cllr Nicholas Turner

Reason for Referral: Major Development

Expiry Date: 12th April 2019

Committee Date: 14 March 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

Proposal

Planning permission is sought for 83 residential dwellings on the site, this being an increase in 23 to what has been already approved on this site (13/00159/OUT and 15/00961/REM)

Consultations

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

- OCC Highways (but amended plans have since been submitted) and CDC Strategic Housing.

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

- Banbury Parish Council, CDC Arboriculture, OCC Developer Contributions, OCC Drainage and Thames Water.

Planning Policy and Constraints

The site is approximately 140 metres to the east of the Grade II* listed building of Hardwick House. The site is on land that has high archaeological interest and is potentially contaminated. The site has some ecological potential as a number of legally protected species have been recorded within the vicinity of the site including, but limited to, swifts, the smooth newt and the West European Hedgehog.

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

Conclusion

The key issues arising from the application details are:

- Principle of the Development
- Design, and Impact upon the Character and Appearance of the Area
- Impact upon Historic Environment
- Residential Amenities
- Accessibility, Highway Safety and Parking
- Ecological and Trees
- Affordable Housing
- Flooding and Drainage
- Infrastructure Provision

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and a suitably worded legal agreement.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site, which comprises 2.51 hectares of land, is situated to the north of Banbury and covers land which lies within the Banbury 2 Cherwell Local Plan (2011-2031) Part 1 allocation. Outline planning permission and detailed reserved matters approval have been granted on the east of Southam Road site for the erection of 510 homes, and construction is underway. The application site sits within the south eastern element of this residential development and 60 dwellings have been approved on the site to which this application relates. The north east boundary of the site lies adjacent to the M40 and beyond this is open countryside. To the south east of the site is scrub land (with a pending application to erect a warehouse – ref: 19/00010/F) and beyond this is the Birmingham to London/Oxford railway line. To the south is a warehouse, whilst to the south west is offices and warehousing.

2. CONSTRAINTS

2.1. The site is approximately 140 metres to the east of the Grade II* listed building of Hardwick House. The site is on land that has high archaeological interest and on land that is potentially contaminated. The site has some ecological potential as a number of legally protected species have been recorded within the vicinity of the site including, but limited to, swifts, the smooth newt and the West European Hedgehog.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Planning permission is sought for 83 residential dwellings on the site, this being an increase in 23 to what has been already approved on this site. The proposal seeks a reduction in the provision of 4 and 5 bedroom units on site, with 2 and 3 bed units in

their place. The applicant's agent indicates that the re-plan is driven by market conditions, i.e. there is a greater demand for smaller dwellings in this location and less demand for the larger 4 and 5 bed units.

- 3.2. The proposal would therefore make revisions to the details of phase 2 of the approved applications at the site (these being 13/00159/OUT and 15/00961/REM), including alterations to the layout of the site and landscaping. It should be noted that the proposed road layout is relatively similar to what has already been approved at the site, with the main spine road having been delivered already in line with the extant Reserved Matters approval.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:
- 4.2. 13/00159/OUT - OUTLINE - Demolition of existing structures; development of up to 510 residential units (use Class C3/extra care housing) and Class D1 education use, with associated access, landscaping/open space, parking and related works – Granted with conditions
- 4.2. The site benefits from outline planning permission (ref: 13/00159/OUT) for the “Demolition of existing structures; development of up to 510 residential units (use Class C3/extra care housing) and Class D1 education use, with associated access, landscaping/open space, parking and related works”. A Section 106 agreement was attached to this planning permission to secure contributions. Planning permission was granted on the 18th December 2013. The Design Code for the site was approved on 19th February 2015 (ref: 14/00383/DISC), so as to ensure the quality of the scheme envisaged is delivered.
- 4.3. 14/01871/OUT - Variation of Conditions 6 and 47, including the consolidation and alteration of conditions 5, 8, 14, 16, 17, 19, 23, 24, 45 and 46 of 13/00159/OUT – Granted with conditions
- 4.4. A Section 73 application (ref: 14/01871/OUT) was made to vary conditions 6 and 47 of the outline planning permission. Condition 6 was amended to require a design code to be submitted before the submission of the first reserved matters, rather than for a design code to be submitted and approved. Condition 47 was amended to change the wording of the condition in relation to noise attenuation measures.
- 4.5. 14/02140/REM - Reserved Matters Application to 14/01871/OUT - Appearance, landscaping; layout and scale for 98 dwellings and associated development – Granted with conditions
- 4.6. 15/00961/REM - Reserved Matters Application for Phase 2 to 14/01871/OUT - Appearance, landscaping; layout and scale for 412 dwellings and associated development – Granted with conditions
- 4.7. The first reserved matters application (ref: 14/02140/REM) for 98 dwellings was approved on 16th July 2015. The second reserved matters application (ref: 15/00961/REM) for 412 dwellings was approved on 23rd October 2015.
- 4.8. 18/00053/F - Sensory garden on previously approved Locally Equipped Area of Play (LEAP); provision of LEAP on copse land and continuation of existing bund; RETROSPECTIVE planning permission for installation of sub-station – Granted with conditions

- 4.9. 18/00553/F - Retrospective planning permission for the erection of structurally engineered ties to support the fence on the noise bund to the M40, with associated landscaping detail – Granted with conditions
- 4.10. 18/00554/F - Works to site bund (central section) adjacent to the motorway and engineering operations for structural ties and associated landscaping. Retrospective engineering operations for structural ties to existing noise acoustic fence and associated landscaping – Granted with conditions
- 4.11. Various Discharge of Conditions applications from 2015 to 2018, some of which are still live (e.g. 16/00390/DISC)

5. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
18/00164/PREAPP	Re-Plan for provision of additional 23 No units and revision of mix across the development parcel

- 5.2. A relatively similar proposal was put forward at the pre-application stage on this same site. Concerns were raised by officers that too many dwellings were being proposed on the site and that this would materially diminish the quality of the approved scheme. Officers had reservations with the overall design of the scheme as well as concerns with the standard of amenity for the occupiers of the proposed dwellings (due to loss of privacy and loss of outlook). The Local Highways Authority also raised concerns in relation to parking provision.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 25.10.2018, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties:

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BANBURY TOWN COUNCIL: **No objection** provided the total number of affordable units provided is based on the new total dwellings number post uplift
- 7.3. BOURTON PARISH COUNCIL: **No comments received.**

CONSULTEES

- 7.4. CDC ARBORICULTURE: **No objections** subject to conditions.
- 7.5. CDC BUILDING CONTROL: Regarding the block of flats 425-430: at ground floor level there appears to be very limited clearance between the swing of the main entrance door and the bottom of the stair, which would not be sufficient for wheelchair access. Also, there does not appear to be a smoke vent indicated at the head of the stairs
- 7.6. CDC CONSERVATION: **No comments received.**
- 7.7. OCC DEVELOPMENT FUNDING NEGOTIATOR: **No objections** subject to the existing S106 being varied to incorporate the new permission reference and where appropriate additional contributions will need to be secured to take account of the additional 23 dwellings proposed under this application.
- 7.8. OCC Drainage: **No objections.**
- 7.9. CDC ECOLOGY: **No comments received.**
- 7.10. CDC ENVIRONMENT AGENCY: Do not wish to comment – use Flood Risk Standing Advice.
- 7.11. CDC ENVIRONMENTAL HEALTH: **No comments received.**
- 7.12. HISTORIC ENGLAND: **No comments to make**
- 7.13. OCC HIGHWAYS: Object to the application for the following reasons:
- Vehicle tracking for a refuse vehicle with a length of 11.4m is required to demonstrate that such a vehicle can safely and easily enter, turn and exit the site. The tracking submitted is for a vehicle of 10.1m in length.
 - A plan demonstrating forward visibility splays on all bends is required. This must meet standards set out in the Manual for Streets.
- However, further plans have been submitted to attempt to address the concerns of OCC Highways. OCC Highways has been re-consulted and no comments have been received to date.
- 7.14. CDC HOUSING STANDARDS: **No comments received.**
- 7.15. CDC LANDSCAPE SERVICES: **No comments received.**
- 7.16. CDC LEGAL SERVICES: **No comments received.**
- 7.17. NETWORK RAIL: Lists informatives.
- 7.18. CDC RECREATION & LEISURE: **No objections** subject to contributions towards off-site outdoor and indoor sports facilities, community hall facilities and public art.
- 7.19. CDC STRATEGIC HOUSING: **Objects** to the application due to the mix of affordable housing being proposed.
- 7.20. SOUTH NORTHANTS COUNCIL: **No observations to make.**
- 7.21. THAMES WATER: **No objections** in principle.

7.22. CDC WASTE & RECYCLING: **No comments received.**

7.23. *Officer comment:- Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.*

7.24. *In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority and hence the above response from the Council's Finance department is therefore provided on an information basis only.*

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient and Efficient Use of Land
- BSC4: Housing Mix
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- ESD17: Green Infrastructure
- BANBURY 2: Hardwick Farm, Southam Road (East and West)

- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental pollution
- ENV12: Contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Cherwell District Council: Home Extensions and Alterations Design Guide (2007)
- Cherwell Residential Design Guide Supplementary Planning Document (SPD) (July 2018)
- Banbury Vision and Masterplan SPD (December 2016)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update December 2017

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council’s Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

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

9. APPRAISAL

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

- Principle of the Development
- Design, and Impact upon the Character and Appearance of the Area
- Impact upon Historic Environment
- Residential Amenities
- Accessibility, Highway Safety and Parking
- Ecological and Trees
- Affordable Housing
- Flooding and Drainage
- Infrastructure Provision

Principle of Development

Policy Context

- 9.2. Planning law requires that planning decisions are made in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) makes clear that it does not change the statutory status of the development plan as the starting point for decision making. However the NPPF is a significant material consideration.
- 9.3. Paragraph 11 of the NPPF explains the Government's presumption in favour of sustainable development. For decision-taking this means approving proposals that accord with an up to date development plan and in cases where there are either no relevant development plan policies or those policies important for determining the application are out of date; granting permission unless the NPPF policies provide a clear reason for refusal or any adverse impacts significantly and demonstrably outweigh the benefits.
- 9.4. The Development Plan comprises the saved policies of the 1996 adopted Cherwell Local Plan and the 2015 adopted Cherwell Local Plan (2011-2031) Part 1. The policies important for determining this application are referenced above in Section 8.
- 9.5. The site forms part of the allocated site Banbury 2 from the Cherwell Local Plan (2011 – 2031) Part 1. Policy Banbury 2 of sets out the development description and key specific design and place shaping principles for this allocated site known as (east and west of Southam Road). It is noted that Policy Banbury 2 allows for residential development of approximately 600 dwellings provided it can be demonstrated that high quality design has been applied to address the potential landscape/visual impact issues and that careful consideration has been given to minimise the impact on historic assets/potential archaeological sensitivity of the site.

Assessment

- 9.6. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites and therefore the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 9.7. The principle of residential development was established with the granting of the original outline consent under application 13/00159/OUT. Furthermore, as noted above, the site is part of the allocated site Banbury 2 from the Cherwell Local Plan (2011 – 2031) Part 1. Policy Banbury 2 sets out that approximately 600 dwellings will be provided over the east and west of Southam Road sites cumulatively and the provision of an additional 23 dwellings would mean that the number of dwellings

would exceed this figure of 600. However, 600 dwellings is not a strict limit – the use of the word ‘approximately’ suggests an additional c.5% may be policy compliant, 5% of 600 being 30.

- 9.8. Thus, the provision of additional housing at the east of Southam Road site could be acceptable. That being said, the principle of the residential development is also dependent on other material planning considerations, including whether the proposal is in accordance with the criteria and master planning principles specified in Policy Banbury 2 of the Cherwell Local Plan (2011-2031) Part 1.

Conclusion

- 9.9. The principle of the development could be acceptable, but this is dependent on other material planning considerations which shall be discussed below.

Design, and Impact upon the Character and Appearance of the Area

Policy Context

- 9.10. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPF goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

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

- 9.12. Paragraph 130 of the NPPF states that: *“Permission should be refused for development that fails to take the opportunities available for improving the character and appearance of an area and the way it functions.”* Highly relevant for this proposal, Paragraph 130 also states that: *“Local Planning Authorities should also seek to ensure that the quality of the approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.”*

- 9.13. Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development*

will be required to meet high design standards.” The Cherwell Residential Design Guide SPD also encourages development which is locally distinctive and the use of appropriate materials and detailing, but states that new development should avoid the creation of ‘anywhere places’ which do not respond to local context.

- 9.14. Policy Banbury 2 of the Cherwell Local Plan (2011-2031) Part 1 sets out some key site specific plan shaping principles and in relation to the matters of landscape and visual impact, as well as the impact upon the character of the area.
- 9.15. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with existing buildings.

Assessment

- 9.16. A Design Code for the east of Southam Road site was approved on 19th February 2015 (ref: 14/00383/DISC) which sets out the key issues to be addressed by developers and describes the type of place to be created, thereby setting requirements for developers and officers to ensure that a high quality scheme is achieved, e.g. building lines, the position of landmark buildings and treatment of secondary frontages, amongst a wide range of other matters.
- 9.17. Following concerns from officers that the initial plans did not accord with the requirements set out within the Design Code for the site, amended plans have been received. It is considered that the amended proposal would generally be in accordance with the Design Code, in terms of building lines and landmark buildings, for example. There is some scope for improvement in terms of the externally facing materials being used, which can be controlled by condition. Thus, subject to appropriately worded condition, the amended proposals are considered acceptable in design terms.

Conclusion

- 9.18. It is considered that the proposal would not cause demonstrable harm to the visual amenities of the area, nor would it materially diminish the quality of the overall approved scheme.

Impact upon Historic Environment

Policy Context

- 9.19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken.
- 9.20. Paragraph 193 of the NPPF states that: *“When considering the impacts of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”* Paragraph 194 of the NPPF goes on to state that: *“Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification”.*

- 9.21. Policy ESD15 of the Cherwell Local Plan states that new development proposals should: *“Conserve, sustain and enhance designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG.”*

Assessment

- 9.22. The site is approximately 140 metres away to the east of the Grade II* listed Hardwick House. As residential development has already been approved on the site, it is considered that the proposal would not materially alter the way this designated heritage asset is appreciated. It is therefore considered that the proposal would not cause harm to the significance of this listed building or its setting.
- 9.23. In terms of impact on the archaeological assets, there is a medieval village adjacent to the site. However, the proposed changes to the original permission are located within an area which has been subject to a full archaeological mitigation.

Conclusion

- 9.24. Given the above, it is considered that the proposal would not cause harm to the significance of any designated or non-designated heritage assets, or their setting.

Residential Amenities

Policy Context

- 9.25. Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. Paragraph B.42 in the Cherwell Local Plan Part 1 states that: *“In all cases very careful consideration should be given to locating employment and housing in close proximity and unacceptable adverse effects on the amenity of residential property will not be permitted.”*
- 9.26. Policy Banbury 2 of the Cherwell Local Plan (2011-2031) Part 1 outlines that one of the design and place shaping principles that should inform proposals is development that demonstrates consideration for and addresses any potential amenity issues which may arise.
- 9.27. Cherwell Householder guidance seeks a separation distance of 22 metres to be achieved between directly facing habitable room windows, such as a rear elevation to rear elevation relationship to avoid unacceptable overlooking, and a distance of 14 metres between a windowless elevation and elevations with a ground floor habitable room window to avoid overshadowing.
- 9.28. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that: *“Development which is likely to cause detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.”*

Assessment

- 9.29. The development at Southam Road is a relatively intensive use of land and there are numerous instances in the approved scheme where plot to plot relationships fall

short of the recommended minimum separation distances set out in the Council's adopted guidance.

- 9.30. The current proposals, adding 23 units to the development within the same site would only serve to add to these challenges. Indeed, there are numerous instances in the current proposals where plot to plot relationships fall short of the recommended minimum separation distances.
- 9.31. These concerns were discussed with the applicant's agent, and amended plans have been received, which have made some improvements in this regard. In most cases, however, the current proposals are similar to the approved scheme, the latter providing a realistic fall-back position.
- 9.32. Under the amended plans, there is one substandard plot to plot relationship, which is new i.e. not part of the approved scheme. This relates to plots 393 and 421; the proposed occupants of 421 would overlook the rear garden of 393. Whilst this would be an undesirable situation, any prospective purchasers of plot 393 would be aware of the relationship between these properties. On balance, and in the context of a development where there are other instances of substandard plot to plot relationships, it is considered it is considered that the relationship between these two properties would not be so harmful as to warrant refusal.
- 9.33. Regarding noise, the principle of residential development on this site has already been accepted. A bund with fencing sits along the north east boundary of the site to mitigate the noise from the M40. A condition was also attached to the existing consent at this site (condition 39 of 14/01871/OUT) setting out that dwellings within the north eastern and eastern areas of the site must demonstrate that each dwelling can be attenuated to achieve the WHO guideline value for living rooms and bedrooms, as well as rear outdoor gardens.
- 9.34. The noise model output, which includes the revised layout, indicates that the sound levels within gardens do not exceed the criteria as set out within Condition 39, It is also noted in the noise report that internal sound levels will be able to accord with those set out in Condition 39.

Conclusion

- 9.35. It is considered that the proposal would result in an adequate standard of amenity for existing occupiers and proposed occupiers.

Accessibility, Highway Safety and Parking

Policy Context

- 9.36. Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 states that: *"New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions."*
- 9.37. Policy SLE4 of the Cherwell Local Plan (2011-2031) Part 1 states that: *"All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported."*

Assessment

- 9.38. Comments from Oxfordshire County Council as Local Highways Authority (LHA) have been received. The LHA is generally content with the proposed street layout, but advises that a plan demonstrating forward visibility splays would need to be provided for all bends. The LHA has concerns that the forward visibility splay at the bend by the informal LAP appears to be potentially obstructed by the location of on-street parking and trees. The LHA also notes that given the proximity of the LAP it is particularly important that appropriate forward visibility at this bend is achievable. The LHA states that visibility envelopes must be marked out on a layout plan and forward visibility splays must meet the standards set out in Manual for Streets. The LHA therefore objects to the proposal.
- 9.39. Furthermore, the swept path analysis submitted with the application is for a refuse vehicle with a length of 10.1m. Cherwell District Council uses refuse vehicles with a length of 11.4m and the LHA has therefore stated that a swept path analysis for a vehicle of that length is required to demonstrate that those vehicles can safely and easily enter, turn and exit the site in a forward gear (taking into account the likely on street parking). This forms another reason for objection from the LHA.
- 9.40. Amended plans have been received which attempt to address the LHA's concerns, including refuse tracking plans and details regarding forward visibility. OCC Highways has been re-consulted. No comments have been received to date but any received will be reported to Planning Committee.
- 9.41. It has been noted by the LHA that a suitably located bin collection point would be required for plots to the north of the site (392-395) as these plots are not directly served from the adoptable highway and are located beyond an acceptable drag distance for refuse collections.
- 9.42. Regarding car parking, the LHA has stated that the proposed allocated parking provision is marginally lower than the county council's recommended parking standard in that three of the fifteen 2-bed houses are proposed to have one allocated parking space per unit, rather than two. This may lead to residents of those dwellings parking in visitor spaces. However, the LHA notes that this is unlikely to lead to significant problems related to overspill parking, and the proposed provision of 154 allocated spaces and 21 unallocated spaces for the 83 dwellings proposed is acceptable.
- 9.43. Off-street parking would be provided on driveways and in car-ports for the proposed houses and in parking courtyards for the proposed flats. The LHA states that all parking spaces meet the minimum dimensions set out in the county council's Design Guide for New Residential Developments.
- 9.44. Regarding cycle parking, the Transport Statement suggests that residents of the houses within the site are to provide their own cycle parking either within their car ports or within garden sheds to be 'installed by the resident'. The LHA advises this would not be acceptable and does not promote the use of sustainable transport amongst residents of the site. The LHA therefore requests that a planning condition is applied to any planning permission in order to secure the provision of residential cycle parking in line with the county council's cycle parking standards. However, sheds for cycle parking facilities are proposed for the dwellings without garages and this is displayed in the submitted plans. That said, it appears that elevational details of these sheds have not been submitted and this could be secured by condition of any permission given.

- 9.45. The proposed dwellings are located toward the eastern end of the site and the LHA states that they are beyond what is considered a reasonable walking distance to the nearest bus stops. The LHA therefore requests a condition which restricts occupation of any of proposed dwellings until the bus route within the wider allocation site is available for use, thereby ensuring that residents of the proposed dwellings have suitable access to a public transport service from the point of occupation. Given that such a condition was not requested on previous applications covering this site, Officers do not consider it reasonable to now condition this.
- 9.46. The public transport service contribution secured through the existing S106 for the site can be revised under a Deed of Variation taking into account the increase in dwelling numbers proposed.
- 9.47. The LPA notes that the highway network in the vicinity of the site experiences congestion problems, particularly at peak network hours. The LHA is particularly concerned about any significant impacts on Hennef Way arising from additional dwellings. However, the LHA accepts that traffic impact of an additional 23 dwellings over the number previously permitted is not likely to be perceptible, particularly given the proposed mix of dwellings which has a lower number of larger dwellings and an increase in the number of 1-2 bed dwellings.
- 9.48. This site is part of a larger development which has an older historical travel plan. Having regard to this existing travel plan and given the general history of the site it is not considered reasonable to ask the developer for additional travel plan measures related to this application or travel plan monitoring fees.

Conclusion

- 9.49. In light of the LHA's objections (inadequate details in relation to forward visibility and vehicular tracking for a refuse vehicle) the originally submitted proposals are not considered acceptable in highway safety terms. However, officers consider the amended plans have satisfactorily addressed these concerns. OCC Highways has been re-consulted and no comments have been received to date.

Ecology and Trees

Policy Context

- 9.50. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"*.
- 9.51. Paragraph 170 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity."*
- 9.52. Policy ESD10 of the Cherwell Local Plan (2011-2031) Part 1 reflects the requirements of the Framework to ensure protection and enhancement of

biodiversity. The Authority also has a legal duty set out in the Natural Environment and Rural Communities Act 2006 (NERC 2006) which states that: *“Every public authority must in exercising its functions, must have regard... to the purpose of conserving (including restoring / enhancing) biodiversity.”*

- 9.53. Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1 requires new development to respect local topography and landscape features including significant trees, hedgerows and views. Policy ESD10 has similar requirements including the objective of protecting existing trees as well as increasing the number of trees overall within the District.
- 9.54. Policy Banbury 2 of the Cherwell Local Plan (2011-2031) also notes that development should retain and enhance significant landscape features (e.g. hedgerows) which are or may be of ecological value; and where possible, introduce new features to enhance and increase biodiversity in the area.

Assessment

- 9.55. Unfortunately, the Council’s Ecologist has not provided comments as part of the consultation process. However, at the pre-application stage, the Ecologist stated that consideration should be given to how the proposal affects biodiversity on the site (particularly proposed diversity gain), and this should be fully outlined in an application.
- 9.56. An addendum to the ecological assessment produced in 2015 has been submitted alongside this application, which describes whether there are any changes to the conclusions of the previous ecological assessment. This note that the conclusions of the 2015 Ecological Impact Assessment and other associated reports remain valid and there is no reason to suggest that any ecological designations, habitats of nature conservation interest or any protected species will be significantly harmed by the proposals. The addendum goes on to note that the biodiversity benefits described previously will still be provided under the revised scheme. Officers see no reason to disagree with the assessment.
- 9.57. The application proposed the removal of a category B tree and the remaining trees are to be retained. It is set out in the submission that the removal of this tree will be mitigated through the planting of a number of new trees throughout the site. The Council’s Arboriculturalist has raised no objections to these proposals as long as the trees to be retained are protected in accordance with the tree protection plan produced by Aspect Arboriculture, which can be conditioned.
- 9.58. The Arboriculturalist has stated that in terms of the tree planting, further details of the tree pit design are required. The Arboriculturalist has raised no objections to the proposed species to be planting. Where hard surfaces are in proximity to tree pits, the Arboriculturalist has stated that root barriers should be used to divert roots away from the hard surfaces.

Conclusion

- 9.59. The proposal would not adversely impact upon trees of high amenity value subject to works being completed as specified in the Arboricultural Report. Furthermore, subject to conditions, it is considered that the proposal would not cause adverse impacts to biodiversity.

Flooding and Drainage

Policy Context

- 9.60. Policy ESD6 of the Cherwell Local Plan (2011-2031) Part 1 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.61. Policy ESD7 of the Cherwell Local Plan (2011-2031) Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

- 9.62. Whilst the site is on Flood Zone 1 (land assessed as having a 1 in 100 or greater annual probability of river flooding), given that the site area is over 1ha, a Flood Risk Assessment is required.
- 9.63. A site-specific Flood Risk Assessment and Drainage Strategy (FRA) have been submitted alongside the application. The Environment Agency's flood maps indicate that none of the proposed new homes are within a higher risk flood zone and are within Flood Zone 1 where residential development is acceptable in principle subject to no increased flood risk elsewhere as a result of proposal. The FRA sets out that the proposals remain acceptable and that the previously approved surface and foul water drainage networks have sufficient capacity to accommodate the adjustments to the proposed site layout.
- 9.64. OCC Drainage has reviewed the documentation and they are content that the proposal will be able to adequately manage surface water generated by the additional development. Officers see no reason to disagree with this assessment.

Conclusion

- 9.65. Subject to compliance with the FRA and drainage strategy, the proposal would not increase flooding risk on or off the site.

Affordable Housing

Policy Context

- 9.66. Policy Banbury 2 of the Cherwell Local Plan (2011-2031) states that development on the site should make provision for 30% affordable housing and this is in line with the requirements of Policy BSC3 of the Cherwell Local Plan (2011-2031) Part 1. Policy Banbury 2 also states that provision should be made on site for extra care housing.

Assessment

- 9.67. The proposed scheme would ensure that 30% affordable housing would still be provided in line with requirements of Policies Banbury 2 and BSC3 of the Cherwell Local Plan (2011-2031) Part 1.
- 9.68. However, the Council's Strategic Housing Officer has raised concerns with the mix of affordable housing being provided on the site. Approval has been given to 6x 1 bed flats on the site to date, whereas the current proposals show those 6x 1 bed

flats and then 3x 2 bed flats and 4x 3 bed houses. The Strategic Housing Officer has requested that fewer flats are proposed and that more 2 or 3 bed houses are provided. Such changes would ultimately reduce the number of affordable units on the site overall (because apartments are less land hungry). Officers put this forward to the Strategic Housing Officer who stated that that they would still prefer fewer units for the 2 or 3 bed houses, especially as there is demand for 2 and 3 bed affordable houses locally and less demand for apartments locally.

- 9.69. The provision of affordable houses is a benefit to the proposals to be weighed in the balance. Officers note that this proposed scheme forms part of much larger scheme with a mix of dwellings. Furthermore, this application is proposing further smaller dwellings than previously approved on the site (albeit market housing). However, given the demand for additional 2 and 3 bed houses and the lack of demand for flats, the weight that can be given to this benefit is reduced.

Conclusion

- 9.70. The proposal would ensure that 30% affordable housing would still be provided on the site in line with the requirements of Policies Banbury 2 and BSC3 of the Cherwell Local Plan (2011-2031) Part 1, although for the reasons set out above, the weight to be attached to this benefit is reduced.

Infrastructure Provision

Policy Context

- 9.71. New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National planning policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost, of all or part of the additional infrastructure/service provision that would not have been necessary but for their development. Planning Obligations are the mechanism used to secure these measures.
- 9.72. Policy INF1 of the Cherwell Local Plan (2011-2031) Part 1 states that: “*Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities*”. Policy Banbury 2 lists some of the infrastructure requirements required including a new primary school, provision of onsite open space including play space, and community facilities including, ideally, an onsite community hall.
- 9.73. The Council has recently adopted a Supplementary Planning Document (SPD) setting out its position in respect of requiring financial and on site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 9.74. Where on and off site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- c) Fairly and reasonably related in scale and kind to the development.

9.75. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

9.76. Having regard to the above, in the event that Members were to resolve to grant planning permission, a deed of variation/linking agreement to the S106 agreement under application reference 13/00159/OUT would be required. Full Heads of Terms will be included in the Written Updates for Members to consider and approve, and these will form the basis of the Council's position in respect of negotiating completion of the S106 Agreement. However, based on the consultation responses received and contributions secured in respect of the previous permission at the site, the following matters are likely to be included:

- Financial contribution to off-site outdoor and indoor sports provision;
- Financial contribution to off-site community hall facilities (i.e. enhancement of existing facilities in the area).
- Highways Matters and infrastructure
- Provision of waste and recycling services
- Affordable housing (discussed further above in a separate section)

Conclusion

9.77. A number of items would need to be secured via a deed of variation/linking agreement to the legal agreement relating to the original permission at the site with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its impacts.

Other Matters

9.78. Thames Water has noted that, following investigations, there is *an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission to overcome this issue. Such a condition will be attached should permission be granted.*

Human Rights and Equalities

9.79. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.

- 9.80. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 8 and Article 1 of the First Protocol

- 9.81. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

Duty under The Equalities Act 2010

- 9.82. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

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

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.2. The Cherwell Local Plan (2011-2031) Part 1 is an up-to-date Local Plan and as such it is considered to attract full weight including its housing supply policies.
- 10.3. The site is allocated in the Cherwell Local Plan (2011-2031) Part 1 (Banbury 2) for residential development and permission has already been granted on the site for residential development as set out in the Relevant Planning History section of the report (section 4). Whilst the proposal would result in a greater number of dwellings on the wider site than the 600 dwellings referred to in the Policy Banbury 2, this number is not a strict limit and the additional 23 dwellings would only be a modest increase over this figure. It is therefore concluded that the provision of additional housing at the east of Southam Road site could be acceptable subject to other materials planning considerations, including compliance with Policy Banbury 2.
- 10.4. It is considered that the proposal would not cause demonstrable harm to the visual amenities of the area, nor would it materially diminish the quality of the overall approved scheme. Furthermore, it is considered that the proposal would result in an adequate standard of amenity for existing occupiers and proposed occupiers. In addition the proposal would not adversely impact on protected species or increase the flooding risk on or off the site.

10.5. OCC Highways has objected to the application as it has not been demonstrated that a refuse vehicle can safely and easily enter, turn and exit the site, and that adequate forward visibility splays and all bends can be achieved. However, further plans have been submitted to attempt to address the concerns of OCC Highways who have been re-consulted, but no comments have been received to date.

10.6. Thus, subject to no objections being raised from OCC Highways, it is considered that the proposed development would not conflict with the Development Plan and would not cause adverse harm. Thus, the application is recommended for approval subject to conditions and a deed of variation/linking agreement to the S106 agreement under application reference 13/00159/OUT.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION SUBJECT TO

- 1. NO OBJECTIONS FROM OCC HIGHWAYS**
- 2. THE CONDITIONS SET TO FOLLOW IN A WRITTEN UPDATE (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY), AND**
- 3. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, AS SET OUT IN A WRITTEN UPDATE (AND ANY AMENDMENTS AS DEEMED NECESSARY)**

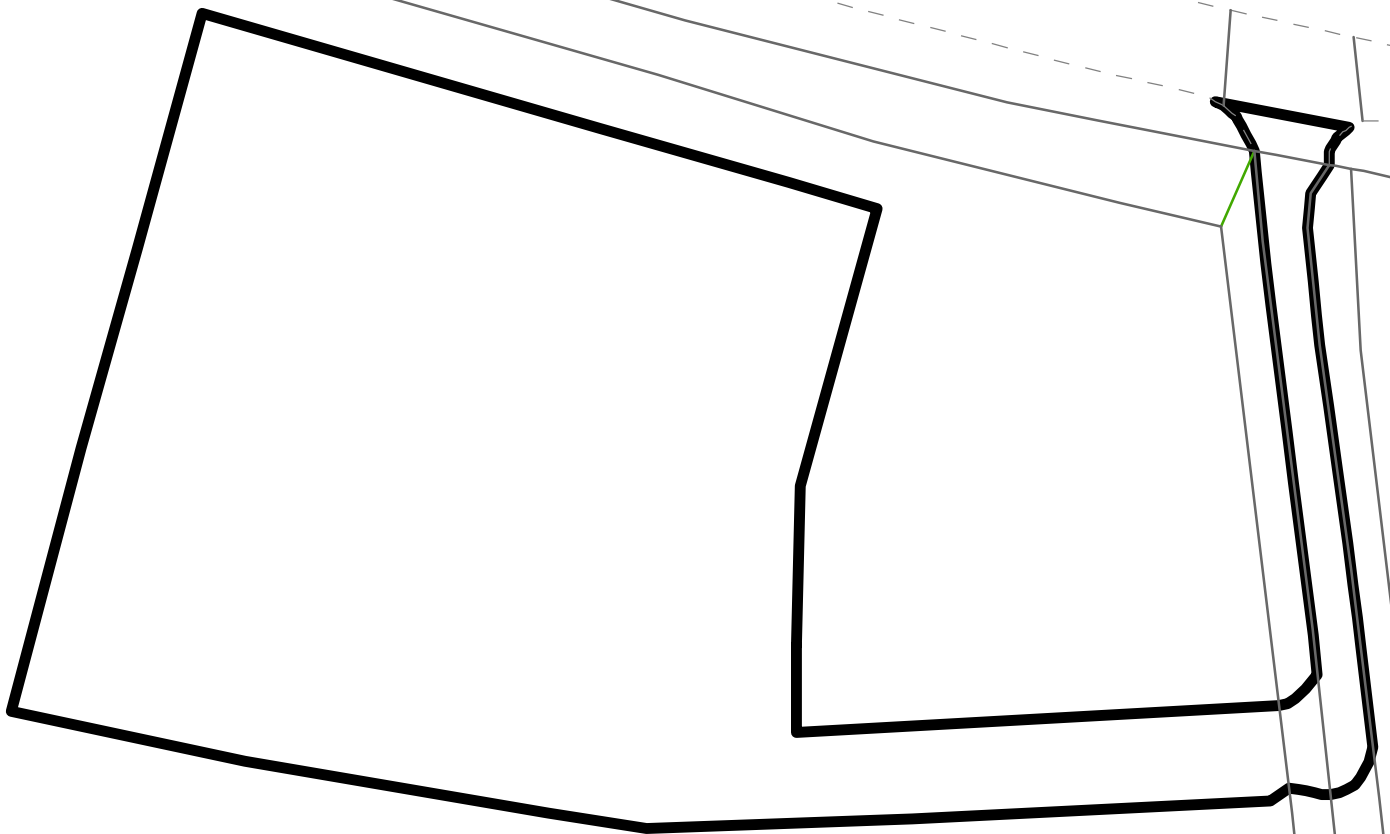
CASE OFFICER: Stuart Howden

TEL: 01295 221815

Agenda Item 9
18/01707/F

OS Parcel 4278
North West Of Lessor Grange
Milcombe

182.8m 182.8m

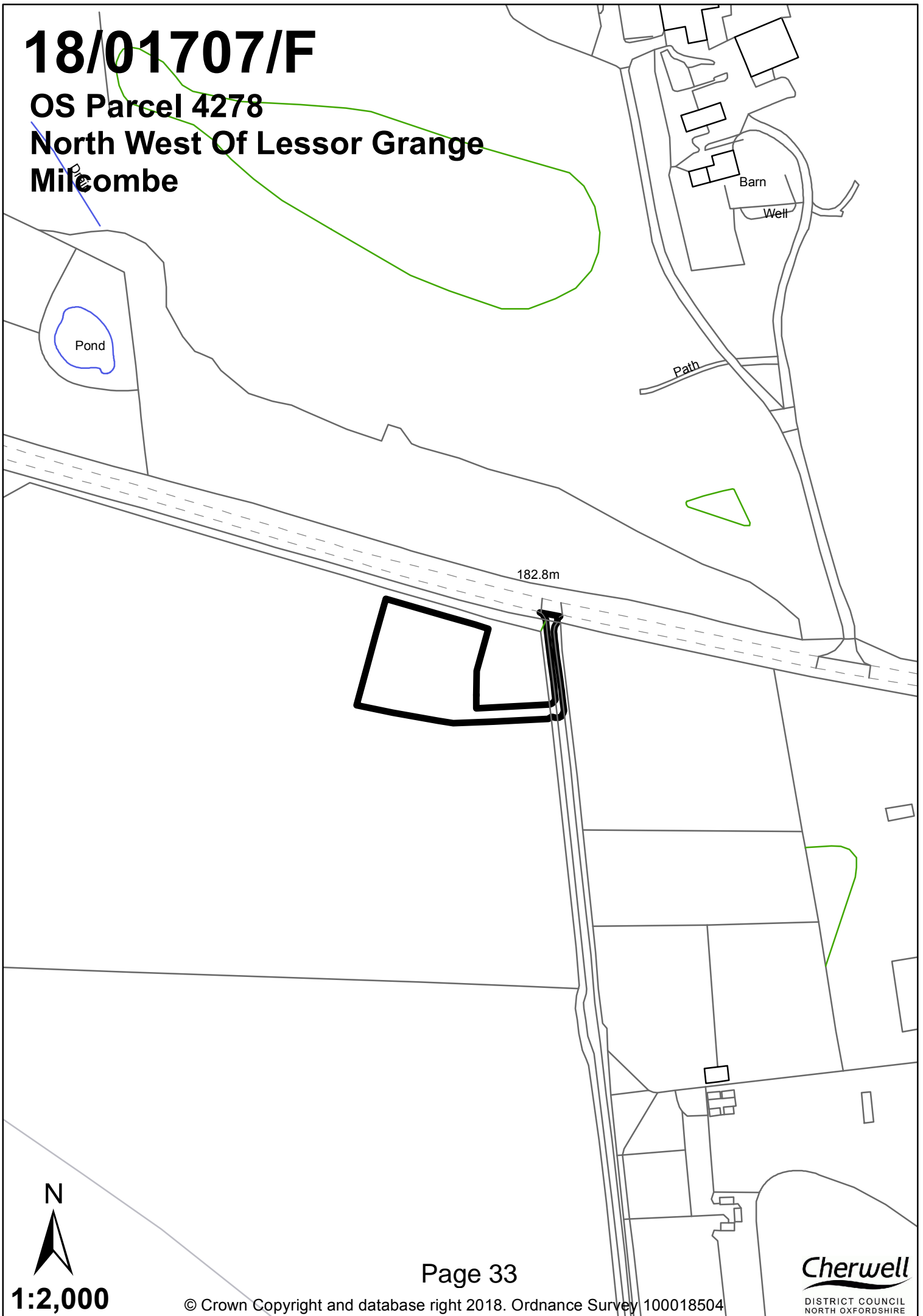


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18/01707/F

OS Parcel 4278

North West Of Lessor Grange Milecombe



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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Case Officer: Bob Neville
Applicant: Mr Bertrand Facon
Proposal: Erection of straw and machinery storage barn and associated hardstanding
Ward: Deddington
Councillors: Cllr Bryn Williams
Cllr Hugo Brown
Cllr Mike Kerford-Byrnes
Reason for Referral: Member call-in – Cllr Brown
Expiry Date: 26 November 2018 **Committee Date:** 14 March 2019
Extension of Time: 18 March 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

The application seeks planning permission for the proposed erection of straw and machinery storage barn and associated hardstanding to support a proposed new, cutting-edge embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. The proposed agricultural storage building would measure 24m x 10m with an overall height to ridge of 7.1m. Walls and the roof of the proposed would be finished in a dark green plastisol coated box profile steel, with three open bays, one enclosed bay with roller shutter door and a lean-to element to the side.

Consultations

No consultees have raised **objections** to the application:

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

- Milcombe Parish Council, OCC Highways, CDC Ecology, CDC Landscaping, Agricultural Consultant

No comments have been raised by third parties.

Planning Policy and Constraints

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

The key issues arising from the application details are:

- Principle of development
- Visual amenity, and impact on the character of the area

- Highway safety
- Residential amenity
- Ecology and Biodiversity

The report looks into the key planning issues in detail, and officers conclude that, subject to conditions, the scheme meets the requirements of relevant CDC Development Plan policies and therefore that the proposals are acceptable.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an area of agricultural land located on the road between Milcombe and Wigginton Heath within open countryside. The village of Milcombe lies ~1km (0.6miles) to the east of the site, Rye Hill Golf Club lies ~280m to north-east of the site, with Lessor Grange some 480m to the south east of the site. Whilst the site itself is relatively level, land levels drop to the north and east of the site. The site is located adjacent the highway with an existing access and private drive serving Lessor Grange and associated farm. The site is bounded by a mature boundary hedgerow with trees adjacent the highway, whilst sitting within an area of open countryside characterised by agricultural fields with typical agricultural boundary hedgerows.

2. CONSTRAINTS

- 2.1. In terms of site constraints, the site sits within an area where the geology is known to contain natural occurring elevated levels of Arsenic, Nickel and Chromium; as seen across much of the district, and further, an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels. Public Rights of Way (ref. Bridleway 409/7/10 and 298/5/20) cross land west and south of the site. There are no other significant site constraints relevant to planning and this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for the erection of a straw and machinery storage barn and associated hardstanding to support a proposed new, cutting-edge embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. The proposed agricultural storage building would measure 24m x 10m with an overall height to ridge of 7.1m. Walls and the roof of the proposed would be finished in dark green plastisol coated box profile steel sheeting; with three open bays, one enclosed bay with roller shutter door and a lean-to element to the side.
- 3.2. The proposals also include an area of hardstanding around the proposed barn and landscaping around the perimeter of the site.
- 3.3. Revised plans, further transport information and further information in respect of the existing and proposed business enterprises have been received during the application, introducing a landscaping buffer to the northern boundary of the site, and providing further details with regards to vehicular movements associated with the proposed development, in response to officer concerns. Unfortunately the

application has gone beyond its original statutory determination target date; however, an extension of the determination period has been agreed with the applicant through his agent, to allow for the application to be considered by planning committee.

- 3.4. Two further applications have been submitted alongside this application, 18/01724/F (Cattle building and silage clamp) and 18/01708/OUT (outline application for a new agricultural workers dwelling, with all matters aside from access reserved for later consideration). Application 18/01724/F constituted major development and was first due to come to planning committee in January. Application 18/01708/OUT for the proposed dwelling was originally to be dealt with under delegated powers, constituting minor development; however, following a late call-in request by the local ward member it was considered appropriate that all three be determined by planning committee. Appropriate extensions of time were agreed on all applications to allow the three applications to be presented at the same committee meeting.
- 3.5. With regards to these further applications, the application for the agricultural storage building (18/01724/F) is considered acceptable, however, the application for a new dwelling (18/01708/OUT) is considered contrary to the housing policies of the Development Plan and the application, with no current essential need being demonstrated, and is therefore recommended for refusal.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/01724/F	Erection of cattle shed, manure store and associated hardstanding	Pending Consideration
18/01708/OUT	OUTLINE - Erection of agricultural workers dwelling	Pending Consideration

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 09.11.2018. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. MILCOMBE PARISH COUNCIL: **No objections**, making no comment on the application.

CONSULTEES

- 7.3. AGRICULTURAL CONSULTANT: **No objections**, commenting that: *‘the proposals at Lessor Grange are acceptable in principle’*.
- 7.4. ECOLOGIST: **No objections**, subject to conditions relating to biodiversity enhancement at the site and control over external lighting.
- 7.5. LANDSCAPE OFFICER: **No objections**, subject to a condition in respect of approval of an acceptable landscaping scheme.
- 7.6. LOCAL HIGHWAY AUTHORITY (LHA): **No objections** subject to standard conditions in respect of access, parking and manoeuvring, surfacing, drainage and protection of visibility splays.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD 1: Presumption in Favour of Sustainable Development
- SLE 4: Improved Transport and Connections
- 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 15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- AG2: Construction of farm buildings
- C28: Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (as amended February 2019) (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

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

9. APPRAISAL

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

- Principle of development
- Visual amenity, and impact on the character of the area
- Highway safety
- Residential amenity
- Ecology and Biodiversity

Principle of development:

Policy context

9.2. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental.

9.3. The NPPF advocates the support of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. This also includes the development and diversification of agricultural and other land-based rural businesses.

9.4. Saved Policy AG2 of the CLP 1996 is similarly supportive of the principle of farm buildings in the countryside, in that it supports new farm buildings where they are designed and sited such that they do not intrude into the landscape or residential areas.

Assessment

9.5. The applicant has indicated that the proposals at Lessor Grange (an existing farm with a holding of some 150Ha, with cattle and sheep) relate to a proposed new, cutting-edge embryo transfer breeding enterprise, with the intention being to develop a specialist breeding unit based on the highest pedigree Longhorn and Saler bloodlines. The enterprise would specialise in in-vitro fertilisation (IVF) and embryo transfer (ET). The proposed building would be for agricultural storage (straw and

machinery) with a further building for the housing and handling of cows, with facilities for calving, to be determined under separate application 18/01724/F.

- 9.6. The Council has sought advice from an independent agricultural consultant (AC) in respect of the proposed scheme, who considers the principle of the proposals to be acceptable on the basis of the supporting information submitted initially with the application and further financial and business model information submitted on request during the application. Officers see no reason not to agree with AC's conclusion in respect of the proposed agricultural buildings and are satisfied that there is a genuine agricultural need for a building in the location proposed, which would support both existing farm operations and also the further expansion of the existing farming business including the potential new in-vitro fertilisation (IVF) and embryo transfer (ET) enterprise.

Conclusion

- 9.7. The principle of the erection of a new farm building in this rural location is therefore considered acceptable in general sustainability terms provided that it is sympathetic to its rural setting and subject to further considerations discussed below.

Visual amenity, and impact on the character of the area:

Policy context

- 9.8. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.9. As noted above, Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited so they do not intrude into the landscape or residential areas and where appropriate landscaping schemes should be included and materials should be chosen so that development fits sympathetically into its rural context.
- 9.10. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.11. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.

Assessment

- 9.12. The proposed new agricultural building is of typical utilitarian modern agricultural style finished in dark green profiled metal sheet cladding, which are relatively commonplace within the countryside. The proposed building and associated cattle housing building (dealt with separately under 18/01724/F) would sit around an area of hardstanding with access taken of the existing access road leading to Lessor Grange. Views of the proposals from the public domain would largely be limited to those experienced when passing on the adjacent highway, with further localised views from within the site itself.
- 9.13. During the site visit of both the Case Officer and Landscape Officer it was apparent that the boundary hedgerow adjacent the highway contained a number of areas where the vegetation was quite thin, even with the trees and hedges in full leaf. The

proposed building would be relatively modest in its size (at 24m x 10m x 7.1m) for modern agricultural buildings and, whilst its appearance would be to some extents be screened by the existing boundary hedgerow, it was considered that the building should be moved further back from the highway and an additional 10m landscape buffer introduced behind the existing hedgerow, to better screen and soften the appearance of the proposed new development.

- 9.14. Following the submission of revised plans closer grouping the proposed buildings and introducing additional landscaping, the Council's Landscape Officer raises no objections to the proposals subject to the approval of an appropriate detailed landscaping and planting scheme; including not only the proposed new landscape belt to the northern boundary but also appropriate native hedgerows to the southern and western boundaries, sympathetic to the agricultural/rural context. It is considered that the required details and planting specifications could be secured through an appropriately worded condition attached to any such permission.

Conclusion

- 9.15. It is considered that, subject to the implementation of an appropriate landscaping scheme, the proposed building would not be visually intrusive within the landscape or in any way incongruous when seen either from the public realm from the adjacent highway. The proposals would support the expansion of existing farming operations at Lessor Grange Farm and the siting and agricultural style of the proposed building ensures that it is visually appropriate to its rural setting in accordance with the aforementioned Development Plan policies and Government Guidance and therefore considered acceptable in this regard.

Highway safety:

Policy context

- 9.16. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.17. The NPPF (Para. 108) advises of the need to have due regard for whether new development includes:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.18. Policy SLE4 of the CLP 2031 echoes the aims of the NPPF in supporting sustainable transport opportunities in new development.

Assessment

- 9.19. Having considered the additional transport statement, detailing projected vehicular movements associated with the combined developments of the three associated applications (18/01707/F, 18/01708/OUT & 18/01724/F), the LHA raises no objections on highway safety grounds, subject to conditions in relation to access, parking and manoeuvring within the site, and the surfacing and drainage of such and further the protection of visibility splays at the point of the access onto the adopted highway; and officers see no reason not to agree with this opinion.
- 9.20. The site is served by an existing access which would not be affected by the proposals, with access to the proposed development being taken off the existing private access road serving Lessor Grange; allowing sufficient space for vehicles to leave the main adopted highway before entering the proposed site. Visibility at the

access onto the adopted highway is considered to be good and the maintenance of vision splays could be secured through an appropriate condition attached to any such permission.

- 9.21. The applicant suggests that vehicular movements are expected to be no greater 4.5 – 6.5 cars per day and 1 larger vehicle every 5 days. Whilst it is clear that the proposals would give rise to additional vehicular movements above those currently experienced it is considered that these are unlikely to be such that it would have a significant detrimental impact on the local or wider road network.
- 9.22. The NPPF (Para. 109) advises that: *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*
- 9.23. In comments made in relation to the application for the cattle barn Milcombe Parish Council raise concern with regards to inappropriate and excessive vehicle movements through the village. Whilst the concerns of the Parish Council with regards to additional large vehicles travelling through the village of Milcombe are noted, it is considered that given the limited frequency of such vehicle movements as a result of the proposed development that any such detrimental impact would not be to such an extent that it would warrant a reason to refuse the application.

Conclusion

- 9.24. It is considered that the proposed development would not result in any significant impact on the safety and convenience of other highway users and is therefore acceptable in terms of highway safety.

Residential amenity:

- 9.25. Policy ESD15 of the CLP 2031 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.26. Whilst concerns were raised by the Parish Council with regards to potential odour issues relating to manure at the site in relation to the associated application for the cattle housing barn and silage clamp (18/01724/F), these have not been repeated in respect of this application.
- 9.27. The site is located some 0.6miles from the edge of the village of Milcombe, the nearest settlement and would unlikely result in any significant detrimental impacts on residential amenity.
- 9.28. Given the rural context of the site and that it is not located in close proximity to any residential properties it is considered that there would be no significant harm resulting from the proposals on residential amenity and in officer’s opinion the application is therefore considered acceptable in this respect.

Ecology and Biodiversity:

Policy context

- 9.29. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government’s commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.
- 9.30. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral

part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'*.

Assessment

- 9.31. The site is not within an ecologically sensitive location and there are no significant features of ecological value that would be directly affected by the proposals and no records of protected species identified within the immediate vicinity of the site.
- 9.32. The Council's Ecologist notes the presence of a pond around 100m away however it is separated by a road and should amphibians be present they are unlikely to be using this part of this site in any significant way as there is more suitable habitat adjacent. Further that there are two parcels of significant woodland adjacent to the field, one at least is likely to be Priority /Section 41 habitat and that these are likely to support bats at least in foraging. The Ecologist advises that there should be minimal lighting on site with no overspill into adjacent vegetation, to avoid impacts on the use of the surrounding vegetation by bats and other nocturnal wildlife. It is considered that, whilst no lighting is indicated on the submitted plans, this could be managed by way of an appropriate condition attached to any such permission, to ensure the protection of any protected species, should such be present.
- 9.33. There are records of badgers in relatively close proximity. However, the proposals here set the buildings some distance from the hedgerow, with a proposed landscaping buffer on intervening land, so should the hedgerows be used for commuting they are less likely to be affected. The applicant should be aware that if there are setts present within this hedgerow there are legal restrictions on how close to a sett works can take place before a licence is required to avoid disturbance; and this could be conveyed through an appropriate informative attached to any such permission.

Conclusion

- 9.34. The proposals would include significant further natural planting within the proposed boundary landscaping, and the use of appropriate native species of plants that would encourage wildlife and biodiversity could be secured through any proposed landscaping scheme and planting schedule; to ensure that that the proposed development would provide a net gain in biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three overarching objectives, to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The proposal would not adversely affect residential amenity or local highway safety and, further subject to approval of further details being secured in relation ecology and biodiversity, the proposals would not be to the detriment of such matters. Having regard to the scale and form of the proposals, they are considered to be sympathetic to the rural context and, subject to conditions regarding landscaping, the proposals would not significantly adversely affect the character of the site or its setting within the wider landscape.

- 10.3. The proposals would provide social and economic benefits by supporting both the existing agricultural operations at the farm its future expansion through the proposed embryo transfer breeding enterprise. The proposals are not considered to be of any significant detriment to the environment, and would potentially provide additional opportunities for biodiversity at the site.
- 10.4. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposals represent an appropriate form of development at the site, which would be broadly consistent district's Development Plan policies, which look to support agricultural enterprise and promote new forms of sustainable development. The application is therefore recommended for approval as set out below.

11. RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Supporting Statement dated September 2018, Transport Statement date November 2018 and drawings numbered: KCC2395/02A, KCC2395/04, KCC2395/05 and KCC2395/07.

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

Access, Manoeuvring Area and Vision Splays

3. Prior to the first use of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning and manoeuvring area which shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, the turning and manoeuvring area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor 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.

4. Other than the approved access shown on approved plan KCC2395/02A no

other means of access whatsoever shall be formed or used between the land and the adopted highway, unless otherwise agreed in writing with the Local Planning Authority.

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

5. The vision splays at the access onto the adopted highway shall not be obstructed by any object, structure, planting or other material of a height exceeding 1m measured from the carriageway level.

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

Landscaping Scheme

6. Notwithstanding the details submitted, prior to the first use of the development hereby approved, a detailed 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 construction and drainage.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements of the approved scheme shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Ecology and Biodiversity

8. Prior to the first use of the development hereby approved, a method statement for enhancing biodiversity on site through the inclusion of integrated features for

bats or birds, a planting and management scheme 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 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. Prior to the commencement of the development hereby approved above slab level, a Lighting Strategy including a plan of estimated lux spill shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed and retained in accordance with the approved details, unless otherwise agreed in writing by 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 ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Agricultural Restriction

10. The development hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (1) of the Town and Country Planning Act, 1990.

Reason: To ensure that the development is used for agricultural purposes only, in accordance with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES:

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
3. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to

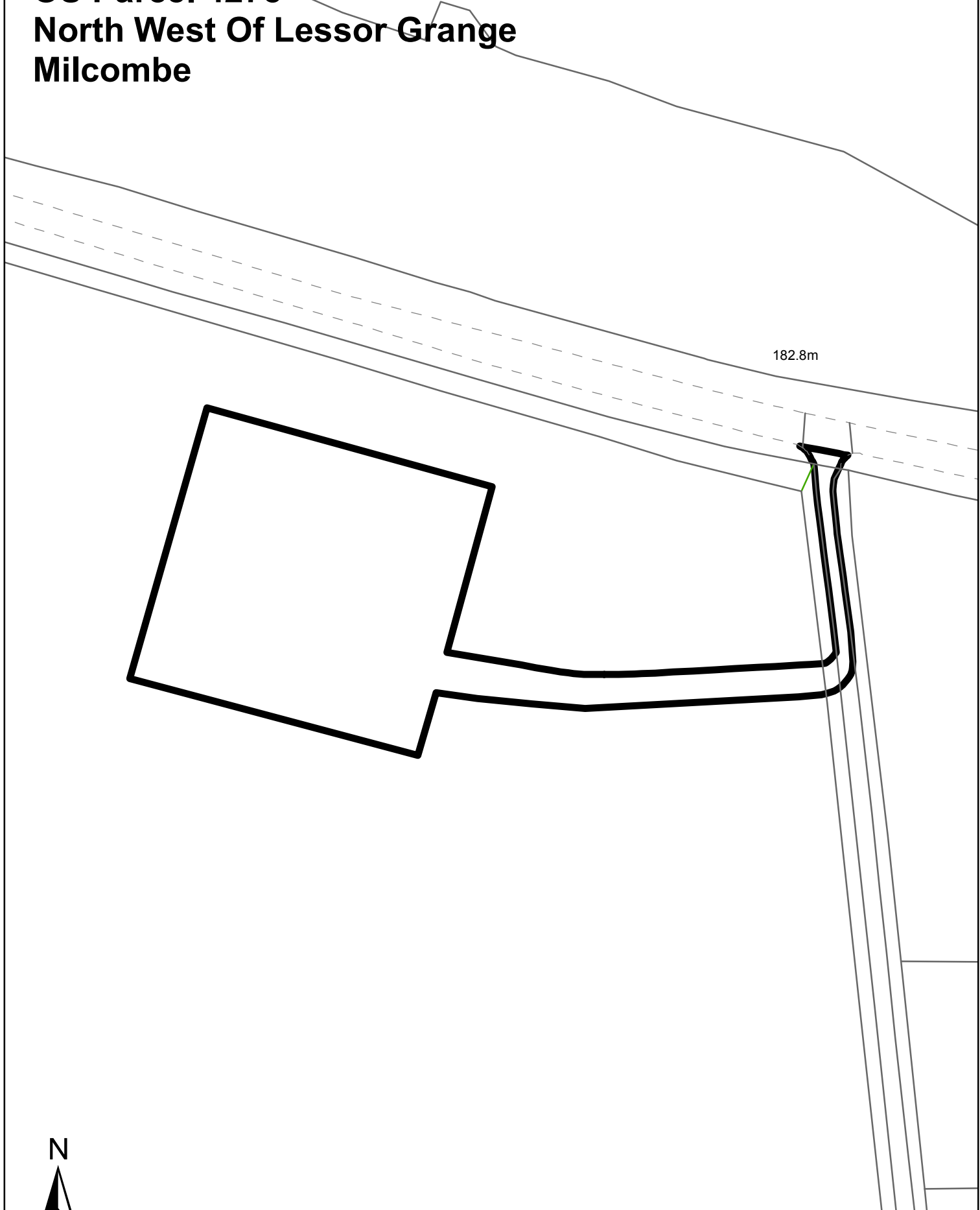
ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

CASE OFFICER: Bob Neville

TEL: 01295 221875

18/01724/F

OS Parcel 4278
North West Of Lessor Grange
Milcombe



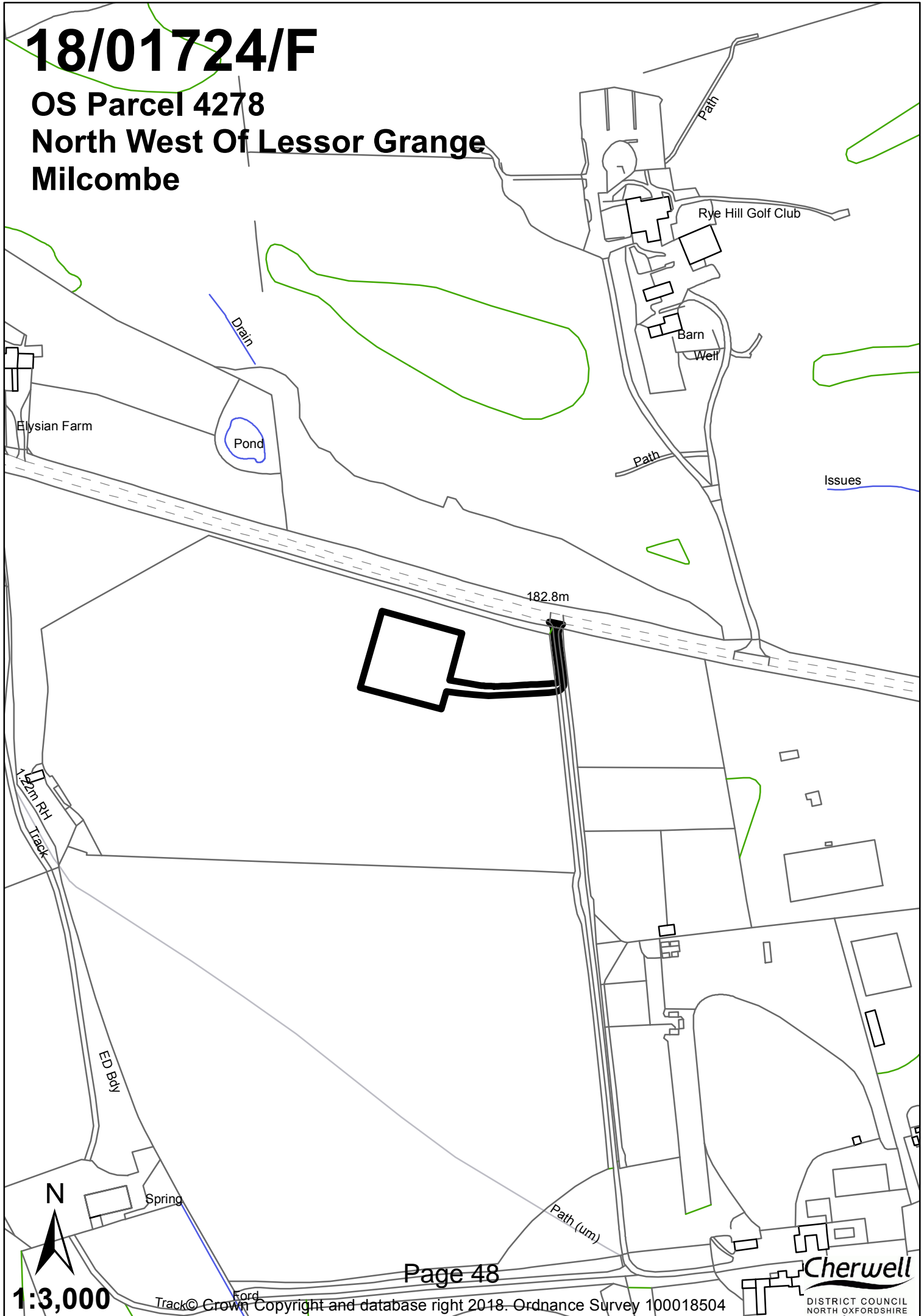
182.8m



1:900

18/01724/F

OS Parcel 4278
North West Of Lessor Grange
Milcombe



Case Officer:	Bob Neville		
Applicant:	Mr Bertrand Facon		
Proposal:	Erection of cattle shed, manure store and associated hardstanding		
Ward:	Deddington		
Councillors:	Cllr Bryn Williams Cllr Hugo Brown Cllr Mike Kerford-Byrnes		
Reason for Referral:	Major development (1000sqm floor space)		
Expiry Date:	2 January 2019	Committee Date:	14 March 2019
Extension of Time:	18 March 2019		

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

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

Proposal

The application seeks planning permission for proposed cattle shed, manure store and associated hardstanding to support a proposed new, cutting-edge embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. The proposed agricultural building would measure 40m x 25m with an overall height to ridge of 7.8m. Walls would be constructed of half-height concrete panels with Yorkshire boarding above, under a dark green plastisol coated box profile steel sheet roof. The proposed manure store would be an open structure (10m x 15m) on a concrete pad with concrete panel side walls (2m high).

Consultations

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

- Milcombe Parish Council

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

- OCC Highways, CDC Ecology, CDC Landscaping, Agricultural Consultant

No comments have been raised by third parties.

Planning Policy and Constraints

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

The key issues arising from the application details are:

- Principle of development
- Visual amenity, and impact on the character of the area

- Highway safety
- Residential amenity
- Ecology and Biodiversity

The report looks into the key planning issues in detail, and officers conclude that, subject to conditions, the scheme meets the requirements of relevant CDC Development Plan policies and therefore that the proposals are acceptable.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an area of agricultural land located on the road between Milcombe and Wigginton Heath within open countryside. The village of Milcombe lies ~1km (0.6miles) to the east of the site, Rye Hill Golf Club lies ~280m to north-east of the site, with Lessor Grange some 480m to the south east of the site. Whilst the site itself is relatively level, land levels drop to the north and east of the site. The site is located adjacent the highway with an existing access and private drive serving Lessor Grange and associated farm. The site is bounded by a mature boundary hedgerow with trees adjacent the highway, whilst sitting within an area of open countryside characterised by agricultural fields with typical agricultural boundary hedgerows.

2. CONSTRAINTS

- 2.1. In terms of site constraints, the site sits within an area where the geology is known to contain natural occurring elevated levels of Arsenic, Nickel and Chromium; as seen across much of the district, and further, an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels. Public Rights of Way (ref. Bridleway 409/7/10 and 298/5/20) cross land west and south of the site. There are no other significant site constraints relevant to planning and this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks planning permission for a cattle shed, manure store and associated hardstanding to support a proposed new, cutting-edge embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. The proposed agricultural building would measure 40m x 25m with an overall height to ridge of 7.8m. Walls would be constructed of half-height concrete panels with Yorkshire boarding above, under a dark green plastisol coated box profile steel sheet roof. The manure store would be an open structure (10m x 15m) on a concrete pad with concrete panel side walls (2m high).
- 3.2. The proposals also include an area of hardstanding around the proposed barn and landscaping around the perimeter of the site.
- 3.3. Revised plans, further transport information and further information in respect of the existing and proposed business enterprises have been received during the application, introducing a landscaping buffer to the northern boundary of the site,

and providing further details with regards to vehicular movements associated with the proposed development, in response to officer concerns. This has affected the application site boundary with a minor revision being submitted, which has subsequently resulted in the application having to be re-publicised and unfortunately going beyond its original statutory determination target date. An extension of the determination has therefore been agreed with the applicant through his agent.

- 3.4. Two further applications 18/01707/F (Agricultural storage building) and 18/01708/OUT (outline application for a new agricultural workers dwelling, with all matters aside from access reserved for later consideration) have been submitted alongside this application, which were originally to be dealt with under delegated powers, constituting minor development; however, following a late call-in request by the local ward member these applications are also to be determined by planning committee. Appropriate extensions of time were also agreed on these applications to allow the three applications to be presented at the same committee meeting.
- 3.5. With regards to these further applications, the application for the agricultural storage building (18/01707/F) is considered acceptable; however, the application for a new dwelling (18/01708/OUT) is considered contrary to the housing policies of the Development Plan and the application, with no current essential need being demonstrated, and is therefore recommended for refusal.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
18/01707/F	Erection of straw and machinery storage barn and associated hardstanding	Pending Consideration
18/01708/OUT	OUTLINE - Erection of agricultural workers dwelling	Pending Consideration

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The original final date for comments was 09.11.2018. However, as a result of the application's site boundary being amended the application has had to be re-publicised with a further period of public consultation. The final date for comment was the 20.01.2019. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. MILCOMBE PARISH COUNCIL: **Objects**, raising concerns with regard to potential for a possible increase the number of heavy lorries and farm vehicles going through the village and odour issues relating manure.

CONSULTEES

- 7.3. AGRICULTURAL CONSULTANT: **No objections**, commenting that: *‘the proposals at Lessor Grange are acceptable in principle’*.
- 7.4. ECOLOGIST: **No objections**, subject to conditions relating to biodiversity enhancement at the site and control over external lighting.
- 7.5. LANDSCAPE OFFICER: **No objections**, subject to a condition in respect of approval of an acceptable landscaping scheme.
- 7.6. LOCAL HIGHWAY AUTHORITY (LHA): **No objections** subject to standard conditions in respect of access, parking and manoeuvring, surfacing, drainage and protection of visibility splays.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD 1: Presumption in Favour of Sustainable Development
- SLE 4: Improved Transport and Connections
- 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 15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- AG2: Construction of farm buildings
- C28: Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (as amended February 2019) (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)

- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council’s Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

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

9. APPRAISAL

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

- Principle of development
- Visual amenity, and impact on the character of the area
- Highway safety
- Residential amenity
- Ecology and Biodiversity

Principle of development:

Policy context

9.2. The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental.

9.3. The NPPF advocates the support of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. This also includes the development and diversification of agricultural and other land-based rural businesses.

9.4. Saved Policy AG2 of the CLP 1996 is similarly supportive of the principle of farm buildings in the countryside, in that it supports new farm buildings where they are designed and sited such that they do not intrude into the landscape or residential areas.

Assessment

- 9.5. The applicant has indicated that the proposals at Lessor Grange (an existing farm with a holding of some 150Ha, with cattle and sheep) relate to a proposed new, cutting-edge embryo transfer breeding enterprise; with the intention being to develop a specialist breeding unit based on the highest pedigree Longhorn and Saler bloodlines. The enterprise will specialise in in-vitro fertilisation (IVF) and embryo transfer (ET). The proposed building would be for the housing and handling of cows, with facilities for calving, with a further building for agricultural storage (straw and machinery) to be determined under separate application 18/01707/F.
- 9.6. The Council has sought advice from an independent agricultural consultant (AC) in respect of the proposed scheme, who considers the principle of the proposals to be acceptable on the basis of the supporting information submitted initially with the application and further financial and business model information submitted on request during the application. Officers see no reason not to agree with AC's conclusion in respect of the proposed agricultural buildings and are satisfied that there is a genuine agricultural need for a building in the location proposed, which would support both existing farm operations and also the further expansion of the existing farming business including the potential new in-vitro fertilisation (IVF) and embryo transfer (ET) enterprise.

Conclusion

- 9.7. The principle of the erection of a new farm building in this rural location is therefore considered acceptable in general sustainability terms provided that it is sympathetic to its rural setting and subject to further considerations discussed below.

Visual amenity, and impact on the character of the area:

Policy context

- 9.8. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.9. As noted above, Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited so they do not intrude into the landscape or residential areas and where appropriate landscaping schemes should be included and materials should be chosen so that development fits sympathetically into its rural context.
- 9.10. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.11. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.

Assessment

- 9.12. The proposed new agricultural building is of typical utilitarian modern agricultural style with concrete panel and Yorkshire timber boarded walls under a green profiled metal roof; which are relatively commonplace within the countryside. The proposed building and associated storage building (dealt with separately under 18/01707/F) would sit around an area of hardstanding with access taken of the existing access road leading to Lessor Grange. Views of the proposals from the public domain

would largely be limited to those experienced when passing on the adjacent highway, with further localised views from within the site itself.

- 9.13. During the site visit of both the Case Officer and Landscape Officer it was apparent that the boundary hedgerow adjacent the highway contained a number of areas where the vegetation was quite thin, even with the trees and hedges in full leaf. The proposed building would be relatively large at 40m x 25m x 7.8m and, whilst its appearance would be to some extents be screened by the existing boundary hedgerow, officers considered that the building should be moved further back from the highway and an additional 10m landscape buffer introduced behind the existing hedgerow, to better screen and soften the appearance of the proposed new development.
- 9.14. Following the submission of revised plans closer grouping the proposed buildings and introducing additional landscaping, the Council's Landscape Officer raises no objections to the proposals subject to the approval of an appropriate detailed landscaping and planting scheme; including not only the proposed new landscape belt to the northern boundary but also appropriate native hedgerows to the southern and western boundaries, sympathetic to the agricultural/rural context. It is considered that the required details and planting specifications could be secured through an appropriately worded condition attached to any such permission.

Conclusion

- 9.15. It is considered that, subject to the implementation of an appropriate landscaping scheme, the proposed building would not be visually intrusive within the landscape or in any way incongruous when seen either from the public realm from the adjacent highway. The proposals would support the expansion of existing farming operations at Lessor Grange Farm and the siting and agricultural style of the proposed building ensures that it is visually appropriate to its rural setting in accordance with the aforementioned Development Plan policies and Government Guidance and therefore considered acceptable in this regard.

Highway safety:

Policy context

- 9.16. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.17. The NPPF (Para. 108) advises of the need to have due regard for whether new development includes:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.18. Policy SLE4 of the CLP 2031 echoes the aims of the NPPF in supporting sustainable transport opportunities in new development.

Assessment

- 9.19. Having considered the additional transport statement, detailing projected vehicular movements associated with the combined developments of the three associated applications (18/01707/F, 18/01708/OUT & 18/01724/F), the LHA raises no objections on highway safety grounds, subject to conditions in relation to access, parking and manoeuvring within the site, and the surfacing and drainage of such

and further the protection of visibility splays at the point of the access onto the adopted highway; and officers see no reason not to agree with this opinion.

- 9.20. The site is served by an existing access which would not be affected by the proposals, with access to the proposed development being taken off the existing private access road serving Lessor Grange; allowing sufficient space for vehicles to leave the main adopted highway before entering the proposed site. Visibility at the access onto the adopted highway is considered to be good and the maintenance of vision splays could be secured through an appropriate condition attached to any such permission.
- 9.21. The applicant suggests that vehicular movements are expected to be no greater 4.5 – 6.5 cars per day and 1 larger vehicle every 5 days. Whilst it is clear that the proposals would give rise to additional vehicular movements above those currently experienced it is considered that these are unlikely to be such that it would have a significant detrimental impact on the local or wider road network.
- 9.22. The NPPF (Para. 109) advises that: *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*
- 9.23. Whilst the concerns of the Parish Council with regards to additional large vehicles travelling through the village of Milcombe are noted, it is considered that given the limited frequency of such vehicle movements as a result of the proposed development that any such detrimental impact would not be to such an extent that it would warrant a reason to refuse the application.

Conclusion

- 9.24. It is considered that the proposed development would not result in any significant impact on the safety and convenience of other highway users and is therefore acceptable in terms of highway safety.

Residential amenity:

Policy context

- 9.25. Policy ESD15 of the CLP 2031 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

Assessment

- 9.26. The Parish Council have expressed concerns with regards to potential odour issues relating to manure at the site. Manure would be stored within a proposed new storage area bounded by concrete panel walls, and periodically emptied for spreading on land within the farm, a common practice on rural farmsteads. Officers consider that, given the distance from residential properties, the proposals would not result in any significant odour issues, above those often experienced in such rural locations, to the extent that would warrant a reason to refuse planning permission on these grounds alone.

Conclusion

- 9.27. Given the rural context of the site and that it is not located in close proximity to any residential properties it is considered that there would be no significant harm resulting from the proposals on residential amenity and in officer’s opinion the application is therefore considered acceptable in this respect.

Ecology and Biodiversity:

Policy context

- 9.28. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the

intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.

- 9.29. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'*.

Assessment

- 9.30. The site is not within an ecologically sensitive location and there are no significant features of ecological value that would be directly affected by the proposals and no records of protected species identified within the immediate vicinity of the site.
- 9.31. The Council's Ecologist notes the presence of a pond around 100m away however it is separated by a road and should amphibians be present they are unlikely to be using this part of this site in any significant way as there is more suitable habitat adjacent. Further that there are two parcels of significant woodland adjacent to the field, one at least is likely to be Priority /Section 41 habitat and that these are likely to support bats at least in foraging. The Ecologist advises that there should be minimal lighting on site with no overspill into adjacent vegetation, to avoid impacts on the use of the surrounding vegetation by bats and other nocturnal wildlife. It is considered that whilst no lighting is indicated on the submitted plans, that this could be managed by way of an appropriate condition attached to any such permission, to ensure the protection of any protected species, should such be present.
- 9.32. There are records of badgers in relatively close proximity. However, the proposals here set the buildings some distance from the hedgerow, with a proposed landscaping buffer on intervening land, so should the hedgerows be used for commuting they are less likely to be affected. The applicant should be aware that if there are setts present within this hedgerow there are legal restrictions on how close to a sett works can take place before a licence is required to avoid disturbance; and this could be conveyed through an appropriate informative attached to any such permission.

Conclusion

- 9.33. The proposals would include significant further natural planting within the proposed boundary landscaping, and the use of appropriate native species of plants that would encourage wildlife and biodiversity could be secured through any proposed landscaping scheme and planting schedule; to ensure that that the proposed development would provide a net gain in biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three overarching objectives, to sustainable development (economic, social and

environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

- 10.2. The proposal would not adversely affect residential amenity or local highway safety and, further subject to approval of further details being secured in relation ecology and biodiversity, the proposals would not be to the detriment of such matters. Having regard to the scale and form of the proposals, they are considered to be sympathetic to the rural context and, subject to conditions regarding landscaping, the proposals would not significantly adversely affect the character of the site or its setting within the wider landscape.
- 10.3. The proposals would provide social and economic benefits by supporting both the existing agricultural operations at the farm its future expansion through the proposed embryo transfer breeding enterprise. The proposals are not considered to be of any significant detriment to the environment, and would potentially provide additional opportunities for biodiversity at the site.
- 10.4. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposals represent an appropriate form of development at the site, which would be broadly consistent district's Development Plan policies, which look to support agricultural enterprise and promote new forms of sustainable development. The application is therefore recommended for approval as set out below.

11. RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Supporting Statement dated September 2018, Transport Statement date November 2018 and drawings numbered: KCC2395/02A, KCC2395/03 and KCC2395/06A.

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

Access, Manoeuvring Area and Vision Splays

3. Prior to the first use of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning and manoeuvring area which shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction, shall

be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, the turning and manoeuvring area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor 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.

4. Other than the approved access shown on approved plan KCC2395/02A no other means of access whatsoever shall be formed or used between the land and the adopted highway, unless otherwise agreed in writing with the Local Planning Authority.

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

5. The vision splays at the access onto the adopted highway shall not be obstructed by any object, structure, planting or other material of a height exceeding 1m measured from the carriageway level.

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

Landscaping Scheme

6. Notwithstanding the details submitted, prior to the first use of the development hereby approved, a detailed 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 construction and drainage.The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements of the approved scheme shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Ecology and Biodiversity

8. Prior to the first use of the development hereby approved, a method statement for enhancing biodiversity on site through the inclusion of integrated features for bats or birds, a planting and management scheme 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 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. Prior to the commencement of the development hereby approved above slab level, a Lighting Strategy including a plan of estimated lux spill shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the lighting shall be installed and retained in accordance with the approved details, unless otherwise agreed in writing by 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 ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Agricultural Restriction

10. The development hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (l) of the Town and Country Planning Act, 1990.

Reason: To ensure that the development is used for agricultural purposes only, in accordance with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES:

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August

inclusive.

3. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council's Environmental Protection Officer.

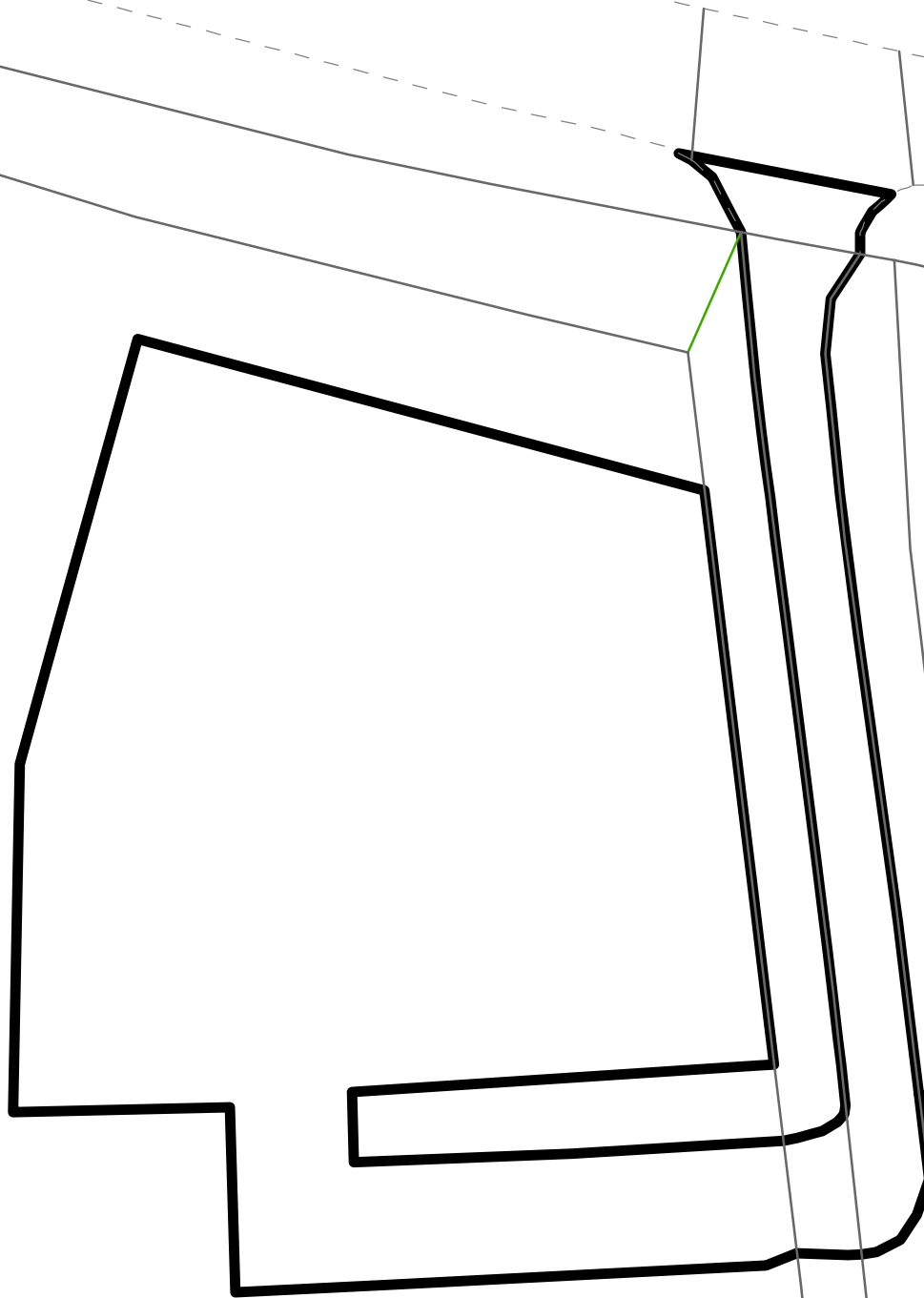
CASE OFFICER: Bob Neville

TEL: 01295 221875

18/01708/OUT

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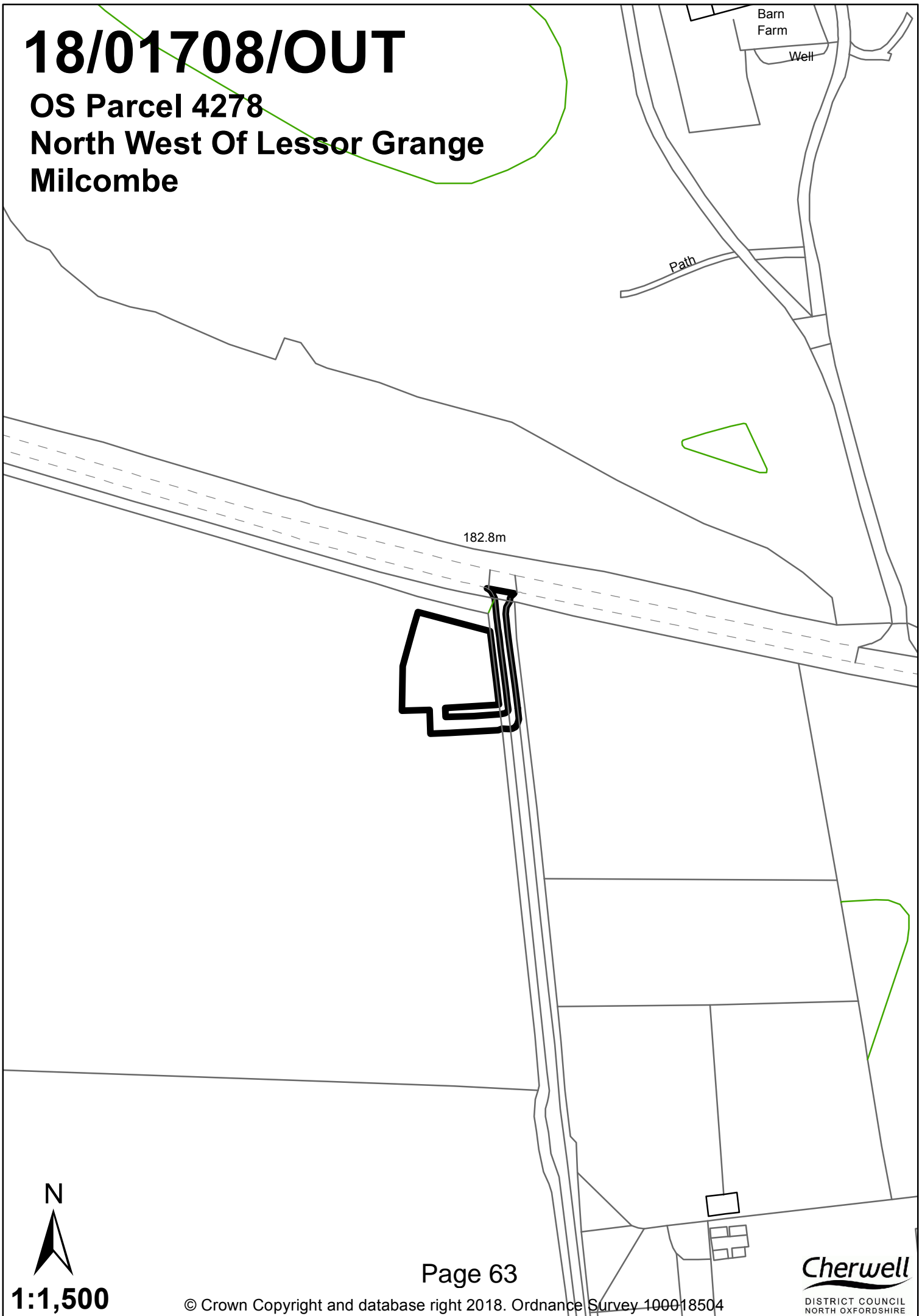
**OS Parcel 4278
North West Of Lessor Grange
Milcombe**



1:300

18/01708/OUT

OS Parcel 4278
North West Of Lessor Grange
Milcombe



Case Officer: Bob Neville

Applicant: Mr Bertrand Facon

Proposal: OUTLINE - Erection of agricultural workers dwelling

Ward: Deddington

Councillors: Cllr Bryn Williams
Cllr Hugo Brown
Cllr Mike Kerford-Byrnes

Reason for Referral: Called in by Councillor Hugo Brown

Expiry Date: 26 November 2018

Committee Date: 14 March 2019

Extension of Time: 18 March 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

Proposal

The application seeks outline planning permission (with only access to be considered at this stage) for the erection of a permanent agricultural workers dwelling, considered essential to support a proposed new embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm. Matters such as design, layout, scale and landscaping would all be subject to future applications.

Consultations

No consultees have raised **objections** to the application.

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

- Milcombe Parish Council, OCC Highways, CDC Ecology, CDC Landscaping, Agricultural Consultant

No comments have been raised by third parties

Planning Policy and Constraints

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

The key issues arising from the application details are:

- Principle of development, i.e. whether a permanent dwelling is justified
- Visual amenity, and impact on the character of the area
- Highway safety
- Residential amenity
- Ecology and Biodiversity

The report looks into the key planning issues in detail, and officers conclude that there is significant conflict with relevant CDC Development Plan policies and therefore that the proposals are not acceptable.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to an area of agricultural land located on the road between Milcombe and Wigginton Heath within open countryside. The village of Milcombe lies ~1km (0.6miles) to the east of the site, with Rye Hill Golf Club lies ~280m to north-east of the site, and Lessor Grange some 480m to the south east of the site. Whilst the site itself is relatively level, land levels drop to the north and east of the site. The site is located adjacent the highway with an existing access and private drive serving Lessor Grange and associated farm. The site is bounded by a mature boundary hedgerow with trees adjacent the highway, whilst sitting within an area of open countryside characterised by agricultural fields with typical agricultural boundary hedgerows.

2. CONSTRAINTS

2.1. In terms of site constraints, the site sits within an area where the geology is known to contain natural occurring elevated levels of Arsenic, Nickel and Chromium; as seen across much of the district, and further, an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels. Public Rights of Way (ref. Bridleway 409/7/10 and 298/5/20) cross land west and south of the site. There are no other significant site constraints relevant to planning and this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks outline planning permission for the erection of an agricultural workers dwelling (with access being taken off an existing private road, which serves the existing Lessor Grange Site) to support a proposed new embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. All matters aside from access are reserved for future consideration, and as such matters such as design, layout, scale and landscaping for the proposed dwelling would all be subject to future applications.

3.2. Revised plans, further transport information and further information in respect of the existing and proposed business enterprises have been received during the course of the application, introducing a landscaping buffer to the northern boundary of the site, and providing further details with regards to vehicular movements associated with the proposed development, in response to officer concerns. Unfortunately the application has gone beyond its original statutory determination target date, but an extension of the determination period has been agreed with the applicant through their agent to allow for the application to be considered by planning committee.

3.3. Two further applications 18/01707/F (Agricultural storage building) and 18/01724/F (Cattle building and silage clamp) have been submitted alongside this application.

Following the late call-in request by the local ward member on this current outline application these further applications are also to be determined by planning committee. Appropriate extensions of time were also agreed on these applications to allow the three applications to be presented at the same committee meeting. NB. These two other applications are considered acceptable on their planning merits and are recommended for approval.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
Applicant's Lessor Grange Site:		
12/00558/AGN	Agricultural livestock housing with integral storage of hay, straw, bedding and feedstuffs	Prior not approval required
16/00387/AGN	Livestock building	Prior not approval required
18/01707/F	Erection of straw and machinery storage barn and associated hardstanding	Pending Consideration
18/01724/F	Erection of cattle shed, manure store and associated hardstanding	Pending Consideration
Applicant's Painters Farm /Ells Lane Site:		
09/01207/F	Cattle building	Application Permitted
11/01106/F	Erection of agricultural workers dwelling	Application Permitted
12/01544/F	Proposed amendment to orientation of dwelling approved under 11/01106/F	Application Permitted
17/02535/F	Erection of cattle shed (relocating from Painters Farm and extending)	Application Refused
17/02536/F	Erection of building for the storage of machinery and straw	Application Refused
17/02537/OUT	OUTLINE: Erection of dwelling and revocation of workers dwelling permitted under 11/01106/F	Application Refused

4.2. Planning applications 17/02535/F, 17/02536/F and 17/02537/OUT which all sought to relocate and expand the farming operations currently undertaken at Painters Farm to an alternative site off Ells Lane. These were all refused planning consent

as being unjustified with significant environmental impacts. Officers considered the existing site could be extended to utilise for farming operations.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 30.10.2018. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. MILCOMBE PARISH COUNCIL: **No objections** in relation to the proposed dwelling application. However, raise concerns with regard to potential for a possible increase the number of heavy lorries and farm vehicles going through the village and odour issues relating manure, as a result of the wider scheme of development for the proposed new enterprise at the farm.

CONSULTEES

- 7.3. AGRICULTURAL CONSULTANT: **No objections**, commenting that: *'the proposals at Lessor Grange are acceptable in principle'*.
- 7.4. ECOLOGIST: **No objections**, subject to conditions relating to biodiversity enhancement at the site and control over external lighting.
- 7.5. LANDSCAPE OFFICER: **No objections**, subject to a condition in respect of approval of an acceptable landscaping scheme.
- 7.6. LOCAL HIGHWAY AUTHORITY (LHA): **No objections** subject to standard conditions in respect of access, parking and manoeuvring, surfacing, drainage and protection of visibility splays.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD 1: Presumption in Favour of Sustainable Development

- Villages 1: Village Categorisation
- SLE 4: Improved Transport and Connections
- 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 15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in open countryside
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (as amended February 2019) (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council’s Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

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

9. APPRAISAL

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

- Principle of development
- Visual amenity, and impact on the character of the area
- Highway safety
- Residential amenity
- Ecology and Biodiversity

Principle of development:

Policy context

- 9.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.3. Paragraph 6 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 9.4. Policy PSD1 contained within the CLP 2031 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.5. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5 year housing land supply.
- 9.6. As the site is located on a Greenfield site in the middle of open countryside the proposals for new residential development therefore stand to be assessed against Saved Policy H18 of the Cherwell Local Plan 1996.
- 9.7. Policy H18 of the Cherwell Local Plan 1996 sets out that a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan. Paragraph 79 of the NPPF echoes these provisions.

Assessment

- 9.8. The applicant has indicated that the proposals at Lessor Grange (an existing farm with a holding of some 150Ha, with cattle and sheep) relate to a proposed new, 'cutting-edge' embryo transfer breeding enterprise, and development of a specialist breeding unit based on the highest pedigree Longhorn and Saler bloodlines at the site and which would aim to provide an all-inclusive solution to farmers and vets. The enterprise would specialise in in-vitro fertilisation (IVF) and embryo transfer (ET), providing potential clients with sourcing and calving of high health recipients, and treatment and safe housing for their donor cows. The applicant contends that the agricultural workers dwelling subject of this application is necessary in order to support the efficient operation of the proposed new enterprise allowing skilled staff to live on site providing supervision of cattle undergoing treatment.

- 9.9. The supporting Planning Statement indicates at Para. 1.2 “*Lessor Grange is an existing farm, but these buildings and this dwelling relate to a proposed new, cutting-edge embryo transfer breeding enterprise*”; and this is further clarified in a supporting appraisal, prepared by A R Tustain of AKC Agriculture, which discusses the trials that have been undertaken on a farm near Southam, the processes involved and the potential for operations at Lessor Grange. The appraisal further sets out the circumstances and extents of the applicant’s existing agricultural holdings and operations, which cover a wide area of land and which, whilst a separate holding, includes Painters Farm at Bloxham. The appraisal further discusses the detrimental impacts of Bovine Tuberculosis (TB).
- 9.10. The applicant has provided further information during the course of the application in terms of the business model and the farm’s current financial position. Given the nature of the proposals the Council has sought advice from an independent agricultural consultant (AC) in respect of the proposed dwelling. The AC advises that the existing farm business is being rebuilt due to TB issues with the Longhorn herd at Lessor Grange, and the loss of the Saler herd at Painters Farm, Bloxham for the same reason, and further that the business is profitable, but not significantly so.
- 9.11. The AC has reviewed the business model scenarios put forward by the applicant and while he considers the principle of new agricultural buildings to be acceptable on the basis of the supporting information submitted with the application, a permanent dwelling is not justified.
- 9.12. Officers see no reason not to agree with AC’s conclusion in respect of the proposed agricultural buildings and are satisfied that there is a genuine agricultural need for new agricultural buildings in the location proposed; which would support both existing farm operations and also the further expansion of the existing farming business including the potential new in-vitro fertilisation (IVF) and embryo transfer (ET) enterprise. However, in respect of the proposed dwelling the essential need would only exist once the new enterprise is running and therefore currently an essential need does not exist.
- 9.13. During the application officers advised the applicant that whilst there was currently no essential need for a permanent dwelling, a case could be potentially be made for a temporary dwelling which would then allow for the enterprise to start-up, operate and establish, and to become capable of sustaining the cost of a permanent dwelling at the end of the temporary consent; and this is a working practice often adopted by the Council (and other Councils in England) for new start up rural businesses or changes on existing farm/rural businesses for new enterprises, and that they can be seen to be sustainable and not speculative in nature. However, the applicant has confirmed that they would be unwilling to explore such an option given the significant investment that is involved in the enterprise and associated buildings and not having the security/certainty of having the necessary dwelling on the site.

Conclusion

- 9.14. Whilst it is considered that there is *future* potential, should the new business enterprise establish and develop successfully, there is *currently* no essential need for a new dwelling demonstrated in this location. The proposals would see a new residential dwelling being introduced on what is currently a greenfield site and as such the proposals would intrude into the valued rural landscape. The visual impact on the rural character and appearance of the area is considered further in the following section of this report. However, as the proposal cannot be justified on the basis of an identified essential need, and would result in visual harm, the proposal clearly does not comply with the provisions of saved Policy H18 of the CLP 1996 and it therefore represents a departure from the Development Plan and is considered unacceptable in principle.

Visual amenity, and impact on the character of the area:

Policy context

- 9.15. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 9.16. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.17. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.

Assessment

- 9.18. Views of the site would be experienced from the adjacent highway and also likely from the PRow which cross land south/south-west site.
- 9.19. Given the level of detail submitted with the application, with all matters aside from access being reserved matters, a full assessment of the impact on visual amenities cannot be undertaken at this stage. However, as noted above the site is a Greenfield site currently devoid of any significant built form and therefore any development on the site would represent an intrusion into the open countryside through the introduction of built form, where currently none exists.
- 9.20. Whilst the agricultural buildings associated with the wider development proposals would be significant structures, they are of a typical form that is that is often seen in the rural agricultural landscape and would not appear out-of-place in the rural context. However, residential dwellings are usually resisted in such rural locations, unless there is justified need, because of the detrimental impacts on the rural character that they bring with them, with the domestic appearance of such a residential use and associated paraphernalia.

Conclusion

- 9.21. New development is expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Policy ESD 13 looks to protect and enhance the valued rural landscapes of the district and advises that where development would cause undue visual intrusion, development should not be permitted. This desire to protect the valued rural landscape is further supported by saved policy C28 of the CLP 1996 (which requires development to be sympathetic to the urban or rural context), policy ESD15 of the CLP 2031 and national guidance with the NPPF. As noted above, it has not been demonstrated that there is an essential need for a dwelling in this location and as such the proposals are unjustified.
- 9.22. The proposals are for development of a Greenfield site and as such would cause visual harm through the introduction of built form. Given that the proposals are unjustified it is considered that the benefits of such development would not outweigh

the environmental harm, through visual intrusion, in this instance and are therefore unacceptable in this regard.

Highway safety:

Policy context

- 9.23. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.24. The NPPF (Para. 108) advises of the need to have due regard for whether new development includes:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.25. Policy SLE4 of the CLP 2031 echoes the aims of the NPPF in supporting sustainable transport opportunities in new development.

Assessment

- 9.26. Following the submission of an additional transport statement, detailing projected vehicular movements associated with the combined developments of the three associated applications (18/01707/F, 18/01708/OUT & 18/01724/F), the LHA raises no objections on highway safety grounds, subject to conditions in relation to access, parking and manoeuvring within the site, and the surfacing and drainage of such and further the protection of visibility splays at the point of the access onto the adopted highway; and officers see no reason not to agree with this opinion.
- 9.27. The site is served by an existing access which would not be affected by the proposals, with access to the proposed development being taken off the existing private access road serving Lessor Grange; allowing sufficient space for vehicles to leave the main adopted highway before entering the proposed site. Visibility at the access onto the adopted highway is considered to be good and the maintenance of vision splays could be secured through an appropriate condition attached to any such permission.
- 9.28. The applicant suggests that vehicular movements are expected to be no greater 4.5 – 6.5 cars per day and 1 larger vehicle every 5 days. Whilst it is clear that the proposals would give rise to additional vehicular movements above those currently experienced it is considered that these are unlikely to be such that it would have a significant detrimental impact on the local or wider road network.
- 9.29. The NPPF (Para. 109) advises that: *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*
- 9.30. Whilst the concerns of the Parish Council with regards to additional large vehicles travelling through the village of Milcombe made in relation to the linked applications for agricultural buildings are noted, it is considered that given the limited frequency of such vehicle movements as a result of the proposed development that any such detrimental impact would not be to such an extent that it would warrant a reason to refuse the application.

Conclusion

- 9.31. It is considered that the proposed development would not result in any significant impact on the safety and convenience of other highway users and is therefore acceptable in terms of highway safety.

Residential amenity:

Policy context

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

Assessment

- 9.33. Given the level of detail submitted with this outline application, a full assessment of any potential residential amenity issues cannot be undertaken at this stage. However, given the rural context of the site and that it is not located in close proximity to any residential properties it is considered that there would be no significant harm resulting from the proposals on the residential amenity of neighbours.

Conclusion

- 9.34. Given the rural context of the site and that it is not located in close proximity to any residential properties it is considered that there would be no significant harm resulting from the proposals on residential amenity and in officer's opinion the application is therefore considered acceptable in this respect.

Ecology and Biodiversity:

Policy context

- 9.35. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.

- 9.36. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'*.

Assessment

- 9.37. The site is not within an ecologically sensitive location and there are no significant features of ecological value that would be directly affected by the proposals and no records of protected species identified within the immediate vicinity of the site.
- 9.38. The Council's Ecologist notes the presence of a pond around 100m away however it is separated by a road and should amphibians be present they are unlikely to be using this part of this site in any significant way as there is more suitable habitat adjacent. Further that there are two parcels of significant woodland adjacent to the

field, one at least is likely to be Priority /Section 41 habitat and that these are likely to support bats at least in foraging. The Ecologist advises that there should be minimal lighting on site with no overspill into adjacent vegetation, to avoid impacts on the use of the surrounding vegetation by bats and other nocturnal wildlife. It is considered that, whilst no lighting is indicated on the submitted plans, this could be managed by way of an appropriate condition attached to any such permission, should any such permission be granted; to ensure the protection of any protected species, should such be present.

- 9.39. There are records of badgers in relatively close proximity. However, the proposals here set the buildings some distance from the hedgerow, with a proposed landscaping buffer on intervening land, so should the hedgerows be used for commuting they are less likely to be affected. The applicant should be aware that if there are setts present within this hedgerow there are legal restrictions on how close to a set works can take place before a licence is required to avoid disturbance; and this could be conveyed through an appropriate informative attached to any such permission should the Council be minded to approve the application.

Conclusion

- 9.40. The proposals for the wider scheme of development in the three associated applications would include significant further natural planting within the proposed boundary landscaping, and the use of appropriate native species of plants that would encourage wildlife and biodiversity could be secured through any proposed landscaping scheme and planting schedule; to ensure that that the proposed development would provide a net gain in biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three overarching objectives, to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. Given the above assessment in the light of current guiding national and local policy context it is considered that the proposal represents an unjustified form of development within the open countryside.
- 10.4. The application site is a green field site located in a prominent and conspicuous location, which is likely to be visible from a number of public viewpoints, including an adjacent highway and PRow which runs across land south/south-west of the site. It has not been demonstrated that there is an essential or justified need for a new dwelling in this location.

- 10.5. The proposed new dwelling would introduce residential built form where currently none exists, as such intruding into the landscape, and causing harm to the visual amenities of the area and its intrinsic natural landscape character and value.
- 10.6. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposal conflicts with the relevant Policies of the Development Plan outlined above and therefore permission should be refused.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

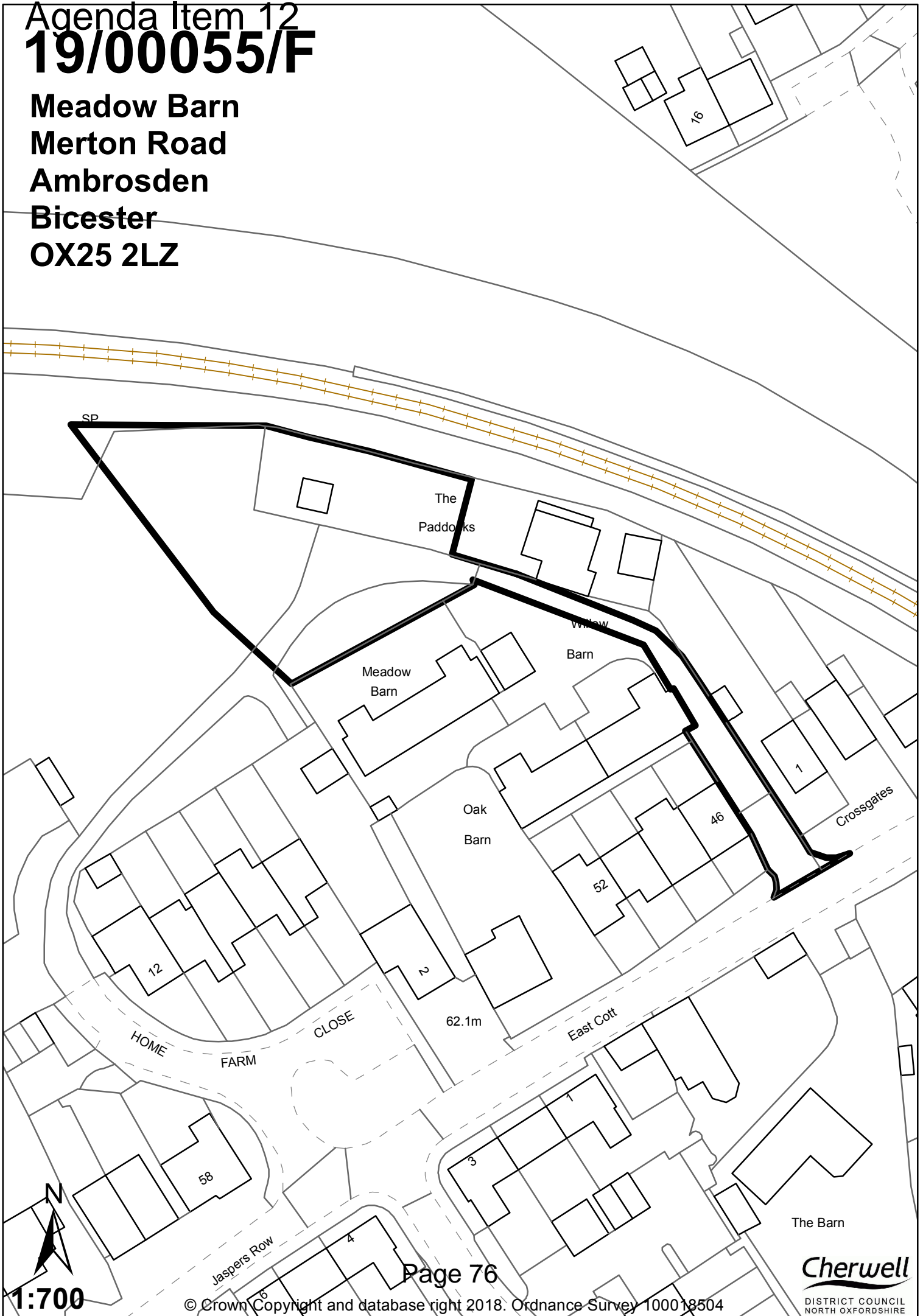
1. The proposed dwelling constitutes residential development in the open countryside, beyond the built up limits of the nearest settlement, for which it has not been demonstrated that there is an essential need. In its proposed location the dwelling would therefore be an unjustified and unsustainable form of development. As such the proposal is considered to be contrary to saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. The proposed development by reason of its location is considered to be unjustified new residential development on a green field site, which due to its location in the valued rural landscape would cause harm to the visual amenities and character of the area. The proposal is therefore contrary to the provisions of saved Policies C8 and C28 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Bob Neville

TEL: 01295 221875

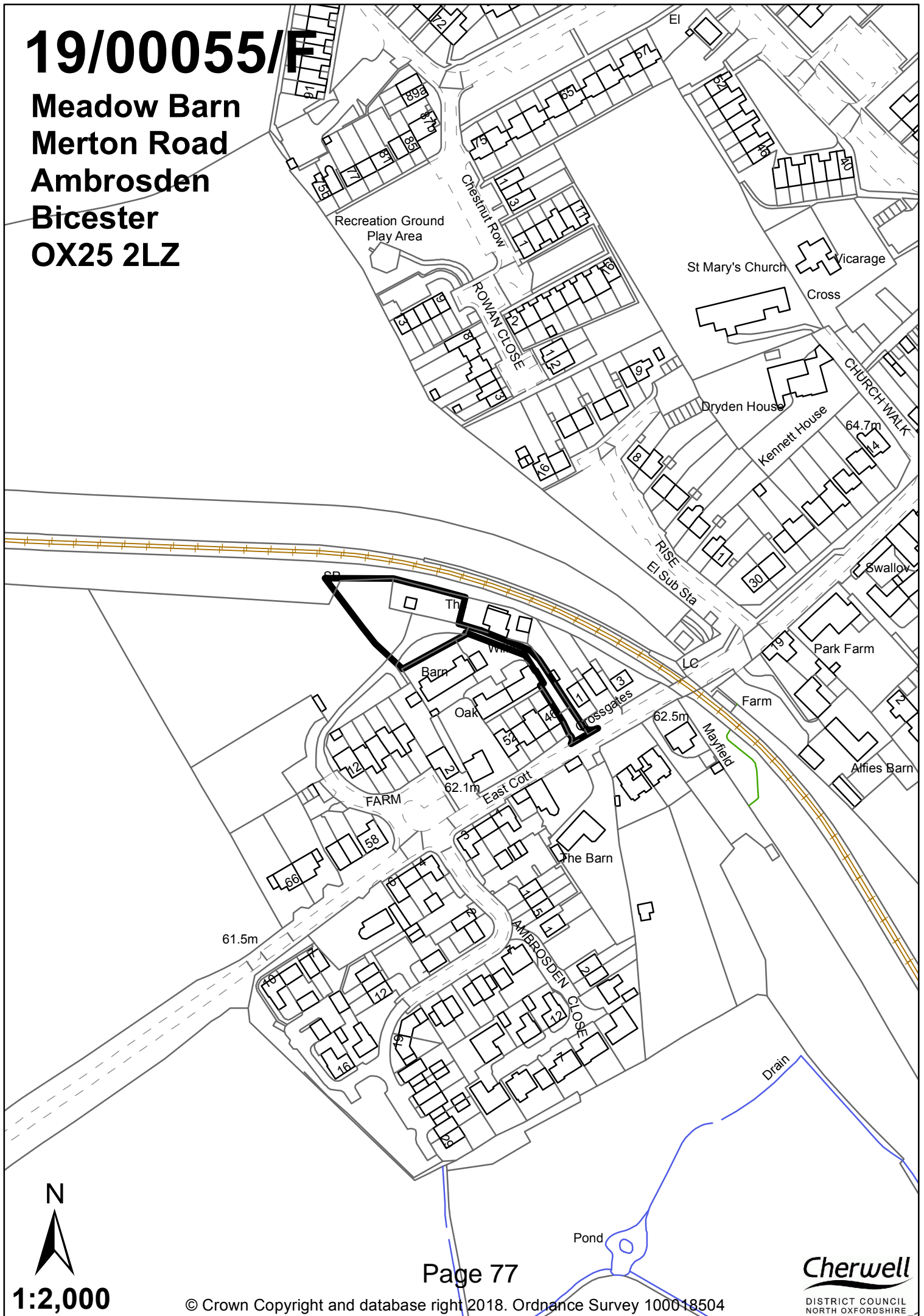
Agenda Item 12 19/00055/F

**Meadow Barn
Merton Road
Ambrosden
Bicester
OX25 2LZ**



19/00055/F

Meadow Barn
Merton Road
Ambrosden
Bicester
OX25 2LZ



1:2,000

**Meadow Barn
Merton Road
Ambrosden
OX25 2LZ**

19/00055/F

Case Officer: Michael Sackey

Applicant: Mr Rhys Oliver

Proposal: 2 new semi-detached dwellings and 1 detached dwelling with associated parking and gardens

Ward: Bicester South And Ambrosden

Councillors: Cllr David Anderson
Cllr Dan Sames
Cllr Lucinda Wing

Reason for Referral: Called in by Councillor Sames for the following reasons: (Over development, over use of a private road, less than substantial harm to the setting of listed building, unsustainable development and not in accordance with the local plan) Application submitted by an officer in Development Management

Expiry Date: 14 March 2019

Committee Date: 14.03.2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

Planning permission is sought for the erection of 1 detached dwelling and 2 semi-detached dwellings with associated parking and amenity space.

Consultations

The following consultee has raised **objections** to the application:

- Ambrosden Parish Council

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

- OCC Highways, CDC Ecology, CDC Building Control, CDC Environmental Protection Officer, CDC Environmental Health, CDC Waste and Recycling, Archaeology and Thames Water.

3 letters of **objection** have been received from the same neighbours

Planning Policy and Constraints

The site is within close proximity to the Grade II listed building of Holly Tree Cottage to the south east of the site. The site is on potentially contaminated land and an area of medium archaeological potential. The site has some ecological potential as it is located within 2 KM of the Arncott Bridge Meadows SSSI and the protected species of the House Sparrow and Common Toad have been recorded in the vicinity

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

Conclusion

The key issues arising from the application details are:

- Principle of development
- Design, and impact on the character of the area
- Impact upon the historic environment
- Archaeology
- Residential amenity
- Highway safety
- Ecological impact
- Other matters

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

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site extends to 0.16 hectares and is presently laid as rough grassland. The site lies immediately to the north of a residential development known as Home Farm Close and to the rear of the Paddocks and previously converted Barn of Meadow Barn with access taken from an extension to the access road which serves this existing dwellings mentioned above.
- 1.2. The application site is relatively level, is open to the wider countryside to the west and in close proximity of approximately 5.6 from a railway embankment with overgrown vegetation at the bottom railway tracks to the North. The site forms part of a larger field which extends further to the west and south. There is no physical boundary to the application site to identify it from the larger field. The southern boundary is formed by residential properties in the village. The site lies beyond the established built-up limits of the village of Ambrosden.

2. CONSTRAINTS

- 2.1. The site is within close proximity to the Grade II listed building of Holly Tree Cottage to the south east of the site. The site is on potentially contaminated land and an area of medium archaeological potential. The site has some ecological potential as it is located within 2km of the Arncoth Bridge Meadows SSSI and House Sparrow and Common Toad (both being protected species) have been recorded in the vicinity.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks full planning permission for two new semi-detached dwellings and one detached dwelling with associated garages. The proposed dwellings would be constructed of red stock brick, with plain tiles to the roof and solid timber traditional casements for the windows.
- 3.2. The site benefits from outline planning permission for residential development (14/01981/OUT) and a subsequent reserved matters approval application reference

(17/00999/REM) for the erection of five detached dwellings. The site also benefits from an approval for two new detached dwellings with associated detached garage application reference (18/01076/F). This consent is extant and may be implemented.

- 3.3. Aside from the number of dwellings proposed, the principle change from the extant planning permission is that the larger L shaped building is now proposed to extend further to the southeast by 1.2m resulting in an increased width but would generally be of the same scale. This proposed building would incorporate one four bedroom dwelling and one three bedroom dwelling. The building would have an overall roof height of 7.2m sloping down to an eaves height of 3.6m. The proposed four bedroom semi-detached dwelling would incorporate four dormer windows facing the north elevation as previously proposed and one dormer window facing the south elevation which replaces the previously proposed rooflights. The proposed three bedroom semi-detached dwelling would incorporate one additional rooflight in the west elevation and three dormer windows replacing the three previously proposed rooflights in the east elevation.
- 3.4. A separate garage building is proposed, to serve one of these dwellings, which have a footprint of approx. 6m by 6m, an overall roof height of 6.1m sloping down to an eaves height of 2.6m. The other semi-detached dwelling would be served by an integral garage.
- 3.5. The other proposed dwelling would be the same as under the approved scheme. That dwelling would measure approximately 6.6m depth and 14m width and would have an overall roof height of 7.2m sloping down to an eaves height of 3.6m. The proposed dwelling would incorporate a dormer window and roof lights to the front elevation and five dormer windows to the rear. The dwelling is proposed to be served by a garage with a footprint of approximately 6m by 6m with an overall roof height of 6m sloping down to an eaves height of 2.5m.
- 3.6. Access is proposed as an extension of the access serving the existing properties of Willow Barn, Oak Barn, Meadow Barn and The Paddocks. These are the same access arrangements as approved under the previous consents.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
01/02166/CLUE	Certificate of Lawfulness existing to allow continuous use of land and buildings as a general builders yard	Application Refused
03/01921/F	Conversion of barn to form dwelling with detached garage/workshop, pool and pool house, Demolish existing garage/stable block, create new access and erection of two 2.1 metre high walls (as amended by plans received 26.11.03)	Application Permitted
05/00102/F	Conversion of barn to residential use. Demolition of existing garage/stables and construction of new garage, workshop and store. Construction of pool house and plant	Application Permitted

	room. Erection of two 2.1m boundary walls with alteration to highway access. Resubmission of permission 03/01921/F.	
05/01990/CLUE	Certificate of Lawfulness existing to allow continuous use of land for storage of building materials	Application Refused
07/00983/CLUE	Certificate of Lawfulness existing to allow continuous use of land for storage purposes (B8)	Application Permitted
10/00506/F	Conversion of barn to residential use. Demolition of existing garage/stables and construction of new garage, workshop and store. Construction of pool house and plant room. Erection of two 2.1m boundary walls with alteration to highway access. Resubmission of permission 05/00102/F (as amended by plans received 01/06/10).	Application Permitted
10/00421/DISC	Discharge of Planning Conditions 2, 3, 12, 14, 15 and 19 of 10/00506/F	Application Permitted
10/01887/F	Change of use of barn to a dwelling and erection of a new dwelling and shared garage	Application Permitted
11/00520/F	Change of use of barn to form two dwellings and erection of a shared garage	Application Permitted
11/00118/DISC	Clearance of conditions 3, 15, 17, 20 and 21 of 10/01887/F	Application Permitted
12/00108/F	Variation of condition 22 of 10/01887/F	Application Permitted
12/00263/F	Variation of condition 2 of 11/00520/F	Application Permitted
12/01234/F	Removal of condition 7 of 12/00263/F (retrospective)	Application Permitted
13/00901/F	Insertion of 2no rooflights. New dormer and front porch.	Application Permitted
18/01076/F	Erection of two new detached dwellings with associated detached garages	Application Permitted
19/00070/DISC	Discharge of Conditions 5 (doors, windows, lights) and 7 (Archaeological Written	Pending

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 25.02.2019, although comments received after this date and before finalising this report have also been taken into account.

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

- Three letters received from two neighbours raising objections on the basis of impact on the current residents of the courtyard in relation to highways access, car parking, over development, damage to property, traffic, noise, dust bins and additional development

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

7. RESPONSE TO CONSULTATION

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

NOTE: Responses are to be recorded in the example format given for the Parish Council below. Responses should be summarised and should not be copied and pasted in full. If it is necessary to quote from a response *include the quote in italics*

AMBROSDEN PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. AMBROSDEN PARISH COUNCIL: **Objects** on the grounds of insufficient access to serve additional traffic, existing access is not wide enough for additional traffic, noise and too close to the wall of the neighbouring house, too much traffic emerging on to the highway, it is unlikely that emergency vehicles could access the furthest dwelling, insufficient space for standing refuse bins for collection, overdevelopment of a small area, it will not resemble a farm yard, the plans do not show Ambrosden Court development opposite, it still shows one property there not 44, there are only four parking spaces shown for three houses, Parking is totally inadequate with very tight turning circle and Gated access means deliveries will not be able to get in, or find the properties.

CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections.**
- 7.4. BUILDING CONTROL – **No comments to make**
- 7.5. ENVIRONMENTAL HEALTH – **No objections**

- 7.6. ENVIRONMENTAL PROTECTION – No comments on noise, air quality, odour and light. But recommend the full contaminated land conditions J12-J16 are placed on any permission granted.
- 7.7. WASTE AND RECYCLING – **Comments** received neither objecting to or supporting the Planning application
- 7.8. ECOLOGY – Consulted on the 29.01.2019; no comments received to date
- 7.9. HOUSING STANDARDS – Consulted on the 29.01.2019; no comments received to date
- 7.10. ARCHAEOLOGY - **Comments** received neither objecting to nor supporting the Planning application but recommends conditions if the application was to be approved.
- 7.11. THAMES WATER - **Comments** received neither objecting to nor supporting the Planning application but recommends conditions if the application was to be approved.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land
- ESD1: Mitigating and Adapting to Climate Change
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Policy Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental pollution
- ENV12: Contaminated land

- 8.3. Other Material Planning Considerations

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

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

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

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character and appearance of the area
- Impact upon the historic environment
- Archaeology
- Residential amenity
- Highway safety
- Ecological impact
- Other matters

Principle of Development

9.2. The principle of residential development in this location has been assessed and considered acceptable under the outline application reference (14/01981/OUT) and under application (18/01076/F) for two detached dwellings. The scale and layout of the current proposal would be similar to that previously approved. One of the dwellings is identical; the other approved dwelling is proposed to be extended slightly and subdivided effectively; the extent of the site is no different. Having regards to the previous approvals, particularly the 2018 permission which remains extant, it is considered that the proposed development is acceptable in principle subject to other material considerations further deliberated below such as the appearance, layout, scale of the development.

Impact on the Character and Appearance of the Area

Policy Context

- 9.3. Paragraph 124 of the National Planning Policy Framework (NPPF) states the creation of high quality building and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
- 9.4. Policy ESD13 of the Cherwell Local Plan Part 1 states that: “Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:
- Cause undue visual intrusion into the open countryside;
 - Be inconsistent with local character;
 - Harm the setting of settlements, buildings, structures or other landmark features.”
- 9.5. Policy ESD15 of the Cherwell Local Plan Part 1 states that: “New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”
- 9.6. Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings, and the nature, size and prominence of the development proposed.

Assessment

- 9.7. As noted above, the layout of the development is similar to that previously approved in 2018.
- 9.8. The proposed development would appear as two, one and half storey buildings, and the use of a reduced eaves height with dormer windows and conservation style rooflights to the roof would give the appearance of a converted agricultural building
- 9.9. Given the nature and location of the changes proposed, it is considered that the proposal’s impact on the character and appearance of the area would be no different from that previously approved in 2018.
- 9.10. The proposed layout is considered to sympathetically integrate with the existing development in the area, in creating an organic, rural form of development, which is more appropriate in character and scale to this sensitive edge of village location. The scale and character of the proposed dwellings is considered appropriate to this location. In addition, the proposal would be set to the rear of the existing dwellings at The Paddocks and Meadow Barn and would not be particularly visible from the highway.
- 9.11. The materials proposed for the development are plain tiles to the roof and red stock brick to match the existing building (Meadow Barn) adjacent to the site. Given the site’s location the brick and plain tiles used are expected to be of high quality and to reflect the traditional brick used within the historic core of Ambrosden. An

appropriately worded condition would be imposed in this regard. The proposal also generally reflects the architectural detailing of that dwelling the.

- 9.12. It is noted that there are some trees to the rear of the site. However, these are not protected and are not considered to be of high amenity value and therefore a tree survey is not considered necessary. Instead appropriate details of landscaping can be secured by condition, including details of any existing trees to be retained.

Conclusion

- 9.13. For these reasons, it is considered that the proposal would not cause harm to the character and appearance of the area and would be in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1 and saved Policies C28 and C30 of the Cherwell Local Plan 1996.

Impact upon the Historic Environment

Policy Context

- 9.14. *Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard to the desirability of preserving a listed building or its setting should be taken.*
- 9.15. *Paragraph 132 of the NPPF states that: "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification."*
- 9.16. *Policy ESD15 of the Cherwell Local Plan states that new development proposals should: "Conserve, sustain and enhance designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG."*

Assessment

- 9.17. The proposed dwellings would be located relatively close to the Grade II listed building of Holly Tree Cottage, to the south. However, the site does not border the property and is not associated with it, and this Grade II listed building is set within a modern context, with Home Farm Close to the south west and converted residential dwellings to the north. It is therefore considered that the proposal would not materially affect the significance of the Grade II listed building.
- 9.18. In relation to the Grade II* listed St Marys Church to the north west of the site, relatively modern housing is situated to the south west of the church, along with an existing rail track which separates the existing site and the Listed Church. The Listed Church is appreciated in views from Merton Road with these dwellings set to the front. The proposal would not materially affect views of the church tower when approaching the village.

Conclusion

- 9.19. Given the above, it is considered that the proposed development would not cause harm to the significance and the setting of the nearby listed buildings.

Impact On Archaeology

- 9.20. *Paragraph 193 of the NPPF states that: "When considering the impact of a proposed development on the significance of a designed heritage asset, great weight should be given to the asset's conservation irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance."*
- 9.21. The Oxfordshire County Council Archaeologist has stated that the site lies within an area of some archaeological interest, located 180m to the north-west of the site of a medieval Manor House. The Archaeologist notes that the exact location of the Manor House is unknown and could be disturbed by this development. In addition, the Archaeologist states that the site of a second large house, Ambrosden Hall, is located 110m north of the proposal site and this Hall was constructed after 1673 and pulled down in 1768. Furthermore, the Archaeologist notes that the site is also located 120m south of a series of undated features that were recorded, along with Neolithic and Bronze Age flint tools, during a pipeline excavation. Recent archaeological work 650m to the north-west of the site has recorded a series of Iron Age roundhouses and Roman and Saxon ditches.
- 9.22. Given the above, the Archaeologist recommends a condition is attached to any consent given, to require the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. Given the nature of the site and the issues cited in the preceding paragraph, it is not considered unreasonable to request for this information and therefore the condition attached to the previous approval would need to be re-imposed.

Residential Amenity

Policy Context

- 9.23. Both local and national planning policy and guidance seek to ensure new development provides a satisfactory standard of living for existing and future occupiers of land and buildings.

Assessment

- 9.24. There are no residential dwellings directly to the north as the site is bounded to the north by and in close proximity to the existing rail tracks. There are also no dwellings to the west of the site as it is open countryside.
- 9.25. Given the positioning of the proposed development and in relation to the previous applications at the site, the current proposal would not materially impact the dwellings at Home Farm Close set at approximately 41m to the south of the site or any of the other neighbours apart from The Paddocks and Meadow Barn.
- 9.26. The proposed development would be set to the rear of The Paddocks and Meadow Barn and the proposal would have an impact on the said neighbours in terms of residential amenity given its proximity. Although it would come closer to the neighbour than that previous approval, given its layout, scale and orientation the proposal would not adversely affect the adjacent neighbours at The Paddocks and Meadow Barn in terms of loss of light, loss of privacy or overlooking, or result in an overbearing development. The proposed development would be 26 metres away from the rear wall of Meadow Barn and the side wall of the proposed dwelling directly to the rear of The Paddocks would be over 21 metres away. This is considered more than adequate so as to prevent undue harm in terms of loss of privacy or overlooking, loss of light or the creation of an overbearing form of development.

- 9.27. The proposed development would therefore comfortably exceed the minimum recommended separation distance in the Cherwell Householder guidance of 22 metres and 14m from a side wall to a window or opening.
- 9.28. There would be some impact in terms of overlooking from one of the proposed semi-detached dwellings to the proposed detached dwelling, but given this relationship is within the development and to the front elevations rather than affecting private amenity areas and is similar to that of the approved scheme, the impact is not considered to result in an impact so significant to warrant the refusal of the application.

Conclusion

- 9.29. Overall, the proposed development is considered not cause to demonstrable harm to any neighbouring residential properties. Furthermore, each proposed property would have a sizeable private amenity space and it is considered that the amenities of the proposed properties would be adequate.

Highway Safety

- 9.30. The proposed access would be an extension of the existing access serving the properties adjacent to the application site of Willow Barn, Oak Barn, Meadow Barn and The Paddocks¹. Concerns were raised by a neighbouring resident about the impact the proposed development would have on the immediate road network, but the principle of five detached dwellings on the site has already been considered acceptable in terms of impact on the local highway network.
- 9.31. It is considered that adequate parking is provided for the proposed dwellings on the site with the provision of double garages for each dwelling.
- 9.32. The Local Highway Authority (LHA) has raised no objections to the application, nor did they object to the previous application, subject to conditions for parking and manoeuvring, prior to the first occupation of the development. The current proposal would result in a slightly greater number of vehicular movements but would use the same access arrangements as the approved scheme.
- 9.33. It is recognised that the access road is relatively tight where close to the highway, though it widens further back from the highway. It is considered that a landscaping condition, combined with the LHA-recommended conditions, would adequately address any concerns that future development within the site would constrain the safe access and egress to and from the site.
- 9.34. Subject to the conditions, it is considered that the proposal would not have a detrimental impact upon highway safety in accordance with Policy ESD15 of the Cherwell Local Plan and Government guidance contained within the NPPF.

Ecological Impact

- 9.35. *Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: It is essential that the presence or*

¹ Access in this context is defined within the Development Management Procedure Order 2015 as the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

- 9.36. Paragraph 170 of the NPPF states that: *“Planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures”*
- 9.37. The Council’s Ecology officer was consulted but no comments have been received at the time of writing. However, Officers note the ecology officer’s comments relating to the outline application at the site which stated that a request was made to see ecological information before the determination of the outline application, so that there was a greater understanding of what was on site before a decision was made.
- 9.38. Whilst I understand the concerns of the Ecology Officer within the previous application and it is preferable to have fulsome details on ecological matters submitted as part of a planning application, given that these matters had not been considered in the outline application it is considered unreasonable to request such information before the determination of this application. Therefore the previously imposed ecology conditions, requiring surveys to be undertaken and mitigation implemented as necessary, would be re-imposed on any consent given here. In the absence of any evidence to the contrary I therefore consider that appropriate conditions can suitably safeguard ecological issues.

Other Matters

- 9.39. *Cherwell District Council’s Planning and Waste Management Design Guide (2009) states that the Council will not collect waste or recycling if this involves driving over a private road. Residents will be required to wheel their refuse and recycling to the nearest public highway and a waste collection storage unit is something that will have to be considered by the applicant, details of which would be requested as a condition if the application were to be recommended for approval.*
- 9.40. Concerns have been raised by both third parties and the parish, that the proposed development would put pressure on the existing access, and have a negative impact on the existing residents of the courtyard. There were further issues raised by the parish and the third party on noise, excessive distance for the wheelie bins to travel and the lack of space at the front for the bins. Car parking, cramped layout, damage to property and over development were also the basis of objections.
- 9.41. However, in relation to any issues other than highways and access, the principle of the 5 dwellings on the site has already been accepted with the approval of the outline application and reserved matters application and full permission for two dwellings. In relation to the highways and access issues raised, the LHA has been consulted on both the last application and the current application, and has been presented with the objections of the parish and third party made at the time of the last application. After reviewing the objections received, the LHA confirmed its view that the proposal would be acceptable in terms of the highway safety, access and parking. The LHA also maintains its stance on the current application and has not objections, whilst indicating that the proposal would not have a significant detrimental impact in terms of highway safety and convenience on the adjacent highway network.
- 9.42. Human Rights and Equalities

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

Article 6

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

Article 8 and Article 1 of the First Protocol

- 9.46. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours’ property.

Duty under The Equalities Act 2010

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

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted
- 10.2. For the reasons set out above, and subject to conditions, it is considered that the proposed development would not result in any significant detriment to the character or visual amenities of the area, the setting of heritage assets, or the living conditions of the neighbouring residents, or on local highway safety.

11. RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Application form;
 - Design and Access Statement by Richard Court Designs submitted with the application;
 - Drawing Numbers: 974-5A; 974-6A; 974-7A; 974-8B; 974-9B and 974-10A submitted with the application;
3. Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Brick Samples

4. Prior to the commencement of the development above slab level, a brick sample panel, to demonstrate brick type, colour, texture, face bond and pointing (minimum 1m² in size), shall be constructed on site, inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shown on the approved plans to be brick shall be constructed in strict accordance with the approved brick sample panel and shall be retained as such thereafter.

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

Tile Samples

5. Prior to the commencement of the development above slab level, the tiles to be used in the construction of the roofs of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the samples so approved and shall be retained as such thereafter.

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

Windows, Doors and Rooflights

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

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

Parking and Manoeuvring Areas

7. Prior to the first use of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning and manoeuvring area which shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, the turning and manoeuvring area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor 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

Archaeology (Written Scheme of Investigation)

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

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012).

Archaeology (Staged Programme Of Archaeological Evaluation And Mitigation)

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

submitted to the Local Planning Authority.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2012).

Landscape Scheme

10. Prior to the first occupation of the development hereby approved, a hard landscape scheme for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details prior to the first occupation of the development hereby approved and shall be retained as such thereafter.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Permitted Development Rights (Restrictions)

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

Reason - To ensure and retain the satisfactory appearance of the completed development and to ensure a satisfactory amenity for the future occupants of the dwelling, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Waste Water Network Upgrades/Housing And Infrastructure Phasing Plan

12. No properties shall be occupied until confirmation has been provided that either:- all surface water network upgrades required to accommodate the additional flows from the development have been completed; or - a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason - The development may lead to flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents.

Land Contamination: Desk Study/Site Walk Over

13. 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.

Land Contamination: Intrusive Investigation

14. If a potential risk from contamination is identified as a result of the work carried out under condition (13), 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.

Land Contamination: Remediation Scheme

15. If Contamination is found by undertaking the work carried out under condition (13), 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 1, 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.

Land Contamination: Carry out Remediation

16. If remedial works have been identified in condition (13), the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition (13). 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.

Land Contamination not Previously Found

17. If, during development, contamination not previously identified is found to be present at the site, no further development shall be 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.

Waste storage and collection

18. Prior to the first use or occupation of the development hereby permitted, details of the waste storage and collection location for the site shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the waste storage and collection facilities shall be permanently retained and maintained 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.

PLANNING NOTES

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

should seek legal advice before carrying out the planning permission where any other person's rights are involved.

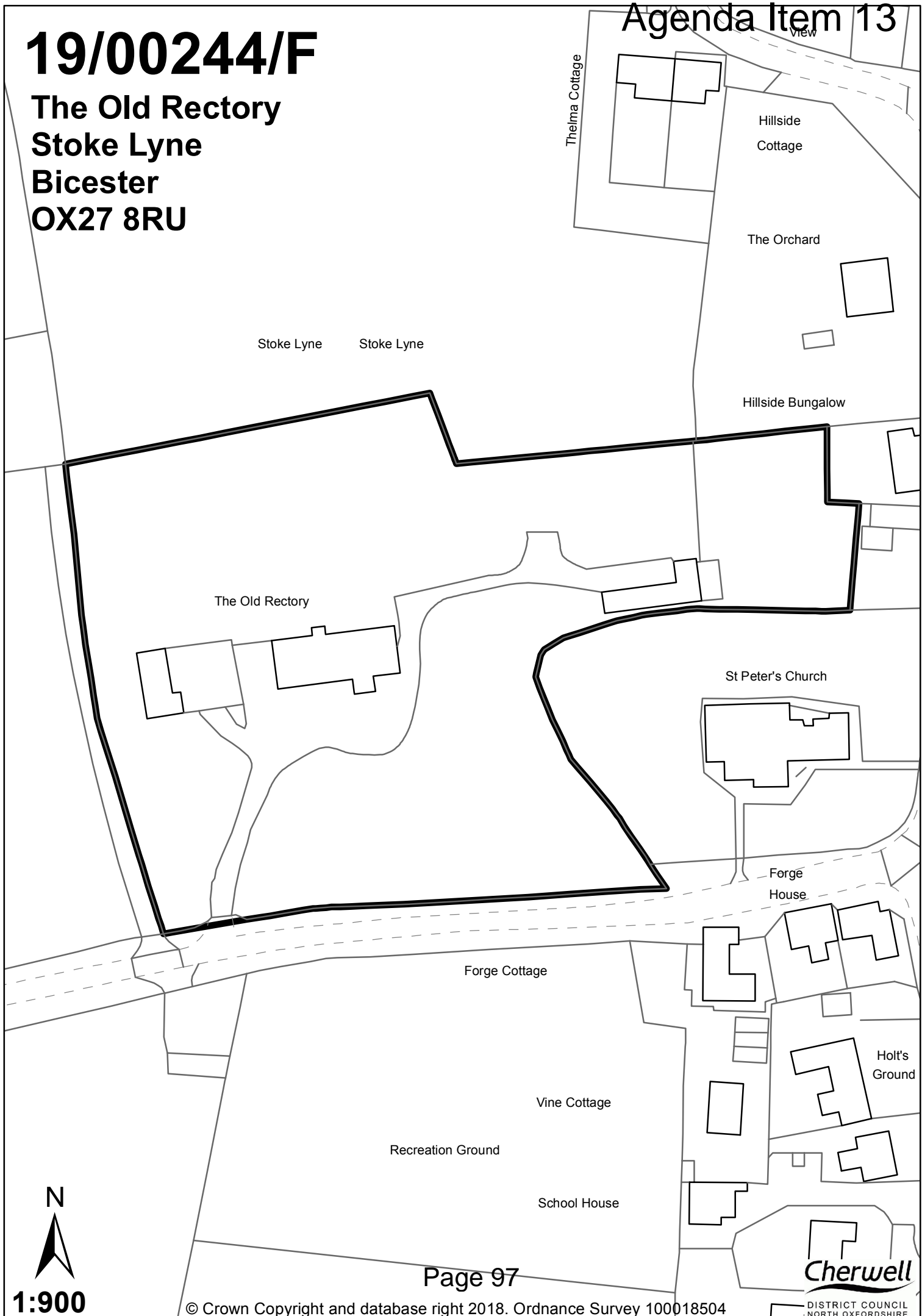
2. The County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact: County Archaeologist, Historic and Natural Environment Team, Infrastructure Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE (Telephone 01865 328944).
3. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.

4. 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.
5. Any necessary reinforcement works will be necessary in order to avoid sewer flooding and/or potential pollution incidents." The developer can request information to support the discharge of this condition by visiting the Thames Water website at thameswater.co.uk/preplanning.
6. Thames Water advise that a drainage strategy should be provided with the details of pre and post development surface water run off rates and the proposed methods of surface water flow management e.g. attenuation, soakaways etc. The drainage strategy should also contain the points of connection to the public sewerage system as well as the anticipated size of the proposed sewer connection/s (including flow calculation method and whether the flow will be discharged by gravity or pumped) into the proposed connection points. If the drainage strategy is not acceptable an impact study will need to be undertaken.

19/00244/F

The Old Rectory
Stoke Lyne
Bicester
OX27 8RU



Stoke Lyne Stoke Lyne

The Old Rectory

St Peter's Church

Forge House

Forge Cottage

Vine Cottage

Recreation Ground

School House

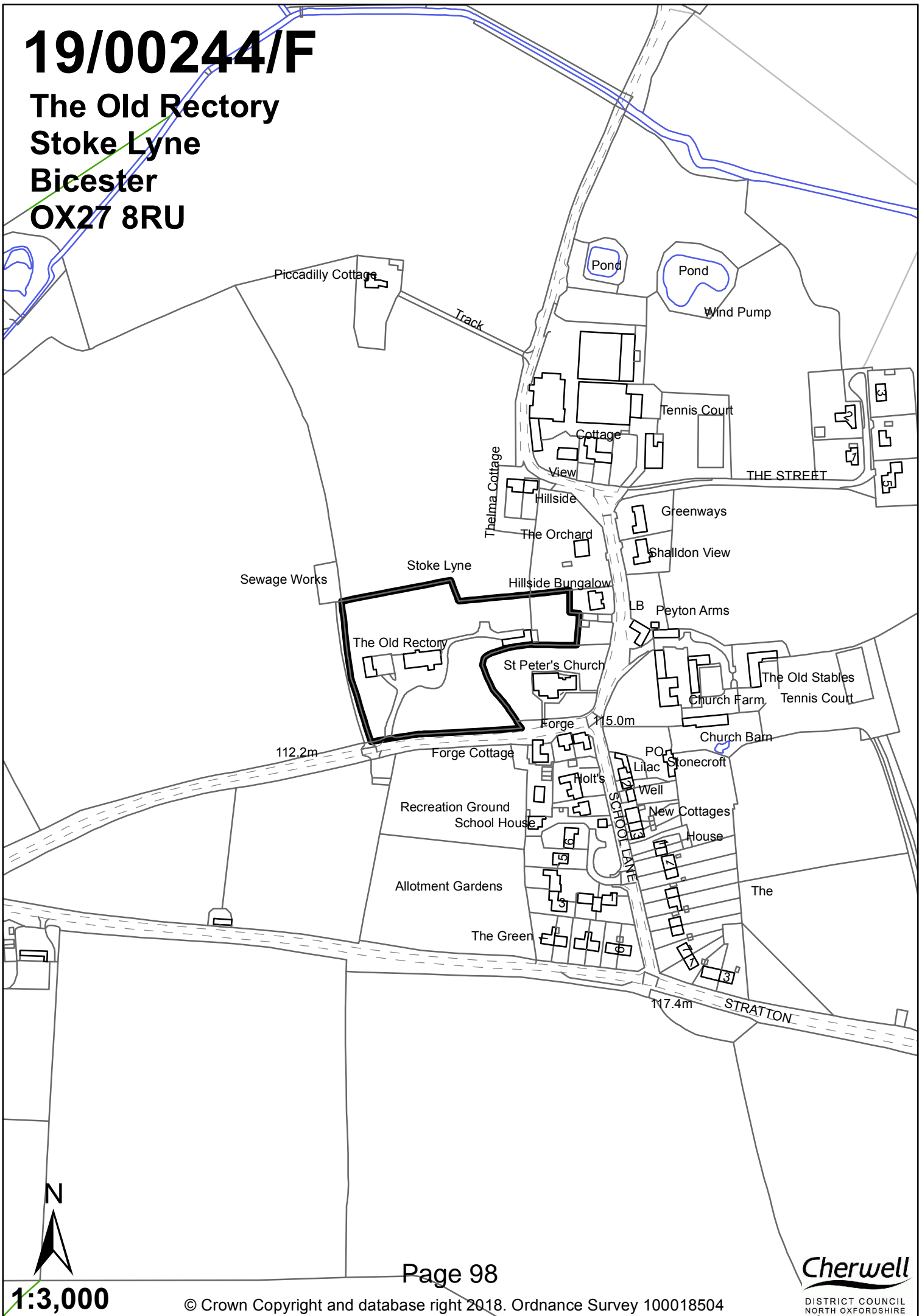
Holt's Ground



1:900

19/00244/F

The Old Rectory
Stoke Lyne
Bicester
OX27 8RU



1:3,000

Case Officer: Sarah Greenall

Applicant: Mr Hugo Brown

Proposal: Replace existing front conservatory with stone built structure

Ward: Fringford And Heyfords

Councillors: Cllr Ian Corkin
Cllr James Macnamara
Cllr Barry Wood

Reason for Referral: Application submitted by a CDC Councillor

Expiry Date: 8 April 2019

Committee Date: 14 March 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

Planning permission is sought to replace the existing front conservatory with a stone built structure that will measure approximately 5.7 metres in width, 2.8 metres in depth and 4.6 metres in height, including replacing a first floor window with a door to allow access to the flat roof of the proposed extension which would be used as an outdoor balcony area.

Consultations

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

- CDC Conservation, CDC Ecology

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

Planning Policy and Constraints

The site is located adjacent to the Grade II* listed Church of St Peter and two Grade II listed headstones located within the Church grounds. The site is also situated on potentially contaminated land and within a 250 metre buffer of protected and notable species.

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

Conclusion

The key issues arising from the application details are:

- Design and impact on the character of the area and the Grade II* listed Church
- Residential amenity
- Highway safety/parking provision

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is situated on the western edge of the village of Stoke Lyne. The building itself is a two storey detached dwelling constructed from stone under a slate tiled roof with red brick chimneys. The front elevation of the building is characterised by a two storey projecting gable structure with two gabled dormer windows in the roof slope. There are large windows with stone surrounds and a large wooden entrance door painted black. On the eastern side of the principal elevation there is currently a white conservatory structure with stone dwarf walls to match the existing building.
- 1.2. The site has private access off the main road that runs through the approach to Stoke Lyne before School Lane. The immediate surrounding area is mostly open countryside, with the village itself comprising of a mixture of detached and semi-detached dwellings constructed from mostly stone with a few examples of rendering also seen.

2. CONSTRAINTS

- 2.1. The application site is within close proximity to the Grade II* Church of St Peter, as well as two Grade II listed headstones situated within the grounds of the Church. The Old Rectory itself however is not listed, and it is not situated within a designated conservation area. The site is located on potentially contaminated land, and within a 250 metre buffer of records of protected and notable species. There are no further site constraints directly relevant to this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks planning permission to replace the existing front conservatory with a stone built structure that will measure approximately 5.7 metres in width, 2.8 metres in depth and 4.6 metres in height. The proposed development would include including replacing a first floor window with a door to allow access to the flat roof of the proposed extension which would be used as an outdoor balcony area. On ground floor level there will be two windows inserted on the front elevation of the extension and one window inserted on the eastern side elevation. The windows and doors will be constructed with stone surrounds to match the designs seen on the original house. The walls of the extension would be constructed in stone to match the existing.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
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98/00026/F	New dormer window to second floor	Permitted Development
19/00244/F	Replace existing front conservatory with stone built structure	Pending Decision

- 4.2. The proposed development cannot be considered permitted development in this case as the enlarged part of the dwellinghouse would extend beyond a wall which forms the principle elevation of the original dwellinghouse.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 21.03.2019, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. No comments have been raised by third parties at the time of writing this report.

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. STOKE LYNE PARISH COUNCIL: **no comments** received at the time of writing this report.

CONSULTEES

- 7.3. HISTORIC ENGLAND: **no comments** to make with regards to this application.
- 7.4. CDC CONSERVATION: verbal comments confirmed there were **no objections with** regards to this application.
- 7.5. CDC ECOLOGY: **no comments** received at the time of writing this report.
- 7.6. CDC ENVIRONMENTAL HEALTH: **no comments** received at the time of writing this report.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a

number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development

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

8.4. Other Material Planning Considerations

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

8.5. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are "Protected, Green & Clean", are places which support "Thriving Communities & Wellbeing", and are Districts of "Opportunity & Growth". All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

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

9. APPRAISAL

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

- Design, and impact on the character of the area and the Grade II* listed Church

- Residential amenity
- Highway safety/parking provision

Design and impact on the character of the area and the Grade II* listed Church

Policy Context

- 9.2. Paragraph 124 of the NPPF states that: *‘Good design is a key aspect of sustainable development’* and that it *‘creates better places in which to live and work’*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 9.3. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene.*

Assessment

- 9.4. The application property, although set back from the road via a driveway, would be visible from the road and adjacent churchyard. As the proposed development would be located on the eastern side of the front elevation of the property, it is therefore likely to have an impact on the streetscene of the area and the setting of the Grade II* listed church.
- 9.5. However as the proposed development would be replacing a similar sized timber framed conservatory, an extension you would not expect to find on the principal elevation of a property, in principle the proposal would represent a visual improvement.
- 9.6. Indeed care has been taken to ensure the design of the extension will mirror the character of the existing property by incorporating the same stone detailing around the edges and openings of the extension that can be seen in the original dwelling. As the materials proposed for the development would therefore match the existing materials seen on the original property, it is considered that the proposal would have a positive impact on the streetscene of the area and the setting of the Grade II* listed Church when compared to the existing arrangement.

Conclusion

- 9.7. For the above reasons, it is therefore considered that the proposal is acceptable in terms of design and impact on the character of the area and the Grade II* listed Church, and thus accords with Government guidance contained within the NPPF, Policy ESD15 in the CLP 2031 Part 1 and saved Policies C28 and C30 of the CLP 1996.

Residential Amenity

Policy Context

- 9.8. Paragraph 127 of the NPPF includes, as a core planning principle, a requirement that planning should have *a high standard of amenity for all existing and future users*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future*

development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

- 9.9. The Council's Home Extensions and Alterations Design Guide (2007) provides informal guidance on how the Council will assess proposed extensions to houses, including guidance on assessing the impact on neighbours. This includes assessing whether a proposed extension would extend beyond a line drawn at a 45° angle, as measured horizontally from the mid-point of the nearest habitable room window.

Assessment

- 9.10. The application site is located at the edge of the village resulting in it being mostly bound by open countryside. The closest property to the development area is located over 60 metres away. The proposed balcony the only potentially controversial element of the proposal would be sufficiently far enough from the closest properties not affect these neighbours' residential amenity.

Conclusion

- 9.11. For the above reasons, it is therefore considered that the proposal accords with Government guidance contained with the NPPF and saved Policy C30 of the CLP 1996 and Policy ESD15 of the CLP 2031 Part 1 that seek standards of amenity and privacy acceptable to the Local Planning Authority.

Highway Safety/Parking Provision

Policy Context

- 9.12. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in*. This is consistent with Paragraph 110 of the NPPF which states that: *developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles*.

Assessment

- 9.13. The proposed development would not result in the addition of any further bedrooms at the property, and therefore there would be no requirement to provide additional parking provision at the property. The proposed development would also have no impact on the parking provision that is already available at the application site. As the property currently benefits from a large parking area that has space for a number of cars. It is therefore considered that parking provision would be more than adequate for a property of this size.

Conclusion

- 9.14. For these reasons, it is therefore considered that the development proposal would be acceptable in terms of highway safety and parking provision, thus complying with Government guidance contained within the NPPF and Policy ESD15 of the CLP 2031 Part 1.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

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

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 3250 – (Su) – 02 and 3250 – (L) – 01.

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

Natural Stone

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.

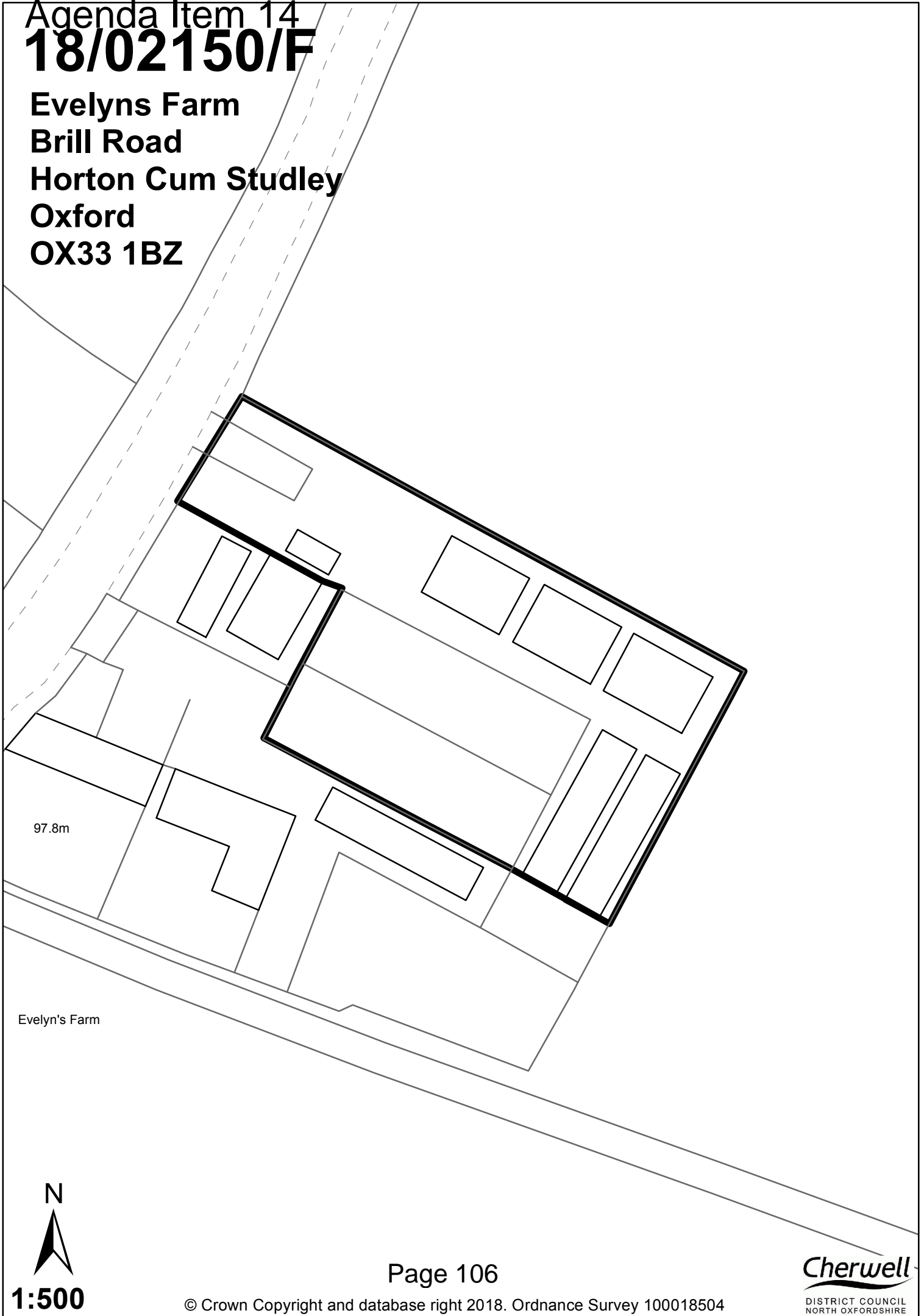
Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Sarah Greenall

TEL: 01295 221558

Agenda Item 14
18/02150/F

**Evelyns Farm
Brill Road
Horton Cum Studley
Oxford
OX33 1BZ**



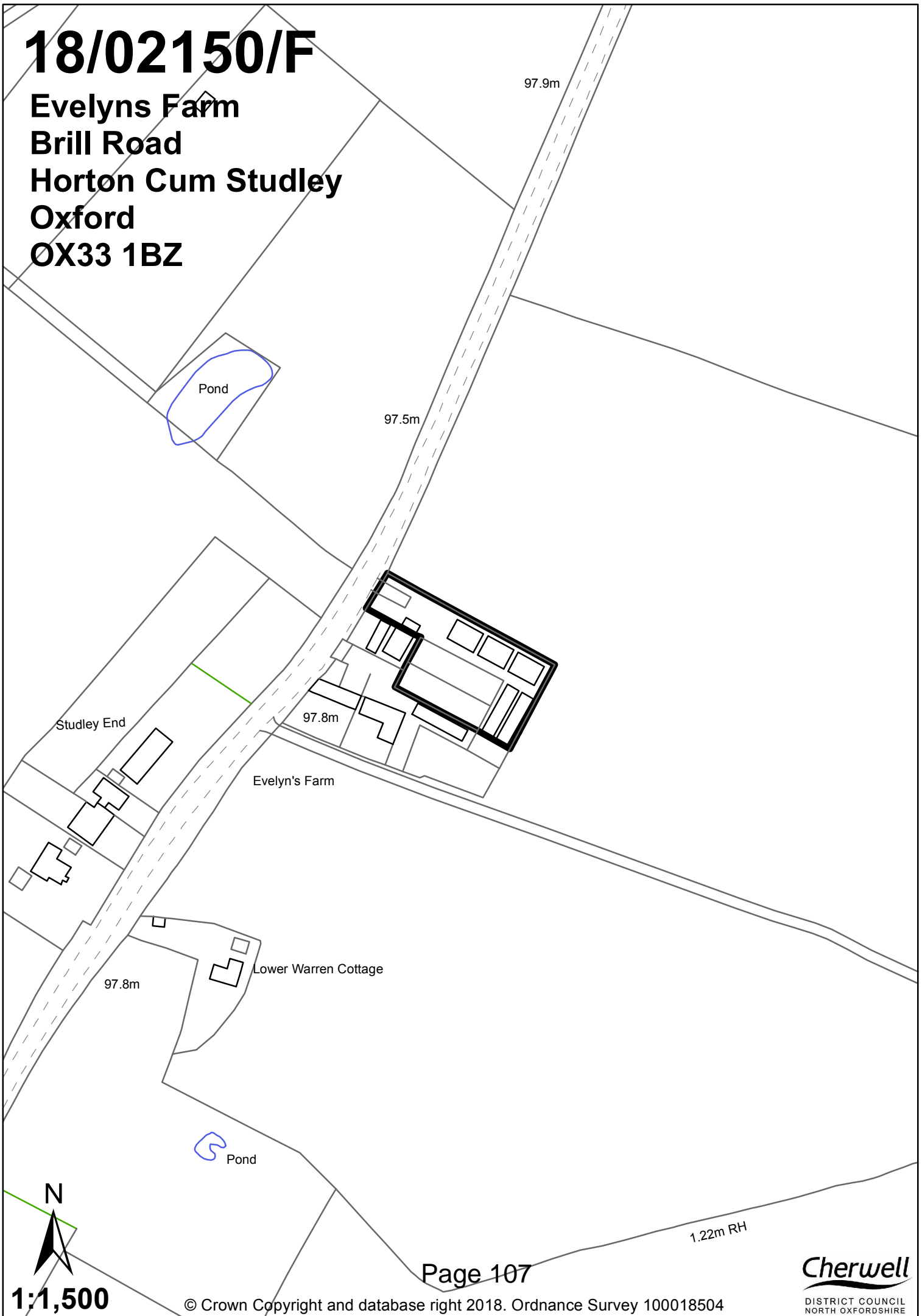
Evelyn's Farm



1:500

18/02150/F

**Evelyns Farm
Brill Road
Horton Cum Studley
Oxford
OX33 1BZ**



**Evelyns Farm
Brill Road
Horton Cum Studley
OX33 1BZ**

18/02150/F

Case Officer: Matthew Chadwick

Applicant: Mr B Hearn

Proposal: Demolition of three asbestos clad industrial units and asbestos clad garage, conversion of indoor pool building and former greenhouse to form a single dwelling together with new garage and work from home office, improved vehicular access and landscaping

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Called in by Councillor Hallchurch

Expiry date: 5 February 2019

Committee date: 14 February 2019

Extension of time: 28 February 2019

This application is subject to a Committee Members Site Visit, taking place on 14th March 2019.

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

Planning consent is sought for the demolition of three buildings on the site and to convert and extend the pool building and former greenhouse to form a single dwelling, with a new garage, vehicular access and landscaping

Consultations

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

- CDC Conservation

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

- CDC Building Control, CDC Environmental Protection, OCC Highways

The following consultees are **in support** of the application:

- Horton-cum-Studley Parish Council, Councillor Hallchurch

Two letters of **support** have been received.

Planning Policy and Constraints

The site is located in close proximity to a Grade II listed building, Evelyn's Farm. The site is located within the Oxford Green Belt. Public Footpath 257/11/10 runs to the south of the

site.

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

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Impact on the Green Belt
- Impact on the character of the area
- Impact on residential amenity
- Highway safety
- Ecology
- Environmental protection

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

1. Principle of development is unacceptable
2. Inappropriate development in the Oxford Green Belt
3. Harm to character of the area and setting of adjacent listed building

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the north of the village of Horton-cum-Studley on the east side of Brill Road. The site is currently occupied by a number of buildings that, according to the applicant, were previously used in conjunction with a former horticultural nursery, builder's yard and the manufacture of prefabricated buildings. There is no planning history to verify these historic uses.

2. CONSTRAINTS

- 2.1. The site is located in close proximity to a Grade II listed building, Evelyn's Farm. The site is located within the Oxford Green Belt. Public Footpath 257/11/10 runs to the south of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning consent is sought to convert and extend the greenhouse and indoor pool building to form a single new dwelling. Also included in the application is demolition of a metal shed and three store buildings on the site although the said demolition does not require planning permission. The existing blockwork walls of the building would be finished in vertical timber cladding, whilst the existing glazing would be replaced with a mix of clear and patent class, with zinc panelling and glazing to the roof of the building. A flat roofed linking element would be constructed between the two buildings to link the two structures into one building. The ground levels inside of the building would be lowered to improve headroom. A new garage would be

erected to the north of the dwelling and this would be constructed from timber cladding under a tiled roof.

- 3.2. A formal landscaping scheme has been proposed which would create an orchard separating the new development from Evelyns Farmhouse. A new gravel driveway would be created and the hedgerows at the access will be trimmed to give better visibility when accessing Brill Road.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/01764/OUT	Outline - Two dwellinghouses	Application Refused
17/00833/CLUP	Certificate of Lawfulness of Proposed Use for B1 use of land for buildings and land outlined in red and agricultural use for building and land outlined in blue on Land Use Plan	Application Withdrawn
17/01095/OUT	Demolition of outbuildings; erection of single dwelling house with associated access, landscaping and hardstanding	Application Refused
18/01799/F	Demolition of three asbestos clad industrial units and asbestos clad garage, conversion of indoor pool building and former greenhouse to form a single dwelling together with new garage and work from home office, improved vehicular access and landscaping	Application Withdrawn

- 4.2. The 2016 application (16/01764/OUT) was refused for four reasons. The first was that the development was considered to be in the open countryside, beyond the built-limits of the nearest settlement, for which no essential need had been demonstrated. The second reason was that the development was considered to constitute inappropriate development within the Green Belt which would not maintain the openness of the Green Belt. The third reason was that the proposed development was considered to cause harm to the rural character of the area and would represent a visual intrusion of residential development into the countryside. The fourth reason was that the development was considered to cause harm to the setting of the adjacent Grade II listed building, Evelyn's Farm.
- 4.3. The lawful development certificate application (17/00833/CLUP) was withdrawn after concerns were raised from the Council regarding the lack of information to demonstrate the existing use of the site.
- 4.4. The 2017 outline consent (17/01095/OUT) was refused for the same four reasons as 16/01764/OUT. This decision was appealed (ref: APP/C3105/W/17/3182235) and was dismissed on all four reasons by the Planning Inspector.

- 4.5. The 2018 application (18/01799/F) was withdrawn after concerns were raised regarding the principle of development.

5. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
15/00308/PREAPP	Proposed erection of two high standard contemporary dwellings incorporating sustainable construction techniques and materials of appropriate scale and respectful of the character of their surroundings.
17/00033/PREAPP	Demolition of existing redundant buildings on the site and erection of single dwellinghouse
18/00046/PREAPP	Demolition of existing (derelict/asbestos) buildings. Rebuild on same footprint as existing buildings in agricultural-type style to remain in keeping with original and surrounding landscape

- 5.2. All of the above pre-application responses were negative with regard to residential development on the site.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 31.01.2019, although comments received after this date and before finalising this report have also been taken into account.

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

- The site may revert to commercial use if this application is not approved.
- The development would not cause harm to the setting of the listed building.
- The development will result in an improvement to the character of the area.
- The development would remove hazardous materials from the site.

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

7. RESPONSE TO CONSULTATION

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

WARD MEMBER, PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. COUNCILLOR HALLCHURCH: **Supports** the application.

7.3. HORTON CUM STUDLEY PARISH COUNCIL: **Supports** the application.

CONSULTEES

7.4. CDC BUILDING CONTROL: A Building Regulations application will be required.

7.5. CDC CONSERVATION: **Objects**. The proposed new dwelling along with the garage and the associated hardstanding and structures would have a cumulative impact that would be an unwelcome intrusion within the setting of the Listed Building.

7.6. CDC ECOLOGY: No comments received.

7.7. CDC ENVIRONMENTAL HEALTH: **No objections**.

7.8. NATURAL ENGLAND: No comments.

7.9. OCC HIGHWAYS: No comments received.

7.10. THAMES WATER: No comments received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- ESD1 – Mitigating Climate Change
- ESD10 – Biodiversity and the Natural Environment
- ESD13 – Landscape Character
- ESD14 – Oxford Green Belt
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H19 – Conversion of buildings in the countryside
- C28 – New development design
- C30 – Design Control
- ENV12 – Development on contaminated land

8.3. Other Material Planning Considerations

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

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

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

9. APPRAISAL

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

- Principle of development
- Impact on the green belt
- Design, impact on the character of the area and on heritage assets
- Residential amenity
- Highway safety
- Ecology
- Environmental protection

Principle of Development

Policy Context

9.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.3. Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as a golden thread running through decision taking, which means approving development proposals that accord with an up-to-date development plan without delay. The NPPF goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

9.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the

Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council has an up-to-date Local Plan and can demonstrate a 5.2 year supply from 2017-2022 (the previous period) and a 5.4 year supply from 2018-2023 (the current period).

9.5. Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

9.6. The principle of residential development in Horton-cum-Studley is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Horton-cum-Studley is recognised as a Category C village in the Cherwell Local Plan 2011 – 2031 Part 1. Category C villages are considered the least sustainable settlements in the District's rural areas to accommodate growth and therefore residential development will be restricted to the conversion of buildings and infilling.

9.7. Policy ESD1 of the Cherwell Local Plan Part 1 states that Measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include:

- Distributing growth to the most sustainable locations as defined in this Local Plan

- Delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars

9.8. Saved Policy H18 of the Cherwell Local Plan 1996 states that planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when it is essential for agriculture or other existing undertakings, or the proposal meets the criteria set out in Saved Policy H6 (since replaced by Policy Villages 3 – relating to affordable housing schemes in rural areas) and the proposal would not conflict with other policies in this plan.

- 9.9. Saved Policy H19 states that proposals for the conversion of a rural building, whose form, bulk and general design is in keeping with its surroundings to a dwelling in a location beyond the built-up limits of a settlement will be favourably considered provided:- (i) the building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character; (ii) the proposal would not cause significant harm to the character of the countryside or the immediate setting of the building; (iii) the proposal would not harm the special character and interest of a building of architectural or historic significance; (iv) the proposal meets the requirements of the other policies in the plan.

Assessment

- 9.10. The Planning Statement submitted with the application states that this proposal is for a conversion and is therefore compliant with Policy Villages 1. However, Policy Villages 1 only applies to development *within* villages and in the appeal decision for 17/01095/OUT the Inspector found that the application site was located *outside* of the built-limits of Horton-cum-Studley and therefore the development would not comply with Policy Villages 1. Furthermore, the dwelling is not considered to be a conversion, as discussed below.
- 9.11. Saved Policy H19 relates to the conversion of buildings in the open countryside. One of the requirements of this policy is that *the building can be converted without major rebuilding*. The application buildings relate to two buildings that were originally constructed as greenhouses to serve the plant nursery business on the site; however, one of the buildings was latterly converted to a building accommodating a swimming pool to serve Evelyns Farmhouse.
- 9.12. Greenhouse buildings are lightweight buildings by the very nature of their construction. A structural survey has been submitted alongside the planning application which says that the buildings are capable of being converted to residential use but would require a significant amount of works to function in this new use, with underpinning of the foundations, lowering of the floor levels of the building up to 1m and the external ground levels, new glass frames, new blockwork walls due to the lowering of the floor levels and new structural supports to support the extra load. Given the findings of this report and observations from the site visit, it is considered that the amount of works necessary to enable the building to be used for residential purposes would be too significant to comprise a conversion and that the proposals do not comply with the provisions of Saved Policy H19.
- 9.13. This conclusion is consistent with Paragraph 79 of the NPPF, which states that should re-use redundant or disused buildings and enhance its immediate setting and as above, it is considered that given the scope of the works that the development would not constitute a re-use of buildings and would instead be tantamount of a new building.
- 9.14. As the development would constitute a new dwelling in the open countryside, Saved Policy H18 is relevant. This states that new dwellings in the open countryside should be only when they are essential for agriculture or other existing undertakings. No essential need has been demonstrated for the dwelling and it is not a rural exception site under Policy Villages 3 of the Cherwell Local Plan 2011 – 2031 Part 1.

Conclusion

- 9.15. The proposed development does not comply with Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1, as the development would constitute minor development outside the built-up limits of a Category C village, in a location that is inherently unsustainable being remote from services and facilities and reliant on the

private car. The proposal would not constitute a conversion of a rural building given the scope of works required to change the use of the building, and no essential need has been demonstrated for the dwellings under Saved Policy H18 of the Cherwell Local Plan 1996, and therefore the principle of residential development on the site is not considered to be acceptable.

Impact on the green belt

Policy Context

9.16. Notwithstanding that the proposal is considered unacceptable in principle as unsustainable isolated new housing development in the countryside, the site is also in the Oxford Green Belt and so must be assessed against Green Belt policy. Policy ESD14 of the Cherwell Local Plan 2011 – 2031 Part 1 states that the Green Belt will be maintained in order to:

- Preserve the special character and landscape setting of Oxford;
- Check the growth of Oxford and prevent ribbon development and urban sprawl;
- Prevent the coalescence of settlements;
- Assist in safeguarding the countryside from encroachment;
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

9.17. The policy goes on to state that development proposals within the Green Belt will be assessed in accordance with National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). Furthermore it states development will only be permitted if it maintains the openness of the Green Belt and does not conflict with the purposes of the Green Belt or harm its visual amenities. Finally it states proposals for residential development in the Green Belt will be assessed against Policies Villages 1 and Villages 3 of the Cherwell Local Plan 2011-2031 Part 1.

9.18. Paragraph 133 of the NPPF states that 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.

9.19. Paragraph 134 of the NPPF states the five purposes of the Green Belt. These are similar to those set out in ESD14 of the Cherwell Local Plan 2011 – 2031 Part 1. The five purposes are:

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

9.20. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

9.21. Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm

to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 9.22. Paragraph 145 of the NPPF of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, apart from a number of exceptions. One of these exceptions is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Assessment

- 9.23. The applicant has stated that the application site is previously developed land and that the development would have a positive impact on the openness of the green belt, due to the reduction in buildings across the site.
- 9.24. In Paragraph 13 of the appeal decision for 17/01095/OUT, the Inspector states that *'on the evidence submitted by the appellant and my observations on site, I am satisfied that at least part of the appeal site had the characteristics and use of previously developed land'*. The Inspector did not go on to explain what part of the site he considered to be previously developed land.
- 9.25. An application for a lawful development certificate (17/00833/CLUP) was withdrawn on 13th June 2017. This sought to demonstrate that part of site had a lawful B1 use. The information submitted as part of this application was insufficient to demonstrate this and was withdrawn by the applicant's agent after the Council advised that it was to be refused on this basis. Given that there is no planning history for the site and that the lawful development certificate was not granted, the site is not in lawful B1 use and, on the basis of the available evidence, the lawful use is either agricultural (as part of the plant nursery that operated from the site) or as the residential garden of Evelyn's Farm.
- 9.26. Section 336 of The Town and Country Planning Act 1990 (as amended) provides a definition of 'agriculture'. The definition includes "horticulture, fruit growing, seed growing...and nursery grounds", and the activities that were undertaken on the wider site were likely to be included in this definition. The courts have held that residential gardens in the countryside can constitute previously developed land. Therefore, the greenhouse that was converted to residential use to be used a swimming pool is considered to be previously developed land. However, the rest of the land to which this application relates has a lawful use of agricultural and therefore this is *not* previously developed land. For this reason the proposal would constitute inappropriate development in the Green belt.
- 9.27. Notwithstanding the above, the proposal will be assessed as to whether it would have an impact on the openness of the green belt. In the Planning Statement, the agent states that the development would result in a reduction in floor area of 118.79m² and 372.83m³ in terms of volume of buildings. It is recognised that the proposal would remove three of the existing store buildings on the site and replace these with a single garage to serve the dwelling. However, it is considered that the

new residential use with an increased number of movements from the current use of the site and the paraphernalia that is associated with a residential use would cause harm to the openness of the green belt and that as a result, the development would also constitute inappropriate development in this regard as well. In addition, the demolition of these buildings does not require planning permission which reduces the weight to be given to their demolition.

- 9.28. The development would also conflict with one of the five purposes of the Green Belt set out in the NPPF, which is 'to assist in safeguarding the countryside from encroachment'. The new residential use, along with the size of the area of land changing use to residential would also cause harm to the Green Belt by encroaching into the surrounding countryside. This harm is further exacerbated by the hardstanding and car parking area proposed for the development, and the size of the garden, domestic features which would alter the rural character of the Green Belt.

Conclusion

- 9.29. It is considered that the proposal would constitute inappropriate development in the Green Belt, would result in a reduction in openness to the Green Belt and would also cause harm through encroachment into the countryside.
- 9.30. The NPPF advises that substantial weight should be attached to harm to the Green Belt and harmful development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt is outweighed by other considerations.
- 9.31. It is not considered that there are very special circumstances to outweigh the harm to the Green Belt and therefore the proposal would be contrary to Policy ESD14 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the NPPF.

Design, impact on the character of the area and on heritage assets

Policy Context

- 9.32. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.33. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 9.34. Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and

- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
- 9.35. Paragraph 196 of the NPPF states that Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.36. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.37. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards, and should respect the historic environment including Conservation Areas and listed buildings.
- 9.38. Section 66(1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Assessment

- 9.39. The proposed development would be located to the north of the village of Horton-cum-Studley on the approach to the village on Brill Road. The area has a rural character and appearance with a fairly sporadic pattern of development in the area.
- 9.40. The introduction of a residential use onto a muted, agricultural site that contributes to the rural character of the area would cause harm to the rural character and appearance of the site and would introduce a more urban form of development, with associated residential paraphernalia including hardstanding, parking areas and residential garaging.
- 9.41. The site is located in close proximity to Evelyn's Farm, which is a Grade II listed building. The rural character of the site currently contributes to the historic agricultural setting of the heritage asset and its historic use as a farmhouse. The existing buildings on the site are not of any architectural significance but as previously stated have a typical and subservient rural appearance that contribute to the setting and significance of the listed building and appear as though they are ancillary buildings to the farmhouse, a common arrangement within a rural setting.
- 9.42. The Heritage Statement submitted with the application concludes that the development would not cause harm to the setting of the listed building, given that the scale of the buildings would not increase and that the demolition of the store buildings would enhance the setting of Evelyns Farmhouse.

- 9.43. In paragraph 21 of the appeal decision for 17/01095/OUT, the Inspector stated that *'the present dilapidated buildings do not enhance the setting of the listed building and I am satisfied that the wholesale clearance of the site would improve this setting'*. It is recognised that a number of structures would be removed as part of this development. However, the proposals would not result in the wholesale clearance of the site and that two buildings would be retained, a new garage constructed, along with hardstanding and landscaping.
- 9.44. Overall, therefore, the new residential use would cause harm to the setting of the neighbouring listed building and this view is shared by the Council's Conservation Officer, who has stated that, *'the proposed new dwelling along with the garage and the associated hardstanding and structures would have a cumulative impact that would be an unwelcome intrusion within the setting of the Listed Building'*. It is not considered that there are sufficient public benefits associated with the proposal to outweigh this harm caused to the heritage asset.

Conclusion

- 9.45. It is considered that the proposal would cause harm to the rural character of the area by reason of its urbanising nature. For the same reason, it is considered that the cumulative impact of all of the elements associated with the residential use that the development would not cause harm to the setting of the nearby listed building. It is not considered that the public benefits of one dwelling would outweigh the harm caused to the listed building.

Residential amenity

- 9.46. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.
- 9.47. The proposal would be sited a sufficient distance away from the neighbouring dwelling and that through an appropriate landscaping scheme, the scheme could be acceptable in this regard. The proposals would therefore not cause harm to the residential amenities of neighbours or future occupiers.

Highway safety

- 9.48. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.49. The Highways Officer has not commented on this proposal however offered no objections to the previous scheme for a single dwelling on the site, subject to conditions. As such, the proposals would not cause harm to the safety of the local highway network, subject to conditions.

Ecology

Policy context

- 9.50. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and

Geological Conservation states that: It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

- 9.51. Paragraph 170 of the NPPF states that: The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible. This requirement is echoed by Policy ESD10 of the Cherwell Local Plan 2011 - 2031 Part 1.

Assessment & conclusion

- 9.52. The Ecological Appraisal submitted with the application offers a number of recommendations that should be complied with in the event of an approval, including avoiding any disturbance to birds during the nesting season. The Ecology Officer had offered no objections to the previous scheme, subject to the recommendations set out in the previous ecological report. As such, the proposals would not cause harm to biodiversity, subject to the recommendations set out within the Ecological Appraisal, and the development is acceptable in this regard.

Environmental protection

- 9.53. Saved Policy ENV12 from the Cherwell Local Plan 1996 states that development on land which is known or suspected to be contaminated will only be permitted if:
- (i) adequate measures can be taken to remove any threat of contamination to future occupiers of the site;
 - (ii) the development is not likely to result in contamination of surface or underground water resources;
 - (iii) the proposed use does not conflict with the other policies in the plan.
- 9.54. The Environmental Protection Officer has raised no objections to the proposed development. As such, it is considered that the development would not cause harm with regards to future land contamination.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The principle of development is not considered to be acceptable, given that the development would be located in open countryside outside of the built-up limits of the village and that no essential need has been demonstrated. The proposed development would constitute inappropriate development within the Green Belt that would result in a reduction in the openness of the Green Belt and would encroach into the countryside, for which no very special circumstances have been demonstrated. The proposed development would also cause harm to the rural character and appearance of the area and would cause harm to the setting and significance of the nearby listed building due to cumulative impact of the residential use and other residential features.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

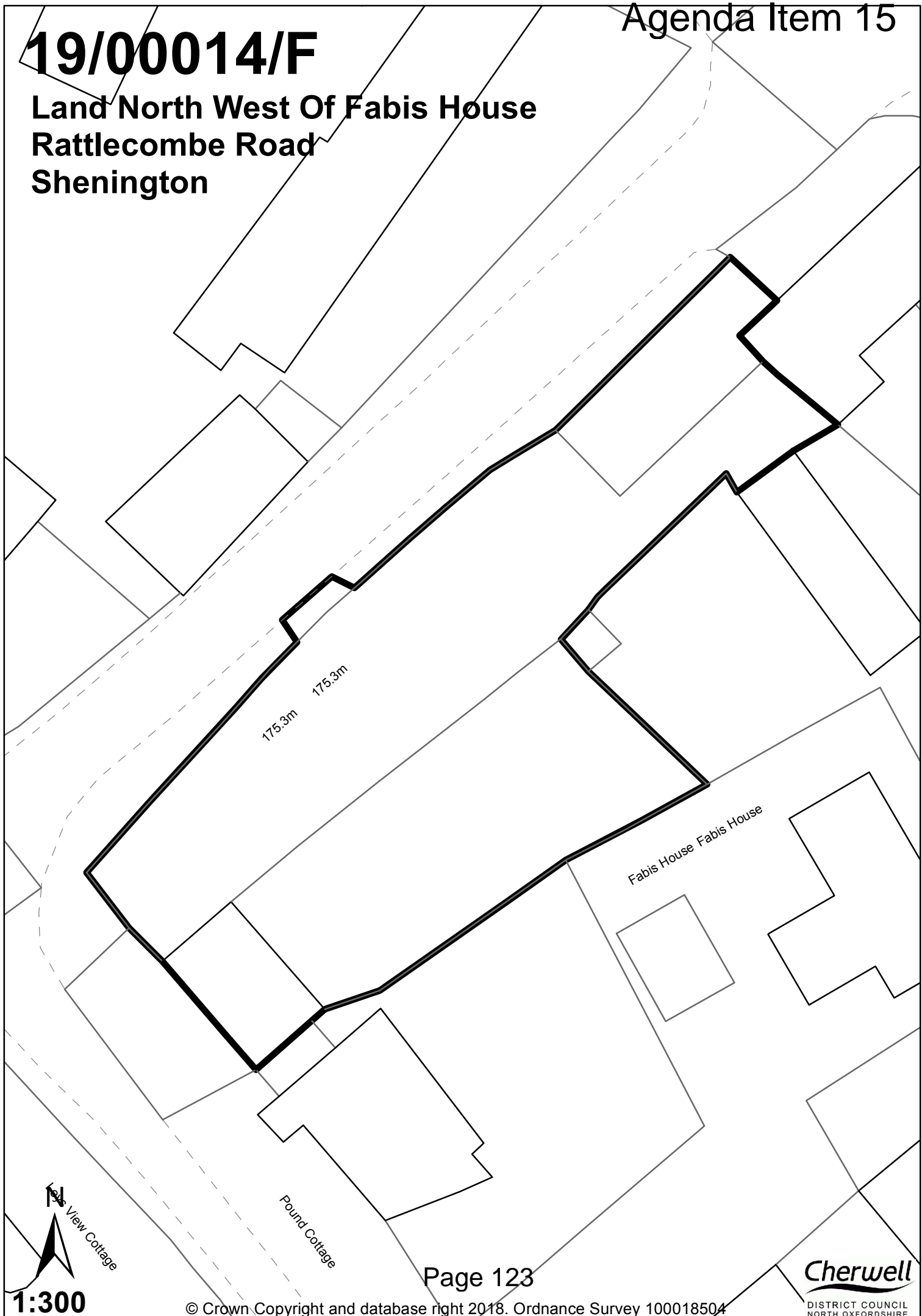
1. The proposed development constitutes residential development in the open countryside, beyond the built up limits of the nearest settlement, for which it has not been demonstrated that there is an essential need. In its proposed location the development would therefore be an unjustified and unsustainable form of development. The works required to change the use of the buildings are too significant for the proposal to constitute a conversion of an existing building. As such the proposal is contrary to Policy ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies H18 and H19 of the Cherwell Local Plan 1996, and government guidance contained within the National Planning Policy Framework.
2. The proposed development constitutes inappropriate development within the Green Belt which, by reason of its residential use and siting, would not maintain the openness of the Green Belt and which would conflict with the purposes of including land within it. There are no very special circumstances which would outweigh the harm caused to the Green Belt and the proposals are therefore contrary to Policy ESD14 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. The proposed development, by reason of its residential use, garaging and associated paraphernalia, would represent a visual intrusion of residential development into the countryside and would cause unacceptable harm to the rural character of the area and to the setting of the adjacent Grade II listed building Evelyn's Farm. As such the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

19/00014/F

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



175.3m
175.3m

Fabis House Fabis House

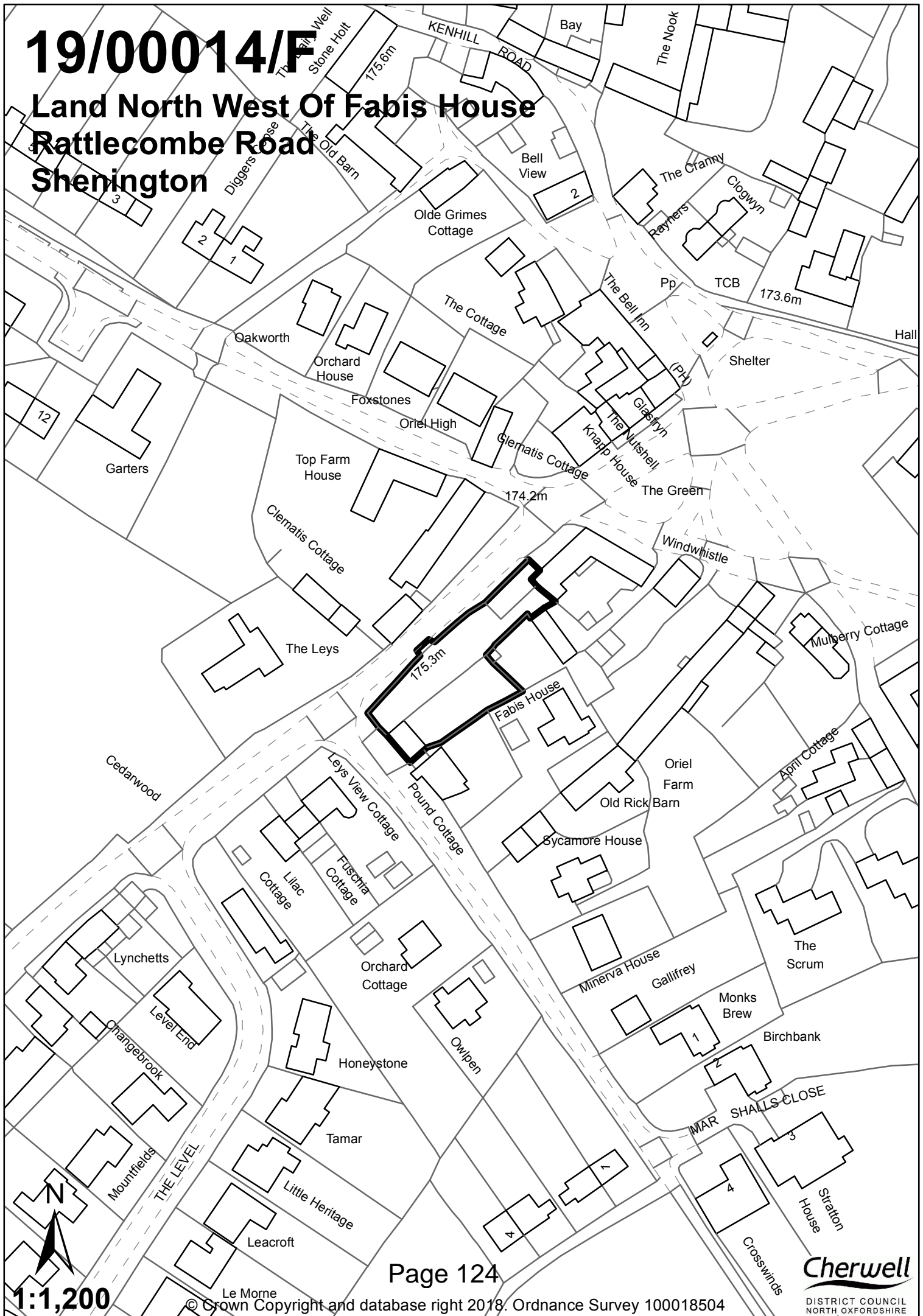
Pound Cottage

View Cottage

1:300

19/00014/F

Land North West Of Fabis House Rattlecombe Road Sherington



Case Officer Matthew Chadwick
Applicant: The Magpie Partnership Ltd
Proposal: Conversion of barn to form new dwelling - re-submission of 18/01114/F
Ward: Cropredy, Sibfords And Wroxton
Councillors: Cllr George Reynolds
Cllr Douglas Webb
Cllr Phil Chapman
Reason for Referral: Application called in by Councillor Reynolds as ward member
Expiry Date: 28 February 2019 **Committee Date:** 14 March 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

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

Consultations

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

- Shenington with Alkerton Parish Council
-

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

- OCC Highways, CDC Conservation

Two letters of **objection** have been received.

Planning Policy and Constraints

The site is located within Shenington with Alkerton Conservation Area and is a curtilage listed building. The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

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

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located within the village of Shenington on the south side of Rattlecombe Road at the junction with Mill Lane. The redevelopment of the site into two dwellings was approved in 2017 under 17/01201/F and 17/01202/LB. This consent has been implemented and the building in the southwest of the site (Barn B) is fully constructed, whilst works have also been undertaken to 'Barn A'.

2. CONSTRAINTS

2.1. The site is located within the Shenington with Alkerton Conservation Area and the ruined building in the northeast of the site (to which this application relates) is considered to be a curtilage listed building given that it is attached to the Grade II listed dwelling named 'Longworth' to the east. Common Swifts have been located in proximity of the site, which are a protected species. The site is also located within an Archaeological Constraint Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Planning consent is sought to convert and extend the dilapidated barn to form a single dwelling. The dwelling would be 1½ storeys in height, with a single storey element to the southwest of the building. There are a number of changes from the previously approved application. The previously approved application had a single storey element on the northeast of the building and this has now been changed so that the ridgeline of the building continues at the same 1½ storey height. The overall ridge height of the building would also be slightly reduced from the approved scheme. The fenestration of the building would be altered on both the front of the building facing onto Rattlecombe Road and the rear facing towards Fabis House. On the front of the building, the historic doorway has been filled in and the ventilation slots to the west are to be retained. To the rear of the building, the door has moved further away from 'Longworth'.

4. RELEVANT PLANNING HISTORY

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

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

17/01202/LB	Conversion and extension of existing buildings to form 2 dwellings - Resubmission of 16/02184/LB	Application Permitted
18/01098/F	Variation of Condition 6 (surface water drainage) relating to the whole site, and Conditions 2 (rooflight), 7 (existing building fabric), 15 (doors, windows and rooflights) in respect of Barn B only of 17/01201/F	Application Permitted
18/01114/F	Conversion of barn to form new dwelling	Application Refused
18/01115/LB	Conversion of barn to form new dwelling	Application Refused

- 4.2. The previous applications (16/02183/F and 16/02184/LB) were refused for five reasons. The first reason was that the alterations to Barn A were considered to cause harm to the curtilage listed building, the character and appearance of the Shenington with Alkerton Conservation Area and the setting of the nearby Grade II listed building 'Longworth'. The second reason was that the extensions to Barn B would cause harm to the character and appearance of the Shenington with Alkerton Conservation Area. The third reason was that the southern extension to Barn B would cause harm to the residential amenity of Pound Cottage. The fourth reason was that the development would have provided an insufficient number of parking spaces for the number of residential units proposed. The fifth reason was that in the absence of an appropriate ecological survey it was not possible to demonstrate whether the development would have an impact on protected species.
- 4.3. Design changes were approved to 'Barn B' under 18/01098/F at August 2018 planning committee.
- 4.4. Applications 18/01114/F and 18/01115/LB were refused at December 2018 planning committee, as the alterations to the building, particularly the new windows on the Rattlecombe Road frontage, would cause less than substantial harm to the significance of the curtilage listed building and the character and appearance of the conservation area, for which the public benefits did not outweigh the harm.
- 4.5. An application for listed building consent is submitted alongside this application (19/00015/LB).

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments will be 14.03.2019.
- 6.2. At time of writing this report, two letters of objection have been received. The comments raised by third parties are summarised as follows:

- The submitted landscaping plans are inconsistent (these have been superseded).
- The drainage scheme may impact on the neighbouring dwelling.
- The development would affect a Right of Way across the land (this is a private matter between the neighbours and the applicant).
- Spanish slate is to be used which is not appropriate.
- The windows on the gable ends are not appropriate for a barn conversion.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. SHENINGTON WITH ALKERTON PARISH COUNCIL: **Objects** on the grounds that the windows in the gable ends would not be in keeping with a listed barn.

CONSULTEES

7.3. CDC BUILDING CONTROL: There is a problem with the internal layout, because the proposed first floor bedroom does not have an adequate escape route in the event of fire. The ground floor bedroom also needs to have a window large enough to be suitable for means-of-escape.

7.4. CDC CONSERVATION: **No objections.**

7.5. CDC ECOLOGY: No comments received.

7.6. OCC HIGHWAYS: **No objections.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- ESD10 – Biodiversity and the Natural Environment

- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H21 – Conversions within settlements
- C21 – Proposals for re-use of a listed building
- C23 – Retention of features contributing to a conservation area
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- C33 – Protection of important gaps of undeveloped land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Shenington with Alkerton Conservation Area Appraisal (2009)
- CDC Design Guide for the conversion of farm buildings (2002)

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council’s Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

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

9. APPRAISAL

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

- Principle of development

- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology
- Other matters

Principle of Development

Policy Context

- 9.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.3. Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as a golden thread running through decision taking, which means approving development proposals that accord with an up-to-date development plan without delay. The NPPF goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 9.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5.2 year supply from 2017-2022 (the previous period) and a 5.4 year supply from 2018-2023 (the current period).
- 9.5. The principle of residential development in Shenington is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Shenington is recognised as a Category C village in the Cherwell Local Plan 2011 – 2031 Part 1. Category C villages are considered the least sustainable settlements in the District's rural areas to accommodate growth and therefore residential development will be restricted to the conversion of buildings and infilling.

Assessment

- 9.6. The application for the conversion of the buildings to two dwellings was approved under 17/01201/F and 17/01202/LB. This consent has been implemented and the conversion and extensions to Barn B have been completed. This development seeks for a number of alterations to the design of the dwelling that was approved under that scheme.

Conclusion

- 9.7. Given that this consent has been implemented, the principle of development is considered to be acceptable, subject to other material considerations discussed below.

Design, impact on the character of the area and heritage assets

Policy Context

- 9.8. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good

planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

- 9.9. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.10. Saved Policy C21 of the Cherwell Local Plan 1996 states that sympathetic consideration will be given to proposals for the re-use of an unused listed building provided that the use is compatible with its character, architectural integrity and setting and does not conflict with other policies in the plan. This policy is consistent with guidance contained within Paragraph 196 of the NPPF.
- 9.11. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards, and should respect the historic environment including Conservation Areas and listed buildings.
- 9.12. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Likewise Section 66(1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.13. Cherwell District Council's 'Design Guide for the conversion of farm buildings (2002)' states that the new openings in barns should be kept to a minimum and that simple robust wood-framed casements will normally be most appropriate.

Assessment

- 9.14. The site is located within the Shenington with Alkerton Conservation Area. Longworth to the east of the site is a grade II listed building and Barn A is attached to Longworth and historically associated with this dwelling, so is curtilage listed.
- 9.15. The application proposes to extend and convert the existing dilapidated barn to form a single dwelling. The previously approved scheme was a 1½ storey dwelling, with single storey elements at the northeast and southwest gable ends of the dwelling. The fenestration was simple, with arrow slit windows on the front elevation and full height barn-door style openings on the rear, with some more domestic openings in the west of the building.
- 9.16. The present application proposes a number of changes to the approved scheme, such as the reduction in the overall ridge height of the building, the continuation of the 1½ storey element to the north-east and alterations to the fenestration on the building.
- 9.17. The ridge height of the element that is in closest proximity to the Grade II listed 'Longworth' to the east would be continued at the same ridge height as the rest of the building. On the previously approved scheme, this was a single storey element.

Historically, it would appear that this part of the building had the same ridge height as the rest of the building and the consistent ridge height would be a more traditional form of development.

- 9.18. The overall ridge height of the building is lower than that of the approved scheme, with the proposed ridge height being approximately 0.3m lower than the approved scheme. The lower ridge height of the building would also help to emphasise the subservience of the building to 'Longworth', to which it had a historic relationship with and this is a positive element of the scheme. The single storey element on the western end of the building is retained from the previously approved scheme; however, the depth of this element has slightly increased.
- 9.19. The fenestration on the front elevation of the building would be altered from the approved scheme. The approved scheme had three large arrowslits and one rectangular window on the east of the building in the single storey element that was closest to 'Longworth'. The proposed scheme would now have a single window on the Rattlecombe Road frontage, in the same location in close proximity to 'Longworth' as the window that was in the approved scheme. Two arrowslit ventilation slots are proposed to be retained at first floor level. Given that only a single window would be created on the Rattlecombe Road frontage and that this window has been previously approved, on balance it is considered that only minor harm would be caused due to the new fenestration.
- 9.20. There are also changes proposed to the fenestration on the rear and sides of the building from the approved scheme. Two rooflights are proposed in the rear roofslope in a similar location to the approved scheme. The barn door style opening would also be in a similar location to the barn door opening in the previous scheme, with the main change to this window being that it would extend up to the eaves of the building. The eastern door on the rear elevation has been moved further away from the neighbouring dwelling 'Longworth' and would be more than 2.3m away from this property. A single glazed door would be created to the west of the barn door style opening and in the single storey element; a four casement window of a domestic design would be created in a similar design to the approved scheme. The fenestration on the rear elevation is broadly similar to that of the approved scheme and the proposed changes are considered to result in a minor improvement to the visual appearance of the building.
- 9.21. A window is proposed to be created in the east elevation at first floor level. A window was previously approved in this location. However, the proposed window would be more centrally positioned in the gable elevation and this is considered to be acceptable. A window would also be created in the west elevation at first floor level and this would be in the same location as a window in the approved scheme. There have been objections to the windows on the gable ends of the building; however, windows were approved here under 17/01201/F and 17/01202/LB. Furthermore, these windows would comply with the guidance provided in Cherwell District Council's 'Design Guide for the conversion of farm buildings (2002)'.
- 9.22. The proposal would bring a listed building back into use that has been derelict for a number of decades. It is considered that a residential use is the optimum viable use for the listed building and that this would be a public benefit of the proposal.

Conclusion

- 9.23. It is considered that the proposed development would cause minor harm to the setting and significance of the affected listed buildings and the Shenington with Alkerton Conservation Area. However, the harm caused to these heritage assets is limited and would be outweighed by the public benefits of providing a dwelling in a

location that accords with the Development Plan, along with bringing the site back into use.

Residential amenity

Policy Context

- 9.24. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.
- 9.25. The Cherwell Home Extension Guidance (2007) advises that where a new window is proposed, it should normally be at least 22 metres away from a window of a neighbour's habitable room to prevent loss of privacy.

Assessment

- 9.26. The current proposal sits on the same footprint as the previous application and the impact of overlooking of Fabis House to the rear is therefore still acceptable in this regard, with a minor improvement due to the reduction of rooflights on the rear roof slope from 2 on the approved scheme to 1 on this scheme.
- 9.27. The barn door style opening on the rear of the building would be 5.2m away from the dining room window of 'Longworth'. This is a similar distance to the distance between the opening and the window on the approved scheme. A wall is also proposed to be constructed between the two properties which would obscure views from the window. The proposed window would only provide views from a ground floor level and given this and the distance between the two properties, the oblique angle and the proposed wall, it is considered that this element of the scheme would not cause harm to the amenities of the occupiers of the neighbouring dwelling.
- 9.28. The door in the eastern end of the rear of the building would be in close proximity to the dining room window of Longworth. However, this door would be further away from the window of the neighbouring dwelling than on the approved scheme and this element would not provide any level of overlooking of 'Longworth'. Residents of the proposed dwelling using this door would walk past the dining room window of 'Longworth'; however, given how this door would be used as a secondary entrance to the dwelling, furthest away from the parking area, it is considered that this would not have any greater degree of impact on the amenities of the occupiers of 'Longworth' above that of the approved scheme. An appropriate landscaping scheme would mitigate the impact to some extent, and an appropriately worded condition would need to be attached to any permission given.
- 9.29. A window is proposed in the eastern end elevation that would look over the front of garden of 'Longworth' and to the east towards 'The Green'. This window would look out towards public views, would not result in overdue overlooking and is therefore considered to be acceptable.

Conclusion

- 9.30. It is considered that the proposed development would not cause harm to the amenities of neighbouring occupiers with regard to overlooking, loss of light or loss of privacy.

Highway safety

- 9.31. The Highways Liaison Officer has offered no objections to the scheme, subject to a condition of further details of the parking and manoeuvring areas. The approved scheme was found to be acceptable in this regard and therefore it is considered that the development would not cause harm to the safety of the local highway network.

Ecology

- 9.32. The Council's Ecology Officer has not commented on the current application, however on the previous application for a similar proposal it was stated that the details contained within the previously approved bat, nesting bird and swift strategy approved under 17/00441/DISC were considered to be acceptable and should be conditioned on this application and this remains to be the case.

Other matters

- 9.33. The Council's Building Control Officer has raised an issue with the internal layout of the building. The agent is in discussions with the Building Control Officer about solutions to this issue; however a Building Regulations application is a separate process to the planning application and shall be covered under this.

Human Rights and Equalities

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

Article 6

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

Article 8 and Article 1 of the First Protocol

- 9.37. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

- 9.38. Officers have considered that, in the event that the application is granted planning permission, there will not be any discrimination (or potential discrimination) on neighbours.

Duty under The Equalities Act 2010

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

10. PLANNING BALANCE AND CONCLUSION

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

11. RECOMMENDATION

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

CONDITIONS

Time Limit

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

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

Compliance with Plans

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

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 Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

Stone walls

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

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

Slate Roof

4. No externally facing tiles shall be used in the development other than in strict accordance with the slate sample viewed on site by the planning case officer on 5th April 2018, as approved under 18/00065/DISC.

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

Window Details to be submitted

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

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

Parking

6. The development shall not be occupied unless and until the parking and manoeuvring areas have been provided in strict accordance with set out in drawings titled 'Proposed Hard Landscaping Details' and drawing numbers '17 27251/50 P1', '17 27251/51 P1', '17 27251/52 P1' and '17 27251/53 P2', as approved under 17/00570/DISC and shall be maintained as such thereafter.

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

Surface Water Drainage

7. The development shall not be occupied unless and until the surface water drainage scheme has been carried out in accordance with the details shown on Drainage Layout Design (drawing number 17 27251/50 rev P1) and Drainage Construction Details (drawing number 17 27251/51 rev P1) as approved under 18/01098/F and shall be maintained as such thereafter.

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

Bat and Bird Mitigation Strategy

8. The development shall not be occupied unless and until the bat and bird mitigation measures and the measures for enhancing swift nesting have been carried out as set out on page 8 of the 'Mitigation Strategy - Bats, Nesting Birds & Swifts' prepared by Ridgeway Ecology, dated 22nd August 2017, as approved under 17/00441/DISC and shall be retained as such thereafter.

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

Submission of Landscaping Scheme

9. Within one month of the date of this consent, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps,
 - (c) details of the boundary treatments and means of enclosure, including height, layout, materials and finished appearance.

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

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

Maintenance of Landscaping

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for

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

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

Rainwater Goods

11. No rainwater goods shall be used in the development unless they are either cast iron or aluminium finished and shall be painted matt black.

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

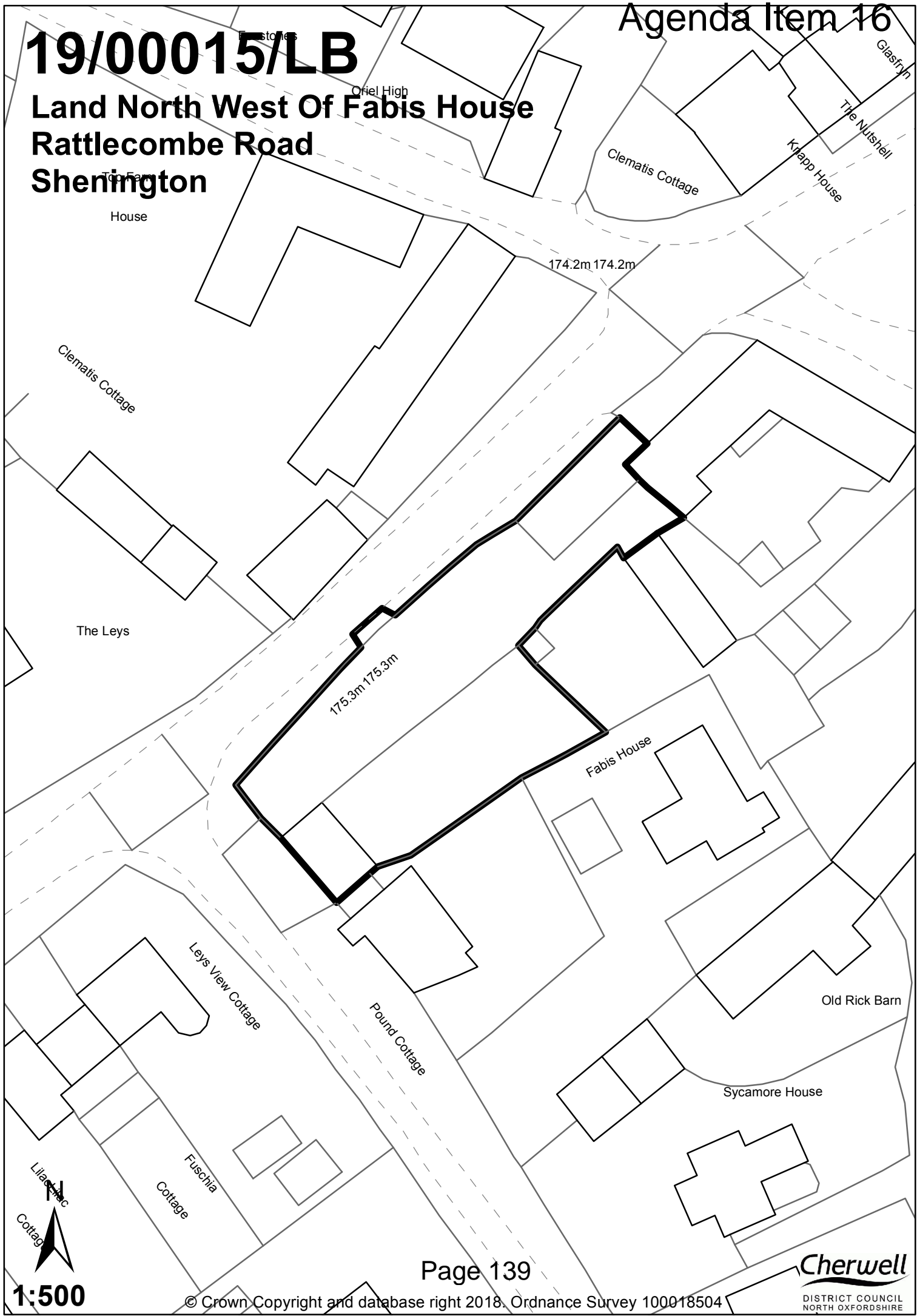
Removal of Permitted Development Rights

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

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

19/00015/LB

Land North West Of Fabis House Rattlecombe Road Sherington



House

174.2m 174.2m

175.3m 175.3m

Fabis House

Old Rick Barn

Sycamore House

Pound Cottage

Leys View Cottage

Fuschia Cottage

Lilac Cottage

Case Officer: Matthew Chadwick

Applicant: The Magpie Partnership Ltd

Proposal: Conversion of barn to form new dwelling - re-submission of 18/01115/LB

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllr George Reynolds
Cllr Douglas Webb
Cllr Phil Chapman

Reason for Referral: Application called in by Councillor Reynolds as ward member

Expiry Date: 28 February 2019 **Committee Date:** 14 March 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT LISTED BUILDING CONSENT SUBJECT TO CONDITIONS

Proposal

Listed building consent is sought to make internal and external alterations in order to convert and extend the building to form a single dwelling house

Consultations

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

- Shenington with Alkerton Parish Council

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

- CDC Conservation

Two letters of **objection** have been received.

Planning Policy and Constraints

The site is located within Shenington with Alkerton Conservation Area and is a curtilage listed building. The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are the impact on the historic significance and setting of the listed buildings.

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

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

Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located within the village of Shenington on the south side of Rattlecombe Road at the junction with Mill Lane. The redevelopment of the site into two dwellings was approved in 2017 under 17/01201/F and 17/01202/LB. This consent has been implemented and the building in the southwest of the site (Barn B) is fully constructed, whilst works have also been undertaken to 'Barn A'.

2. CONSTRAINTS

- 2.1. The site is located within the Shenington with Alkerton Conservation Area and the ruined building in the northeast of the site (to which this application relates) is considered to be a curtilage listed building given that it is attached to the Grade II listed dwelling named 'Longworth' to the east. Common Swifts have been located in proximity of the site, which are a protected species. The site is also located within an Archaeological Constraint Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Listed building consent is sought to convert and extend the dilapidated barn to form a single dwelling. The dwelling would be 1 and ½ storeys in height, with a single storey element to the southwest of the building. There are a number of changes from the previously approved application. The previously approved application had a single storey element on the northeast of the building and this has now been changed so that the ridgeline of the building continues at the same 1 and ½ storey height. The overall ridge height of the building would also be slightly reduced from the approved scheme. The fenestration of the building would be altered on both the front of the building facing onto Rattlecombe Road and the rear facing towards Fabi's House. On the front of the building, the historic doorway has been filled in and the ventilation slots to the west are to be retained. To the rear of the building, the door has moved further away from 'Longworth'.

4. RELEVANT PLANNING HISTORY

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

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

Resubmission of 16/02184/LB

18/01098/F	Variation of Condition 6 (surface water drainage) relating to the whole site, and Conditions 2 (rooflight), 7 (existing building fabric), 15 (doors, windows and rooflights) in respect of Barn B only of 17/01201/F	Application Permitted
18/01114/F	Conversion of barn to form new dwelling	Application Refused
18/01115/LB	Conversion of barn to form new dwelling	Application Refused

- 4.2. The previous applications (16/02183/F and 16/02184/LB) were refused for five reasons. The first reason was that the alterations to Barn A were considered to cause harm to the curtilage listed building, the character and appearance of the Shenington with Alkerton Conservation Area and the setting of the nearby Grade II listed building 'Longworth'. The second reason was that the extensions to Barn B would cause harm to the character and appearance of the Shenington with Alkerton Conservation Area. The third reason was that the southern extension to Barn B would cause harm to the residential amenity of Pound Cottage. The fourth reason was that the development would have provided an insufficient number of parking spaces for the number of residential units proposed. The fifth reason was that in the absence of an appropriate ecological survey it was not possible to demonstrate whether the development would have an impact on protected species.
- 4.3. Design changes were approved to 'Barn B' under 18/01098/F at August 2018 planning committee.
- 4.4. Applications 18/01114/F and 18/01115/LB were refused at December 2018 planning committee, as the alterations to the building, particularly the new windows on the Rattlecombe Road frontage, would cause less than substantial harm to the significance of the curtilage listed building and the character and appearance of the conservation area, for which the public benefits did not outweigh the harm.
- 4.5. A planning application is submitted alongside this application (19/00014/F).

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was 14.03.2019.
- 6.2. At time of writing this report, two letters of objection have been received. The comments raised by third parties are summarised as follows:
- The submitted landscaping plans are inconsistent (these have been superseded).

- The drainage scheme may impact on the neighbouring dwelling.
- The development would affect a Right of Way across the land (this is a private matter between the neighbours and the applicant).
- Spanish slate is to be used which is not appropriate.
- The windows on the gable ends are not appropriate for a barn conversion.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. SHENINGTON WITH ALKERTON PARISH COUNCIL: **Objects** on the grounds that the windows in the gable ends would not be in keeping with a listed barn.

CONSULTEES

7.3. CDC CONSERVATION: **No objections.**

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C18 – Proposals affecting a listed building
- C21 – Proposals for re-use of a listed building

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Shenington with Alkerton Conservation Area Appraisal (2009)

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

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

9. APPRAISAL

- 9.1. The key issue for consideration in this case is the impact on the historic significance and setting of the listed buildings.

Policy Context

- 9.2. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Likewise Section 66(1) of the same Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.3. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 190 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*
- 9.4. Paragraph 193 and 194 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Any harm to, or loss of, the significance of a designated heritage asset should provide clear and convincing justification.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Assessment

- 9.5. The site is located within the Shenington with Alkerton Conservation Area. Longworth to the east of the site is a grade II listed building and Barn A is attached to Longworth and historically associated with this dwelling, so is curtilage listed.
- 9.6. The application proposes to extend and convert the existing dilapidated barn to form a single dwelling. The previously approved scheme was a 1½ storey dwelling, with single storey elements at the northeast and southwest gable ends of the dwelling. The fenestration was simple, with arrow slit windows on the front elevation and full height barn-door style openings on the rear, with some more domestic openings in the west of the building.
- 9.7. The present application proposes a number of changes to the approved scheme, such as the reduction in the overall ridge height of the building, the continuation of the 1½ storey element to the north-east and alterations to the fenestration on the building.
- 9.8. The ridge height of the element that is in closest proximity to the Grade II listed 'Longworth' to the east would be continued at the same ridge height as the rest of the building. On the previously approved scheme, this was a single storey element. Historically, it would appear that this part of the building had the same ridge height as the rest of the building and the consistent ridge height would be a more traditional form of development.
- 9.9. The overall ridge height of the building is lower than that of the approved scheme, with the proposed ridge height being approximately 0.3m lower than the approved scheme. The lower ridge height of the building would also help to emphasise the subservience of the building to 'Longworth', to which it had a historic relationship with and this is a positive element of the scheme. The single storey element on the western end of the building is retained from the previously approved scheme; however the depth of this element has slightly increased.
- 9.10. The fenestration on the front elevation of the building would be altered from the approved scheme. The approved scheme had three large arrowslits and one rectangular window on the east of the building in the single storey element that was closest to 'Longworth'. The proposed scheme would now have a single window on the Rattlecombe Road frontage, in the same location in close proximity to 'Longworth' as the window that was in the approved scheme. Two arrowslit ventilation slots are proposed to be retained at first floor level. Given that only a single window would be created on the Rattlecombe Road frontage and that this window has been previously approved, on balance it is considered that only minor harm would be caused due to the new fenestration.
- 9.11. There are also changes proposed to the fenestration on the rear and sides of the building from the approved scheme. Two rooflights are proposed in the rear roofslope in a similar location to the approved scheme. The barn door style opening would also be in a similar location to the barn door opening in the previous scheme, with the main change to this window being that it would extend up to the eaves of the building. The eastern door on the rear elevation has been moved further away from the neighbouring dwelling 'Longworth' and would be more than 2.3m away from this property. A single glazed door would be created to the west of the barn door style opening and in the single storey element; a four casement window of a domestic design would be created in a similar design to the approved scheme. The fenestration on the rear elevation is broadly similar to that of the approved scheme and the proposed changes are considered to result in a minor improvement to the visual appearance of the building.

- 9.12. A window is proposed to be created in the east elevation at first floor level. A window was previously approved in this location. However, the proposed window would be more centrally positioned in the gable elevation and this is considered to be acceptable. A window would also be created in the west elevation at first floor level and this would be in the same location as a window in the approved scheme. There have been objections to the windows on the gable ends of the building; however, windows were approved here under 17/01201/F and 17/01202/LB. Furthermore, these windows would comply with the guidance provided in Cherwell District Council's 'Design Guide for the conversion of farm buildings (2002)'.
- 9.13. The proposal would bring a listed building back into use that has been derelict for a number of decades. It is considered that a residential use is the optimum viable use for the listed building and that this would be a public benefit of the proposal.

Conclusion

- 9.14. It is considered that the proposed development would cause minor harm to the setting and significance of the affected listed buildings and the Sherington with Alkerton Conservation Area. However, the harm caused to these heritage assets is limited and would be outweighed by the public benefits of providing a dwelling in a location that accords with the Development Plan, along with bringing the site back into use.

Human Rights and Equalities

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

Article 6

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

Article 8 and Article 1 of the First Protocol

- 9.18. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.

- 9.19. Officers have considered that, in the event that the application is granted listed building consent, there will not be any discrimination (or potential discrimination) on neighbours.

Duty under The Equalities Act 2010

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

10. PLANNING BALANCE AND CONCLUSION

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

11. RECOMMENDATION

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

CONDITIONS

Time Limit

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

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

Compliance with Plans

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

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 Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1 and Government

guidance contained within the National Planning Policy Framework.

Stone

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

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

Slate Roof

4. No externally facing tiles shall be used in the development other than in strict accordance with the slate sample viewed on site by the planning case officer on 5th April 2018, as approved under 18/00065/DISC.

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

Window Details to be submitted

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

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

Rainwater goods

6. No rainwater goods shall be used in the development unless they are either cast iron or aluminium finished and shall be painted matt black.

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

Bat and Bird Mitigation Strategy

7. The development shall not be occupied unless and until the bat and bird mitigation measures and the measures for enhancing swift nesting have been carried out as set out on page 8 of the 'Mitigation Strategy - Bats, Nesting Birds

& Swifts' prepared by Ridgeway Ecology, dated 22nd August 2017, as approved under 17/00441/DISC and shall be retained as such thereafter.

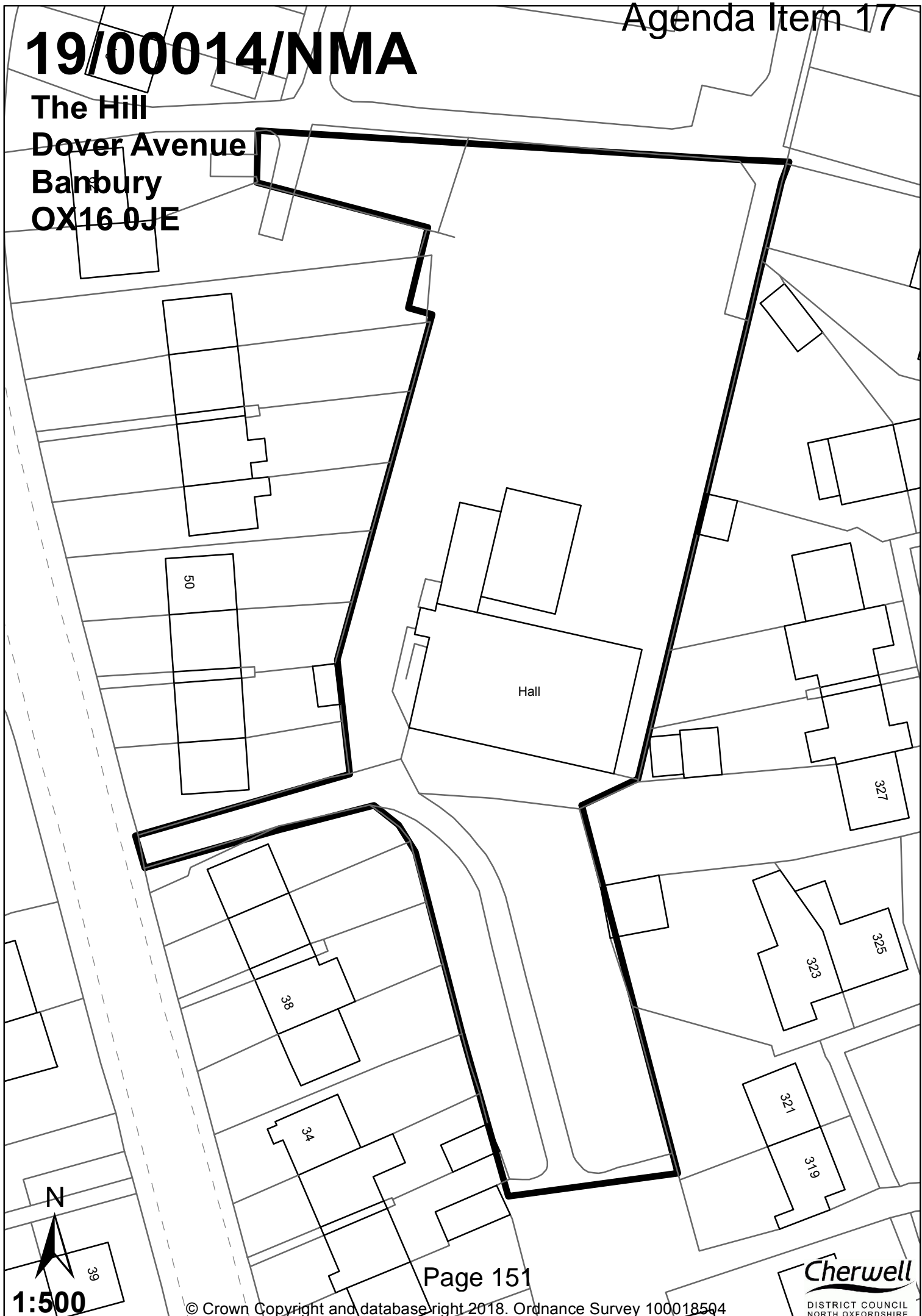
Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

19/00014/NMA

The Hill
Dover Avenue
Banbury
OX16 0JE



Hall

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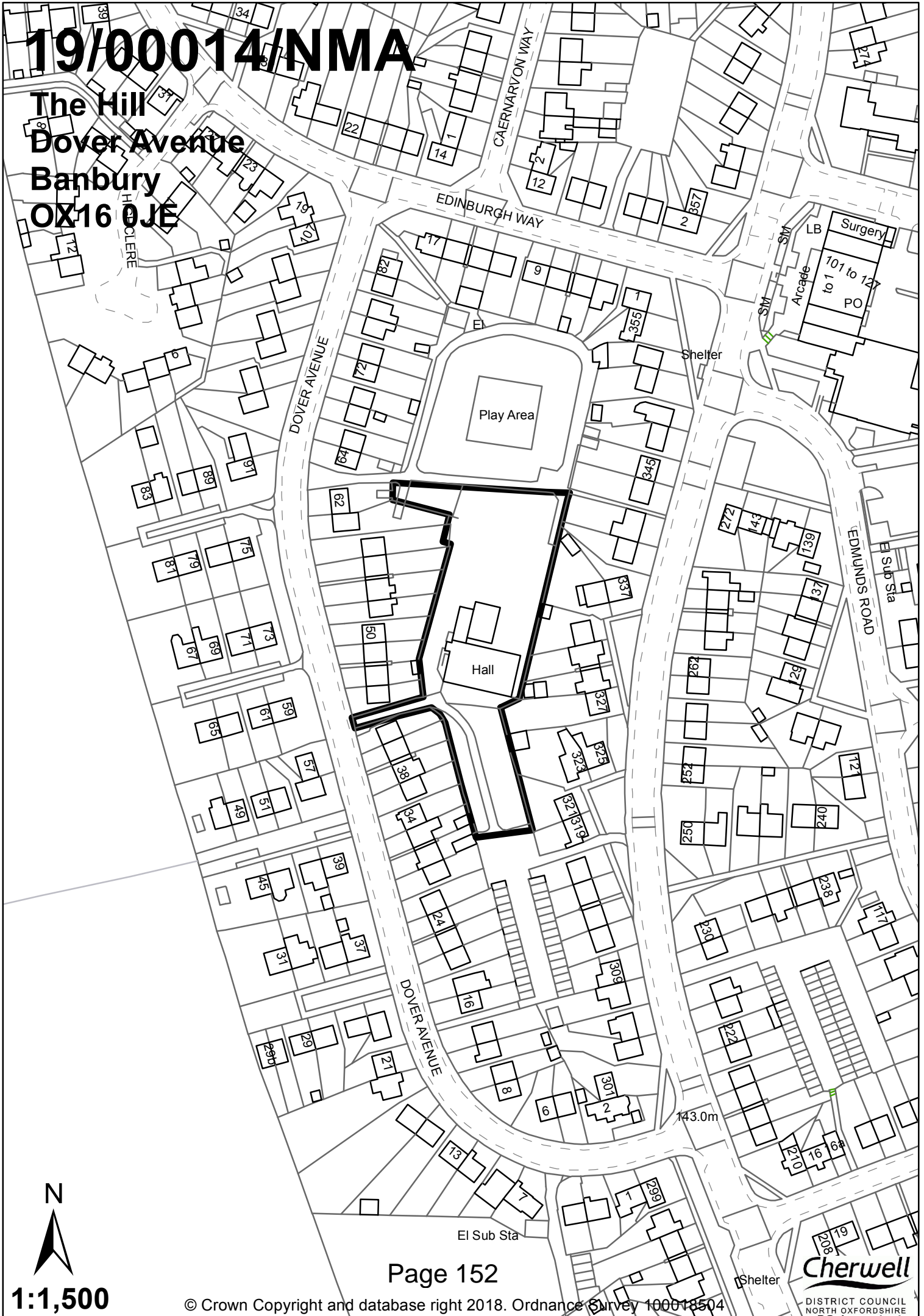
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19/00014/NMA

The Hill
Dover Avenue
Banbury
OX16 0JE



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Case Officer: Matthew Chadwick
Applicant: Cherwell District Council (Build! Department)
Proposal: Change of cladding manufacturer, louvres on east and west of building and swift boxes on south and north elevations (Proposed as Non-Material Amendment to 18/00952/CDC)
Ward: Banbury Ruscote
Councillors: Cllr Barry Richards
Cllr Sean Woodcock
Cllr Mark Cherry
Reason for Referral: Application affects Council's own land and the Council is the applicant
Expiry Date: 11 March 2019 **Committee Date:** 14 March 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION FOR THE NON MATERIAL AMENDMENT

Proposal

The application seeks to change the type of cladding, to add ventilation louvres on the east and west elevations and swift boxes on the north and south elevations

Consultations

No consultations have been undertaken with regard to this proposal

Planning Policy and Constraints

The application site is located in an area of naturally elevated levels of arsenic. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issue arising from this proposal is whether the change proposed amounts to a non-material amendment to the elevational details of the approved building.

The report concludes that the change can be accepted as a non-material change and would not cause a materially harmful impact to visual amenity

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

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to an area of community land that is bound by houses on all sides. The site currently accommodates a community centre and some small grassed areas. The site is bound to the south and west by Dover Avenue, to the north by Edmunds Road and to the east by Bretch Hill. The levels of the land drop to the north of the site and there is a play area to the north.

2. CONSTRAINTS

2.1. The application site is not located in a conservation area and is not in close proximity to any listed buildings. The ground in close proximity of the site has naturally elevated levels of arsenic.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks to make minor changes to the design of the building

3.2. The specific changes for which permission is sought are:

- Change to the approved cladding from StoSilco render in grey to Cedral Lap in pearl;
- The introduction of two 1.2m x 1.5m ventilation louvres on the east and west elevations;
- The installation of swift boxes on the north and south elevations.

4. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
17/00197/CDC	To demolish the existing community centre accessed off Dover Avenue and rebuild a new community centre, 'The Hill', in Bretch Hill, Banbury	Application Permitted
18/00952/CDC	Variation of Condition 2 (plans) of 17/00197/CDC - Minor amendments to design of scheme	Application Permitted
18/00277/DISC	Discharge of Conditions 3 (material samples) 4 (landscaping scheme) 5 (construction, layout and drainage of car parking area) and 6 (cycle parking) of 18/00952/CDC	Application Permitted

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has not been publicised as the Regulations do not require such publicity or consultation

7. RESPONSE TO CONSULTATION

- 7.1. This application has not been publicised as the Regulations do not require such publicity or consultation

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- BSC5 – Area Renewal
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD10 – Natural Environment
- ESD15 – The Character of the Built and Historic Environment
- BAN10 – Bretch Hill Regeneration Area

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control

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

- 8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

- 8.5. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council's Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

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

9. APPRAISAL

- 9.1. The changes to the render would be minor and would appear similar to that of the approved render product. The louvres are a minor addition required for the natural ventilation of the building and the swift boxes are of a small scale at a high level.
- 9.2. The changes proposed through this application are minor and would not change the appearance of the building in any significant way, or raise any new issues requiring further assessment or re-consultation.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal is considered to be non-material due to its marginal increase in height, thereby having no harmful or material impact on neighbouring residents or the character of the area.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO GRANT PERMISSION FOR THE PROPOSED CHANGE AS A NON-MATERIAL AMENDMENT IN ACCORDANCE WITH DRAWING NUMBERS WG673-013 REV D AND WG673-014 REV D AND THE SUBMITTED RENDER SAMPLE.

CASE OFFICER: Matthew Chadwick

TEL: 01295 753754

Cherwell District Council

Planning Committee

14 March 2019

Appeals Progress Report

Report of Assistant Director of Planning and Economy

This report is public

Purpose of Report

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

1.0 Recommendations

The meeting is recommended:

- 1.1 To accept the position statement.

2.0 Report Details

2.1 New Appeals

18/01891/F – 2 Grimsbury Drive, Banbury, OX16 3HL – appeal by Mrs Helen Beckett - First floor side extension

18/01432/Q56 - Agricultural Barn, Oak Tree Farm, Tadmarton Road, Bloxham – appeal by Mr P Davenport - Change of use of barn to 1no dwelling house and associated operational development

18/01113/F - Motor Fuel Ltd, Bloxham Service Station, South Newington Road, Bloxham, Banbury, OX15 4QF – appeal by Motor Fuel Group - New recessed forecourt canopy lights - Retrospective

18/014326/F – Land Adjacent and West of Roba, Camp Road, Upper Heyford – appeal by Sharon Haddy & Mandy Borton - Erection of three residential dwellings

18/01203/F – The Oxfordshire Inn, Meadow Walk, Heathfield, Kidlington, OX5 3FG – appeal by Investfront Ltd - Demolition of existing function hall and redevelopment of the site to provide 2no detached dwellings

18/00350/F – The Dower House, Church Road, Weston On The Green, OX25 3QP – appeal by Mr & Mrs A and P Doyle - Alterations, extensions to and conversion of existing timber frame garage and store to form one dwelling (revised scheme of 17/01865/F)

18/01248/F – Heathfield Cattery, Heathfield, Kidlington, OX5 3DX – appeal by Mr Paul Jarvis - Alteration and conversion of cattery building to form a single detached dwelling house

18/01332/F - Land West Of M40 Adj To A4095, Kirtlington Road, Chesterton – Appeal by Mr C Smith and Mr R Butcher - Change of use of land to use as a residential caravan site for 3 gypsy families, each with two caravans and an amenity building; improvement of existing access, construction of driveway, laying of hardstanding, installation of package sewage treatment plant and acoustic bund

18/00920/F - Corble Farm, Piddington, Aylesbury, HP18 9XB – Appeal by Mr and Mrs S Amies - Provision of a glazed link between the existing farmhouse and the existing barn - Re-submission of 17/00285/F

18/00921/LB - Corble Farm, Piddington, Aylesbury, HP18 9XB – Appeal by Mr and Mrs S Amies - Provision of a glazed link between the existing farmhouse and the existing barn

2.2 Appeals in progress

Public Inquiries

17/01962/F OS Parcel 9635 North East Of HM Bullingdon Prison, Widnell Lane, Piddington Appeal by Mr H.L Foster against the refusal of Planning Permission for the Material change of use of land to use as a residential caravan site for 6 gypsy families, each with two caravans, including improvement of access and laying of hardstanding.

Start Date: 04.09.2018 **Inquiry Date:** 26.03.2019 **Decision:** Awaited

Informal Hearings

18/00032/F - Stratton Fields Livery Stables, Launton Road, Stratton Audley, Bicester, OX27 9AS - Single yard managers dwelling in connection with existing Stratton Fields Livery Stables

Start Date: 06.09.2018 **Hearing Date:** 20.02.2019 **Decision:** Awaited

Written Representations

18/00228/F - 107 Middleton Road, Banbury OX16 3QS. Appeal by Mr J Kent-Baguley against the refusal of Planning Permission for Sub-division of existing 4 flats into 7 individual self-contained units (part retrospective)

Start Date: 25.09.2018 **Statement Due:** 30.10.2018 **Decision:** Awaited

18/00278/F Land Adj To West Cottages, Bicester Road, Stratton Audley. Appeal by Stonebridge Investments against the refusal of Planning Permission for erection of detached dwelling house including demolition of existing single garage.

Start Date: 26.10.2018 **Statement Due:** 30.11.2018 **Decision:** Awaited

18/00875/F – 41 Easington Road, Banbury, OX16 9HJ – Appeal by Mr Nigel Carter against the refusal of Planning Permission for Erection of 2no detached 3 bedroom dwellings and associated car parking (4 spaces) (revised scheme of 17/01255/F).

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

18/00956/TPO The Corporate Innovations Co Ltd, 21 Horse Fair, Banbury, OX16 0AH. Appeal by Tanya Hudson, Corporate Innovations Co Ltd against the refusal of permission to fell to the ground 1 no horse chestnut tree subject to Tree Preservation Order 017/1999.

Start Date: 14.08.2018 **Statement Due:** N/A **Decision:** Awaited

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

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

18/01113/F - Motor Fuel Ltd, Bloxham Service Station, South Newington Road, Bloxham, Banbury, OX15 4QF – Appeal by Motor Fuel Group - New recessed forecourt canopy lights – Retrospective

Start Date: 26.02.2019 **Statement Due:** 05.03.2019 **Decision:** Awaited

18/01119/F - 58-60 North Street, Fritwell, Bicester, OX27 7QR – Appeal by Mr And Mrs David Bignell against the refusal of Planning Permission for Retrospective - replacement of rotten fence - frontage no 60, replacement of broken trellis / rotten posts no 58. replaced with post and rail.

Start Date: 12.12.2018 **Statement Due:** 16.01.2019 **Decision:** Awaited

18/01144/Q56 - Barn At Wooden Hill Farm, Barford Road, Bloxham, OX15 4LP. Appeal by Mr Bruce Bennett against the refusal of Prior Approval for Change of use to convert existing agricultural building into two dwellinghouses.

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

18/01490/F - Manor Farm Cottage, Church Lane, Charlton On Otmoor, Kidlington, OX5 2UA. Appeal by David and James Aubrey Calcutt against the refusal of Planning Permission for Erection of building to replace existing outbuilding, the erection of a new glazed link, alterations to another existing building, and their conversion to form one single bedroom dwelling with private amenity area.

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

Householder (Fast Track)

18/01891/F – 2 Grimsbury Drive, Banbury, OX16 3HL. Appeal by Mrs H Beckett against the refusal of Planning Permission for first floor side extension.

Start Date: 12.02.2019 **Decision:** Awaited

2.3 Forthcoming Public Inquires and Hearings between 14 March and the 17 April.

17/01962/F OS Parcel 9635 North East Of HM Bullingdon Prison, Widnell Lane, Piddington Appeal by Mr H.L Foster against the refusal of Planning Permission for the Material change of use of land to use as a residential caravan site for 6 gypsy families, each with two caravans, including improvement of access and laying of hardstanding.

Method of determination: Public Inquiry

Key Dates

Start Date: 04.09.2018 **Inquiry Date:** 26.03.2019 (5days) **Decision:** Awaited

2.4 Results

Inspectors appointed by the Secretary of State have:

- 1. Allowed the appeal by Teesbourne Properties Limited for Change of Use from Offices to Residential apartments (revised scheme of application 17/00681/F). 49A Castle Street, Banbury, OX16 5NX – 18/00439/F (Delegated)**

The proposal related to the first floor commercial floor space. The ground floor was not part of the proposal and there were no external changes proposed.

The main issue was the impact on the living conditions of neighbouring residents. There would only be 15 metres between the windows serving the proposed development and the windows on the rear of the properties and rear gardens of a number of terrace properties on to which the development faced.

Although acknowledging the Council applies a 22m back to back distance which the Inspector considered was reasonable and appropriate in general terms, the Inspector stated that two particular factors supported a lower standard in this case.

- (1) No new windows were proposed and therefore overlooking already occurred to the residential properties by office workers. The Inspector noted that since the application was determined the windows in the appeal building had been changed from obscure glass to clear glass and there was no restriction in this regard.

(2) The densely built up location of the weighed in favour of smaller separation distance. The Inspector also noted that intervening parking areas along with a high fence provided extra privacy.

The Inspector therefore concluded that the proposal would not unduly affect living conditions at the neighbouring houses and would provide adequate living conditions at the proposed flats, in terms of privacy.

2. Dismissed the appeal by Mrs Andrea Douglas for Erection of new two-storey dwelling and associated ancillary buildings. Land On The North Side Of Water Lane, Fewcott – 17/02561/F (Delegated)

The Inspector considered that the main issues were

- (i) whether the proposal would preserve or enhance the character or appearance of the Fewcott Conservation Area and setting of nearby listed building and
- (ii) whether the proposed dwelling would be acceptably located in terms of access to key services.

With regard to the impact on heritage assets, the Inspector found that the view of open countryside to which this site forms part of is important to the character of the local area, with the field providing a green buffer between the settlements. Whilst noting that the design of the dwelling in itself would be appropriate for a rural location, its siting here would be intrusive to the key views from both Water Lane and the nearby public right of way connecting the 2 villages, introducing built form and domestic activities into this piece of countryside, outside the built up limits and in conflict with the Fewcott Conservation Area Appraisal's aim to preserve the area.

The Inspector concluded that the proposal would cause harm to the character and appearance of the Fewcott Conservation Area. The Inspector concluded that the nearby listed building was sited a sufficient distance from the site as for its setting to not be materially affected. The Inspector concluded the harm to the Conservation Area was less than substantial, and noted great weight should be given to this matter.

With regard to the location of the proposed dwelling, the Inspector noted that the site is next to the built up areas of Ardley and Fewcott, and that these villages are Category C in Policy Villages 1 of the CLP 2031. The Inspector noted that whilst there are dwellings to the east, and a farm set back from the road to the west, this is much more than a small gap and as such the proposal would result in encroachment into the countryside rather than being the CLP 2031 definition of infilling. With this in mind, the Inspector concluded that future occupiers would be heavily reliant on the private car for transport. The Inspector concluded that the proposal would not be acceptably located with reference to Development Plan policies and the accessibility of services.

The Inspector found no significant public benefit that would outweigh these impacts, and concluded the proposal was not sustainable development.

3. Dismissed the appeal by Mr S Wright for Residential development of up to 10 dwellings. Fringford Cottage, Main Street, Fringford, Bicester, OX27 8DP – 18/00249/OUT (Committee)

The Inspector considered that the main issues were

- (i) whether the development's location was suitable and accessible,
- (ii) the effect of the proposal on the living conditions of both the occupants of the host and proposed dwelling, and
- (iii) the effect of the proposal on the character and appearance of the area.

A key part of the Appellant's case was that that Para 79 of the revised NPPF applied (which relates to new isolated homes in the countryside). The Inspector concluded that, as the appeal site is near the host dwelling, the site is not isolated and as such Para 79 did not apply. The Inspector added, in line with the Council's interpretation of Para 79, that the proposal was for the conversion of an existing outbuilding rather than the subdivision of an existing dwelling and therefore bullet point 4 in particular did not apply.

The Inspector found that Saved Policy H18 of the CLP 1996 did not apply as the proposal did not fall within the limited number of exceptions that this policy allows. When assessing the proposal against Policy Villages 1 of the CLP 2031, the Inspector concluded that the appeal site is noticeably separated from the built-up limits of the nearest village (Chacombe). The Inspector noted that the bus service within Chacombe is inaccessible, failing to provide a safe pedestrian access due to there being no lit pavement on the stretch along Wardington Road into the village. On this basis, the Inspector concluded that private car dependency is likely for future occupants of the proposed dwelling.

With regard to living conditions, the Inspector found that a fence could be erected between the two dwellings, whilst obscurely glazed windows at first floor of the host dwelling and the pitch roof of the conservatory would limit overlooking from the main elevations of the two dwellings. The main elevation of the proposed dwelling in any case faces south, away from the host dwelling. The Inspector concluded that a reasonable degree of privacy for both occupiers would be achieved.

With regard to the proposal's visual impact, the Inspector found that the appeal building would remain largely unchanged, the increase in domestic activity/paraphernalia was minor given the small scale of development and also the surrounding grounds of the host dwelling provided a setting in which such new domestic elements can be assimilated visually. The Inspector concluded that the proposal would fit in visually within the appeal site, without harming the form and character of the building, its immediate setting and the surrounding countryside.

The Inspector noted that the proposal would result in benefits, i.e. a minor increase in the supply of housing, and a temporary benefit to local employment, but concluded that these would not outweigh the conflict with the Development Plan through the inaccessibility of the location to key services, which the Inspector found was "a substantive and overriding objection which must be decisive".

4. Dismissed the appeal by Mrs S Fiaz for Change of use of open space to residential and two storey side and part rear extension (revised scheme of 17/00460/F). 30 Arbury Close, Banbury, OX16 9TE – 17/01919/F (Delegated)

The appeal related to a refusal of a change of use of land from open amenity land to residential and the erection of a single/two storey side extension.

The Inspector considered the main issue of the appeal would be the effect of the proposed development on the character and appearance of the area.

The Inspector acknowledged that the grass verges are a key distinctive element of the pattern of development of Arbury Close and surrounding streets. He also observed that the verge running adjacent to 30 Arbury Close is visually prominent and makes a valuable contribution to the spacious character of the streetscene. The proposed single storey garage extension would encroach onto to verge and disrupt the degree of openness, and be visually jarring and incongruous within the streetscene.

The Inspector dismissed the appellant's argument that the removal of a tree being and replacement with a garage would result in less obstruction and lights loss than at present.

The Inspector concluded that the proposed development would harm the character and appearance of the area; agreeing with the Council; and therefore dismissed the appeal.

5. Dismissed the appeal by Mr and Mrs Henson for Change of use of existing ancillary residential annexe to self-contained dwelling. Glen Meadows House, Chacombe Road, Wardington, OX17 2JU – 17/02556/F (Delegated)

The Inspector considered that the main issue was whether the proposed development would provide a suitable site for housing, having regard to the character and appearance of the area including the setting of nearby listed buildings, the proximity of services, and the effect of the scheme on the living conditions of the occupiers of Bakery Cottage.

The Inspector noted that Fringford is a Category A village but that, given the small size of the village and limited bus service (which had been reduced since the adoption of the Local Plan), considered that the future residents of the proposal would use private transport for most of their day to day needs. While acknowledging that sustainable transport options vary from urban to rural areas, the Inspector did not consider the houses would be located within an area with sufficient service provision.

The Appellant argued that the proposal would be not be harmful to the character and appearance of the areas and would be seen as an extension to St Michael's Close to the north of the site. However, the Inspector noted that St Michael's Close is an abnormality to the linear pattern of development to

the south east of Main Street and agreed with the Council that the proposal would harmfully extend the village envelope and accentuate this anomalous effect. The Inspector found that the development would be clearly visible from the footpaths and would mask views of the linear development on Main Street and would appear poorly integrated with the village form. The Inspector did not consider harm would be mitigated by landscaping, which would take time to establish and would do little to change or mask the form of the proposal compared to the areas to the south of the area. The Inspector also agreed with the Council there would be harm to the setting of a listed building on Main Street given the change from a rural setting to a suburban setting, even though the development was some distance from the listed building.

The Council also refused the application due to the impact on the neighbouring property in terms of noise and disturbance from the access. However, Inspector did not consider that the harm to the neighbouring property would be substantial given the width of the access arrangements and scale of the proposal.

The Appellant had argued that the Council Housing and Economic Land Availability Assessment (HELAA) stated that the site could accommodate 14 dwellings and thus planning permission should be approved. The Inspector agreed with the Council that the guidance in the Planning Practice Guidance makes it clear that such inclusion does not in itself determine whether a site should be allocated for development. It is the role of the HELAA to provide information on the range of sites which are available to meet need but it is for the development plan to determine which of the sites are the most suitable to meet those needs. Therefore the Inspector gave moderate weight to the HELAA but did not consider this outweighed the identified harm.

The Inspector concluded that, while the proposed development would not have an adverse effect on the living conditions of the occupiers of Bakery Cottage, it would not provide a suitable site for housing, having regard to the character and appearance of the area including the setting of nearby listed buildings and the proximity of services. The Inspector concluded that the proposal would be contrary to Policies Villages 1, Villages 2, ESD1, ESD13 and ESD15 of the Local Plan, as well as to the Framework.

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:

Linda Turland, Principal Accountant For Place and Growth, 01327 322236

Linda.Turland@cherwellandsouthnorthants.gov.uk

Legal Implications

- 5.2 There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer

David.Mytton@Oxfordshire.gov.uk

Risk Management

- 5.3 This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by:

David Mytton, Solicitor, For and on behalf of Nick Graham, Director of Law and Governance and Monitoring Officer

David.Mytton@Oxfordshire.gov.uk

6.0 Decision Information

Wards Affected

All

Links to Corporate Plan and Policy Framework

A district of opportunity

Lead Councillor

Councillor Colin Clarke

Document Information

Appendix No	Title
None	
Background Papers	
None	
Report Author	Paul Seckington, Senior Manager of Development Management
Contact Information	01327 322341 paul.seckington@cherwellandsouthnorthants.gov.uk