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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 15 February 2024

Time: 4.00 pm

Venue Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership

Councillor George Reynolds (Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Becky Clarke MBE
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Julian Nedelcu
Councillor Les Sibley
Councillor Amanda Watkins

Councillor Maurice Billington (Vice- Chairman)

Councillor Rebecca Biegel
Councillor Phil Chapman
Councillor Jean Conway
Councillor Simon Holland
Councillor Lesley McLean
Councillor Lynn Pratt
Councillor Nigel Simpson
Councillor Barry Wood

Substitutes

Councillor Sandy Dallimore
Councillor David Hingley
Councillor Harry Knight
Councillor Ian Middleton
Councillor Dorothy Walker
Councillor Bryn Williams

Councillor John Donaldson
Councillor Matt Hodgson
Councillor Andrew McHugh
Councillor Dan Sames
Councillor Douglas Webb
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.

Please note that the deadline for requests to address the meeting is noon on the working day before the meeting. Addresses can be made virtually or in person.

4. **Minutes** (Pages 5 - 15)

To confirm as a correct record the Minutes of the meeting of the Committee held on 10 January 2024.

5. **Chairman's Announcements**

To receive communications from the Chairman.

6. **Urgent Business**

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

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

The Committee to consider requests for and proposed pre-committee site visits.

Any requests or recommendations for site visits will be published with the written update.

Planning Applications

8. **Land To Rear Of Wheelwright Cottage, Main Street, North Newington** (Pages 18 - 35) **23/02071/F**

9. **Land Adjacent To 20 Almond Road, Bicester** (Pages 36 - 54) **23/03109/F**

10. **Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS** (Pages 55 - 65) **23/03290/F**

11. **Cherwell District Council, Lock 29, Castle Quay, Banbury, OX16 5UN** (Pages 66 - 73) **23/03103/CDC**

Review and Monitoring Reports

12. **Appeals Progress Report** (Pages 74 - 88)

Report of Assistant Director Planning and Development

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Recommendations

The meeting is recommended:

- 1.1 To note the position on planning appeals contained within the report.

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@cherwell-dc.gov.uk or 01295 221534 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.

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Webcasting and Broadcasting Notice

The meeting will be recorded by the council for live and/or subsequent broadcast on the council's website. The whole of the meeting will be recorded, except when confidential or exempt items are being considered. The webcast will be retained on the website for 6 months.

If you make a representation to the meeting, you will be deemed by the council to have consented to being recorded. By entering the Council Chamber, you are consenting to being recorded and to the possible use of those images for and sound recordings for webcasting and/or training purposes.

The council is obliged, by law, to allow members of the public to take photographs, film, audio-record, and report on proceedings. The council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

Queries Regarding this Agenda

Please contact Aaron Hetherington / Matt Swinford, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Shiraz Sheikh
Monitoring Officer

Published on Wednesday 7 February 2024

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 11 January 2024 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Becky Clarke MBE
Councillor Ian Harwood
Councillor Fiona Mawson
Councillor Lesley McLean
Councillor Julian Nedelcu
Councillor Les Sibley
Councillor Nigel Simpson
Councillor Amanda Watkins
Councillor Barry Wood

Substitute Members:

Councillor Dorothy Walker (In place of Councillor Jean Conway)

Apologies for absence:

Councillor Maurice Billington (Vice-Chairman)
Councillor Phil Chapman
Councillor Jean Conway
Councillor Simon Holland
Councillor Lynn Pratt

Officers:

Paul Seckington, Head of Development Management
Jeanette Davey, Principal Planning Officer
Karen Jordan, Deputy Principal Solicitor
Matt Swinford, Democratic and Elections Officer
David Rogers, Democratic and Elections Officer

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Declarations of Interest

8. Former Pakefield House to Fortescue House, St. John's Street, Bicester, OX26 6SL.

Councillor Les Sibley, Other Registerable Interest, as a member of Bicester Town Council Planning Committee.

94 **Requests to Address the Meeting**

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

95 **Minutes**

The Minutes of the meeting held on 7 December 2023 were agreed as a correct record and signed by the Chairman.

96 **Chairman's Announcements**

The Chairman made the following announcement:

1. The Chairman reminded Members that if they leave the room during the Officer's presentation, and/or public addresses and/or Committee debate that they should abstain from the vote as they had not heard the full agenda item.

97 **Urgent Business**

The Chairman advised that he had agreed to no items of urgent business.

At the discretion of the Chairman, Councillor Sibley addressed the meeting. Councillor Sibley explained he had been corresponding with the Chairman and Planning Officers regarding application 23/03441/DEM and requested that the item be added as urgent business. The application was a demolition application which Planning Committee members were not aware of the application and did not have an opportunity to comment on the application. Councillor Sibley had asked if Planning Officers could make Members aware of the process for Committee members and members of the public giving views on the application despite a consultation process having been undertaken.

The Chairman explained that he could not accept the application as urgent business at the meeting as no information had been provided to Members. The Chairman advised that he had requested that Planning officers circulate to all Members information on the process for the determination of demolition and Permission in Principle (PIP) applications.

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

There were no proposed Pre-Committee site visits.

99 **Former Pakefield House to Fortescue House, St. John's Street, Bicester, OX26 6SL**

The Committee considered application 23/01771/F, for the redevelopment for retirement living accommodation for older people comprising 41 no retirement apartments including communal facilities, access, car parking and landscaping at Former Pakefield House to Fortescue House, St. John's Street, Bicester, OX26 6SL for Churchill Retirement Living.

Lauren Bishop, on behalf of the agent for the applicant, Planning Issues, addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers' report, presentation, addresses from the public speaker and the written updates.

Resolved

That, in line with the officer's recommendation, application 23/01771/F be delegated to the Assistant Director for Planning and Development to approve subject to no call-in being received from the Secretary of State, the conditions set out below (and any amendments to those conditions as deemed necessary) and the completion of a planning obligation under Section 106 of the town and country planning act 1990, as substituted by the Planning and compensation act 1991, to secure the following (and any amendment as deemed necessary):

- a) Provision of 30% affordable housing off site
- b) Payment of a financial contribution towards sports and recreation provision in the locality of £139,000 (index linked)
- c) Payment of the Council's monitoring costs.

Additionally, the Assistant Director of Planning and Development be given delegated powers to vary the conditions as required, pending the outcome of pre-commencement condition applications on the scheme allowed at appeal, reference 21/01818/F.

Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings: 10113BS-PA00 Site Location Plan; Site Plan 10113BS-PA01 Rev J; Ground Floor Plan 10113BS-PA02 Rev E; First Floor Plan 10113BS-PA03 Rev E; Second Floor Plan

10113BS-PA04 Rev E; Third Floor Plan 10113BS-PA05 Rev F; Roof Plan 10113BS-PA06 Rev F; Elevations 1, 10113BS-PA07 Rev D; Elevations 2, 10113BS-PA08 Rev E; Elevations 3, 10113BS-PA09 Rev G JBA 21/035-01 and 20247-10.

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

3. The development shall be carried out in accordance with the written scheme of investigation and timetable approved by application reference 23/01201/DISC dated 27.06.2023.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government guidance contained within the National Planning Policy Framework.

4. Following compliance with the Written Scheme of Investigation referred to in condition 3, the staged programme of work, including all processing, research and analysis necessary to produce an accessible and useable archive, and a full report for publication, shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby permitted, roof-mounted solar photovoltaics (PV) shall be installed, in accordance with a scheme which shall have been submitted to and approved in writing by the local planning authority. The solar PV shall be retained thereafter.

Reason: To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby permitted, there shall have been submitted to and approved in writing by the local planning authority written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations.

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.

7. All site clearance (including the removal of any vegetation or works to hedging) should be timed to avoid the bird nesting season during the

months of March until August inclusive, unless alternative provisions have been previously agreed in writing by the local planning authority.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with Government guidance contained within the National Planning Policy Framework.

8. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Protected Species Addendum submitted as part of application 21/01818/F (Ref: 13819_R02, dated 1 October 2021, prepared by Tyler Grange) and the ecological measures in paragraphs 2.1, 2.2, 2.3, 2.4, 2.5 and 2.6 of the Ecological Technical Note (Ref: 13819_R04b, dated 1 February 2022, prepared by Tyler Grange), unless otherwise agreed in writing by the local planning authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for the provision, enhancement and management of a buffer zone alongside the watercourse, encompassing all remaining land between the development and the river. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- a) plans showing the extent and layout of the buffer zone;
 - b) details of habitat creation/ecological enhancements to the river, river bank and river corridor adjacent to the site;
 - c) details of any proposed planting scheme, using native species of UK genetic provenance;
 - d) details of proposed footpaths, fencing and exterior lighting on the development; and
 - e) details demonstrating how the buffer zone will be protected during development and managed over the longer term, including adequate financial provision and named body responsible for management.
- Measures (a) to (d) will be located, designed and specified to be appropriately sensitive to the nature conservation and ecological corridor function of the river corridor.

Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm and to prevent flood risk in

accordance with Government guidance contained within the National Planning Policy Framework

10. A) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority the soft and hard landscaping scheme for the site. The landscaping scheme shall include: (i) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc); (ii) seed mixes; (iii) details of existing trees and hedgerows to be retained as well as any 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; and (iv) details of hard landscaping, including hard surfaced areas including pavements, pedestrian areas and steps.
- B) Any planting, seeding, turfing and hard landscaping in the part of the site within 8m of its southern-western boundary shall be designed and specified to blend in sympathetically, both visually and ecologically, with the adjacent watercourse buffer zone that is stipulated in condition no 9. Waterbody 1, as illustrated on the Tyler Grange drawing Habitat Features within 8m of the River Bure, shall be retained and protected on site.
- C) The approved landscaping scheme shall be implemented no later than the end of the first planting season following completion of the development. The scheme shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority agrees any variation in writing.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and 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.

11. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a landscape and ecological management plan (LEMP) for the site, and the watercourse buffer zone. The LEMP shall include long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas on the site (except for privately owned domestic gardens), and the watercourse buffer zone. Thereafter the LEMP shall be carried out as approved, unless otherwise agreed in writing by the local planning authority.

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

12. Notwithstanding the requirement of condition 17, no development shall take place until there shall have been submitted to and approved in writing by the local planning authority details of all finished floor levels, in relation to existing and proposed site levels and to the adjacent buildings. The floor levels shall be implemented as approved during the construction phase of the development.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a schedule of materials and finishes to be used in the external walls and roofing of the building. The relevant works shall be carried out in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Prior to the construction of the building above slab level, there shall have been submitted to and approved in writing by the local planning authority details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on building external elevations. The relevant works shall be carried out in accordance with the approved details.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. No above ground works shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme for the provision and implementation of foul and surface water drainage. The drainage works shall be implemented in accordance with the approved plans before the first occupation of any of the apartments hereby permitted.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 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.

16. The drainage scheme approved under application reference number 23/00935/DISC dated 23.08.2023 shall be carried out in accordance with the approved details, prior to first use or occupation of the development hereby permitted.

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

17. The development hereby permitted shall be carried out in accordance with the submitted flood risk assessment (Version 2.3, dated September 2023, prepared by The Civil Engineering Practice), including the following mitigation measures that it details: finished floor levels shall be set no lower than 71.75 metres above Ordnance Datum (AOD), in accordance with paragraph 7.2.3 in the FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

18. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme to provide level for level and volume for volume floodplain storage compensation. This should include details of existing and proposed external site levels, together with proposed building and car park locations in relation to the existing and proposed areas of functional and non-functional flood plain and their interconnectivity to the main river. The scheme as approved shall be fully implemented and subsequently maintained in accordance with its timing/phasing arrangements, or within any other period as may subsequently be agreed in writing by the local planning authority.

Reason: To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

19. Any walls or fencing constructed within or around the site shall be designed to be permeable to flood water.

Reason: To prevent obstruction to the flow of flood water, with a consequent increased risk of flooding and to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

20. Prior to commencement of any construction or demolition works, there shall have been submitted to and approved in writing by the local planning authority a Construction Traffic Management Plan (CTMP). The CTMP should follow Oxfordshire County Council's template if possible. It should identify: (i) the routing of construction vehicles and management of their movement into and out of the site by a qualified and certificated banksman; (ii) access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network); (iii) details of wheel cleaning facilities to prevent mud from migrating onto the adjacent highway; (iv) contact details for the Site Supervisor responsible for on-site works; (e) travel initiatives for site-related worker vehicles; (f) parking provision for site-related worker vehicles; (g) details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours; (g) engagement with local residents.

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

21. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday, and 08.00 to 13.00 on Saturdays, and at no times on Sundays, Bank and Public Holidays.

Reason: In the interests of highway safety and the amenities of local residents 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.

22. Prior to the commencement of above ground construction works, there shall have been submitted to and approved in writing by the local planning authority full details of the junction of the proposed vehicle access and the main carriageway of St Johns Street. The access and junction shall be completed in accordance with the details as approved, prior to occupation of the development.

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

23. A Travel Information Pack shall be provided to all new residents of the development within 1 month of occupation, for the first 5 years of its operation.

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.

24. Prior to occupation of the development hereby permitted, the proposed vehicle and cycle parking shall have been completed and made available for use. The vehicle and cycle parking shall be maintained available for that use for the duration of the development unless otherwise agreed in writing by the local planning authority.

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.

25. At no time shall the development hereby permitted be occupied by persons other than: (i) a person of aged 60 years or over; (ii) a person aged 55 years or older, who is living as part of a single household with the person identified in i) who is residing at the development; or iii) a person aged 55 years or older who was living as part of a single household with the person identified in i) who was residing at the development and has since died.

Reason: In order to ensure that a satisfactory level of parking is available for the occupiers in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

INFORMATIVES

1. As the site is within 8m of a Main River watercourse a Flood Risk Activity Permit will be required from the Environment Agency before any work commences.

2. No ground within Flood Zones 2 or 3 should be raised or obstructed during the constructed or completed phases of the development.

3. The attenuated discharge from the development will require a S.23 Land Drainage Act consent to be issued by the Environment Agency.

4. You are requested to provide bat and swift boxes or bricks on the application site in order to protect habitats of importance to biodiversity conservation in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 5.05 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 15 February 2024

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.

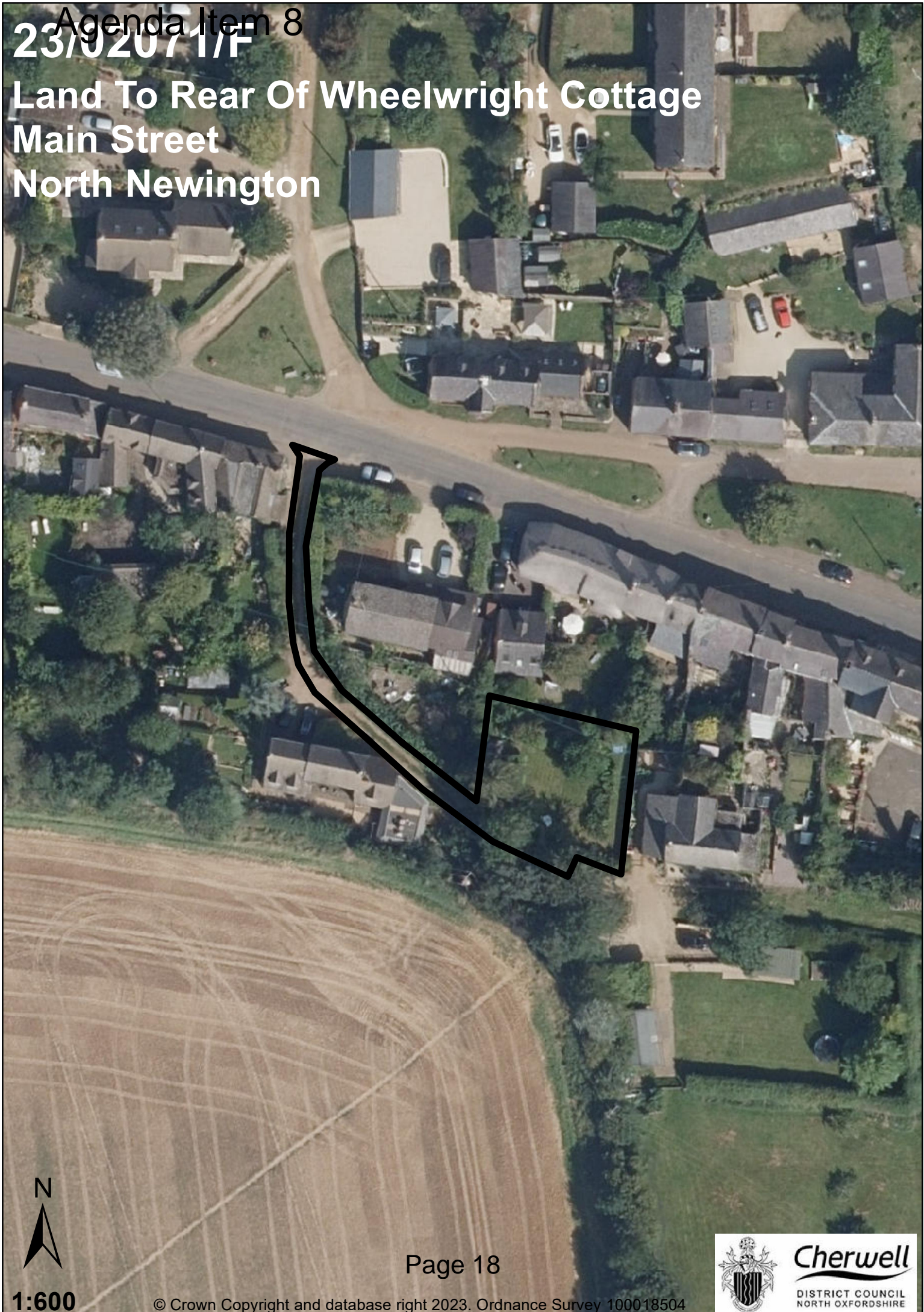
Background Papers

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

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Land To Rear Of Wheelwright Cottage, Main Street, North Newington	23/02071/F	Cropredy, Sibfords and Wroxton	Approval	Imogen Hopkin
9	Land Adjacent To 20 Almond Road, Bicester	23/03109/F	Bicester West	Approval	Rebekah Morgan
10	Poultry House, Rickfield Farm, Station Road, Milcombe, OX15 4RS	23/03290/F	Deddington	Refusal	Imogen Hopkin
11	Cherwell District Council, Lock 29, Castle Quay, Banbury, OX16 5UN	23/03103/CDC	Banbury Cross and Neithrop	Approval	Lewis Knox

*Subject to conditions

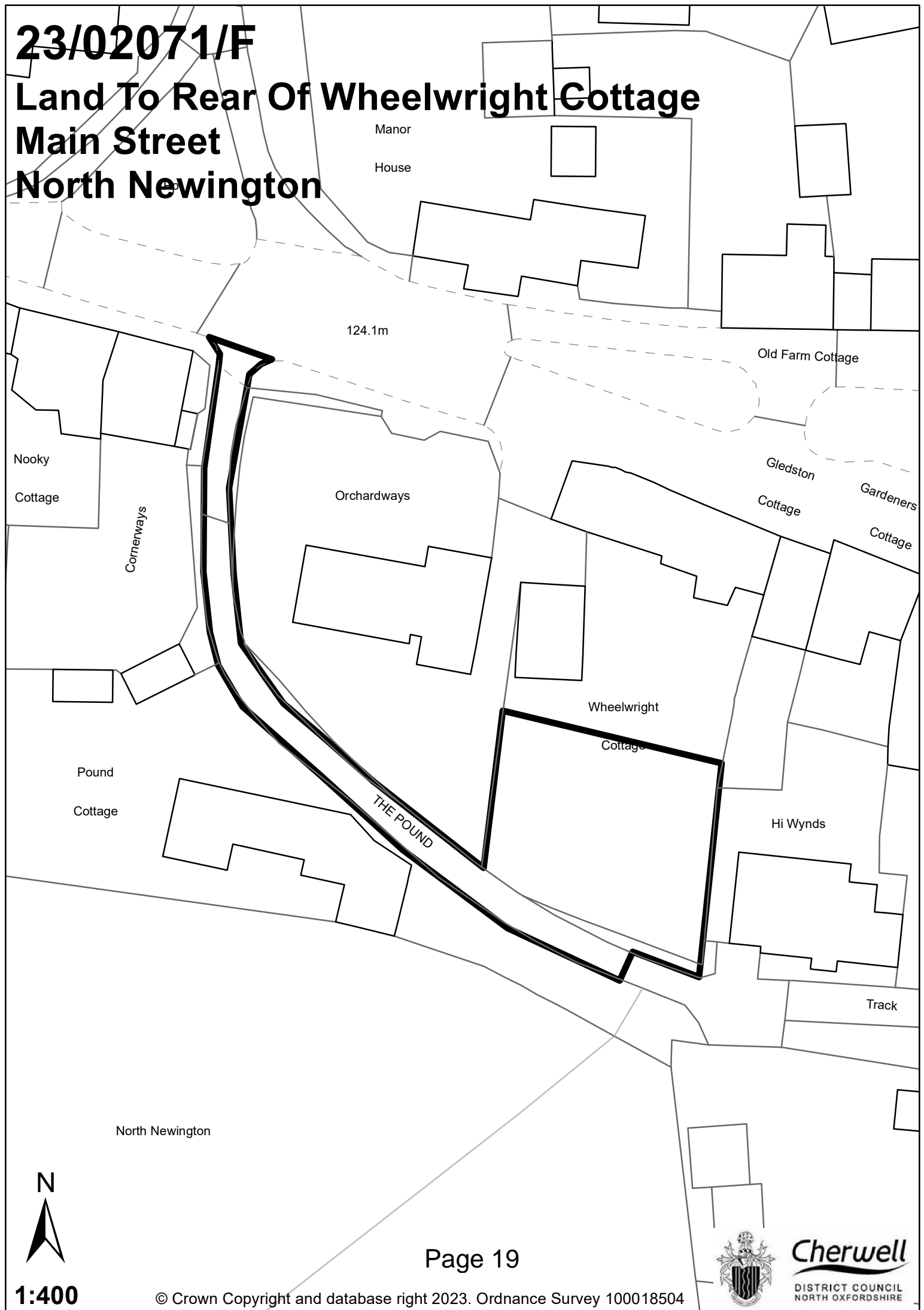
Land To Rear Of Wheelwright Cottage
Main Street
North Newington



1:600

23/02071/F

**Land To Rear Of Wheelwright Cottage
Main Street
North Newington**



124.1m

Manor
House

Old Farm Cottage

Nooky
Cottage

Cornerways

Orchardways

Gledston
Cottage

Gardeners
Cottage

Wheelwright
Cottage

Pound
Cottage

THE POUND

Hi Wynds

Track

North Newington

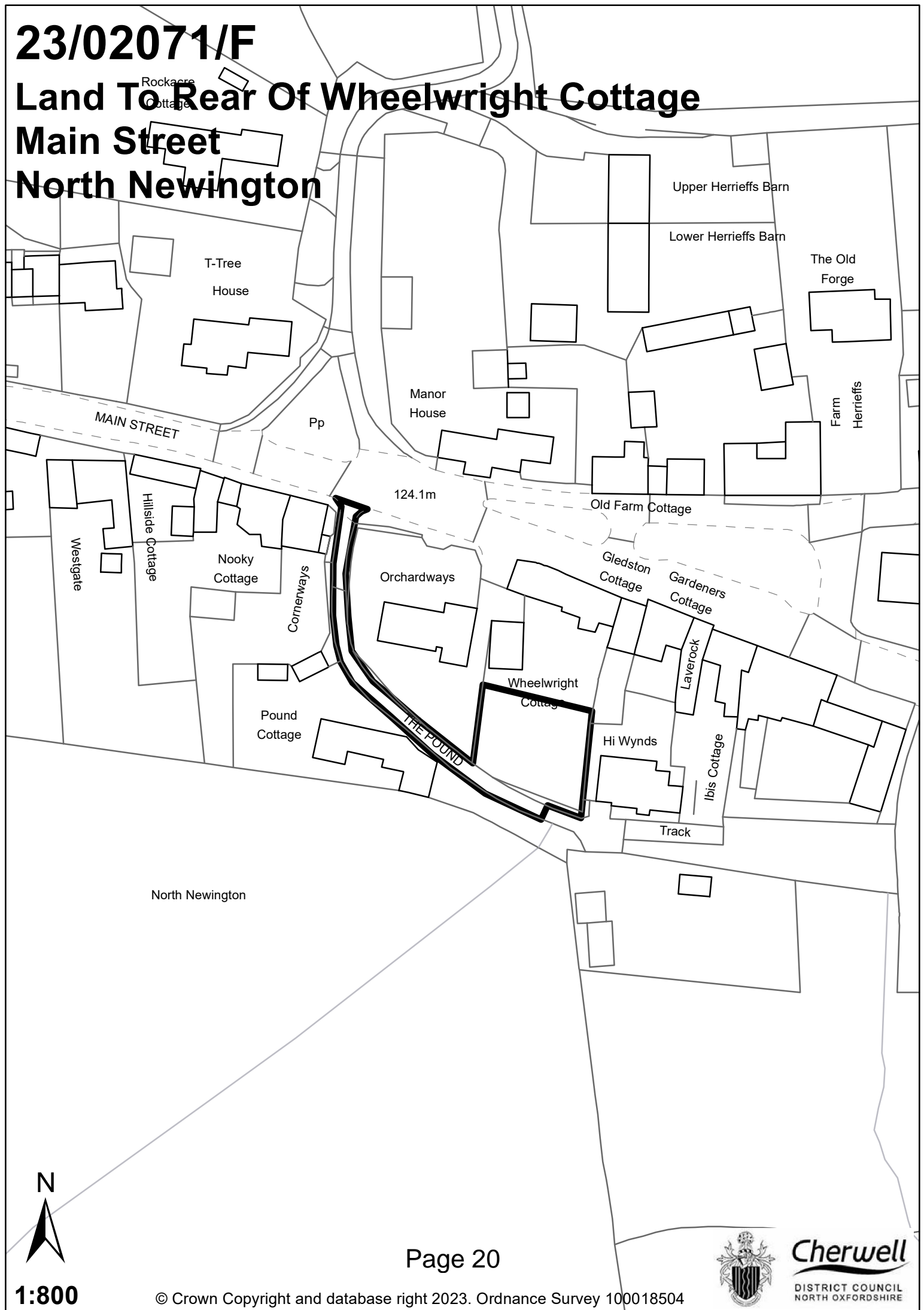


1:400



23/02071/F

Land To Rear Of Wheelwright Cottage Main Street North Newington



1:800



Case Officer: Imogen Hopkin

Applicant: Mr Kambiz Khabiri

Proposal: New build dwelling

Ward: Cropredy, Sibfords And Wroxton

Councillors: Councillor Phil Chapman, Councillor George Reynolds, Councillor Douglas Webb

Reason for Referral: Referred by Assistant Director For Planning and Development for the following reasons:

- Level of public interest
- Recent appeal decision further down The Pound

Expiry Date: 23 February 2024

Committee Date: 15 February 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site refers to a rear garden of a Grade II listed building, named Wheelwright Cottage. There is an existing garage with an annex above which is set back from the rear wall by 4.5m. The dwelling as existing benefits from a garden with a length of 33m. The rear of the site is bound by The Pound, a defined Public Right of Way (PRoW) (Footpath 315/18/20), which is informally used by cars for access to properties, some of which that front onto it. There is a rise in levels to the south, as The Pound is at a higher level to Main Street, which Wheelwright Cottage faces.
- 1.2. There are many neighbouring properties that front onto Main Street in the area, and there is Pound Cottage and Hi Wynds that are accessed from The Pound.

2. CONSTRAINTS

- 2.1. The application site is within the setting of the Grade II listed Wheelwright Cottage, North Newington Conservation Area, a protected species buffer and an archaeological alert area. There are numerous listed buildings in the wider setting of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks approval for two-bedroom bungalow within the rear garden of Wheelwright Cottage.

3.2. The dwelling is proposed to be 11.5m in length and 6.5m in width. The eaves height is 2.55m, and the ridge height is 5.1m. The building is perpendicular to The Pound, is sited 1.4m from the boundary created with Wheelwright Cottage, and between 1.1m and 1.6m from the boundary shared with Hi Wynds.

4. RELEVANT PLANNING HISTORY

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

Application: 15/01688/F	Application Withdrawn	6 th November 2015
Erection of 1 No three-bedroom detached dwelling and associated hardstanding for parking and turning		

5. PRE-APPLICATION DISCUSSIONS

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

5.2. 22/03373/PREAPP: Response issued on 8th March 2023. The principle of a dwelling would be generally acceptable, subject to details about neighbouring amenity and a response from the Local Highway Authority.

5.3. 19/02672/PREAPP: Response issued on 10th January 2020. The principle of a dwelling was generally acceptable, but the level of detail provided with the pre-application enquiry was insufficient enough to provide reassurance it would be supported.

5.4. 15/00067/PREAPP: Response issued on 28th July 2015. The principle of a dwelling would be acceptable, subject to other considerations. This advise was given at a time when the Council had a 5 year housing land supply.

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 30th January 2024, 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 dwelling would appear cramped
- Detrimental impact to the listed buildings and conservation area
- Loss of a substantial part of garden would adversely affect the setting and outlook for future occupants of Wheelwright Cottage and current and future occupants of Gledston Cottage and Gardener's Cottage
- Overshadow and obscure the current views of the listed buildings
- Overshadow neighbouring property at Hi Wynds, including side facing kitchen window

- Overbearing impact to properties along Main Street due to the change in levels
- Trees would have to be felled to make way for the proposal
- Vehicular access to the proposal would be difficult, due to The Pound being narrow, steep, and considered an old historic track and footpath
- Increased traffic on The Pound would result in further deterioration of the surface
- Construction may be difficult due to the narrow access, and the damage it could cause to property, the track, banks and hedges on both sides
- The historic and current ownership of The Pound has not been established through recent planning applications
- Driving over The Pound may not be lawful
- Dust and construction debris
- Reference to appeal statement and decision at another application along The Pound (21/01561/F)
- The change in levels shown on the streetscene are not accurate
- Object to the inclusion of The Pound within the red line boundary [*Officer note – all planning applications need to connect to the legal highway, which is Main Street for this application.*]

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. NORTH NEWINGTON PARISH COUNCIL: 22/08/2023 – **object** based on the access along The Pound, the committee decision (refusal) of the nearby application 21/01561/F, heritage and conservation.

11/01/2024 – **object** and re-iterate the original points provided.

CONSULTEES

7.3. CDC LAND DRAINAGE: **no comments or objections.**

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

7.5. CDC ENVIRONMENTAL HEALTH: **no objections**, recommends conditions to mitigate noise and contaminated land.

- 7.6. CDC CONSERVATION: 06/10/2023 – **object**, to current design and insufficient heritage statement. 29/01/2024 – **no objections** to the principle of development, and suggested conditions.
- 7.7. OCC HIGHWAYS: 29/08/2023 – **object**, based on the use of The Pound. Additional information was supplied, and a subsequent response was received on 28/09/2023 with **no objections**, subject to a CTMP condition.
- 7.8. OCC PUBLIC RIGHTS OF WAY: **holding objection**, as they have queried the legality of use of the right of way. They have suggested conditions in the event of approval.

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
- SLE4 – Improved Transport and Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C23 – Retention of features contributing to character or appearance of a conservation area
- C28 – Layout, design and external appearance of new development
- 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
- North Newington Conservation Area Character Appraisal (2014)

9. APPRAISAL

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

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

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.3. The District's current housing land supply position of 5.5 years supply of housing for the period 2022-27 as reported in the Council's 2023 Annual Monitoring Report ('AMR'). Paragraph 226 of the NPPF requires a minimum of 4 years' worth of housing, instead of a minimum of 5 years outlined in paragraph 77 of the Framework. It states it is applicable to authorities which have an emerging local plan that has reached Regulation 18 or Regulation 19 stage. The Council carried out a Regulation 18 consultation from 22nd September 2023 to 3rd November 2023. As such, the Council's housing policies are therefore to be considered up to date, and the 'tilted balance' does not need to be applied in assessment of this application.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns, whilst limiting growth in rural areas and directing it towards more sustainable villages, also aiming to strictly control development in the open countryside.
- 9.5. Paragraph 10 of the NPPF states that at its heart is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined by the NPPF, which require the planning system to perform economic, social and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.
- 9.6. The principle of residential development is outlined through Policy Villages 1 of the CLP 2015, which categorises villages in the district. North Newington is recognised as a Category C village, which are the least sustainable of rural settlements. In the case of Category C villages, only limited infilling and conversion within the built up limits is permissible.

Assessment

- 9.7. The position of the site is considered to be within the built up limits of North Newington, as it is within the Conservation Area, and the area to the south of The Pound is open countryside.
- 9.8. The supporting text to Policy Villages 1, paragraph C.264, defines infilling as: '*Infilling refers to the development of a small gap in an otherwise continuous built-up frontage*'. Whilst the proposed site does represent a gap within the village, The Pound does not have a clear frontage, and the proposals could not be said to conform to the strict definition of infilling. However, given the surrounding context, with Hi Wynds adjacent and Pound Cottage opposite the site, both accessed from The Pound, the Council consider the siting of a dwelling in this location compliant with policy.

- 9.9. Overall, given the above, the general principle of accommodating a single dwelling on the site is therefore considered to be acceptable, subject to other considerations outlined below.

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

Policy Context

- 9.10. 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. Paragraph 135 of the NPPF states that planning 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.
- 9.11. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 9.12. 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 CLP 1996 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.
- 9.13. The Council's Residential Design Guide SPD (2018) seeks to ensure that new development responds to the traditional settlement pattern, character and context of a village. This includes the use of traditional building materials and detailing responding to the local vernacular.
- 9.14. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.15. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.16. The application site is located within North Newington Conservation Area and within the setting of numerous listed buildings. These are defined as heritage assets by the NPPF. The NPPF states assets should be conserved in a manner proportionate to their significance and that great weight should be given to their conservation.

Assessment

- 9.17. The proposed dwelling is sited perpendicular to The Pound, which is not the preferred layout, as a frontage would normally face the highway. However, if the proposal had a 90 degree turn to front The Pound, there would be limited space for parking. While the layout is not traditional, there is not a standardised layout throughout the village, so this alternative form is considered acceptable, on balance.

- 9.18. The scale of the proposal is modest, as it is a 2-bedroom bungalow, with an eaves height of 2.55m and a ridge height of 5.1m. The design of the bungalow has been amended through the course of the application to simplify the fenestrations.
- 9.19. The Conservation Officer raises no objections to the proposal, requesting conditions relating to the details of the development to be submitted prior to the commencement of each element. Following the submission of a heritage statement that assessed the impact on the setting of the listed buildings and Conservation Area, there have been no concerns raised to the impact on surrounding heritage assets.
- 9.20. While the siting would be better in a south facing position, the proposal is considered acceptable, on balance, and subject to conditions to ensure a high specification can be achieved. The amended proposal would not result in harm to the designated Conservation Area, or the significance of the adjacent listed building through change to its setting.

Residential amenity

Policy Context

- 9.21. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD15 of the CLP 2015 requires all development to consider the amenity of both existing and future development. Saved Policy C30 of the CLP 1996 seeks standards of amenity and privacy acceptable to the Local Planning Authority. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 9.22. The Cherwell Residential Design Guide (2018) states that a minimum distance of 22m back to back between properties must be maintained and a minimum of 14m distance is required from rear elevation to two storey side gable.

Assessment

- 9.23. The proposal is a two-bedroom bungalow, which could have a maximum occupancy of four persons. The proposed floor area is 62m² and the requirement within the Nationally Described Space Standards is 70m² plus 2m² built-in storage. While this is below the requirement, the Nationally Described Space Standards are not adopted by the Council, but provide a good benchmark. While the Council aim to support development that achieves the Nationally Described Space Standards, they do not consider this in isolation to be a reason to refuse the application.
- 9.24. The position of the proposed dwelling is 1.5m from the boundary with Wheelwright Cottage. The rear wall of Wheelwright Cottage is sited 19.2m from the side wall of the proposed dwelling. The Residential Design Guide usually requires a minimum of 14m distance between rear elevations and a two-storey side gable. This is applicable, due to the level change, and the proposal is in excess of this. There would be some overshadowing to the southern part of Wheelwright Cottage's garden, although this would be limited due to the orientation of the dwelling.
- 9.25. The position of the dwelling is approximately 13.6m from the rear extension of Gledston Cottage. Gledston Cottage is sited to the east of the proposed dwelling, so at a slightly different angle whereby it would not be detrimentally impacted from the wall to wall distance. Similarly to Wheelwright Cottage, there would be a slight

overshadowing to the southern part of the garden, but this is not considered to be harmful enough to refuse the application.

- 9.26. The proposal is sited a minimum of 1.1m from the common boundary with Hi Wynds, to the east. There would be some overshadowing to the western garden of this dwelling, although the lower eaves of 2.55m help to minimise any overshadowing, and the width of the garden at Hi Wynds is 19.7m, and extends further north beyond the western part of the garden that the site is adjacent to. As such, it is considered that any impact to the private outdoor amenity of Hi Wynds would not be significantly harmful. Further, they have a side facing kitchen window, although the kitchen is also served by large windows to the rear (north), and therefore the side window is not the sole window to the habitable room.
- 9.27. The proposed dwellings has no north facing windows, and would therefore not have overlooking from the dwelling to Wheelwright Cottage or Gledston Cottage. There is a bathroom window on the eastern elevation, which would face towards Hi Wynds. This window is shown to be top hung, and a condition will be imposed to ensure the window will be obscure glazed, and for no additional windows on the north and east elevations.
- 9.28. The proposed dwelling is considered to cause harm to the amenities of neighbouring dwellings, although that harm is not considered to be significant to warrant refusal of the application. The proposed development therefore complies with Policy ESD15 of the CLP 2015, Saved Policy C30 of the CLP 1996 and Government guidance contained within the NPPF.

Highway safety

Policy context

- 9.29. Paragraph 114 of the NPPF advises that in assessing specific applications for development, it should be ensured that:
- *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.*
- 9.30. Both Policies ESD15 of the CLP 2015 reflect the provisions and aims of the NPPF. Policy ESD15 of the CLP 2015 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”.
- 9.31. Driving a vehicle across a public Right of Way is an offence under the Road Traffic Act 1988 if the person does not have a private vehicular right to use the route or doesn't have lawful authority to do so. If this is the case, the police could choose to prosecute an individual therefore preventing them from using the access and in turn, preventing the required parking and manoeuvring areas to be provided for a dwelling. This is a material planning consideration in that planning permission could be granted for a dwelling without the benefit of adequate vehicular access and associated off street parking may result in highway safety issues due to displaced parking.

- 9.32. Rights of vehicular access are commonly shown on deeds or can be gained through what is referred to as a prescriptive use. A prescriptive use is where lawful access is gained via long term use of the access. In the case of an access across a public Right of Way a period of 20 years or more would constitute a long-term use.

Assessment

- 9.33. The red line of the application site includes the land where the dwelling is proposed to be situated, along with the access to The Pound which adjoins the highway at Main Street. The ownership of The Pound is unknown and therefore the applicant has served the relevant ownership certificate within the application form, including placing an advert in the press.
- 9.34. Objectors have highlighted the use of The Pound to provide vehicular access to the application site would not be lawful, and therefore The Pound would not be able to be used for a dwelling or construction. It is not the role of the planning system to determine whether the applicant has vehicular rights of access over The Pound, and this falls outside of the planning system in other legislation. Should planning permission be granted, this would not override other legal issues that may arise from the development, such as unlawful use of the access or any restrictive covenants, and these are enforceable by other parties outside of the planning permission and could prevent the development from proceeding.
- 9.35. The Local Highway Authority (LHA) initially objected to the application, although additional information was provided from the applicant to show the construction company would have the right size vehicles to carry out the works. They have advised this resolved the main objection, but a Construction Traffic Management Plan condition would be required to be submitted before commencement.
- 9.36. The LHA considered the appeal decision at the nearby site (appeal reference: APP/C3105/W/23/3314296), and noted the Inspector did not raise the access to be an issue, and this carries weight for this proposal. As such, the LHA suggested conditions for the development.
- 9.37. Whether or not the applicant has vehicular rights over The Pound is uncertain, and the LHA or Council do not confirm any rights of access. Both the LHA and Council acknowledge the situation is not ideal, but do not consider there is enough evidence to refuse the application for highway safety.

Other matters

- 9.38. Objectors have raised concerns about the accuracy of the levels shown on the streetscene. A drawing of the land levels as existing and for the proposal will be conditioned to ensure the level change is not as steep as the objectors suggest.
- 9.39. The Council's Environmental Protection Officer has requested an appropriate condition for contaminated land, and for a condition for Construction Environment Management Plan (CEMP) to control noise of the development. Officers consider these conditions to be reasonable. The CEMP condition can be combined with the Construction Traffic Management Plan condition requested by the LHA, to ensure there is no undue repetition of conditions.

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 broad principle of development in this location is acceptable, as the site is considered to be within the built-up limits of the village. Given its design and siting, the proposal is considered acceptable in relation to the visual impact and neighbour amenity. The proposal is acceptable in highway safety terms, subject to conditions.

10.3. The proposal would include modest benefits, including a new dwelling, which would make a contribution to the housing supply and create short-term construction roles. Any harm identified within the report is not considered to be significant enough to refuse the application, or outweigh these benefits identified.

11. RECOMMENDATION

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

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

- 001 Rev A
- 003 Rev B
- 004 Rev B
- 005 Rev C

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

3. Prior to the commencement of the development hereby approved, a Construction, Environment and Traffic Management Plan (CETMP) shall be submitted to and approved in writing by the Local Planning Authority. The CETMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CETMP shall be implemented and operated in accordance with the approved details;

- The CETMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle

tyres/wheels, from migrating onto adjacent highway.

- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- Storage of plant and materials used in constructing the development.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

Reason – In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times, and to ensure the environment is protected.

4. Notwithstanding the details on the approved plans and prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels and ridge height for the dwelling and finished levels of the site in relation to existing ground levels at the site and surrounding land and the eaves and ridge height of the surrounding properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in strict accordance with the approved levels plan.

Reason – To ensure that the development is constructed in harmony with the surrounding buildings and heritage assets and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

Planning note: The levels shall be expressed as above ordnance datum.

5. Prior to any construction of the dwelling above slab level, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone, which shall

be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the dwelling shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

6. Prior to any construction of the dwelling above slab level, samples of the proposed roof slate for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason – To ensure 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 Part 1 (2015), Saved Policy C28 of the Cherwell Local Plan (1996) and Government guidance contained within the National Planning Policy Framework.

7. Prior to the installation of windows, doors and rooflights hereby approved, full details of all windows, doors and rooflights 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 windows, doors and rooflights shall be installed within the building in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 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.

Planning Note – The rooflights shall be conservation grade rooflights that fit flush with the plane of the roof.

8. Prior to the commencement of the development above slab work, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

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

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

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

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

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

Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

10. Prior to the first occupation of the development hereby permitted written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason – Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

11. Notwithstanding the details on the approved plan, prior to the occupation of the dwelling hereby approved, full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority. This shall demonstrate there will be no pedestrian access to Banbury Road from the frontage of the site. Thereafter, the approved means of enclosure shall be erected in accordance with the approved details, prior to the first occupation of the dwelling and thereafter retained and not altered from the approved specification.

Reason – To ensure the satisfactory appearance of the completed development and to discourage parking on the frontage of the site on Banbury Road and to comply with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

13. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England)

Order 2015 and its subsequent amendments, the approved dwelling(s) shall not be extended or altered without the prior express planning consent of the Local Planning Authority.

Reason – To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the neighbouring properties and heritage assets in accordance with Policy ESD15 of the Cherwell Local Plan Part 1 (2015), Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the provisions of Classes A to B (inc.) of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gates, wall or fences shall be altered or erected and no new means of access shall be created without the prior express planning consent of the Local Planning Authority.

Reason – To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard highway safety and heritage assets in accordance with Policies SLE4 and ESD15 of the Cherwell Local Plan Part 1 (2015), Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the provisions of Classes A, B and C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the north and east elevations of the proposed dwelling without the prior express planning consent of the Local Planning Authority.

Reason – To enable the Local Planning Authority to retain planning control over the development of this site in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and C30 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. Prior to the first occupation of the dwelling hereby approved, the ground floor window in the east elevation of the dwelling shall be fixed shut, other than the top hung opening element, and shall be fully glazed with obscured glass that complies with the current British Standard, and retained as such thereafter.

Reason – To safeguard the privacy and amenities of the occupants of the neighbouring property and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.

Reason – To ensure the public right of way remains available and convenient for public use.

18. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.

Reason – To ensure the public right of way remains available and convenient for public use.

19. No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team.

Reason – To ensure the public right of way remains available and convenient for public use.

20. No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants, their contractors, or the occupier to put right / make good to a standard required by the Countryside Access Team.

Reason – To ensure the public right of way remains available and convenient for public use.

21. Any gates provided shall be set back from the public right of way or shall not open outwards from the site across the public right of way.

Reason – To ensure that gates are opened or closed in the interests of public right of way user safety.

22. Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate.. No improvements may be implemented without prior approval of the Countryside Access Team.

Reason – To ensure the public right of way through the development retains character and use as a linear corridor and is able to integrate with the development.

CASE OFFICER: Imogen Hopkin

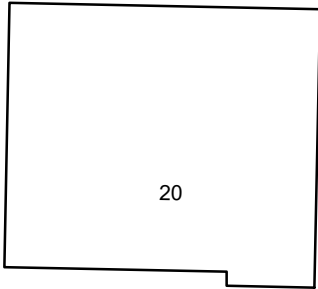
TEL: 01295221753

**Land Adj To 20
Almond Road
Bicester**



23/03109/F

Land Adj To 20 Almond Road Bicester



20

Brecon House



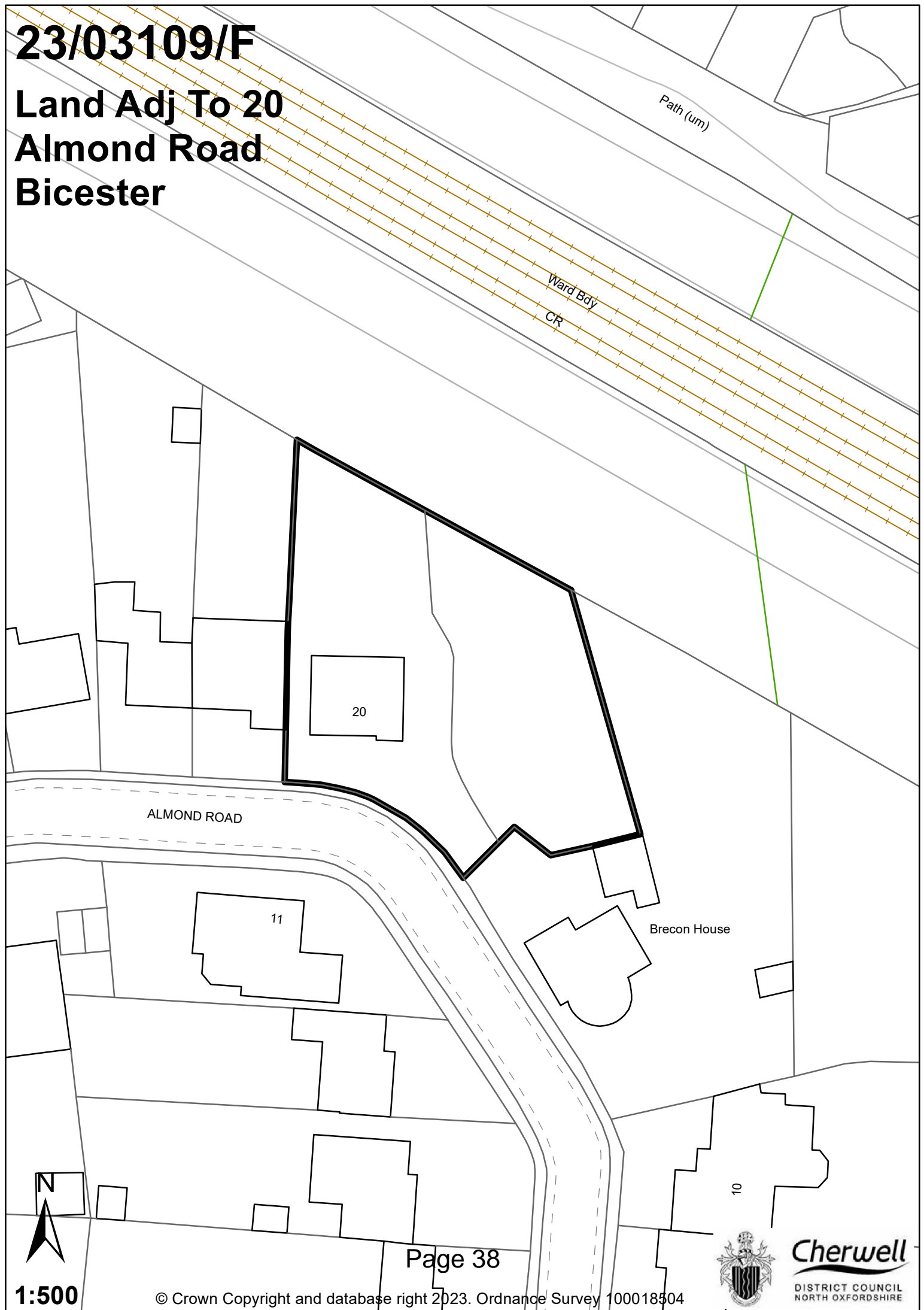
Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE



23/03109/F

Land Adj To 20
Almond Road
Bicester



Case Officer: Rebekah Morgan

Applicant: Mr John Prpa

Proposal: Subdivision of land at 20 Almond Road to form site for 2 no. new detached dwellings with associated parking and gardens.

Ward: Bicester West

Councillors: Councillor John Broad, Councillor Harry Knight and Councillor Les Sibley

Reason for Referral: Called in by Councillor Les Sibley for the following reasons: Level of public interest, visual impact, impact on neighbouring properties and highway safety concerns.

Expiry Date: 19 February 2024

Committee Date: 15 February 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. 20 Almond Road is a detached dwelling situated on a residential estate central to the town of Bicester. The application site comprises of a disused piece of land to the east of the 20 Almond Road (but does not include the dwelling itself) which is currently overgrown and contains no buildings. A railway line abuts the rear boundary of the site.
- 1.2. The surrounding area is residential, a mixture of house types including two storey dwellings and bungalows. There is a mixture of detached and semi-detached properties that have a variety of design features including front gable features, integral and external chimneys and integral garages. The dwellings have been constructed using a mixture of external materials including stone and timber cladding, but the predominant material is a buff brick finish.

2. CONSTRAINTS

- 2.1. The application site is not within a conservation area and there are no listed buildings within close proximity of the site.
- 2.2. The site is identified as potentially contaminated land given the proximity to a railway line.
- 2.3. There is a railway embankment to the rear of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for the subdivision of the land adjacent to 20 Almond Road and the erection of two detached dwellings with associated access, parking at the front and gardens.
- 3.2. Dwelling 1 would be positioned to align with the orientation of the existing dwelling and dwelling 2 would turn the corner slightly to follow the curve of Almond Road. The

plans show that ground works are proposed to amend the ground level on parts of the site, this results in a step down of approximately 600mm between the dwellings.

- 3.3. The proposed dwelling on plot 1 is a two storey, detached building with accommodation within the roof space. The proposal is for a 5 bedroom dwelling. The proposal has been amended and the dwelling would be finished in brick with a plain tile roof. The dwelling would have a ridge height of approximately 8.6m from the proposed ground level; due to the change in levels the height would match the ridgeline of 20 Almond Road.
- 3.4. The proposed dwelling on plot 2 is a two storey, detached building with accommodation within the roof space. The proposal is for a 4 bedroom dwelling. The proposal has been amended and the dwelling would be finished in brick with a plain tile roof. The dwelling would have a ridge height of approximately 9.2m.

4. RELEVANT PLANNING HISTORY

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

16/02231/F - Erection of 3 No two storey blocks containing 6 No apartments – Withdrawn.

19/01834/F - Proposed two storey rear extension – Permitted.

20/03330/F - Erection of 2no detached, three-bedroom dwellings with associated parking and gardens – Withdrawn.

21/01400/F - 2 no new detached three bedroom dwellings and refurbish existing 3 bed house with associated parking and gardens (resubmission of 20/03330/F) – Permitted.

23/01818/F - Variation of condition 2 (plans) of 21/01400/F - Having reviewed the design for the approved new dwellings and the refurbishment of the existing dwelling our client feels that the design can be improved, to enhance the accommodation provided and the amenities for the occupants of the dwellings – Withdrawn.

23/02412/F - Two storey front extension (bay window), two storey rear extension, roof side extensions (hip to gables), raise ridge height 900mm with attic conversion. Associated alterations – Refused.

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 **29 December 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. Seven letters of objection have been received and the comments raised by third parties are summarised as follows:

- Overdevelopment of the site.
- Third storey out of keeping with neighbouring properties.

- Increases volume of previously approved houses.
- The proposal will have a greater height than the neighbouring properties.
- Highway safety concerns with cars potentially parking on the bend in the road.
- Insufficient parking provision.
- Design should complement and enhance the character of the area, which this does not.
- Render finish is not consistent with surrounding properties.
- Concerns the dwellings will be used as House's in Multiple Occupation (HMO).
- Impact on drainage/sewerage infrastructure.
- Proposals leave very little outdoor space.
- Structural concerns relating to proposed retaining walls.
- Will set a precedent to allow further development of existing dwelling.
- Impact of construction.

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. BICESTER TOWN COUNCIL: No comments received.

CONSULTEES

7.3. OCC HIGHWAYS: **no objections**, subject to conditions.

The parking arrangement is largely similar to that approved under application no. 21/01400/F. Both the dimensions and the layout conform to OCC guidance set out within the OCC Street Design Guide and the Parking Standards for New Developments 2022 respectively.

It is a requirement for all new dwellings to have covered and secure cycle parking facilities. Cycle parking must be provided at a rate of 2 spaces per bedroom and have direct access to the highway. Cycle parking access must not be stepped.

It is also a requirement for all new dwellings to have a minimum of 1 E/V charging space per dwelling in line with Policy EVI 8 of the Oxfordshire Electric Infrastructure Guide.

7.4. THAMES WATER: **No objections**

The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network.

If the developer follows the sequential approach to the disposal of surface water we would have no objection.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application.

7.5. NETWORK RAIL: No comments received.

7.6. LOCAL LAND DRAINAGE OFFICER: **no objections**

No objections in principle. There are pockets of surface water flood risk shown at the site. This is where surface water is liable to pond by becoming trapped. This can be readily overcome by ensuring the site infrastructure design includes a safe drainage route.

7.7. CDC ENVIRONMENTAL PROTECTION: **no objections**

Noise: I have reviewed the Noise Impact Assessment submitted by Hawkins Environmental on behalf of the applicant, and am satisfied that, providing the recommendations in the report are followed, that the noise from the nearby railway will be adequately mitigated. All recommendations from this report should be followed.

Contaminated Land: No comments

Air Quality: No comments

Odour: No comments

Light: No comments

7.8. CDC ECOLOGY OFFICER: The submitted Phase 1 habitat survey is from 2016. CIEEM advises that surveys between 18-months and 3-years old should be supplemented with an updated walkover survey. Surveys more than 3 years old are not usually valid and should be redone entirely. However, due to the scale and nature of the site, an updated walkover survey would likely be sufficient here. This survey should ideally be undertaken prior to a decision being made on this application.

Should the application be permitted despite this issue, I would recommend that we attach precautionary conditions to ensure protected species are safeguarded during the works. It looks like the site is overgrown and could be suitable for reptiles or nesting birds. There are also recent records of hedgehogs in the immediate vicinity. The railway embankment provides some connectivity to the wider landscape, increasing the likelihood that protected species use the site in some capacity.

Considering the above, I would recommend that we attach a condition for ecological supervision during vegetation clearance (not just during breeding bird season). The ecologist will be able to check the site for hedgehogs, nesting birds, and reptiles prior to clearance. Any hedgehogs or reptiles can be translocated to a safe location prior to commencement; however, nesting birds will need to remain in situ until all young have fledged. For this reason, I would still recommend that the works are undertaken outside of breeding bird season.

We should also condition a biodiversity enhancement plan (BEP). The plan should include at least one integrated bird/bat brick per dwelling, one bee brick per dwelling, and high nectar native planting around the development. I would recommend a hedgerow is incorporated into the landscaping, either at the rear of the development or between the dwellings (or both).

7.9. CDC BUILDING CONTROL: The proposal will require a Building Regulations application.

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 2015)

- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- PSD1 – Presumption in favour of Sustainable Development
- ESD1 – Mitigating and adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD5 – Renewable Energy
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- SLE4 – Improved Transport and Connections

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 - Design of New Residential Development
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

- 8.3. Other Material Planning Considerations
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - Cherwell Residential Design Guide (2018)
 - Cherwell Council Home Extensions and Alterations Design Guide (2007)

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 and biodiversity
- Contaminated Land
- Other matters

Principle of development

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the CLP 2015 and the saved policies of the CLP 1996.
- 9.3. Paragraph 10 of the NPPF states that at its heart is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.
- 9.4. Policy ESD1 of the CLP 2015 states measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan and delivering development which reduces the need to travel. The local plan has a strong urban focus with large amounts of housing planned at Bicester and Banbury, with rural housing growth therefore more restrained.
- 9.5. Policy BSC2 also encourages the efficient use of land in sustainable locations, which weighs in favour of the proposal. Further, the emphasis of the NPPF is very much on the efficient use of land, providing a good mix of house types and on creating new dwellings in sustainable locations.
- 9.6. The application site is located within the built-up area of Bicester and consists of a substantial side garden (alongside No.20 Almond Road) and is located within an area of established residential development. The application is considered to represent infill development within an established urban area.
- 9.7. The principle of development is therefore considered to comply with the provisions and aims of Policies ESD1 and BSC2 of the CLP 2015. Thus, the overall principle of development, in sustainability terms, is acceptable. However, the overall acceptability of the proposal is subject to other considerations such as the impact of the proposal on the visual amenity of the site and surrounding area, impact on neighbours and highway safety, which are addressed below.

Design and impact on the character of the area

- 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. 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 as well as compatible with the existing dwelling. New housing development should be compatible with the appearance, character and scale of existing dwellings in the vicinity.
- 9.10. 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.

- 9.11. The proposed layout of the development is similar to the previously approved scheme (21/01400/F) with the dwellings fronting the road in a linear form similar to the existing development along Almond Road. The properties are laid out so they follow the curve of the road, with plot 2 turning the corner slightly. The proposed parking spaces at the front of the dwellings also replicates the situation for many properties in this area.
- 9.12. The design of the dwellings is simple but include features such as front gable elements. This is reflective of the properties along Almond Road which have a variety of design features. The application has been amended to change the external finish from render to brick which would be more in keeping with the neighbouring properties. Planning conditions are recommended requiring samples of the proposed bricks and tiles to ensure the colour/texture is appropriate for the context.
- 9.13. Plot 2 includes a flat roof single storey section towards the rear of the property. This is to enable the property to turn the corner, allowing the front elevation to face the road. Given the position and scale of this design element, it would not be overly prominent within the street scene and would be significantly screened by the boundary fence treatment.
- 9.14. The proposed dwellings would be higher than the existing dwelling, when measured from the proposed ground level to the ridge, however, the new dwellings would be set down slightly so they would not appear higher than 20 Almond Avenue when viewed along the street scene. The existing site already has a change of levels sloping down to the east; therefore, the proposal will formalise this in sections. Planning conditions are recommended to ensure finished floor levels are in accordance with the proposed level changes.
- 9.15. The overall scale of the proposed dwellings is similar to the existing two storey dwellings in the area with the gaps between the properties replicating the general pattern of development along the street. Given the size of the application plot, the proposed dwellings would not appear cramped when viewed within the context of the existing street scene. The proposals do utilise the roof space for additional bedrooms, however this does not add significantly to the height or bulk of the buildings.
- 9.16. The proposal does not include detailed proposals for landscaping, however, in order to ensure the satisfactory integration of the development into its setting it is considered reasonable and necessary to impose a condition requiring submission and approval of details of hard and soft landscaping including boundary treatment and the submission and approval of a schedule of materials to be used on the external surfaces of the proposed dwellings. The site is of a sufficient size that appropriate landscaping can be easily accommodated without compromising the development.
- 9.17. Overall, the design of the development is considered to be appropriate for the context of the site and would not appear incongruous within the street scene, Subject to conditions detailed above, the proposal is considered to be acceptable in terms of design and impact on visual amenity of the area. In this regard, the proposal complies with Policy ESD15 of the CLP 2015, Policy C28 of the CLP 1996 and Government Guidance contained within the NPPF.

Residential amenity

- 9.18. Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed

occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.

- 9.19. Policy ENV1 of the Cherwell Local Plan 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 9.20. The proposed development would provide a suitable standard of amenity for any future occupants of the site which each of the dwellings enjoying a substantial quantity of private amenity space in the rear gardens and side garden of proposed dwelling No. 2.
- 9.21. A Noise Impact Assessment was provided in support of the proposal. The Environmental Protection Officer has reviewed the report and has provided comment that provided the recommendations in the report are followed, they are satisfied that the noise from the nearby railway will be adequately mitigated.
- 9.22. Concerns have been raised about overlooking and privacy impacts on neighbouring properties. All windows above ground floor level on the side elevations of both dwellings are located to serve either bathrooms or stairwells. The proposal drawings state that all windows to the side elevations of the first and attic floors will be obscure glazed. Officers consider that this is acceptable to suitably address overlooking from the side elevation windows of the proposed dwellings. If approved, it is recommended that a condition is added to require obscure glazing for all side elevation windows above the ground floor of each dwelling.
- 9.23. Proposed dwelling No. 1 is oriented so that the front and rear windows would not cause any unacceptable levels of overlooking on the neighbouring dwellings. The layout of proposed dwelling No. 2 ensures no overlooking impacts on neighbouring properties. The front windows of proposed dwelling No. 2 may result in some minor overlooking of the driveway and parking area of Breacon House (No. 12) to the south of the site, however, the overlooking of a driveway only is not considered to cause unacceptable impacts on residential amenity. The proposed front window is located approximately 16 metres from a north-west facing window on Breacon House. Officers considered that this separation distance is suitable to ensure that the privacy and overlooking impacts do not significantly impact the residential amenity of Breacon House.
- 9.24. Furthermore, the proposed dwellings would not appear overbearing or impact the general outlook of the neighbouring properties. The narrowest distance between Breacon House and the nearest dwelling is approximately 14m with the dwelling being set at an oblique angle. This complies with the Council's guidance in the Cherwell Design Code (2018) and would be an acceptable relationship between residential properties.
- 9.25. Given the adjacent context, location, and design of the proposal it is unlikely to give rise to any significant amenity impacts in terms of overlooking, loss of daylight, enclosure or other environmental impacts.

Highway safety

- 9.26. Policy ESD15 of the CLP 2015 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*.

- 9.27. Concerns have been raised about the parking situation for the proposal. As per the previous approval, two parking spaces are proposed near the road frontage for each dwelling. The proposed parking spaces are slightly re-orientated as part of this proposal, and a bin store area is shown located alongside or behind the parking spaces. OCC Highways has reviewed the proposal and provided comment that both the dimensions and the layout conform to OCC guidance set out within the *OCC Street Design Guide and the Parking Standards for New Developments 2022* respectively. As such, Officers consider that the parking arrangement is acceptable.
- 9.28. The proposed plans do not identify the proposed locations for secure cycle storage for the dwellings. However, there is ample space on site to provide this. OCC Highways has commented that cycle parking must have direct access to the highway and parking access must not be stepped. Officers consider that the number of steps to get the cycle from the street to the ground level where a cycle store would be located is minimal, and most people cycling from this location would be capable of moving their cycle up these few steps. Therefore, it is considered that only a condition for the details of the cycle storage structure is required.
- 9.29. OCC Highways has also requested a condition requiring electric vehicle charging. Officer's note that Electric Vehicle Charging is now handled under the Building Regulations, so it is not necessary to add as a condition to this approval.
- 9.30. In the absence of any objection from OCC Highways Officers, it is considered that the proposal would not have a significant detrimental impact on the safe and efficient operation of the highway network.

Ecology and biodiversity

- 9.31. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.32. Paragraph 186 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.33. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.34. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.35. These polices are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place,
- 9.36. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.37. The applicant has submitted an Extended Phase 1 Habitat Survey Report and this has been reviewed by the Council's Ecologist. The survey was prepared in 2016 and therefore does require updating. The survey concluded that the proposed development would not have an adverse impact on the habit of any protected species at the time it was undertaken, and this position was accepted on the previous application. There have been no significant changes to the site since the previous and therefore it would be appropriate in this instance to condition a new survey is undertaken prior to commencement of development and any required mitigation is agreed. It would also be appropriate to condition the requirement for a Biodiversity Enhancement Plan (BEP).

Other matters

- 9.38. A number of the objections raise concerns that the proposed dwellings would be used as Houses in Multiple Occupation (HMO). The application is seeking consent for two residential dwellings (Use Class C3). Small HMOs (up to 6 occupants) fall within Use Class C3 and therefore a change of use is not required to change a residential property to a small HMO as is the case with any of the properties on Almond Avenue. If the applicant intends to use the dwellings as a large HMO separate planning permission would be required and the implications of such a change of use would be assessed in such an eventuality.
- 9.39. Network Rail has not provided any comments on this application, however, the previous application (21/01400/F) included conditions to safeguard working adjacent to the railway and to ensure appropriate fencing is provided to the rear of the properties. Officers consider it appropriate to reimpose those conditions on this application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The application proposes two additional dwellings in sustainable location within Bicester. The properties are well located within walking/cycling distance of local facilities and public transport links. The additional dwellings will make a small contribution to meeting the housing requirements for the district.
- 10.3. The design of the dwellings is in keeping with the surrounding residential area, the Local Highway Authority has no objections in terms of highway safety and the proposal would not have a detrimental impact on existing properties.

- 10.4. Having regard to the report above, it is considered that the proposed development would be in accordance with the provisions of the relevant development plan policies and would therefore represent sustainable development, therefore, it is recommended that planning permission be granted.

11. RECOMMENDATION

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

CONDITIONS

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

- Site Location Plan
- Drawing number PRPA/S5/P/05 Rev A – [Proposed Site Layout]
- Drawing number PRPA/S5/P/06 Rev A – [Proposed Floor plans and Elevations Plot 1]
- Drawing number PRPA/S5/P/07 Rev A – [Proposed Floor plans and Elevations Plot 2]

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

3. A schedule of materials and finishes to be used in the external surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2015, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved, a plan showing full details of the existing and proposed site levels (including details of the retaining walls) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy ESD15 of the Cherwell Local Plan 2015, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Framework.

5. The windows above ground floor level in the side elevations of the development hereby permitted shall be obscurely glazed, using manufactured obscure glass, level 3 of above that is impenetrable to sight, (not an applied adhesive film). The window shall also be non-opening below a height of 1.7 metres when measured from the room's internal finished floor level. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason - To safeguard the privacy and amenities of the occupants of the neighbouring properties adjoining premises and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

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

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

Reason: To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. The development shall be carried out in strict accordance with the Noise Assessment dated 14th June 2016 prepared by Hawkins Environmental.

Reason: To ensure the creation of a satisfactory environment free from intrusive

levels of noise and to comply with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

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

10. A revised Phase 1 Habitat Survey shall be undertaken prior to the commencement of the development. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

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 2015 and Government guidance contained within the National Planning Policy Framework.

11. A Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2015 and Government guidance contained within the National Planning Policy Framework.

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

- a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
- b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by

the end of the first planting season following occupation of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well-planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2015, Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Section 14 of the National Planning Policy Framework, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) include a timetable for its implementation; and
- c) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

Reason: To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2015, Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

14. A method statement and risk assessment in respect of the railway line boundary shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works and shall be undertaken in accordance with the agreed details.

Reason: To ensure that the construction and subsequent maintenance of the proposal can be carried out without adversely affecting the safety, operational needs or integrity of the railway and to comply with Government guidance contained within the National Planning Policy Framework.

15. Details of any scaffolding works within 10 metres of the railway boundary shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works and shall be undertaken in accordance with the agreed details.

Reason: In the interests of protecting the railway and its boundary from over-sailing scaffolding and to comply with Government guidance contained within the National Planning Policy Framework.

16. Prior to any vibro-impact works on site, a risk assessment and method statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works and shall be undertaken in accordance with the agreed details.

Reason: To prevent any piling works and vibration from de-stabilising or impacting the railway and to comply with Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development other than demolition details of the disposal of both surface water and foul water drainage directed away from the railway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works and shall be undertaken in accordance with the agreed details.

Reason: To protect the adjacent railway from the risk of flooding, soil slippage and pollution and to comply with Government guidance contained within the National Planning Policy Framework.

18. Prior to the commencement of the development other than demolition full details of ground levels, earthworks and excavations to be carried out near to the railway boundary shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works and shall be undertaken in accordance with the agreed details.

Reason: To protect the adjacent railway and its boundary and to comply with Government guidance contained within the National Planning Policy Framework.

19. Details of appropriate vehicle safety protection measures along the boundary with the railway shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development other than demolition and shall be undertaken in accordance with the agreed details.

Reason: To prevent the design and layout of the road and parking spaces from impacting the adjacent operational railway with accidental vehicle incursion and to comply with Government guidance contained within the National Planning Policy Framework.

20. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2015 and Government guidance in the National Planning Policy Framework.

Planning Notes

1. The applicant is advised that before the proposal progresses (should it be approved) they will be required to submit the development form to Network Rail's Asset Protection team and agree the BAPA before any works commence on site. Network Rail is a Government funded Organisation and we are expected to recover our involvement costs from this type of interface, to proceed in more detail with discussions a signed Basic Asset Protection Agreement (BAPA) would be required to be in place. Permanent impacts of development are usually material considerations (such as the position of permanent structures, or drainage design etc) and where these are likely to occur, requests for planning conditions or scheme amendments are requested to protect the existing railway infrastructure from the

impacts of the works on site and as a permanent arrangement. Controls on the temporary impact of construction to outside party land should also be picked up via building control, or in some cases a party wall surveyor.

2. Please note If works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.
3. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

CASE OFFICER: Rebekah Morgan

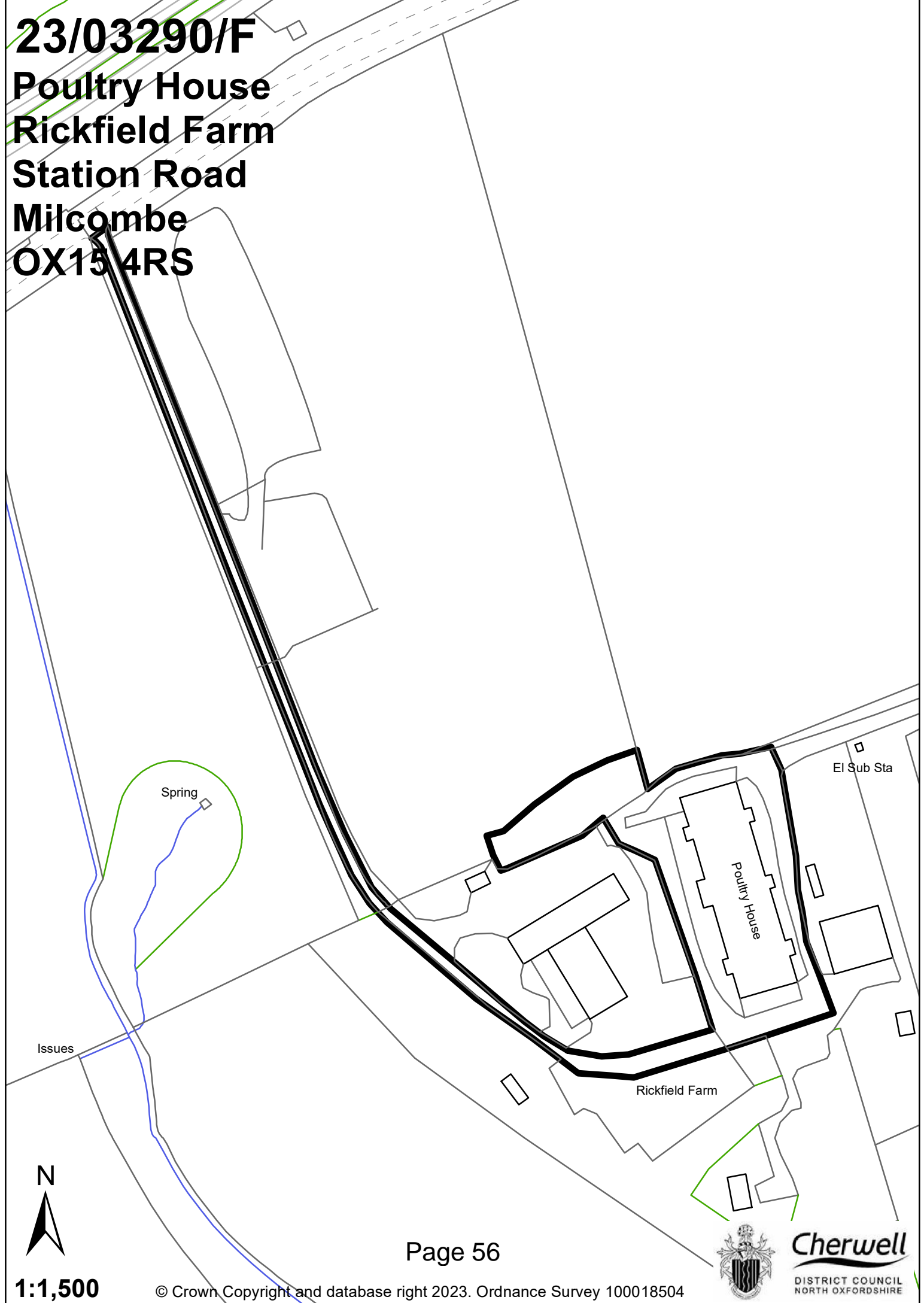
TEL: 01295 227937

23/03290/F
Poultry House
Rickfield Farm
Station Road
Milcombe
OX15 4RS



1:2,000

23/03290/F
Poultry House
Rickfield Farm
Station Road
Milcombe
OX15 4RS

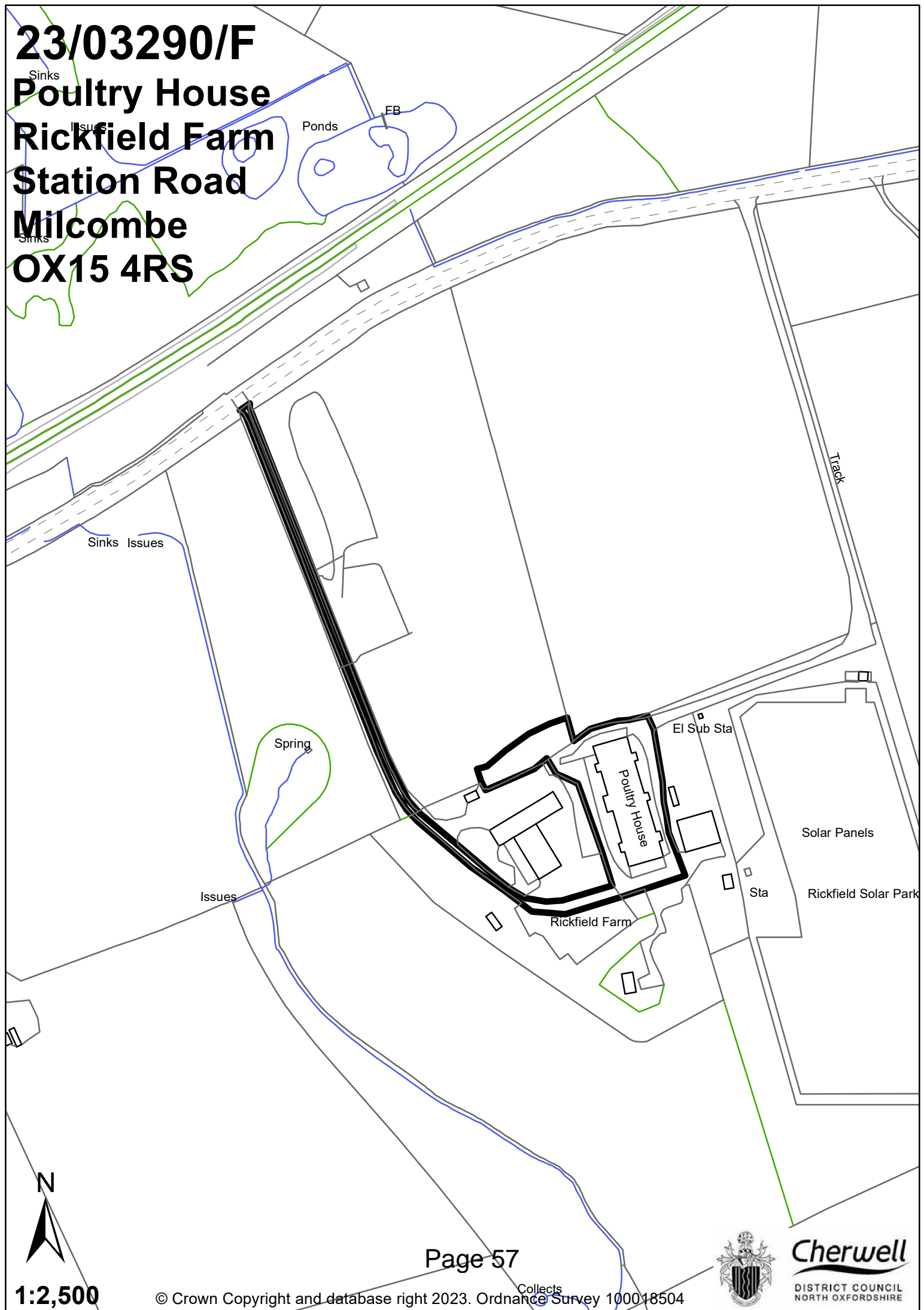


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23/03290/F

**Poultry House
Rickfield Farm
Station Road
Milcombe
OX15 4RS**



1:2,500



Case Officer: Imogen Hopkin

Applicant: Mr Geoffrey Taylor

Proposal: Change of use of existing poultry shed to container storage (Use Class B8) including associated landscaping

Ward: Deddington

Councillors: Councillor Andrew McHugh, Councillor Eddie Reeves, Councillor Bryn Williams

Reason for Referral: Called in by Councillor Andrew McHugh for the following reason:
To consider the benefits of farm diversification away from poultry.

Expiry Date: 23 February 2024

Committee Date: 15 February 2024

SUMMARY RECOMMENDATION: REFUSE PERMISSION

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site forms part of an agricultural unit located at Rickyard Farm, approximately 500 metres south-west of the village of Milcombe. The site is located within the open countryside. The application relates to a poultry shed and Dutch barn. The poultry shed is relatively enclosed, whereas the Dutch barn is a steel framed building which is open on all 4 sides.
- 1.2. The buildings are east of an existing building which benefits from planning permission for a mixed Class B2 (general industrial) and B8 (storage and distribution) use. To the north and south of this site are storage containers, which do not benefit from any planning approval. The north site has 39 storage containers (and is subject to a refused Lawful Development Certificate application – 23/02626/CLUE), and the south site has 53 storage containers.
- 1.3. A solar farm exists to the east of the site and is in the same land holding as the application site.

2. CONSTRAINTS

- 2.1. To the west of the site is a public bridleway which goes through a local wildlife site (South Newington Valley). To the west of the site is a Conservation Target Area and the habitat is noted to be potential NERC S41 priority habitat (lowland mixed deciduous woodland). These do not extend into the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks approval for a change of use of existing poultry shed and Dutch barn to include shipping container storage. This would include 56 containers in the existing poultry shed building. The proposal includes landscaping.
- 3.2. The application is a re-submission of a refused application – 23/02423/F – which sought permission for 70 storage containers within the poultry shed and adjacent Dutch barn.

4. RELEVANT PLANNING HISTORY

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

Application: 23/02423/F	Refused	2 nd November 2023
Change of Use of existing poultry shed and Dutch barn to container storage (Use Class B8) including associated landscaping		

- 4.2. The application was refused for the following reason:

- The self-storage facility is in a geographically unsustainable location. The scale and nature of the use is considered inappropriate in a rural location and the application fails to demonstrate exceptional circumstances or adequate justification for why the development should be located on an unallocated rural site. In addition, the siting of storage containers within the Dutch barn would have an urbanising effect and would adversely affect the character and appearance of the area. The proposed development is therefore contrary to Policies SLE1, ESD1 and ESD13 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.*

- 4.3. The following planning history is associated with the wider site:

Application: 23/02626/CLUE	Refused	17 November 2023
Certificate of Lawfulness for the Existing Development: Operational development - comprising 25no storage containers - which have been sited on land at Rickfield Farm, Station Road, Milcombe, Oxfordshire, OX15 4RS for longer than 4 years.		
Application: 23/02024/F	Permitted	27 September 2023
Erection of 2no proposed polytunnels and retention of existing hardstanding and bunds (part retrospective)		
Application: 22/00536/F	Permitted	17 June 2022
Variation of Condition 4 (hedgerow management scheme) of 21/03635/F		
Application: 21/03838/F	Refused	28 January 2022
Retrospective - Development of the container storage facility		
Application: 21/03635/F	Approved	31 January 2022
RETROSPECTIVE - Change of Use of agricultural building to B2 General Industrial and B8 Storage and Distribution - re-submission of 21/02648/F		

Application: 21/02648	Refused	7 October 2021
Retrospective - Change of use of agricultural building to B2 General Industrial and B8 Storage and Distribution		

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 **4 January 2024**, 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 scale of 56 storage containers is still significant
- The nature of use has not changed since the previous refusal
- Farming pressures are not exclusive to the applicant, and there are different farms that have used different farming methods to diversify
- No exceptional circumstances presented to justify the proposal
- Would not constitute sustainable development
- Granting permission for more storage containers in geographically unsustainable locations could result in more farms nearby submitting similar proposals
- Detrimental impact to the character of the countryside location
- The use of storage container does not relate to a regenerative agricultural operation
- Diversification has already taken place through the solar farm and change of use of other buildings
- Only agricultural building left on site, and could be considered the loss of the farm holding in its entirety
- More traffic movements, including lorries, to the site as existing beyond what has been described within the application
- Associated traffic relating to the proposal increases the urbanising effect of the change of use and will cause visual intrusion and undue harm
- Proposal would result in damage to adjacent site of biodiversity

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. MILCOMBE PARISH COUNCIL: **no objections.**

CONSULTEES

7.3. CDC DRAINAGE: **No comments or objections** to make.

7.4. CDC ENVIRONMENTAL HEALTH: **No comments** to make on noise, contaminated land, air quality, odour or light.

7.5. OCC HIGHWAY AUTHORITY: **No objections** or conditions suggested.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport and Connections
- ESD1 – Climate Change
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 – Sporadic development
- C28 – Layout, design and external appearance of new development
- ENV1 – Pollution control

8.3. Other Material Planning Considerations

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

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

Principle of Development

9.2. Government guidance contained within the NPPF seeks the promotion of a strong rural economy, through the support of sustainable growth and expansion of all types of business and enterprise in the rural areas and the promotion of the development and diversification of agricultural and other land-based rural businesses.

9.3. Paragraphs 88 and 89 of the NPPF outlines parameters for supporting a prosperous rural economy. Paragraph 88 outlines that *“planning policies and decisions should enable:*

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) The development and diversification of agricultural and other land-based rural businesses;*
- c) Sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) The retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.”*

9.4. Paragraph 89 outlines that *“policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that development is sensitive to surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable...The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*

9.5. Policy SLE1 of the Cherwell Local Plan 2011-2031 (‘CLP 2015’) relates to employment development, defined as B Use Classes, and has a strong urban focus. In the rural areas it states that unless exceptional circumstances are demonstrated, employment development should be located within or on the edge of Category A villages. The applicant points to paragraph 84 and 85 of the NPPF (now paragraphs 88 and 89 in the NPPF published on 20th December 2023) which provides support of sustainable growth of rural businesses and diversification of agricultural and other land based rural business. However, this sits alongside the Local Plan policies which allows for such development where it is adequately justified. The NPPF is not considered to be interpreted as unconditional support for the provision and expansion of rural businesses or farm diversification in geographically unsustainable locations and still needs to be balanced against other objectives such as reducing the need to travel, reducing car dependency and associated carbon reductions. Policy SLE1 and ESD1 which sits alongside this is therefore considered to be consistent with the NPPF and given full weight.

9.6. The closest village to the site is Milcombe, which is a category A village. However, given the site is located approximately 500 metres from the edge of the village it is not considered to be ‘on the edge of the village’ as required by Policy SLE1.

Therefore, in accordance with the wording of Policy SLE1 the proposal would need to demonstrate 'exceptional circumstances' to justify its location.

9.7. In addition to the policy requirement to demonstrate exceptional circumstances, Policy SLE1 goes on to note that new employment proposals within rural areas on non-allocated sites will be considered against a list of criteria. These are also considered to be relevant to the assessment of whether the location has been adequately justified. Below is an assessment of the proposal against the most relevant these criteria:

- *Be outside of the Green Belt* – The proposal meets this criterion
- *Sufficient justification has been provided to demonstrate why the development should be located in a rural area on a non-allocated site* – Limited evidence has been submitted to justify the proposed development, other than stating it would constitute a farm diversification. There is little to justify how the use links to the farming enterprise and it does not appear to have a functional link. Financial pressures are noted, as there are pressures throughout the farming sector which are not exclusive to the current applicant. The financial benefits of the storage would largely amount to a private rather than wider public benefit. From the information provided, other than a financial link the self-storage would not appear to link back to the operation of the farm. It would appear to operate as a totally distinct and separate business and would appear not to represent farm diversification but would simply constitute the creation of a new business in a rural location.

The proposals under 21/03635/F for the conversion of the western building to a mixed B2 and B8 use were considered acceptable on a very fine balance (paragraph 8.21 of the officer report). At paragraph 8.15 of the report the officer highlighted that the scale of non-farming activities on this part of the site could be out of scale with the farming enterprise at this part of the farm holding. The loss of the poultry shed and Dutch barn would reduce the farming activity significantly - to the extent that it would be a minority activity, and would not constitute farm diversification, replacing a significant part of the agricultural activity rather than supporting it.

There is no justification for the need for level of self-storage proposed here, in this location.

Taking matters into account, it is not considered that the use of the site for this scale of storage has been justified and would therefore result in the creation of a new storage facility in a geographically unsustainable location.

- *High quality design, appropriate in scale and respect the character of the villages and surroundings* – The scale of the proposal is discussed further in the above point. The assessment of the impact on the character and appearance is outlined later in the report.
- *No detrimental impact on amenity or highway network* – Outlined below.
- *No suitable available plots or premises within existing nearby employment sites in rural area* – No information has been provided in this regard to justify the rural location.

9.8. Policy SLE1 goes on to note that the Local Plan has an urban focus, and that justification will be required for new sites in rural areas, and this should include applicants demonstrating a need for and benefits of employment development in a

particular location and explaining why the proposed development should not be located at the towns.

- 9.9. The applicant has highlighted paragraphs 84 and 85 of the NPPF (now paragraphs 88 and 89 in the NPPF published on 20th December 2023) support sustainable growth of rural businesses and diversification of agricultural and other land based rural villages. This sits alongside the assessment required to be made from the Cherwell Local Plan, specifically Policy SLE1 as discussed above. The NPPF is not considered to be interpreted as unconditional support for provision and expansion of rural businesses or farm diversification in geographically unsustainable locations and still needs to be balanced against other objectives such as reducing the need to travel, reducing car dependency and associated carbon reductions. Further, the Council do not consider the proposal to constitute farm diversification, as the farm use would be minimal, and therefore the application would be contrary to the NPPF.
- 9.10. The proposal has been reduced from the previous refusal from 70 storage units to 56 storage units. The previous refusal included the adjacent Dutch barn which has been omitted from the application, so the storage containers would be sited solely within the poultry shed. The scale of 56 storage containers is still considered to go beyond what can be reasonably regarded as farm diversification.
- 9.11. The Council consider there has not been sufficient information demonstrated beyond the previous refusal to highlight exceptional circumstances have been met as required by Policy SLE1, or that sufficient justification has been provided for the scale of the development in a rural location. The proposal would create a limited number of jobs through the construction phase of this development, and there is no information detailing what jobs would be created from the use as storage containers facility. It is expected job creation would be limited, as the Design and Access Statement relates a lot to self-storage containers, and would therefore unlikely require significant staff support. Based on the information submitted, it is considered that the proposals are contrary to the advice in Policy ESD1 and SLE1 which has a strong urban focus for B class development. The updated proposal does not resolve the refusal reason of the previous application.

Design, and impact on the character of the area

- 9.12. Policy ESD13 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. It also states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural features, be inconsistent with local character, harm the setting of settlements, or harm the historic value of the landscape. Policy ESD15 states that new development will be expected to complement and enhance the character of its context through sensitive design and siting. Saved Policy C8 seeks to resist sporadic new development in the open countryside. This is considered to be consistent with the NPPF which seeks to ensure that planning decisions recognise the intrinsic character and beauty of the open countryside. Policy SLE1 requires "*High quality design, appropriate in scale and respect the character of the villages and surroundings*".
- 9.13. In line with the previous refusal, the Council consider the poultry shed to be relatively enclosed, so there would be a limited impact on the character of the area from the siting of storage containers within the poultry barn. The change to the character would result in the travel movements to the site increasing as a result of the self-storage use.

Residential amenity

- 9.14. Policy ESD15 of the CLP 2015 requires a good standard of amenity for future and proposed residents. Saved Policy ENV1 seeks to restrict development which would be materially harmful by way of noise or air pollution.
- 9.15. Environmental Health Officers do not consider there to be any harm to odour, light, or noise, and would therefore not impact any neighbours in this respect. There are no neighbours in close proximity to the site, and therefore the Council does not raise any concerns in regard to residential amenity.

Highway safety

- 9.16. The proposed development would utilise the existing access from the main road serving the farmyard. The Local Highway Authority (LHA) has raised no objection, as the proposed increased vehicle trips would be 7 per day, which the LHA considers to be minimal in terms of impact on highway safety. The site is set back from the highway by approximately 500m, and as a result there is minimal risk of parking overspill onto the highway.

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 proposal is considered to conflict with Policies SLE1 and ESD1 and result in the creation of a relatively sizable storage facility in a rural location. While the proposal has been reduced since the previous refusal, the principle of development is not acceptable within the rural area. The proposal is considered to result in environmental harm. There are not considered to be any material considerations, including farm diversification or provision of jobs, which would outweigh this conflict. It is therefore recommended that planning permission be refused.

11. RECOMMENDATION

THAT PERMISSION IS REFUSED, FOR THE FOLLOWING REASON:

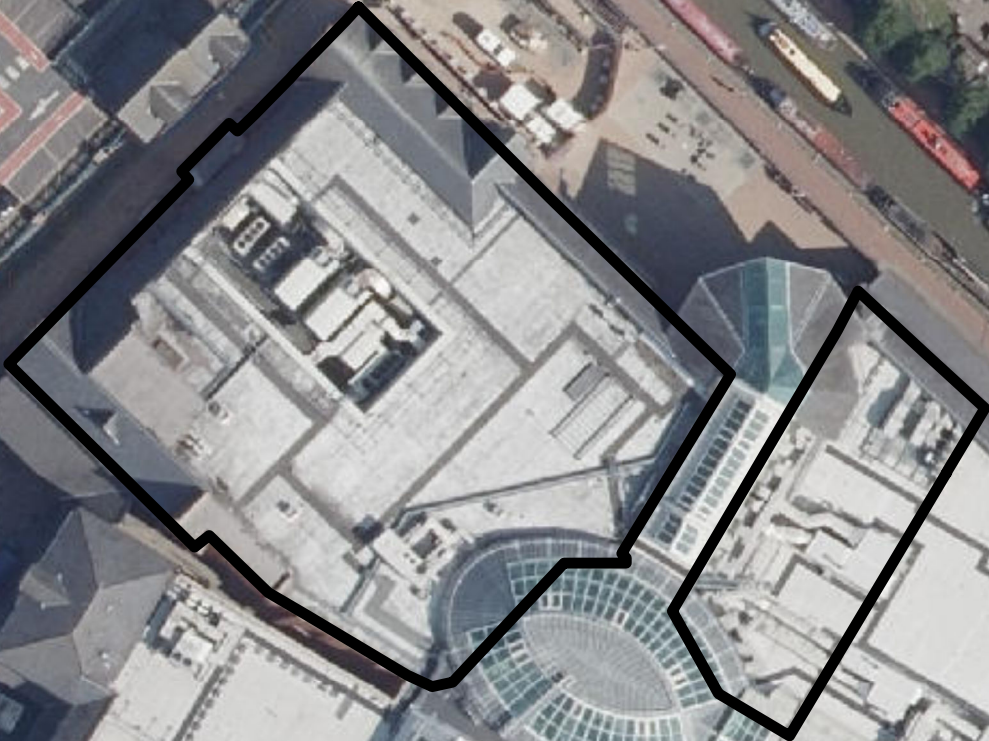
1. The self-storage facility is in a geographically unsustainable location. The scale and nature of the use is considered inappropriate in a rural location and the application fails to demonstrate exceptional circumstances or adequate justification for why the development should be located on an unallocated rural site. The proposed development is therefore contrary to Policies SLE1, ESD1 and ESD13 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

CASE OFFICER: Imogen Hopkin

TEL: 01295 221753

Agenda Item 11
23/03/2023/CDC

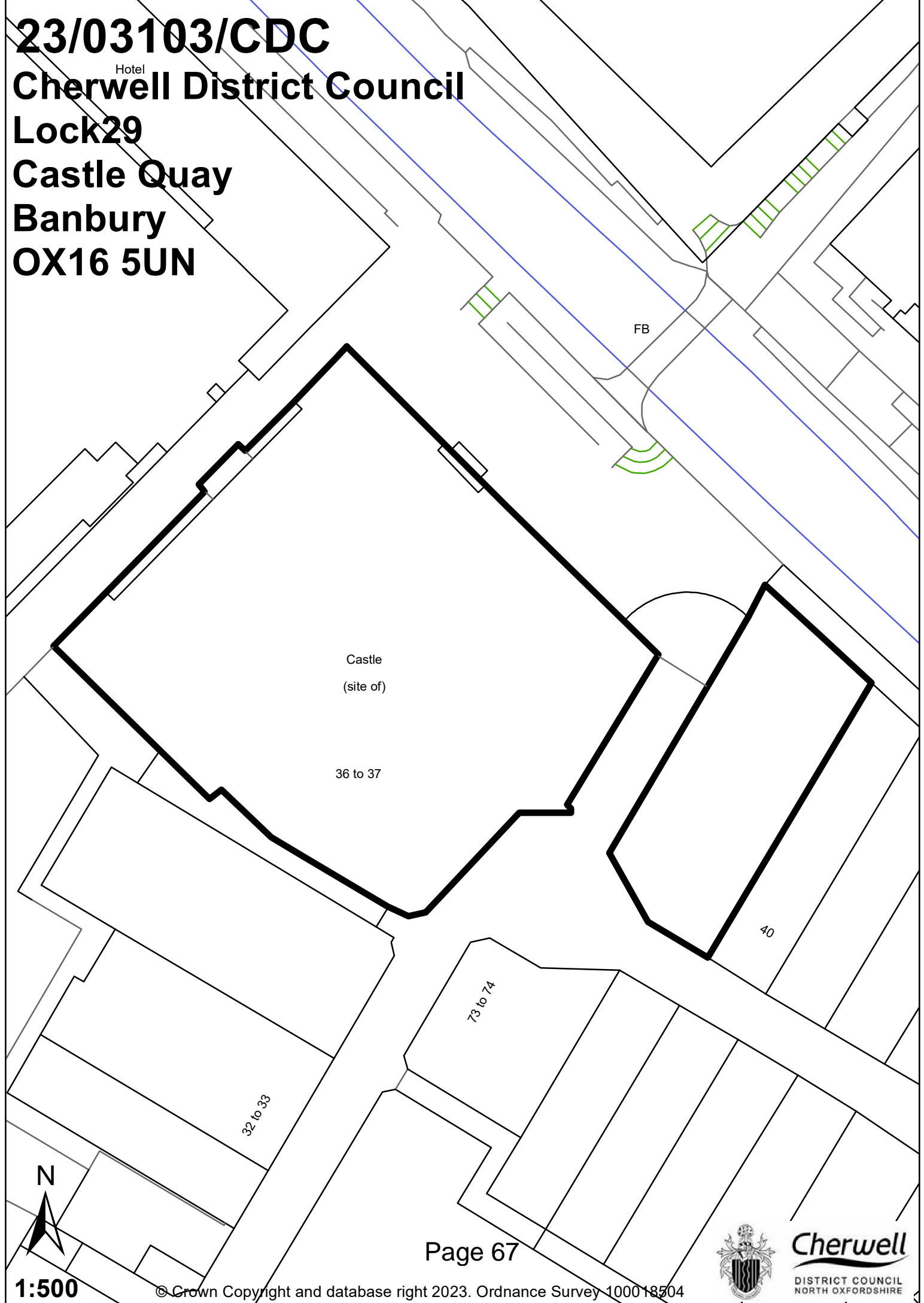
Cherwell District Council
Lock 29
Castle Quay
Banbury
OX16 5UN



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23/03103/CDC

Hotel
Cherwell District Council
Lock 29
Castle Quay
Banbury
OX16 5UN



Castle
(site of)

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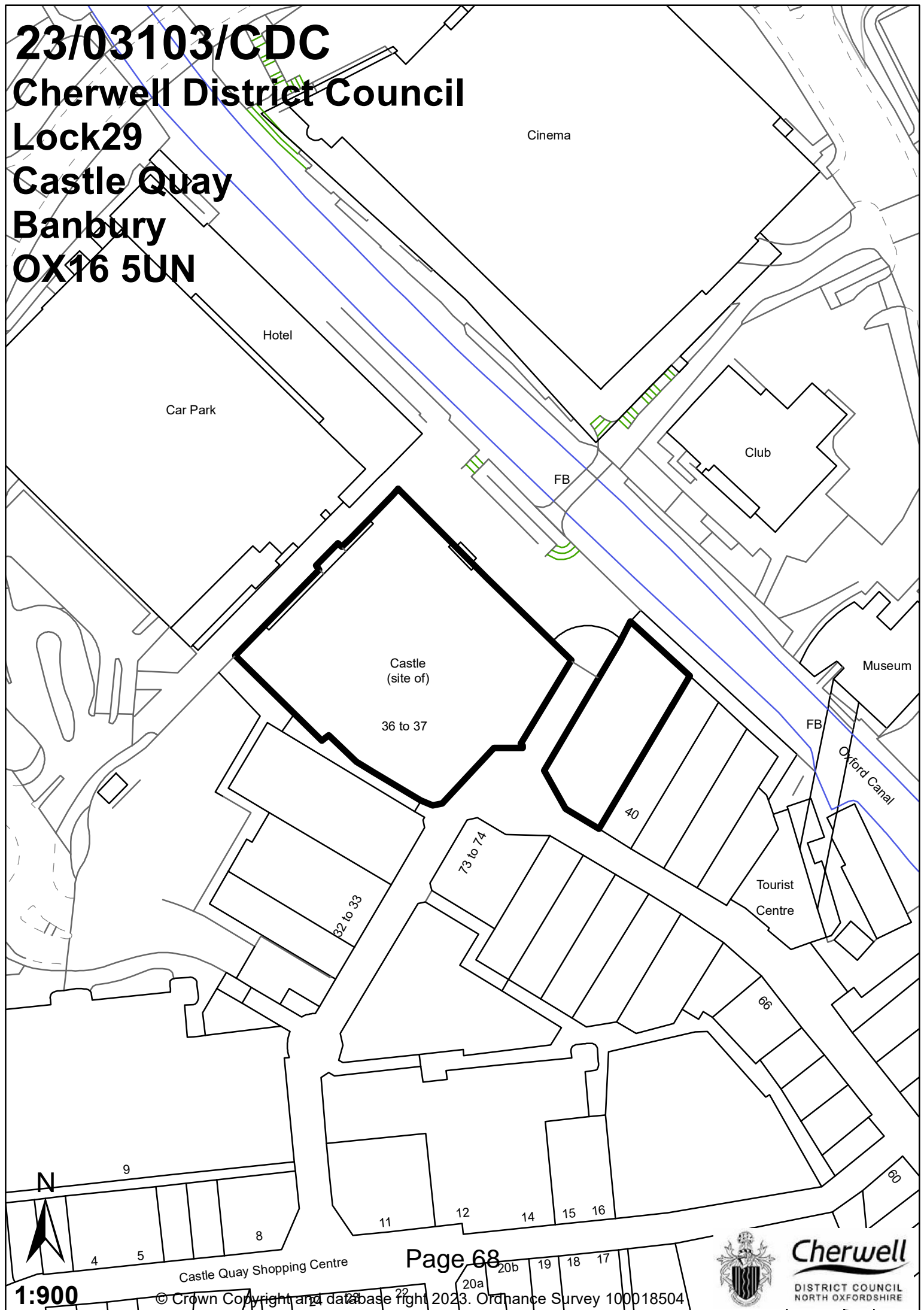
Cherwell District Council

Lock29

Castle Quay

Banbury

OX16 5UN



Case Officer: Lewis Knox

Applicant: Cherwell District Council

Proposal: Insertion of two new window openings

Ward: Banbury Cross And Neithrop

Councillors: Cllr Becky Clarke MBE, Cllr Matt Hodgson, Cllr Dr Chukwudi Okeke

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 16 February 2024

Committee Date: 15 February 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is part of the Castle Quay shopping centre, specifically the first floor Unit formally occupied by British Home Stores, above Lock 29.
- 1.2. The Castle Quay Shopping Centre is located within Banbury Town Centre.

2. CONSTRAINTS

- 2.1. The application site is within the setting of the Oxford Canal Conservation Area and Public Right of Way Ref: 120/103/40 runs adjacent to the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicant seeks planning permission for the insertion of two additional window openings into the north-eastern elevation of the building to match those existing.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify.
- 6.2. The final date for comments was **6th January 2024**, although comments received after this date and before finalising this report have also been taken into account.
- 6.3. 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.

TOWN COUNCIL

- 7.2. BANBURY TOWN COUNCIL: **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 several 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

- 8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Human Rights Act 1998 ("HRA")
- Equalities Act 2010 ("EA")

- 8.4. Council Corporate Priorities

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

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

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

The above corporate priorities are considered 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
- Residential amenity.

Design, and impact on the character of the area

Assessment

- 9.2. The proposed new window openings would be located on the north-eastern side of Castle Quay and would be readily visible from the public domain and within the setting of the Oxford Canal Conservation Area.
- 9.3. Both proposed windows would match the two designs of existing fenestration on the building in terms of size, scale, design and materials and as such would retain the established character and appearance of the building and would not introduce new features or materials detrimental to the setting of the Oxford Canal Conservation Area. As such, they would be compliant with the requirement to preserve or enhance, as stipulated in Development Plan and NPPF policy.
- 9.4. The first floor window proposed to the west of the entrance to Castle Quay would be positioned within a bricked up faux window, which already benefits from a matching sill to the rest of the windows to this side. Given this, it is considered that this is an appropriate position for a new window and respects the linearity of the windows to this elevation.
- 9.5. The proposed smaller window to the east of the entrance to Castle Quay would impact somewhat on the symmetry of the fenestration to this side and would remove the gap between two pairs of windows. Whilst this loss of symmetry would be unfortunate, it is not considered that it would result in significant harm to the overall character of the area, or the setting of the conservation area due to the small scale of the window in the context of the wider shopping centre, particularly as it would be of matching design.
- 9.6. It is noted that the windows to the ground floor below the proposed window do not follow a symmetrical pattern and as such the impact of a loss of symmetry above is not considered to be harmful and would retain the prevailing nature of fenestration on this side of the building.

- 9.7. Overall, it is considered that the proposed insertion of two extra windows to the north-eastern elevation of the shopping centre would not result in significant harm to the character and appearance of the area or the setting of the Oxford Canal Conservation Area. As such, it would accord with Policies ESD15 and of the CLP 2031 and C28 of the CLP 1996 in this respect, as well as the NPPF.

Residential Amenity

Assessment

- 9.8. The site is not located in close proximity to any residential building and as such the insertion of the two windows in this location would not result in any impact on the amenities of the locality and would thus accord with Policy ESD15 of the CLP 2031 in this respect.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and NPPF 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 DEVELOPMENT 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: Drawing No. 7165-GBS-XX-XX-DR-A-100-P01, 7165-GBS-XX-XX-DR-A-101-P01 and 7165-GBS-XX-XX-DR-A-103-P01.

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.

Agenda Item 12

Cherwell District Council

Planning Committee

15 February 2024

Appeals Progress Report

Report of Assistant Director Planning and Development

This report is public.

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the position on planning appeals contained within the report.

2.0 Introduction

- 2.1 This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.

3.0 Report Details

New appeals

3.1 23/00716/F – Fairways, Church Lane, Mollington, Oxon, OX17 1AZ.

First floor side extension with roof dormer. Replacement windows/doors. Entrance canopy. Flue - revised scheme of 23/00716/F.

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representations (HAS)

Application Reference: 23/00716/F

Appeal Reference: 23/00117/REF

Start Date: 19.12.2023.

3.2 23/00379/TEL56 - Area of Grass Verge, Banbury Road Street Works, Banbury Road, Oxon, OX15 0TH.

Proposed 5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Application Number 23/00379/TEL56
Appeal Reference: 23/00116/REF
Start Date: 19.12.2023.

3.3 22/03456/F – Site Located on the South side of Clifton Road, Deddington, OX15 OTP.

Erection of single dwelling with detached garage and all associated works - revised scheme of application 22/01763/F

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Application Number: 22/03456/F
Appeal Reference: 23/00115/REF
Start Date: 19.12.2023.

3.4 23/01667/F – West End Farmhouse, 56 West End, Launton, Bicester, OX26 5DG

Replacement windows and doors.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Application Number: 23/01667/F
Appeal Reference: 24/0001/REF
Start Date: 11.01.2024.

3.5 23/01518/F – Land to the South of Clifton Road, Deddington, OX15 0TP.

Erection of single dwelling with detached garage and all associated works - revised scheme of 22/03456/F.

Officers Recommendations. Refusal (Delegated)
Method of Determination: Written Representations.
Application Number: 23/01518/F
Appeal Reference: 24/00002/REF
Start Date: 16.01.2024.

New Enforcement Appeals

None

Appeals in Progress

3.5 21/04289/OUT - OS Parcel 1570 Adjoining and West of Chilgrove Drive And Adjoining And North of Camp Road, Heyford Park.

Outline planning application for the erection of up to 230 dwellings, creation of new vehicular access from Camp Road and all associated works with all matters reserved apart from Access.

Officers Recommendation: Refusal (Committee)
Method of Determination: Inquiry (5 Day)
Hearing Date: 05/12/2023.
Application Reference: 21/04289/OUT
Appeal Reference: 23/00089/REF
Start Date: 14.08.2023.

3.6 21/00078/ENF – Cherwell Concrete – Bagnalls Haulage Ltd, Bagnalls Coal Yard, Station Road, Enslow, Kidlington, OX5 3AX.

Without planning permission, the material change of use of the land to a concrete batching plant and the erection of associated apparatus including a conveyor, corrugated enclosure, hoppers, and storage tanks.

Officers Recommendation: Enforcement Notice
Method of Determination: Written Representations.
Start Date: 09.02.2023.
Appeal Reference Number: 23/00061/ENF

3.7 21/00078/ENF – Mr & Mrs Murphy – Bagnalls Haulage Ltd, Bagnalls Coal Yard, Station Road, Enslow, Kidlington, OX5 3AX.

Without planning permission, the material change of use of the land to a concrete batching plant and the erection of associated apparatus including a conveyor, corrugated enclosure, hoppers and storage tanks.

Officers Recommendation: Enforcement Notice
Method of Determination: Written Representations.
Start Date: 09.02.2023.
Appeal Reference Number: 23/00060/ENF

3.8 23/00150/CLUE – Unit 22 Beaumont Close, Banbury, Oxon, OX16 1SH.

Certificate of Lawfulness for the Existing Development: Implementation of planning permission 18/01366/F subsequent to 20/00046/DISC. Erection of 10 small commercial units (B2/B8) with associated car parking and landscaping - (resubmission of 22/00193/CLUE)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Start Date: 15.06.2023.
Appeal Reference: 23/00080/REF

3.9 22/02832/TEL56 - Telecommunications Cabinet CWL18723 H3G Network, The

Hale Chesterton.

Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Start Date: 22.06.2023.
Appeals Reference: 23/00085/REF.

3.10 22/02773/F – 4 Manor Road, Fringford Bicester, OX27 8DH.

First floor extension above existing lounge; extension to rear of existing garage to provide utility/workshop space with home-working office above and link to main house. New pedestrian access gate to front. PV panels to new south facing roof. New external boiler, oil tank and rainwater harvesting tank.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Householder Appeal (HAS)
Start Date: 15.06.2023.
Appeal Reference: 23/00076/REF

3.11 22/02866/OUT – Land East of Ploughley Road, Ambrosden.

OUTLINE planning application for up to 120 dwellings, vehicular and pedestrian access off Ploughley Road, new pedestrian access to West Hawthorn Road, surface water drainage, foul water drainage, landscaping, public open space, biodiversity and associated infrastructure. Access off Ploughley Road is not reserved for future consideration.

Officers Recommendation: Refusal (Committee)
Method of Determination: Inquiry (5 Days)
Appeal Reference: 23/00091/REF
Start Date: 22/08/2023.

3.12 23/00867/F – 67 Oxford Road, Banbury, Oxon, OX16 9AJ

Conversion from 10-bed HMO to 12-bed HMO (Sui Generis) (Resubmission of 23/00120/F)

Confirmation of Valid Appeal by PINS. Awaiting Start Letter.

3.13 22/03698/TEL – Area of Grass Verge, Austins Way, Hook Norton.

5G telecoms installation: H3G 15m street pole and additional equipment cabinets.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations.
Start Date: 20.09.2023.

Appeal Reference: 23/00094/REF

3.14 23/00176/F – 1 School Paddock, Bucknell, OX27 7LR.

Variation of Condition 2 (plans) of 21/03977/F - minor alteration to position of the garage, small increase in width, modest increase in ridge height.

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representations.

Start Date: 21.09.2023.

Appeal Reference: 23/00095/REF

3.15 23/00065/OUT – Land North of Ells Lane, Bloxham, Banbury, Oxon.

Outline planning permission for up to 30 dwellings including access off Ells Lane and demolition of the existing stabling on site - All Matters Reserved except for access.

Officers Recommendation: Refusal (Committee)

Method of Determination: 1 Day Hearing.

Start Date: 02.10.2023.

Appeal Reference: 23/00097/REF

Hearing Date: 10.01.2024.

3.16 23/00797/ADV – Land on South West Side of Gatteridge Street, Banbury, OX16 5DH.

Erection of 1no internally illuminated freestanding digital advertisement display.

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representations (CAS)

Start Date: 25.10.2023.

Appeal Reference: 23/00099/REF.

3.17 22/03445/F – The Bungalow, 2 Queen Street, Bloxham, Banbury, OX15 4QQ.

Single storey reduced level extension to existing bungalow, with associated landscaping.

Officers Recommendation: Refused (Committee)

Method of Determination: Written Representations (HAS)

Start Date: 27.10.2023.

Appeal Reference: 23/00100/REF.

3.18 22/02551/F – 15 Farmfield Road, Banbury, Oxon, OX16 9AP.

Demolition of 2 garages and replacement with 2 x 2-bedroom semi-detached dwellings, with access off Beechfield Crescent.

Officers Recommendation: Refused (Delegated)
Method of Determination: Written Representations.
Start Date 31.10.2023.
Appeal Reference: 23/0010/REF.

3.19 21/03522/OUT - Os Parcel 3673 Adjoining And West Of 161 Rutten Lane, Yarnton, OX5 1LT.

The erection of up to 540 dwellings (Class C3), up to 9,000sqm GEA of elderly/extra care residential floorspace (Class C2), a Community Home Work Hub (up to 200sqm)(Class E), alongside the creation of two locally equipped areas for play, one NEAP, up to 1.8 hectares of playing pitches and amenity space for the William Fletcher Primary School, two vehicular access points, green infrastructure, areas of public open space, two community woodland areas, a local nature reserve, footpaths, tree planting, restoration of historic hedgerow, and associated works.

All matters are reserved, save for the principal access points.

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry.
Start Date: 01.11.2023.
Appeal Reference: 23/00102/REF.

3.20 23/00173/OUT – Land South of Green Lane, Chesterton, OX26 1DF.

Outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access)

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry.
Start Date: 02.11.2023.
Appeal Reference Number: 23/00103/REF

3.21 21/00333/ENF – Fairway Cottage, Main Road, Swalcliffe, Banbury, Oxon, OX15 5HB.

Without planning permission, the construction of a timber outbuilding and associated engineering operations, including the raising of land levels and the construction of a retaining wall, as shown edged in blue on the attached plan titled 'Location Plan'.

Officers Recommendation: Enforcement Notice.
Method of Determination: Written Representations.
Start Date: 10.11.2023.
Appeal Reference: 23/00104/ENF

22/03626/F – Land North of Burycroft Road, Book Norton, Banbury.

Erection of a single detached dwelling, associated garage, access and new landscaping.

Officers Recommendation: Refusal (Delegated)

Method of Determination: Hearing (1 Day)

Hearing Date 6th February 2024.

Application Reference: 22/03626/F

Appeal Reference: 23/00106/REF

Start Date: 24.11.2023.

3.22 23/01414/F – 1 Benmead Road, Kidlington, Oxon, OX5 2BZ.

RETROSPECTIVE - Replacement of hedge with fence

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representations (Householder Fast Track)

Application Reference: 23/01414/F

Appeal Reference: 23/00105/REF

Start Date: 22.11.2023.

3.23 23/01634/F – Ashberry Cottage, Duns Tew, Bicester, OX25 6JS.

Front porch with associated internal and external works.

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representations.

Application Reference: 23/01634/F.

Appeal Reference: 23/00109/REF

Start Date: 29.11.2023.

3.24 23/01316/F – Land South of Farady House, Woodway Road, Sibford Ferris, OX15 5RF.

Erection of 5no two storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representations.

Application Reference: 23/01316/F

Appeal Reference: 23/00110/REF

Start Date: 04.12.2023.

3.25 19/02554/DISC – The Unicorn, 20 Market Place, OX16 5JL.

Discharge of Conditions 3 (external materials), 4 (doors/windows/rooflights) and 5 (external staircase) of 16/01661/F.

Officers Recommendation: Refusal (Delegated)

Method of Determination: Written Representations.
Application Reference: 19/02554/DISC
Appeal Reference: 23/00011/REF

3.26 22/03719/OUT – Land at Lince Lane, Kirtlington, OXON, OX5 3JY

Erection of 9 no new Live/ work Units, each with C3 Residential and integral B1 Office - on former Quarry land/more recently agricultural use site - all matters reserved except for access.

Officers Recommendation: Refusal. (Delegated)
Method of Determination: Written Representations.
Application Reference: 22/03719/OUT
Appeal Reference: 23/00112/REF

3.27 23/01952/F – 1 Elizabeth Rise, Banbury, Oxon, OX16 9LZ.

Single and two storey front extensions, first floor side extension and single and two storey rear extensions, removal of chimney on south-west elevation (revised scheme of 22/03323/F and 23/01059/F)

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations (HAS)
Application Number: 23/01952/F
Appeal Reference: 23/00113/REF

3.28 19/02553/DISC – The Unicorn, 20 Market Place, Banbury, OX16 5LJ.

Discharge of Conditions 3 (external materials), 4 (doors/windows/rooflights) and 5 (external staircase) of 16/01661/F.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Written Representations
Application Number: 19/02553/DISC
Appeal Reference: 23/00114/REF

3.29 23/00001/ENF – Ashberry Cottage, Duns Tew, Bicester, OX25 6JS.

Without the benefit of planning permission, the unauthorised erection of a single-storey porch, finished with timber cladding, to the principal elevation of a mid-terrace dwelling attached to a curtilage listed grade II building Owl Barn (Historic England reference 1046304)

Officers Recommendation: Enforcement Notice.
Method of Determination: Written Representation.
Application Reference: 23/00001/ENF.
Appeal Reference: 23/00108/ENF.
Start Date: 28.11.2023.

Forthcoming Public Inquiries and Hearings between 07 January 2024 and 15 February 2024

3.30 23/00065/OUT – Land North of Ells Lane, Bloxham, Banbury, Oxon.

Outline planning permission for up to 30 dwellings including access off Ells Lane and demolition of the existing stabling on site - All Matters Reserved except for access.

Officers Recommendation: Refusal (Committee)
Method of Determination: 1 Day Hearing.
Hearing Date: 10.01.2024.
Start Date: 02.10.2023.
Appeal Reference: 23/00097/REF

3.31 22/03626/F – Land North of Burycroft Road, Book Norton, Banbury.

Erection of a single detached dwelling, associated garage, access and new landscaping.

Officers Recommendation: Refusal (Delegated)
Method of Determination: Hearing (1 Day)
Hearing Date 6th February 2024.
Application Reference: 22/03626/F
Appeal Reference: 23/00106/REF
Start Date: 24.11.2023.

3.32 23/00173/OUT – Land South of Green Lane, Chesterton, OX26 1DF.

Outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access)

Officers Recommendation: Refusal (Committee)
Method of Determination: Public Inquiry.
Inquiry Date: 6th 7th 8th, 9th February 2024.
Inquiry Date: 27th, 28th, 29th, February & 1st March 2024
(Split Hearing Dates)
Start Date: 02.11.2023.
Appeal Reference Number: 23/00103/REF

3.33 21/03522/OUT - Os Parcel 3673 Adjoining And West Of 161 Rutten Lane, Yarnton, OX5 1LT.

The erection of up to 540 dwellings (Class C3), up to 9,000sqm GEA of elderly/extra care residential floorspace (Class C2), a Community Home Work Hub (up to 200sqm)(Class E), alongside the creation of two locally equipped areas for

play, one NEAP, up to 1.8 hectares of playing pitches and amenity space for the William Fletcher Primary School, two vehicular access points, green infrastructure, areas of public open space, two community woodland areas, a local nature reserve, footpaths, tree planting, restoration of historic hedgerow, and associated works.

All matters are reserved, save for the principal access points.

Officers Recommendation: Refusal (Committee)

Method of Determination: Public Inquiry.

Inquiry Date: 13.02.2024.

Start Date: 01.11.2023.

Appeal Reference: 23/00102/REF.

Appeal Results

3.34 22/02104/F - Land to the rear of No 12 and South of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ. The Inspector refused the application for an award of costs.

Appeal Allowed

Method of determination: Hearing

Appeal Reference: 23/00088/REF

The application proposed the erection of 35 two-storey dwelling houses, construction of access off Rye Hill together with garaging, parking, open space with LAP, landscaping and all enabling works

The application was refused by Members in June 2023 following a recommendation of approval by Officers. The Inspector identified the main issues as:

- The scale and location of the proposal relative to the spatial strategy of the development plan
- The effect on the character and appearance of the area
- Whether a deliverable five-year housing land supply exists.

On the spatial strategy of the development plan, the Inspector considered that the 10% increase in the size of the settlement would not be a significant harmful addition given the position of the village in the settlement hierarchy or the level of growth directed to the rural areas. She acknowledged that the proposal would be contrary to Policy Villages 2 of the Local Plan and Saved Policy H18 of the Cherwell Local Plan. However, she concluded on this first issue that the location of the appeal site outside the built-up limits of Milcombe and the conflict with policies would only cause limited harm to the spatial strategy of the development plan.

On character and appearance, she considered that the scheme would cause moderate harm to the character and appearance of the area. It would conflict with the part of the NPPF that recognises the intrinsic character and beauty of the countryside and seeks to ensure that development contributes to and enhances the natural environment. However, she concluded that the severe adverse harm identified in Policy Villages 2 of the Local Plan would be avoided.

On five year housing land supply, she considered that the Council has a 4.82 year housing land supply and so paragraph 11d of the NPPF is engaged. She gave significant weight to the additional supply of housing that would occur, including affordable housing.

Turning to the application for an award of costs, the Inspector concluded that, whilst there was a delay in the Council engaging in the process, the Hearing was able to take place as scheduled. She also concluded that the Council was entitled to reach their planning judgement on matters related to the case. As such, unreasonable behaviour resulting in unnecessary or wasted expense had not been demonstrated.

3.35 22/03802/OUT – Part Of OS Parcel 8752 East Of Combe Cottage And South Of St Johns Way, Hempton Road, Hempton.

Appeal dismissed.

The application sought outline permission for 9 dwellings. The Council refused permission for three reasons, including the position outside the built-up limits of Hempton, the unsustainable location and the loss of greenfield land.

The Inspector agreed that the site is outside the built-up limits of Hempton and considered that the location is not the most sustainable, when considering the practicality of the unlit footpath that connects Hempton to Deddington. The Inspector identified a loss of openness and rural character, as well as a degree of visual intrusion due to the urbanisation of the site.

The appellant did not consider the Council had a 5 year housing land supply, including the calculation of Oxford's unmet need. The Inspector agreed with the Council that there is a 5 year housing land supply, and that Oxford's unmet housing need should not be included within the Council's calculation.

3.36 22/03741/F – Land Adj to Wise Crescent, Opposite The Laurels, Fringford, Oxon, OX27 8DZ.

Appeal allowed.

The application sought permission for 6 dwellings. The Council refused permission 2 reasons, including the position outside the built up limits of Fringford and the visual impact on the rural character and appearance of the locality. Timber cladding was an issue raised within the refusal, although amended plans were submitted with the appeal to remove this element.

The Inspector disagreed, and concluded that the site was within the built up limits of Fringford and therefore complies with Policy Villages 1 of the Cherwell Local Plan 2015. The Inspector did not consider there a detrimental impact to the rural character of Fringford. The Inspector allowed the appeal and allowed an award of costs appeal.

In making their decision, the Inspector did not consider the 5 year housing land supply to be relevant to the determination of the appeal, so no judgement was passed with respect to the housing land supply.

3.37 22/02637/F & 22/02638/LB - Chapel Cottage, Wroxton Lane, Horley, Oxfordshire, Banbury OX15 6BD

Appeal Dismissed.

Appeal A (22/02637/F) and B (22/02638/LB) for a proposed single-storey rear extension, removal of an existing door to create opening and removal of the window and cut down of wall to FFL was dismissed.

The inspector advised that these decisions address both planning and listed building consent appeals for the same site and scheme and has dealt with both appeals together within a single decision.

The inspector states that the National Planning Policy Framework (the Framework) has been updated on 5 September 2023, and the historic environment policies have remained unchanged within the updated version of the Framework which is a material consideration.

The main issues considered by the inspector were whether the proposed works and development would preserve the special interest of the Grade II listed buildings or any features of special architectural or historic interest that they possess, and whether the character or appearance of Horley Conservation Area would be preserved or enhanced.

The inspector confirms that Chapel Cottage is late 17th Century with 20th Century alterations, constructed from squared coursed local ironstone of simple detailing and is a two-unit plan of modest proportions. The front elevation has symmetry to its window pattern and the rear elevation has less ordered openings, with the original circular wood fired bread oven protruding from the kitchen space and is a historical reminder of the traditional artisan trades characteristic of Horley in the 17th Century.

The Inspector advises that despite the later alterations and additions, fenestration pattern and plan form appear to be relatively unaltered. Internally the ground floor retains the simple, traditional two-bay form, the first floor has been altered by way of a bathroom carved out of one room and overall, it retains its simple compact form and linear layout, and the historic two bay range of the listed building is still legible. The inspector considered that the special interest and significance of the Old Chapel is mainly derived from its age, materials, fenestration, historical use, plan form, historic fabric and architectural detailing.

The significance of the adjoining neighbour Old Chapel is mainly experienced from within its curtilage and from Wroxton Lane, Chapel Cottage and the Old Chapel, and their rear elevations and eaves line are contiguous, it is apparent that the buildings are physically attached and may have been functionally linked historically, and as such, the grounds around the Old Chapel and the group value with the appeal building make a positive contribution to its special interest and significance.

The Inspector advises that the proposed extension would divert attention from the dwelling's historic linear plan form and diminish the visual contribution that the bread oven makes to the rear elevation, its shallow pitched roof would be stark in contrast to the appeal building's steep pitched roof and the black framed glazed panels due to their size and position would also contrast with the solid to void ratio of openings to walling and the irregular arrangement of small windows on its rear elevation. The extent of glazing would allow views into the internal space, a large proportion of the external wall and the openings within, would appear as a discordant addition to the relatively unaltered vernacular of the listed building and by dividing up part of the ground floor to facilitate the insertion of the proposed w/c, the legibility of its historic plan form would be further eroded.

The inspector considered that the scheme would harm the character and appearance of the CA although it would be minor in the interest of the CA, it would nevertheless fail to preserve it, in this instance the proposal would have a harmful erosive effect on the special interest and significance of Chapel Cottage and the degree of the harm to the significance of the listed buildings and CA as designated heritage assets would in each case, be less than substantial.

The inspector confirms that there would be some economic and social environmental benefits, but any investments or upgrades the appellant has previously made to the property do not qualify as public benefits that would stem from the proposals, the nature and scale of public benefits at large would be minimal, and clear and convincing justification has not been provided for the identified harm.

The inspector concluded that the weight that is ascribed to the public benefits that would result from the proposal would not be sufficient to outweigh the great weight that is attached to the harm identified and the development and proposed works would have a neutral effect upon their setting, given the limited information submitted by the appellant with regards to extensions to other residential dwellings within the CA and to adjacent listed buildings. In addition the inspector confirmed that she cannot be certain the schemes referred to by the appellant share a direct comparison and gives limited weight to this as a material consideration and the absence of objections received from Historic England or Horley Parish Council is neutral in the overall consideration of the proposals.

3.38 23/00662/F - The Pheasant Pluckers Inn, Burdrop, Banbury, OX15 5RQ

Appeal Dismissed.

The proposal was for a change of use of the existing public house to a C1 (bed and breakfast/hostel/hotel), however, no supporting information was submitted on how the business would be run.

The applicants appealed against non-determination, as it was considered of officer's that the application was not valid. During the appeal process, the appellants, decided to introduce new information about how the site could be used, as this was not included in the application submission, the Planning Inspectorate refused to accept the new information.

In addition, the Planning Inspectorate considered there was not sufficient information to consider the impacts of the proposal, and therefore agreed with the Council that the appeal was invalid and therefore dismissed the appeal.

4.0 Conclusion and Reasons for Recommendations

- 4.1 The report provides the current position on planning appeals which Members are invited to note.

5.0 Consultation

None.

6.0 Alternative Options and Reasons for Rejection

- 6.1 None. This report is submitted for information.

7.0 Implications

Financial and Resource Implications

- 7.1 There are no financial implications arising from this report. The report is for information only. The cost of defending appeals is met from existing budgets other than in extraordinary circumstances.

Comments checked by:
Kimberley Digweed, Service Accountant
kimberley.digweed@cherwell-dc.gov.uk

Legal Implications

- 7.2 As this report is purely for information there are no legal implications arising from it.

Comments checked by:
Shahin Ismail, Interim Monitoring Officer,
shahin.ismail@cherwell-dc.gov.uk

Risk Implications

- 7.3 This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.

Comments checked by:
Celia Prado-Teeling, Performance & Insight Team Leader, 01295 221556
Celia.Prado-Teeling@Cherwell-dc.gov.uk

Equalities and Inclusion Implications

7.4 This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.

Comments checked by:

Celia Prado-Teeling, Performance & Insight Team Leader, 01295 221556

Celia.Prado-Teeling@Cherwell-dc.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

Various, depending on appeal.

Links to Corporate Plan and Policy Framework

N/A

Lead Councillor

Councillor Daniel Sames, Portfolio Holder for Planning and Development

Document Information

Appendix number and title

None

Background papers

None

Report Author and contact details

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