

Bicester Town Council



Planning Committee Meeting

Ref: PL01/2324

**Tuesday 23rd May 2023
at 19:00hrs**

**The Chamber Room, Bicester Town Council, The
Garth, Launton Road, Bicester, Oxon OX26 6PS**

Members:

Cllr Nick Cotter – **Chairman**, Cllr Tom Beckett, Cllr Donna Ford, Cllr Dan Hallett, Cllr Sam Holland, Cllr Damien Maguire, Cllr Rachel Mallows, Cllr Nicholas Mawer, Cllr Rich Oliver, Cllr C Pruden, Cllr Les Sibley, Cllr Jim Webb and Cllr Paul Wheatley

Other Circulation:

Cllr John Broad (CDC), Cllr Sandy Dalimore (CDC), Cllr Simon Lytton (CDC),
Cllr Calum Miller (OCC), Cllr Lynn Pratt (CDC),
Cllr Dan Sames (CDC) and Cllr M Waine (OCC)



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16 May 2023

To all Members of the Planning Committee

You are hereby summoned to attend a meeting of the **Planning Committee** at **The Chamber Room, Bicester Town Council, The Garth, Launton Road, Bicester, Oxon OX26 6PS** on **Tuesday 23rd May 2023** to commence at **19:00hrs** for the transaction of the following business.

Phil Evans
Town Clerk

Agenda

All Council Meetings are open to the public and press, unless otherwise stated.

1. Election of Vice-Chairman

Committee is to **NOMINATE** and **APPROVE** the appointment of Vice Chair.

2. Apologies for Absence

To consider apologies and reasons for absence. Committee members who are unable to attend the meeting should notify Bicester Town Council (enquiries@bicester.gov.uk) prior to the meeting, stating the reason for absence.

3. Declarations of Interest

Councillors are reminded to declare any interests on any item on this Agenda in accordance with Bicester Town Council's Code of Conduct.

3.1 Councillors are reminded to declare any interests on any item on this agenda in accordance with Bicester Town Council's Code of Conduct.

3.2 Declarations of Interest for District & County Councillors District Councillors and County Councillors on this Planning Committee will make their comments and decisions based upon

information available at the time of the Meeting. It is accepted that District and County Councillors may come to different decisions in the light of more information being made available at District or County Planning Meetings.

4. Minutes of the Planning Meeting

To confirm the **MINUTES** and **RESOLUTIONS** of the following Planning meeting:

(Pages 5 - 7)

Tuesday 18th April 2023 – PL12/2223

5. Public Session

In accordance with Standing Orders 1 d-f, members of the public may make representations, ask questions and give evidence in respect of any item of business included in the agenda. Time allocated shall not exceed 10 minutes. No member shall speak for more than 2 minutes.

6. Updates on large developments and associated issues

- North West Bicester
- Graven Hill
- Other business strategic sites

7. Planning applications from Cherwell District Council

Committee is asked to consider and comment on the attached list of applications.

(Pages 8 - 9)

Members are advised that the full planning applications are available for inspection on the Cherwell District Council website.

8. Appeal

Committee is asked to **NOTE** and **COMMENT** on the attached Appeal Decision.

(Pages 10 - 21)

9. Refused Plans

Committee are asked to **NOTE** and **COMMENT** on the attached Refused plan.

(Pages 22 - 25)

10. Appeal Against Non-Determination

Committee is asked to **COMMENT** and **NOTE** on the attached Appeal against Non-determination.

(Pages 26 - 27)

11. Notification of planning decisions from Cherwell District Council

Committee is asked to review the attached planning decisions.

(Page 28)

12. Forward Plan

The Committee is asked to review and comment on the Forward Plan.

(Page 29)

13. Date of Next Meeting

Tuesday 13th June 2023 – PL02/2324

Close of meeting:

Minutes of the Planning Committee

A meeting of the **Planning Committee** was held on **Tuesday 18th April 2023** at **19:30 hrs** at the **The Chamber Room, Bicester Town Council, The Garth, Launton Road, Bicester, Oxon OX26 6PS.**

Present:

Cllr Nicholas Mawer (Chairman)
Cllr Lynn Pratt (Vice-Chairman)
Cllr Sandy Dallimore
Cllr Donna Ford
Cllr Zoe McLernon
Cllr Les Sibley
Cllr Alex Thrupp
Cllr Fraser Webster

In Attendance:

Paul Canning – Service Manager
Julie Trinder – Administrator
Dominic Hilton - Administrator

633/ Apologies for Absence

2223 RESOLVED that apologies of absence were received from Cllr Dan Hallett and Cllr Harry Knight.

634/ Declarations of Interest

2223

635/ Councillors are reminded to declare any interests on any item on this agenda in accordance with Bicester Town Council's Code of Conduct.

2223

RESOLVED that declarations of interest were received from Cllr Nick Mawer regarding planning application number 23/00744/F due his CDC portfolio.

636/ Declarations of Interest for District & County Councillors

2223

RESOLVED that declarations of interest were received Cllr Sandy Dallimore, Cllr Donna Ford, Cllr Nick Mawer. Cllr Lynn Pratt Cllr Les Sibley and Cllr Fraser Webster as District Councillors and Cllr Donna Ford and Cllr Les Sibley as Oxfordshire County Councillor on the Planning Committee will make their comments and decisions based upon information available at the time of the meeting. It is accepted that District and County Councillors may come to different decisions in the light of more information being made available at District or County Planning meetings.

637/ Minutes of the Planning Meeting

2223

RESOLVED that **MINUTES** and **RESOLUTIONS** of the following Planning Committee were **APPROVED**:

PL11/2223 – 7th February 2023

638/ Public Session

2223

RESOLVED that no members of the public were present.

639/ Updates on large developments and associated issues**2223** Nothing to report.**640/ Planning applications from Cherwell District Council****2223** **RESOLVED** that Bicester Town Council commented on the following planning applications:**23/00004/F – 48 Ray Road****RESOLVED** that Bicester Town Council has no objection to this planning application.**23/00548/F – 7 Ray Road****RESOLVED** that Bicester Town Council has no objection to this planning application.**23/00552/F – 26 Chichester Close****RESOLVED** that Bicester Town Council has no objection to this planning application.**23/00574/F – 120 Anniversary Ave East, Ambrosden****RESOLVED** that Bicester Town Council **WELCOME** this planning application.**23/00637/LB – Spratt Endicott Solicitors, The Old Court House, Sheep Street****RESOLVED** that Bicester Town Council has no objection to this planning application.**23/00744/F – 17 Newton Close****RESOLVED** that Bicester Town Council has no objection to this planning application.**23/00752/TCA – The Garth Lodge, Launton Road****RESOLVED** that Bicester Town Council has no comment to make on this planning application.**23/0756/TPO – Street Record, Hunt Close****RESOLVED** that Bicester Town Council has no comment to make on this planning application.**23/0763/LB – 20 Church Street****RESOLVED** that Bicester Town Council has no objection to this planning application.**23/00792/F – 4 Draymans' Croft****RESOLVED** that Bicester Town Council has no objection to this planning application.**641/ Refused Plans****2223** **RESOLVED** that the Refused plans were **NOTED**.**642/ Withdrawn plan****2223** **RESOLVED** that the Withdrawn plan was **NOTED**.**643/ Appeal****2223** **RESOLVED** that the Appeal decision was **NOTED**.**644/ Appeal Against Refusal****2223** **RESOLVED** that the Appeal Against Refusal was **NOTED**.

645/ 2223 Notification of planning decisions from Cherwell District Council
RESOLVED that the planning decision from Cherwell District Council were **REVIEWED**.

646/ 2223 Forward Plan
RESOLVED that the Forward Plan was **REVIEWED**.

Committee asked OCC Councillors if they knew when works on the Banbury Road roundabout were due to commence. Cllr Ford informed the committee that a meeting is to be held w/c 24th April 2023.

Cllr Pratt reported that she had email Jacqui Cox, Infrastructure Locality Lead for OCC for an update on the pathway from the Esso Garage to the Bicester Shopping park.

647/ 2223 Date of Next Meeting
TBC.

Close of meeting: 7.45pm.

New Applications Received Between 12/04/2023 and 16/05/2023

Item No : 6

Ref No : PL01/2324

<u>Application No</u>	<u>Date Recd</u>	<u>Case Officer</u>	<u>Applicant Name</u>	<u>Location</u>
New Application				
23/00908/LB	17/04/2023		Dr David Holdsworth	Old Manor House 16 Kings End Bicester OX26 6DT
Proposal : New Application: Bicester East Ward: To renew a casement window and adjacent direct glazing to the utility room. New casement to open outwards (existing opens inwards) for improved weather protection. The windows were damaged by the fire service as part of extinguishing a fire through the property. Re-instatement of the property has been subject of a previous LBC application				
Observations :				
23/01039/F	09/05/2023		Simon Haigh	My Village Bakery 19 Field Street Bicester OX26 6SH
Proposal : Ward: East Proposal Single storey rear extension and change of use from HMO to two flats				
Observations :				
23/01053/F	27/04/2023		C Fretwell	116 Churchill Road Bicester OX26 4XD
Proposal : Bicester East Proposal: Change of Use from B1 / B8 to B2 for the preparation of cooked foods not for direct sale to the general public				
Observations :				
23/01082/F	27/04/2023		SJC Joinery Ltd	20 Conifer Drive Bicester OX26 3GB
Proposal : Bicester North Proposal: Single storey side extension				
Observations :				
23/01191/F	09/05/2023		Mr & Mrs Bartlett	42 Brashfield Road Bicester OX26 3HE
Proposal : Ward:North Proposal Single storey rear extension				

New Applications Received Between 12/04/2023 and 16/05/2023

Item No : 6

Ref No : PL01/2324

<u>Application No</u>	<u>Date Recd</u>	<u>Case Officer</u>	<u>Applicant Name</u>	<u>Location</u>
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Observations :**23/01213/TPO**

09/05/2023 Iain Osenton

Iain Osenton

Street Record
Vervain Close
Bicester
OX26**Proposal :** Ward: NorthProposal: T1 Oak - Crown reduction of 1.5m to limit impact on adjacent properties - Subject to
TPO 09/1994.**Observations :**

Applications Received :- 6

Appeal Decision

Hearing Held on 18 April 2023

Site visit made on 18 April 2023

by David Troy BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2023

Appeal Ref: APP/C3105/W/22/3309064

Waverley House, Queens Avenue, Bicester OX26 2PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gupta of GG Oxford Investments Ltd against the decision of Cherwell District Council.
 - The application Ref 21/02573/F, dated 26 July 2021, was refused by notice dated 18 July 2022.
 - The development proposed is demolition of existing building and construction of 48no. apartments, together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure.
-

Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Gupta of GG Oxford Investments Ltd against the decision of Cherwell District Council. This application is the subject of a separate Decision.

Procedural Matters

3. Since the original application was determined, the Council in their appeal statement, has provided an update on the Council's latest Housing Land Supply position, showing that they can now demonstrate a five year supply of deliverable housing sites. I will return to this later under the other matters relating to this appeal.
4. A signed and completed Section 106 Agreement was submitted by the appellant. The agreement sets out details of a planning obligation securing a financial contribution towards highway works and I return to this matter later.

Main Issues

5. By the time of the Hearing, agreement had been reached on two of the reasons for refusal relating to drainage (Reasons for Refusal 3) and the absence of a planning obligation to cover a financial contribution towards highway works (Reasons for Refusal 5). Consequently, only three main issues remain for consideration, which are:

- (i) the effect of the proposed development on the character and appearance of the area, having particular regard to the setting of the adjacent Locally Listed Building and the Bicester Conservation Area;
- (ii) whether the demolition and loss of the Locally Listed Building on the site would be acceptable and its impact on the setting of the adjacent Locally Listed Building and the Bicester Conservation Area; and
- (iii) whether the proposed development would make appropriate provision for off-street visitor parking in the interest of highway safety.

Reasons

Character and appearance

6. The appeal site is occupied by a large two storey detached building, previously used as the Bicester Magistrates Court, set within a large landscaped plot. The building, known as Waverley House, is identified as a locally listed building and forms part of a group of four two storey civic buildings located along the western side of the Queens Avenue. These civic red brick buildings have similar style and design features and are set back from the road within large spacious landscaped plots that provide a verdant and spacious character in this part of Bicester. The similarities in particular between Waverley House and the adjacent locally listed building at the Police House is readily appreciated both within and outside the appeal site.
7. The open character and appearance of the street scene is further enhanced by the presence of the mature landscaping and established trees within the roadside grass verges adjacent to the site and in the surrounding area. The natural landscaping within the site and surrounding area makes a positive contribution to the character and appearance of the area and the setting of the Bicester Conservation Area (CA) which is located approximately 65m to the south-west of the appeal site.
8. The immediate area beyond the appeal site and this distinctive group of civic buildings, is surrounded by a mixture of two and three storey residential and commercial properties of varying designs and styles to the north, south and east and a playing field associated with a school to the west of the site. The immediate area is mixed in character and does not have a clearly defined architectural character and palette of materials. The varied architectural character and palette of materials used in the immediate surroundings, including facing brickwork, stone and render is acknowledged in the Council's Appraisal for the CA¹.
9. The proposal would involve the demolition of the existing building and the construction of a three-storey building with 48 no. apartments with associated car parking, bin stores, secure cycle parking and landscaping. The contemporary style building would be set back from the front and side boundaries and set down with a crowned slate tiled roof. The external finish of the building would be constructed with a mixture of stone, cream render and timber cladding.
10. The existing character of the site would change significantly as a result of the demolition of the existing building and redevelopment of the site. A change in

¹ Bicester Conservation Area Appraisal 2011 Pages 35-36

the nature of the site would be an inevitable consequence of this. The Council has not raised concerns in relation to the principle of residential development in this location. Rather, it considers the specifics of the scheme to be inappropriate. The proposed three storey building would have a comparable height to a number of buildings within the immediate vicinity and an additional example would not necessarily be harmful in principle.

11. Variety does not necessarily lead to harm. Whilst the contemporary style design of the proposed building, making a clear distinction between the original building and the new addition, has some merits, the scale and massing of the proposed building would nevertheless be substantial in this location. Although set back from the boundaries and set down at roof level, the overall scale and massing of the proposed building would be significantly larger than the existing building on the site and would be positioned in closer proximity to the front and side boundaries of the site than the existing building. Such positioning would compromise the sense of space and openness and interrupt the established pattern of development in this particular location.
12. These shortcomings would be exacerbated by the proposal's prominent corner position which would be visible from a number of public vantage points along Queens Avenue. The position of the proposed building in close proximity to the boundaries, in particular along the northern boundary overlooking the access along Queens Avenue to the schools and leisure centre at the rear of the site, would be particularly prominent and provide limited opportunity to soften the impact of development through a comprehensive landscaping scheme. The use of contrasting materials contributes to the overall scale of the building, giving it particular prominence in relation to its surroundings.
13. I therefore consider that the proposed development, by virtue of its scale, layout and design, would fail to promote or reinforce the distinctive characteristics of the area and would adversely harm rather than positively contribute to the character and appearance of the area.
14. I have considered the appellant's arguments that the design and layout of the proposed building have been carefully considered in order to provide an innovative design solution to the development of the site and to minimise any impacts on the adjacent properties and the area. However, whilst the use of locally used materials and fenestrations together with the landscaping and the boundary treatment would assist in integrating the proposal with the area, these aspects do not overcome the adverse effects outlined above.
15. Given the location of the appeal site within the setting of the CA, special attention has to be paid to the desirability of preserving or enhancing the character or appearance of the area. Similarly, a balanced approach is required to assess the effect on the setting of the locally listed building at the Police House as a non-designated heritage asset, in accordance with the National Planning Policy Framework (the Framework). I consider that the appeal scheme, by virtue of its scale, layout and design would have a negative material impact and would fail to preserve or enhance the setting of the CA and would harm the setting of the adjacent locally listed building.
16. Given the scale of the development, the harm would be less than substantial but in accordance with paragraph 202 of the National Planning Policy Framework (the Framework), that harm should be weighed against any public benefits to the proposal. I note the appellant's desire is to provide a 1 and 2

bed apartments development to meet the local housing needs, make effective use of the previously developed site and secure its optimum viable use. However, I find insufficient public benefit arising from this proposal to offset the identified harm to which I attach significant weight.

17. Consequently, I conclude that the proposal would have a harmful effect on the character and appearance of the area, including the setting of the adjacent Locally Listed Building at the Police House and the Bicester Conservation Area. It would conflict with Policy ESD15 of the Cherwell Local Plan 2011-2031 (July 2015) and saved Policy C28 of the Cherwell Local Plan 1996 and the Cherwell Residential Design Guide 2018. These policies and guidance seek, amongst other things, to ensure that new development proposals contribute positively to the area's character, complement and enhance the character of its context through sensitive siting, layout and high quality design, are sympathetic to the local character including sensitive areas such as Conservation Areas and ensure that the new development proposals conserve, sustain and enhance designated and non-designated heritage assets and their settings.
18. In addition, it would not accord with the aims of the Framework that seek to ensure that developments are of high quality that are sympathetic to the local character, including the surrounding built environment (paragraph 130), conserve and enhance the significance of designated heritage assets (paragraph 197) and non-designated heritage assets (paragraph 203).

Locally Listed Building

19. The Bicester Conservation Area Appraisal 2011 (BCAA) confirms that the appeal building on the site, Waverley House, is a locally listed building, although there is no assessment or description of the features that make it worthy of being designated as a locally listed building².
20. The Council's appeal statement and appellant's Heritage Assessment indicate that Waverley House was constructed in 1957 as a Council office and later adapted for use as a Magistrates Court that is now closed. The former Magistrates Court formed part of a group of four new Civic buildings along the western side of Queens Avenue, including Waverley House, the Police House, the Fire and Ambulance Station and the former Civic Defence Training Centre. built along the western side of Queens Avenue.
21. The Council outline that the group of Civic buildings are typical of their era, rather than of special significance and not of listable quality. They are considered to of high significance within the local context, having regard to their evidential value, historical, aesthetic and communal value³. By contrast, the appellant considers that, based on the Cherwell local listing guidance, the appeal building only has a small amount of local historic interest in connection with its role and use as part of the recent Civic history of Bicester⁴.
22. At the site visit I was able to appreciate the clearly planned and aesthetically designed appearance of the group of Civic Buildings within their mature landscape setting described by the Council, as well as some of the architectural detailing and red brick materials. The proportions of the red brick front façade

² Bicester Conservation Area Appraisal 2011 Appendix 3

³ Council's Statement of Case (February 2023), Conservation Consultant, Appendix CBC2, pages 22-23

⁴ Heritage Assessment prepared by Cotswold Archaeology (January 2021), paras. 4.12-4.13 and 4.20-4.21

- of the appeal building, with its central main doorway with double panelled doors, canted side buff brick porticos and a rectangular fanlight above, containing decorative scrolled ironwork bearing the name, Waverley House, are particularly noticeable.
23. Throughout the building there is, however, an obvious lack of consistency in the type of windows which replaced the original multi-paned timber sash windows, as detailed in the appellant's Heritage Assessment⁵. The replacement multi-paned UPVC sash window units are particularly unsympathetic, especially where openings have been altered to accommodate a more modern window. I find the overall mix in fenestration harmful to the building's appearance.
24. In addition to this, certain alterations and extensions have had an adverse effect on the character and the appearance of the building. The large single storey pitched roofed extensions on the north, west and south-west elevations of the building, together with the metal external staircase on the south elevation, dominate the external elevations of the building and are unsympathetic when viewed from the front and rear of the site.
25. Whilst I acknowledge that the mature landscape around the building is largely retained and enhances its immediate setting, the alterations and extensions described above, detract from the building's historic interest and affect the ability to appreciate its value in this regard.
26. In the parts of the building I saw internally it was evident that little thought had been given to its historic features and layout when it was sub divided and extended to accommodate additional offices and facilities associated with the former Council office and Magistrates Court. I acknowledge that the building still retains certain internal features of note including the staircase and banister within the main entrance hallway and some timber panelling and joinery. However, the layout of the building has been extensively altered, so much so that it is difficult to appreciate the value of the majority of the remaining original features it contains.
27. With regard to other aspects of its value, at the site visit I was able to appreciate the clearly planned and aesthetic designed appearance of the group of Civic Buildings within their mature landscape setting, as well as some of the architectural detailing. The similarities between the Waverley House and the Police House, in terms of the spacious landscape setting and the overall proportions of the red brick buildings, including central main doorway, window and hipped roof detailing is readily appreciated.
28. However, as a result of the number of unsympathetic external alterations to the buildings, including insertion of UPVC windows, the aesthetic value of the buildings has been reduced within the local context. The cessation of the civic function of Waverley House as Magistrates Court in 2016, has also severed the historic functional link with other remaining civic buildings, including the Police House. As such the historic civic relationship between the buildings and the communal value of the appeal building has been somewhat diminished.
29. In summary on the matter of the significance of Waverley House, I acknowledge the value the Council and the local community place on the building as the former Magistrates Court within the group of Civic buildings in

⁵ Heritage Assessment prepared by Cotswold Archaeology (January 2021), paras. 4.4-4.7

this part of the town. However, the cessation of the civic function of Waverley House, together with the alterations and extensions to the building have all had an adverse effect on its historic interest and the ability to appreciate that interest. Accordingly, I conclude that the significance of Waverley House as a non-designated heritage asset is low.

30. Notwithstanding the above, the proposed development would result in the total loss of the non-designated heritage asset and, therefore, its significance. As I have concluded that the significance of the building is low, the weight to be afforded to the harm resulting from its loss is also low.
31. In addition, due to the separation distance and the intervening mature vegetation and structures between the appeal site and the CA, there is only limited inter-visibility. The existing appeal building currently has a neutral material impact on the significance of the setting of the CA. As such, I consider the demolition and loss of the appeal building in its own right would preserve the setting of the CA.
32. Nevertheless, the harm resulting from the loss of the non-designated heritage asset and its significance needs to be weighed against the proposed development in the appeal scheme. Paragraph 203 of the Framework informs that in cases that affect non-designated heritage assets a balanced judgement is required, having regard to the scale of any harm or loss, and the significance of the heritage asset. With regard to other matters, I have taken into account paragraph 197 of the Framework when considering the balance.
33. In this regard, the Council point to the value of the conversion of the building into 11 apartments as indicated in the viability appraisal⁶ and suggest that the refurbishment of the building would be viable. At the hearing the appellant confirmed that the prospect of a scheme for the site that would retain the building had been explored, including an element of new build within the curtilage of the existing building, and that this would be unviable.
34. The Council suggests that there could be other viable schemes or alternative uses that would allow the building to be retained. However, no such schemes have come forward and I have not been made aware of examples of any possible or probable alternative uses that might be viable. Whilst I acknowledge that the degree to which alternative schemes have been explored in this case is limited, I am conscious of the significant costs of conversion and the abnormal costs that have been highlighted by the appellant, including, for example, those costs associated with the removal of asbestos and poor insulation.
35. In addition, the appellant has indicated that they would apply to demolish the appeal building using the prior approval process, if this appeal is dismissed. Based on the evidence before me and the appellant's discussion during the hearing, there is a reasonably strong likelihood that the appellant would use this fallback position and apply to demolish the appeal building if this appeal is dismissed. Be that as it may, the Council confirmed that no prior approval application has been received to date and as such is a matter to which I can accord only moderate weight in making this decision.

⁶ Council's Statement of Case (February 2023), para. 8.8 and Financial Viability Assessment prepared by RCA regeneration Ltd, para. 7.6

36. Having regard to all of the above, whilst I acknowledge that sustaining and enhancing the significance of this non-designated heritage asset is the preferred outcome, the evidence before me suggests that, on balance, it is unlikely that this can be achieved in this particular case or that there would be a viable use of the building that is consistent with its conservation⁷.
37. This also brings into question the contribution that conservation of this heritage asset could make to sustainable communities⁸. The appeal building is vacant and has been for some time, with little prospect of it being brought back into use through a viable scheme or alternative use. For these reasons it is difficult to conclude that its continued conservation in its current condition would make a positive contribution to support strong, vibrant and healthy communities, which is a social objective of sustainable development⁹.
38. I acknowledge that there is a general presumption in favour of retaining any heritage asset. In most cases, their retention would be in line with the environmental objective of sustainable development. However, the appellant is clear that the only outcome would be that the condition of the building deteriorates further and in the event that this appeal is dismissed they would apply to demolish it through the prior approval process. I can see no reason to dispute this outcome. The evidence before me only indicates that the building is not able to enhance the historic environment going forward, which is an environmental objective of sustainable development¹⁰.
39. Notwithstanding the above, the new apartments as proposed would have a negative adverse impact on the character and appearance of the area, including the setting of the CA for reasons set out above. In addition, the proposed development would be located close to the northern boundary of the site and within the setting of the two storey locally listed building at the Police House to the north of the appeal site. I consider that the proposed development would have a negative material impact on the setting of the adjacent locally listed building at the Police House for reasons set out above.
40. The proposed development would not, therefore, adequately preserve and enhance the setting of the CA and adjacent locally listed building. For this reason, I cannot conclude that the new development would make a positive contribution to local character and distinctiveness¹¹, despite my findings in the paragraphs above. This would weigh against the development proposed in the appeal scheme.
41. In summary on the matter of the balance judgement required in paragraph 203 of the Framework, I acknowledge that there is a general presumption in favour of retaining any heritage asset. However, for the reasons given above, I have attributed a low degree of harm to its loss.
42. Balanced against this I have found that there is little prospect of the existing building being put to a viable use consistent with its conservation. The contribution the building currently makes to a sustainable community is limited. For the reasons already given above, the building is also likely to

⁷ Paragraph. 197a of the Framework

⁸ Paragraph. 197b of the Framework

⁹ Paragraph 8b of the Framework

¹⁰ Paragraph 8c of the Framework

¹¹ Paragraph. 197c of the Framework

further deteriorate in the future and there is a reasonable prospect that the building would be demolished, if this appeal is dismissed.

43. I have identified benefits with regard to the meeting local housing needs, the effective use of a previously developed site and securing its optimum viable use. I am also satisfied due to the options considered for its reuse and conversion and the extent of the appellant's investment in the site so far, that all reasonable steps have been explored and the development would proceed after the loss of the non-designated heritage asset has occurred, in accordance with paragraph 204 of the Framework.
44. In this balancing exercise I have also taken account of the contribution the new development would make to local character and distinctiveness. I have not, however, identified any benefit in this regard in the case of the scheme proposed. Considering this and all other matters above, the balance would not tip in favour of allowing the demolition of the non-designated heritage asset to make way for the development as proposed in the appeal scheme.
45. Consequently, I conclude that the proposal would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 (July 2015) which seeks, amongst other things, to ensure that new development proposals conserve, sustain and enhance designated and non-designated heritage assets and their settings, take into account the scale of any harm or loss and the significance of the heritage asset and ensure new development is sensitively sited and integrated in accordance with the advice in the Framework. In addition, it would not accord with the aims of the Framework that seek to ensure new developments conserve and enhance the significance of designated heritage assets, including making a positive contribution to local character and distinctiveness (paragraph 197) and non-designated heritage assets (paragraph 203).

Parking

46. In terms of parking, the Council's Parking Standards for residential development are set out in the Cherwell Residential Design Guide 2018 (RDG). The RDG states these parking standards should be used for guidance only for larger development and the actual parking levels should be justified through the supporting documentation with the planning application.
47. Based on the advice received from Council, the appellant's Transport Statement referred to a recommended parking requirement of 1.3 spaces per apartment¹². During the hearing, the Council confirmed that this still applied, although indicated that the parking requirement does not specify the number of visitors parking spaces that should be provided as part of the development.
48. During the hearing, the appellant confirmed that these were maximum parking standards and in accordance with the RDG, a lower standard of parking may be acceptable dependent upon the layout and accessibility to services and to other modes of transport in agreement with the Highway Authority. This approach is consistent with the Framework which encourages solutions which reduce congestion and facilitate use of sustainable transport and specifies that local parking standards should take into account the accessibility of a development, type, mix and use of the development, the availability of and opportunities for public transport, and local car ownership¹³.

¹² Transport Statement prepared by Banners Gate Transportation Ltd (July 2021), page 4

¹³ Paragraph 107 of the Framework

49. The proposal would involve the provision of three on-site car parking spaces, including the two parking spaces designated for disabled persons and one parking space for deliveries as part of the car free development on the site.
50. The site would be in a sustainable location. It would be well-related to day-to-day services and facilities in Bicester town centre and is accessible by a range of transport modes and pedestrian, cycling and public transport links, including the train stations in Bicester and a good bus service passes the site along Queens Avenue.
51. The appellant confirmed that the low levels of parking provision and the car free status of the proposed development was justified by the evidence set out in the appellant's Transport Statement, following discussions with the Local Highway Authority (LHA), Oxfordshire County Council. This included the high levels of accessibility to services and facilities from the development, good accessibility to public transport and low levels of car ownership for residents in the apartments in this part of Bicester and the additional measures to support the car free status of the development.
52. The appellant indicated that these additional measures include a Residential Travel Pack that would be circulated amongst the prospective residents of the proposed apartments to encourage reduced reliance on car use and promote sustainable transport. In addition, the appellant confirmed during the hearing that car use by the prospective residents could also be potentially controlled as part of the sale of the proposed apartments and the use of the car park spaces within the site could be controlled through a management company. The appellant stated that visitors would be able to park in the public car parking nearby and on-street parking when restrictions did not apply, and the service vehicles would be able use the parking space for deliveries provided at the front of the site.
53. The appellant also indicated during the hearing that Residential Travel Pack would be amended to identify where visitors to the proposed development would be able to park, including the location and availability of nearby public car parking in the town centre and the park and ride facilities in Bicester. However, there is a degree of uncertainty of how these measures would be implemented and enforced. In the absence of detailed information to inform about how these measures would operate in practice, I can only judge this case based on the evidence provided and my observations from my site visit.
54. The appellant's Transport Statement indicates that the town centre would be located a 450m walk from the appeal site¹⁴. Despite the short distances involved, in my view, it would be unrealistic to expect all visitors to the proposed apartments to rely exclusively on the town centre car parks, public transport and walking and cycling routes to the site. The temptation for some visitors driving to the proposed apartments, particularly those visiting for a short period, to park either on the access road into the site or on-street in the neighbouring streets cannot be discounted.
55. Queens Avenue along the frontage of the site has double yellow lines on both sides of the road and the majority of the roads in the vicinity of the site have parking restrictions. However, no parking restrictions are in place on Queens

¹⁴ Transport Statement prepared by Banners Gate Transportation Ltd (March 2022), page 2

Court, a small cul-de-sac directly opposite the site and on some sections of Kingsclere Road to the south of the site.

56. It was evident from my site visits at different times of the day, that the very limited on-street parking available along Kingsclere Road and Queens Court are in high demand, particularly in the evenings, leading to parking on the pedestrian footpaths and grass verges, where present. No parking surveys or other similar assessment of the level and availability of on-street parking on the nearby streets has been submitted by the appellant to show how the car parking arrangements for the proposed apartments would work in such restricted circumstances.
57. Paragraph 111 of the Framework states that decisions should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts of development on the road network would be severe. In view of the scale of development, it is evident that the residual cumulative impact of the development on the road network would not be severe. However, paragraph 110 of the Framework goes on to state that decisions should also take into account whether safe and suitable access to the site can be achieved for all users.
58. From the evidence provided and from my observations on site, I consider that the proposed parking arrangements are neither safe nor suitable to safely cater for the traffic movements from the proposal. The proposal would be likely to lead to increased competition for scarce spaces, particularly at peak periods, that would be likely to result in increased potential for indiscriminate parking by visitors along the narrow access road into the site and additional displaced parking by visitors on the roads in the immediate vicinity of the site contrary to highway safety in the area.
59. I note the appellant's comments that the LHA raised no highway objections to the proposal, subject to appropriate planning condition and following additional justification and amendments, including the removal of the visitor parking spaces originally proposed as part of the appeal scheme. However, I have assessed not just the numerical provision and measures put forward by the appellant but the local prevailing circumstances, and I consider that their findings would not outweigh the adverse effects of the proposal I have identified above in this case.
60. Consequently, I conclude that the proposal would not make appropriate provision for off-street parking for visitors and would have an unacceptable impact on highway safety in the area. The proposal would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 (July 2015) and saved Policy C28 of the Cherwell Local Plan 1996 which seek, amongst other things, to ensure that new development proposals are designed to deliver high quality safe, attractive, durable and healthy places to live and work in and the standards of layout are sympathetic to the local character. In addition, it would not accord with aims of the Framework, which seeks to ensure that a safe and suitable access to the site can be achieved for all users and that the development proposal would not result in an unacceptable impact on highway safety (paragraphs 110 and 111).

Other Matters

61. A signed and completed Section 106 Agreement was submitted by the appellant setting out details of a planning obligation securing a financial contribution towards highway works. However, in light of my findings on the main issues above, it is not considered necessary to look at the Section 106 Agreement in detail, given that the proposal is unacceptable for other reasons.
62. I have noted the other developments drawn to my attention by the appellant and Council. However, the residential developments in the surrounding area have different development and locational characteristics. Various references have been made to other planning decisions and case law relating to non-designated heritage assets and examples of car free developments elsewhere in Oxfordshire. However, limited information could be provided on the car free development elsewhere during the hearing and how directly comparable they are with the appeal scheme. As a consequence, whilst I have taken these matters into account, each proposal falls to be assessed primarily on its own merits and none dissuade me from the assessments and conclusions based upon the particular circumstances of this appeal.
63. I have considered the appellant's comments regarding the pre-application advice provided by the Council, the on-going dialogue during the application process and the committee report prepared by the Council's planning officers recommending approval for the proposed development. However, the Council Members are not bound by the officer's recommendations and professional advice, in making their final decision and as such are a material consideration to which I can attach only limited weight in making this decision.
64. In relation to the Council's latest housing position, the appellant considers that the development would boost the supply of housing in line with the requirements of the Framework. Whilst this may be so, based on the Council's appeal statement and the discussions at the hearing, the Council is able to demonstrate a five year supply of deliverable housing sites against the development plan requirement. Therefore, based on the evidence before me, the relevant policies for the supply of housing are considered up to date and the tilted balance under Paragraph 11 (d) of the Framework does not apply.
65. I have considered the various benefits put forward by the appellant that the proposal would bring, including the scheme's design, providing additional residential accommodation that contributes to the local housing needs of the area, contributing to the local economy during construction and through increased spending by new residents on local services and facilities, making efficient use of the site in a highly accessible location, the commitment to higher energy efficiency, on-site renewable energy provision, sustainable transport and ecological enhancement measures. However, the adverse harms outlined above would, in my view, outweigh the benefits identified in this case. For all these reasons, there are no other material considerations to outweigh the development plan conflicts identified.
66. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Troy

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sian Griffiths	Director of RCA Regeneration Ltd
Joe Bennett	Principal Planning Consultant, RCA Regeneration Ltd
Nigel Vening	Engineer & Director Banners Gate Transportation Ltd
Nick Clewer	Director of Heritage Consultancy Cotswold Archaeology
Ankush Gupta,	Director of GG Oxford Investments Ltd
Arjun Gupta	Director of GG Oxford Investments Ltd

FOR THE COUNCIL:

Tom Webster	Principal Planning Officer, Cherwell District Council
Wayne Campbell	Principal Planning Officer, Cherwell District Council
Jenny Ballinger	Heritage Consultant

INTERESTED PARTIES:

Les Sibley	Local Councillor
June Kilshaw	Interested Party
Ben MacIntyre	Interested Party
Lawrie Stratford	Interested Party

Application No.: 23/00566/F



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Mr Chilongo
54 Leach Road
Bicester
OX26 2JP

Full Planning Determination

Date Registered: 8th March 2023

Proposal: First floor side and rear extension

Location: 26 Byron Way, Bicester, OX26 2YR

Parish(es): Bicester

REFUSAL OF PERMISSION FOR DEVELOPMENT

Cherwell District Council, as Local Planning Authority, hereby **REFUSES** to grant planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information. **THE REASONS FOR REFUSAL ARE SET OUT IN THE ATTACHED SCHEDULE.**

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford
Assistant Director – Planning and Development

Date of Decision: 3rd May 2023

Checked by: Paul Ihringer

REASONS FOR REFUSAL

1. The proposed development, by virtue of its design and scale, would result in an incongruous form of development that would fail to sympathetically integrate into the built environment or reinforce local distinctiveness. The proposal fails to show any subservience to the existing building and also promotes a terracing effect. The proposal would therefore be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, Cherwell Council has given consideration to whether amendments or additional information would overcome its concerns with the application, but unfortunately it has concluded that it would not be possible to resolve those concerns within the scope and timescales of this application. Cherwell Council has resolved that the application proposals do not amount to sustainable development and consent must accordingly be refused.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

REFUSAL OF PERMISSION

The Local Planning Authority has refused consent for the reasons set out in the schedule forming part of this notice of refusal. A further explanation of the reasons for the decision can be found in the planning officer's report, which can be viewed in Public Access via the council's web site.

If you wish to examine any of the development plans which set out the Local Planning Authority's policies and proposals for the development and use of land in its area, these are available for inspection on our website, or at the District Council offices, Bodicote House, Bodicote, during normal office hours.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse to grant planning permission or grant planning permission subject to conditions, you can appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then;

- For **Householder** applications you must do so within **12 weeks** of the date of the decision
Here: <https://www.gov.uk/appeal-householder-planning-decision>
- For **Minor Commercial** applications you must do so within **12 weeks** of the date of the decision
Here: <https://www.gov.uk/appeal-planning-decision>
- For **all other types** of planning applications, you must do so within **6 Months** of the date of the decision

Unless;

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority's decision on the planning application.
- If an **enforcement notice is served** relating to the same or substantially the same land and development as in your application and if you want to appeal the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision whichever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000. Or online at <https://acp.planninginspectorate.gov.uk>**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses planning permission or approval for the development of land, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Planning and Development

Development Management



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

www.cherwell.gov.uk

Please ask for: **Sarah Gevaux**

Direct Dial:

Email: Submit.appeal@cherwell-dc.gov.uk

Our Ref: **21/01630/OUT**

TOWN AND COUNTRY PLANNING ACT 1990 – Appeal against Non-determination

Appellant's Name: Firethorn Developments Ltd

Proposal: Outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination

Location: Land at North West Bicester, Home Farm, Lower Farm and SGR2, Caversfield

Parish(es): Bicester

Appeal Reference: APP/C3105/W/23/3315849

Appeal Start Date: 16 February 2023

Further to my letter dated 20th February 2023, I am writing to let you know that an Inspector has been appointed by the Secretary of State for Communities and Local Government, under Paragraph 1 (1) of Schedule 6 to the Town and Country Planning Act 1990, to hold an Inquiry into the above appeal.

The Inquiry is expected to last for 6 sitting days, split across two venues (due to shortage of venue availability).

10.00am, 6th – 9th June (4 days) will be held at the Cherwell District Council offices, in the Council Chamber at Bodicote House, Bodicote, Banbury, OX15 4AA.

10.00am, 13th to 16th June (2 days +), at The John Paul II Centre, Webb Court, 12 The Causeway, Bicester, OX26 6AW

The Inspector nominated to hold the Inquiry is R Barrett. BSc (Hons) MSc Dip Hist Cons Dip UD IHBC MRTPI

The Inquiry is to be held as an in-person event and we encourage you to attend and, at the Inspector's discretion, express your views.

Anyone wishing to participate in the Inquiry virtually (online) should contact the Local Planning Authority by email at submit.appeal@cherwell-dc.gov.uk to register their request as soon as possible prior to the event for details of how to do so.

Documents relevant to the appeal can be viewed via the Council's Online Planning Register at <https://planningregister.cherwell.gov.uk/Appeals/Display/23/00062/NON> or the documents can be viewed at the Council's offices by prior arrangement. Proofs of Evidence and the Statement of Common Ground are expected to be available on 9th May 2023.

Members of the public wishing to attend the Inquiry who may be concerned about the facilities available for people with disabilities are asked to contact the Council.

A leaflet offering further guidance is available free of charge by contacting the Council on the above telephone number or online at <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>.

The Case Officer contact at the Planning Inspectorate is: Robert Wordsworth
robert.wordsworth@planninginspectorate.gov.uk, Tel 0303 444 5608

The appeal decision will be published on the Planning Inspectorates website at <https://acp.planninginspectorate.gov.uk/>, once it is issued.

Yours Faithfully,

Sarah Gevaux

Appeals Administrator

NOTIFICATIONS OF PLANNING DECISIONS FROM Cherwell District Council

Minute Ref 9

Tue 23 May 2023

District Ref PL01/2324

' C ' Contrary to District 'CD' Contrary Delegated

' D ' Delegated

' E ' Endorsed by District 'ED' Endorsed Delegated

Page No : 1

GRANTED PLANNING PERMISSIONS

22/03127/F	Approved (With conditions)	Fala Court
23/00111/F	Approved (With conditions)	24 Bernwood Road
23/00224/F	Approved (With conditions)	Shangri La
23/00397/F	Approved (With conditions)	27 Hemingway Drive
23/00426/F	Approved (With conditions)	14 Hamilton Close
23/00473/F	Approved (With conditions)	Whitelands Way
23/00491/F	Approved (With conditions)	39 Osprey Close
23/00548/F	Approved (With conditions)	7 Ray Road
23/00752/TCA	Approved (No Conditions)	The Garth Lodge
23/00756/TPO	Approved (With conditions)	Street Record

REFUSED PLANNING PERMISSIONS

22/03619/F	Refused	Granville Way
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**BICESTER TOWN COUNCIL
PLANNING COMMITTEE FORWARD PLAN**

Tuesday 23rd May 2023

Date/ Item/ Comment

1. London Road level crossing
2. A41 Review
3. Market Square