

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.
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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