

**URGENT BUSINESS AND SUPPLEMENTARY INFORMATION**

**Planning Committee**

**11 June 2009**

Agenda Item Number	Page	Title
15.	(Pages 1 - 3)	Written Update

*If you need any further information about the meeting please contact Alexa Coates, Legal and Democratic Services alexa.coates@cherwell-dc.gov.uk (01295) 221591*

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

12 June 2009

### WRITTEN UPDATES

**Agenda Item 6**      **08/02493/F**      **The Garage High St. Charlton on Otmoor**

1. E-mail received from Ward Member, Cllr Hallchurch, supporting the Parish Council's support for the application. He believes that all efforts should be made to find an acceptable compromise. He indicates that had he been able he would have attended today's meeting and spoken in favour of the applicant.
2. Members will have received direct a lengthy letter from the applicants agent dated 8.6.09.

The HDCMD in replying to paras.24-35 of the above letter wishes to remind Members that residential development is inappropriate development in a Green Belt irrespective of the former/current use of the land and that very special circumstances need to be proven for a scheme to be approved against the presumption of refusal of inappropriate development. Whilst the removal of environmental impacts can be a material consideration in a very special circumstances case, the weight that should be attached to it is limited where there are few if any recorded complaints against the use.

Turning to the assessment against Policy EMP5 of the NSCLP, the policy seeks to give some protection to existing employment sites in recognition of Government objectives to promote "living and working communities" making villages more sustainable. In para 4.81 of the NSCLP it is recognised that there may be occasions where there may be planning benefit in allowing redevelopment for non-employment purposes, for example because of unsuitable highway network, or incompatibility with adjacent residential use. There is little evidence that the site causes substantial harm, and no attempt appears to have been made to market the site for alternative commercial purposes as suggested in the text to the Local Plan.

**Agenda Item 7**      **09/00523/F**      **Garage Block adjacent to 32 Langford Gardens, Bicester**

Amended plans were received from the applicant's agent on the 2<sup>nd</sup> June 2009. The submitted amended plans incorporated the following changes:

- Plot 1 and 2 – The roof of the front gable increased in pitch and the slight resiting of the first floor windows towards the centre of the front elevation of the gable.
- One first floor window sited within the south west elevation, facing Langford Gardens. The window serves a first floor bedroom.

These amendments have improved the external appearance and design of the proposed dwellings which are considered to sit comfortably within the surrounding street scene. The proposed first floor window to the south west elevation will offer surveillance to Langford Gardens improving the security of the area

Letter from the Applicant's Agent raising the following points;

'It is submitted that on the basis of a through and exhaustive search for alternative premises that there are no suitable alternative premises available to meet the specific business needs of JS Auctions. The company has been flexible in its requirements and currently operates from split sites. This has proven not to be viable. From the search it is concluded that there are no suitable premises available either within a Centre or on the edge of an existing centre and of the out of centre premises available none of those currently available are more suitable than the buildings at Cotefield Farm.'

The comments of OCC are noted and it is stated that information was supplied to Mr Chan on the 31st March 2009 and that this demonstrates that the car parking on auction days can be accommodated on site. A plan is provided including the area of hardstanding that exists to the north of the application site. It is also stated that Cotefield Farm is more easily accessible by public transport than many alternative out of centre premises.

With regard to the reference to the Bonhams use at Shipton on Cherwell in the report this is stated to be inaccurate as a car showroom is not an A1 use and planning permission was refused in 2006 (06/00824/F) for furniture sales. It is therefore stated that the Council should be consistent in its decision making and that the sequential approach adopted by JS Auctions has been more extensive and robust than that carried out by Bonhams whose site is also situated in the Green Belt where very special circumstances are required.

It is also stated that the report is misleading regarding the previous appeal and the Inspector 'dismissed the appeal fundamentally on the grounds that she found no evidence of alternative sites being investigated.' JS Auctions business model is different from other auction houses as the vast majority of auctions relate to the sale of goods sourced from household clearance and includes a significantly higher proportion of low value goods. JS Auctions generally sell low value bulky goods. The premises identified are high value properties beyond the companies financial resources. No further information was sought by the case officer.

The applicant's have been flexible to meet the operational requirements of the business and the current split site operation is not viable and the business is now running at a loss. The consolidation of the business on a single site is essential for the business to continue. They do not consider the proposal has a detrimental affect on the vitality and viability of existing centres.

The applicants would be willing to accept a condition limiting the permission to the use applied for, limitation on the number of auctions held and the provision of a travel plan.

243 letters of support have now been received. In addition to the matters already reported they raise the following issues;

- Auctions are always well supported
- Free parking is vitally important if you want people to attend the auctions
- This provides a fantastic form of recycling
- There is a need for the facility in the area
- The temporary occupation of premises in Bicester has demonstrated that in terms of space, parking, delivery, collection, public access and safety that a small town centre is unsuitable.
- The number of days when the public require access is limited
- No residential properties are affected
- The use is tucked away and inconspicuous

**Agenda item 12    09/00629/CDC    Willy Freund Youth Centre, Banbury**

Amended plans have been received which now retain a window and door in the south elevation that were previously shown as being removed. This is not considered to be significant.