

**URGENT BUSINESS AND SUPPLEMENTARY INFORMATION**

**Planning Committee**

**24 February 2011**

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*If you need any further information about the meeting please contact Michael Sands, Legal and Democratic Services michael.sands@cherwell-dc.gov.uk (01295) 221554*

# Agenda Item 19

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

24 February 2011

### WRITTEN UPDATES

**Agenda Item 6** 10/01814/F

**Tuthill Park, Wardington**

- Following the submission of further information in respect to the access arrangements to the site and highway safety concerns, **Oxfordshire County Council** as local highway authority have confirmed that their objection has been withdrawn and that there would not be any significant intensification of the access provided the existing occupiers remain on-site and that any permission be made personal to the businesses operating from the site.
- In respect to the tree matter, a tree survey has been undertaken and with the exception of 2 no. trees, the buildings will fall outside the root protection area. However, the survey undertaken is not a full Arboricultural Survey as requested and whilst the trees are not protected by a TPO or in a Conservation Area; they do offer a good level of screening to the site and should not be unduly harmed. Therefore a tree protection condition is still necessary in this case.
- The applicant is also currently in negotiation with the **Rights of Way Officer at Oxfordshire County Council** to 're-route' a section of the footpath further away from the building and between the 'avenue' of lime trees. Whilst no exact location has been agreed the proposal has received support in principle. Furthermore with respect to the paint store building currently on the existing footpath (as identified by the RoW Officer), this building is to be removed as part of the new building works. The existing footpath will be retained and suitably re-surfaced until such time as the proposed diversion can be agreed and implemented.

Given the above update, the application is therefore **Recommended for APPROVAL** subject to the following conditions:

1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with drawing nos. 4170.100, 101, 102, 103, 104 and 105.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with PPS1: Delivering Sustainable Development and Policy BE1 of the South East Plan 2009.

3. 2.0A - Details of Materials and External Finishes (RC4A)
4. 2.13BB - Demolition of Buildings – (before first occupation) (RC8A)
5. 3.0A - Submit Landscaping Scheme (RC10A)
6. 3.1A - Carry Out Landscaping Scheme and Replacements (RC10A)
7. 3.3AA - Scheme to be submitted to protect retained trees (RC72A)

8. 4.13CD - Parking and Manoeuvring Area Retained (RC13BB)
9. 4.14CC - Cycle Parking (RC66A)
10. 6.13A - Personal Permission

That this permission shall enure for the benefit of Francis Tuthill Limited and Omlet Ltd only and of no other persons/company whatsoever, and shall not enure for the benefit of the land.

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport and also in order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises and in accordance with Policy BE1 of the South East Plan 2009 and Policies C28 and C31 of the adopted Cherwell Local Plan.

11. 7.10A - Commercial, Industry, Warehousing: Hours of Operation (RC49A)

That the operational use of the premises shall be restricted to the following times:-

Monday-Friday - 8.00 a.m. to 6.00 p.m.

Saturday - 8.30 a.m. to 5.00 p.m.

Sunday and Public Holidays - No time.

12. 7.14 - Storage Height (RC50)

That no goods or materials shall be stored at a height greater than 3 metres on the site.

13. 7.15A - No Retail Sales (RC51AA)

That with the exception of ancillary vehicle part sales operated by Francis Tuthill Ltd, no retail sales shall be made to the general public direct by Omlet Ltd, from the site and business premises.

14. That full design and position details of any external lighting shall be submitted to and approved in writing the LPA prior to the commencement of the development. The development shall be carried out in accordance with those details so approved. (RC50)

15. That within 4 months of the development hereby approved being first occupied, all existing external storage containers and the existing paint store building positioned on the north elevation of the existing Francis Tuthill building shall be removed from the site.

Reason: To safeguard the amenities of the area and to sustain a satisfactory overall level of parking provision in the general interests of highway safety, in accordance with Policies C28 and C31 of the adopted Cherwell Local Plan and T4 of the South East Plan 2009 and PPG13 – Transport.

#### Planning Notes

1. T1 Third Party Interests
2. U1 Construction Sites
3. X1 Biodiversity/Protected Species

## SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal is of a design and form that represents economic development within a rural area and small scale redevelopment within an existing acceptable employment site that has no serious impact on highway safety, landscape or residential amenity and significance of the setting of heritage assets or ecology. As such the proposal is in accordance with Policy CC1, CC6, RE3, T4, NRM5, C4, C6, BE5 and BE6 of the South East Plan 2009 and Policies EMP4, C2, C7, C13, C14, C28 and ENV1 of the adopted Cherwell Local Plan and PPS4 – Planning for sustainable Economic Growth, PPS5 - Planning for the Historic Environment, PPS9 - Biodiversity and Geological Conservation, and PPG13 - Transport. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above

### **Agenda Item 7                      10/01816/Hybrid                      Land E of Dorcas Rd, adjoining and S of Overthorpe Rd, Banbury**

#### **1. Additional representations:**

- **Banbury Civic Society:** objects on the following grounds:  
Transport: Application does not leave adequate space that could be used for widening proposed service road at a future date for relief road.  
Need and Use: Believe application to raise value of land rather than deliver development. Reference made to Policy EMP1 of the adopted CLP.  
Are there clear indications that availability of land is frustrating the creation of jobs?  
Appearance and Landscaping: Proposal does not conform with Policy C17 of the adopted CLP.
- **Environment Agency:** following receipt of Ground Investigation Report and Supplementary Surface Water Drainage Design, conditions 1, 2 and 4 that were previously recommended are not now necessary.
- **Oxfordshire County Council:** Clarification of original comments.  
A routing agreement is not being sought.  
The aspiration of a relief road remains, but is relatively unaffected by the proposals.
- **Council's Ecologist:** Following further consideration of the lighting scheme, it is considered to be suitable in terms of ecology

2. Recommendation not now subject to a routing agreement as the County Council does not consider that it is required in this case. Overthorpe is protected by a Traffic Order. A routing agreement would give the village no further protection and would be difficult to enforce.

3. In addition to the above, the applicant has been working to address some of the

recommended conditions and as such various changes to them are set out below:

**Proposed Amended conditions**

1. No change
2. No change
3. No change
4. No change
5. Amend to include revised Design and Access Statement and supplementary information
6. Delete. Landscaping scheme considered to be acceptable for development
7. No change
8. Delete. All matters addressed in plans
9. No change
10. Amend to ensure that condition is linked to the first occupation of each building
11. No change
12. Delete. Lighting scheme considered to be acceptable for development and ecology
13. Delete. All necessary drainage details submitted and satisfy EA
14. Delete. Significant internal extensions are controlled via GPDO Schedule 2 Part 8
15. Amend wording to reflect most recent advice from EA
16. Delete. Following most recent advice from EA
17. Delete. Following most recent advice from EA
18. Delete. No requirement to control use class or restrict B8 use in this case
19. No change
20. Amend to restrict outside storage only (other than in designated areas)
21. Delete. Contamination not present therefore condition not necessary
22. Amend to 'good' no policy background to secure 'very good'
23. Delete. Now incorporated into condition 5.

**Agenda Item 8**

**10/01823/OUT**

**Land S of Overthorpe Rd and W of M40**

**1. Additional representations:**

- **Banbury Civic Society:** objects on the following grounds:  
Transport: Application does not leave adequate space that could be used for widening proposed service road at a future date for relief road.  
Need and Use: Believe application to raise value of land rather than deliver development. Reference made to Policy EMP1 of the adopted CLP.  
Are there clear indications that availability of land is frustrating the creation of jobs?  
Appearance and Landscaping: Proposal does not conform with Policy C17 of the adopted CLP.
- **Oxfordshire County Council:** Clarification of original comments.  
A routeing agreement is not being sought.  
The aspiration of a relief road remains, but is relatively unaffected by the proposals.

## 2. Proposed Changes to conditions:

11. Delete. Significant internal extensions are controlled via GPDO Schedule 2 Part 8
19. Amend to 'good' no policy background to secure 'very good'

**Agenda Item 10**            **10/01856/F**            **Land at rear of The Coach House,  
Queens Ave. Bicester**

- **Bicester Town Council** objects strongly to this proposal. They believe that it represents over-development and is not in keeping with the Conservation Area. They are also worried that parking and vehicular access is inadequate and difficult and they have concerns about the impact on local traffic movements.

**Agenda Item 12**            **10/01879/F**            **Land adj. Radwell Grounds , Hempton**

- Additional comments received from **Deddington Parish Council** in which they recommend that measures are taken to reduce the noise that will result from the dryer between the hours of 11pm and 6am (possibly by turning it off?)

**Agenda Item 14**            **11/00093/F**            **Blue Gates, Banbury Rd. Bicester**

### **Consultation responses**

- Cllr Lynne Pratt ( Bicester Town Council) objects to the proposal, on the basis of overdevelopment of the site and impact on highway safety.
- Cllr Mawer (Ward Member) supports the 'call in' to planning committee and has concerns with regard to garden grab and overdevelopment of the site.
- Head of Building Control and Engineering Services has stated the following: I note from the application that surface water is proposed to be discharged to soakaways. Where a soakaway is serving more than one dwelling it will potentially become adoptable by OCC. Therefore the locations and specifications of any such soakaways are to be to their approval. Furthermore, a commuted sum for the future maintenance of adopted soakaways may become payable to OCC.

### **Representations**

Four additional letters of objection have been received. No additional material planning considerations were raised.