

SUPPLEMENTARY INFORMATION

Planning Committee

19 June 2014

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If you need any further information about the meeting please contact Aaron Hetherington, Democratic and Elections aaron.hetherington@cherwellandsouthnorthants.gov.uk, 01295 227956

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 16 June 2014 at 7.32pm

Present: Councillor Rose Stratford (Chairman)
Councillor Colin Clarke (Vice-Chairman)

Councillor Andrew Beere
Councillor Fred Blackwell
Councillor Michael Gibbard
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Matt Johnstone
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor Nigel Randall
Councillor G A Reynolds
Councillor Barry Richards
Councillor Lawrie Stratford

Apologies for absence: Councillor Trevor Stevens
Councillor Douglas Williamson

1 **Appointment of Chairman for the Municipal Year 2014/15**

Resolved

That Councillor Rose Stratford be appointed Chairman of Planning Committee for the municipal year 2014/15.

2 **Appointment of Vice-Chairman for the Municipal Year 2014/15**

Resolved

That Councillor Colin Clarke be appointed Vice-Chairman of Planning Committee for the municipal year 2014/15.

The meeting ended at 7.34 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

19 June 2014

WRITTEN UPDATES

Agenda Item 7 **13/00847/OUT** **Phase 2 SW Bicester**

- Please find attached as an appendix 2 a revised set of conditions which have been discussed and agreed by the applicants

Agenda Item 8 **13/01873/OUT** **Land N of St.Swithins Church, Merton**

- Amendments to report paragraphs:
Paragraph 1.2 - should read "construction of up to 9 residential units"
Paragraph 5.21 – delete reference to second 'landscape impacts'
Paragraph 5.36 – further sentence to be added "Whilst the most significant of the earthworks would be excluded from any built form, it may however still be possible, given the limited space on the remaining site, that some minor earthworks will be within gardens of proposed dwellings (see location plan on page 72 for extent of archaeology/earthworks); a situation that the Council could not control to prevent occupiers from 'digging their gardens', should this development be allowed in principle".
Paragraph 5.69 – to be reworded as follows: "The proposal conflicts with the adopted Local Plan and notwithstanding the Council's 5 year housing land supply position; this site is not suitable for residential development. It is considered that it represents unsustainable development beyond the built up limits of Merton with no case being made for its consideration as a rural exception site or other essential undertaking. ¹*The houses would cause significant harm to the setting of the Grade I listed building and this must be weighed against any public benefits that the housing would bring for the consideration of the overall planning balance. Moreover, as the listed building is a designated heritage asset, footnote 9 to Paragraph 14 of the Framework indicates that the great weight to be given to their conservation means that the presumption should not apply. The proposal would also conflict with the test in the statute requiring that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The latter is not simply a matter of the usual planning balance, but sets a presumption in favour of preservation which requires greater than normal force for it to be outweighed*".
- **Reason for refusal no. 1 to be reworded** as follows:
"1. Notwithstanding the Council's present inability to demonstrate that it has a 5 year supply of housing land required by Paragraph 47 of the NPPF, the

¹ Paragraphs 27 and 28, Appeal Ref: APP/C3105/A/13/2208385 - Land off Fringford Road, Caversfield, 13/01056/OUT

development of this site cannot be justified on the basis of the land supply shortfall alone. The proposal represents unsustainable development beyond the built up limits of Merton with no case being made for its consideration as a rural exception site or other essential undertaking. As the proposal cannot be justified on the basis of an identified need in an unsustainable location, it represents development which encroaches into the open countryside and causes demonstrable harm to the setting and significance of designated Heritage Asset, the Grade I listed St. Swithun's Church contrary to Paragraph 14 of the NPPF and also the enjoyment of the footpath that runs across the site by the public. It also fails to maintain the rural character and appearance of the area and to conserve, enhance and respect the environment and historic settlement pattern by introducing an incongruous, prominent, urbanising and discordant built form of development into this rural setting, injurious to its character and appearance and would also risk further harm to the character of this area which could arise from the precedent that may set. The application is, therefore, contrary to Policies H18, C7, C8, C27 and C30 of the adopted Cherwell Local Plan, Policies ESD13 & ESD16 and Villages 1 of the Submission Local Plan January 2014 and Government guidance contained in the National Planning Policy Framework".

Following a further period of consultation on an amended illustrative layout: the following comments have been received:

- **Merton Parish Council** wish to make an objection on the following planning reasons: Ecology: Architectural heritage. Access: the double road is misleading; the access is narrow; and access onto the main road is not good. Merton is a category 2 village: The proposed dwellings proposes residential development beyond the built up limits of the settlement constituting backland development failing to respect the established linear settlement pattern of the village (policies H14 and C27 of the adopted Cherwell Local Plan)

Following the recent elections in May, a new Parish Council was elected in Merton. We unanimously agreed on the 10 June 2014 not to support this application on planning grounds. We consider that the application does not meet CDC's own planning criteria to build on land other than infill sites, Moreover, we do not believe that adequate archaeological appraisal have been conducted satisfactorily.

We also believe that the development is prone to flooding in the Winter and Spring and that not enough thought has been given to how this will be dealt with, this is of course in addition to how sewage can reasonably be pumped from the development and where any pumping system is indicated on the plans and how this will affect others in the vicinity. Likewise, there are no impact appraisals on how any additional water supplies on the development will affect the village which already does have quite low water pressure.

We also believe that the developer does not own all the land on the exit to Main Street and that this constitutes a real hazard as cars exist the proposed development into a blind area to the right of the exit where the occupier of 4 Manor Farm Close owns the land.

The plans do not also cater for a two lane road with pavements into the development from Main Street and this poses a potential danger to pedestrians on what would be a very narrow road with limited pavements into the

² Paragraph 19 Appeal Ref: APP/C3105/A/13/2206998 - Ambrosden Court, Merton Road, Ambrosden, Bicester OX25 2LZ – 13/00621/OUT

development.

Overall, the design principles are not in keeping with character of the environment in which they are situated and we would argue that the proposed development has significantly failed to address good planning principles and should be refused at this time.

As an aside, the Parish Council in Merton is going to have a series of open meetings to discuss the wider housing strategy in the village and how development can be managed, the mix of development and the mix of developers, whether social or private; something that was denied to parishioners by the previous Parish Council. We would hope that this will then provide a proper framework for development in the future and one that meets the needs of all income groups in the village and where different forms of housing can provide a good blueprint for the future.

- **English Heritage** – In addition to the comments previously made, the amended plans indicate that the proposed dwellings will not have an impact upon the key elements of the adjoining earthworks, and so their contribution to the significance of the church has been retained. In our view, the harm to the asset has been significantly reduced
- **Oxfordshire County Council (Archaeology)** - The submitted information does not change our earlier recommendations as set out in our letter of 12th February 2014
- **Oxfordshire County Council (Highways)** - I have reviewed the amended plan for the above planning application and have no further comment to make. All other comments, recommendations and informatives remain as my memo of 20 February 2014.

Agenda Item 9 14/00080/F North Oxon. Ac. Drayton Road, Banbury

- In responding to the related application for a synthetic sports pitch and floodlights Sport England have commented

Sport England is aware that an application (14/00080/F) for planning permission for a single-storey pre-school building on another part of the school playing field is due to be considered by the Council's Planning Thursday, 19 June 2014. Paragraphs 5.4 to 5.10 of the Committee report consider the loss of playing field land. Paragraphs 5.7 and 5.10 refer to the proposed 3G artificial grass pitch as a "replacement" facility. Strictly speaking, neither application proposes replacement of playing field land that would be lost to development. For the avoidance of doubt, Sport England's policy does not allow for a reduction in the area of a playing field with retention of the same number of pitches. This is intensification. It is not to be interpreted as replacement because the area of the playing field is reduced.

However, the proposed 3G artificial grass pitch and floodlights does have the potential to mitigate the loss of the area of the playing field on which the pre-school building would be erected. Paragraph 5.8 of the report is therefore correct to indicate that the proposed developments taken together have the potential to fulfil the circumstances described in exception E5 of Sport England's playing fields policy.

First, there needs to be a resolution to approve both applications, subject to appropriate conditions. Second, there needs to be a formal mechanism to link the applications and ensure that the artificial grass pitch is provided within an appropriate time period. Once these are in place, Sport England would be in a position to withdraw its objection to the application numbered 14/00080/F.

Agenda Item 11 14/00250/F – Land North of Milton Road Adderbury

1. Two Additional neighbour objections:

- The Adderbury Plan questionnaire revealed that this is the least popular site for new housing in the village compared to alternative sites nearer the centre.
- Loss of field of poppies
- Loss of habitat for owls, bats, hares and skylarks
- Loss of last rural entrance to the village within an Area of High Landscape Value
- Remote from services in Adderbury so future residents will be forced to use their cars and will probably find that the services offered at Bloxham or Deddington are preferable so will travel further still.
- Traffic through the historic core
- Local roads are unsafe with conflicting users (cyclists, horse-riders, school children) and there have been accidents
- Erosion of attractiveness of this entrance to the village
- Basic house types
- Adderbury has already accepted an excessive amount of new housing
- There is a 5 year housing land supply

Officer response:

The fact that this is the least popular site from a resident's perspective does not, in itself, make this site unacceptable. Conversely the Adderbury Court scheme (in the preferred part of Adderbury) is not acceptable – see Item 12. Loss of habitats, landscape impact and historic context are all addressed in the report. Issues of sustainability, traffic through the village, highway safety, landscape harm, design and general suitability of the site are all addressed in the report. There is no evidence to show that CDC has a 5 year housing land supply.

2. Landscape Officer

Landscape Services have now agreed to the detailed drawings referred to in condition 24.

Officer Response

Remove point d) in the recommendation

Agenda Item 12 14/00351/F Land N of Adderbury Court

- Revised paragraph 5.39 of the committee report – “In a recent case in Ambrosden, which whilst it was similar in terms of being outside the village, it did not have public rights of way adjacent to the site, the Inspector found that ²*“the development of this site through the loss of its open nature would cause a moderate amount of harm to the character and appearance of the countryside, and to that extent some local landscape harm. This harm would not be*

overcome by the site only being readily visible in views from the west along Merton Road, or the potential for an attractively designed development. The urbanisation of this land would be contrary to policy C7 of the Local Plan". It is considered that, as a matter of principle, the development of this site for a housing scheme would have a harmful impact on an important part of the open countryside on the edge of the village and would cause harm to its setting and the rural character of the landscape. The proposal is considered, therefore, to be contrary to saved Policies C7 and C13 of the adopted Local Plan".

Revised paragraph 5.72 of the committee report – "The proposal conflicts with the adopted Local Plan and notwithstanding the Council's 5 year housing land supply position, this site is not suitable for residential development. It is considered that it represents unsustainable development beyond the built up limits of Adderbury with no case being made for its consideration as a rural exception site or other essential undertaking. On that basis it is considered that the proposal is not acceptable and in accordance with Paragraph 14 of the Framework, the adverse impacts of the development significantly and demonstrably outweigh the benefits that the housing would bring, having regard to what the Framework says about the importance of conserving and enhancing the natural, built and historic environment and delivering a wide choice of high quality designed homes. Therefore, in this regard the proposal would not constitute sustainable development and, consequently, the presumption in favour does not apply".

- **Revised reason for refusals nos. 1 and 2.**

1. Notwithstanding the Council's present inability to demonstrate that it has a 5 year supply of housing land required by Paragraph 47 of the NPPF, the development of this site cannot be justified on the basis of the land supply shortfall alone. The proposal represents unsustainable development beyond the built up limits of Adderbury with no case being made for its consideration as a rural exception site or other essential undertaking. As the proposal cannot be justified on the basis of an identified need in an unsustainable location, it represents development which encroaches into the open countryside which fails to maintain the landscape's rural character and appearance and which fails to conserve and enhance the environment and furthermore fails to meet the Council's objectives to meet housing need in a way that is in line with the spatial vision for the area. The application is, therefore, contrary to Policies H18, C7 and C8 of the adopted Cherwell Local Plan and Policies ESD13 & ESD16 and Villages 1 of the Submission Local Plan January 2014 and Government guidance contained in the National Planning Policy Framework.

2. The site forms part of an Area of High Landscape Value and is prominently located adjacent to public rights of way. It is considered that the development of this site for a housing scheme would have a harmful impact on an important part of the open countryside and would cause harm to the rural landscape setting of the village and would reduce the amenity value afforded from the existing Rights of Way. The proposal is considered, therefore, to be contrary to saved Policies C7 and C13 of the adopted Local Plan and Policies ESD13, ESD15, ESD16 and ESD18 of the Submission Local Plan January 2014 and Government guidance contained within the National Planning Policy Framework 2012.

- Councillor Randall - I strongly support the Parish Council in objecting to this application. This is a resubmission of previously rejected applications with no significant improvement to the poor layout and design submitted last time in that it still does not meet saved CDC policies: C7 Harm to topography and character

of landscape; C8 Development in the open countryside; C9 beyond existing and planned limits of Banbury; C13 Area of high landscape value, and H18 New dwellings in the countryside. The community expect any development in Adderbury to cherish, protect and enhance the appearance & character of the village. We further expect any development to meet exemplary design and building standards that fully integrates with the existing settlement. If this application is approved we would ask that conditions be attached to ensure that appropriate materials are used which preserve and match the fabric of buildings in the backdrop to this position overlooking old ironstone village buildings. This application is premature to the Adderbury Neighbourhood Plan being completed and, as such, has not been embraced by the community ahead of a comprehensive village housing strategy that is endorsed by residents. This means that the developers have not been able to engage the community in making their plans and, subsequently, brings no community amenity or benefit to the village. The site is currently open countryside that is farmed and which lies beyond the built up limits of the village. This should be considered as bringing demonstrable harm to the current character and landscape of this part of the village.

Agenda Item 13 -14/00403/F – Franklin’s Yard, Bicester

1. English Heritage

A letter has been submitted as an email attachment dated 18th June 2014 and EH highlight that they still recommend that this application is refused as contrary to paragraphs 64 and 134 of the NPPF. It is noted that the adjacent retail and car parking site has been address as discussed at the meeting held between EH and the applicants (and attended by the case officer) on the 5 June 2014. Reference is also made to the SPG in which Franklins Yard is identified as a place for a landmark building (as asserted by the agent at the meeting). This document very clearly states that the landmark building "should reflect the streetscape of the historic core in its massing, exhibiting a subtle series of deflected views and intermediate focal points." The document also discusses the scale of any landmark building asserting that it would be 8-9m (it was originally conceived as a cinema) which would equate to a three storey vernacular building. These points have been discussed in EH's advice to the Council and EH hope that they are helpful in providing greater clarity on why they still consider this application should be refused.

2. Additional neighbour objection:

- It is not sustainable, why? Travelodge are trying to get rid of 49 hotels. They are also seeking to write off over £300 million. They do not seem to be a very sustainable company.
- The structure is very ugly and looks like two different buildings cobbled together. Even the councils own experts say it should be redesigned
- We don't want something as ugly as the Pioneer centre car park!
- There is next to no greenery, even the councils own experts make this comment
- There is no car parking for the hotel
- The traffic report does not include the effect of closing the London Road level crossing for 24 minutes each hour.
- This is an invasion of privacy in residential gardens and bedrooms

- There is no kiss and ride area
- There is already plenty of empty retail space in Bicester.
- There is already adequate hotel provision in this area
- I urge you to reject this carbuncle

Officer response:

Matters of sustainability and need for the development, traffic and parking, design, neighbour impact and landscape are covered in the report.

Agenda Item 14

14/00426/F

The Stables, College Farm, Wendlebury

- **Additional condition**

11. Prior to the commencement of the development hereby approved, the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Agenda Item 17

14/00463/CDC

The Bell Inn, High Street, Hook Norton

- **Late representation**

A letter has been received from the applicant's agent (Neil Warner, JPPC), attached as appendix 1 to this written update.

- Officers would comment on its content, following the headings as set out in the letter for ease of reference as follows;

Use

The agent states that the report fails to mention the physical alterations to the building that have taken place and that this fact is important as to whether there has been a material change of use from A4.

The committee report refers to physical alterations that have occurred in several places (paragraphs 1.2, 5.3 and 5.16 refer), accepting that it does not explain the specific alterations as set out in Mr Warner's letter.

In any case, Officers do not consider that the physical alterations that have occurred

dictate on their own the change of use of the premises to A2. The removal of the bar, cellar and other paraphernalia associated with the pub use does not render the lawful use as a public house extinct (or abandoned) and is not on its own determinative that there has been a genuine material change of use to A2. All uses have periods of inactivity, such as weekends, holiday periods, lease changes etc. Accordingly, there will be cases where it becomes a matter of judgement whether the "break" can be said to represent a permanent cessation of the use, and thus loss of continuity, or something less in which the site or premises can properly be described as remaining in use throughout.

As observed by the judge in *Panton and Farmer v Secretary of State for the Environment* (1998), a use may decline, become inactive and lie dormant but can still exist in the sense that it has not been abandoned.

The report clearly sets out what Officers consider the lawful use of the premises to be in paragraph 5.18 (A4).

Non use for A4

The agents assert that if the use of the building for A2 is not accepted, that the lawful use cannot be A4 as it has been abandoned. The agents consider that the site would therefore have a 'nil' use.

Officers do not consider that the use of the pub has been abandoned. As mentioned above, the use can simply be regarded as dormant and still exist in the sense that it has not been abandoned.

Village services

The agent states that the committee report fails to explain the harm that would occur as a result of the loss of The Bell, given the existence of other pubs in the village. As a response to this point, I refer Members to a fairly recent appeal decision in relation to the Bishops Blaize (12/00678/F refers), where the Inspector commented on this point specifically (paragraphs 17 -19 inclusive refer);

...policy S29 explicitly refers to proposals that will involve the loss of existing village services, not the complete loss. The explanatory paragraph refers to the loss of these facilities being resisted wherever possible. That is not consistent with the policy being limited to situations where the loss of the facility would mean that the local community would not be able to meet its basic needs at all, such as where the only public house in a village closes. It is clear on the face of the policy that it would bite in situations where there are, for example, several public houses in a village and one is proposed to be lost. If the change of use of the Bishop Blaize were to be approved, it would result in the permanent loss of a village service meeting the basic needs of the local community. The change of use would thus conflict with policy S29.

Policy S29 is consistent with the advice in paragraph 28 of the National Planning Policy Framework ("the Framework") which in particular requires local plans to promote the retention and development of local services and community facilities in villages, such as (inter alia) public houses. The policy is also consistent with the advice in paragraph 70 of the Framework, which requires planning policies and decisions to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. There is nothing in the Framework to suggest that either of these paragraphs only applies where there is only one such facility in a village. Applying the advice in Annex 1 of the Framework, I therefore attach substantial weight to policy S29, despite

its age.

The Framework goes further than policy S29, in seeking to protect valued facilities and services. In this case the evidence (and the large number of third party representations, from a wide range of local residents and including both parish councils, which are overwhelmingly in favour of the Bishop Blaize being retained as a public house) all points to the importance of the Bishop Blaize as a facility which provided food, drink and a community meeting place. Representations referred to the Bishop Blaize being at the heart of village life. There is very strong evidence from the community of a wish to see the Bishop Blaize retained as a public house, despite the length of time that it has been closed. My conclusion is that the Bishop Blaize provided a much valued facility and service, and that its closure has reduced the ability of the local community to meet its day-to-day needs. The Framework therefore requires that its unnecessary loss should be guarded against.

There are stark similarities between this case and the Bishops Blaize, not least in relation to the overwhelming desire in the village to retain The Bell as a public house. In any case, it is clear that the Framework and Policy S29 of the ACLP seeks to prevent the loss of existing village services, irrespective of the existence of other village services in the community.

Housing Land Supply

At the time of writing the committee report, the Council was able to demonstrate a five year supply of housing land. Since the publication of the report, the Council has updated its position and is no longer able to demonstrate a 5 year supply of housing land.

However, in relation to this case, I consider that the contribution made by the proposal towards the housing shortfall in the District would be negligible, and the effect of the development on the undersupply would be so marginal as to not outweigh the harm by way of loss of an important, valued local facility.

In this case the Framework does not support development that would result in adverse impacts which would significantly and demonstrably outweigh the benefits.

Agenda Item 18 14/00549/F – Bacon Farm, Whichford Rd. Hook Norton _

- Four additional letters received since the writing of the report. No new material issues were raised.
- Further comments received from the Highway Authority:

The proposal seeks the demolition of the existing building and the construction of a replacement dwelling which will result in no overall increase into the number of dwellings on site.

The access is an existing access which is already in use. The proposal is unlikely to result in a significant increase so as to justify a recommendation for refusal.

Agenda Item 22 Land S Main St. Duns Tew

- 2 letters of support received
- 5 letters (4 responding to amended plans) objecting to the proposal. No new issues raised
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Appendix 1

JPPC ref: nw/5133

Laura Bailey
Planning Officer
Cherwell District Council

By Email

16th June 2014

Dear Laura

Application 14/00463/F
The Bell Inn, High Street, Hook Norton

I am writing further to the report to Committee in respect of the above application. Whilst I have not received notification from the Council of the proposed meeting, I do have the following comments to make.

It is my view that the item should be removed from the Committee Agenda this Thursday 19th June as there are significant matters which are not addressed and which cannot adequately be dealt with by way of an update.

I have set out as briefly as I can below the areas which I consider need attention.

Should the current application proceed and planning permission be refused, my client's only apparent option then is the appeal procedure. Given that there are matters of fact to be tested and legal submissions necessary I cannot see such an appeal progressing other than by way of a Public Inquiry. Given that I am identifying the shortcomings in the report to Committee now, any such appeal would have to be the subject of an application for a full award of costs by the appellant, should these not be satisfactorily addressed.

Use

Paragraph 5.9 of your report identifies that development has two strands. You consider below how the building was "used" (period) and conclude at 5.16 that the level of the use was low during that time and as such no change of use occurred.

The John Phillips Planning Consultancy
Partners:
Nik Lyzba MRTPI Ltd
Adrian Gould MRTPI Ltd



No part of your report however considers the physical changes that have been made to the building in order to assess whether development has occurred. It is very relevant to note that physical changes have been made including the removal of the bar, cellar equipment, WCs, kitchen and the removal of the stair to the former upstairs function room and that those changes were permitted by the Council by the issue of planning permission and listed building consent.

It is our view that the removal of the bar, cellar apparatus, WCs and kitchen are important parts of the consideration as to whether the change of use was material. Clearly those physical works cannot be ignored and allied with the period over which the new use was in place, open and available for use by visiting members of the public, means that the change of use was material.

We are able to provide Statutory Declarations from both the owner, employee and other persons who had knowledge of the A2 use when operating. As you note in your report, despite being aware of the change of use Officers did not choose to visit the site. If we are forced to proceed to the next stage I would question whether the Council would have any witnesses who would be able to provide a similar level of knowledge of the site. Indeed, other witnesses – if not Officers – would be likely to be a visiting member of the public who attended the premises. This they would have done without appointment to enquire as to the services available there, they would by default add weight to the fact that the change of use was material. The photocopiers remain in place in the building and the premises could re-open at any time.

Whilst it is clearly our view that the change of use to A2 was material, the Committee Report is insufficient as it does not go on to consider what the current use of the site is – if indeed it is not A2.

Non use for A4

Paragraph 57.08 of the Encyclopaedia of Planning Law deals with the matter of the loss of existing use rights. It states that “the rights to a lawful use of land may be lost in certain circumstances”. Point 5 identifies that such rights can be lost when a use is abandoned.

It refers to *Hartley v Minister for Housing and Local Government (1970)* in which it was held that “if the use has ceased with no intention that it should be resumed, the inference may be drawn that the rights have been abandoned, perhaps leaving the site with a ‘nil’ use”. Permission would then be required for any other use of the building, including its former use.

In *Hughes v SoS for Environment, Transport and the Regions (2000)* it was held that in determining whether a use had been abandoned there should be regard to four factors: the physical condition of the building, the period of non-use, whether there had been any other use and the owner’s intentions.

Condition

In this instance, the physical condition of the building is such that there is no bar, no cellar apparatus, no WCs and no commercial kitchen / extraction equipment and the first floor former function room has been divorced from the remainder of the former public house. These have the benefit of planning permission and listed building consent from the Council. These were deliberate acts to cease the use of the premises as a public house.

Period of non use

The applicant has owned the building for around 18 months and it has not been used as a public house in that time, the above items having been removed on purchase. Prior to that the public house did not trade for some years as I understand it.

Other uses

There has been another use of the building since the pub use ended – although we are at odds with the Council as to whether that is “material”.

Intention

Most importantly however is the intention of the owner. We have made it quite clear that the building was purchased with the intention of its use for A4 purposes to cease. The applicant lives opposite the building and had no desire to have an A4 use in such close proximity to her dwelling, where her young family live. She purchased the building with the express intention of ceasing its use for A4 purposes.

If, as Officers suggest, the A2 use was *de minimis*, it must still be the case that the A4 use has been abandoned. As such, the assertion at 5.18 of the Committee Report, that the lawful use remains as A4, is incorrect. This is because the owner set out on a clear course, firstly to lose the A4 use and secondly to find a new use for the building. If you do not consider the second part of that intention to have occurred then only the first part must have occurred and as such the building, if not in A2 use as we assert, must be in a nil use.

The site could not therefore be marketed for A4 purposes (paragraph 5.19) as there is no planning permission to use the building as such and no reasonable prospect of planning permission being granted for such a use given Officers comments on residential amenity at 5.33 and 5.34 and highways at 5.35 onwards. Similarly, there is no kitchen and no extraction equipment so no possibility for “food sales” and it is certainly the case that the insertion of a commercial kitchen and associated extraction equipment would be of significant harm to the heritage asset and neighbours’ amenity.

Village Services

Notwithstanding the above, you mention that the site is listed as an asset of community value and Policy S29 which seeks to ensure villages have a suitable level of local services. You do not go on to identify whether there would be any harm to the level of services available in Hook Norton if the change of use to a dwelling is permitted. You identify the presence of 3 other public houses within the village (a village with a population of only a little over 2000 people in total). We have considered the other facilities available within Hook Norton and do not consider that it is lacking in community facilities in any way. In short, there is no other necessary or under-supplied community facility. There is already a wide supply of other meeting halls, clubs and the like. In short, even if you conclude the site is still in A4 use, you have not identified what harm would result if the change of use to a dwellinghouse occurred. I attach a list of other facilities in the village.

Housing land supply

The application seeks planning permission for a change of use of the building to a dwellinghouse. The Committee report identifies policy H21 at the start but at no point does it consider the desirability of such use and the Council’s five year housing land supply. The report is therefore also incomplete as no weight is attributed to the pressing need for dwellings in the District. Similarly, where the assessment of the housing land supply includes reliance on windfall sites such as this, it must be that

small sites such as this, in combination with other such sites around the District, have an important role to play in delivering housing in the District.

I trust the item will be removed from the Agenda and these matters dealt with. I would also welcome the opportunity to meet with Officers to discuss these points prior to any new report being drafted.

Yours sincerely



Neil Warner BA(Hons) MSc MRTPI
Associate

Email: neil.warner@jppc.co.uk
Direct dial: 01865 322356

Other village meeting places / community facilities (not exhaustive)

Licensed Premises

1. The Sun Inn Public House - which also has a big function room for hire and events
2. The Gate Hangs High
3. The Pear Tree Inn
4. Sports and Social Club – licensed

Meeting spaces

5. Church - now has chairs rather than pews so it can be used for concerts and functions rather than just services
6. Village / Memorial Hall - everything from Garden club to Panto to village market etc.
7. The Hub / Youth Hall- the hall beside the Library
8. Library - which holds small groups from time to time
9. Big Room @ the Baptist Church - many functions, toddler group, concerts etc, Summer Art courses
10. The School Hall- available for hire and toddler groups etc
11. Room at The Brewery where meetings are held - Hook Norton historical society and Hook Norton low Carbon etc

Other facilities

12. The Village Shop - with additional flower shop and estate agent boards
13. Post Office and Stores
14. Hairdressers
15. Vet
16. Dentist
17. Doctors inc. room at surgery which is used for Pilates

Appendix 2

SW Bicester Phase 2

Revised planning conditions 13/00847/OUT **Amendments in italics**

1. No development shall commence *within any phase until* full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

2. In the case of the reserved matters, *application for the first residential reserved matters* application for approval shall be made not later than the expiration of *two* years beginning with the date of this permission. *The remaining reserved matters shall be made not later than five years beginning with the date of this permission.*

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

3. The development to which this permission relates shall be *commenced* not later than the expiration of two years *from the approval of the first reserved matter and the remainder of the development shall be begun not later than;*

- (i) *the expiration of five years from the date of the grant of Outline Planning permission or*
- (ii) *within two years of the* approval of the reserved matters for the phase or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms *[, Design and Access Statement]* and drawings numbered: *[insert](documents and plans to be inserted*

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 Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of development hereby approved, a phasing plan covering the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

6. No reserved matters applications shall be made or development commenced until a Design Code for the site has been produced in accordance with Condition 7 and following consultation with the Local Planning Authority and other stakeholders have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Design Codes.

Reason – Design codes, together with the Proposals Plan are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and Policy Bicester 3 of the Submission Local Plan 2014 and Government Advice within the National Planning Policy Framework.

7. The Design Codes shall include,

- a. the character, mix of uses and density of each *character area* identified on the *Phasing* Plan to include the layout of blocks and the structure of public spaces
- b. the character and treatment of the structure planting to the development areas
- c. guidance of surface water control including design standards and methodology for sustainable drainage systems, detail of specific features and constraints, including appropriate options for SUDs features, considerations for implementing during construction, and adoption requirements
- d. the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel
- e. the street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture
- f. the approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking *within each area* to be provided to serve the proposed uses
- g. the materials to be used within each character area
- h. the treatment of any hedge or footpath corridors and retained trees and woodlands and local areas of play within each phase, sub phase or parcel
- i. the measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site
- j. measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins
- k. lighting proposals

Reason – Design codes, are required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and Policy Bicester 3 of the Submission Local Plan 2014 and Government Advice within the National Planning Policy Framework.

8. The Design Codes shall be submitted to *and approved in writing by the* Local Planning Authority prior to the *submission of the first reserved* matter.

Reason – The Design Codes are required to guide the development and the consideration and reserve matters applications for the development of the site.

9. A strategy for public consultation in respect of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The public consultation strategy shall include details of the consultation

process to be undertaken during all construction and other works on the site including provision of infrastructure and mitigation as well as in respect of design codes, reserved matters applications and construction management plan.

Reason – To ensure that the public are consulted in an appropriate and structured form The Government places importance on the carrying out of early consultation and the provision of a consultation strategy will enable a clear position on community consultation to be set out at the beginning of the process in accordance with the advice contained in National Planning Policy Framework.

10. A sustainable Urban Drainage Opportunities Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall thereafter be carried out in accordance with the approved plan.

Reason - To prevent the increased risk of flooding and to improve water quality and in order to comply with government guidance within the National Planning Policy Framework.

11. Full details of the locations and facilities to be provided at each bus stop including Real Time Information and a programme of delivery shall be submitted to and approved in writing by the Local Planning *prior to the first residential reserved matters submission*. Thereafter the bus stops and facilities *approved* within each phase of the development *shall be provided on site in advance of the provision of any bus service and thereafter* retained in accordance with the approved details.

Reason - To ensure facilities to enable convenient use of public transport and in accordance with Government guidance contained within the National Planning Policy Framework.

12. That not more than 726 dwellings shall be accommodated on the site.

Reason – The Environmental Statement has assessed the impact of a development of up to 726 dwellings and demonstrates that a development of that scale will not have a significant adverse effect, in accordance with Government Guidance within the National Planning Policy Framework.

13. Prior to the commencement of the development a method statement – outlining measures to ensure safe and unhindered exercise of the public's right of way along Chesterton Footpath No. 1 during construction - shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented to ensure no obstruction to the right of way during development.

Reason – In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework

14. Within two months prior to the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. No removal of hedgerows, trees or shrubs shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority, *including full details of a scheme for the location of bat, bird and invertebrate boxes, and the relocation of calcareous grassland, or other on site biodiversity enhancement measures. Thereafter, the LEMP shall be carried out in accordance with the approved details, with measures for that parcel of development installed on the site prior to occupation in accordance with the approved details.* Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason – *To ensure mitigation identified in the Environmental statement is carried out and* To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason – The geology under this site is the Cornbrash Limestone (Secondary A Aquifer). There is the potential for fly-tipping to have occurred on the site and should any olfactory or visual evidence of contamination be detected during construction then it should be dealt with in an appropriate manner and to accord with government guidance within the National Planning Policy Framework..

18. No phase or parcel of development shall take place until a surface water drainage scheme for that phase of development, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The drainage design must be implemented in line with:

- Kingsmere Bicester Design Code dated July 2008

- Sustainable drainage principles outlined in WSP Flood Risk Assessment Project ref 50400018 file ref 130531 Kingsmere fra r5 revision 2 dated 3/6/13
- Indicative Surface Water drainage corridor and buffer zone 0018/D/02 rev F
- Indicative Surface water sewer network 0018/03 rev C
- Surface water exceedence conveyance routes 0018/D/04 rev F

and should demonstrate the surface water run-off generated up to and including the 1in100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason – To prevent the increased risk of flooding, both on and off site and to comply with Government guidance contained within the national Planning Policy Framework.

19. That prior to the first occupation of the development the proposed means of accesses onto Middleton Stoney Road (B4030) and Vendee Drive (A4095) are to be formed, laid out to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken.

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and to comply with Government Guidance within the National Planning Policy Framework

20. Prior to the commencement of the development *on each phase* hereby approved, full details of the access vision splays, including layout and construction, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). Prior to the first occupation of *each residential phase the access and* vision splays shall be constructed in accordance with the approved details and the land and vegetation within the vision splays shall not be obstructed by any object, structure, planting or other material.

Reason – In the interests of highway safety and to comply with Government guidance within the national Planning Policy Framework

21. Prior to the first occupation *or use* of any phase all the proposed formal pedestrian and cyclist crossing points, new footways/cycleways and public transport infrastructure to serve the phase shall be laid out, constructed, lit (if appropriate) and drained to Oxfordshire County Council's Specifications

Reason – In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework

22. No development shall commence on site until a Construction Traffic Management Plan providing has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during the peak traffic periods and an agreed route *for construction vehicles to and from the development site. The Construction Traffic Management Plan will be implemented as approved, unless otherwise agreed in writing by the Local Planning Authority.*

Reason – To ensure the environment and residents are protected during development and to comply with government guidance within the National Planning Policy Framework

23. Prior to the commencement of work on site a *Framework* Travel Plan is to be first submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority). *Individual Travel Plans for each land use category (residential, non-residential and education) shall first be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building for that use.*

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

24. Details of any works to the public right of way (including any gates adjacent to, or storage/excavation adjacent to) should be submitted to and approved in writing by the Local Planning Authority prior to the implementation of any development adjacent to the public right of way. No construction/demolition vehicle access may be taken along or across a public right of way without prior written permission and appropriate safety/mitigation measures approved by the local planning authority in consultation with Oxfordshire County Council. Any damage to the surface of the public right of way shall be made good to the satisfaction of the Local Planning Authority.

Reason To ensure that the public right of way remains available and convenient for public use and to comply with Government Guidance within the National Planning Policy Framework

25. That all living rooms and bedrooms of dwellings constructed on the site shall be acoustically insulated in such a manner *to achieve the standards as set out in Table 10.7 'suitable internal ambient noise levels in dwellings'* contained within British Standard BS 8233:2014 *Guidance on Sound insulation and noise reduction for buildings*. It is envisaged that compliance will be demonstrated by a combination of design layout and the installation of up-rated double glazing and acoustic ventilation to dwellings that are predicted to be exposed elevated levels of road traffic noise.

Reason –To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

26. The private outdoor spaces of all dwellings shall be protected against noise in order that a sound level of 55 LAeq dB is not exceeded *unless otherwise agreed in writing by the Local Planning Authority* . It is envisaged that compliance will be achieved by the use of good design and the use of upgraded acoustic timber fences or brick or masonry walls to form the boundaries to individual private garden spaces.

Reason – To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework

27. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of

the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

28. Except to allow for the means of access and vision splays the existing hedgerow along the Middleton Stoney Road boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this Condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

29. Within the first available planting season following the *first occupation of a dwelling within 20m of the Middleton Stoney Road hedge* the existing hedgerow along the Middleton Stoney Road boundary shall be reinforced by additional planting in accordance with a detailed scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority. Thereafter, any plant/tree within the hedgerow which, within a period of five years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species in accordance with BS 4428:1989 Code of practice for general landscape operations (excluding hard surfaces) or the most up to date and current British Standard). Thereafter the new planting shall be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

30. All agreed service trenches, pipe runs, drains or any other excavation to be constructed within the agreed Root Protection Area (RPA) of the tree/trees on the site shall be undertaken in accordance with National Joint Utility Group 'Guidelines for the Planning, Installation and Maintenance of Utility apparatus in Proximity to Trees –Volume 4 and all subsequent revisions and amendments thereof.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

31. Prior to the commencement of the development on each phase hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits *in hard and soft areas* and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees *within the phase*, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

32. Prior to the commencement of development within any phase, a plan showing full details of the finished floor levels in relation to existing ground levels on the site and proposed ground levels for the proposed development shall be submitted to and approved in writing by the Local Planning authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels.

Reason To ensure the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell local Plan and Government guidance within the National Planning Policy Framework

33. Prior to the occupation of each dwelling, that dwelling shall be provided with the necessary services to enable the provision of high speed broadband (no less than 100mbs)

Reason - To facilitate home-working and information delivery in accordance with Government guidance contained within the National Planning Policy Framework.

34. Prior to the commencement of each phase of the development, evidence that the development is registered with an accreditation body under the Code for Sustainable homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 4 (or the equivalent level of the relevant superseding scheme) for all dwellings shall have been submitted to and agreed in writing by the Local Planning Authority

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy

35 Within 3 months of the first occupation of any dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a code for Sustainable homes rating of Code Level 4 shall have been submitted to the Local planning Authority

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

36. Prior to the commencement of the development hereby approved, full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason - To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

37. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not (permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended), have first been submitted to and approved in writing by the Local

Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

38 . The Pocket Parks shall be provided in accordance with the submission and shall be provided in accordance with and shall not be less than the minimum areas as indicated on the strategic landscape and open space parameter plan 180601U-PP-SLOSP rev B.

Reason - To ensure the provision of appropriate play facilities and areas of open space to serve the development and to comply with Government guidance within the National Planning Policy Framework.

39. Prior to the commencement of any phase of the development hereby approved, details of provision, landscaping (*including tree planting, tree works, hard and soft landscaping*) and treatment of open space, landscaped areas and play spaces within the phase shall be submitted to and approved in writing by the Local planning authority. Thereafter the open space, landscaped areas and play spaces for each phase , once approved shall be landscaped, laid out and completed in accordance with the details approved and within a time period to be first approved in writing by the Local planning authority and thereafter retained as open space, landscaped areas and play space.

Reason – In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space and play space and to comply with Policy R12 of the adopted Cherwell Local plan and Government guidance within the National Planning Policy Framework

40 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

Planning Notes

1. Secure by Design
2. OCC Informative
3. The developer should seek the advice of Oxfordshire County Council's Rights of Way team to ensure that the Chesterton footpath No. 1 is on its definitive line. No temporary obstructions. No materials, plant, temporary structures or

excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place.

4. Route alterations. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process.
5. Public rights of way through the site should be integrated with the development and improved to meet the pressures caused by the development whilst retaining their character where appropriate. No improvements may be implemented without prior approval of the Countryside Access Team.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.