

Committee: Planning Committee
Date: Thursday 11 June 2009
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Fred Blackwell (Chairman)	Councillor Rose Stratford (Vice-Chairman)	
Councillor Ken Atack	Councillor Alastair Milne Home	Councillor Chris Smithson
Councillor Maurice Billington	Councillor David Hughes	Councillor Trevor Stevens
Councillor Colin Clarke	Councillor James Macnamara	Councillor Lawrie Stratford
Councillor Mrs Catherine Fulljames	Councillor D M Pickford	Councillor John Wyse
Councillor Michael Gibbard	Councillor G A Reynolds	
Councillor Eric Heath	Councillor Leslie F Sibley	

Substitutes

Councillor Luke Annaly, Councillor Rick Atkinson, Councillor Nick Cotter, Councillor Mrs Diana Edwards, Councillor Andrew Fulljames, Councillor Timothy Hallchurch MBE, Councillor Russell Hurle, Councillor Kieron Mallon, Councillor P A O'Sullivan, Councillor George Parish, Councillor Nicholas Turner and Councillor Barry Wood

AGENDA

1. **Apologies for Absence and Notification of Substitute Members**

2. **Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. **Petitions and Requests to Address the Meeting**

The Chairman to report on any requests to submit petitions or to address the meeting.

4. **Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. **Minutes** (Pages 1 - 10)

To confirm as a correct record the Minutes of the meetings of the Committee held on 20 May and 21 May 2009.

Planning Applications

- | | | |
|-----|---|---------------------|
| 6. | The Garage, High Street, Charlton on Otmoor, Oxfordshire, OX5 2UQ
(Pages 13 - 25) | 08/02493/F |
| 7. | Garage Block adjacent to 32 Langford Gardens, Bicester (Pages 26 - 34) | 09/00523/F |
| 8. | 20 Newton Purcell, Oxon, MK18 4AY (Pages 35 - 43) | 09/00575/F |
| 9. | 20 Newton Purcell, Oxon, MK18 4AY (Pages 44 - 50) | 09/00576/LB |
| 10. | 3A - 3B Cotefield Farm, Oxford Road, Bodicote OX15 4AQ (Pages 51 - 73) | 09/00580/F |
| 11. | Thorpe Lane Depot, Thorpe Lane, Banbury OX16 4UT (Pages 74 - 77) | 09/00611/CDC |
| 12. | Willy Freund Youth Centre, Dover Avenue, Banbury OX16 0JE
(Pages 78 - 82) | 09/00629/CDC |

Review and Monitoring Reports

13. **Decisions Subject to Various Requirements - Progress Report** (Pages 83 - 84)

Report of the Head of Development Control and Major Developments

Summary

This is a standard report, the aim of which is to keep Members informed upon applications which they have authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.

Recommendation

It is **RECOMMENDED** that the Committee agrees to accept this position statement.

14. Appeals Progress Report (Pages 85 - 87)

Report of the Head of Development Control and Major Developments

Summary

This is a standard report, the aim of which is to keep Members informed upon applications which have been determined by the Council, where new appeals have been lodged, Public Inquiries/Hearings scheduled or appeal results received.

Recommendation

It is **RECOMMENDED** that the Committee agrees to accept this position statement.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221587 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in Part 5 Section A of the constitution. The Democratic Support Officer will have a copy available for inspection at all meetings.

Personal Interest: Members must declare the interest but may stay in the room, debate and vote on the issue.

Prejudicial Interest: Member must withdraw from the meeting room and should inform the Chairman accordingly.

With the exception of the some very specific circumstances, a Member with a personal interest also has a prejudicial interest if it is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Queries Regarding this Agenda

Please contact Alexa Coates, Legal and Democratic Services alexa.coates@cherwell-dc.gov.uk (01295) 221591

Mary Harpley
Chief Executive

Published on Wednesday 3 June 2009

Public Document Pack 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 20 May 2009 at 7.20 pm

Present: Councillor Fred Blackwell (Chairman)
Councillor Rose Stratford (Vice-Chairman)
Councillor Ken Atack
Councillor Maurice Billington
Councillor Colin Clarke
Councillor Michael Gibbard
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor David Hughes
Councillor James Macnamara
Councillor Chris Smithson
Councillor Lawrie Stratford

Apologies for absence were received from Councillors D M Pickford, George Reynolds, Leslie Sibley and John Wyse

1 **Appointment of Chairman**

Resolved that Councillor Fred Blackwell be elected Chairman of the Planning Committee for the 2009/10 Council year.

2 **Appointment of Vice-Chairman**

Resolved that Councillor Rose Stratford be elected Vice-Chairman of the Planning Committee for the 2009/10 Council year.

The meeting ended at 7.30 pm

Chairman:

Date:

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 21 May 2009 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Rose Stratford (Vice-Chairman)
Councillor Ken Attack
Councillor Colin Clarke
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Eric Heath
Councillor James Macnamara
Councillor Alastair Milne Home
Councillor G A Reynolds
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor John Wyse

Substitute Members: Councillor Andrew Fulljames (In place of Councillor D M Pickford)

Apologies for absence were received from Councillors Maurice Billington, David Hughes, D M Pickford and Leslie Sibley

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Bob Duxbury, Development Control Team Leader
Graham Wyatt, Senior Planning Officer
Paul Manning, Solicitor
Gemma Dixon, Assistant Planning Officer
Rebekah Morgan, Trainee Planning Officer
Simon Dean, Trainee Planning Officer
Alexa Coates, Senior Democratic and Scrutiny Officer
Michael Sands, Trainee Democratic and Scrutiny Officer
Tony Ecclestone, Communications Officer

3 **Declarations of Interest**

Councillors declared interest with regard to the following agenda items:

9. 58 Bridge Street, Banbury, Oxfordshire, OX16 5QB.

Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council Planning Committee who may have previously considered the application.

Councillor Colin Clarke, Personal, as a member of Banbury Town Council who may have previously considered the application.

Councillor G A Reynolds, Prejudicial, as a member of the Executive.

Councillor James Macnamara, Prejudicial, as a member of the Executive.

Councillor Ken Atack, Personal, as a newly appointed member of the Executive.

Councillor Michael Gibbard, Personal, as a member of the Executive.

10. Buildings 583, 576, 886 and Adjacent Recreational Land , Heyford Park, Upper Heyford, Bicester.

Councillor James Macnamara, Personal, as a member of Lower Heyford Parish Council who had previously considered the application.

12. Ardley Fields Farm, Middleton Stoney Road, Ardley, Bicester, Oxon, OX27 7PH.

Councillor Andrew Fulljames, Personal, As a member of Middleton Stoney Parish Council who may have previously considered the application.

Councillor G A Reynolds, Prejudicial, as a member of Oxfordshire County Council Planning Committee.

Councillor Lawrie Stratford, Prejudicial, as a member of Oxfordshire County Council Planning Committee.

Councillor Mrs Catherine Fulljames, Prejudicial, as a member of Oxfordshire County Council Planning Committee.

13. Bodicote Flyover Farm Shop, White Post Road, Bodicote, Banbury, OX15 4BN.

Councillor Colin Clarke, Prejudicial, as an acquaintance and distant relative of the applicant Councillor Nigel Morris.

Councillor Fred Blackwell, Personal, as an acquaintance of the applicant Councillor Nigel Morris.

Councillor G A Reynolds, Prejudicial, as an acquaintance of the applicant Councillor Nigel Morris who is a fellow member of the Executive and a user of the farm shop.

Councillor James Macnamara, Personal, as an acquaintance of the applicant Councillor Nigel Morris who is a fellow member of the Executive.

Councillor Ken Atack, Personal, as an acquaintance of the applicant Councillor Nigel Morris who is a fellow member of the Executive.

Councillor Lawrie Stratford, Personal, as an acquaintance of the applicant
Councillor Nigel Morris.

Councillor Michael Gibbard, Personal, as an acquaintance of the applicant
Councillor Nigel Morris who is a fellow member of the Executive.

4 **Petitions and Requests to Address the Meeting**

The Chairman advised the committee that requests to speak would be dealt with at each item.

5 **Urgent Business**

There was no urgent business

6 **Minutes**

The minutes of the meeting held on 23 April 2009 were agreed as a correct record and signed by the Chairman.

7 **OS Parcel 3963 Adjoining 84027 East of Greenhill Farm, Station Road, Bletchingdon, Oxfordshire**

The Committee considered a report of the Head of Development Control and Major Developments for an agricultural workers dwelling house.

Mr Lane, the applicant, Mr Glanvill and Mr Tongue, the applicant's representatives spoke in support of the application.

The Committee considered the proximity of the livestock to the farmers and the effect this would have on the welfare and security of the animals.

In reaching their decision the committee considered the Officer's report and presentation and the presentation of the supporters.

Resolved

That application 09/00115/F is approved subject to the following conditions:

- 1) That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2) That samples of the material to be used in the construction of the walls of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.

- 3) That samples of the material to be used in the covering of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.
- 4) That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
 - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.
- 5) That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
- 6) That full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure shall be erected prior to the first occupation of the dwelling.
- 7) That the dwelling shall be occupied only by a person solely or mainly employed, or last solely or mainly employed, in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him or her or a widow or widower of such a person.
- 8) That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved dwelling(s) shall not be extended (nor shall any structures be erected within the curtilage of the said dwelling(s) without the prior express planning consent of the Local Planning Authority.

- 9) That, notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the garage(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.
- 10) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 11) That prior to the occupation of the dwelling, the proposed means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.

8 **OS Parcel 8844, Rose Lodge, Middleton Road, Bucknell OX25 4TA**

This application was withdrawn at the request of the applicant.

9 **Wesleyan Chapel, High Street, Barford St Michael**

The Committee considered a report of the Head of Development Control and Major Developments for a conversion of the chapel to a residential dwelling with associated garden and parking.

Mr David Baxter spoke in objection to the application.

The Committee considered the visual impact of the engineering programme required for the development, the impact on the street scene in a conservation area and the future preservation of the building.

In reaching their decision the committee considered the Officer's report and presentation and the presentation of the objector.

Resolved

That application 09/00237/F is approved subject to the following conditions:

- 1) SC 1.4 – Duration Limit 3 Years (RC2)
- 2) SC 5.7A - Making Good in Materials to Match (RC5)
- 3) That the brickwork for the windows to be blocked up shall be set at a relief of 50mm (RC4)

- 4) Design details of all new windows shall be submitted to and approved by the Local Planning Authority prior to the commencement of works. The development shall be carried out in accordance with the approved details. (Scale 1:20). (RC5)
- 5) SC 3.7B - Submit Boundary Enclosure Details (RC12)
- 6) SSC 4.14AA 'two' Plan of Car Parking Provision (RC13B) which shall include full engineering details of the works to the embankment and forecourt and the provision of retaining walls
- 7) SC 4.3A - Access Details for Approval (RC13B)
- 8) SC 6.2A - No Extensions
- 9) SC 6.3A - No New Windows
- 10) SC 8.13 - Contamination (RC80)

10 **58 Bridge Street, Banbury, Oxfordshire, OX16 5QB**

The Committee considered a report of the Head of Development Control and Major Developments for a change of used from office (B1) to medical and health services (D1).

The Committee welcomed the report and were satisfied with the Officer's presentation.

In reaching their decision the committee considered the Officer's report, presentation and written update.

Resolved

That application 09/00292/F is approved subject to the following conditions:

- 1) 1.4A (RC2) – 3 years
- 2) SC 6.14 Specified use only ClassD1(a) only – medical and health services

11 **Buildings 583, 576, 886 and Adjacent Recreational Land , Heyford Park, Upper Heyford, Bicester**

The Committee considered a report of the Head of Development Control and Major Developments for a change of use of buildings 583, 576, 886 and adjacent recreational land at Heyford Park to recreational sports training facilities for use by certain Olympic governing body sports and other sports. This application was for a renewal of a previous permission.

The Committee considered the temporary nature of the permission.

In reaching their decision the committee considered the Officer's report and presentation.

Resolved

That application 09/00339/F is approved subject to the following:

- a the comments of English Heritage
- b the following conditions:
 - 1) SC 6.17 "1 year"
 - 2) SC 6.13 "National Sports Training Centre"
 - 3) Vehicular access to the site shall be taken solely from Camp Road at the gate position shown west of Building 576, with vision splays retained unobstructed and only pedestrian access shall be provided to Building 886
 - 4) SC 7.13

12 **The Mount, Green Lane, Swalcliffe, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments for horse stables.

Mrs Ransom, who had registered to speak on behalf of the applicant, chose not to add to the Officer's presentation.

The Committee considered the amended plan which had recently been submitted, the access to the stables, and the affect on the amenity of the neighbours.

In reaching their decision the committee considered the Officer's report, presentation and written update.

Resolved

That application 09/00341/F is approved subject to the following conditions:

- 1) SC 1.4A Full Permission : Duration Limit (3 years) (RC2)
- 2) SC 2.2A Sample of walling materials (RC4) 'timber boarding' and 'stables'
- 3) SC 2,2B Sample of roofing materials (RC4) 'felt tiles'
- 4) SC 3.0 submit landscaping scheme (RC10)
- 5) SC 3.1 carry out landscaping scheme and replacements (RC10)

- 6) SC 5.5A submit new design details ' post and rail fencing, retaining walls and surface treatment of yard area (RC27A - delete 'historic building' insert 'conservation area')
- 7) The stables shall only be used for the applicants' private use only and shall not be used for any commercial liveries (RC40)
- 8) SC 8.8A Details of disposal of manure (RC55C) 'stables'
- 9) No lights/floodlights shall be erected on the land (RC50)
- 10) prohibit the use of the field gate onto the B road to access the stables

13 **Ardley Fields Farm, Middleton Stoney Road, Ardley, Bicester, Oxon, OX27 7PH**

The Committee considered a report of the Head of Development Control and Major Developments for the construction and operation of an Energy from Waste facility with associated office, visitor centre, bottom ash recycling facilities, new access road and weighbridge facilities; the continuation of non-hazardous landfill operations and landfill gas utilisation with consequent amendments to the phasing and final restoration landform of the landfill; surface water attenuation features and improvements to the existing household waste recycling facility.

The Committee considered the implications of the siting of other waste disposal facilities and traffic implications of the development.

In reaching their decision the committee considered the Officer's report and presentation.

Resolved

That Oxfordshire County Council is advised that this Council retains its objections/comments previously set out in Cherwell District Council's letter dated 30 January 2009.

14 **Bodicote Flyover Farm Shop, White Post Road, Bodicote, Banbury, OX15 4BN**

The Committee considered a report of the Head of Development Control and Major Developments for the use of the site as a farm shop. This was a retrospective application.

The Committee discussed the goods on sale at the shop and the condition relating to product displays.

Resolved

That application 09/00457/F is approved subject to the following condition:

- 1) That the buildings on site shall be utilised only in accordance with the legend provided on Plan No. DAJ/2345A(ii) as submitted on 15 April 2009 and that the volume of products sold shall not be increased, the type of product sold shall not differ, nor shall the product displays be extended, re-arranged or altered.

15 **Tree Preservation Order (No. 4) 2009: Water Moor House, Station Road, Launton**

The Committee considered a report of the Head of Development Control and Major Developments which sought confirmation for an unopposed Tree Preservation Order relating to Water Moor House, Station Road, Launton.

Resolved

That Tree Preservation Order (No.4) 2009 is confirmed without modification.

16 **Decisions Subject to Various Requirements - Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated members on decisions which were subject to various requirements.

Resolved

That the position statement is accepted.

17 **Appeals Progress Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on applications where new appeals had been lodged, public inquiries/hearings scheduled or appeal results received.

Resolved

That the position statement is accepted.

The meeting ended at 6.35 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

11 JUNE 2009

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

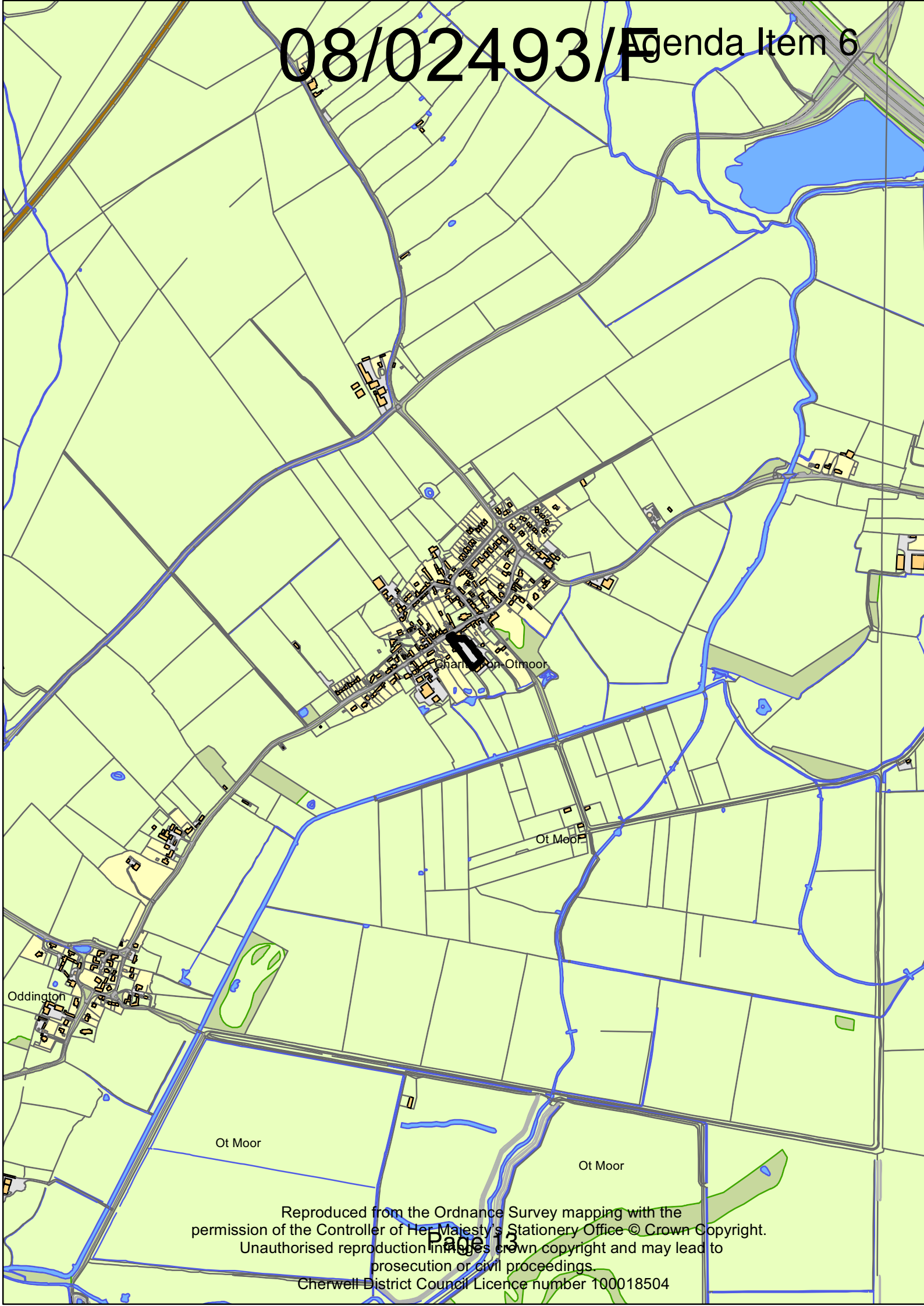
The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site.

Applications

Site	Application No.	Ward	Recommendation	Contact Officer
6 The Garage, High Street, Charlton on Otmoor, Oxfordshire, OX5 2UQ	08/02493/F	Otmoor	Refusal	Jane Dunkin
7 Garage Block adjacent to 32 Langford Gardens, Bicester	09/00523/F	Bicester West	Approval	Emily Shaw
8 20 Newton Purcell, Oxon, MK18 4AY	09/00575/F	Fringford	Refusal	Laura Bailey
9 20 Newton Purcell, Oxon, MK18 4AY	09/00576/LB	Fringford	Refusal	Laura Bailey
10 3A – 3B Cotefield Farm, Oxford Road, Bodicote OX15 4AQ	09/00580/F	Bloxham and Bodicote	Refusal	Graham Wyatt
11 Thorpe Lane Depot, Thorpe Lane, Banbury OX16 4UT	09/00611/CDC	Banbury Ruscote	Approval	Graham Wyatt
12 Willy Freund Youth Centre, Dover Avenue, Banbury OX16 0JE	09/00629/CDC	Banbury Ruscote	Approval	Graham Wyatt



08/02493/F



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Application No: 08/02493/F	Ward: Otmoor	Date Valid: 04 December 2008
Applicant:	Messers Penny and Nigel Holder	
Site Address:	The Garage, High Street, Charlton on Otmoor, Oxfordshire, OX5 2UQ	

Proposal: Redevelopment of existing coach depot by the erection of five dwellings (1 x four bed, 3 x three bed, 1 x two bed), together with associated landscaping, covered parking and access (as amended by drawings numbered 07058-P11, P12, P13, P14, P15 and P16 received 08/05/09 with agent's email of same date).

1. Site Description and Proposal

- 1.1 The Bus Depot is situated centrally within Charlton on Otmoor on the southern side of High Street within the historic core of the village. The site is situated within the Oxford Green Belt and is part covered by the Charlton on Otmoor Conservation Area (the northern third of the site). There are a number of listed buildings within the vicinity of the site including the Grade I St Mary's Church and a Grade II* cross within the church yard. The site has a narrow street frontage (11m) however extends to the south east by 100m and widens to an average of 30m, wrapping around the curtilage of Highfield House. It would appear that prior to being a bus depot the land was the curtilage of Highfield House. There is a fall in gradient across the site from the north west to the south east.
- 1.2 The site is occupied by one large corrugated metal clad workshop building with a footprint of 220m² and measuring approximately 7.5m to the ridge, together with a handful of other single storey temporary buildings, lean-tos, a blockwork building and a diesel tank all on a much smaller scale than the workshop building. None of the buildings on the site are of architectural or historic merit. The site is also used to accommodate a number of coaches, both those that are no longer in use or require repair and those that are in use on a daily basis.
- 1.3 The application involves the development of the site for residential purposes, the original scheme proposing seven dwellings (two, three and four beds) arranged across the whole of the site with associated garaging and amenity spaces. It should be noted that Conservation Area Consent has been granted for the demolition of all existing buildings on the site (ref: 08/02494/CAC).

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice and neighbour consultation letters. The final date for comment was 15 January 2009.
- 2.2 Two letters of representation have been received as a result of this consultation process, the comments raises are summarised below:

- 2.3
- No objections raised - however concern re disposal of storm water and pollution from site
 - Noise and disturbance resulting in an overall increase of vehicular movements - no evidence to support statement that the development would involve fewer vehicular movements. Buses come and go twice daily and not at weekends.
 - Vehicular movements close to shared boundary and dwelling
 - Overlooking and loss of privacy from the first floor windows of the proposed dwellings and due to finished land levels following treatment of contamination
 - Proposal would not respect linear settlement pattern nor the boundary of the Conservation Area
 - Would extend the built up limits of the village and encroach upon land that the Green Belt seeks to maintain open.
 - Concerns re significant increase in the amount of surface water discharging from the site, leading to flooding of lower part of garden and field.
 - Light pollution from roadside lighting, porches and security lights in an area characterised by little or no external lighting at night time.

3. Consultations

- 3.1 **Charlton on Otmoor Parish Council** is happy with the proposal overall however seeks clarification in relation to sewerage, sustainability/carbon emissions, parking and turning facilities and the retention of the bus service facility within the village.
- 3.2 **The Conservation Officer** states that a plan of High Street shows very clearly that historically houses were built along the street frontage. Any buildings deeper into the plots are auxiliary buildings, some of which have been converted to residential dwellings over time. The site would be over developed. In line with the historic settlement pattern of the village it is suggested that the only acceptable development would be for a single dwelling at the front which would reinforce the building line. It would also be beneficial for Highfield House to regain some of its former curtilage.
- 3.3 **Planning Policy** sets out the policy position relating to the proposal, giving consideration to issues of Green Belt, the Area of High Landscape Value, the Charlton on Otmoor Conservation Area, housing and Employment Policy. It is concluded that if the planning benefits of replacing the existing employment use with residential are considered sufficient to demonstrate very special circumstance, the proposal lies above the threshold for affordable housing provision in rural areas and 30% affordable housing should therefore be sought in accordance with the policies referred to.
- 3.4 **The Head of Building Control and Engineering Services** has no comments to make.
- 3.5 **The Environmental Protection Manager** recommends a contamination related condition due to the fact that the site is occupied by an industrial works and a sensitive development is proposed. It is also stated that there are no current service requests under investigation which relate to noise or other environmental stressors alleged to have originated from the Bus Depot, furthermore the Council's records do not indicate that there have been any significant problems associated with the site during the past five years. In addition to this, whilst it may be argued that a relatively

heavy transport operation located within the centre of a village would have the potential to give rise to noise and emissions to air which could adversely affect nearby dwellings, the evidence to support this contention does not appear to be strong, which may be a direct result of the relatively small scale of the current operation and the way it is managed.

- 3.6 **Landscape Services** provides a number of observations/comments in relation to landscaping the site as part of the development. Reference is also made to the requirement for an off site contribution towards the improvement of the surface for the nearby Ray View play area (Members should however note that the proposal for five houses is below the threshold for developer contributions towards play areas),
- 3.7 **Oxfordshire County Council** (Highways) states that in principle the redevelopment of the bus depot is acceptable however the proposal is not acceptable in its current form. The geometry of the access to the site does not conform to adoptable standards. The survey plan is inaccurate as it does not show a verge to one side of the present access. One of the features of this proposal is the removal of a concentration of commercial movements from the limited local network which is an advantage in highway safety and convenience terms. The Local Highway Authority does not object to the amendment for five dwellings, subject to detailing including improvements to the access junction.
- 3.8 **Oxfordshire County Council** (Archaeology) states that given the archaeological importance of the site situated within the core of a medieval village it is recommended that in accordance with PPG16 an archaeological field evaluation be carried out by a professionally qualified archaeological organisation prior to the determination of the application. However following the submission of further information from the Agent, it was concluded that a field evaluation would not be required as the site is covered by a large amount of made ground, which contains some contamination. In order to avoid removing this it is intended to use piled foundations and ground beams which will not significantly impact upon any surviving archaeology.
- 3.9 **Thames Water** raises no objections in relation to surface water drainage, the sewerage or water infrastructure, however sets out the developers responsibilities and sets out recommendations in relation to developing the site.
- 3.10 **Environment Agency** originally objected to the proposal however following the receipt of further information (Phase 1 and 2 Site Investigations) the objection has been withdrawn subject to conditions relating to contamination, remediation, foundation design and surface water disposal. Without these conditions the proposed development would pose an unacceptable risk to the environment and therefore the Environment Agency would wish to object.
- 3.11 **English Heritage** states that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

4. Relevant Planning Policies

4.1 Planning Policy Guidance Notes and Statements

PPS1: Delivering Sustainable Development
PPG2 Green Belts
PPS3: Housing
PPS6: Planning for Town Centres
PPS7: Sustainable Development in Rural Areas
PPG13: Transport
PPG15: Planning and the Historic Environment
PPG16: Archaeology

4.2 South East Plan 2009

CO1: Core Strategy
CO3: Scale and Distribution of Housing
CO4: Green Belt
CC6: Sustainability Communities and Character of the Environment
RE3: Employment and Land Provision
H4: Type and Size of new housing
H5: Housing Design and Density
BE1: Management for an Urban Renaissance
BE5: Village Management
BE6: Management of the Historic Environment

4.3 Adopted Cherwell Local Plan (aCLP) (Saved Policies)

GB1: Development in the Green Belt
H5: Affordable Housing
C13: Area of High Landscape Value
C27: Design Considerations (Historic settlement pattern)
C28: Design Considerations (Standard of layout, design and external appearance)
C30: Design Considerations (Compatibility and acceptable standards of amenity)
ENV12: Contaminated Land

4.4 Non-Statutory Cherwell Local Plan

GB1: Development in the Green Belt (Inappropriateness/very special circumstances)
GB1a: Development in the Green Belt (Restrictions over residential development)
H7: Affordable Housing (Threshold for rural areas is 6 dwellings: 30%)
EMP5: Protection of Existing Employment Sites
TR5: Road Safety
TR11: Parking
EN17: Contaminated Land
EN34: Landscape Character
EN39: Conservation Areas and Listed Buildings
EN40: Conservation Areas (Preservation and enhancement)
EN44: Listed Buildings (Setting)
EN47: Archaeology
D3: Local Distinctiveness

5. Appraisal

5.1 The key issues are:

- Green Belt
- Loss of an Employment Site
- Affordable Housing
- Character and Appearance of Conservation Area
- Setting of Nearby Listed Buildings
- Layout, Scale and Design
- Neighbouring Amenity
- Highway Safety
- Archaeology
- Contaminated Land

5.2 Green Belt

5.2.1 As set out in PPG2: Green Belts, which is echoed by Policies in the Development Plan, there is a general presumption against inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. Inappropriate forms of development are those which do not involve agriculture, forestry, recreation, and cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Inappropriate development should not be approved within the Green Belt except in very special circumstances.

5.2.2 Notwithstanding the above policy position, Policy GB1a of the non-statutory Cherwell Local Plan sets out the types of residential development that would be considered in the Green Belt and what these will be restricted to. These include conversions of existing buildings, infilling within the built up limits of the village, and small scale affordable housing.

5.2.3 The proposal for five new dwellings arranged in depth on the site (covering three quarters of the land in question) is not considered to represent appropriate development. Furthermore, it does not involve the conversion of any existing buildings on the site, it does not represent infill, which is defined as a gap in an otherwise built up frontage, and the proposal does not involve affordable housing. The proposal does not therefore comply with Policy GB1a.

5.2.4 It is concluded therefore that in principle, the proposed development is contrary to Green Belt Policy, unless, and as referred to above, a very special circumstance case can be proven.

5.2.5 As part of the submitted application, the Agent's planning statement sets out that:

'... due to changes in environmental regulations and the current economic situation the family run coach business cannot be sustained in its present form. The stark alternatives are to cease trading altogether and dispose the site to another transport operator which would not generate enough capital to relocate to another site or to seek to redevelop the site in the way proposed which would enable the

company to update its coach fleet and relocate to an alternative site, albeit at a reduced size'.

- 5.2.6 Further correspondence from the Agent during the application process attempts to make a very special circumstances case, by stating that the removal of the present use and buildings would not be materially harmful to the Green Belt and that the proposal would have significant environmental, highway safety and visual amenity benefits. Furthermore, reference is made to the impact of the parked coaches across the site on the openness of the Green Belt and extensive case law which confirms such an issue is capable of forming a very special circumstances case. It is also argued that any alternative lawful use of the site (over which the Council would have no control) may have an adverse impact upon neighbouring amenity and highway safety and may not be sustainably located. Lastly, it is suggested that the removal of the large utilitarian workshop building and the other structures on the site will considerably enhance the character and the appearance of the Conservation Area and the visual amenities of the area.
- 5.2.7 Whilst the arguments put forward as part of the application submission are acknowledged HDCMD has the following comments to make. The fact that Charlton Services would need to sell the site for redevelopment in order to continue trading with a refined fleet is a personal issue and one which by itself does not outweigh the fact that the proposed redevelopment of the site is inappropriate, in HDCMD's view. Furthermore there is no guarantee that the bus depot would, or could, relocate within the village.
- 5.2.8 The application argues that the parking of the coaches across the whole of the site when they are not in use is harmful to the openness and visual amenities of the Green Belt, however this activity is lawful and the coaches are not permanent fixtures on the site. Additionally the height of the coaches is much less than the height of the two storey dwellings that are proposed. The existence of case law in relation to commercial vehicle parking is noted however none of these points justify overriding the policy position that residential development in the Green Belt is in appropriate development.
- 5.2.9 Equally, the fact that the site could lawfully be used by another transport operator that is less considerate to its neighbours would not outweigh the argument against inappropriate development. However whilst such a use could not be controlled via the Planning Legislation there is other legislation such as the Environmental Protection Act relating to emissions, noise and pollution that would need to be met to ensure that neighbouring amenity relating to these issue is respected.
- 5.2.10 The removal of the use, activity and buildings from the site may be beneficial to the Green Belt and the Conservation Area (indeed, in relation to the Conservation Area, the Council has recently approved a Conservation Area Consent Application for the demolition of all buildings on the site). However HDCMD does not consider that the use or buildings cause such harm that this would justify outweighing principle Green belt policy.
- 5.2.11 With regard to the argued benefits of the removal of the bus depot on the environment, the Council has received no complaints relating to the site over the last five years and little argument arose from any of the statutory consultees in this respect. At this moment in time therefore HDCMD is not convinced that the site

causes significant environmental harm and therefore this is not considered to outweigh the policy objection for inappropriate development within the Green Belt.

- 5.2.12 Given the above assessment of the proposal against Green Belt Policy, HDCMD recognises that the removal of the bus depot use and associated activity and buildings from the site may be beneficial, however none of the arguments put forward in favour of residential development on the site are so special that they should outweigh the protection that must be afforded to the Green Belt in order to preserve openness and amenity. For this reason, the proposal does not comply with PPG2, Policy CO4 of the South East Plan 2009, Policy GB1 of the adopted Cherwell Local Plan or Policies GB1 and GB1a of the non-statutory Cherwell Local Plan 2001.

5.3 Loss of an Employment Site

- 5.3.1 Policy EMP5 of the non-statutory Cherwell Local Plan which builds upon the principles of PPS1, PPS6 and PPS7 in terms of achieving sustainable development in rural areas, sets out that the change of use or redevelopment of an existing employment site within or adjoining a village to a non-employment use will not be permitted unless i) there would be substantial and demonstrable planning benefit, or ii) the applicant demonstrates that every reasonable attempt has been made to secure suitable employment reuse.

- 5.3.2 As set out above under the Green Belt heading, HDCMD recognises that the existing Bus Depot use and associated activity may not be completely compatible with nearby residencies or the local road network, however there is little evidence or argument to suggest that the site causes substantial harm. The site has been used as a bus depot by Charlton Services for 52 years and as such appears to be an accepted business and activity within the village. The Parish Council, whilst content with the proposal for residential development, highlights the importance of retaining the bus service facility within the village. For these reasons, and for those set out under the Green Belt heading and the fact that the application submission does not strongly argue this point, as there appears to be no significant harm caused by the site HDCMD concludes that it cannot be argued that the proposal would result in substantial or demonstrable planning benefit particularly given the conclusions that it is contrary to Green Belt Policy.

- 5.3.3 The application submission does not include any information about whether or not the site has been marketed to secure suitable employment reuse.

- 5.3.4 Given the above remarks, HDCMD is not satisfied that the proposal to redevelop the site meets either of the criteria set out in Policy EMP5 of the non-statutory Cherwell Local Plan and as such it is contrary to this policy and the principles of PPS1, PPS6 and PPS7.

5.4 Affordable Housing

- 5.4.1 The original proposal for the redevelopment of the site involved seven dwellings, in relation to which no affordable housing was offered despite the requirements of Policy H7 of the non-statutory Cherwell Local Plan which seeks 30% affordable housing for developments of six dwellings or more in rural areas. At this time discussions were had with the Council's Strategic Housing Officer and a Senior

Planning Policy Officer who confirmed that there is a demand for further affordable housing in Charlton on Otmoor, however no over-riding need for market housing and that any future options for growth for market housing would not be considered within the Green Belt. The original proposal was therefore considered to be contrary to PPS3 and Policy H7 of the non-statutory Cherwell Local Plan 2011.

- 5.4.2 Following a meeting with the Applicant's Agent, during which the Green Belt, loss of employment and Conservation Area issues were raised as concerns, the application was amended to the current proposal for five dwellings in an attempt to address HDCMD's concerns relating to the impact of the proposal upon the Green Belt and the Conservation Area. The amended plan for five dwellings falls beneath the threshold for affordable housing and therefore does not conflict with Policy H7 of the non-statutory Cherwell Local Plan. The proposal however remains contrary to Green Belt Policy, being unacceptable in principle.
- 5.4.3 A further limb of Green Belt Policy which is not referred to above as it is not relevant to the proposal in question is that which relates to affordable housing exception sites (Policy H6 of the adopted Cherwell Local Plan and Policy H8 of the non-statutory Cherwell Local Plan). The local Plan advises that small scale affordable housing schemes in the Green Belt which meet a specific and identified local housing need may be granted planning permission providing that there are no other more suitable sites available within the built up limits of a settlement and providing that the proposal can viably meet the identified need and that secure arrangements can be made to restrict occupancy.
- 5.4.4 Despite the above conclusions that the proposal is contrary to Green Belt Policy, the provision of a small scale scheme purely for affordable housing may be considered appropriate subject to the criteria set out in Policy H8 of the non-statutory Cherwell Local Plan which may then be considered by the HDCMD as the very special circumstances that override the principle objection. The Agent has been advised of this position but has not amended the scheme as suggested.

5.5 **Character and Appearance of Conservation Area**

- 5.5.1 The Charlton on Otmoor Conservation Area Appraisal 1996 describes the village as linear in form with Church Lane being the only side street of any age and a settlement of agricultural origins, centred around the church and rectory. Historically farms were located within the village where development was favoured on higher, drier ground, consequently the village is distinguished by its collection of farm buildings. The village is characterised by vernacular buildings of largely two storeys built of local limestone. The frontage is broken, containing detached properties and short terraces of cottages, or cottages and barns. The settlement has a very open aspect.
- 5.5.2 It is clear from maps of the village that historically houses were built along the street frontage. Plots are narrow and long and run away from the roads. This has therefore given rise to ancillary buildings, such as barns, being set back into the plot. The result is that there are a limited number of barns-conversions, College Farm Cottages for example, which are sited back from the road. However it must be emphasised that these were not built as houses and their location is within the 'top-half' of the plot.

- 5.5.3 The proposal represents a clear extension of the village in a south easterly direction beyond the historical limits of the village, which would involve the construction of new dwellings. The converted barns referred to above, whilst not enjoying a street frontage are situated much closer to the road. In their proposed location, the dwellings would interrupt the settlement pattern appearing as obvious back land development which would not sit comfortably with the existing historical layout of the village, and which would therefore not preserve or enhance the character and the appearance of the conservation area.
- 5.5.4 For this reason, the proposal is considered to be contrary to PPG15, Policy BE6 of the South East Plan 2009 and Policies EN39 and EN40 of the non-statutory Cherwell Local Plan 2011.

5.6 Setting of Nearby Listed Buildings

- 5.6.1 Referring to the impact of the proposal upon the setting of the nearby listed building, including the Grade I Church and Grade II* stone cross (which are referred to in the Charlton on Otmoor Conservation Area Appraisal as dating back to the 14th and 15th centuries), PPG15 states that 'the setting of individual listed buildings very often owes its character to the harmony produced by a particular grouping of buildings (not necessarily all of great individual merit) and to the quality of spaces created between them. Such areas require careful appraisal when proposals for development are under consideration, even if the redevelopment would only replace a building which is neither itself listed nor immediately adjacent to a listed building'. As set out under the Conservation Area heading above, it is clear from maps of the village, how Charlton on Otmoor developed historically along the street frontage, with only ancillary buildings situated to the rear of frontage dwellings. This settlement pattern largely remains today, creating the historical setting in which the listed buildings are situated. To develop the site in depth with dwellings, would interrupt this settlement pattern having an adverse impact upon the wider setting of the listed buildings within the vicinity of the site. Due to the somewhat separated relationship between the site and the listed buildings, HDCMD concludes that the proposal would not cause demonstrable harm to the individual settings of the listed buildings. Therefore the proposal complies with Policy EN44 of the non-statutory Cherwell Local Plan 2011.

5.7 Layout, Scale and Design

- 5.7.1 The amended plans for five dwellings indicate changes to the elevational treatment in comparison to the original proposal. The proposal for seven dwellings which were arranged across the whole of the site included detailing which was a mix of agricultural and domestic styles on the same buildings which confused the intended character for the proposal. The scheme now under consideration has refined the appearance and design of the five dwellings, leaning more towards domestic styles and appearing as cottages which, subject to some minor design alterations, their detailing and the quality of materials, are largely respective of the local vernacular.
- 5.7.2 Furthermore, at a standard height for two storey cottage style properties, the dwellings appear to be of appropriate scale to there surroundings not to be prominent or overbearing.

5.7.3 The layout of the dwellings in relation to each other as a stand alone proposal is acceptable and respectful of residential amenity, however as referred to in earlier parts of this report, the layout of the development does not respect Green Belt Policy or the historical settlement pattern within the conservation area and therefore causes harm.

5.7.4 For these reasons, whilst the proposal may be considered appropriate in design terms and scale (height) thus according with Policy C28 and C30 of the adopted Cherwell local plan and Policy D6 of the non-statutory Cherwell Local Plan, it does not accord with Policy C27 of the adopted Cherwell Local Plan, Policy D3 of the non-statutory Cherwell Local Plan or Policy BE1 of the South East Plan 2009.

5.8 Neighbouring Amenity

5.8.1 With regard to the impact of the proposal upon neighbouring amenity, whilst the proposed dwellings would be sited so as not to cause harm by way of being overbearing or overshadowing, the relationship of plot 1 with the existing neighbouring properties is of some concern. Highfield House to the north west of plot one has a first floor window which would directly overlook the garden area of this dwelling at a distance of just 5m from the shared boundary, however the planned patio area serving the dwelling would be partly protected by a single storey rear projection accommodating a garden room. Whilst the relationship between the two properties would not be ideal, HDCMD considers that as the overlooking relationship would affect a new property rather than one that exists, potential purchasers would have an opportunity to give consideration to this relationship before buying the property. Furthermore there is the potential for some overlooking between the first floor windows of the proposed plot one and the neighbouring property Watergrasshill, the distance between which would be 14m. Giving due consideration to this matter, HDCMD regards this relationship as not causing demonstrable harm as there is the opportunity to protect ground floor windows with a 2m boundary fence and the first floor windows serve a bathroom and en suite, which are not considered to be habitable rooms. For these reasons, the application proposal complies with Policy C30 of the adopted Cherwell Local Plan and Policy D6 of the non-statutory Cherwell Local Plan 2011.

5.9 Highway Safety

5.9.1 The Local Highway Authority raises no objections to the development of the site subject to details such as the improvement of the access. The proposal therefore complies with PPG13 and Policies TR5 and TR11 of the non-statutory Cherwell Local Plan 2011.

5.10 Archaeology

5.10.1 The County Council is satisfied that all archaeological issues on the site have been addressed or will be addressed via the method by which the development will be carried out and as such the proposal complies with PPG16 and Policy EN47 of the non-statutory Cherwell Local Plan 2011.

5.11 Contaminated Land

- 5.11.1 Both the Environment Agency and the Council's Environmental Protection Officer have considered the proposal and are satisfied that following receipt of the Stage 1 and Stage 2 site investigation reports that the proposal is acceptable subject to a number of recommended conditions. Subject to these conditions therefore the proposal complies with Policies ENV1 and ENV12 of the adopted Cherwell Local Plan and Policy EN1 and EN17 of the non-statutory Cherwell Local Plan.

6. Recommendation

Refusal, for the following reasons:

- 1. The redevelopment of the Charlton on Otmoor Bus Depot for residential development, which is not infill, represents inappropriate development within the Oxford Green Belt, for which no very special circumstance case has been proven, and which would cause harm to the openness of the Green Belt, conflict with the purpose of including land within the Green Belt and would harm its visual amenities. For these reasons, the application is contrary to PPG2: Green Belts, Policy CO4 of the South East Plan 2009, Policy GB1 of the adopted Cherwell Local Plan and Policies GB1 and GB1a of the non-statutory Cherwell Local Plan 2011.**
- 2. The proposal would result in the loss of an existing rural business and therefore employment within a rural settlement and as the site has not been satisfactorily marketed and nor is it considered that the proposal would result in a significant or demonstrable planning benefit to the site or its surroundings the development is considered to be contrary to PPS1: Delivering Sustainable Development, PPS6: Town Centres, PPS7: Sustainable Development in Rural Areas and Policy EMP5 of the non-statutory Cherwell Local Plan.**
- 3. The proposed dwellings, due to their proposed location, arrangement and relationship with other neighbouring dwellings, would not respect the historic, linear, settlement pattern along High Street, which would neither preserve or enhance the character and the appearance of the Charlton on Otmoor Conservation Area, thus being contrary to PPG15: Planning and the Historic Environment, Policy BE6 of the South East plan 2009 and Policies EN39 and EN40 of the non-statutory Cherwell Local Plan 2011.**

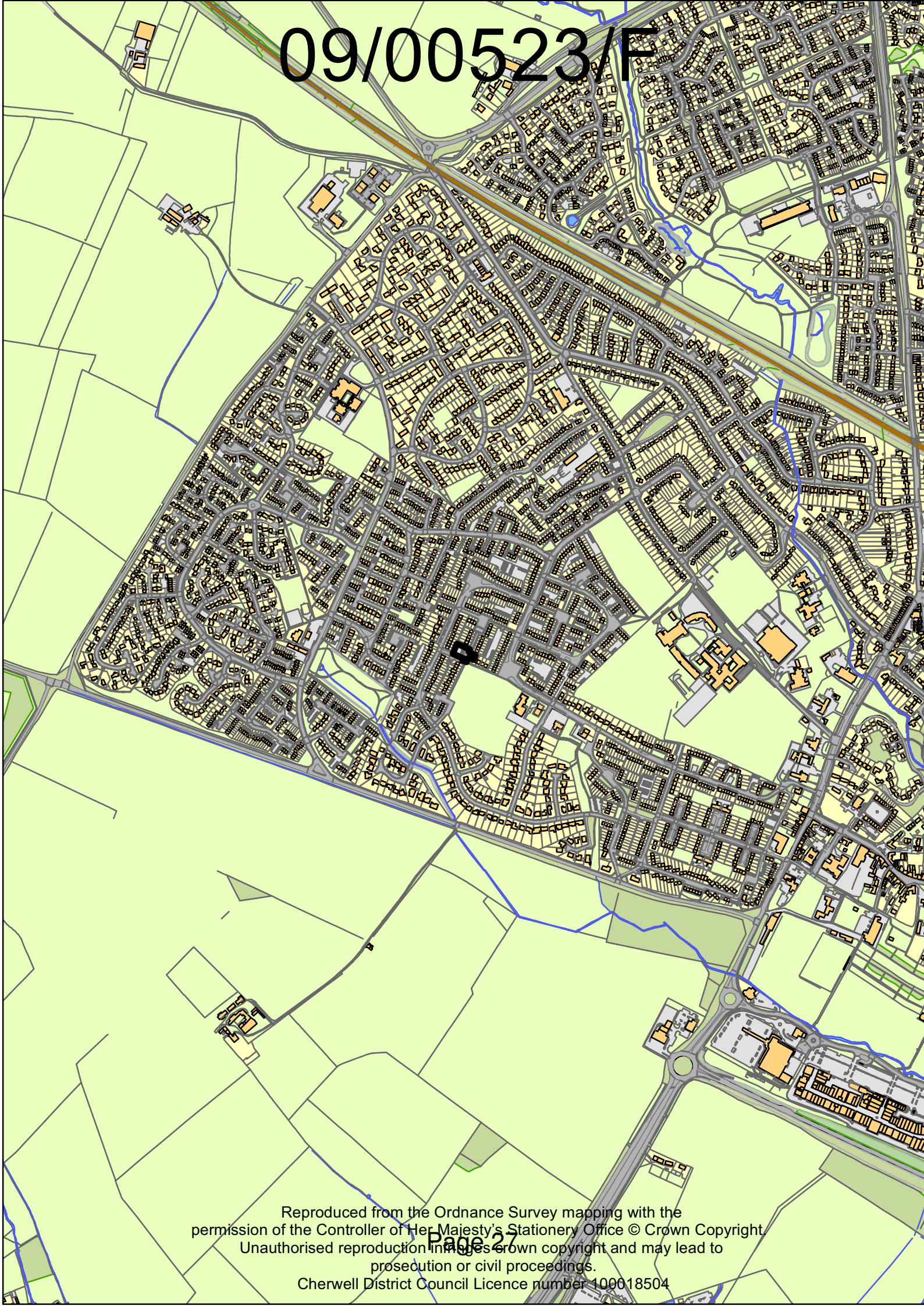
CONTACT OFFICER: Jane Dunkin

TELEPHONE NO: 01295 221815

Agenda Item 09/00523/F



09/00523/F



Application No: 09/00523/F	Ward: Bicester West	Date Valid: 17.04.09
Applicant:	Mr J Mullins	
Site Address:	Garage Block adjacent to 32 Langford Gardens, Bicester	

Proposal: Demolish 2 garage blocks and erect 3 no. three bedroom houses. Alterations to street layout.

1. Site Description and Proposal

1.1 SITE DESCRIPTION

Langford Gardens is a small cul de sac located off Danes Road, Bicester. This forms part of a much larger estate of older housing within the town. The cul de sac comprises very similar terrace properties with the garage court the subject of this application located on the junction with Danes Road.

The court comprises a total of 7 prefabricated garages and to the east of the proposed dwellings a block of 4 garages is also to be demolished. The garages are all owned by Charter Community Housing and their records show that only 6 of these garages are occupied. The applicant has submitted information which shows that there are 5 empty garages in other courts off Langford Gardens and according to the agent, the current occupiers of the garages will be offered alternative garages from this vacant stock.

The garages are located on a rectangular shaped parcel of land. The applicants consider that the redevelopment of this site would reduce the opportunity for anti-social behaviour as it would remove a currently unobserved area.

1.2 RELEVANT PLANNING HISTORY

Application 07/01282/F Demolition of existing garages and erection of a terrace of 3 no. three bedroom houses - Withdrawn on 23rd July 2007 as the Highway Liaison Officer required more information on alternative parking/garaging arrangements for the existing tenants.

Application 08/01414/F Demolition of 7 no. garages to be replaced by 3 no. terraced houses plus six car parking spaces – Refused on 2nd September 2008. Reason for refusal ‘The proposed layout would result in the loss of on-street parking opportunities for surrounding properties to the detriment of both amenity and road safety contrary to the requirements of Policy T8 of the Oxfordshire Structure Plan and saved Policy TR2 of the adopted Cherwell Local Plan.’

PROPOSAL

1.2

This is a full application seeking consent for the redevelopment of the site to construct 3 new dwellings. These dwellings will be for **Social Housing** and not private residential dwellings. The scheme includes the demolition of 11 garages in total. The scheme includes the provision of 6 car parking spaces for the three new

dwelling and 11 car parking spaces located to the east of the proposed dwellings.

This application follows a previous planning application on the same site application 08/01414/F which was refused due to concerns regarding the impact of the proposed development on highway safety due to insufficient car parking provision. The agent and applicant have undertaken a parking survey of the site and the locality and submitted this with the application and the scheme now includes parking provision for 17 cars within the application site.

This application is one of a number of pre-application projects that are being looked at for new housing development within the District to replace existing old style garage courts. To date this Council has entertained at least three other planning applications within the District and is currently considering at least three other sites throughout the District at pre application stage.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice, press notice and neighbour letters. The last date for comments was 29th May 2009.

3. Consultations

- 3.1 **Bicester Town Council** have raised an objection to the application. They state that 'The development will result in an over-development of the area and will be of no benefit to either residents or the surrounding area. Loss of amenity: parking is already a major issue for residents and this would be compounded further should this application be approved. Vehicle access: in particular access for emergency vehicles concerns have been previously raised re. access for fire tenders etc. safety issues for residents'
- 3.2 **Oxfordshire County Council Highway Liaison Officer** has raised no objection to the application subject to planning conditions to ensure car parking is retained and footpath provided.
- 3.3 **Thames Water** no objection to the application on sewerage infrastructure grounds. With regard to surface water drainage they consider that it is up to the developer to make sure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. They suggest that an informative is attached to any planning consent. This has been included in the conditions above.
- 3.4 **Oxfordshire County Council Planning Archaeologist** has stated 'that the proposal does not appear to directly affect any presently known archaeological sites. However, our records do indicate the presence of known archaeological finds nearby, and this should be borne in mind by the applicant. If archaeological finds do occur during development the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Suggest a note to the applicant.

3.5 **Third Party Representations**

Seven third party representations have been received to the application from properties adjacent to the site. These comments are summarised as follows:

1. The local inhabitants have been parking their cars behind the garages ever since the houses were built
2. The application states that the space is a likely point for anti social behaviour but it seems that the alley created on the north eastern side of the site may be more likely to cause a concern
3. The replacement parking offered is some distance from the garages that are to be removed
4. The redevelopment will result in an area that is not big enough to manoeuvre emergency vehicles
5. Parking is already an issue in the area. The proposed development will put considerable strain on parking in the area
6. The impact these houses will have on the surrounding area during demolition and then construction.
7. Increased activity on the roads.
8. Noise.
9. Safety – there are a lot of young children in the area and elderly too
10. Only building three houses on the site is a waste of resources and expense.
11. Three additional houses will introduce a further potential for 6+ vehicles to the already limited access area
12. The current congestion and parking issues cause safety issues
13. Access to the rear of many houses on Danes Road and Langford Gardens will be made considerably more difficult without the access area in front of the garages
14. The back of several properties receive sunlight from the direction of the garages. The proposed development will obstruct light on the ground floor for substantial periods of the year.

4. Relevant Planning Policies

- 4.1 **Planning Policy Statement 1 (PPS1): Delivering sustainable development
Planning Policy Statement 3 (PPS3): Housing
Planning Policy Guidance 13 (PPG13): Transport**
- 4.2 **Regional Spatial Strategy for the South East (The South East Plan)**
Policy T4: Parking
Policy BE1: Management for an urban renaissance
Policy H5: Housing Design and Density
- 4.3 **Cherwell Local Plan November 1996**
Policy C28: Layout, design and external appearance of new development
Policy C30: Design of new residential development
- 4.4 **Non-Statutory Cherwell Local Plan 2004**
Policy H1a: Location of new housing
Policy H11: Windfalls (Bicester)
Policy TR1: Transport and development
Policy TR11: Parking

5. Appraisal

5.1 Siting of the new dwellings with regard to the character of the surrounding area

The existing built form adjacent to the garage court comprises mainly terrace housing in average blocks of 6. There are some larger semi detached properties on Danes Road. The form of development comprises straight terraces and staggered terraces.

The proposal is for three residential terraced properties situated in a block fronting onto the cul de sac. Plot 1 and 2 are adjoined with a gable front to the east elevation and plot 3 is set forward of plot 1 and 2 by 2 metres with a gable front to the east elevation. Number 32 Langford Gardens sits adjacent to the last plot of the three, with an access pathway measuring 2m running between the two properties.

The new dwellings are of a staggered form which is a characteristic of other dwellings within Danes Road and therefore the proposal is considered to respect the existing form of adjacent properties. The layout provides a clear front and rear garden area with parking to the front. In addition, the ridge heights are in keeping with what has been built in the locality.

In terms of the character of the surrounding area, this is clearly residential with clear boundaries and parking areas defined. The proposed development is considered to respect this character and also enhance the area by removing a number of old style, prefabricated garages.

The siting of the proposed dwellings meets the requirements in respect of protecting residential amenity. The distance between the rear of the properties on Danes Road and the proposed dwellings is in excess of 22 metres and is sufficient to avoid any adverse impact in terms of overlooking or loss of light.

5.2 Design and appearance of the new dwellings

The dwellings have a very specific floor layout comprising, an open plan living/dining room area, a kitchen and WC on the ground floor with three first floor bedrooms, ample storage with under stair cupboards and the layout also provides the ability for future lift provision to be installed if necessary.

The properties are to be constructed from brick with the addition of soldier course bands, storm porches and projecting gables to create some interest visually in the buildings. The Case Officer has raised some minor design issues with the agent regarding the projecting gable to the front plot 1 and 2. This gable is a large projection and it has been requested that the first floor windows be sited closer together in order to try and reduce the bulk of brick work at first floor level and an increase in the roof pitch of the gable to be more in keeping with the gable to plot 3.

The side elevation of plot 1 is blank and therefore minimal surveillance is achieved to the area between Langford Gardens and Danes Road. It has been suggested to the agent that an opening, in the form of a window be sited in this elevation at first floor or ground floor level. Amended plans are expected to be submitted prior to the meeting of Planning Committee and will be fully report to the meeting.

The boundary treatment on the public sides of the development is 1.8m high walls with close boarded panels to the boundary. This is considered to be in keeping with the existing built form within the area where most of the boundary treatments are either brick wall or close boarded fence. All the materials are in keeping with the existing appearance of the adjacent properties.

5.3 Access and parking arrangements

The access to the properties for vehicular traffic is taken from the existing Langford Gardens access into the former garage and parking court to the east of the proposed dwellings. The existing access to the garages sited in place of the new dwellings is to be closed off.

In terms of pedestrian routes into the development, again these are taken from the existing footpath into this part of Langford Gardens and to the front of the dwellings a new footpath is to be constructed along with a new side access between 32 Langford Gardens and plot 3 and one also to the side of plot 1. There is also a new grass verge proposed running alongside plot 1.

The access and manoeuvring area has been designed to include new dropped kerbs for access into the new parking spaces created for the new dwellings and the Highway Authority is happy with the arrangement as detailed. The addition of three extra dwellings is not considered to make a significant impact on the established residential area which is considered to be capable of absorbing the activity generated by these new dwellings.

The new dwellings are provided with 2 car parking spaces each which is in accordance with current highway standards.

The area to the east of the proposed new dwellings has been enlarged by the slight

resiting of the kerb to the front of the dwellings. The area to the east of the new dwellings can therefore accommodate 11 parking spaces which are to be laid out as shown on the submitted plans. In total the scheme includes 17 car parking spaces which the Local Highway Authority are happy to support the scheme in highway safety terms.

The application has been accompanied by a parking survey of the area. Of the 11 garages affected by the proposal only 6 are currently rented with tenants, with a total of 5 being vacant. These 6 garage tenants can be relocated to nearby garage block D which has 5 vacant garages, and one tenant relocated to nearby Danes Road. The current proposals aim to formalise the parking arrangements to the east of the new dwellings. As identified in the parking survey, up to 14 cars were parked in Langford Gardens at any one time, the current proposals will allow for 11 of these vehicles to park safely and at peak times. It is considered that any overflow parking can be accommodated safely in the adjacent roads or within the garage court adjacent to block D without adversely affecting highway safety.

The proposed development provides sufficient car parking for the new development and existing parking pressure and will not adversely affect highway safety and is considered to be in accordance with policy T4 of The South East Plan and guidance contained with PPG13: Transport.

5.4 Emergency vehicle access

A number of objections have been received to the planning application which makes reference to the development creating problems for the manoeuvring and operation of emergency vehicles such as fire appliances.

The Case Officer of the previous application spoke to a representative of the Oxfordshire Fire & Rescue HQ at Kidlington regarding this matter. In order to deal with an emergency such as a fire, the appliances would manoeuvre their appliance to the nearest fire hydrant where the water would then be pumped through the appliance to the hoses. In order to comply with the requirements of Building Regulation requirements, a fire appliance must be able to gain emergency access to a building within 45m. Surrounding dwellings can be accessed to within 45 metres without having to negotiate into the parking court created.

Having assessed the existing street formation and then compared this with what is proposed there is not considered to be an issue with this application preventing an emergency vehicle such as a fire appliance from getting access to existing properties should they need to.

5.5 **CONCLUSION**

Overall, this detailed proposal is considered to be acceptable on its planning merits as the design and appearance of the proposed buildings fits in with the character of the surrounding area and efforts have been made by the applicants to accommodate existing tenants of the garages in alternative locations and have illustrated the local parking requirements and provided car parking to replace the garages which are to be removed.

6. Recommendation

Approval, subject to the receipt of amended plans and to the following conditions:

1. 1.4A – Full Permission: Duration Limit (3 years) (RC2)
2. 2.0A – Details of Materials and External finishes (RC4) Insert ‘dwellings’
3. 4.13CD – Parking and Manoeuvring area retained (RC13BB)
4. 14.12AA -Surface, Laid out etc (RC14A) insert ‘parking’

Planning Notes

1. Thames Water have been consulted in respect of the application and a copy of their reply is enclosed for your information.
2. Oxfordshire County Council Archaeologist has been consulted in respect of the application and a copy of their reply is enclosed for your information.

Reason for the grant of planning permission

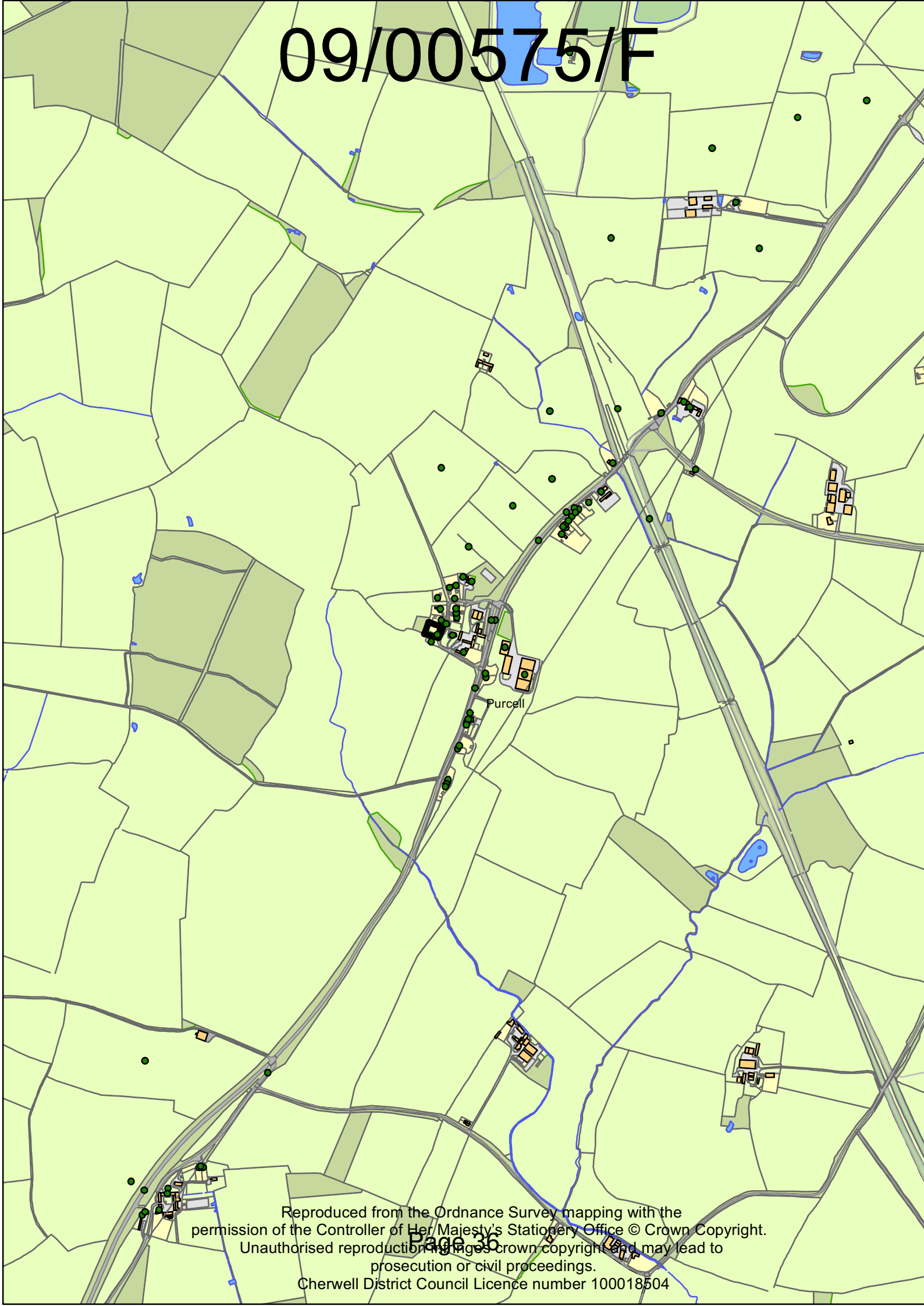
The Council, as the local planning authority, has determined this application in accordance with the development plan, unless material considerations indicate otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is of a design, size and style that is appropriate and will not unduly impact on neighbouring properties. The development proposes sufficient car parking and would therefore not introduce a highway danger. As such the proposal is in accordance with saved policies C28 and C30 of the adopted Cherwell Local Plan, policies H11, TR11, D1, D2 and D3 of the Non-Statutory Cherwell Local Plan and policies T4 and BE1 of The South East Plan and guidance contained within PPS1: Delivering sustainable development and PPG13: Transport. For the reasons given above³ and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

CONTACT OFFICER: Emily Shaw

TELEPHONE NO: 01295 221813



09/00575/F



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Application 09/00575/F	No:	Ward: Fringford	Date Valid: 29/4/09
Applicant:	Mr David Markham		
Site Address:	20 Newton Purcell Oxon MK18 4AY		

Proposal: Two storey rear extension and removal of concrete garage and construction of new double garage.

1. Site Description, Proposal and Relevant Planning History

1.1 The property (listed in October 1988) is an 18th century vernacular, Grade II listed cottage with later additions, which includes a late 20th century side and rear extension at the northern end. The property is strategically located within the village of Newton Purcell opposite the Grade II Listed Church of St Michael, at the southern end of the village before the countryside opens into agricultural fields.

1.2 The property is located immediately adjacent to the highway, and almost fills the frontage of its plot. Due to this, it commands a prominent position within the village and street scene. It should be noted that this application is accompanied by an application for listed building consent.

1.3 This application (and accompanying listed building application) seeks consent for the erection of a 6 metre long two storey, rear extension, and the replacement of a pre-fabricated concrete garage to the rear of the site with a new, double garage, sited 13 metres further forward towards the site frontage with the road.

1.4 The relevant planning history associated with this site is important in the consideration of this application, as it demonstrates how the cottage has evolved and been extended over time:

CHS 81/378 – Two storey extension and alterations (PERMITTED)

08/00906/F – Two storey rear extension (REFUSED)

08/00907/LB – Two storey rear extension. Minor internal alterations. New window openings and door. Part replacement windows. (REFUSED)

08/02331/LB – New window opening and door with replacement windows throughout. (PERMITTED)

2. Application Publicity

2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment is 9 June 2009.

2.2 To date, no comments have been received.

3. Consultations

3.1 Oxfordshire County Council Highway Authority raise no objection to the proposal, subject to a revised plan showing the garage repositioned 5 metres from the face of the cottage, a plan showing provision for at least three off street car parking spaces (condition 4.14AB) and no garage conversion without the LPA's Prior Approval

(condition 6.6AB).

- 3.2 Oxfordshire County Council's Archaeologist raises no objection to the proposal, subject to the imposition of a planning note requiring the applicant to notify the County Archaeologist should any finds be identified during the course of construction.
- 3.3 Cherwell District Council's Assistant Design and Conservation Officer objects to the proposal, on the basis that the alterations are disproportionate to the relatively simple form of the already extended listed building, and will erode its special historic and architectural qualities. Full comments are provided in the appraisal below.
- 3.4 Newton Purcell-Shelswell Parish Council raises no objection to the proposal, and states that the village is very supportive of the sympathetic manner in which Mr Markham has renovated the cottage to date and is supportive of the extension to enable Mr Markham and his family to remain in the village. A minority of the villagers consulted suggested it would be preferable for the garage to be set further back to provide more off street parking.

4. Relevant Planning Policies

- 4.1 Planning Policy Guidance Note 15: Planning and the Historic Environment, Planning Policy Guidance Note 13: Transport
- 4.2 The South East Plan – Regional Spatial Strategy for the South East - Policies CC6, BE6 and T4
- 4.3 Adopted Cherwell Local Plan 1996 - Saved Policies C28 and C30
- 4.4 Non Statutory Cherwell Local Plan 2011 – EN39, EN44 and D6

5. Appraisal

- 5.1 The key issues to consider are,

- Principle of development
- Impact upon the setting of the Grade II listed building
- Impact upon the character and appearance of the area
- Impact upon neighbouring properties
- Highway safety

Addressing each point in turn:

- 5.2 Principle of the development

Extension

The thrust of the advice given in PPG 15, Policies BE6 and CC6 of the RSS for the South East, Policy C28 of the Adopted Plan and Policies EN39 and EN44 of the NSCLP is to ensure that development preserves the features and setting of listed buildings and that standards of layout, design and external appearance, including the choice of materials are sympathetic to the character and rural context of the area.

- 5.3 It is important to consider the extent to which the current building has been extended and altered over the years; Annex A to this report graphically depicts how

the building has been extended in the past, and includes the current proposal (in red). The Assistant Design and Conservation Officer has offered the following comments in respect of the building's development:

- 5.4 "The property has grown from its original single unit 4-bay fronted form via a series of successive extensions. Reading the frontage, at least three doorways can be seen, two now are blocked, and a possible fourth doorway is now a window. The walls are constructed of limestone rubble in an irregular pattern with minimal visible mortar. A later extension, likely to be 19th century, is to the north of this original form and replicates the vernacular form. The difference between the two constructions is clearly visible, as the later structure is more regularised and the coursing of the limestone is more prominent, although the use of leaded casement windows and limestone means the two structures are unified well. The ridge line steps down slightly on this later extension showing its subservience to the earlier building. At some point during this history, two small lean-to structures at the rear have been incorporated into the habitable space, creating a study and store. These structures are single storey limestone rubble with slate roofing. The latest addition was constructed in the 1980s (under CHS.81/378) and is clearly different from the remainder of the property due to its larger regular coursed ironstone blocks. The windows are set at different levels to the earlier structure with uniform wooden lintels and window. The front door has been moved to this extension and the property is now entered from the north elevation. The west elevation of this extension has been rendered and contains modern timber top-hung windows. Applications 08/02331/LB and 08/02351/F proposed that these windows be changed to a more sympathetic design but these approved plans have not been implemented.
- 5.5 The original building had a footprint of 82.54m². The Victorian extension, as shown in green on the illustration in Annex A, being 17.15m², represented a 20% increase on this footprint. The 1980s extension, as shown in blue, was 29.25m², a further increase of 35.4%. Together, the Victorian and 1980s extensions already represent an increase of 56.2% over and above the original house.
- 5.6 The proposed extension has a footprint of 26.65m², taking the total cumulative extensions to 73.05m², which would equate to an increase of 88.5% over the original house.
- 5.7 The applicant previously applied for a similar extension in April 2008. This was refused in June 2008 (08/00906/F refers). This proposal was for a family room and one additional bedroom, totalling 15.6m², which would have been a total extension of 75% over the original house. This application was refused on the grounds that it 'did not constitute a minor and sympathetic addition to the building and incompatible with its scale and character. The proposal failed to preserve the character, historic interest and setting of the Listed Building'. In the delegated report, the Planning Officer noted that the extension 'does not respect this original pattern [of four cottages]' and would 'appear very large and dominant'. The current application goes further than this refused application, increasing the number of bedrooms to five rather than four. The current application is, at 26.65m², 11.05m² (13.5% of the original house) larger than the previously refused application."
- 5.8 It is clear that the building has been extended fairly significantly in the past, creating a substantial building, consisting of four reception rooms and three bedrooms. This

proposal seeks to add a further 6 metres of two storey development to the rear. The extension, by virtue of its footprint, continuation of the ridge and eaves height (not set down from the existing to create subservience) and cumulative impact is not considered to represent a sympathetic, subservient addition which respects the character, setting or historic fabric of the building. Additionally, the building will be very visible from the public domain (main road along the site frontage) and will be over-dominant when viewed from the north west approach.

5.9 **Garage**

Similarly, the proposed garage is not considered to represent a sympathetic, appropriately designed addition. Whilst the existing garage is of no particular aesthetic merit (the building was constructed under 'Permitted Development' rights, prior to the building's listing), the replacement is not considered to represent an acceptable improvement.

5.10 The Assistant Design and Conservation Officer has stated the following:

"The existing garage is set very far back into the site and therefore has a minimal impact on the listed building, despite being set at a slightly higher level than the front of the plot. The existing structure is pre-fabricated concrete with timber boarding on the east elevation. The single door is white metal and of the up-and-over style.

5.11 The height of the proposed garage will be no higher than the existing garage, although this is set 13 metres back and is raised at least 500mm above the highway. The proposed structure will be timber boarded and set 13 metres further forward on the site, being far more visible from the street. No explanation or justification has been given for this change in position except that it would screen the proposed extension.

5.12 There is a lack of clarification of the materials proposed – 'manmade slates' is a very ambiguous phrase and could mean anything from hand cut Welsh slate to reconstituted (concrete) tiles. Front opening doors are indicated on the plan, although these are not shown on the elevation and no materials have been proposed. The proposed timber boarding for the walls is not traditional to the village or existing property. In addition to this, the more traditional form of subsidiary agricultural building would not be entered from the gable, but from the elevation.

5.13 A more suitable structure would replicate a traditional agricultural outbuilding or cart shed, which would be open timber-framed and turned through 90° with the plan elevation to the street. By replacing the existing structure on the same site, this would have less of an impact on the listed building and no more impact on the street scene than the current structure."

5.14 It is therefore considered that the principle of the proposed extension and garage cannot be supported, as they do not represent subservient, appropriately designed developments. The latter sections go into further detail in respect of the impact of the proposed development on the setting, character of the area, neighbour amenity and highway safety, respectively.

5.15 Impact upon the setting of the Grade II listed building

The extension is not considered to represent a sympathetic, subservient addition to the existing listed building. The extension does not respect the linear, humble, vernacular form of the original cottage, and the detached garage does not respect the frontage and open nature of the site, by pushing development closer to the existing building and highway edge.

5.16 Impact on the character and appearance of the area

The materials of the proposal are proposed to match those of the existing 1980s kitchen extension: squared limestone in deep regular courses, contrary to the irregular limestone rubble courses of the earlier original humble cottage. The continuation of the use of inappropriately used materials would not improve the property visually nor would it be historically accurate.

5.17 The proposal continues the ridge and eaves line from the 1980s extension. This means that it is not subservient to the original building or its later extensions. Traditionally, a rear 'service wing' would be lesser in scale and significance, often being built of different materials, for example the lean-to slate-roofed store of the original building. This different form of construction shows a building's development and history, and is a key element to a building's character, as indicated by PPG15 para 3.13 '*...cumulative changes reflecting the history of use and ownership are themselves an aspect of the special interest of some buildings*'. This proposal would not be subservient, and would in fact be dominant when viewed from the northwest approach.

5.18 The proposed fenestration on the north elevation of the extension is larger than that of the original building, raising the height of the eyebrow dormers. The windows are even larger on the south elevation and include French doors with additional glazing either side. This is an inappropriate style of glazing, alien to the vernacular form of the building and not following the original simplicity of this listed building.

5.19 The applicant states in the Justification Statement that '*the extension is well hidden at the rear and is screened by the new garage*'. The plan in Annex A shows that the extension will be clearly visible from the highway due to the open access. This means that the inappropriate fenestration and materials and lack of subservience will have a detrimental effect on the street scene and character and appearance of the area.

5.20 Impact on neighbour amenity

The nearest neighbouring property is no. 22, to the north of the application site, and is approximately 16 metres from the side of the proposed extension. Due to land level differences, the large (approx. 4 metres high) conifer hedge on the northern boundary with the site and neighbouring property and the distances involved, the extension will not cause harm to neighbour amenity by way of overlooking, overbearing or loss of light.

5.21 Similarly, the garage, although being sited further forward, will not cause harm to neighbour amenity, given the large conifer screen and the land level differences.

5.22 Impact on highway safety

The Local Highway Authority has recommended the submission of an amended plan re-positioning the garage 5 metres from the face of the existing cottage to provide additional parking, in the interests of highway safety. They have also recommended two conditions; one requiring the submission of a plan showing provision for a least three off street car parking spaces, and the other restricting the conversion of the garage.

Subject to the receipt of these details, it is not considered that the proposal would cause detrimental harm to highway safety.

6. Recommendation

It is therefore recommended that the application as submitted be refused for the following reason:

The proposed development, by virtue of its scale, materials and siting does not constitute a minor, proportionate or sympathetic addition to the building, and is incompatible with the scale and form of the listed building. The proposal fails to preserve the features, fabric and setting of the building. The extension and garage would also constitute disproportionate, over-dominant additions within the street scene, detrimental to the visual amenities of the locality, contrary to Central Government guidance contained in PPG 15, Policies CC6 and BE6 of the South East RSS 2009, Policy C28 of the Adopted Cherwell Local Plan 1996 and Policies EN39, EN44 and D6 of the Non-Statutory Cherwell Local Plan 2011.

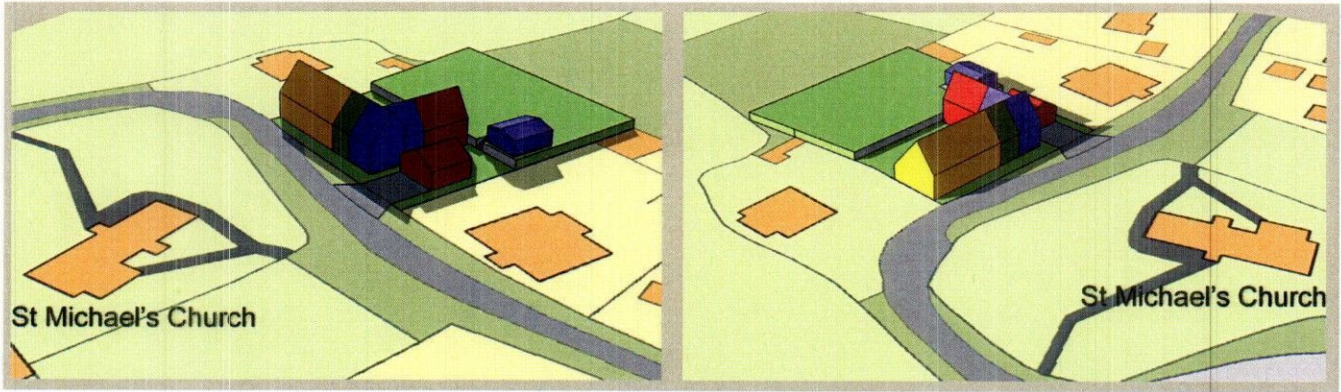
CONTACT OFFICER: Laura Bailey

TELEPHONE NO: 01295 221824

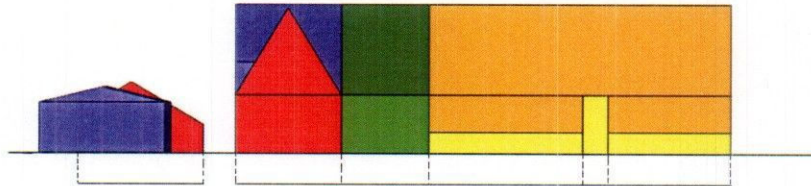
Annex A: - Illustration of cottage's evolution

ANNEX A

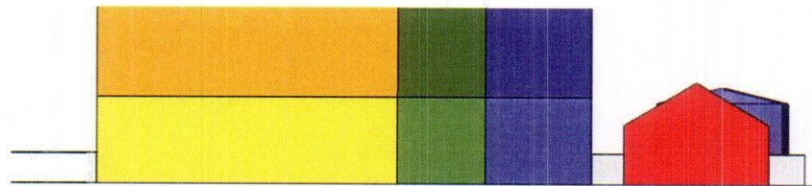
Original House 19th Century 1981 extension Proposal



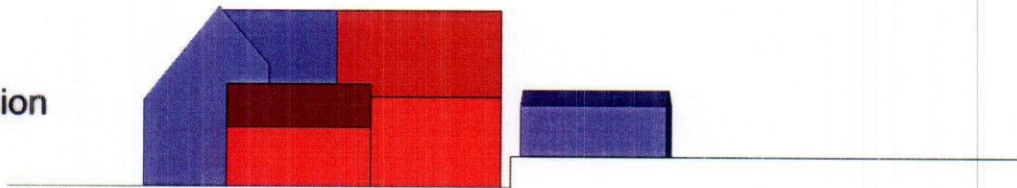
East Elevation



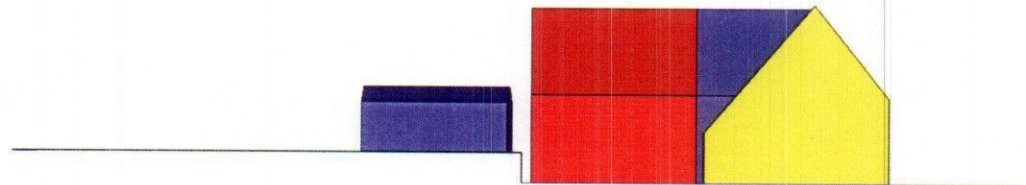
West Elevation

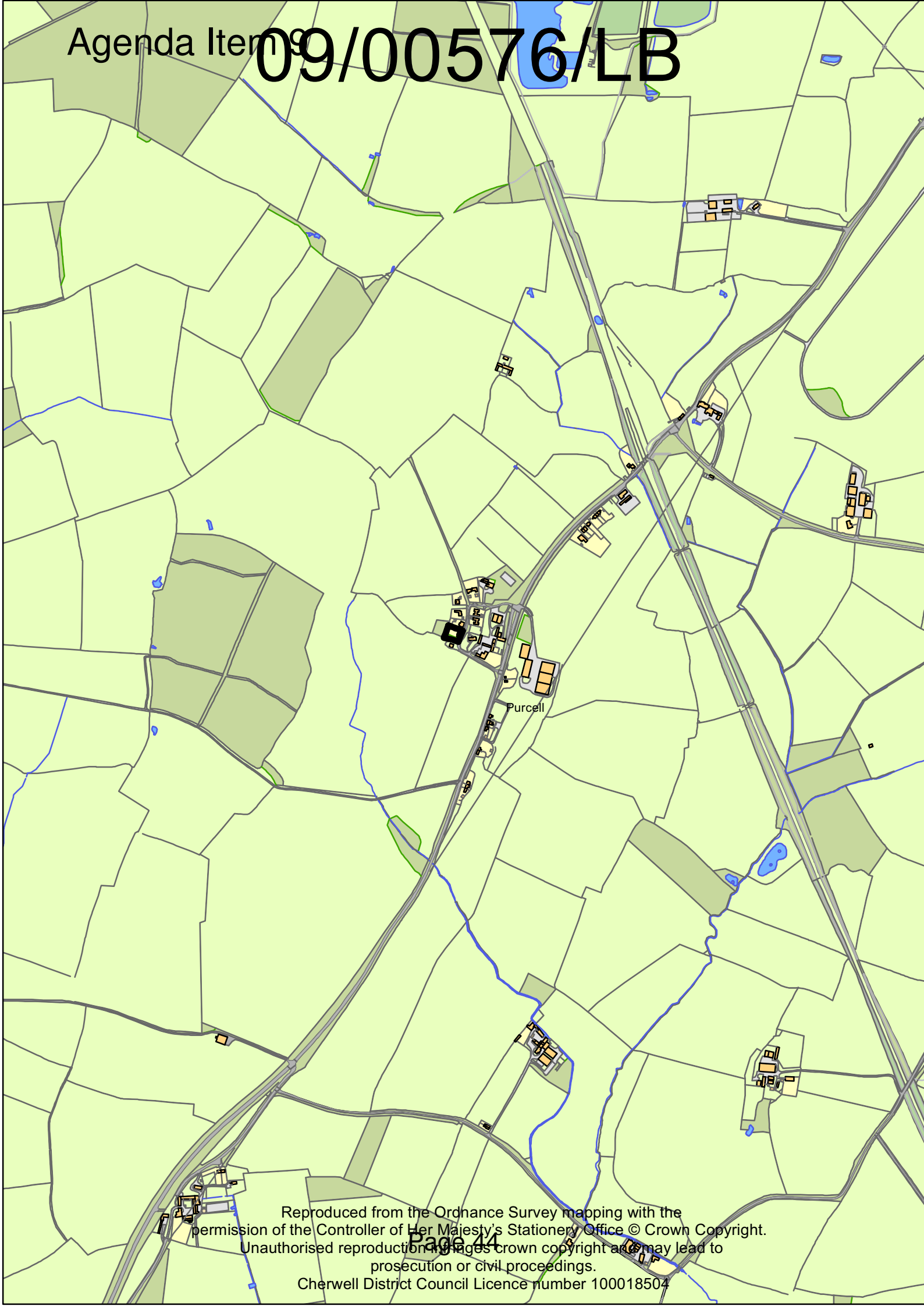


North Elevation



South Elevation





09/00576/LB



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Application 09/00576/LB	No:	Ward: Fringford	Date Valid: 29/4/09
Applicant:	Mr David Markham		
Site Address:	20 Newton Purcell Oxon MK18 4AY		

Proposal: Two storey rear extension and removal of concrete garage and construction of new double garage.

1. Site Description, Proposal and Relevant Planning History

- 1.1 The property (listed in October 1988) is an 18th century vernacular, Grade II listed cottage with later additions, which includes a late 20th century side and rear extension at the northern end. The property is strategically located within the village of Newton Purcell opposite the Grade II Listed Church of St Michael, at the southern end of the village before the countryside opens into agricultural fields.
- 1.2 The property is located immediately adjacent to the highway, and almost fills the frontage of its plot. Due to this, it commands a prominent position within the village and street scene. It should be noted that this application is accompanied by an application for full planning permission (09/00575/F refers).
- 1.3 This application (and accompanying full application) seeks consent for the erection of a 6 metre long two storey, rear extension, and the replacement of a pre-fabricated concrete garage to the rear of the site with a new, double garage, sited 13 metres further forward towards the site frontage with the road.
- 1.4 The relevant planning history associated with this site is important in the consideration of this application, as it demonstrates how the cottage has evolved and been extended over time:

CHS 81/378 – Two storey extension and alterations (PERMITTED)

08/00906/F – Two storey rear extension (REFUSED)

08/00907/LB – Two storey rear extension. Minor internal alterations. New window openings and door. Part replacement windows. (REFUSED)

08/02331/LB – New window opening and door with replacement windows throughout. (PERMITTED)

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment is 9 June 2009.
- 2.2 To date, no comments have been received.

3. Consultations

- 3.1 Cherwell District Council's Assistant Design and Conservation Officer objects to the proposal, on the basis that the alterations are disproportionate to the relatively simple form of the already extended listed building, and will erode its special historic and architectural qualities. Full comments are provided in the appraisal below.
- 3.2 Newton Purcell-Shelswell Parish Council raises no objection to the proposal, and states that the village is very supportive of the sympathetic manner in which Mr Markham has renovated the cottage to date and is supportive of the extension to enable Mr Markham and his family to remain in the village. A minority of the villagers consulted suggested it would be preferable for the garage to be set further back to provide more off street parking.

4. Relevant Planning Policies

- 4.1 Planning Policy Guidance Note 15: Planning and the Historic Environment
- 4.2 The South East Plan – Regional Spatial Strategy for the South East - Policy BE6
- 4.3 Adopted Cherwell Local Plan 1996 - Saved Policy C18
- 4.4 Non Statutory Cherwell Local Plan 2011 – EN39 and EN44

5. Appraisal

- 5.1 The key issue to consider is,
 - Impact on the setting, character, architectural and historic fabric of the listed building
- 5.2 Impact on the setting, character, architectural and historic fabric of the listed building

The Assistant Design and Conservation Officer has offered the following comments in respect of the building's development:

“The property has grown from its original single unit 4-bay fronted form via a series of successive extensions. Reading the frontage, at least three doorways can be seen, two now are blocked, and a possible fourth doorway is now a window. The walls are constructed of limestone rubble in an irregular pattern with minimal visible mortar. A later extension, likely to be 19th century, is to the north of this original form and replicates the vernacular form. The difference between the two constructions is clearly visible, as the later structure is more regularised and the coursing of the limestone is more prominent, although the use of leaded casement windows and limestone means the two structures are unified well. The ridge line steps down slightly on this later extension showing its subservience to the earlier building. At some point during this history, two small lean-to structures at the rear have been incorporated into the habitable space, creating a study and store. These structures

are single storey limestone rubble with slate roofing. The latest addition was constructed in the 1980s (under CHS.81/378) and is clearly different from the remainder of the property due to its larger regular coursed ironstone blocks. The windows are set at different levels to the earlier structure with uniform wooden lintels and window. The front door has been moved to this extension and the property is now entered from the north elevation. The west elevation of this extension has been rendered and contains modern timber top-hung windows. Applications 08/02331/LB and 08/02351/F proposed that these windows be changed to a more sympathetic design but these approved plans have not been implemented.

- 5.3 The original building had a footprint of 82.54m². The Victorian extension, as shown in green on the illustration in Annex A, being 17.15m², represented a 20% increase on this footprint. The 1980s extension, as shown in blue, was 29.25m², a further increase of 35.4%. Together, the Victorian and 1980s extensions already represent an increase of 56.2% over and above the original house.
- 5.4 The proposed extension has a footprint of 26.65m², taking the total cumulative extensions to 73.05m², which would equate to an increase of 88.5% over the original house.
- 5.5 The applicant previously applied for a similar extension in April 2008. This was refused in June 2008 (08/00906/F refers). This proposal was for a family room and one additional bedroom, totalling 15.6m², which would have been a total extension of 75% over the original house. This application was refused on the grounds that it 'did not constitute a minor and sympathetic addition to the building and incompatible with its scale and character. The proposal failed to preserve the character, historic interest and setting of the Listed Building'. In the delegated report, the Planning Officer noted that the extension 'does not respect this original pattern [of four cottages]' and would 'appear very large and dominant'. The current application goes further than this refused application, increasing the number of bedrooms to five rather than four. The current application is, at 26.65m², 11.05m² (13.5% of the original house) larger than the previously refused application."
- 5.6 It is clear that the building has been extended fairly significantly in the past, creating a substantial building, consisting of four reception rooms and three bedrooms. This proposal seeks to add a further 6 metres of two storey development to the rear, which would create a building with five bedrooms, and six reception rooms. The extension, by virtue of its footprint, continuation of the ridge and eaves height (not set down from the existing to create subservience) and cumulative impact is not considered to represent a sympathetic, subservient addition which respects the character, setting or historic fabric of the building. Additionally, the building will be very visible from the public domain (main road along the site frontage) and will be over dominant when viewed from the north west approach.
- 5.7 Similarly, the proposed garage is not considered to represent a sympathetic, appropriately designed addition. Whilst the existing garage is of no particular aesthetic merit (the building was constructed under 'Permitted Development' rights, prior to the building's listing), the replacement is not considered to represent an acceptable improvement.
- 5.8 The Assistant Design and Conservation Officer has stated the following:

“The existing garage is set very far back into the site and therefore has a minimal impact on the listed building, despite being set at a slightly higher level than the front of the plot. The existing structure is pre-fabricated concrete with timber boarding on the east elevation. The single door is white metal and of the up-and-over style.

- 5.9 The height of the proposed garage will be no higher than the existing garage, although this is set 13 metres back and is raised at least 500mm above the highway. The proposed structure will be timber boarded and set 13 metres further forward on the site, being far more visible from the street. No explanation or justification has been given for this change in position except that it would screen the proposed extension.
- 5.10 There is a lack of clarification of the materials proposed – ‘manmade slates’ is a very ambiguous phrase and could mean anything from hand cut Welsh slate to reconstituted (concrete) tiles. Front opening doors are indicated on the plan, although these are not shown on the elevation and no materials have been proposed. The proposed timber boarding for the walls is not traditional to the village or existing property. In addition to this, the more traditional form of subsidiary agricultural building would not be entered from the gable, but from the elevation.
- 5.11 A more suitable structure would replicate a traditional agricultural outbuilding or cart shed, which would be open timber-framed and turned through 90° with the plan elevation to the street. By replacing the existing structure on the same site, this would have less of an impact on the listed building and no more impact on the street scene than the current structure.”
- 5.12 Planning Policy

Paragraph 3.14 of PPG 15 states that ‘*many Grade II buildings are of humble and once common building types and have been listed precisely because they are relatively unaltered example of a particular building type; so they can as readily have their special interest ruined by unsuitable alteration or extension as can Grade I or II* structures.*’ This building is interesting due to the retention of its obviously vernacular origins – the single unit double fronted cottages can still be read as such from each elevation, despite the late rear offshoot constructed in 1981. The large offshoot proposed is an alien form not found in such simple vernacular structures, and can therefore be considered as an unsuitable extension which harms the special interest of the listed building.

- 5.13 PPG15 advises at Annex C that ‘*the plan of a building is one of its most important characteristics. Interior plans and individual features of interest should be respected and left unaltered as far as possible*’, a point noted in the recent appeal decision APP/C3105/E/09/2096158 (8 Calthorpe Road, Banbury). This proposal for a large rear offshoot is a deviation from the original plan of the cottages, which was simple, compact and linear.
- 5.14 Cherwell Adopted Local Plan 1996 Policy C18 states that ‘*the Council will normally only approve internal and external alterations or extensions to a listed building which are minor and sympathetic to the architectural and historic character of the building.*’ The proposal would not be minor due to its dimensions and proportionate

increase in building footprint, nor will it be sympathetic, because it would not be subservient to the original building due to the continuation of the ridge and eave height, and as proposed would be 100mm wider than the original building's depth.

- 5.15 Policy EN39 of the Non Statutory Local Plan (NSCLP) states '*Development should preserve listed buildings, their features and settings... Development that conflicts with these objectives will not be permitted.*' The applicant has failed to demonstrate how this proposal preserves the special interest of the listed building.
- 5.16 Policy EN44 of the NSCLP states '*special care will be taken to ensure that development that is situated within the setting of a listed building respects the architectural and historic character of the building and its setting.*' The applicant has failed to demonstrate how this proposal respects the architectural and historic character of the building and its setting, either in the Justification statement or in the proposal itself. The proposal does not respect the linear humble vernacular form of the original cottage and the detached garage does not respect the frontage and open access of the site.
- 5.17 In summary, the proposed extension and garage are not considered to represent sympathetic, appropriate additions to the property, which would be harmful to the character, appearance, setting and historic fabric of the building, for the reasons rehearsed above.

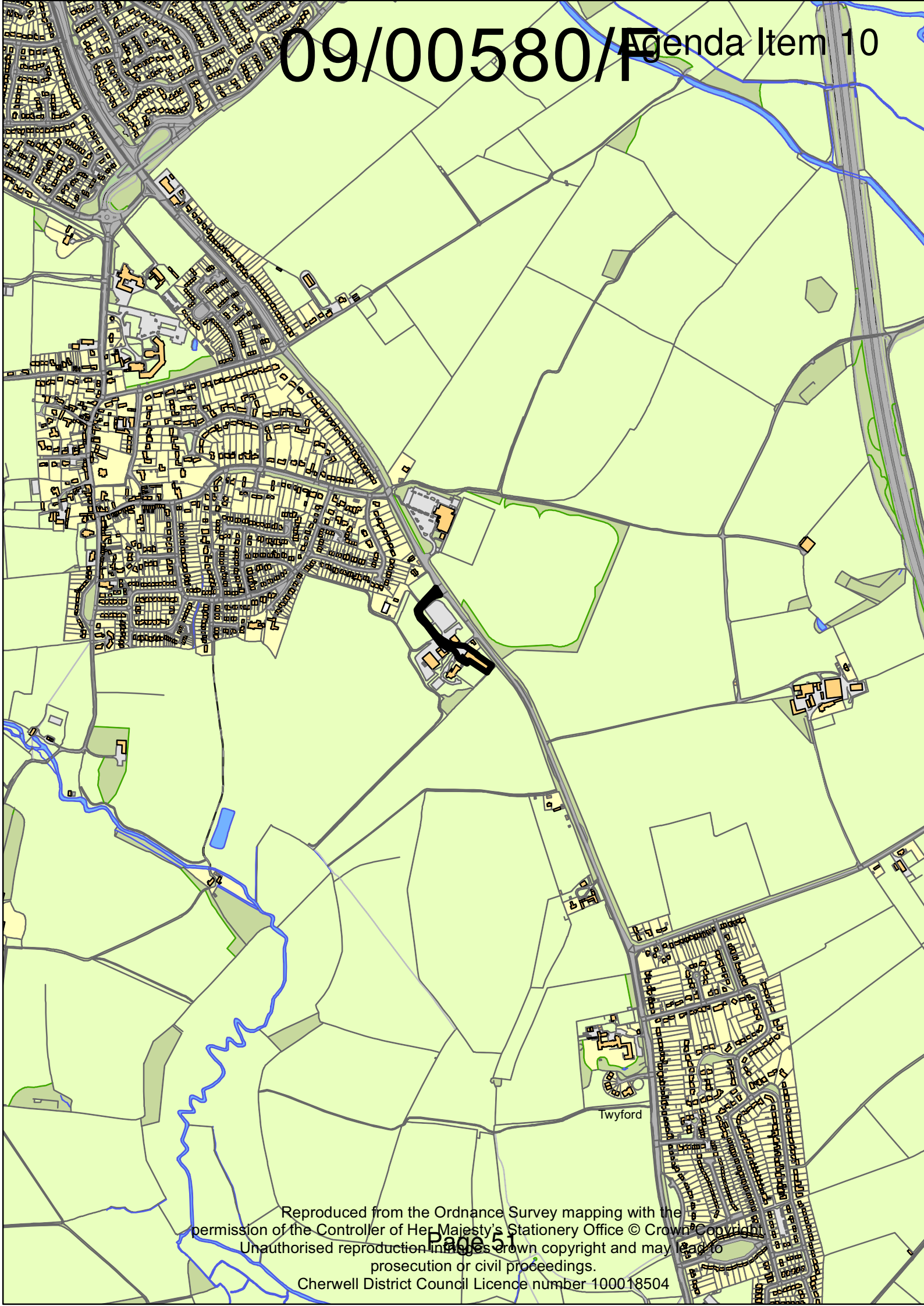
6. Recommendation

It is therefore recommended that the application as submitted be refused for the following reason:

The proposed development, by virtue of its scale, materials and siting does not constitute a minor, proportionate or sympathetic addition to the building, and is incompatible with the scale and form of the listed building. The proposal fails to preserve the features, fabric and setting of the building, contrary to Central Government guidance PPG 15, Policy BE6 of the South East RSS 2009, Policy C18 of the Adopted Cherwell Local Plan 1996 and Policies EN39 and EN44 of the Non-Statutory Cherwell Local Plan 2011.

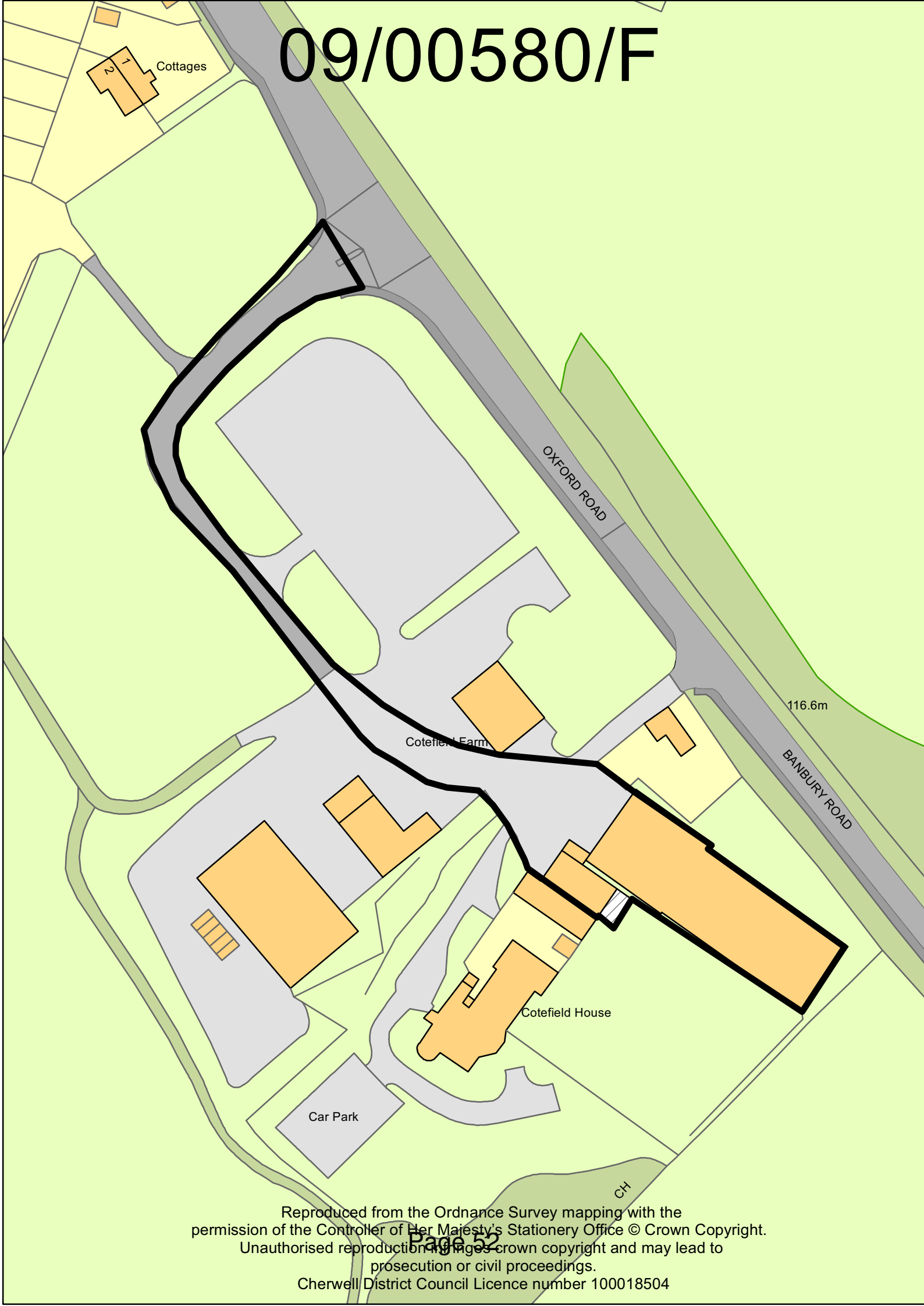
CONTACT OFFICER: Laura Bailey

TELEPHONE NO: 01295 221824



Twyford

09/00580/F



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Application No: 09/00580/F	Ward: Bloxham and Bodicote	Date Valid: 30/04/09
Applicant:	Mr. J. Smith	
Site Address:	3A – 3B Cotefield Farm, Oxford Road, Bodicote OX15 4AQ	

Proposal: Use of units for the sale of goods by auction for up to 30 days per year.

1. Site Description and Proposal

- 1.1 The site is situated on the south-west side of the Banbury to Oxford road (A4260), south of Bodicote. The site currently has a number of former agricultural buildings which over the past few years have changed use to B1 and B8. The application site forms buildings 3A and 3B and provides approximately 15, 000 sq. ft (1460 sq. m) of floorspace. The site is remote from the village of Bodicote and lies within the countryside
- 1.2 The proposal seeks to change the use of the building from B8 to a sui generis use for auction use. No external alterations to the building are proposed and car parking is provided within the site. The application is seeking a permanent permission for use of the site for the sale of goods by auction for up to 30 days per year (approximately every other weekend).

2. Application Publicity

- 2.1 The application has been advertised by way neighbour letters and a site notice. The final date for comment was 28/05/2009
- 2.2 219 letters of support received commenting on the following:
- Current premises at Bicester not suitable for auction use;
 - Site has ample parking;
 - Banbury town centre is too busy at weekends;
 - Possibility of over 200 extra cars in Banbury during auction weekends and potential congestion;
 - J. S. Auctions help to reduce waste through recycling of household goods i.e. washing machines, fridges, freezers, furniture, TV's etc..
 - Small firms should be supported in times on economic uncertainty;
 - Use does not detract from the area;
 - Auction attracts customers from far and wide;
 - Site is easily accessible by road, train and bus;
 - There is no where else for the company to trade;

1 letter of objection received commenting on:

- Inappropriate development in the countryside;
- A town centre/edge of centre is a better location for the proposal;
- Applicant has already appealed.

Banbury Civic Society

We do not usually comment on applications beyond Banbury's historic bounds, but feel that this application is highly relevant to Banbury people, not only because of the use they have made of the auctions at Cotefield in the past, but also because of the additional trade that the auctions formerly brought to the town by attracting visitors from a wide area, many of whom are likely to have combined the auctions with shopping in town.

When previously located at Cotefield, J&S Auctions seemed very well suited to the location and existing facilities there, which would remain unchanged under the application. No significant visual intrusion, traffic, noise or parking nuisance was ever noticeable, even on the busiest sale days.

Whilst the site is readily accessible by bus, cycle or taxi, the site is very well suited for a typical 'country auction' clientele who generally expect to take their purchases home on the day and who thus generally arrive by car. We would observe that the auction formerly attracted a clientele from a wide catchment area. The edge-of-town Cotefield location would appear to be ideal, minimising traffic congestion in the town centre, yet close enough to the town centre to suit both Banbury residents and visitors wishing to combine the auction with a shopping trip. We understand that the applicants have arranged for a purposive bus service to Banbury on sale days.

The auctions at Cotefield were clearly popular and were, we believe, a benefit both to Banbury and the wider area. The purpose of the planning system is to regulate development in the public interest. We cannot see what public benefit would arise from the refusal of this application.

1. Consultations

- 3.1 **OCC Highways** – Further to previous highway consultations for planning application 08/02587/F, which remains applicable, the Highway Authority has the following comments;

The supporting information indicates that approximately 30 auctions/sales will occur per annum, each generating a parking demand of 200+ spaces (consideration given to delivery vans/larger vehicles) on sale days. The submitted documents do not provide details of where the car parking provision for this number of vehicles will be allocated within the red line area. It is clear that any car park within the illustrated curtilage would not facilitate 200+ vehicles. The Highway Authority would not support an application which does not sufficiently provide adequate level of on-site parking, and which may encourage vehicles to park informally, at a potential detriment to highway safety.

Furthermore, there is little evidence to suggest that consideration has been given to previous Highway Authority comments, with specific regard to traffic generation, junction impact analysis and measures to improve sustainable transport.

Given the above, the Highway Authority recommends refusal.

4. Relevant Planning Policies

- 4.1 South East Plan 2009 – Policy RE3, CC6 and T1
- 4.2 Adopted Cherwell Local Plan 1996 – Saved Policies S25, C7 and C8
- 4.3 Non-Statutory Cherwell Local Plan 2011 – Policy S22
- 4.4 Planning Policy Statement 1: Delivering Sustainable Development
- 4.5 Planning Policy Statement 6: Planning for Town Centres
- 4.6 Policy Guidance Note 13: Transport

5. Appraisal

- 5.1 The key issues to be considered in this case are:-

- The History of Previous Applications on the Site; and
- Policy Position;
- Clarifications;
- The Sequential Assessment;
- Visual Impact;
- Impact on the Highway;
- Summary

5.1 The History of the Site

- 5.2 The site has been the subject of a previous application to retain the retail use at the site. Application 03/01007/F allowed a temporary permission for one year while Holloway's, a local auction business in Banbury, refurbished their town centre premises. This was considered acceptable by the LPA as it was for limited period and approved subject to a one year temporary permission.

- 5.3 A further application for the use of buildings 4A and 4B for the storage, display and distribution of antique furniture including internet sales and occasional on site retail sales was refused permission under application 04/00766/F and subsequently dismissed at appeal (Appendix 1).

- 5.4 In dismissing the appeal for buildings 4A and 4B, the Inspector reported the following:

'The site is clearly not in a town centre or on the edge of a centre, being located outside the built up area of Bodicote.. Although the site is on a bus route, this service is infrequent...as regards bulky goods retailing, it rests with developers and retailers to demonstrate that a majority of their goods cannot be sold from town centre stores. Developments involving the sale of bulky goods are not exempted from meeting the policy tests within PPG6 [now PPS6]...I do not accept that it [the use of the building] could not be accommodated in a town centre. This is confirmed by my own experience in retail development that many antique shops, including those selling furniture, are located within town centres. No evidence has been

provided to support the appellant's argument that the business could not support a retail rental.'

- 5.5 The Inspector accepted that the guidance within Planning Policy Statement 7: Sustainable Development in Rural Areas had significant weight in deciding the appeal, encouraging the re-use of agricultural buildings. However, he concluded that the conflict with the policies of PPG6 (now PPS6) outweighed the objectives of PPS7 and dismissed the appeal.
- 5.6 The application site was the subject of an enforcement notice that was served against J. S. Auctions for the failure to comply with condition 1 of application 03/01007/F which required the use of buildings 3A and 3B as an auction room to cease after 1 year. J. S. Auctions were the then occupiers of the building and appealed the enforcement notice. The appeal was subsequently dismissed (Appendix 2). It should be noted that the Inspector considering the appeal confirmed that the site operated for auctions every other Saturday or approximately 30 days per year. This is the same duration as proposed as part of this application
- 5.7 In dismissing the appeal the Inspector commented that,
- 'the use of building No 2 for the storage of furniture and other goods and the associated sale of such goods by auctions constitutes a sui generis use in terms of the Town and Country Planning (Use Classes) Order as a mixed storage, business and retail use... I therefore conclude that retail sales form a central part of the use and as such the use of the building for which planning permission is being sought must be considered against national guidance and local planning policies for retail development.'*
- 5.8 Therefore, whilst the use of the building would be sui generis, the proposal contains a retail element and must therefore be assessed against national policy within Planning Policy Statement 6: Planning for Town Centres.
- 5.9 **Policy Position**
- 5.10 Policy RE3 of the South East Plan 2009 refers to the supply of employment land. The policy is a strategic overview of the supply of employment land and directs Local Planning Authorities to consider the provision of such land for employment in locations that;
- i. are or will be accessible to the existing and proposed labour supply;
 - ii. makes efficient use of existing and underused sites and premises, through increasing the intensity of use on accessible sites;
 - iii. focus on urban areas
 - iv. promote the use of public transport.
- 5.11 Policy CC6 of the South East Plan 2009 refers to sustainable communities and the character of the environment. It states that this will be achieved by developing and implementing a shared local vision that,
- i. respects and where appropriate enhances the character and distinctiveness of settlements and landscapes;
 - ii. use innovative design processes to create a high quality built environment

which promotes a sense of place. This will include consideration of accessibility, social inclusion, the need for environmentally sensitive development and crime reduction.

- 5.12 Saved policy S25 of the Adopted Cherwell Local Plan 1996 states that, with the exception of those developments which accord with saved policies S26, S27 and S28 (small scale retail outlets, garden centres and small shops or extensions to small shops), all new retail development in the countryside and rural areas will generally be resisted.
- 5.13 Policy S22 of the Non-Statutory Cherwell Local Plan 2011 affirms saved policy of the Adopted Cherwell Local Plan 1996 with the exception of the developments referred to therein (namely the same exceptions as those identified within saved policy S25 of the Adopted Cherwell Local Plan 1996) and the area of Kidlington.
- 5.14 Planning Policy Statement 1: Delivering Sustainable Development promotes sustainable development as the core principle underpinning planning. With this in mind, LPA's are encouraged to focus development which attract a large number of people within existing centres where they are accessible by a range of means.
- 5.15 Planning Policy Statement 6: Planning for Town Centres seeks, among other things, to ensure that retail development is located in areas that are easily accessible by other means than the private car, normally within town centres or the edge of town centres. Should a proposal be put forward for a retail development in an out to town location, the sequential tests would need to be applied. It would be for the applicant to provide evidence that a town centre or edge of centre site is not available.
- 5.16 Planning Policy Statement 7: Sustainable Development in Rural Areas recognises that development should be focused in or close to town centres but also refers to the re-use of appropriately located buildings within the countryside, where it would meet sustainable development objectives. PPS7 also recognises the importance of farm diversification and its role in helping support farm enterprises.
- 5.17 As the proposal seeks a retail development (the sale of the goods by auction) it is required to be assessed under the guidance within Planning Policy Statement 6: Planning for Town Centres (PPS6). Paragraph 2.44 PPS6 states,

'A sequential approach should be applied in selecting appropriate sites for allocation within the centres where identified need is to be met. All options in the centre (including, where necessary, the extension of the centre) should be thoroughly assessed before less central sites are considered for development for main town centre uses. The sequential approach requires that locations are considered in the following order:

- first, locations in appropriate existing centres where suitable sites or buildings for conversion are, or are likely to become, available within the development plan document period, taking account of an appropriate scale of development in relation to the role and function of the centre; and then
- edge-of-centre locations, with preference given to sites that are or will be well-connected to the centre; and then
- out-of-centre sites, with preference given to sites which are or will be well

served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.'

- 5.18 For the purposes of PPS6 the site represents an out of town site. The applicant has applied the sequential approach and states in their planning statement at paragraph 6.14 that,

'J.S. Auctions have carried out a detailed search in the study area into a suitable relocation property to accommodate its business needs. The search commenced prior to the submission of this planning application and has continued to the present date...'

- 5.19 In assessing suitable alternative sites, the applicant surveyed an area covering a 15 mile radius from Bodicote and took into account the towns of Banbury, Bicester, Chipping Norton and then Kidlington. From the assessment of these areas the applicant concluded that there are neither town centre or edge of centre locations available for their needs. In searching for town centre and edge of centre locations the applicant circulated a letter to local land and property agents setting out their requirements as follows:

- An open plan salesroom and storage area of around 17, 000 – 22, 000 sq. ft in floor area;
- The building must have a minimum of 3 metres eaves height for at least 10, 000 sq. ft;
- The loading bay door in the building must not be less than 5 metres high;
- A maximum purchase price of £800, 000 or annual rental not exceeding £60, 000.
- Minimum parking for 5 commercial vehicles and not less than 4 car parking spaces;
- On-site customer parking and loading facilities;
- Sales day requires a need in the region of 200 conveniently located parking spaces. Auctions are normally held on a Saturday and the premises will therefore need convenient access to off-site car parking facilities in the immediate locality of the property.

- 5.20 The applicant has stated that following the criticism of the thoroughness of the initial sequential approach, the above search criteria was relaxed and the geographical area extended. However, the issue of economics, accessibility and car parking were subsequently considered in the assessment of available properties (paragraph 6.18 of Planning Statement)

- 5.21 The applicant also states that,

'It is important to note that the nature of the proposed auctions and the low value of some of the bulky goods sold is that a proportion of customers will require private transport for the delivery and collection of goods as a result of the bulky nature of many of the goods sold. Notwithstanding this, the site can also be accessed by public transport. There are stops along Oxford Road, along with regular services to and from Banbury to Oxford. In order to help reduce further journeys by private car, staff will be encouraged to use alternative means of transport or car share.'

5.22 Clarification

- 5.23 Before the sequential assessment is considered, a number of issues should be clarified regarding the site at Cotefield Farm and the assertions made on behalf of the applicant by his agent and comments received by members of the public supporting the application.
- 5.24 The issue relating to bulky goods is not in itself a reason to allow the proposal. As stated earlier at paragraph 5.4, the Inspector dealing with the appeal at buildings 4A and 4B stated that developments involving the sale of bulky goods are not exempted from meeting the policy tests within PPG6. Moreover, it is for customers to arrange collection of items they have bid for. Therefore, those bidding on items would know in advance the type of transportation required to collect the item.
- 5.25 The site is not easily accessible by public transport. The bus service (59, 59a and 59b run by Stagecoach) runs hourly past the site. This, as confirmed by the Inspector dealing with the building 4A and 4B appeal, is not considered a frequent service. Moreover, the letters of support received from the public largely state that they visit the site by private car. It is unrealistic to state that the site is therefore within a sustainable or easily accessible location and that customers visiting the site will use public transport, whether this would be by bus or train.
- 5.26 While the overall use of the site is considered sui generis, a retail element of the business would operate at the site. Therefore, together with the findings of the Inspector considering the recent appeal at the site, the retail sales form a central part of the use and as such the use of the building for which planning permission is being sought must be considered against national guidance and local planning policies for retail development, i.e. PPS6.
- 5.27 A number of supporters of the application have stated that Bonham's Auctions at Shipton on Cherwell, near Kidlington as an example of auction sales that occupy an out of town centre and was approved by the Local Planning Authority (LPA). However, historically the building was used as a car show room with sales. Therefore, the site had a retail use that could be continued without further permission from the LPA.
- 5.28 In addition to this, a number of supporters have referred to the garden centre opposite the site. Importantly, garden centres are permitted in rural locations under saved policy S27 of the Adopted Cherwell Local Plan 1996.

5.29 The Sequential Assessment

- 5.30 In undertaking a sequential assessment of the site, the applicant states at paragraph 6.9 on page 22 of the Planning Statement that a,

'retail position is not required by the business. The Auction Sales rooms are not open to the public on any days other than viewing and sales days which would be limited to 4 days a month on average. Such an operation would harm the vitality and viability of the centre rather than positively enhance it. It would therefore conflict with the objectives of national and local planning policies for existing retail centres.'

- 5.31 The above statement is rather perverse in its assessment of national and local plan policies relating to the location of retail development. It is clear from local plan policies and the advice within PPS6 that retail development should be located within town centres/edge of centres where a concentration of such uses would attract customers who in turn can travel via other means than the private car. It is not for the local plan to control the opening hours of retail units, this is clearly a business by business decision. However, the fact that the auctions only open for public viewing/bidding 4 days a month is immaterial to the location of the development, it remains that when trading, the business has the ability to attract large numbers of customers and the only, realistic means of transport to the site is by private car.
- 5.32 The application provided a sequential assessment of the area and concluded that no sites/buildings are available, either within a town centre or edge of centre and that the only option for the applicant is to utilise an out of town site such as Cotefield Farm.
- 5.33 However, it is considered that the size of the building and parking requirements are particularly onerous for town centre or even edge of centre locations to meet such expectations. Whilst not included within description of buildings/site required in the applicant's search (although taken into account when considering such sites) the provision of 5 parking spaces for commercial vehicles is not something that a town centre location could easily provide. Moreover, the applicant has not demonstrated how the need for such commercial vehicle spaces fits in with its business plan or how it would be affected without such spaces. The requirement for at least 200 conveniently located customer parking spaces is particularly onerous and would be extremely difficult to provide within most town centre locations. This requirement for large numbers of customer parking spaces only serves to highlight the amount of customers who would travel to the site during auction days.
- 5.34 The applicant has identified a number of sites within the search area and includes details of why these particular sites were dismissed. The applicant has dismissed all properties within its search area for a number of reasons. The most common reason for dismissing a property has been the lack of parking. In addition, a number of the sites that are currently in commercial/industrial use were considered. However, a change of use for retail use would be required. It is unlikely that this would be supported by those LPA's affected by the proposals as the change of use of these buildings would also be the subject of a sequential assessment.
- 5.35 The applicant again refers to the need to provide accommodation for the sale of bulky goods. This issue was examined at appeal whereby the Inspector reported at paragraph 13 that,
- 'the range of goods on offer for sale come in all sizes from small items which purchasers could easily carry home, to large items of furniture which would require delivery by vehicular transport, normal practise in town centre stores selling bulky items.'*
- 5.36 Moreover, the Inspector also reported at paragraph 12 that,
- 'I consider that there would be ample opportunity for appropriate windows displays [within a town centre location] and I note that there are existing auction uses in the town centre of Banbury.'*

- 5.37 Despite the applicant's search for suitable premises (that have all been discounted for various reasons) it is not considered that the applicant has considered all available retail units. For example, a quick search revealed that there are 2 empty retail units at Banbury Retail Park (Southam Road) and the vacant B Wise and Woolworth's sites in the town centre that have not been considered as part of the assessment.
- 5.38 The size of the building required is also rather confusing. The applicant states that as part of the search criteria, the applicant requires a building of
- 4, 500 – 6, 000 sq. ft (418 – 557 sq. m) of open plan saleroom space or
 - a single site of between 15, 000 – 22, 000 sq ft (1393 – 2043 sq. m) and the potential for 6, 000 sq. ft for auction use.

However, taken from the appeal decision, when operating from Cotefield Farm the business had the following floorspace:

- 3, 024 sq. ft (281 sq. m) auction sales space; and
- 7, 373 sq ft (685 sq. m) storage space.

Therefore, the business operated with a total of 10, 397 sq. ft (946 sq. m) of floorspace for trading and storage, yet the search criteria required a building of between 15, 000 – 22, 000 sq. ft (1393 – 2043 sq. m) of storage space with the potential to change at least 6, 000 sq. ft for sale space. This is almost double what the applicant operated from when the appeal was considered in 2007

- 5.39 The size of the property also appears rather onerous when considered against other auctions houses that operate within the town centre. For example both Bonham's and Holloway's operate effectively within the town centre and both have large, bulky items for auction. The last auction held by Holloway's at Parsons Street, held on 19th May 2009, included within its catalogue a number of large items such as bookcases, desks, tables, chairs, sofas, chests of drawers and cupboards. It is expected that customers would arrange to pick up items themselves.
- 5.40 The argument that the applicant requires a large building to operate is not accepted. Many retailers, including other auction houses, trade from town centre/edge of centre locations and offer bulky goods for sale. The applicant is not suggesting that **all** items for sale are bulky, rather a proportion of them are.
- 5.41 The Inspector considering the appeal also stated at paragraph 12 that,

'Given that the building is only 281 sq. m in floor area it seems to me that an alternative location could potentially be found either in or on the edge of the town centre of Banbury, which is only 2.5kms (2 miles) from the appeal site. In this context I have no evidence that the use would result in congestion on sales days causing nuisance and disruption to neighbours or create a dead frontage. I consider that there would be ample opportunity for appropriate window displays and I note that there are existing auction uses in the town centre of Banbury. While I note that the operator's profit margins are narrow, I have no evidence that this would preclude the development from being accommodated on a town centre or edge of centre site.'

5.42 The applicant has also stated that the low value of some of the items means that additional transport costs are prohibitive and that his profit margins are low. However, again it is expected that a customer would know in advance of any auction which items they are likely to bid on and the transportation required to collect them. Moreover, Holloway's indicated a price guide of £20 - £30 for large items (sofas, tables, bookcases etc.), yet still operate from the town centre.

5.43 The applicant has not provided business accounts for the LPA to consider. Therefore, there is no evidence to suggest that the profit margins/operating costs prohibit a town/edge of town location. It should also be noted that the profit margins/operating costs are not a reason in themselves to allow the proposal.

5.44 With regard to the re-use of a former agricultural building, the site already has an accepted B8 use which is currently being carried out. Moreover, the Inspector reported on this matter at paragraph 10 by stating,

'as already mentioned, planning permissions have been granted for the re-use of four of the former farm buildings on the site, including the appeal building No. 2, for business and/or storage uses. The options are therefore available for building No 2 to be re-used for more acceptable non-retail purposes providing alternative employment and economic opportunities for the locality with national guidance and local planning policies.'

5.45 **Visual Impact on the Character and Appearance of the Area**

5.46 In considering the recent appeal at the site, the Inspector reported that the retail use of the site would harm the character and appearance of the area as a result of the high volume of people and vehicles attracted to the site on viewing and auction days. The applicant has failed to demonstrate that this would not be case. Therefore, the application also fails on its impact on the rural character and appearance of the area.

5.47 **Impact on the Highway**

5.48 OCC Highways have considered the proposal and are concerned that the potential draw of customers would have a detrimental impact on the highway network. The Highway Authority have stated that as a result of the lack of highway information received as part of the application, the proposal should be recommended for refusal.

5.49 **Summary**

5.50 To summarise the above, it is considered that the application fails for the following reasons:

- Both units 3A, 3B, 4A and 4B have been the subject of recent appeal decisions for the use of the buildings for retail purposes (auctions) that were dismissed;
- The search criteria (in terms of the size of the building and car parking requirements) are particularly onerous for a town centre location;
- Other auction houses operate effectively from a town centre location;

- The sale of bulky items does not in itself justify an out of town location;
- The sequential assessment does not appear to have considered all vacant retail units with existing town centres/edge of centres.
- The applicant has not considered a storage unit closer to Bicester where he currently operates.
- The retail use of the site would have a detrimental impact on the rural character and appearance of the area.
- There is no evidence to support the claim that congestion would ensue within Banbury town centre as a result of the proposal;
- The profit margins/operating costs of the business have not been provided.

5.51 Therefore, it is considered that the applicant has failed to adequately demonstrate through a thorough sequential assessment that potential alternative town centre or edge of centre sites are available, or likely to become available, for the proposed use. Moreover, it is considered that the use of the site for retail purposes is outweighed by the advantages to be gained through locating the development within a town centre or edge of centre location in the interests of sustainability and accessibility required by both local, structure and national plan policies.

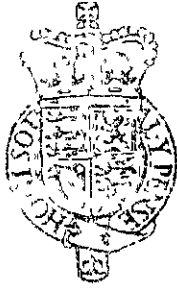
6. Recommendation

Refusal, for the following reason:

- 1. The use of the building for retail purposes would result in an unacceptable retail activity at an out of town location which is in an unsustainable location for its use. The applicant has failed to demonstrate that town centre or edge of centre site is not available through a thorough sequential assessment of the area. If allowed the development would result in a retail use which would attract large numbers of customers to an unsustainable location whereby the only realistic means of visiting the site would be by private car. In addition, the retail use of the site would have a detrimental impact on the rural character and appearance of the area. The proposal is therefore contrary to Policy RE3 of the South East Plan 2009, saved Policy S25, C7 and C8 of the Adopted Cherwell Local Plan 1996 and policy S22 of the Non-Statutory Cherwell Local Plan 2011, Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Statement 7: Sustainable Development in Rural Areas, Planning Policy Statement 6: Planning for Town Centres and Planning Policy Guidance Note 13: Transport.**
- 2. In the absence of a detailed survey and details of proposed parking arrangements/highway improvements, it is considered that the additional vehicular movements associated with the proposed development would be detrimental to the safety and convenience of users of the public highway due to the increased use of the site. The proposal is therefore contrary to the provisions of PPG13:Transport and Policy T1 of the South East Plan 2009.**

CONTACT OFFICER: Graham Wyatt

TELEPHONE NO: 01295 221643



Appeal Decision

Site visit made on 5 January 2005

by **M J Brundell OBE BA DipTP FRTPi**

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail enquiries@planning-inspectorate.gsi.gov.uk

Date

21 JAN 2005

Appeal Ref: APP/C3105/A/04/1152693

Cotefield Farm, Oxford Road, Bodicote, Banbury, Oxfordshire

- 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 R P Bratt against the decision of Cherwell District Council
- The application ref 04/00766/F, dated 30 March 2004, was refused by notice dated 26 May 2004.
- The development proposed is the change of use of Buildings 4A and 4B to display, storage and distribution of antique furniture and effects, including internet sales and occasional on site retail sales

Decision

- 1 I dismiss the appeal

Reasons for the Decision

- 2 I accept that the proposed development, which has already taken place, is consistent with the advice in PPS7 in that it would bring into positive use redundant buildings which form part of a former farm complex and would contribute to a diversification into non-agricultural activities. I also recognise that the present intention is that the buildings would be used primarily for the storage and display of antique furniture and effects with most sales being made through the internet. Nevertheless, there is no dispute but that retail sales have taken place and would continue to form part of the business. They are specifically included in the description of the proposed development, which must therefore be considered against the national and local policies for retail development
- 3 The adopted local plan states that retail development in the countryside will normally be resisted except for certain exceptions. Although the appellants point out that these exceptions include small scale retail outlets which are ancillary to existing acceptable uses, this does not cover the present proposal which is for a use which is not ancillary to any other acceptable use on the farm complex. In any event, that plan was adopted in 1996, while the revised plan still has some way to go so that it can carry only limited weight. In these circumstances, I attach greater weight to the advice in PPG6 and subsequent Ministerial clarifications. This national guidance essentially sets out a sequential approach whereby the first preference should be for town centre sites, where suitable sites or buildings suitable for conversion are available, followed by edge-of-centre sites, district and local centres, and only then out-of-centre sites in locations that are accessible by a choice of means of transport
- 4 This site is clearly not in a town centre or on the edge of a centre, being located just outside the built up area of Bodicote. Although the site is on a bus route, this service is

infrequent. There is no evidence that the appellant has applied the sequential approach required by PPG6, although the council believes that the nearby centre of Banbury would provide suitable premises. I am therefore satisfied that this proposal is plainly in conflict with the objectives of national policy guidance for retail development.

- 5 While I accept that the business does involve some bulky goods and occasional access by heavy goods vehicles, the statement by the Minister on 10 April 2003 made it clear that, as regards bulky goods retailing, it rests with developers and retailers to demonstrate that a majority of their goods cannot be sold from town centre stores. Developments involving the sale of bulky goods are not exempted from meeting the policy tests in PPG6 and subsequent clarifications. Given that the buildings the subject of the appeal have an area of only some 370 sq m and that the business is said to require deliveries by heavy goods vehicles only once every 3 months, I do not accept that it could not be accommodated in a town centre. This is confirmed by my own experience in retail development that many antique shops, including those selling furniture, are located within town centres. No evidence has been provided to support the appellant's argument that the business could not support a retail rental.
- 6 I appreciate that the appellant considers the primary use of the premises to be for storage and distribution with most sales taking place through the internet. I also note that retail sales have so far played only an ancillary part of the business with some 99 sales in the first 15 months of trading. I do not, however, accept that it would be possible to limit the scale of retail sales by condition, since monitoring and enforcement of such a condition would be impracticable. The nature of the business may well change over the years as market conditions change and there must be a real possibility that the retail element would take on greater significance.
- 7 I accept that the proposed use would have little impact on the character and appearance of the area and would not create traffic problems. I also attach substantial weight to the national guidance in PPS7 encouraging the re-use of agricultural buildings. However, as I saw on my site inspection, some of the other buildings in this complex are being used for business purposes with planning permission. There appears to be no reason, therefore, why the buildings the subject of this appeal should not be used for more acceptable, non-retail purposes. In this particular case, I consider that the conflict with the policies of PPG6 outweighs the objectives of PPS7. This means that the appeal must be dismissed.



INSPECTOR



Appeal Decisions

Hearing held on 17 July 2007

by Miss Anne Parkhill BA LLB DipTP MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail enquiries@planning-
inspectorate.gsi.gov.uk

Date
15th August 2007

Appeal A: APP/C3105/C/06/2032063

Building No 2, Cotefield Farm, Oxford Road, Bodicote,

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991
- The appeal is made by R P Bratt against an enforcement notice issued by Cherwell District Council.
- The Council's reference is ENF 22/06
- The notice was issued on 14 November 2006
- The breach of planning control alleged in the notice is failure to comply with a condition of a planning permission Ref 03/01007/F granted on 7 July 2003
- The development to which the permission relates is change of use of former potato store (Building No 2) to sale of furniture and other goods by auction for a temporary period of one year. The condition in question is No 1 which states that "*at the expiration of one year from the date hereof the use specified in your application shall be discontinued and the land shall be restored to its former condition on or before that date*". The notice alleges that the condition has not been complied with as Building No 2 is continuing to be used for the storage of furniture and other goods for auction sale and the holding of public auctions
- The requirements of the notice are
 - Stop using Building No 2 at Cotefield Farm for public auctions or any other retail activity
 - Stop using Building No 2 at Cotefield Farm for storage of furniture and other goods for sale by auction
 - Remove from Building No 2 at Cotefield Farm all furniture and other goods that are currently being stored there for sale by auction
 - Make Building No 2 at Cotefield Farm available for agricultural use
- The time for compliance with the requirements is 28 days for the first requirement and 84 days for the second, third and fourth requirements
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld with variations.

Appeal B: APP/C3105/A/06/2024476

Cotefield Farm, Oxford Road, Bodicote, Banbury, Oxon OX15 4AQ

- 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 R P Bratt against the decision of Cherwell District Council
- The application Ref 06/00192/F, dated 31 January 2006, was refused by notice dated 29 March 2006
- The development is retrospective change of use of former potato storage building No 2, to storage of furniture and other goods with occasional sales by auction

Summary of Decision: The appeal is dismissed.

Procedural Matters

- 1 Planning permission was granted on 22 July 2002 under Ref 02/00737/F for the change of use of potato storage building No 2 to use for B1 (Business) and B8 (Storage and Distribution) The Council was uncertain when issuing the enforcement notice as to whether or not this planning permission was ever implemented prior to the then unauthorised auction use of the building by Holloway's (Auctioneers) A statement was submitted to the hearing by Mr J H Dauphin, Managing Director of Jaydee Motors Ltd, confirming his Company's use of the building in late 2002 for temporary storage while the Company's business premises at Bodicote received a comprehensive refurbishment He stated that the period of use ceased on 24 December 2002
- 2 The Council's Planning Officer accepted the statement by Mr J H Dauphin as confirmation that the planning permission granted in July 2002 for the change of use of the building to use for B1 (Business) and B8 (Storage and Distribution) had been implemented As the alleged breach of planning control relates to a breach of condition of an existing planning permission no correction of the enforcement notice is necessary Should the enforcement notice be upheld it is within my powers to vary its requirements to take account of the existing authorised use of the building for B1 (Business) and B8 (Storage and Distribution) purposes

Background

- 3 The site is situated on the south-west side of the Banbury to Oxford road, the A4260, beyond the edge of the village of Bodicote, on the outskirts of Banbury, about 3.5 kms (2 miles) from Banbury town centre It is served by a new access off Oxford Road with a ghost island and right turning facility, granted planning permission in March 2005 The appeal building No 2 forms part of a complex of former agricultural buildings in the open countryside south of the village where planning permissions have been granted for change of use from former potato storage buildings to use for B1 (Business) and B8 (Storage & Distribution) in buildings Nos 1 & 2 and change of use from former potato storage buildings to use for B8 (Storage & Distribution) in buildings Nos 3A & 3B and 5), shown on a site location plan (Appendix 1) submitted by the Council
- 4 Temporary planning permission was granted on 7 July 2003 for the change of use of building No 2 to sale of furniture and other goods by auction for a temporary period of one year by Holloway's, a local auction business in Banbury, while their town centre premises were being refurbished In assessing the planning application, the Council considered that a temporary consent could be accommodated on the site as it was to be for a limited time scale only until the existing auction house in Banbury had been refurbished A retrospective application for the change of use of buildings Nos 4A and 4B for display, storage and distribution of antique furniture and effects including internet sales and

occasional on site retail sales was refused on 26 May 2004 and dismissed on appeal on 21 January 2005. As I saw on my visit during the Hearing, appeal building No 2 and buildings Nos 3A & 3B are presently in use by J S Auctions for the storage of furniture and other goods for sale by auction.

Ground (a) & Section 78 Appeal

- 5 The **main issues** are first, the nature of the use for which planning permission is being sought, secondly, the compatibility of the development with the planning policies for the area and national guidance, and thirdly, the effect of the development upon the character and appearance of the area.
- 6 I find as matters of fact from the evidence submitted to the Hearing that building No 2 is used by J S Auctions as an operating centre for the collection, sorting, repairing, cleaning and storage of furniture and other goods for sale by auction from that building. A small area is set aside for the administrative tasks involved in recording and cataloguing items to be offered for auction. Most of the items for auction are acquired through house and office clearances from an area centred on Banbury and within a 30 mile radius. Auction sales are currently held on two Saturdays a month with viewing on the previous Friday by potential bidders, who are required to register. The building is 281 sq m in floor area. The operator also occupies 50%, that is, a floor area of 665 sq m, of the adjacent buildings Nos 3A and 3B, which are used for the storage of furniture and goods waiting to be processed.
- 7 I conclude from the evidence that the use of building No 2 for the storage of furniture and other goods and the associated sale of such goods by auction constitutes a sui generis use in terms of the Town and Country Planning (Use Classes) Order as a mixed storage, business and retail use. While the method of selling at an auction is different to that of a shop where priced goods are offered for sale to the public, I conclude from the evidence that the underlying purpose of the use of the building is to display and sell the furniture and other goods stored to visiting members of the general public via the auction process. I therefore conclude that retail sales form a central part of the use and as such the use of the building for which planning permission is being sought must be considered against national guidance and local planning policies for retail development.
8. The development plan for the area includes the Oxfordshire Structure Plan 2016 adopted in 2005 and the adopted Cherwell Local Plan 1996. Policy G1 of the Structure Plan sets out the general strategy of the Plan which seeks, amongst other matters, to concentrate development in locations where a reasonable range of services and community facilities exist or can be provided, and the need to travel, particularly by private car, can be reduced and walking, cycling and the use of public transport can be encouraged. Policy TC1 identifies Oxford city centre and town centres such as Banbury as the main locations for the development of retail and other facilities. Policy T1 promotes sustainable travel through reducing the dependence on cars and ensuring that those forms of transport that are more environmentally acceptable are fostered. Transport measures and development proposals are required to give emphasis to the needs of pedestrians, cyclists and public transport and balance these against ease of traffic movement, thereby improving travel choice and reducing dependence on private motorised travel. Policy S25 of the Local Plan states that with the exception of developments which accord with Policies S26, S27 and S28, namely small-scale retail outlets ancillary to existing acceptable land uses, garden centres and small shops or extensions to existing shops, all new proposals for retail development in the

countryside will generally be resisted. The Non-Statutory Cherwell Local Plan 2011 was approved by the Council in 2004 as interim planning policy for development control purposes pending the preparation of a Local Development Framework (LDF) for the District under the new planning system. Policy 22 affirms existing Local Plan Policy S25 that with the exception of the developments referred to, further proposals for retail development in the rural areas (excluding Kidlington) will not be permitted.

- 9 National guidance in PPS 1 (2005) promotes sustainable development as the core principle underpinning planning. Planning authorities are encouraged to focus developments that attract a large number of people, especially retail, leisure and office developments, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development, reduce the need to travel and encourage accessible public transport provision to secure more sustainable patterns of transport development. PPS 6 (2005) affirms this principle and sets out the Government's key objective of promoting the vitality and viability of town centres by planning for the growth and development of existing centres, and promoting and enhancing existing centres, by focusing development in such centres and encouraging a wide range of services in a good environment, accessible to all. Market towns and villages should be the main service centres in rural areas, providing a range of facilities, shops and services at a scale appropriate to the needs and size of their catchment areas. The guidance states that the sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document. PPS 7 (2004) promotes sustainable development in rural areas. Away from larger urban areas, planning authorities should focus most new development in or near to local service centres. The re-use of appropriately located and suitably constructed existing buildings in the countryside is supported where this would meet sustainable development objectives. Policy criteria include potential impact on the countryside, settlement patterns and accessibility to service centres. The guidance acknowledges that farm diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises. PPG 13 (2001) promotes more sustainable transport choices for people, accessibility to jobs and shopping by public transport, walking and cycling, and reducing the need to travel, especially by car. In rural areas most development for shopping should be located in local service centres.
- 10 I conclude that the use of the site for the auction sales of furniture and other goods is contrary to the Structure and Local Plan policies for the area and national guidance in PPS 1, PPS 6, PPS 7 and PPG 13 referred to above, which seek to concentrate such developments in town or local service centres. The site is not in a town centre or a local service centre, being situated in the open countryside beyond the built-up area of Bodicote. The village of Bodicote has only local amenities including a post office and three public houses. Nor does the use fall within the categories of development listed under Local Plan Policies S26, S27 and S28. I attach considerable weight to the national guidance in PPS 7 promoting the re-use of existing buildings in the countryside. However, as already mentioned, planning permissions have been granted for the re-use of four of the former farm buildings on the site, including appeal building No 2, for business and/or storage uses. The options are therefore available for building No 2 to be re-used for more acceptable non-retail purposes providing alternative employment and economic opportunities for the locality consistent with national guidance and local planning policies.

- 11 Notwithstanding the explicit guidance in PPS 6 that the sequential approach to site selection should be applied to all development proposals for sites that are not in an existing centre nor allocated in an up-to-date development plan document, I find no evidence in the appellant's agent's Report on Results of a Sequential Test that such an approach has been applied to the appeals' development nor any evidence of alternative sites having been investigated. The national guidance in PPS 6 is that first preference should be for locations in appropriate existing centres where suitable sites or buildings for conversion are, or are likely to become, available, and then edge-of-centre locations, with preference given to sites that are or will be well-connected to the centre, and then out-of-centre sites, with preference given to sites which are or will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre. No floorspace thresholds are imposed such as appeared in the former guidance in PPG 6, replaced by PPS 6.
- 12 Given that the building is only 281 sq m in floor area it seems to me that an alternative location could potentially be found either in or on the edge of the town centre of Banbury, which is only 2.5 kms (2 miles) from the appeal site or in a local centre. In this context I have no evidence that the use would result in congestion on sales days causing nuisance and disruption to neighbours or create a dead frontage. I consider that there would be ample opportunity for appropriate window displays and I note that there are existing auction uses in the town centre of Banbury. While I note that the operator's profit margins are narrow, I have no evidence that this would preclude the development from being accommodated on a town centre or edge of town centre site.
- 13 I conclude from letters submitted by third parties and signatories to the petition signed by visiting members of the public, submitted by the appellant, that many persons attending the auction sales come from far afield, although most of the signatories to the petition live within Banbury and its surrounding area. While there would appear to be a fairly regular bus service passing the appeal site, I conclude from the evidence given at the Hearing and the petition that the majority of persons attending the auction sales come by car, parking on the large area of hardstanding located between the access road and building No 2. I therefore consider that locating the development in or on the edge of Banbury town centre would offer more sustainable transport choices thereby reducing the need for people attending the auctions to travel by car, consistent with national guidance and local planning policies in promoting sustainable development and accessibility within established centres, and adding to the vitality and viability of the town centre. As I saw on my visit during the Hearing, the range of goods on offer for sale come in all sizes, from small items which purchasers could easily carry home, to large items of furniture which would require delivery by vehicular transport, normal practice in town centre stores selling bulky items. Whilst the appeal site offers some advantages in terms of providing storage space for the furniture and other goods, I consider that this benefit would be outweighed by the advantages to be gained through locating the development in a town centre or local centre location in the interests of accessibility and sustainability, consistent with national guidance and local planning policy objectives.
- 14 In reaching my conclusions on the planning merits of the development I have considered its impact upon the character and appearance of the area. I consider that because of the high volume of people and vehicles attracted to the site on viewing and auction days, with people and vehicles coming and going from the site, its use for auction sales would detract from the

rural character and appearance of this countryside area. I observed on my visit the garden centre and ruby club located in the vicinity of the site. However, both uses are considered appropriate in the countryside consistent with national policy guidance.

15 I note the other appeal decisions referred to by the appellant. However, I find that the circumstances of each including the nature of the developments and their site locations differ significantly from the circumstances of the present appeals which I have considered and determined on their merits. The planning permission granted by Lewes DC in 2006 for a change of use of farm buildings to an auction house related to the circumstances of a particular auction gallery in Lewes. The decision is based entirely on the view of another planning authority which has not been tested at a higher level.

16 For the above reasons, the appeals on ground (a) and under s 78 fail.

Ground (f)

17 The appellant contends that the requirement to revert to agricultural use is excessive as the authorised use of the building is for B1 and B8 uses (Business and Storage & Distribution). It amounts to a revocation of an extant planning permission.

18 Having regard to my findings above under Procedural Matters that the planning permission granted in July 2002 for the change of use of the building to use for B1 (Business) and B8 (Storage and Distribution) had been implemented, I will exercise my powers to vary the notice by deleting the requirements to stop using building No 2 for storage of furniture and other goods and their removal from the building, and the requirement to make the building available for agricultural use. The appeal on ground (f) succeeds to this extent.

Ground (g)

19 The appellant requests a minimum of 3 years to search for alternative premises. I consider the time requested to be excessive. Having regard to my findings on the existing authorised use of building No 2 for B1 (Business) and B8 (Storage and Distribution) purposes, I consider the time for compliance of 28 days to stop using the building for public auctions or any other retail activity to be an adequate timescale in which to comply with the requirement of the notice as varied. The appeal on ground (g) therefore fails.

Conclusions

20 For the reasons given above and having regard to all other matters raised, including the role performed by the use in recycling furniture and other items, I conclude that the appeals should be dismissed. I shall uphold the enforcement notice with variations.

Formal Decisions

Appeal A: APP/C3105/C/06/2032063

21 I direct that the enforcement notice be varied by deleting the second, third and fourth requirements in section 5. Subject to these variations I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B: APP/C3105/A/06/2024476

22 I dismiss the appeal

Anne Parkhill

INSPECTOR

COPY

APPEARANCES

FOR THE APPELLANT

Mr B Cornley CEng DipTP MRTPI MICE	Planning Consultant
Mr R P Bratt	Appellant
Mr J A Smith	J S Auctions, Cotefield Farm, Oxford Road, Bodicote OX15 4AQ
Ms V Hammond	J S Auctions, Cotefield Farm, Oxford Road, Bodicote OX15 4AQ

FOR THE LOCAL PLANNING AUTHORITY

Mr S Matthews BSc (Hons) MA MRTPI	Senior Planning Officer, Cherwell District Council
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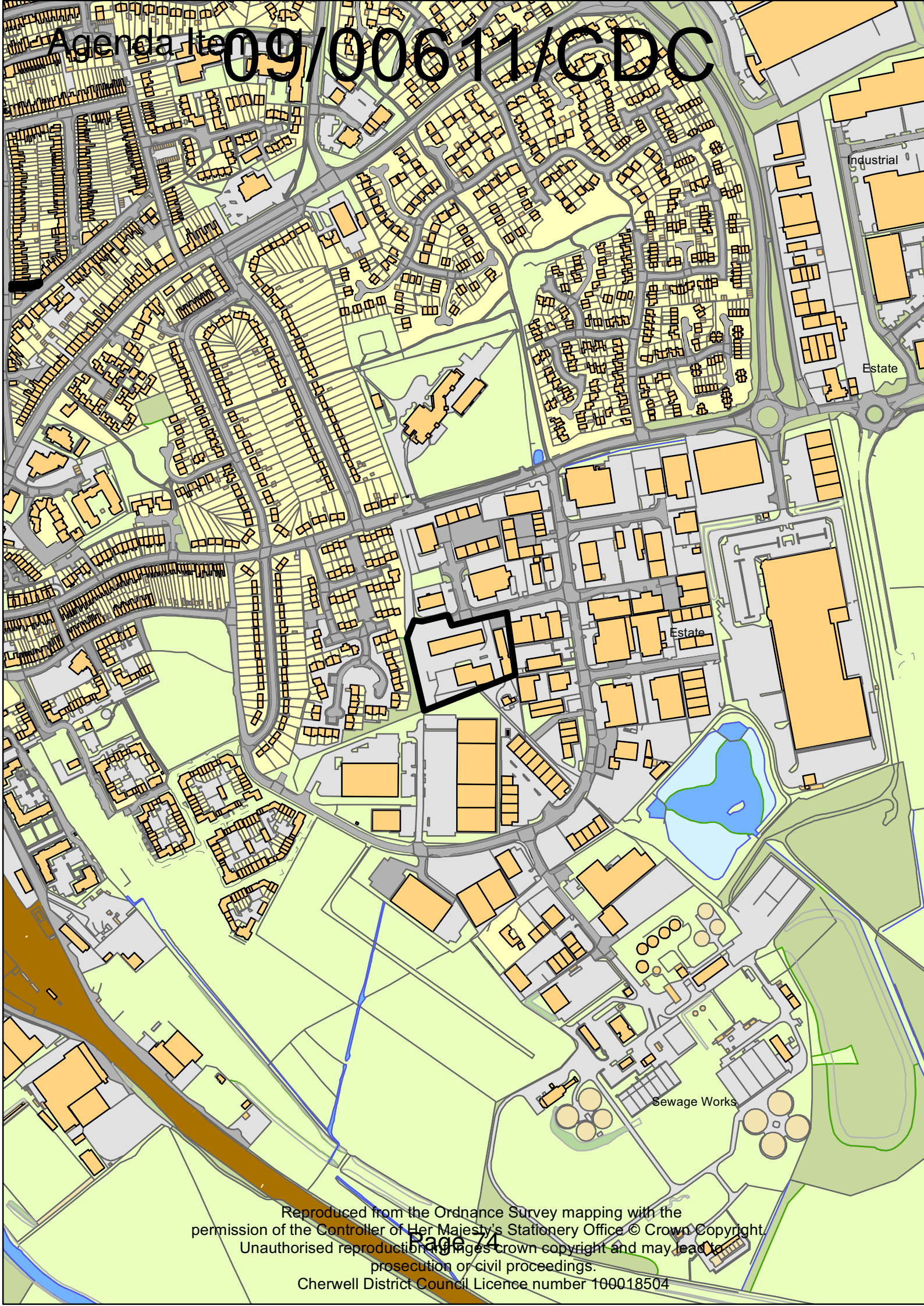
INTERESTED PERSONS

Mr S Davies	Bonhams, Globe House, Calthorpe Street, Banbury OX16 5EX
Mr H Paterson	Nether Cottage, North Aston OX25 6HX
Mr M Pow	33 Kingsbury Road, Coundon, Coventry CV6 1PW
Mr P King	Pay Cottage, School Lane, Priors Marston, Southam, Warwickshire CV47 7RR
Mr D Holmes	7 County View, Clifton, Banbury OX15 0PF
Mr I Slade	4 Devon Way, Banbury OX16 1UJ
Mr W Bratt	Fleet Farm House, Adderbury, Banbury OX17 3NJ

DOCUMENTS SUBMITTED AT THE HEARING

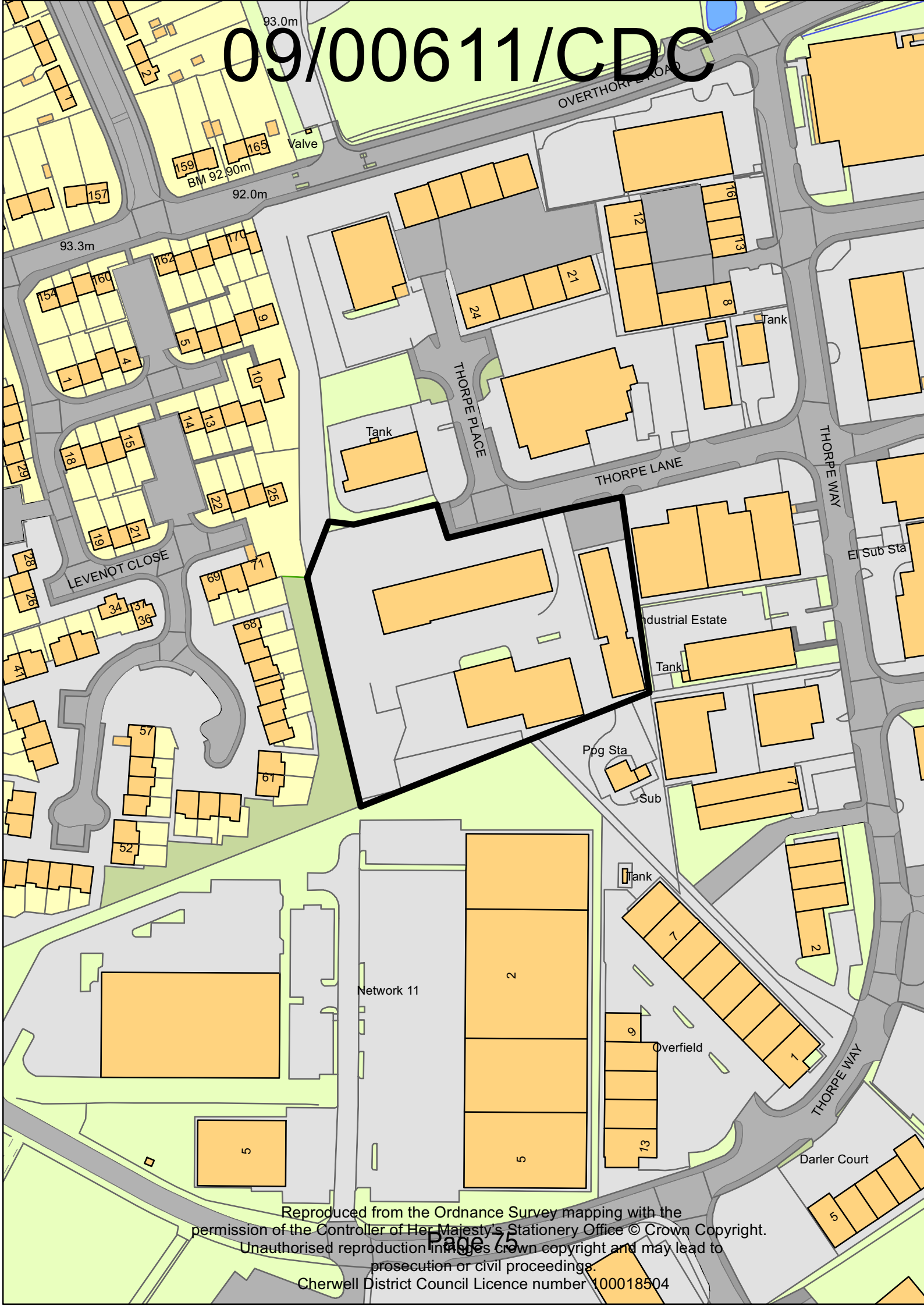
- 1 Notification of Hearing and list of persons notified
- 2 Representations from third parties
- 3 Statement by J H Dauphin, Managing Director, Jaydee Motors Ltd

Agenda Item 09/00611/CDC



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09/00611/CDC



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Application No: 09/00611/CDC	Ward: Ruscote	Banbury	Date Valid: 08/05/09
Applicant:	Cherwell District Council		
Site Address:	Thorpe Lane Depot, Thorpe Lane, Banbury OX16 4UT		

Proposal: Erection of lean-to for parking of sweeper vehicles.

1. Site Description and Proposal

- 1.1 The site is located within the Thorpe Lane industrial area. The area has a number of large industrial/commercial buildings occupied by a variety of businesses. The application site contains a group of buildings with a central yard area. The site is operated by Cherwell District Council for the storage, repair and maintenance of sweeper vehicles.
- 1.2 The proposal seeks to demolish an existing garage block that are unsuitable for current freighters. A new lean to building would be erected to provide a covered area for overnight parking of 3 sweeper vehicles.

2. Application Publicity

- 2.1 The application has been advertised by way neighbour letters and a site notice. The final date for comment was 05/06/2009
- 2.2 No letters of representation have been received.

3. Consultations

- 3.1 **OCC Highways** – No objection.

4. Relevant Planning Policies

- 4.1 South East Plan 2009 – Policy CC6
4.2 Adopted Cherwell Local Plan 1996 – Saved Policies C28
4.3 Non-Statutory Cherwell Local Plan 2011 – Policy D1

5. Appraisal

- 5.1 The key issues to be considered in this case are:-
- The scale and design of the proposal; and
 - The impact on the amenities of adjoining occupiers.

5.2 The Scale and Design of the Proposal

- 5.3 The proposed lean-to would replace an existing garage block that is no longer required at the depot as it is no longer suitable for freighters . The garage block is quite large at 33m in length and is attached to an existing vehicle workshop that will remain unaltered.
- 5.4 The proposed lean-to would be attached to the vehicle workshop at the western elevation and will provide overnight cover for 3 sweeper vehicles. The development would measure approximately 3m (l) x 15m (w) x 5m (h).
- 5.5 The lean-to is relatively small in comparison to the existing buildings and the garages being demolished. Given the existing industrial use of the site and the small scale nature of the development, it is unlikely that the amenities of nearby residents would be further affected by the proposal.

6. Recommendation

Approval, subject to the following conditions:

1. That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

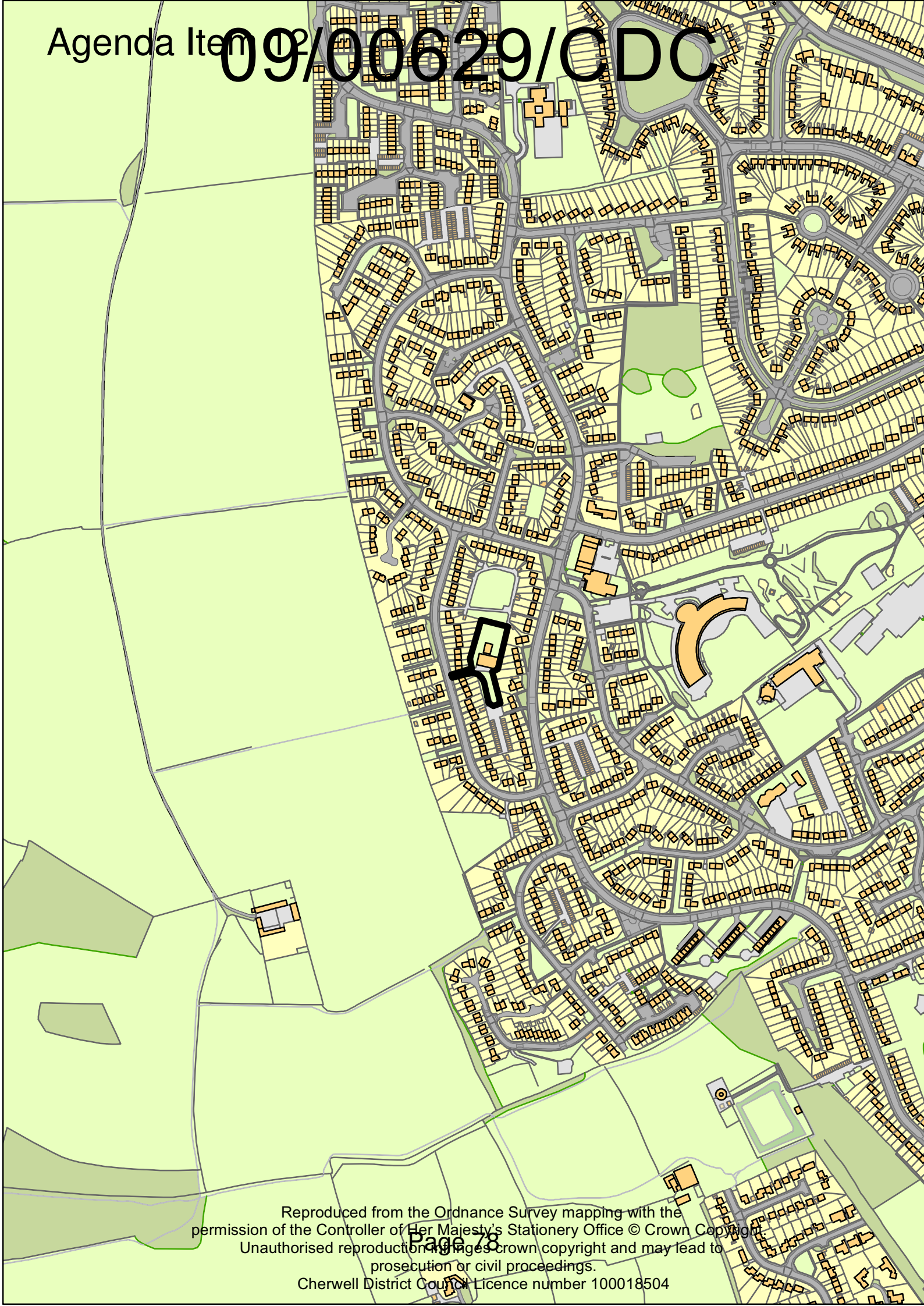
Reason – To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

REASON FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

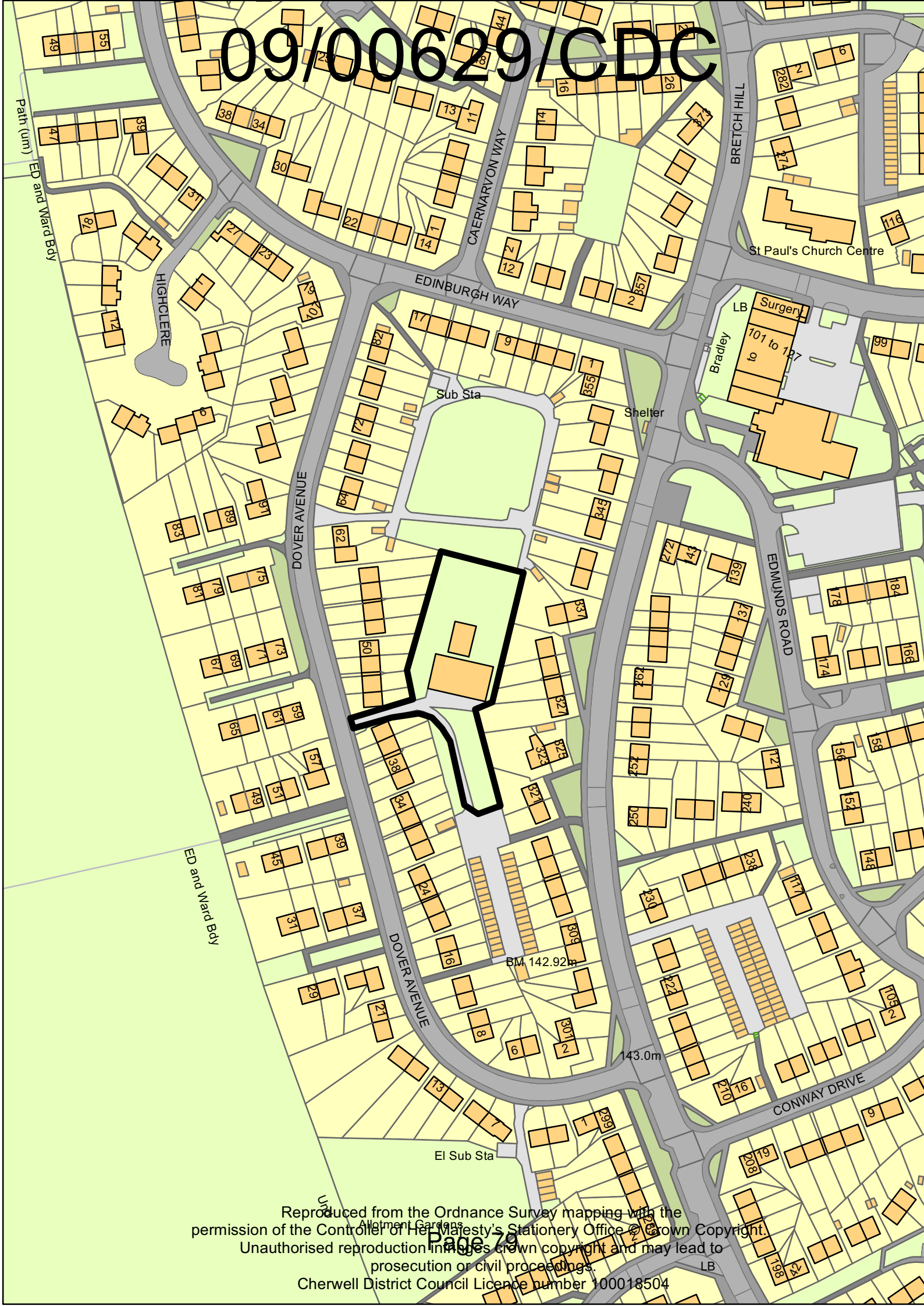
The Council, as local planning authority, has determined this application in accordance with the development plan, unless material considerations indicated otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is of a design, size and style that is appropriate in its context and would not have a detrimental impact on the character and appearance of the Islip Conservation Area, the setting of the nearby listed building, neighbouring amenity and highway safety. As such the proposal is in accordance within policy CC6 of the South East Plan 2009, saved policy C28 of the Adopted Cherwell Local Plan 1996 and policy D1 of the Non-Statutory Cherwell Local Plan 2011 and the reasons given above and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

CONTACT OFFICER: Graham Wyatt

TELEPHONE NO: 01295 221643



09/00629/CDC



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Application 09/00629/CDC	No:	Ward: Ruscote	Banbury	Date Valid: 12/05/09
Applicant:	Cherwell District Council			
Site Address:	Willy Freund Youth Centre, Dover Avenue, Banbury OX16 0JE			

Proposal: Alterations and extensions to existing youth club facility to provide accessible toilet and inclusive access to the detached smaller hall by linking the two buildings.

1. Site Description and Proposal

- 1.1 The site is located within mainly residential area. Residential gardens surround the site which is accessed off Dover Avenue. The development currently consists of two, separate buildings which form an 'L' shape. The main building is larger than the building to the rear. Parking areas are provided to the front of the building and a park area to the rear.
- 1.2 The proposal seeks to link the two buildings with a single storey extension. The extension would be created to the rear of the larger building and connect to the side of the smaller building. A new doorway would be created between the two buildings to link them. A ramped access would also be created to the rear of the smaller building. The total floor area created as a result the development would be approximately 54 m².

2. Application Publicity

- 2.1 The application has been advertised by way neighbour letters and a site notice. The final date for comment was 06/06/2009
- 2.2 No letters of representation have been received.

3. Consultations

- 3.1 **OCC Highways** – No objections subject to the provision of car parking as plan and cycle parking in accordance with a scheme to be submitted and approved.

4. Relevant Planning Policies

- 4.1 South East Plan 2009 – Policy S6
- 4.2 Adopted Cherwell Local Plan 1996 – Saved Policies C28
- 4.3 Non-Statutory Cherwell Local Plan 2011 – Policy R11

5. Appraisal

- 5.1 The key issues to be considered in this case are:-

- The scale and design of the proposal; and
- The impact on the amenities of adjoining occupiers.

5.2 The Scale and Design of the Proposal

5.3 The proposed extension would link the two existing buildings with a single storey extension. A doorway would be created in the larger hall building to allow access through each building.

5.4 The total floorspace to be created would be approximately 54 m². The design of the extension would follow the existing building and materials to match are proposed.

5.5 The extension is relatively small in comparison to the existing buildings and will sit comfortably within the site and in relation to the existing buildings.

5.6 Impact on the Amenities of Adjoining Occupiers

5.7 As stated earlier, the site is surrounded entirely by residential properties. The rear gardens of properties along Dover Avenue and Edinburgh Way face the site. Given the existing use of the site and the small scale nature of the development, it is unlikely that the amenities of nearby residents would be further affected by the proposal.

6. Recommendation

Approval, subject to the following conditions:

- 1. That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.**

Reason – To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

- 2. That the materials to be used for the external walls and roof of the development hereby permitted shall match in terms of colour, type and texture those used on the existing building.**

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

- 3. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.**

Reason – In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Policy T5 of the South East Plan 2009.

- 4. That the parking and manoeuvring areas shall be retained in accordance with the plans hereby approved and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.**

Reason - In the interests of highway safety and to comply with Government advice contained in PPG13: Transport.

REASON 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. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed development is of a design, size and style that is appropriate in its context and would not have a detrimental impact on the character and appearance of the Islip Conservation Area, the setting of the nearby listed building, neighbouring amenity and highway safety. As such the proposal is in accordance within policy S6 of the South East Plan 2009, saved policy C28 of the Adopted Cherwell Local Plan 1996 and policy R11 of the Non-Statutory Cherwell Local Plan 2011 and the reasons given above and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

CONTACT OFFICER: Graham Wyatt

TELEPHONE NO: 01295 221643

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

11 JUNE 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

DECISIONS SUBJECT TO VARIOUS REQUIREMENTS – PROGRESS REPORT

1 Introduction and Purpose of Report

- 1.1 This is a standard report item the aim of which is to keep Members informed upon applications which they have authorised decisions upon subject to various requirements which must be complied with prior to the issue of decisions.
- 1.2 A verbal update on any changes since the preparation of the report will be given.

2 Wards Affected

- 2.1 All wards in the southern part of District.

3 Effect on Policy

- 3.1 Nil.

4 Contact Officer(s)

- 4.1 R Duxbury (Ext 1821).

5 The Committee to note that the following applications remain outstanding for the reasons stated:

5.1 Subject to Legal Agreement with Cherwell District Council and Oxfordshire County Council

01/00662/OUT	Begbroke Business and Science Park, Sandy Lane, Yarnton – Subject to legal agreement re: off-site highway works, green travel plan, and control over occupancy now under discussion. Revised access arrangements refused 30 October 2008. Appeal dismissed
05/01337/F	Land NE of Oxford Road, West of Oxford Canal and East of Bankside, Banbury. Subject to Section 106 Agreement with other side for engrossment
07/00422/F	Bicester Town Centre Scheme – Subject to a detailed S106 legal agreement.- with other side for engrossment.
07/01106/OUT	Land to south East of A41 Oxford Road, Bicester. Subject to departure procedures and legal agreements with Oxfordshire

County Council re: off-site transportation contributions and HGV routeing during construction.

08/01171/OUT Pow Wow Water site, Langford Lane, Kidlington
Subject to agreement re transport infrastructure payments

08/02208/F Building 249 Heyford Park, Upper Heyford
Subject to legal agreement to secure the vacating of the premises at the end of the temporary term.

08/02511/F Part of A site DSDC Bicester
Subject to legal agreement with OCC re highway infrastructure/green travel . Secretary of State indicated that she will not call application in.

5.2 Subject to Other Matters

08/00709/F Former Lear site, Bessemer Close, Bicester
Subject to legal agreement with OCC

08/00876/F Chilling Place Farm, Piddington
Subject to legal agreement re occupancy of main house and ancillary accommodation.

08/02541/F Land adj Exeter Farm, and N Cassington Rd. Yarnton
08/02594/F Subject to legal agreements and departure procedures

09/00038/OUT Calthorpe House, Calthorpe St. Banbury
Subject to legal agreement re off-site infrastructure

6 Risk Assessment, Financial Effects and Contribution to Efficiency Savings

- 6.1 The following details have been approved by David Spilsbury (Risk) (Ext 1560) and Eric Meadows (Financial) (Extension 1556).
- 6.2 Risk assessment – this is a monitoring report where no additional action is proposed. As such there are no risks arising from accept the recommendation.
- 6.3 Financial effects – there are no additional financial effects for the Council arising from this report.
- 6.4 Efficiency savings – there are no efficiency savings arising from this report.

7 Recommendations

- 7.1 It is **RECOMMENDED** that the Committee resolve to accept this position statement.

Background papers: All papers attached to the planning application files referred to in this report.

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

11 JUNE 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

APPEALS – PROGRESS REPORT

1 Introduction and Purpose of Report

- 1.1 This is a standard report item, the aim of which is to keep Members informed upon applications which have been determined by the Council, where new appeals have been lodged, Public Inquiries/Hearings scheduled or appeal results received.
- 1.2 A verbal update on any changes since the preparation of the report will be given.

2 Wards Affected

- 2.1 All wards in the District.

3 Effect on Policy

- 3.1 Nil.

4 Contact Officer(s)

- 4.1 Bob Duxbury (extension 1821)

5 New Appeals

- 5.1 **09/00239/F- Land off Saffron Close, Hanwell Fields, Banbury**, appeal by Banner Homes (Midlands) Ltd against the refusal of planning permission for the erection of 4 flats- Written Reps
- 5.2 **08 /01977/F – Land at Malthouse Lane, Shutford, Banbury**, appeal by Mr M Watts against the refusal of planning permission for 1 new dwelling and garage. Re-submission of 07/01911/F- Written Reps

6 Forthcoming Public Inquiries and Hearings between 11 June 2009 and 2 July 2009

- 6.1 **Hearing 10.00am Tuesday 16 June 2009**, Room 163, Bodicote House, Bodicote to consider the appeal by Mr & Mrs Davis against the service of an enforcement notice alleging a breach of planning control – the removal of Stonesfield slates from the roof and the insertion of a rooflight in the northern elevation of the building at Greystones, Middle Street, Islip
- 6.2 **Hearing 10.00am Wednesday 17 June 2009**, Room 163, Bodicote House, Bodicote to consider the appeal by Mr Tariq Khuja against the refusal of planning permission for the re-development to office development of the former Banbury Telephone Repeater Station, Oxford Road, Banbury.

- 6.3 **Inquiry 10.00am Tuesday 23 June 2009**, Council Chamber, Bodicote House, Bodicote to consider the appeal by Mr D Morgan against the service of enforcement notices alleging breaches of planning control relating to the use of the stable and the change of use of the land at Lone Barn, Stoke Lyne, Bicester

7 Results

- 7.1 Inspectors appointed by the Secretary of State have:

- 7.2 **Dismissed the appeals by Andrew Thorburn against the refusal of application 08/01600/F for a loft conversion with pitched dormer and the service of an enforcement notice ENF 19/08 alleging a breach of planning control- without planning permission, the erection of a dormer window on the rear elevation of the house at 22 Milton Street, Banbury (Delegated)** - The Inspector stated “ The dormer that has been constructed is a substantial, imposing structure which fills up a significant proportion of the roof area. It is insensitively designed with incongruous shallow roof pitches and a grey film finish to the face and cheeks. Overall, I find the dormer is an intrusive feature in a prominent position in the street scene which fails to respect the historic and architectural context. What is most important is to ensure that the character and appearance of the terrace is safeguarded and the development that has taken place, in my view, signally fails to do so”
- 7.3 **Dismissed the appeal by the University of Oxford against the refusal of application 08/00899/F for the widening and southern extension of the access road, including public highway junctions, alterations and associated works at Begbroke Science Park and land including part OS0004 and OS 0028 adjacent to Woodstock Road, Yarnton (Committee)** – In the Inspector’s view, the road itself and its traffic as well as the new junctions would be highly conspicuous in the landscape, particularly as seen in public views from the A44 and adjacent residential development. It would detract significantly from the character and appearance of the area and the visual amenity of the Green Belt, constituting additional significant harm.
- 7.4 **Dismissed the appeal by Trinity College against the refusal of application 08/01539/F for proposed barn conversion from farm building to dwelling at Ragnall Farm, Hornton Road, Wroxton (Delegated)** – The Inspector found that the proposed alterations would result in the loss of traditional architectural features, leading to a building with a residential appearance, significantly denuding its simple robust agricultural character. The converted and extended building would cause significant harm to the character of the countryside and the immediate setting of the building due to poor design.
- 7.5 **Dismissed the appeals by Mr Timothy Beckett against the refusal of application 08/02436/LB for the extension/conversion of existing house to four number one bedroom flats and associated works and application 08/02435/LB for the extension/conversion of existing house into four number one bedroom flats and associated works re build garages at 8 Calthorpe Road, Banbury (Delegated)** – In the Inspector’s view, the proposed layouts called for a number of alterations which he considered would have a harmful impact on the floor plan of the house, interior spaces and existing features including mouldings, skirtings and chimneybreast and finishes. These alterations alone, which are by no means exhaustive, would harm the integrity of the listed building contrary to the advice in PPG 15.

In conclusion, the Inspector commented “The appellant has suggested that architectural detail is not relevant at this stage and that construction details could be conditioned. Having regard to the extent of the works proposed, the lack of detail provided and the sensitive nature of the property, to allow the proposed development without detailed drawings or an adequate specification would, in my view, be to disregard the duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990 and the guidance in PPG 15.”

8 Risk Assessment, Financial Effects and Contribution to Efficiency Savings

- 8.1 The following details have been approved by Eric Meadows (Ext 1552) (Financial) and Rosemary Watts (Ext 1566) (Risk)
- 8.2 Risk assessment – this is a monitoring report where no additional action is proposed. As such there are no risks from accepting the recommendation.
- 8.3 Financial effects – the cost of defending appeals can normally be met from within existing budgets. Where this is not possible a separate report is made to the Executive to consider the need for a supplementary revenue estimate.
- 8.4 Efficiency savings – there are no efficiency savings arising from this report.

9 Recommendations

- 9.1 It is **RECOMMENDED** that the Committee resolves to accept this position statement.

Background Papers:

All papers attached to the planning application files reported in this report.