

Committee: Planning Committee
Date: Thursday 23 July 2009
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Fred Blackwell
(Chairman)
Councillor Ken Atack
Councillor Maurice Billington
Councillor Colin Clarke
Councillor Mrs Catherine
Fulljames
Councillor Michael Gibbard
Councillor Eric Heath

Councillor Rose Stratford (Vice-Chairman)
Councillor Alastair Milne
Home
Councillor David Hughes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor John Wyse

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 - 8)

To confirm as a correct record the Minutes of the meeting of the Committee held on 2 July 2009.

Planning Applications

- | | | |
|------------|--|---------------------|
| 6. | Fant Hill Farmhouse, Hayway Lane, Hook Norton, Oxfordshire OX15 5QJ (Pages 11 - 20) | 09/00225/F |
| 7. | Old Barton, High Street, Shutford, Oxfordshire, OX15 6PQ (Pages 21 - 29) | 09/00371/F |
| 8. | The Gate Lodge, 43 Mill Street, Kidlington OX5 2EE (Pages 30 - 34) | 09/00414/OBL |
| 9. | Lower Tadmarton, Banbury, Oxon, OX15 5HL (Pages 35 - 41) | 09/00553/F |
| 10. | Souldern Gate Garage, Souldern, Bicester, Oxfordshire OX27 7JL (Pages 42 - 51) | 09/00719/F |
| 11. | Land Watts Way to the rear and north of 25 High Street, High Street, Kidlington (Pages 52 - 56) | 09/00749/CDC |

Information Reports

- 12. Proposed Railway Improvement Scheme Between Bicester and Oxford**
(Pages 57 - 68)

Report of the Head of Development Control and Major Developments

Summary

To inform Members of the proposed improvements to the railway line between Bicester and Oxford as part of the proposals by Chiltern Railways for a new route between Oxford and London, so they are aware of the proposal prior to detailed proposals for the scheme being submitted.

Recommendations

That Members note the report and the response provided by the Executive to the consultation from Chiltern Railways.

Tree Preservation Orders

13. Tree Preservation Order (No. 5) 2009 Lime Tree at Cope Road / Arran Grove, Banbury (Pages 69 - 71)

Report of Head of Development Control and Major Developments

Summary

To seek the confirmation of an unopposed Tree Preservation Order relating to a Lime Trees at Cope Road/Arran Grove, Banbury (copy plan attached as Annex 1).

Recommendation

It is **RECOMMENDED** that the Committee resolves to confirm the Order without modification.

Review and Monitoring Reports

14. Decisions Subject to Various Requirements - Progress Report (Pages 72 - 73)

Report of the Head of Development Control and Major Developments

Summary

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.

Recommendation

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

15. Appeals Progress Report (Pages 74 - 76)

Report of the Head of Development Control and Major Developments

Summary

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.

Recommendation

It is **RECOMMENDED** that the Committee resolves 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 15 July 2009

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 2 July 2009 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)
Councillor Rose Stratford (Vice-Chairman)
Councillor Ken Atack
Councillor Colin Clarke
Councillor Michael Gibbard
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor G A Reynolds
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor Lawrie Stratford
Councillor John Wyse

Substitute Members: Councillor Barry Wood (In place of Councillor Maurice Billington)

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

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Bob Duxbury, Development Control Team Leader
Tracey Morrissey, Senior Planning Officer
Caroline Ford, Trainee Planning Officer
Nigel Bell, Solicitor
Tony Ecclestone, Communications Officer
Natasha Clark, Trainee Democratic and Scrutiny Officer
Michael Sands, Trainee Democratic and Scrutiny Officer

32 **Declarations of Interest**

Councillors declared interest with regards to the following agenda items:

6. Sainsbury Supermarket Ltd, Oxford Road, Banbury.

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

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

7. 2 Laburnum Grove, Banbury.

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

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

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

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

34 **Urgent Business**

There was no urgent business.

35 **Minutes**

The minutes of the meeting held on 11 June 2009 were agreed as a correct record and signed by the Chairman.

36 **Sainsbury Supermarket Ltd, Oxford Road, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments for an extension to an existing food store including associated alterations and improvements to the car park, service yard and landscaping.

Mr Tristan Hutton spoke in favour of the application as the applicant's agent.

The Committee commented that the application was very different to the original proposal the applicant had submitted in 2007.

Members of the Committee raised concerns about the capacity of the Oxford Road junction and discussed various ways of improving the junction. Members of the Committee requested that Officers write to Oxfordshire County Council with regard to the filter lane signalling arrangements when travelling from the Oxford direction.

Officers advised the Committee that a contribution to junction works and monitoring would be embedded in the S106 Legal Agreement.

The Committee considered the layout of the carpark, the acoustic fencing and the impact of an improved store on the town centre, particularly in the current economic climate. Officers assured the Committee that the applicant had been asked to revise the Retail Assessment undertaken in 2006 to take into consideration the effect of the current recession.

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

Resolved

That application 08/02605/F is approved subject to the following:

- a) The applicant entering into a legal agreement with the County Council to secure financial contributions of £455,750 that will be divided:

£192,000 contribution to go towards BITLUS and any other transport services or infrastructure (including public transport).

£260,000 contribution to (indicative) junction works and monitoring of the junction over a 5 year period.

£3750 administrative fee

- b) The following conditions:

1. SC 1.4A Full Permission: Duration Limit (3 years) (RC2)
2. SC 2.0 Details of Materials and External Finished (RC4)
3. That the ground floor area of the extension hereby permitted shall be used only for the purposes falling within Class A1 specified in the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and that the total net sales floorspace within the extended store shall not exceed 6003 sq.m and that the total net sales floorspace for comparison goods within the store shall not exceed of 2324 sq.m as detailed on page 6 of the WYG Retail Assessment (dated December 2008).
4. That the total floor area of explore and learn facility shall not exceed 103 sq.m
5. That prior to the commencement of the development a method statement of the proposed acoustic barrier fencing installation to the north of the service yard and recycling area and described in section 5.1 of the Noise Assessment report (dated December 2008), shall be submitted to and approved in writing by the Local Planning Authority and that the acoustic fencing shall be installed prior to the commencement of the construction of the extension and that these barriers are maintained in good order thereafter.
6. That all Service yard mitigation and management measures contained in the operating schedule described in section 6 of the Noise Assessment report (dated December 2008) shall be implemented and maintained as such at all times thereafter. (RC53AB)

7. That the recycling area shall not be emptied or otherwise serviced before 08:00 or after 18:00 hrs Mon –Sat and at no time on Sundays, Bank or Public Holidays. (RC53AB)
8. That before the first occupation of the store extension the proposed car parking layout & service area is to be provided in accordance with the plan hereby approved, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter. (RC13BB)
9. 4.14CC (RC66A) – cycle parking
10. 4.14DD (RC66A) – green travel plan
11. Prior to the first occupation of the store extension, details of the proposed car park capacity monitoring mechanism and mitigation measures are submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
12. In the event that the junction capacity works are found to be necessary, no works or development along the Oxford Road shall take place until a scheme for the protection of the retained trees (section 7, BS59837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:
 - a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.
 - b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.
 - c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.
 - d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.
 - e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).
 - f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard

landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned for that phase.

- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).
- i) the details of any changes in levels or the position of any proposed excavations within 5 metres of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)
- k) the details of the working methods to be employed for the installation of highway within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.

13. Prior to the commencement of the development hereby permitted a phased risk assessment shall be carried out by a competent person in accordance with current Government and Environment Agency Guidance and Approved Codes of Practice, such as CLR11, BS10175, BS5930 and CIRIA 665. Phases 1 and 2 have been addressed as part of the Geotechnical and Geo environmental Report (dated November 2007). Details of Phase 3 shall be submitted to and approved in writing by the Local Planning Authority;

Phase 1 shall incorporate a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model. If potential contamination is identified in Phase 1 then a Phase 2 investigation shall be undertaken.
(COMPLETED AND ACCEPTABLE)

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals. If contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.
(COMPLETED AND ACCEPTABLE)

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use to be submitted to and approved in writing by the Local Planning Authority (LPA). The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect.

14. The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator. 14. That notwithstanding the submitted landscaping scheme, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a revised 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.

15. 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.

(Councillor Wood requested that it be noted that he did not participate in the vote as he had not been present for the Officer's presentation and the debate)

The Committee considered a report of the Head of Development Control and Major Developments for the removal of a flat roof over a dining area, the construction of a single story extension and the installation of a lean to roof over the extension and existing dining area.

The application had been brought before the Committee as the applicant was an employee of Cherwell District Council. The Committee were satisfied with the evidence present by Officers.

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

Resolved

That application 09/00662/F is approved subject to the following conditions:

- 1) 1.4A (RC2) [Full permission: Duration limit (3 years)]
- 2) 2.6 (RC5) [Materials to match existing]

38 **Quarterly Enforcement Report**

The Committee considered a report of the Head of Development Control and Major Developments which updated Members on the progress of outstanding formal enforcement cases and informed Members of various caseload statistics.

The Committee expressed their thanks to the Development Control and Major Developments for their hard work producing the comprehensive report.

Resolved

That the report and the content of the appendices is accepted.

39 **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.

40 **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 appeals results received.

Resolved

That the position statement is accepted.

Planning Committee - 2 July 2009

The meeting ended at 5.15 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

23 JULY 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.

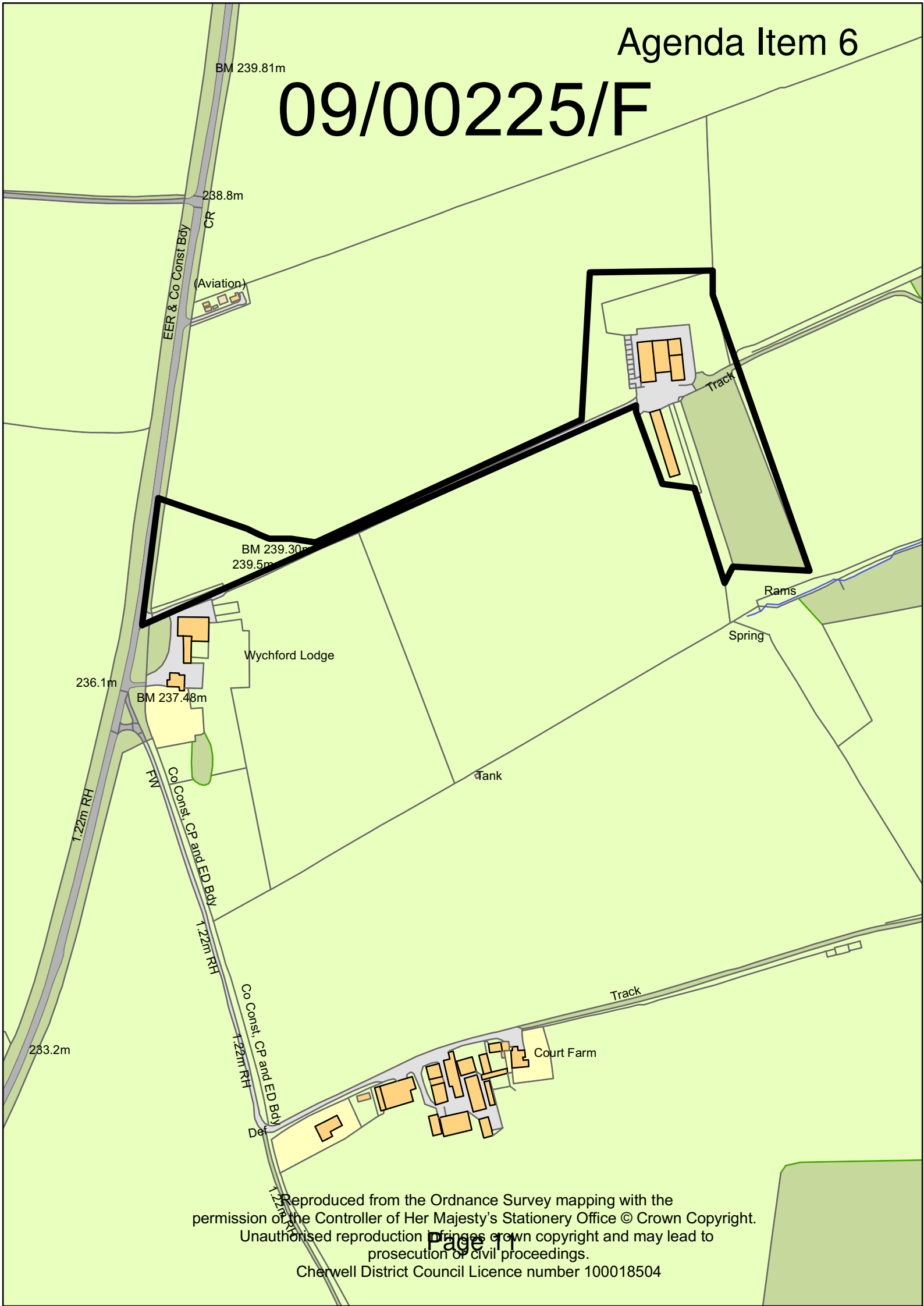
Background Papers

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

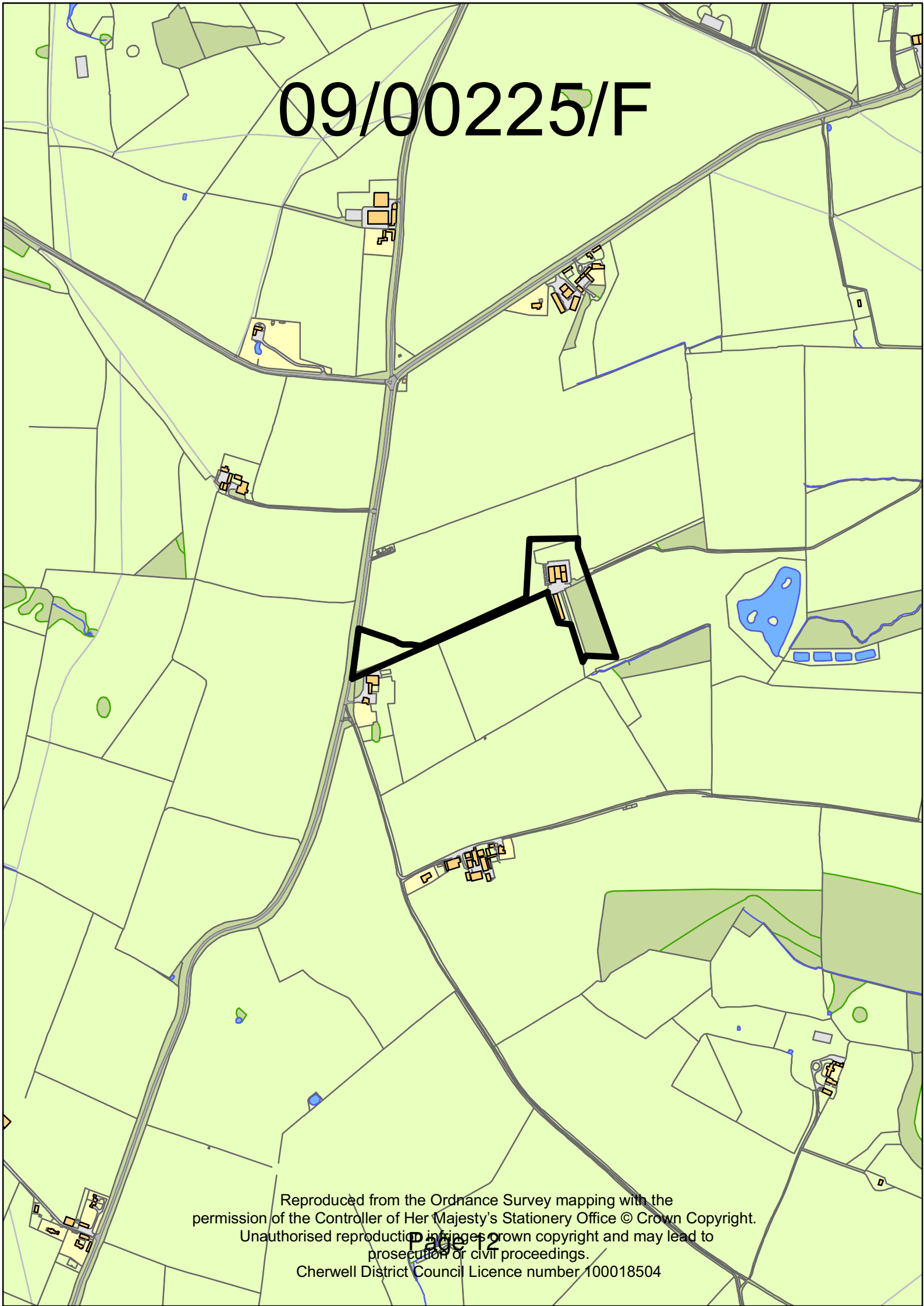
Site	Application No.	Ward	Recommendation	Contact Officer
6 Fant Hill Farmhouse, Hayway Lane, Hook Norton, Oxfordshire OX15 5QJ	09/00225/F	Hook Norton	Approval	Caroline Roche
7 Old Barton, High Street, Shutford, Oxfordshire, OX15 6PQ	09/00371/F	Wroxton	Approval	Simon Dean
8 The Gate Lodge, 43 Mill Street, Kidlington OX5 2EE	09/00414/OBL	Kidlington North	Referral to Head of Legal and Democratic Services to vary the agreement.	Graham Wyatt
9 Lower Tadmarton, Banbury, Oxon, OX15 5HL	09/00553/F	Sibford	Approval	Linda Griffiths
10 Souldern Gate Garage, Souldern, Bicester, Oxfordshire OX27 7JL	09/00719/F	The Astons and Heyfords	Approval	Rebecca Horley
11 Land Watts Way to the rear and north of 25 High Street, High Street, Kidlington	09/00749/CDC	Kidlington North	Approval	Paul Ihringer

09/00225/F



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction of this map is a criminal offence and may lead to prosecution of civil proceedings.

09/00225/F



Application 09/00225/F	No:	Ward: Hook Norton	Date Valid: 24 April 2009
Applicant:	Mr Chris Moore, Fant Hill Farmhouse		
Site Address:	Fant Hill Farmhouse Hayway Lane Hook Norton Oxfordshire OX15 5QJ		

Proposal: Change of use of agricultural building to equestrian use with additional indoor training building (as amended by plans received 01/07/09)

1. Site Description and Proposal

- 1.1 The site is located to the west of Hook Norton and is accessed from the road which leads north to south from Lower Brailes to Great Rollright. The current access runs in an easterly direction directly north of Wychford Lodge Farm. The proposal includes relocating this access fifty five metres further to the north away from the residential property. The residential property associated with the farm buildings is located along an access track further to the east, at the bottom of the slope.

The site is within an area of High Landscape Value. It consists of 3 large redundant agricultural barns which are located on the edge of a small scarp slope overlooking Hook Norton. The site is not visible from the road from which it is accessed but long distance views of it are achieved from the east. The site is currently used on a temporary basis by neighbouring farmers. There are large areas of hard standing and access tracks which are to the east of the existing buildings.

- 1.2 The proposal includes the conversion of the two linked agricultural buildings to provide stables for up to 30 horses, the conversion of the detached agricultural building to provide an ancillary reception and café/training area, the construction of a new building to serve as an indoor schooling area and the construction of a horse walker. The development will also provide two outdoor schooling areas, parking for cars and horse boxes and the relocation of the access.

The conversion of the existing buildings can take place without significant rebuilding. However each building will be re-clad and re-roofed to improve their overall appearance.

The intention is to run the facility as a commercial equestrian centre, providing a full livery service and utilise the surrounding agricultural land, within the applicant's ownership, for grazing horses and informal hacking.

2. Application Publicity

- 2.1 The application was publicised by way of a press notice, site notice and neighbour notification letters. The formal public consultation expired on 4 June 2009.
- 2.2 No letters of objection have been received.

3. Consultations

- 3.1 **Hook Norton Parish Council** raises no objections but wishes to see a condition imposed stating that access must be via Chipping Norton Road and or Sibford Gower Road only to avoid potential problems with traffic through the village which could have a detrimental effect on the emergency services.
- 3.2 The **Local Highway Authority** states that the traffic generation associated with the proposal, if permitted, can be safely accommodated on the local road network. Whilst being located in a rural area with poor public transport links, PPG13 details, when considering farm diversification schemes for the Local Authority to be realistic about the ability of alternatives to the private car. No objections were raised subject to the inclusion of conditions.
- 3.3 This Council's **Head of Planning and Affordable Housing** considers that there are no conflicting policies and has therefore not provided a full response.
- 3.4 This Council's **Landscape Planning Officer** considers that this development is well concealed from Hayway Lane so there aren't visual impact issues from the road. However the North East side of the development is on the edge of a small scarp overlooking Hook Norton in the valley below. Concern was expressed about the positioning of the horse box and trailer parking in such a visible position. A detailed planting plan will need to be submitted.

Following the submission of details of clarification the Landscape Officer maintained a level of concern about the position of the horse box parking as the numbers of vehicles will increase from what is presently there. However it is acknowledged that if the parking remains in this position further screening will be required on the slope.

- 3.5 This Council's **Ecology Officer** states that from the evidence presented in the bat and nesting bird survey report there does not appear to be any further protected species issues to be addressed. The applicant's attention should be drawn to section 4.2 in the report regarding what to do should any bats be found during the works and to the legal protection of nesting birds within buildings and vegetation (section 4.4). Should the works not commence by the end of 2009 an update survey may be required to assess whether bats have moved in during the intervening time. All proposed planting should be carried out using native trees and shrubs.
- 3.6 This Council's **Anti Social Behaviour Manager** suggests that if the application is recommended for approval he would wish to see a planning condition imposed requiring the prior approval of the applicant's means of storage and disposal of manure and a requirement to use the approved means for as long as the use continues.
- 3.7 This Council's **Environmental Protection Officer** states that there is a small band of the Northampton sands formation running through the site which may contain elevated concentrations of naturally occurring arsenic. Given the proposed use this is unlikely to pose a significant risk and I would therefore only recommend applying informative ZZ in case there is any unsuspected contamination encountered during the development.

- 3.8 The Council's **Agricultural Advisor** made the following comments (in summary),
At present, the buildings have been vacant since the termination of the existing tenancy agreement and are no longer required for agricultural purposes by the applicants. Rather than leaving them vacant and the subject of continued wear and tear, they are wishing to convert and apply for the formal change of use of these buildings to enable a continued use for them rather than becoming a detrimental eyesore on the rural aspects of the surrounding area.

The proposed development will make better use of existing buildings, which is a point supported in the national planning guidance and something which create local employment opportunities particularly in a current difficult economic climate. The proposed development has been carefully planned to ensure that the buildings are linked as closely as physically and functionally practicable without impinging negatively on the openness of this naturally rural area.

The applicants' have allowed for additional landscaping and screening to minimise the visual impact and will be using building materials of a dark colour to sit in with the surrounding area and thus, reducing the visual impact.

Farm diversification away from core agriculture has been apparent and supported at local and national planning level over the past few years as production margins have been squeezed and end markets cutting back and affecting the achievable monetary value in reality. This proposal will ensure that there is a functional use for the holding continued rather than being left to deteriorate further and unnecessarily when there has been a demand identified for an alternative use for the application site.

It is my opinion that this application should be viewed in a positive manner as it is making use of a range of buildings which would otherwise remain redundant and serve no functional purpose for any rural based activity. Diversification is inevitable in rural based areas and it is essential for the long term sustainability of the area that if a re-use can be considered and is appropriate, then it should be supported.

- 3.9 **Natural England** has no objection to the proposal in respect of species especially protected by law because it would appear to be unlikely that they would be adversely affected by the proposed development. Conditions should be attached to ensure that advice given by the ecologist regarding bats and nesting birds on page 8 of the report dated 19 November 2008 is adhered to in full.
- 3.10 **Thames Water** raises no objections in relation to sewerage and water infrastructure.

4. Relevant Planning Policies

4.1 **South East Plan 2009**

CC6 – Sustainable Communities and Character of the Environment

4.2 **Adopted Cherwell Local Plan 1996**

AG5 – Proposals for horse related development will normally be permitted provided

- i) the proposal would not have an adverse effect on the character and appearance of the countryside
- ii) the proposal would not be detrimental to the amenity of neighbouring properties

- iii) the proposal complies with the other policies in the plan.

C28 – Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.

C7 – Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape

C8 – Sporadic development in the open countryside including developments in the vicinity of motorway or major road junctions will generally be resisted.

4.3 **Non Statutory Cherwell Local Plan**

EMP7 – Development proposals for farm diversification

EMP11 – Proposals for horse related development

4.4 **PPS7 Sustainable Development in Rural Areas**

4.5 **PPG13 Transport**

5. Appraisal

- 5.1 The proposal stands to be assessed against the appropriateness of allowing such a development in this location, its impact on the character and appearance of the open countryside, impact on neighbouring residential amenity and highway safety.

5.2 Policy Considerations

Policies in the adopted Cherwell Local Plan and the Non-Statutory Local Plan support proposals for horse related development provided they also comply with the other factors set out above. Paragraph 32 of PPS7 – Sustainable Development in Rural Areas also states that;

Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit well with farming activities and help diversify rural economies. In some parts of the country, horse training and breeding businesses play an important economic role...Policies should facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification.

It is not clear whether or not this is a farm diversification project or whether this is an entirely new equestrian enterprise which will replace existing farming on the holding. Further clarification has been sought from the applicant.

Whilst the existing buildings are of no significant architectural quality they are stated to be surplus to agricultural requirements and if not utilised for other purposes would be left to ruin and dereliction. It would seem appropriate that a suitable use is found for them and their re-use for equestrian activities is generally supported by local and

national policies. The proposal also entails a new building which will result in an additional 800 square metres of internal floorspace, as the building measures 20.5m in width and 41m in length. Its height does not exceed the height of the existing buildings. This is a significant increase in the existing built footprint on the site.

The building which is to be used for purposes ancillary to the stables will include a reception area, café, toilet facilities and an office. The plans also show an area for fish breeding. With the exception of the fish breeding each of the other functions is related to the proposed establishment of a high quality equestrian enterprise. The fish breeding element is purely for use by the applicants to help sustain the existing fish ponds which are elsewhere on the applicants holding. The use of the building for ancillary uses will not attract additional visitors to the site but is proposed to be used solely by those who utilise the equestrian facility.

The re-use of the buildings for equestrian purposes does comply with local and national policies. However there are no policies that directly support the provision of new buildings in the open countryside for such purposes. For such a use to be viable it is likely that it will need to utilise the surrounding agricultural land for grazing and hacking. Furthermore for it to be secure it is likely to require a high level of supervision for security purposes. Whilst certain security lights and alarms are proposed, regular visits from staff and or the applicants will take place. The residential property which the applicants own and reside in is over 1km away from the site but at this time it is the intention that this will remain the only residential accommodation associated with the premises. In order for the proposed equestrian facility to remain viable it should be linked to the surrounding agricultural land and the existing residential property by way of a S106 agreement. This agreement is being sought from the applicants.

5.3 Visual Impact

In terms of visual impact the proposal will result in some changes to the appearance of the area. The existing buildings are going to be re-clad resulting in them having a fresh, new appearance. The built form of the site would increase with the introduction of the indoor school and horse walker. However the indoor school is to be directly linked to the north of the stable building and has a ridge height no higher than the existing buildings. Its shortest elevation will be the one which is visible from the Hook Norton valley. It will be finished in the same materials as the other buildings therefore will integrate into the development. The proposed materials include plastic coated metal sheeting for the roof and timber cladding for the walls, all materials which you would expect to find on modern agricultural buildings and of colours to be approved through conditions. The horse walker is proposed to be located to the west of the existing buildings and will therefore not be visible from public roads.

The outdoor schooling areas will be delineated by post and rail fences and surfaced in wood fibre. This will result in an equestrian feature within the open countryside but will be of materials and in colours that are already present in the locality.

The proposal includes an area to park horse boxes to the east of the buildings. This is the prominent elevation from the valley views but it utilises an existing area of hard standing which is currently used for parking agricultural vehicles and storing of agricultural equipment. There is existing planting on the slope which screens the building to a small extent. Further landscaping is proposed that will help to screen

the area of parked vehicles. A request was made of the agent to consider relocating the parking area to the west of the buildings in order to limit the visual impact of parked vehicles but this would have resulted in a further area of hard standing, taking away some of the surrounding fields.

The existing area of hard standing between the existing farm buildings is to be replaced with a paved area, in keeping with the equestrian use which is proposed. However concerns have been raised with regard to its potential to have an urban appearance. This has been acknowledged by the agent and it is agreed that the details of this surfacing will be agreed by condition.

Given the above assessment it is considered that the proposal will have some impact on the appearance of the area. However with the requirement to provide additional screening and the proposed positioning of the new building, as an extension to the existing group of buildings, it is considered that the proposal will have a limited adverse impact on the character and appearance of the site and surrounding area.

5.4 Neighbour Impact

In terms of neighbouring amenity there are very few residential properties in the locality. The closest residential property is Wychford Lodge Farm which is located close to the access. However the access is being relocated to limit any adverse impact from an increase in traffic movements. The property is located approximately 0.5 miles away from the buildings.

Other residential properties are 0.6km away from the buildings and views to and from these properties will be limited due to existing screening.

Noise and disturbance from the schooling activities has been considered but the application states that the centre will only be open until 6pm Monday to Friday, 7pm on Saturdays and 4pm on Sundays and bank holidays. It has also been stated that the applicant does not intend to carry out outside schooling in the dark. Therefore there is no present requirement for floodlighting. It has however been proposed that that will also be restricted by condition.

5.5 Highway Impact

The traffic assessment submitted as part of the application estimates that there may be up to 124 traffic movements per day on week days with this increasing at weekends. With the facility providing a full livery service traffic movements resulting from horse owners is likely to be limited to when they intend to ride. However traffic movements from staff are likely to be higher given the level of care the horses will need.

The local Highway Authority recognises that this is not a sustainable location in terms of accessibility to the site by public transport. However PPG13 allows for some leeway in relation to schemes that involve farm diversification. The Local Highway Authority has considered the proposal based on the details submitted in the transport assessment and are of the view that the traffic generated as a result of this proposal can be safely accommodate don the local road network. Given the assessment is based on a full livery land use it is considered appropriate to restrict the development to this form as any variation, for example DIY livery may result in an increase in traffic movements which would need further assessment.

5.6 Conclusion

Based on the above assessment it is considered that the proposal to establish an equestrian centre in this location and utilising the existing buildings is appropriate. Whilst allowing the new building does not directly comply with policy it will have limited additional impact on the character and appearance of the area. Neighbour impact is also limited and the Local Highway Authority has not raised any concerns. Given these conclusions it is considered that the proposal largely complies with the relevant policies as set out above and it is therefore recommended for approval subject to the conditions set out below and the applicants agreeing to enter into a S106 agreement to ensure the use remains linked to the existing farmland and existing dwelling and preventing the construction of further agricultural buildings on the holding.

6. Recommendation

Approval subject to

- a) a section 106 agreement ensuring that the equestrian use remains linked to the existing dwelling and the surrounding agricultural land, and;
- b) the following conditions;
 1. SC 1.4A Duration Limit (3 yrs) (RC2)
 2. SC 2.2AA Samples of walling materials (RC4A) ‘ timber boarding’ ‘stable building, indoor ménage, horse walker and administration block’
 3. SC 2.2BB Samples of roofing materials (RC4A) ‘plastic coated metal sheeting’ ‘stable building, indoor ménage, horse walker and administration block’
 4. Samples of the paving to be used in the surfacing of the areas of hard standing 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. (RC4A)
 5. SC 3.0A Submit Landscaping Scheme (RC10A)
 6. SC 3.1A Carry out Landscaping Scheme (RC10A)
 7. SC 4.0AB Access, Specification Proposed (as plan) (RC13BB) ‘first use of the equestrian use’
 8. SC 4.8AA Close Existing Access (RC13B)
 9. That the equestrian function shall be run on the basis of a full livery and for no other form/level of livery or for competitions without the prior express consent of the Local Planning Authority. Reason. In the interest of highway safety and to ensure that there is no material increase in traffic movements generated by the use.
 10. That the administration block as identified on the approved plans shall be used solely as specified in the application and will be used for ancillary functions to the equestrian use of the site and no sales of fish shall take place from the site. (RC40AA)
 11. SC 8.6AA No sound – Amplifying equipment (RC53AB)
 12. SC 8.8A Details of Disposal of Manure (RC55C) ‘stables’
 13. SC 8.18 Floodlights/Lights – Stables/Ménage (RC50)
 14. SC 9.4A Carry out Mitigation in Ecological Report (RC85A) ‘Section 4 of the Bat and Nesting Bird Survey by Ecoconsult dated 19 November 2008’.

Informatives

- 1. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.**
- 2. ZZ – Unsuspected contamination**

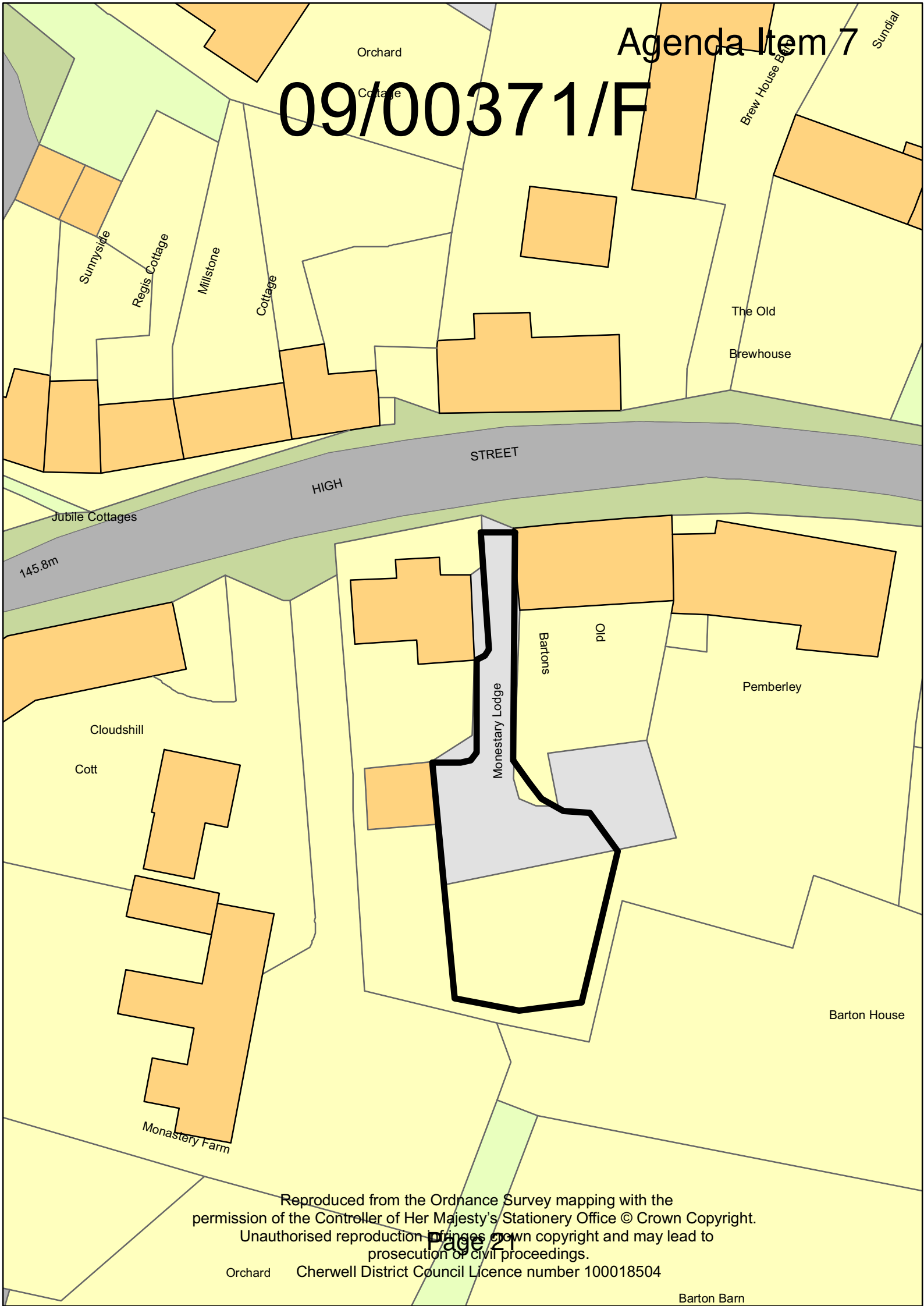
SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council as local planning authority. Has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal causes no demonstrable harm to the character and appearance of the site and surrounding area, neighbouring amenity or highway safety. As such the proposal is in accordance with Policy CC6 of the South East Plan 2009 and Policies AG5 and C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved subject to appropriate conditions as set out above.

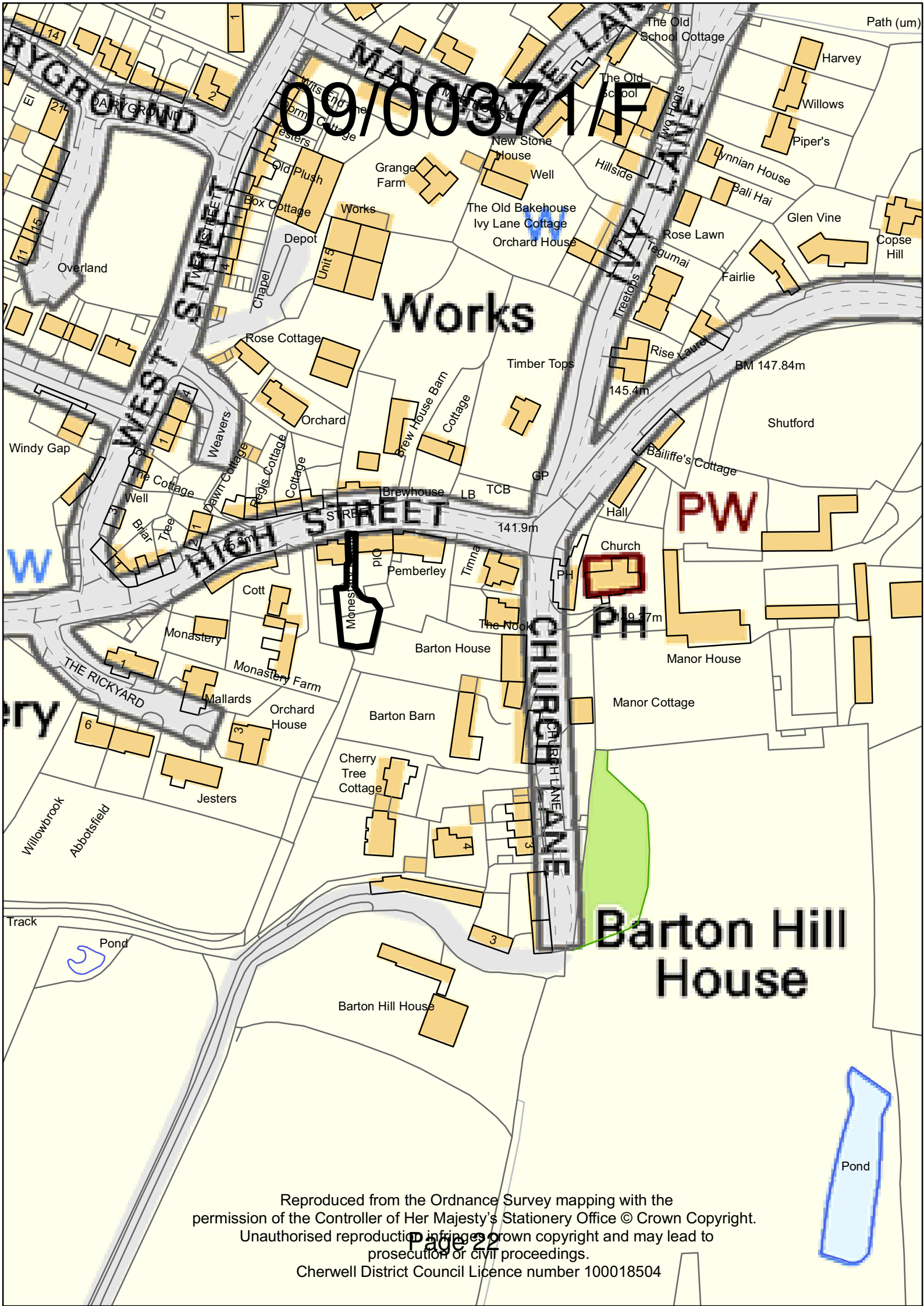
CONTACT OFFICER: Caroline Roche

TELEPHONE NO: 01295 221816

09/00371/F



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction in any form is prohibited and may lead to prosecution of civil proceedings.



09/00371/F

Works

PW

PH

Barton Hill House

Application 09/00371/F	No:	Ward: Wroxton	Date 18/05/2009	Valid:
Applicant:	Mr John Gardner			
Site Address:	Old Barton, High Street, Shutford, Oxfordshire, OX15 6PQ			

Proposal: Proposed 3 car garage with office in roof space (as amended by plans and forms received 12/05/09 and plans received 16/06/09)

1. Site Description and Proposal

- 1.1 The application site is an area of land to the rear of Old Bartons (a Grade II listed building) and Monastery (sic.) Lodge, South of the High Street. It is accessed by a track running between these two properties. The access track and turning space between the site for the proposed garage and office block is in shared ownership between Old Bartons, Monastery Lodge and Pemberley (to the East of Old Bartons).
- 1.2 There is a significant change in levels between the ground level of the application site and the ground level of the gardens surrounding the site to the South-West, South and South-East. The site, driveway and turning area is all between two and three metres lower than the surrounding gardens, with the land levels sloping down towards the North and the access to the High Street. The site boundaries to the South and West of the site are well screened and vegetated.
- 1.3 The proposal is for a detached three bay garage, in local stone under a tile roof, with office space above, served by a covered external staircase. The garage is proposed for use ancillary to the domestic use of the dwellinghouse, the office space is proposed to be used for the applicant's accountancy business which has been run from Old Bartons for at least eight years prior to this application. No increase in the size of the business is proposed, merely the relocation from inside the domestic house to the office space above the garage.
- 1.4 The proposed garage block is 7.3m deep and 9.2m wide. The eaves height is 2.4m, and the ridge height is 6m, giving a steeply pitched roof at 45°. At first floor level, the office space is served by four roof-lights in each roof-slope. No side facing upper floor windows are proposed.
- 1.5 The front wall of the proposed garage block will sit 22m from the rear of Monastery Lodge to the North, 30m from Pemberley to the North-East, 19m from the rear of Monastery Farm to the West and in excess of 30m from properties to the East.
- 1.6 Views into the site from the public domain are possible when travelling down High Street, but the site is not prominent in the street-scene due to its set back from the highway.

2. Application Publicity

- 2.1 The application has been advertised by way of press notice, site notice and neighbour letters. The final date for comment, following the second set of amendments was 03 July 2009.
- 2.2 Objections were received from eight neighbouring properties, including two which do not directly adjoin the site, and two to the North of the High Street.
- 2.3 Material considerations raised were:
- -the garage is considered to be an inappropriate size and style for the location and that the scale is out of keeping with the surroundings
 - -the proposal causes loss of privacy through unacceptable overlooking
 - -potential for overshadowing
 - -parking, highway safety and traffic generation
 - -the proposed commercial use is inappropriate in this location
 - -the proposed garage block looks like a house and could be converted to a dwelling in the future
 - -impact on the setting of the nearby listed buildings
- 2.4 Several non-material issues were also raised by many contributors, including the issue of legal covenants attached to the land, ownership of and access to the shared driveway for building work/sewerage/services/utilities and property prices
- 2.5 Concern was expressed by some contributors that earlier comments would no longer be considered following receipt of amended plans, but all of the comments received in relation to the application have been given due weight and consideration.

3. Consultations

- 3.1 **Shutford Parish Council** - objects to the scheme, considering it too large for the site and too large for the proposed use.
- 3.2 **Conservation Officer** – has concerns that the building is large and somewhat untraditional for a space which was historically a farmyard. However, the Conservation Officer also accepts that the site is not in a Conservation Area, and that the distance from the adjacent listed buildings and the nature of the site means that the impact on the setting of the adjacent listed buildings is limited. She does not suggest any reasons for refusal, but has suggested conditions, which have been attached at the end of this report.
- 3.3 **Local Highways Liaison Officer** – no objections subject to the conditions attached at the end of this report.
- 3.4 **Planning and Affordable Housing Policy** – no objections subject to conditions restricting the use/ownership of the building given its detached nature

4. Relevant Planning Policies

- 4.1 Adopted Cherwell Local Plan 1996 – C28, C30, C31
- 4.2 Non Statutory Cherwell Local Plan 2011 – EMP12
- 4.3 South East Plan 2009 – BE1, BE6, CC6
- 4.4 PPG 15 – Planning and the Historic Environment

5. Appraisal

- 5.1 This proposal is a resubmission of an earlier withdrawn proposal from 2008 (08/01795/F refers). The original application was for a similar scheme, a garage with office space above, but was withdrawn following neighbour concerns and officer concerns over the information provided with the application concerning land-ownership (and procedural matters arising from this), the proposed use of the building and the accuracy of some of the drawings/plans.
- 5.2 The resubmitted application has dealt with the procedural issues relating to land ownership (including serving the required notice on the relevant parties), and is clear about the use of the office space above the garage. The fee and forms for the application were amended to Full Planning Permission rather than a Householder application to reflect this. Following concerns over the accuracy of the plans submitted with the first application, the site and surrounding area has been surveyed and this survey submitted with the application. The survey report has been used to generate the site plans and it is from this survey that levels and sections have been taken.
- 5.3 Some contributors have expressed concern that the application may have been pre-judged at pre-application stage. The agent and applicant were advised that the application should be resubmitted for consideration, but any advice given was without prejudice to the ultimate determination of the application. Concerns have also been expressed that the applicant is attempting to 'wear-down' objectors with various minor amendments and changes being made immediately prior to decision. Amendments to the application have been made by the applicant in order to address some of the concerns of contributors, and contributors have been given time to respond to all amendments made to the scheme.
- 5.4 The acceptability or otherwise of the proposal is a finely balanced issue; it is to be considered in terms of the appropriateness of the size and scale of the structure in the context of the locality, the impact on the amenity of the neighbouring properties by way of potential overlooking and traffic/parking and highway safety issues and the impact of the development on the setting of the listed building.
- 5.5 The proposed garage building/office space is considered to be acceptable in terms of its size and scale given the context and proposed use of the development. It is accepted that the building is large; with a ridge height of 6m and a steeply pitched roof, the building will appear as a large structure. However, given the context of the

site this is not considered inappropriate or unacceptable. The setting of the building into the back of the site, with the elevated ground levels to the rear and sides mitigates the appearance of the building and lessens the impact on the properties to the East and West. Comments concerning the height and size of the building are noted, but the building is not considered unacceptable. The change in levels between the front of the site and the buildings adjacent to the highway means that the ridge of the building will sit lower than Old Bartons and Monastery Lodge. The ridge will only be approximately 1m higher than that of the existing garage to the rear of Monastery Lodge. Following amendments, the bulk of the building has increased slightly, as the external staircase has been enclosed following contributor comments.

- 5.6 The relevant policies in the adopted Cherwell Local Plan require that the design, external appearance, character and scale of the development is in keeping with and respects the context of the surrounding buildings. It is considered that the use of traditional materials and the steeply pitched roof do respect the character and context of the area and as such are in accordance with the policies. As discussed above, the size and scale is also considered to be in keeping with the scale and appearance of the area.
- 5.7 With regard to the issues of overlooking and loss of privacy, raised by contributors and as a result of the North and South facing roof-lights, despite the objections raised, the roof-lights are considered acceptable. It is not considered that any overlooking as a result of these roof-lights will cause enough harm to warrant or sustain a reason for refusal. In terms of potential overlooking to the North, towards Monastery Lodge and Pemberley, the proposed building is greater than 22m away from the rear windows of these properties. As 22m is the recommended separation between habitable room-windows in residential properties, this separation between an office space and private dwelling is considered acceptable. With regard to the potential for overlooking to the rear of the proposal, to the South, it is accepted that there is potential for views into the garden areas to the rear, but given the size of the gardens, the level of tree/vegetation screening to the Southern boundary, any potential overlooking is not considered harmful or unacceptable.
- 5.8 The proposal is not considered to cause any unacceptable impact on the neighbours to the East and West of the site. The proposal will be visible, but will only present a gabled elevation to these properties, the appearance and impact of which is considered acceptable.
- 5.9 The size, location and orientation of the proposal will not cause any significant or unacceptable overshadowing or loss of light to any of the adjoining properties.
- 5.10 Another key issue in the application and raised by many of the contributors is the business use of the office space above the garage, the compatibility of this use with the residential area, the traffic/highway safety/parking implications of this use and any possible intensification of the use.
- 5.11 According to the information supplied with the application, the applicant has been running his accountancy business from the property since 2000; with the same number of staff and visitors expected to continue were the business to move into the separate building. Any potential expansion of the business following grant of planning permission would be limited by the size of the building. Given the scale of

the proposed use and the way in which it has been continuing on the site for eight years, the continuation of this use, albeit now in a separate building is not considered to be unacceptable, or incompatible with the nearby residential properties. Accountancy is a low-key employment use and as such is considered compatible with residential use. As such the proposal is considered to comply with policy EMP12 of the non-statutory Cherwell Local Plan.

- 5.12 In terms of the highway implications, with regards to parking, access and highway safety, the application has been considered by the Highways Liaison Officer, who raises no objections subject to the imposition of conditions. Comments have been made concerning the accuracy of the turning plan submitted with the application; concerns have been raised that the plan is misleading and purports to show the drive as being wide enough for cars to pass. The Highways Liaison Officer and the Case Officer are aware of the width of the driveway, and consider that the plan submitted is accurate and shows the area is wide enough for cars to manoeuvre, without the need to pass on the driveway.
- 5.13 The final main issue to consider is the impact of the proposal on the setting of the listed buildings which surround the site. Given the level changes, screening and nature of the site, it is considered that the building only lies in the setting of Old Bartons; the other listed buildings being separated by level changes, intervening buildings and distance. The impact on the setting of Old Bartons is not considered to be unacceptable. As already mentioned, the style of the building, with stone walls, timber doors and windows and a steeply pitched tile roof is considered to be in keeping with the local style and not detrimental to the setting of Old Bartons. In this respect, the proposal is in keeping with the provisions of PPG15 – Planning and the Historic Environment, and Policies BE6 and CC6 of the South East Plan.
- 5.14 The committee is respectfully reminded that the issue of legal covenants relating to the use of the land, imposed by the original vendors of the land (understood to be the Crown) is not a material planning consideration and should not be taken into account, despite being raised by most of the objectors.
- 5.15 For the same reason, issues of drainage, access to the land for construction, works to the shared driveway for connecting services and utilities are not matters to be taken into account when considering this application. A planning note has been suggested, reminding the applicant of third party rights and the precedence of legal rights over planning permission.
- 5.16 No conditions have been suggested removing permitted development rights relating to conversion of the garage space or controlling the insertion of new windows/doors as the garage/office block would not benefit from these permitted development rights as it lies outside the domestic curtilage of Old Bartons. Part 1 of the General Permitted Development Order, which deals with alterations of this nature, is specifically restricted to development within the curtilage of the dwellinghouse. A planning note has been suggested reminding the applicant of this.
- 5.17 Concerns have been expressed by several contributors that the building may be considered for conversion to a separate residential dwelling in the future. No conditions have been suggested restricting this, as this change would require planning permission in itself.

- 5.18 It is considered that the suggested conditions, coupled with the already mentioned restrictions in the GPDO, and the requirements of other elements of planning law are robust enough to allow the Local Planning Authority to adequately control and restrict the use and size of the development in order for the impact on neighbouring residential properties to remain acceptable.
- 5.19 Were an application to be received for conversion into separate residential use, it would of course have to be considered on its own merits but given the size of the site and its location, an application is unlikely to succeed.

6. Recommendation

Approval, subject to the following conditions;

- 1) **1.4A Full Permission: Duration Limit (3 years)(RC2)**
- 2) **2.3CC Walls in natural ironstone – sample panel to be approved (RC5B) insert “garage”**
- 3) **2.2BB Samples of roofing materials to be approved (RC4A) insert “tiles” and “garage”**
- 4) **5.14A Joinery details to be approved (RC5B) insert “windows and doors”**
- 5) **5.19A Conservation roof-lights (RC27AA)**
- 6) **4.13CD Parking and manoeuvring area provided as plan, with construction to be approved (RC13BB)**
- 7) **That the garage space hereby permitted shall only be used in connection with the residential use of the dwellinghouse, being the house currently known as Old Bartons to the North of the site. (RC40AA)**
- 8) **That the office space hereby permitted shall only be used in connection with a business use (Class B1 of the Town and Country Planning Use Classes Order) run by the owner/occupier of the house currently known as Old Bartons to the North of the site and shall not be sold, leased or used as an independent office/business unit. (RC40AA)**

Planning Notes

- 1) **T1 – Third party rights – legal issues not over-ridden by planning consent**
- 2) **The applicant is reminded that as the garage block and office are not within the domestic curtilage of Old Bartons, the building hereby approved will not benefit from permitted development rights under Part 1 of the General Permitted Development Order (as amended).**
- 3) **U1 – Construction sites**

4) S1 – Post permission changes

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION

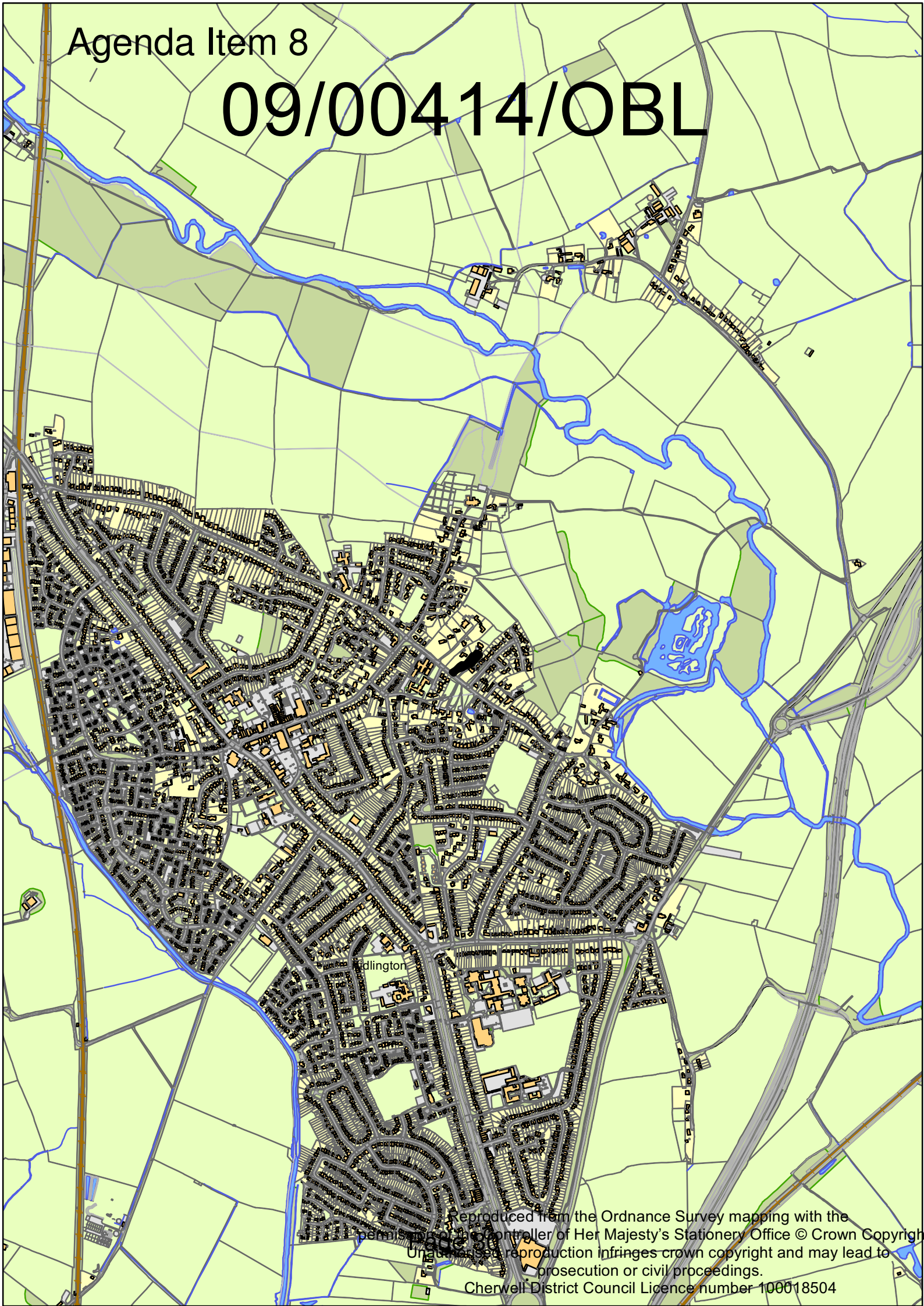
The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed garage block and office space is of a design, size and style that is appropriate and will not unduly impact on the neighbouring properties or the setting of the adjacent listed buildings. As such the proposal is in accordance with government guidance contained within PPG 15 – Planning and the Historic Environment, Policies BE1, BE6 and CC6 of the South East Plan 2009, Policies C28, C30 and C31 of the adopted Cherwell Local Plan and Policy EMP12 of the Non-Statutory Cherwell Local Plan 2011. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Simon Dean

TELEPHONE NO: 01295 221814

Agenda Item 8

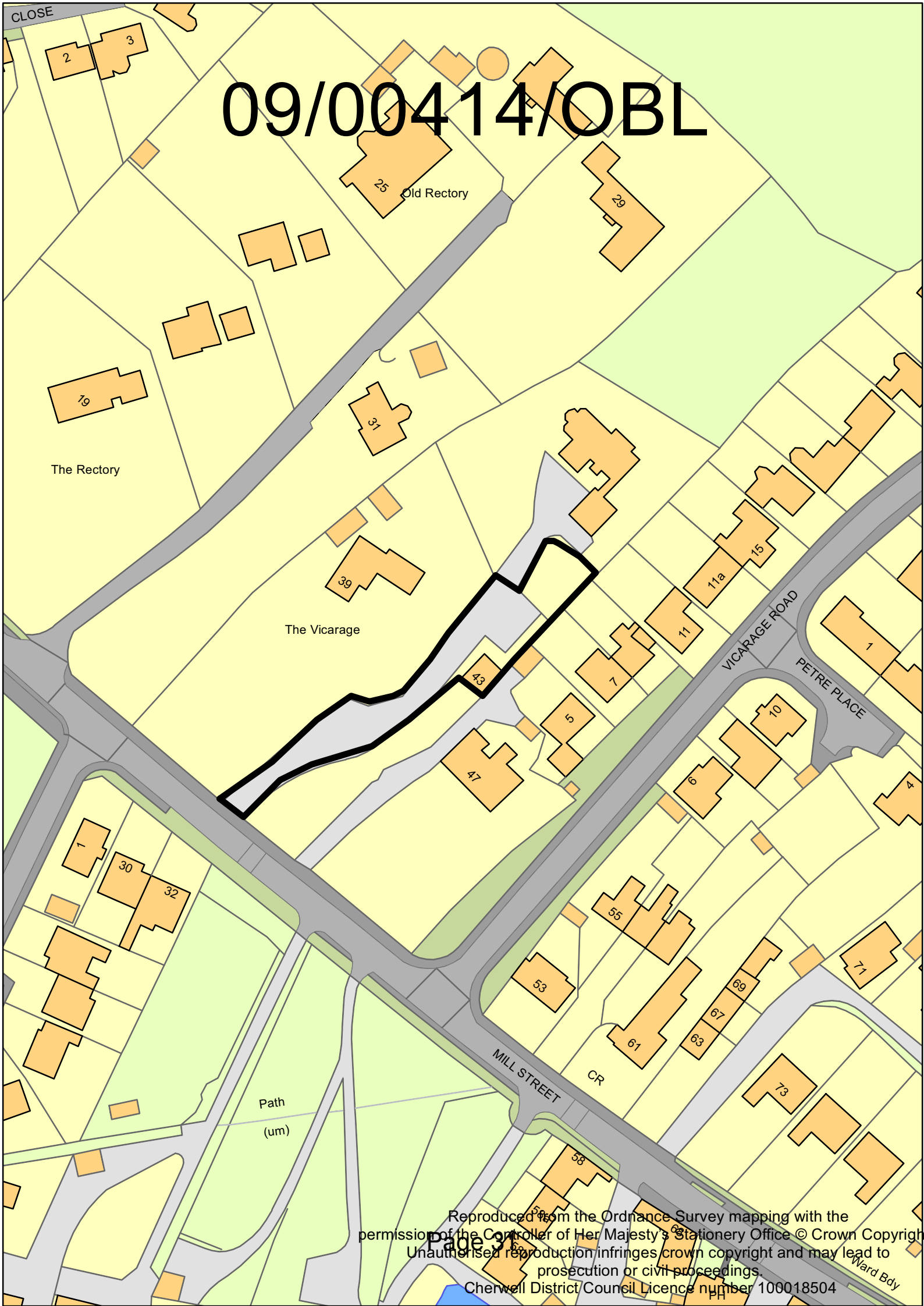
09/00414/OBL



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright
Unauthorised reproduction infringes crown copyright and may lead to prosecution or civil proceedings.

Cherwell District Council Licence number 100018504

09/00414/OBL



Application 09/00414/OBL	No:	Ward: North	Kidlington	Date Valid: 01/04/09
Applicant:	Mr. N. Lyzba			
Site Address:	The Gate Lodge, 43 Mill Street, Kidlington OX5 2EE			

Proposal: Modification of CHS.416/92 to allow the use of the Gate Lodge as a self contained dwelling house.

1. Site Description and Proposal

- 1.1 The proposal seeks to retain the use of The Gate Lodge as a separate unit of accommodation. The building is a small 2 storey building constructed of stone under a tiled roof. The unit shares an access with The Coach House to the rear. Separate parking and garden areas are provided for the unit. The site lies within a conservation area and adjacent to a listed building.
- 1.2 The proposal seeks to vary a legal agreement that restricted the use of the Gate Lodge as separate unit of accommodation.

2. Application Publicity

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

3. Consultations

- 3.1 **Kidlington Parish Council** – No objections

4. Relevant Planning Policies

- 4.1 Policies of the Development Plan are not relevant as this application seeks to vary a legal agreement.

5. Appraisal

- 5.1 The application site has been the subject of a lengthy and varied planning history. Planning permission was granted on appeal to allow the conversion and extension of the building to form a 3 bed dwelling in 1984 (CHS.429/84). This permission was subsequently renewed in 1990 under application CHS.407/90.
- 5.2 In 1993 planning permission was granted for a new dwelling (now The Coach

House) to be erected towards the rear of the application site (CHS.416.92). This application was the subject of a s106 agreement that the applicant entered into revoking the previous permission (CHS.407.90) for the conversion of application building. A further application to amend the design of the approved house was granted permission in 1995 (95/01009/F) and the s106 was amended to include the new permission.

- 5.3 From the report to application CHS.416/92 the Case Officer stated that The Vicarage is the only grade II* building in Kidlington and therefore should be afforded special protection. The subdivision of the curtilages to form plots for the new house (The Coach House and The Gate Lodge) would have a detrimental impact on the setting of the listed building and only one permission should be implemented. As a result, the applicant agreed to revoke the permission to convert The Gate Lodge into a separate dwelling. The s106 agreement did however, allow the continued use of The Gate Lodge as ancillary accommodation to The Coach House.
- 5.4 The Gate Lodge was therefore converted, though not extended, as ancillary accommodation and was subsequently issued with a Certificate of Lawfulness for use as such in 1997 (97/00934/CLUP). A further Certificate was issued in 2002 (02/00050/CLUP) confirming that The Gate Lodge was within the same curtilage as The Coach House and could be used for any purpose incidental to the enjoyment of the occupiers of The Coach House.
- 5.5 In October 2008 the LPA was alerted to the occupation of The Gate Lodge by persons not known by the applicant and that the building was being used as a separate independent dwelling and not ancillary accommodation. The applicant confirmed that this was indeed the case and was made aware of the restrictions concerning its use. The applicant has therefore applied, retrospectively, for the use of the building as a separate, self contained unit of accommodation.
- 5.6 The applicant site shares its access with The Coach House. However, the building sits forward of the main dwelling and has a separate, self contained garden area and parking areas. The main issue to be considered is whether the separation of the application site as a separate dwelling would have a detrimental impact on the setting of the listed building, The Vicarage.
- 5.7 The access to the site is landscaped and quite separate from The Vicarage. Landscaping is also present at the site and around the garden areas. The Conservation Officer has considered the proposal and does not raise an objection on the impact of the development on the setting of the listed building, nor the Conservation Area.
- 5.8 With this in mind, despite the rather lengthy planning history of the site, and the original reasons for revoking a permission, the proposal is not considered to impact on the setting of the listed building to an unacceptable degree. Given the separation distances from each other (The Gate Lodge and the 2 dwellings) at 20 – 30 metres, it is not considered that the proposal would have a detrimental impact on the amenities of occupiers of The Coach House or The Vicarage. Moreover, it has to be borne in mind that The Gate Lodge can be used as a separate unit of accommodation (providing it is ancillary to the main house) without the need for further permissions from the LPA.

- 5.9 Planning application 09/00413/F has recently been approved for the retention of the building as a separate unit of accommodation. This was approved at delegated level. This separate application only relates to the legal agreement tied to the building.
- 5.10 Overall, it is considered that the application is acceptable for the above reasons and the current obligation restricting its use as a separate dwelling be removed.

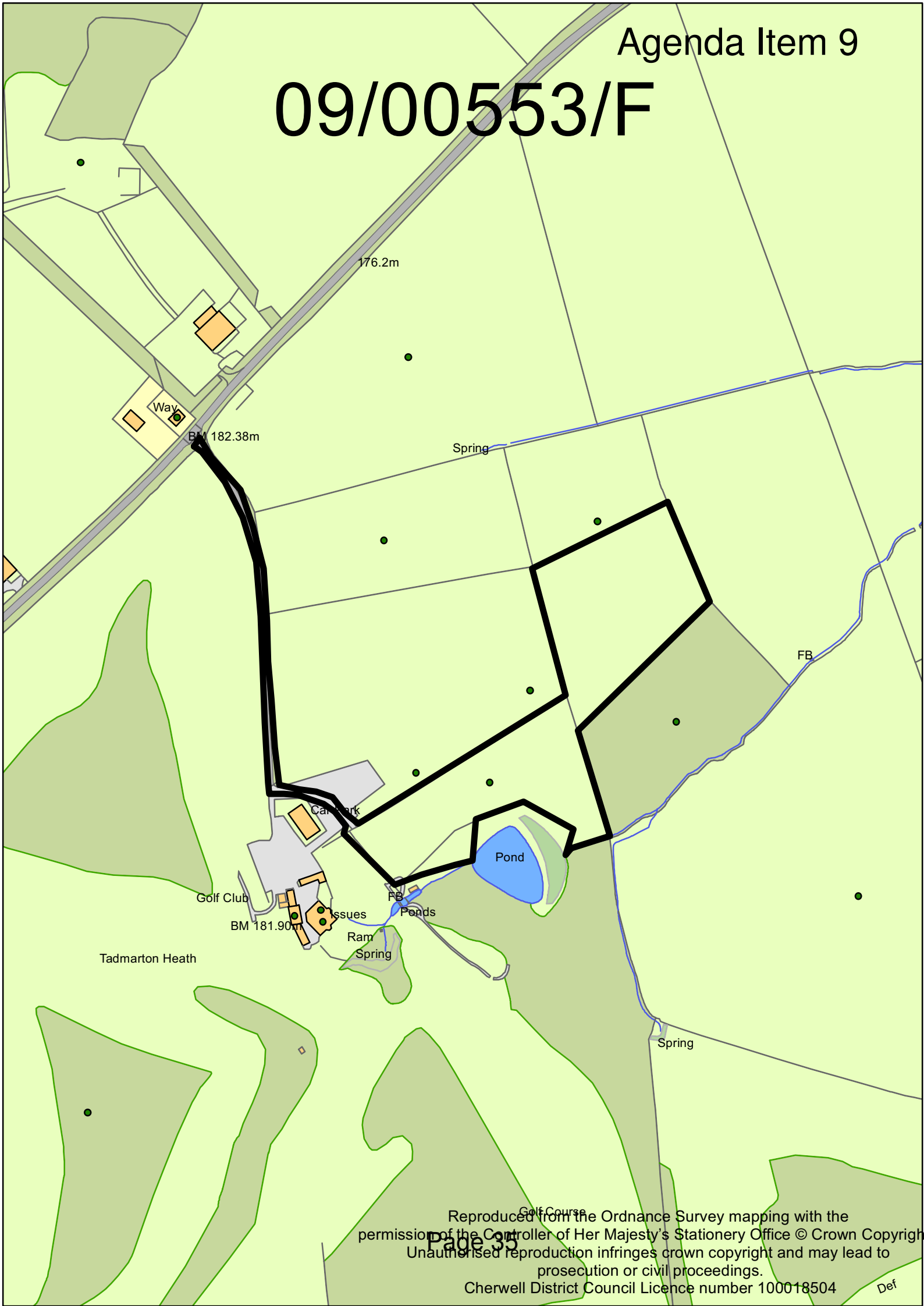
6. Recommendation

That the application be referred to the Head of Legal and Democratic Services to vary the agreement to allow the continued use of The Gate Lodge as a self contained dwellinghouse.

CONTACT OFFICER: Graham Wyatt

TELEPHONE NO: 01295 221811

09/00553/F



09/00553/F

14

Application No: 09/00553/F	Ward: Sibford	Date Valid: 24/04/09
Applicant:	Tadmarton Heath Golf Club	
Site Address:	Lower Tadmarton, Banbury, Oxon, OX15 5HL	

Proposal: Change of use of land to extend Golf Club Practice Area

1. Site Description and Proposal

- 1.1 The application seeks change of use of an area of agricultural land which is owned by the golf club but currently used for grazing cattle by a tenant farmer. The land in question lies to the east of the existing practice ground as a 'chipping area'. The existing practice area is not sufficient for longer shots, as a chipping area or for shorter shots to run simultaneously in safety.
- 1.2 The proposal will include the removal of a section of hedge at the eastern end of the practice ground, but the northern boundary is to be replanted with a traditional field hedge. The main part of the practice ground will remain as grass, as the existing area and not laid out in any formal manner as it will only be used for practice shots. The margins around the practice ground will remain mown to provide a wildlife habitat.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and notice in the local press, together with notification letters to neighbours immediately adjacent to the site. The consultation period ended on 28 May 2009.
- 2.2 No comments have been received as a result of the above.

3. Consultations

- 3.1 Tadmarton Parish Council raise no objections, but note that the cattle will only have this Spring, they question if the land is suitable for 12 months of the year.
- 3.2 Oxfordshire County Council as Highway Authority raise no objections.
- 3.3 Cherwell District Council's Environmental Protection Officer advises a small section to the west of the proposed development area is underlain by the Northampton Sands formation which is likely to contain elevated concentrations of naturally occurring arsenic. Given the use of the site this is unlikely to pose a significant risk. A condition relating to contaminated land is therefore not necessary.
- 3.4 Oxfordshire County Council's Archaeology advise the building lies within an area of some archaeological interest, however from the details supplied it would seem unlikely that the small scale nature of the proposals would justify an archaeological

response. However, should any finds be made, the applicant is asked to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary.

3.5 Cherwell District Council's Ecology advises as follows:-

1. Previous records on the site of grass snakes, common lizards and toads, in the vicinity of the pond, that the area of proposed land use change skirts. All are protected and depend on areas of rough grassland for much of the year. More regard should be given to this in the application.
2. Grass snakes and lizards are legally protected from killing and injury, therefore mowing of the area may cause death or injury, particularly if carried out at the wrong time of the year. A method statement should be submitted to ensure the reptile and amphibian interest in the area is protected.
3. Common toads are – UKBAP species. As they return to their ancestral ponds to breed each year, it is likely that they are still using the area. The current plans show the practice area extending right up to the pond edge at some points. A large buffer should be left around the pond in order to safeguard use by toads for breeding, this should be specified and agreed. Margins around the practice area should be specified and left un-mown to allow corridors for wildlife.
4. No objections to the proposed hedge removal as it is due to be replaced by a longer length of hedge. The new hedge should be of native species. Hedge removal should not take place during the bird breeding season (April to August) as all nesting birds are protected at this time.

4. Relevant Planning Policies

- 4.1 South East Plan – Policy TSR2 seeks to promote tourist and recreational facilities and Policy NRM5 seeks to conserve and improve the biodiversity of the area.
- 4.2 Adopted Cherwell Local Plan – Policies C1 and C2 requires the interest of Nature Conservation to be taken into account. Policy C7 seeks to conserve the character of the landscape. Policy C14 seeks to ensure that all important trees and hedgerows are retained and the ecological value of the site is retained.
- 4.3 Non-Statutory Cherwell Local Plan – Policy R13 advises that golf courses will generally be acceptable provided the quality of nature conservation and the landscape would not be materially prejudiced and there are no highway or agricultural objections. Policy EN22 seeks to ensure that areas of importance for nature conservation are not lost. Policy EN23 seeks the submission of ecological surveys and Policy EN24 seeks to protect sites and species.

5. Appraisal

5.1 Access

The site is accessed from the Tadmarton to Wigginton Road. Visibility at the access is good and there are no proposals to make any alterations to it. There are

two existing car parks serving the golf club and there are no proposals to increase car parking provision. The Highway Authority have not raised any objections to the proposal.

5.2 Landscape Impact

The existing golf club is formed on former heathland in an elevated position in open countryside. The site however is reasonably well screened from the adjacent public road network by existing trees and hedgerows and the form of the land. The proposed extension to the golf practice area relates to existing agricultural land which drops away from the existing practice area and down to an existing pond. This land is not readily visible from outside the site and landscape impact is therefore minimal. An existing public bridleway passes along the existing driveway and down past the club buildings. There will be no adverse impact on the amenity of this bridleway or views from it to the extended practice area. An area of native hedge is to be removed but this will not have any significant visual impact. Additional hedge planting along the northern boundary is welcomed.

5.3 Ecology

There is an existing pond adjacent to the application site and there are previous records of grass snakes, common lizards and common toads on the site. Grass snakes and lizards are legally protected from killing under the Wildlife and Countryside Act 1981, therefore care must be taken to ensure no damage is occurred when mowing etc. Common toads are also a UKBAP protected species. A larger buffer should therefore be retained around the pond in order to safeguard its use for breeding toads.

The applicant's agent has commissioned a reptile and amphibian assessment of the site and a mitigation plan for dealing with the issues of their protection and conservation. A walkover survey was carried out on 23 June 2009. Whilst the field boundaries were found to provide suitable habitat, no reptiles or amphibians were found at the time of the survey. The survey concluded therefore that the proposed change of use of the existing agricultural land to golf practice area was not expected to significantly affect existing reptile and amphibian populations.

The existing pond currently has a 12m buffer around it but it is suggested that an additional buffer of 10m should be located around the southern section of the short game practice area to include the area of marshy grassland. The buffer zone will be cut on a three year rotation at a height of at least 10cm. It also proposes buffer zones with a minimum width of 3m will be retained along additional field boundaries including proposed new hedgerows. These buffer zones will be mown once a year in August in warm conditions.

The Council's Ecology Officer is satisfied that the walkover survey is likely to be sufficient in this case as the proposed change of use is likely to be of relatively low disruption and the recommendations above are good practice to safeguard any reptile interest and enhance the habitat for them.

5.4 Land Use

The change of use of the land in question relates to the use of the land as additional practice area in conjunction with the existing golf club use. Policies contained within the adopted Cherwell Local Plan and the Council's Non-Statutory Cherwell Local Plan support such uses in open countryside provided there are no adverse

landscape or ecological impacts and that highway safety is not compromised. The proposed change of use of the agricultural land in question is therefore considered appropriate.

6. Recommendation

It is therefore recommended that the application be **APPROVED** subject to the imposition of the following conditions:

1. **1.4A Full Permission: Duration Limit (3 years)(RC2)**
2. **Prior to the commencement of any development an additional buffer zone (beyond the current buffer of around 12m) of 10 metres shall be located around the southern section of the short game practice area, which shall also include the area of marshy grassland (as shown on figure 2 of the Herpetofauna Assessment and Mitigation Plan dated June 2009). The buffer zone will be cut on a three year rotation at a height of at least 10cm with the cuttings placed in compost heaps within this area or closer to the pond in sunny locations. These buffer zones shall be properly maintained and retained as buffer zones at all times thereafter. Reason (RC86A)**
3. **Buffer zones with a minimum width of 3 metres shall be retained and maintained at all times along the additional field boundaries, including the proposed new hedgerows. These buffer zones shall be left undisturbed and mown only once a year in August with the cuttings placed in compost heaps spaced along these hedgerows in sunny locations. Reason (RC86A)**
4. **The removal of the existing hedgerow must be mitigated through the planting of a new 110 metre section of traditional hedgerow and enhancement of 190 metres of defunct hedgerow to the west. Prior to the commencement of any development on the site full details of the proposed new hedge shall be submitted to and agreed in writing by the Local Planning Authority and carried out in the first available planting season following the use of the land in question as approved. Any plant/tree within the hedgerow which may die within five years from the completion of the development shall be replaced and thereafter properly maintained in accordance with this condition.**

Reason – In the interests of the visual amenities of the area and to ensure the replacement of habitats for nature conservation in accordance with the requirements of PPS9 ‘Planning and Biodiversity’ Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

5. **The removal of the hedge in question shall be timed so as to avoid the bird nesting/breeding season from March to August inclusive. Reason (RC86A)**

Planning Notes

1. **01 - The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show 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 requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Department of Leisure and Arts, Oxfordshire County Council, Central Library, Westgate, Oxford, OX1 1DJ (Telephone 01865 815749).

2. S1 - The applicant is advised that all works to which this permission relates must be carried out strictly in accordance with the plans, drawings and other relevant supporting material submitted as part of this application and hereby approved. The Planning Department must be immediately advised of any proposed variation from the approved documents and the prior approval of this Council obtained before any works are carried out on the site. This may require the submission of a further application. Failure to comply with this advice may render those responsible liable to enforcement proceedings which may involve alterations and/or demolition of any unauthorised building or structures and may also subsequently lead to prosecution.
3. X1 - Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.

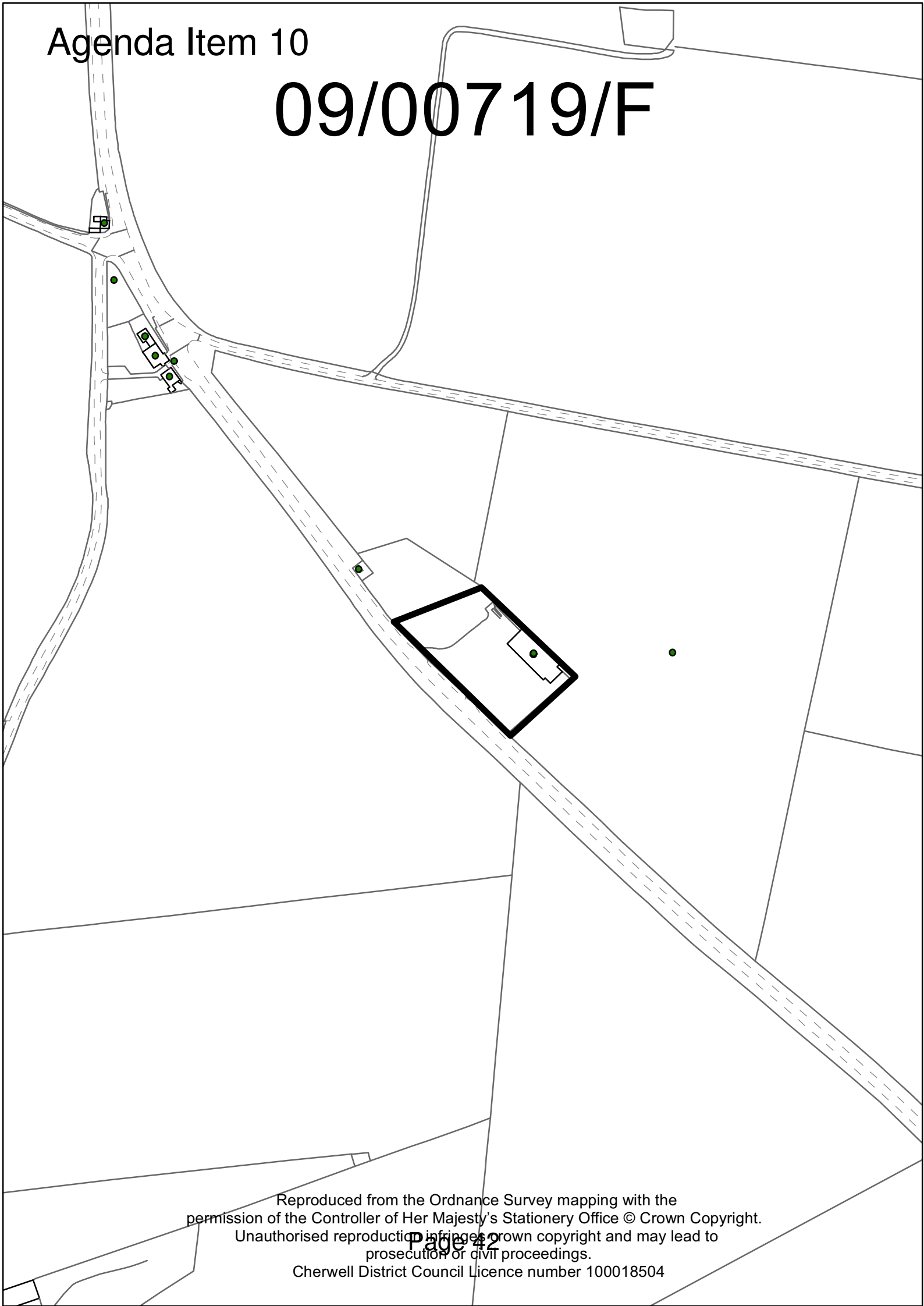
SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal seeks to compliment the existing golfing facilities and will have no adverse landscape or biodiversity impact. As such the proposal is in accordance with Policies TSR2 and NRM5 of the South East Plan 2009 and Policies C1, C2, C7 and C14 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

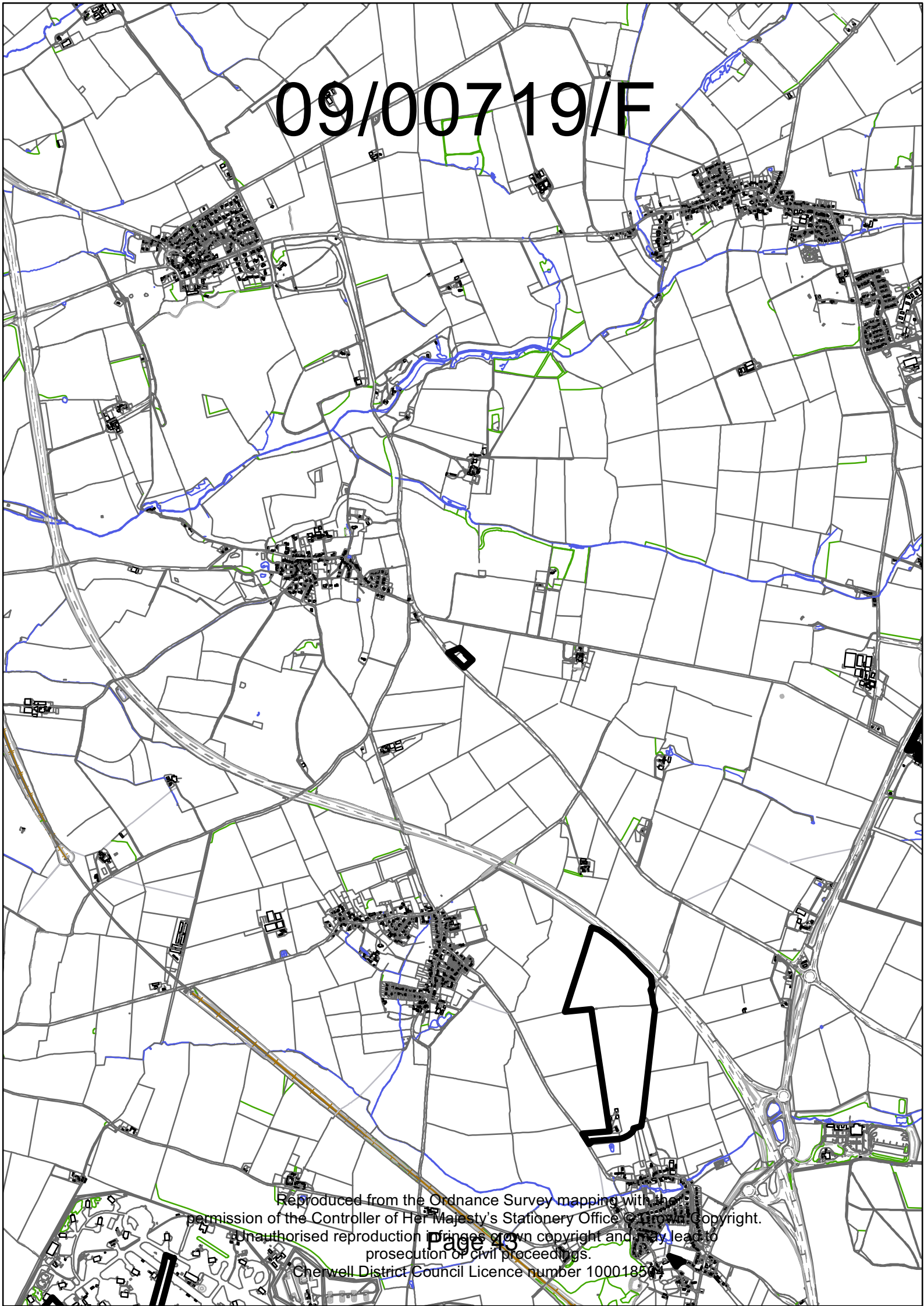
CONTACT OFFICER: Linda Griffiths

TELEPHONE NO: 01295 227998

09/00719/F



09/00719/F



Application 09/00719/F	No:	Ward: The Astons And Heyfords	Date Valid: 29.05.09
Applicant:	Burgess & Sons		
Site Address:	Souldern Gate Garage Souldern Bicester Oxfordshire OX27 7JL		

Proposal: Retrospective: Use of existing land and buildings for commercial/storage uses including three open yards. Improvements to visibility of existing accesses and landscaping/fencing.

1. Site Description and Proposal

- 1.1 This 0.75ha site is located to the south east of Souldern off the B4100 which runs from Baynards Green to Aynho. Sitting on the brow of a hill the site occupies a prominent position and given the limited landscaping on some boundaries it is currently visible from the public domains of the main Aynho-Bicester road and the road to Tusmore. The site was last used by Volvo Truck & Bus Ltd who occupied the site until earlier this year using the site for the repair of HGVs with parking between the building and the road.
- 1.2 The site has a varied and complicated history which begins in 1981 with the granting of planning permission for a coach workshop and other buildings under CHS.246/81. Whilst 2 No. buildings were erected as part of this development this Council contacted the then occupiers in 1997 and 1999 advising that it was unlikely that this permission was lawfully started as the buildings on the site are not in the correct position. No applications to challenge this position have been submitted to this Council for consideration and given the length of time the use has operated enforcement action would not be appropriate.
- 1.3 A further 2 No. planning applications were considered in 1997 and 1999 for further developments involving new build at the site (97/02053/F and 99/01395/F) but were withdrawn prior to a decision as they were to be recommended for refusal on grounds of detrimental impact on the character and appearance of the area and the wider landscape.
- 1.4 This application seeks retrospective planning permission for the use of the land and buildings for commercial and storage uses including 3 No. open yards. The layout drawing (as amended) shows the retention of the building which will be shared by Burgess & Sons (reclamation and demolition), A.E.Prentice (coal and wood merchants) and K.Services (scaffolder). 7 No. coal bays at a height of 1.5m, 1 No. wood bay at a height of 1.7m and a portakabin are proposed on the forecourt for A E Prentice.
- 1.5 The application also seeks to amend the access arrangement to increase the visibility of both existing access points by realigning the existing front boundary line. New planting and landscaping is proposed together with a 2.3m high green mesh fence.

2. Application Publicity

- 2.1 The application was advertised in the local press and a site notice was posted. The final date for comment is 10th July 2009.
- 2.2 No representations have been received at the time of writing the report.

3. Consultations

- 3.1 Souldern Parish Council - **objects** to the application on the following grounds:
 - 1. Increase in traffic movements from 3 No. businesses. The evidence produced on the traffic figures from the Volvo garage has been overestimated. The new uses include retail sales which will lead to increased traffic. Also the uses proposed will lead to heavily laden vehicles onto a B road which carries a significant volume of traffic often traveling at the speed limit. The addition of a new access is a further hazard. We do not wish to see more fatalities along this stretch of road.
 - 2. A new retail outlet has been introduced onto the site. The application only seeks commercial uses.
 - 3. The reasons used to refuse these operators from the Chesterton site apply equally to this site i.e. that the site is not served by public transport; the site will not meet the local economic, social or employment needs of Souldern residents; excessive traffic in the immediate vicinity and a substantial change in the character and appearance of the open countryside which contributes to the rural setting of Souldern.
 - 4. Although there are plans to landscape the site, it will take many years before native hedges will grow sufficiently to obscure the site and it is now looking very much more like an industrial site in a rural setting than it did before.
 - 5. The site does not have planning approval and there has been no consultation with local people. Whilst we recognise and sympathise that these businesses had to leave their Bicester site, they have been 'dumped' on us by the local authority without proper planning consideration.
- 3.2 Oxfordshire County Council Highway Authority – **no objection** subject to standard conditions as indicated in Section 6. They make the following comments:
 - 1. Traffic Impact: the expected level of traffic is lower than that of the previous use so the net traffic generation is minimal and unlikely to be of detriment to highway capacity and road safety. The amount of HGV traffic is likely to be less than the previous use. But notwithstanding that, a Travel Plan should be submitted to demonstrate that the development has included measures and action plan to encourage the use of sustainable travel modes to improve the accessibility by sustainable travel and to reduce the dependence on cars for travel.
 - 2. Sustainability: Whilst the location is not desirable in terms of accessibility by sustainable travel modes for the work related journeys, the site has been used as an employment site during its previous use as Volvo's commercial vehicle centre. Provided that the amount of new (or additional) traffic following the development is not significant it would be difficult to justify a refusal on sustainability grounds.
 - 3. Proposed highway improvement: The relocation of the fence line to provide minimum visibility splays of 2.4m by 160m at the two site accesses represent an improvement. However, directional signage is recommended.

- 3.3 Head of Safer Communities and Community Development – **no objection** to the proposal and no further comment.
- 3.4 Environmental Protection Officer (Contaminated Land) – **no objection** subject to recommended standard conditions set out in Section 6. Records show that there has been an old quarry in the north western side of the site and a garage in the south western section of the site. There is potential risk from these site uses to the current and further site users and the site is also underlain by a major aquifer.
- 3.5 Landscape Officer – comments awaited
- 3.6 Police Architectural Liaison Officer – **no objection** as reasonable steps are being taken to secure the site.

4. Relevant Planning Policies

- 4.1 South East Plan 2009 – Policies BE1, C4, T1, T4, T5, CC6 and RE3
- 4.2 Adopted Cherwell Local Plan – Policies C13, C28, ENV12 and EMP4
- 4.3 Non-Statutory Local Plan – Policies EMP4, TR3, TR4, TR5, TR11, EN17 and EN34
- 4.4 PPG13 – Transport

5. Appraisal

- 5.1 The key issues to consider in this case are:
- Assessment against principle policy EMP4
 - The history of the site
 - Impact on the landscape character and visual amenities of the area
 - Highway safety
- 5.2 Policies EMP4 of the adopted Cherwell Local Plan and the similarly worded Policy EMP4 of the non-statutory Local Plan address the issue of existing employment sites. Policy EMP4 of the adopted Cherwell Local Plan states:

IN THE RURAL AREAS, PROPOSALS FOR EMPLOYMENT GENERATING DEVELOPMENT OF THE FOLLOWING TYPES WILL NORMALLY BE PERMITTED:

- (A) WITHIN AN EXISTING ACCEPTABLE EMPLOYMENT SITE, INCLUDING REDEVELOPMENT;
- (B) CONVERSION OF AN EXISTING BUILDING OR GROUP OF BUILDINGS (PROVIDED THAT THE FORM, BULK AND GENERAL DESIGN OF THE BUILDINGS CONCERNED IS IN KEEPING WITH THE SURROUNDING AREA AND, IN THE CASE OF A BUILDING BEYOND THE LIMITS OF A SETTLEMENT, CAN BE CONVERTED WITHOUT MAJOR REBUILDING OR EXTENSION).
- (C) WITHIN, OR ADJOINING SETTLEMENTS, FOR A MINOR EXTENSION OR AN EXISTING ACCEPTABLE EMPLOYMENT SITE

PROVIDED THAT:

THE PROPOSAL AND ANY ASSOCIATED EMPLOYMENT ACTIVITIES CAN BE CARRIED ON WITHOUT UNDUE DETRIMENT TO THE APPEARANCE AND CHARACTER OF THE RURAL LANDSCAPE AND WITHOUT HARMING THE AMENITIES OF SETTLEMENTS OR THE SPECIAL CHARACTER AND INTEREST OF A BUILDING

OR ARCHITECTURAL OR HISTORIC SIGNIFICANCE.
THE POLICIES OF OVERALL RESTRAINT OF GROWTH IN THE STRUCTURE PLAN
ARE NOT BREACHED.
THE PROPOSAL COMPLIES WITH THE OTHER POLICIES IN THE PLAN.

- 5.3 This policy is the main policy consideration for this application and it seeks to encourage economic activity in the rural areas of the district by identifying opportunities for employment generating development and in particular for small businesses. Provided the proposed business can be accommodated without detriment to the rural landscape, this proposal reflects general compliance with the policy (and that of non-statutory local plan policy EMP4), the individual aspects of which are addressed in detail below.
- 5.4 Section 1 of this report outlines the planning application history to the site and it is clear that for almost 30 years the site has been in some sort of employment generating use contained towards the southern part of the site (subject of the red line area of the site). This application represents an opportunity to ensure that this part of the site used for commercial purposes will not further extend northwards by establishing proper internal boundaries. Members will note that the Parish Council raise concerns about likely retail activities from Burgess and Sons but their core business is reclamation and demolition and the application does not seek permission for retail sales. If retail does occur then there is a tolerance level for some retailing provided it is ancillary to the core business and this is accepted in case law. Should any retail element cease to be ancillary, then enforcement action is an option where there is demonstrable harm. This issue has further been addressed by condition.
- 5.5 There is understandable concern with regard to the visual amenities of the area, given the site's prominence on the brow of a hill and its visibility from a wide area including the main B road and the road to Tusmore. In accordance with policies C13 and C28, only where sufficient landscape mitigation measures can be properly secured at the site would development of this nature be acceptable. Whilst the topography cannot be changed what is noteworthy is that from the most exposed view, i.e. the south west along the B road, the land drops into the site slightly by approximately 0.5m offering some assistance in this regard. The new activities at the site will not be above 2m in height. Standing HGVs within the site, at average heights of above 4m would have been taller and the storage heights for the new occupiers which is agreed at 2m is at a height where landscape screening required by condition would be effective.
- 5.6 At present the site is most visible from the south-west along the B road and this is because there is currently no boundary landscaping at all between the southern most access towards the phone mast. Sufficient landscaping exists along the short stretch of this same boundary between the southern access point and the southern corner of the site but this would need to be replaced to accommodate the proposed visibility splay. This application presents an opportunity to screen the site thereby improving the immediate environment. A comprehensive landscaping scheme is required by conditions which will also address other gaps in the screening to the rear of the site, along the north-eastern boundary. Views from the south east along the B road already demonstrate the effectiveness of proper boundary screening as the site is barely visible from this direction. Whilst comments from the Landscape Officer are yet to be received, early indications are that a 5m buffer of landscaping

would be required along this boundary for an effective and lasting screen. The applicants appreciate the importance of this aspect of their planning application and whilst landscaping details are lacking at this time, they seek certainty of a permission before making further financial commitments.

- 5.7 Turning to the highway safety issue, the users of the site anticipate a relatively small number of vehicle movements to and from the site and this has been compared to the volume of traffic (including HGVs) that used to be generated by the previous user. Oxfordshire County Council, as the Highway Authority, is satisfied that provided the alterations to the visibility splays from the access points are revised as shown on the submitted drawing then these highway safety measures are sufficient. The volume of retail sales which has been alleged would be created from Burgess and Sons, is discussed in part under paragraph 5.4 of this report but based on the current operation of the business this aspect is mainly an internet operation so there would be little if any traffic generated.
- 5.8 The site will remain in employment generating type use for relatively local business who wish to retain their customer base and offering continuity of employment to those associated with the Companies. The traffic generated is considered to be at acceptable and safe levels and associated aspects have been conditioned accordingly. The landscape impact and visual amenity issue can be also be improved by the opportunities presented by this application with a better screening and acceptable security fencing as part of the boundary treatment. Being a fairly remote location there will be no issues of an environmental nature in terms of noise, dust or fumes which are possible from these types of employment uses and by their very nature are better sited away from residential properties.

6. Recommendation

**Approve subject to i) the receipt of comments from the Landscape Officer, and
ii) the following conditions:**

- 1. SC1.4A Full Permission: Duration Limit (3 years) (RC2)**
- 2. That within 3 months of the date of this decision details shall be submitted to and approved in writing by the Planning Authority showing a turning area and 12 parking spaces (8 spaces for cars, 4 spaces for heavy vehicles) to be provided within the curtilage of the site so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway. The turning area and parking spaces shall be retained and unobstructed except for the parking and manoeuvring of vehicles at all times. (RC15AA)**
- 3. That the visibility spays shown on the drawing shall be provided on both sides of the two site accesses within one month of the date of this decision and the area contained within the spays shall be kept free of any obstruction exceeding 1 metre in height above the nearside channel level of the carriageway. (RC13BB)**
- 4. That within 3 months of the date of this decision a Travel Plan shall be submitted to and approved in writing by the Planning Authority. Thereafter it shall be implemented in accordance with the agreement and shall remain in**

use at all times unless previously agreed in writing by the Local Planning Authority. (Reason: To promote sustainable modes and travel planning in accordance with Policies T1 and T5 of the South East Plan).

5. Unless otherwise agreed by the Local Planning Authority, within 3 months of the date of this decision, point 1 within this condition as detailed below shall be actioned. Following that assessment, should points 2 and 3 prove necessary these will be actioned as agreed in writing by the Local Planning Authority. If unexpected contamination is found after any further development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until point 4 has been complied with in relation to that contamination.

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any further development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of point 1 above, within a proposed timescale subject to written approval by the Local Planning Authority, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of point 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with point 3.

(Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy ENV12 of the adopted Cherwell Local Plan.)

6. That the open storage on the site shall not exceed a height of 2.0m unless otherwise agreed in writing by the Local Planning Authority. (RC10A)
7. SC3.0A Submit Landscaping Scheme (RC10A). To be submitted within 1 month of the date of this decision.
8. SC3.1A Carry Out Landscaping Scheme and Replacements (RC10A)
9. SC3.7BB Submit Boundary Enclosure Details (RC10A) (including internal boundary treatments) To be submitted within 1 month of the date of this decision.
10. That except to allow for the means of access and vision splays the existing and proposed hedgerow/trees along the south-west boundary of the site shall be retained and properly maintained at a height of not less than 2.3 metres, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition. (RC11A)
11. That the site and premises shall be used only for purposes falling within

Class B8 specified in the Schedule to the Town and country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purposes(s), including retail, whatsoever. (RC34AA)

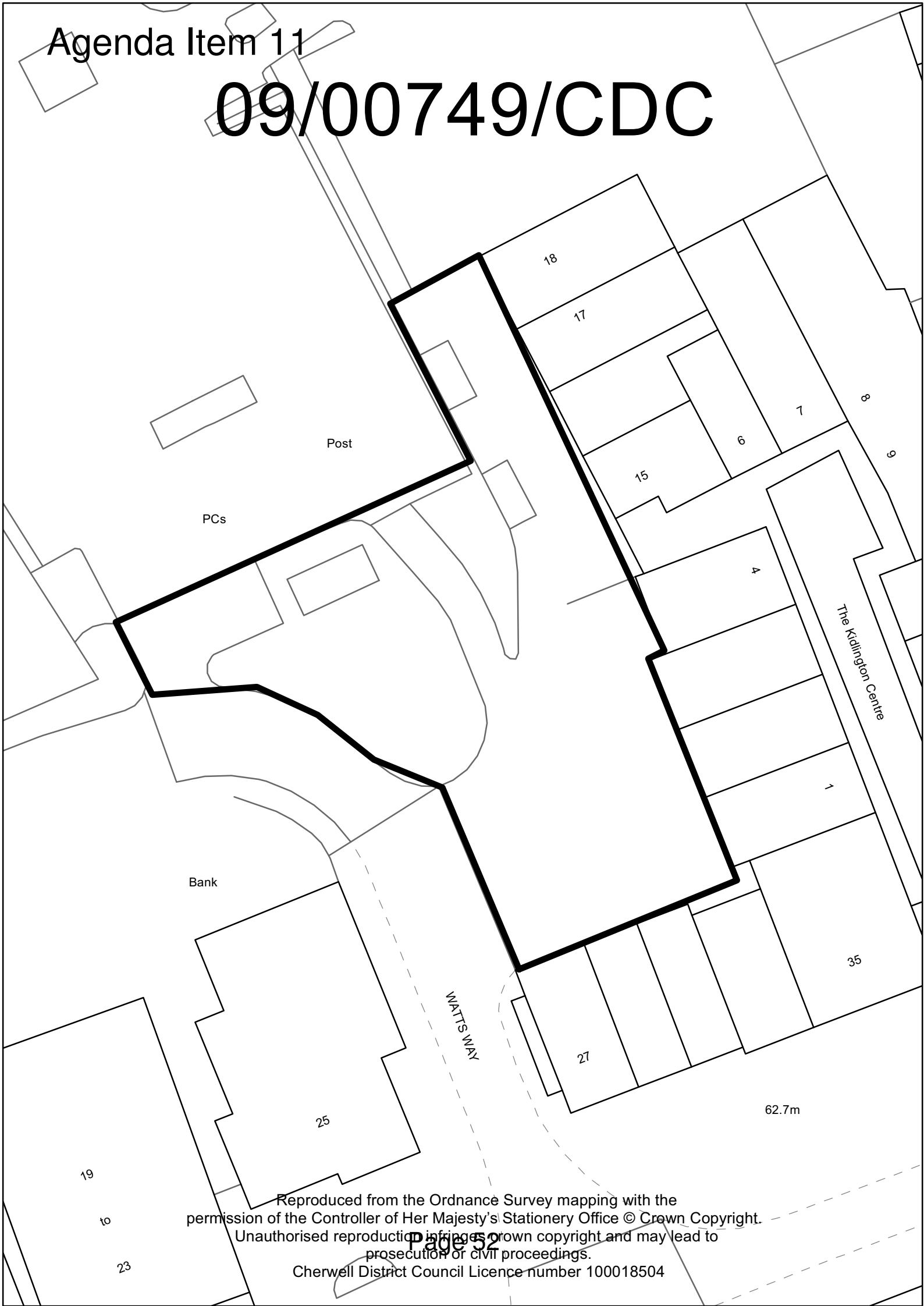
SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal re-uses an existing redundant employment site, has no adverse impact on any residential amenity, has no adverse impact on the visual amenities of the area nor is it detrimental to highway safety. As such the proposal is in accordance with Policies BE1, C4, T1, T4, T5, CC6 and RE3 of the South East Plan 2009 and Policies C13, C28, ENV12 and EMP4 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Rebecca Horley

TELEPHONE NO: 01295 221837

09/00749/CDC

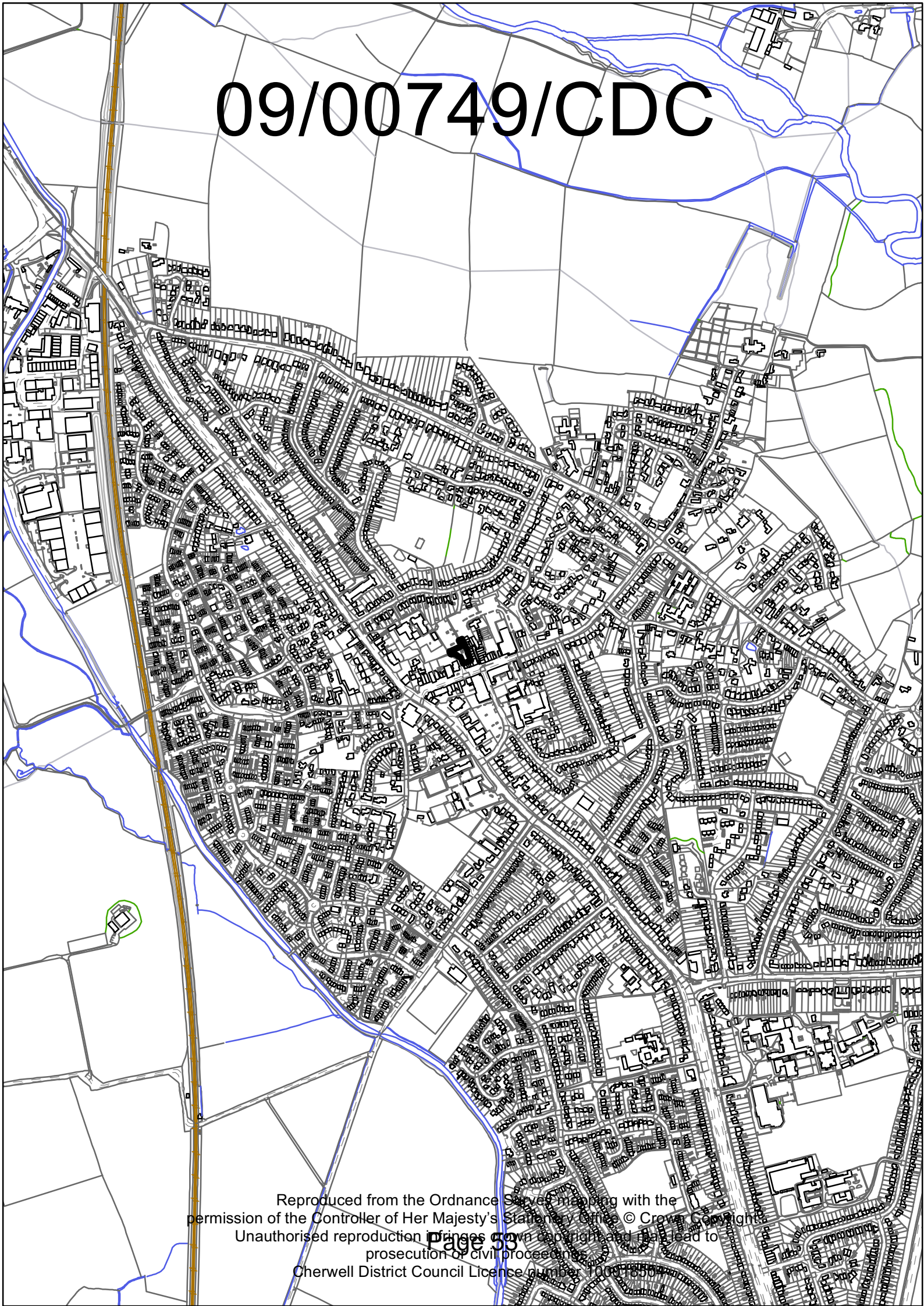


Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.

Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Cherwell District Council Licence number 100018504

09/00749/CDC



Application No: 09/00749/CDC	Ward: Kidlington North	Date Valid: 04/06/09
Applicant:	Cherwell District Council	
Site Address:	Land Watts Way to the rear and north of 25 High Street High Street Kidlington	

Proposal: Change of use of land at Watts Way to allow Market Trading

1. Site Description and Proposal

- 1.1 The application site is an area of public space located between the rear of the 27-35 Kidlington High Street and a car park that serves the shopping area. The space (approximately 750 square metres) has recently undergone a number of improvements which involved being repaved and having replacement street furniture installed, planning permission 06/00528/CDC refers.
- 1.2 A change of use is being sought to allow this area to be used for market trading. A temporary consent (2 years) for this activity was originally granted in 2003 (03/00279/F). Members will no doubt recall that an application for a permanent change of use was approved last year (08/00915/CDC). This current application seeks to extend the market area slightly to include the space immediately to the north of the rear of 27-35 Kidlington High Street. This area would have been included in the previous application had the Council been able to establish their ownership of the land at this time.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice/press notice/neighbour letter. The final date for comment was the 17th July 2009. As of the 10th July 2009, no correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Kidlington Parish Council has raised no objections.
- 3.2 Oxfordshire County Council (Highways) referred to their comments made in respect of the 2008 application. They observed that the market on Watts Way has been running for some time without any known adverse affect. The number of stalls will be limited due to the need to preserve circulation space and accommodate the various seats and other street furniture. As before, provided the development is adequately conditioned the Highways Authority offers no objections.
- 3.3 Oxfordshire County Council (Archaeology) has raised no objections.

3.4 Natural England has raised no objections.

3.5 Ecology Officer has raised no objections.

4. Relevant Planning Policies

4.1 BE1 and T1 of the South East Plan 2009

4.2 ENV1 of the adopted Cherwell Local Plan

5. Appraisal

5.1 The issues relating to this application are very similar to those appraised in respect of the 2008 application. The report for planning permission 08/00915/CDC reads as follows:

“Planning permission is sought for a change of use of land at Watts Way to allow for market trading on Fridays and Saturdays. The site is owned by Cherwell District Council, hence the need for this proposal to be considered at Committee.

This application follows on from a temporary (two years) consent granted in 2003, 03/00279/F. A short-term permission allowed the Council and highway authority to monitor the impact of the stalls on the local environment. Following the recent completion of a scheme to resurface the car park and repave the pedestrian area in Watts Way (06/00528/CDC) it was discovered that this earlier consent hadn't been renewed.

The original relocation of the market was necessitated by the redevelopment of the markets former site on the corner of High Street and Sterling Road. Aside from an area on Watts Way the market traders currently operate from pedestrianised parts of the High Street.

As for the principle of having market stalls in Watts Way, the reservations originally expressed by the Council and the Highways Authority proved to be largely unfounded during and after the period of the temporary consent. This is acknowledged in the response submitted by the Highways Authority and also following discussions with the Council's Anti Social Behaviour Manager.

The site proposed is, however, much larger than that considered in respect of the previous application. It is therefore perhaps unsurprising that as the site will now abut the frontages of some of the shops and business units in the Kidlington Centre that reservations have been expressed both verbally and in writing. It is however understood that the number of traders operating from Watts Way is unlikely to change and the increase in the site area wouldn't necessarily result in a fundamental repositioning of the stalls. In order to protect the amenity of the neighbouring businesses a condition is recommended requiring prior approval of the layout of the market stalls.

The HDC & MD therefore concludes that this development complies with Policies S23, ENV1 and C31 of the adopted Cherwell Local Plan and therefore recommends that this application be approved subject to the conditions set out above.”

- 5.2 Since planning permission was granted for the 2008 proposal, the Council's Anti-Social Behaviour Manager has confirmed that he is not aware of any complaints raised by the neighbouring businesses in respect of the market stalls. In the HDC & MD's opinion that the proposed extension to the market area is appropriate and will have a negligible impact on the surrounding businesses. To ensure that any adverse affects are minimised, as with the previous permission, it is recommended that prior approval of the market layout is sought.
- 5.3 Based on the above, the HDC & MD concludes that this proposal complies with Policies BE1 and T1 of the South East Plan and Policy ENV1 of the adopted Cherwell Local Plan and that this application therefore be approved subject to the conditions set out below.

6. Recommendation

Approval; subject to the end of the 21 day consultation period, and the following conditions:

- 1. SC 1.4A (RC2) [Full permission: Duration limit (3 years)]**
- 2. That details of the position and number of market stalls shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.**

Reason: In order to safeguard the amenities of the area and to comply with Policy BE1 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan.

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

The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal does not harm the visual amenities of the locality or highway safety. As such the proposal is in accordance with Policies BE1 and T1 of the South East Plan 2009 and Policy ENV1 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER: Paul Ihringer

TELEPHONE NO: 01295 221817

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

23 JULY 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

PROPOSED RAILWAY IMPROVEMENT SCHEME BETWEEN BICESTER AND OXFORD

1 Introduction and Purpose of Report

- 1.1 To inform Members of the proposed improvements to the railway line between Bicester and Oxford as part of the proposals by Chiltern Railways for a new route between Oxford and London, so they are aware of the proposal prior to detailed proposals for the scheme being submitted.

2 Wards Affected

- 2.1 Bicester South, Bicester Town, Launton, Blacktorn, Ambrosden, Piddington, Wendlebury, Islip, Oddington, Charlton-on-Otmoor, Kidlington South and Gosford and Water Eaton.

3 Effect on Policy

- 3.1 Policy S17 of the Non-Statutory Cherwell Local Plan identifies the Bicester Town railway station land to north of the railway line for mixed use development and identifies an area specifically for uses related to the railway station. Policy TR29 safeguards land at Gavray Drive for the provision of the new 'chord' line relating to the improved railway network.
- 3.2 The land just south of Wendlebury lies within the Oxfordshire Green Belt. The developments, particularly relating to Islip Station and Gosford and Water Eaton must therefore be considered under Policy GB1 of the adopted Cherwell Local Plan and Policy GB1 of the Non-Statutory Cherwell Local Plan together with Central Government Guidance within PPG2 'Green Belts'

4 Contact Officers

- 4.1 Linda Griffiths Ext: 7998
Jenny Barker Ext: 1828

5 Background

- 5.1 This proposal, together with a number of possible options for each of the stations within Cherwell District, those being Bicester Town, Islip and Gosford and Water Eaton have been the subject of a public consultation and public exhibitions which took place in April 2009.
- 5.2 A report was submitted to the Executive for consideration on 15 June 2009. A copy of that report (appendix 1) and the comments made (appendix 2) is attached.
- 5.3 The proposed improvements to the rail line will be made by Chiltern Railways as a commercial project, rather than through public funding. It is intended to deal with the matter through a Transport and Works Act Order in October 2009 followed by a Public

Inquiry during Summer 2010. It is anticipated that a decision will be received by early 2011 with construction commencing in 2013.

- 5.4 Part 17 of the GPDO gives railway undertakers extensive permitted development rights for development on operational land required in connection with the movement of traffic by rail. Development however is not permitted if it consists of or includes the construction of a railway, railway station or bridge. Chiltern Railways therefore intend to deal with the proposal under the 1992 Transport Works Act, with a TWA order application followed by a Direction application and then Public Inquiry. The Secretary of State determines the Order and attaches conditions to the Direction which will be discharged by the Local Planning Authority. In effect this means that Cherwell District Council will discharge and agree the detailed designs of the buildings and bridge etc following the presentation of illustrative proposals at the Inquiry, but will only be involved as a consultee on the general principles of the proposals.
- 5.5 Oxfordshire County Council as Highway Authority have also been consulted on the proposals and will respond separately to Chiltern Railways in respect of highway matters and any subsequent issues. In terms of the possible highway implications, the increased use of the line through Bicester Town by increasing the level of the service will result in a greater number of closures at the London Road crossing. A traffic impact assessment is currently being looked at within the town regarding this with Oxfordshire County Council. Car parking provision is also still under consideration, but there is an agreement relating to the joint use of the car parking adjacent to Bicester Village.
- 5.6 Business consultants are working with Halcrow to look at the impact on the Central Oxfordshire Transport Model. In terms of the proposed new station at Gosford and Water Eaton, the transport modelling is expected to be complete by the end of the month.
- 5.7 As the scheme progresses details relating to the proposed station improvements and bridges and other works will be submitted to the Council for comment or determination.

6 Risk Assessment, Financial Effects and Contributions to Efficiency Savings

- 6.1 Risk Assessment agreed by Rosemary Watts (Ext: 1566)
- 6.2 Financial effects approved by Eric Meadows (Ext: 1552)
- 6.3 Efficiency savings – None

7 Recommendation

- 7.1 **That Members note the report and the response provided by the Executive to the consultation from Chiltern Railways.**

Background Papers:

- a) Public consultation information submitted by Chiltern Railways in connection with the proposals.
- b) Report to Executive 15 June 2009.
- c) Scoping Opinion Consultation 09/00002/SCOP

Executive

EVERGREEN 3: RESPONSE TO PUBLIC CONSULTATION BY CHILTERN RAILWAYS FOR A NEW OXFORD TO LONDON ROUTE

PROPOSED RAILWAY IMPROVEMENT SCHEME BETWEEN BICESTER AND OXFORD

15 June 2009

Report of the Strategic Director – Planning, Housing and Economy

PURPOSE OF REPORT

To present information to the Executive on:

- (i) The proposed improvements to the railway line between Bicester and Oxford as part of proposals by Chiltern Railways for a new route between Oxford and London

This report is public

Recommendations

The Executive is recommended to:

- (1) Agree the contents of the report as the basis of the Council's response to the public consultation and in particular to agree the representations set out in paragraphs 1.17, 1.24, 1.26 and 1.28.
- (2) Ask Planning Committee to consider and make appropriate representations on the details of the scheme as the Transport and Works Act application proceeds.

Executive Summary

Introduction

- 1.1 Chiltern Railways is proposing a new Oxford to London rail route referred to as Project Evergreen 3. As part of the project railway improvements between

Bicester and Oxford will be required. A number of options for the line and stations have been considered by Chiltern Railways and form the present project to provide a rail passenger service between Oxford and London Marylebone via Bicester Town station. Further information can be viewed at the following link:

www.chiltern-evergreen3.co.uk

Summary information has also been deposited in the Members Room.

This report does not attempt to describe the proposals and various options in detail. For full information, including plans the Chiltern Railways consultation material should be consulted directly.

- 1.2 Chiltern Railways have already made major improvements to the London to Bicester Line and have been developing proposals for extending services to Oxford since 1999. The project will be funded by Chiltern Railways and will not be dependent on public funds. The proposals are currently being worked up in more detail with further work to be completed over the summer before an application for a Transport and Works Act (TWA) Order is submitted on 1 October 2009. Given the scale of the proposed development an Environmental Impact Assessment will be required.
- 1.3 The TWA process is a national Government level / parliamentary procedure to grant planning consent and compulsory purchase orders required for some infrastructure projects. It requires an application, with an objection process and potential public inquiry. An Inspector will make recommendations for a Ministerial decision. Local planning authorities are statutory consultees in the process and can make representations. This is a task that will fall to Planning Committee as the detail of the scheme develops. The County Council as Highway authority will also be responding to the TWA process as consultee and the Planning Committee will need link its responses with Highway authority considerations. The aim will be to ensure a co ordinated local response on detailed matters. This report deals mainly with the overall principles of the scheme, but it does flag some detailed matters that will need to be carefully considered by Planning Committee.
- 1.4 The proposal seeks to utilise the existing Bicester to Oxford rail corridor. Additional platforms will be provided at Bicester Town and Islip railway stations. A new section of connecting line is proposed to be constructed from the Tubbs Lane crossing to the London to Birmingham line. This new line will utilise some of the land at Gavray Drive which has planning permission for housing.
- 1.5 This report provides a proposed in principle response to the consultation by Chiltern Railways for the Executive's endorsement and any additional comment. Public consultation on the proposals ended on 30 April 2009 following exhibitions in Bicester (17 April 2009), Oxford (18 April 2009) and Kidlington (25 April 2009). Chiltern Railways has considered a number of options as part of its project and is seeking comments on its choice of options for the stations and other works proposed before developing a detailed scheme.
- 1.5 The rest of the report looks at each proposal and recommends some comments the Council may wish to give to Chiltern Railways.

Proposals

- 1.6 The railway between Oxford and Bicester will be upgraded from single track to double track and new safety and signalling systems will be installed. The new service is scheduled to commence in 2013. A major upgrade of the existing rail facilities is proposed providing an enhanced service from Oxford to London. The new service will provide two trains per hour between London Marylebone and Oxford with journey times of 66 minutes from Oxford and 58 minutes from Water Eaton. The journey time between Bicester and Oxford will be 14 minutes.
- 1.7 All trains will call at Oxford, Water Eaton, Bicester Town and High Wycombe. Existing train services from Bicester North will remain resulting in up to five trains an hour from Bicester. It is proposed to upgrade the existing railway stations at Bicester Town and Islip. In addition, a new Parkway Station is proposed at Water Eaton adjacent to the existing Park and Ride facilities. The viaduct over the Mill Stream and River Cherwell will be replaced. In summary the proposals comprise:
- Improvements to Oxford Station
 - Options for a new parkway station at Water Eaton
 - Improvements to Islip Station
 - Options for upgrading Bicester Town Station
 - A new Bicester connecting line and
 - Other work including changes to level crossings and bridges

Water Eaton Parkway

- 1.8 A new Parkway station providing an interchange between cars and public transport is proposed at Water Eaton. It will serve Kidlington, Yarnton, north Oxford and the wider area. The site is currently occupied by grain silos and the existing stone-loading sidings south of the railway line. It is located adjacent to the existing Water Eaton Park and Ride facilities and the Oxford Road (A4165).
- 1.9 The proposed scheme would include a ticket office, coffee shop and additional car parking capacity for rail users similar to the existing facilities at Warwick Parkway on the London Marylebone to Birmingham Snow Hill line. Three options are proposed for Water Eaton Parkway and are set out below.
- 1.10 In Option 1 a new station building is proposed together with additional car parking. The proposed station would be located at Oxford Road (A4165) providing road level access to buses from Kidlington. A pedestrian ramp would provide access to the Park and Ride bus station. Cycle parking, a drop-off point and disabled parking is proposed adjacent to the new station building. A two storey car park would provide additional car parking to serve the station. This would be located on the site currently proposed for a waste processing facility. This option would require the demolition of the existing grain silo structures. The existing stone loading sidings would be relocated to a greenfield site north east of the existing sidings and car parking.
- 1.11 Option 2 is similar to option 1 except the stone loading sidings would remain between the new platforms and car parking screened by planting. As a result a larger two storey car park is proposed on the site of the disused grain silos.

- 1.12 Again, Option 3 proposes a new station building located adjacent to the Oxford Road. However, in this option the existing Park and Ride car park is utilised to provide additional car parking by constructing a two storey car park on the site. A pedestrian link to the new station building would be provided. The Oxford bound platform would be located on the opposite side of Oxford Road and would be accessed from the ticket office through a subway. The stone loading sidings and grain silos would be retained as would the site of the proposed waste processing plant.
- 1.13 **COMMENT:** The proposals for a parkway station at Water Eaton should be supported and welcomed as they provide an important rail facility for Kidlington and the surrounding area. In addition, Options 1 and 2 propose the demolition of the existing disused grain silos which will have a positive visual impact on the landscape. However it should be remembered that the site is washed over by the Oxford Green Belt and while it could be argued that the demolition of the grain silos contributes to maintaining the openness of the Green Belt, all three options should be considered in the context of PPG2 – Green Belts which sets out the criteria for assessing large scale development proposals. In assessing the proposals for a parkway station at Water Eaton, we would draw Chiltern Railways attention to paragraph 3.17 of PPG2 and Annex E of PPG13 in order to ensure the criteria for assessing park and ride facilities are met. In determining any planning application the Council would need to be satisfied that:
- (a) A thorough and comprehensive assessment of potential sites has been carried out, including both non-Green Belt and, if appropriate, other Green Belt locations, having regard to sustainable development objectives, and the need to be flexible about size and layout;
 - (b) the assessment establishes that the proposed green belt site is the most sustainable option taking account of all relevant factors including travel impacts;
 - (c) The scheme will not seriously compromise the purposes of including land in Green Belts, as set out in paragraph 1.5;
 - (d) The proposal is contained within the local transport plan and based on a thorough assessment of travel impacts; and
 - (e) New or re-used buildings are included within the development proposal only for essential facilities associated with the operation of the park and ride scheme.
- 1.14 Option 3 is considered to be the least suitable option given its impact on the Green Belt. The existing car parks cover a wide area and are visible from the surrounding roads and public footpath network. It is considered that such a proposal might be visually detrimental to the openness of the Green Belt particularly as the grain silos would be retained. The Council's preference should be for the additional car parking to be accommodated on the site with the minimum amount of two storey buildings. On this basis, Option 1 is considered to be the most suitable.
- 1.15 Option 2 seeks to retain the stone sidings and provide a large two storey car park on the grain silo site. This could potentially result in a large imposing decked car park which would be visible from the adjacent A4165 and have significantly greater impact on the openness of the Green Belt than the other options.

- 1.16 Option 1 has advantages over the other options as the size of the decked area of car park is reduced and the stone sidings operation is kept separate from the parkway facilities. A new access road to the stone sidings is proposed which would separate the heavy goods vehicles and commercial traffic from the passenger vehicles using the parkway. The removal of the grain silos and relocation of the stone sidings will have to be considered against the impact of the relocated stone sidings on the Green Belt and the ability of the promoters to demonstrate that very special circumstances exist to justify such development. The following policies are relevant: Policy GB1, – Green Belt, Policy TR10 – Rail Transport, Policy TR11 – Parking and Policy TR28 – East West Rail proposals.
- 1.17 **RECOMMENDATION:** It is therefore recommended that the Council supports the proposals provided Chiltern Railways can satisfy the criteria in PPG2 and PPG13 set out above and Option 1 for the above reasons.

Bicester Town Station

- 1.18 It is proposed to rebuild Bicester Town station to provide two eight car platforms. The consultation seeks views on three options proposed for upgrading Bicester Town station. Option 1 proposes a new station building car parking, two new platforms and a footbridge. The proposed station building will be located on vacant land between London Road and the railway line with additional shelters and ticket machines at a secondary access on Station approach. 100 car parking spaces are proposed with access from Station Approach. A drop off point and disabled parking are proposed south of the railway line. Additional car parking for weekday rail users is provided in the proposed Bicester Village Shopping Outlet car park. Pedestrian, cycle and bus connections with Bicester Village are proposed.
- 1.19 Option 2 is similar to Option 1 except the proposed main station building is on the north side of the line (near to the present station entrance). A secondary access on the south side of the line would provide access from London Road. Some car parking would be provided on the south side of the line in addition to the proposed car parking on the north side of the line with a drop off and disabled parking on both sides of the line.
- 1.20 Option 3 is similar to Option 2 but includes proposals for a new two storey car park on land south of Talisman Business Centre with access from London Road linked to the Oxford bound platform.
- 1.21 **COMMENT:** The proposals for Bicester Town station should be welcomed and supported as they will contribute to improving the rail service to and from the town and provide an improved sustainable transport link to the town. The site is currently underused and not well connected to the town centre. The proposals will increase rail use and contribute to more sustainable travel patterns. The railway provides the focus for public transport.
- 1.22 Policy S17 of the Non Statutory Local Plan identifies the Bicester Town Rail Station land to the north of the railway line as a major mixed use development site with the triangular area of land to the south of the line identified for uses related to the railway station. The existing railway line is currently in use albeit for a very small number of passenger and goods trains. Options 1 and 2 are generally acceptable and Option 3 is considered the least favourable option as it proposes the erection of a new two storey car park on land to the

south of the existing Talisman Business Park Centre with access to the London Road. It is considered that a two storey decked car park on such a prominent gateway site into Bicester is not acceptable as it is not well related to the station and its visual impact.

1.23 The traffic impact of the proposals on Bicester's road network will need to be carefully assessed and managed. In particular the likely changes to access routes to Bicester Town Station, the increased car parking provision, plus the greater level crossing use need consideration

1.24 **RECOMMENDATION:** It is recommended that the Council welcomes the proposed improvements to the station facilities and rail service at Bicester Town in providing a recognised station to complement the existing services from Bicester North. However, the response to Chiltern Railways should include the Council's concerns about the visual impact and traffic impact of Option 3 and note the need to work with the Highway Authority to look at traffic impacts within the Town. The Council should also discuss with Chiltern Railways the links between Bicester Town station and the Bicester North station. Chiltern Railways should be encouraged to improve links to Bicester Town station from Bicester in order to support the creation of a sustainable community. This should include links with North West Bicester.

Islip Station

1.24 The consultation documents state that "*Islip will remain a station principally for local community use, rather than a facility for the wider area.*" In summary, the proposals for Islip station comprise two new eight car platforms to allow the reinstatement of a second track, ramps to provide step free platform access, new disabled parking area and a footbridge linking the platforms.

1.25 **COMMENT:** The works to Islip Station are not considered to be significant in terms of their impact on the locality. The continued use of the station to serve the local community residents is welcomed and the Council would not wish to see a major station development in this location as it would conflict with strategic objectives in terms of directing growth to the main settlements in the District. The station is accessed from the main Islip Road and is well screened from the surrounding area and as long as the station remains a local commuter station only any impacts should be minimised.

1.26 **RECOMMENDATION:** The proposals for Islip are generally welcomed and should be supported.

Bicester Connecting Line

1.27 A new short rail link, referred to as the "Chiltern Chord" is proposed connecting the Oxford to Bicester East West line and the Birmingham to London line. Land for the proposed line has been safeguarded in the Non-Statutory Cherwell Local Plan (Policy TR29) south of Bicester at land at Gavray Drive.

1.28 **RECOMMENDATION:** The Council should support the proposed connecting line.

Level Crossings

- 1.29 At this stage a number of options are being considered although the detailed options for each crossing are not known. It is proposed that the Islip crossing will be closed but with access for emergency vehicles. Other traffic will have to find an alternative route and a footbridge is being investigated. The replacement of the Oddington level crossing with a bridge is being considered. The Langford Lane crossing is to be replaced with a bridge. Bicester London Road crossing will be upgraded to full signal controlled barrier. The replacement of the crossing with a bridge has been discounted due to difficulties with the existing road layout. In Bicester the Tubbs Lane footpath crossing is to be replaced with a bridge with disabled access.
- 1.30 The majority of the line within the District is in the open countryside. There are a number of residential properties within Bicester including a number adjacent to the level crossing at London Road which will be affected by increased use both in terms of the number of trains using the station and increased passenger numbers.
- 1.31 It will be necessary for the Environmental Impact Assessment to consider the impact of noise and vibration on these properties together with a number of more isolated farmsteads and dwellings close to the line in the countryside.
- 1.32 The scheme also proposes to reduce the number of pedestrian and farm crossings. Some however are in frequent use and will need to be replaced by bridges. The existing Tubbs Lane pedestrian crossing will be replaced by a new bridge which will need to be DDA compliant and therefore is likely to be a quite substantial structure. There are a number of residential properties adjacent to the railway line at this point and the impact of the structure on these properties will need to be carefully addressed. The level crossing at Langford Lane is also to be replaced by a bridge and the impact on the properties adjacent will need to be carefully assessed.
- 1.33 The main visual and landscape impacts will be in Bicester Town, Gosford and Water Eaton and along the route where new bridges will need to be provided in places of existing crossings. The proposed chord line will run from Tubbs Lane to the London to Birmingham line and will have a considerable visual impact on the proposed development at Gavray Drive and the existing development at south east Bicester.
- 1.34 There is a number of wildlife habitats including County Wildlife Sites and local BAP habitats present along the rail corridor. The railway passes through a SSSI at Wendlebury Meadows. The impact on nature conservation will need to be considered in the Environmental Impact Assessment.

Conclusion

- 1.35 The initial proposals should be welcomed and broadly supported as improved rail services in the District provide the opportunity to take cars off the roads. The project also increases the sustainability of Bicester and provides the opportunity for improved eco town links. The proposed project will improve public transport provision and provide new facilities for rail passengers in the District. On this basis, the Council should continue to discuss the details on the proposed scheme with Chiltern Railways.

- 1.36 The Non-Statutory Cherwell District Local Plan 2011 supports improvements to rail infrastructure, services and facilities across the District and safeguards land at Gavray Drive, Bicester for a connecting railway line. A new station at Water Eaton serving Kidlington should be welcomed although the impact of the proposals on the Green Belt should be carefully considered. Islip Station will remain as a local station and it is not proposed to develop a major station facility at this location.
- 1.37 Chiltern Railways are currently considering the responses to the public consultation before working on a detailed scheme as part of the application for a Transport and Works Order. It is clear that the information currently available on traffic impacts is limited. Further transport modelling work is being carried out by Chiltern Railways' consultants and will provide an assessment of the impact on the highway network in terms of the number of car journeys, particularly on the A34 and M40. The Council will be working closely with the County Highway Authority to consider traffic issues.
- 1.38 As new information becomes available, the Council should continue to respond to Chiltern Railways. As necessary Planning Committee will consider the position formally. Once a TWA permission is granted Cherwell District Council will determine the details of the station buildings including footbridges and car parks as the local planning authority (in a similar way to how a reserved matter application on an outline permission is dealt with).
- 1.39 It is therefore recommended that the Council makes initial, in principle, comments as set out in paragraphs 1.16, 1.23, 1.26 and 1.28.

Background Information

- 2.1 This is the first time the Council has been asked formally for its views. Consultation on the proposals took place in April 2009 with the deadline for comments from the public on 30 April 2009.

Key Issues for Consideration/Reasons for Decision and Options

- 3.1 The Executive is invited to consider the supporting material accompanying this report which provides further details of the proposed rail improvements. The Executive is invited to agree this report as the Council's response to Chiltern Railways on the public consultation, but may also choose to add other issues as it thinks appropriate.
- 3.11 The following options have been identified. The approach in the recommendations is believed to be the best way forward.

Option One To endorse the views expressed in this report as the Council's response to Chiltern Railways.

Option Two To add further views as the Executive considers appropriate. Any modifications to be undertaken by the Head of Planning and Affordable Housing Policy with the Portfolio Holder for Planning and Housing.

Option Three Not to make a response to the consultation.

Consultations

Cllr. Michael Gibbard	Internal briefing.
Chiltern Railways	Public exhibitions and consultation in Bicester, Kidlington and Oxford.

Implications

Financial:	The Council's response to the Chilterns Railways proposals is accommodated within existing staff and resources at this time Comments checked by Eric Meadows, Accountant 01295 221552
Legal:	There are no significant legal issues associated with the report Comments checked by Pam Wilkinson, Principal Solicitor 01295 221688
Risk Management:	Comments checked by Rosemary Watts, Risk Manager and Insurance Officer 01295 221566

Wards Affected

Gosford and Water Eaton, Islip, Oddington, Charlton on Otmoor, Wendlebury, Ambrosden, Bicester South, Bicester Town, Launton, Blackthorn, Piddington, Kidlington South,

Corporate Plan Themes

Cherwell: A District of Opportunity, A Cleaner, Greener Cherwell

Executive Portfolio

**Councillor Michael Gibbard
Portfolio Holder for Planning and Housing**

Document Information

Appendix No	Title
None	
Background Papers	
Consultation information from Chiltern Railways on Evergreen 3 Project	
Report Author	Andrew Bowe, Implementation Officer
Contact Information	01295 221842 andrew.bowe@Cherwell-dc.gov.uk

EXTRACT FROM THE MINUTES OF EXECUTIVE – 15 JUNE 2009

6 Evergreen 3: Response to Public Consultation by Chiltern Rail for a New Oxford to London Route

The Strategic Director Planning, Housing and Economy submitted a report to present information to the Executive on the proposed improvements to the railway line between Bicester and Oxford as part of proposals by Chiltern Railways for a new route between Oxford and London.

The Executive discussed the issue and agreed that the proposals should be supported and requested officers to include in the consultation response over the effect of traffic flow of an increased use of the level crossing at Bicester Town Station and also to consider whether any Section 106 money was available from the Bicester Village Development.

Resolved

- 1) That the report (as appended to the minutes as set out in the minute book) be agreed as the basis of the Council's response to the public consultation and in particular to agree the representations set out below:
 - That the proposals be supported provided Chiltern Railways can satisfy the criteria in PPG2 and PPG13.
 - That the proposed improvements to the station facilities and rail service at Bicester Town in providing a recognised station to complement the existing services from Bicester North be welcomed. However, the response to Chiltern Railways should include the Council's concerns about the visual impact and traffic impact of Option 3 and note the need to work with the Highway Authority to look at traffic impacts within the Town. The Council should also discuss with Chiltern Railways the links between Bicester Town station and the Bicester North station. Chiltern Railways should be encouraged to improve links to Bicester Town station from Bicester in order to support the creation of a sustainable community. This should include links with North West Bicester.
 - That the proposals for Islip be generally welcomed and supported.
 - That the proposed connecting line be supported.
- 2) That the Planning Committee be asked to consider and make appropriate representations on the details of the scheme as the Transport and Works Act application proceeds.

Reasons - The proposed project will improve public transport provision and provide new facilities for rail passengers in the District. On this basis, the Council should continue to discuss the details on the proposed scheme with Chiltern Railways.

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

23 JULY 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

TREE PRESERVATION ORDER (NO. 5) 2009 LIME TREES AT COPE ROAD/ARRAN GROVE, BANBURY

1 Introduction and Purpose of Report

- 1.1 To seek the confirmation of an unopposed Tree Preservation Order relating to a Lime Trees at Cope Road/Arran Grove, Banbury (copy plan attached as Annex 1).

2 Wards Affected

- 2.1 Easington.

3 Effect on Policy

- 3.1 None.

4 Contact Officer(s)

- 4.1 Jon Brewin (Ext 1708),
Richard Hurst (Ext 1693).

5 Background

- 5.1 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments or the Head of Urban and Rural Services to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the trees in question are under imminent threat and that their retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 5.2 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 10 June 2009. The statutory objection period has now expired and no objections were received to the Order.

6 Risk Assessment, Financial Effects and Contributions to Efficiency Savings

- 6.1 The following details have been approved by Rosemary Watts (Ext 1566) (Risk) and Eric Meadows (Ext 1552) (Financial).
- 6.2 Risk assessment – the existence of a Tree Preservation Order does not remove the landowner's duty of care to ensure that such trees are structurally sound and pose no

danger to passers by and/or adjacent property. The TPO legislation does contain provisions relating to payment of compensation by the Local Planning Authority in certain circumstances, but these relate to refusal of applications to carry out works under the Order and no compensation is payable for loss or damage occurring before an application is made.

6.3 Financial effects – the cost of processing the Order can be contained within existing estimates.

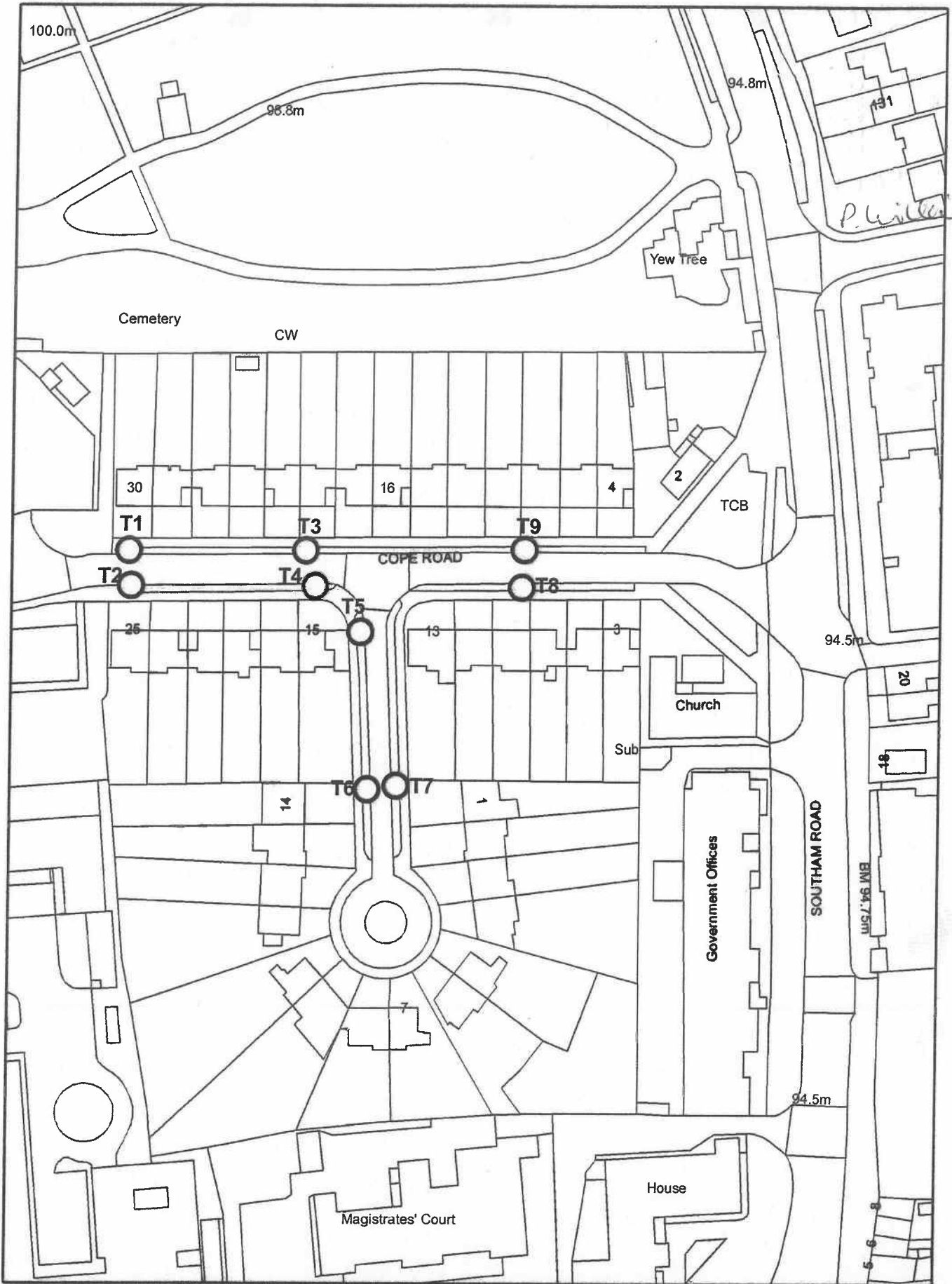
6.4 Efficiency savings – none.

7 Recommendation

7.1 It is RECOMMENDED that the Committee resolves to confirm the Order without modification.

Background Papers:

(a) TPO file reference 8185.



Agenda Item 14

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

23 JULY 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 An 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. The possible enforcement consequences of this decision will be discussed with the landowners – verbal update to be given.
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.

08/02511/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.

08/02605/F

Sainsburys, Oxford Road, Banbury
Subject to legal agreement with Oxfordshire County Council re: highway infrastructure.

5.2 Subject to Other Matters

08/00709/F

Former Lear site, Bessemer Close, Bicester. Subject to legal agreement with Oxfordshire County Council

08/00876/F

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

09/000038/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 Rosemary Watts (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.

Agenda Item 15

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

23 JULY 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 **08/02183/F- Hillside, Ardley Road, Middleton Stoney** appeal by Mr Alastair Grenfell against the refusal of planning permission for a new vehicular access and parking area – Written Reps
- 5.2 **08/02059/F – 15 High Street, Bloxham** appeal by Mr F W Stiling against the refusal of planning permission for 1 No. two storey dwelling – Written Reps
- 5.3 **08/01149/F – Stone Holt, Kenhill Road, Shenington** appeal by Mr & Mrs T Goodwin against the refusal of planning permission and listed building consent for the erection of conservatory (re-submission of 07/02688/F and 07/02689/LB)- Inquiry
- 5.4 **09/00153/F-School House, Roundhill Road, Mollington** appeal by Mr & Mrs Michael Baker against the refusal of planning permission for two storey and single storey side extensions – Written Reps

6 Forthcoming Public Inquiries and Hearings between 23 July 2009 and 13 August 2009

6.1 None

7 Results

7.1 Inspectors appointed by the Secretary of State have:

- 7.2 **Allowed the appeal by Charles Wells Pub Co Ltd against the refusal of application 08/02200/ADV for an externally illuminated projecting pictorial sign at Moon and Sixpence PH, Main Street, Hanwell (Delegated)** - The Inspector concluded that the presence of the pictorial sign, in addition to the frontage lettering, does not create an impression of clutter on the frontage of the building, Neither, in addition to the other approved signage, does it give rise to clutter on the premises as a whole. Given the proximity of neighbouring dwellings, a condition was imposed limiting the display of the sign with illumination to the opening hours of the premises.
- 7.3 **Dismissed the appeal by Primesight Ltd against the refusal of application 08/02097/ADV for an internally illuminated free standing double sided display unit at 98 Warwick Road, Banbury (Delegated)** – The Inspector found that the appeal unit would introduce a bold internally illuminated display that would draw particular attention after dark and considered that as a result the proposed unit would be an incongruous and intrusive element on the site and within the surroundings
- 7.4 **Allowed the appeals by Mrs B Manuell and Mr C Murphy against the refusal of application 08/00368/F for the demolition of 101 the Moors and construction 1 chalet bungalow and 5 houses with ancillary works at 99 and 101 The Moors Kidlington and application 08/01455/F for the construction of 1 house with access road from Mead Way at 103 The Moors Kidlington (Committee)** – The Inspector recognised that the 2 appeal proposals are dependent on one another and considered both could be allowed subject to conditions. The Inspector considered the proposals to be a reasonable approach to a comprehensive solution to the development of the land. It would be in line with Government advice contained within PPS 3: Housing which encourages Council's to make 'efficient and effective use of land' and thereby maximise a site's potential and concluded that in relation to the frontage development to The Moors and Mead Way and the dwellings within the site, the development as a whole would reflect the distinctive character and appearance of the locality and would comply with C28 and C30 of the Adopted Cherwell Local Plan.
- 7.5 **Dismissed the appeal by Mr Tariq Khuja against the refusal of application 08/01915/F for the redevelopment of a former telephone switching station to office development at land adjoining Hightown Surgery, Oxford Road, Banbury (Delegated)** - The Inspector concluded that the proposal would not have an unacceptably harmful effect on the safety and convenience of users of the highway passing the site. However, the Inspector found that the proposal, having the all visual characteristics of a very modest two-storey dwelling on a constrained site, with a substantial part of the height of its second story in the roof space, would appear incongruous in both style and size and thus would neither accord with qualities of the western frontage nor with the form and setting of existing development on the west side of Oxford Road and therefore the proposal would harm the character and appearance of the area.

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.