

Committee: Planning Committee
Date: Thursday 10 September 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 - 7)

To confirm as a correct record the Minutes of the meeting of the Committee held on 13 August 2009.

Planning Applications

- | | | |
|------------|---|-----------------------|
| 6. | The Garage, High Street, Charlton on Otmoor, Oxfordshire OX5 2UQ (Pages 10 - 29) | 08/02493/F |
| 7. | OS Parcel 3873 North east of Hillside House Street From Cropredy to Great Bourton Cropredy (Pages 30 - 40) | 09/00478/F |
| 8. | The Old Turnstile, High Street, Barford St Michael (Pages 41 - 49) | 09/00718/F |
| 9. | Rough Hill Farm, Shenington Road, Shenington OX15 6HQ (Pages 50 - 62) | 09/00913/F |
| 10. | The Otmoor Lodge Hotel, Horton Hill, Horton cum Studley, Oxford OX33 1AY (Pages 63 - 66) | 09/00936/F |
| 11. | The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxford (Pages 67 - 75) | 09/00937/OUT |
| 12. | Finmere Quarry, Banbury Road, Finmere, Oxon MK18 4AJ (Pages 76 - 96) | 09/01030-33/CM |
| 13. | Horsehay Quarry, Middle Barton Road, Duns Tew (Pages 97 - 101) | 09/01105/CM |
| 14. | Horsehay Quarry, Middle Barton Road, Duns Tew (Pages 102 - 106) | 09/01106/CM |

Tree Preservation Orders

15. **Tree Preservation Order (NO. 7) 2009 Weeping Willow at Prews Close Park Hill Hook Norton** (Pages 107 - 109)

Report of the Head of Development Control and Major Developments

Summary

To seek the confirmation of an unopposed Tree Preservation Order relating to a Weeping Willow at Prews Close, Park Hill, Hook Norton.

Recommendation

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

Review and Monitoring Reports

16. **Decisions Subject to Various Requirements - Progress Report** (Pages 110 - 111)

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.

17. **Appeals Progress Report** (Pages 112 - 113)

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 221591 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 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 2 September 2009

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 13 August 2009 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Ken Atack
Councillor Michael Gibbard
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor James Macnamara
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Chris Smithson
Councillor Trevor Stevens
Councillor John Wyse

Substitute Members: Councillor Russell Hurle (In place of Councillor Lawrie Stratford)
Councillor Barry Wood (In place of Councillor Rose Stratford)

Apologies for absence were received from Councillors Maurice Billington, Colin Clarke, Catherine Fulljames, David Hughes, D M Pickford, Lawrie Stratford and Rose Stratford

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Bob Duxbury, Development Control Team Leader
Pam Wilkinson, Principal Solicitor
Simon Dean, Trainee Planning Officer
Gemma Dixon, Assistant Planning Officer
Natasha Clark, Trainee Democratic and Scrutiny Officer
Michael Sands, Trainee Democratic and Scrutiny Officer

55 **Declarations of Interest**

Councillors declared interest with regard to the following agenda items:

6. Old Barton, High Street, Shutford, Oxfordshire, OX15 6PQ.

Councillor G A Reynolds, Personal, as some of the objectors were known to the Councillor and as the husband of the Clerk to Shutford Parish Council.

8. Cattle Market, Victoria Road, Bicester.

Councillor Ken Atack, Prejudicial, as a Member of the Executive, which as the Council body responsible for finance may obtain increased income from the improvements proposed in the application.

Councillor Michael Gibbard, Prejudicial, as a Member of the Executive, which as the Council body responsible for finance may obtain increased income from the improvements proposed in the application.

Councillor James Macnamara, Prejudicial, as a Member of the Executive, which as the Council body responsible for finance may obtain increased income from the improvements proposed in the application.

Councillor G A Reynolds, Personal, as a Member of the Executive, which as the Council body responsible for finance may obtain increased income from the improvements proposed in the application.

Councillor Barry Wood, Prejudicial, as a Member of the Executive, which as the Council body responsible for finance may obtain increased income from the improvements proposed in the application.

Councillor Leslie F Sibley, Personal, as a Member of Bicester Town Council who may previously considered the application.

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

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

57 **Urgent Business**

There was no urgent business.

58 **Minutes**

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

59 **Old Barton, High Street, Shutford, Oxfordshire, OX15 6PQ**

The Committee considered a report of the Head of Development Control and Major Developments seeking the construction of a 3 car garage with office in roof space (as amended by plans and forms received 12/05/09 and plans received 16/06/09).

Mrs Margaret Holloway spoke in objection to the application.

Mrs Gillian Holliday spoke in objection to the application.

Mr Guy Heathcote had applied to speak in objection to the application. He was unable to attend the meeting and had requested that Mrs Holloway and Mrs Holliday speak on his behalf.

Mr Les Greenwood spoke in favour of the application, as the applicant's agent.

The Committee discussed the impact on neighbouring properties due to the shared driveway and positioning of the office windows. The Committee also expressed concern with regard to the proposed usage and size of the development.

In reaching their decision the Committee considered the Officers' report, written update and presentation and the presentations of the supporters and opponents.

Councillor Reynolds proposed that application 09/00371/F be refused. Councillor Milne Home seconded the proposal.

Resolved

That application 09/00371/F be refused for the following reasons:

The proposed office/garage building, by reason of its siting and size, will cause harm to the residential amenities of adjacent residential property by:

- 1) causing an unacceptable level of nuisance from vehicles accessing the site passing in close proximity to the property alongside the access and;
- 2) will over dominate and potentially overlook surrounding properties;

and consequently will be contrary to saved Policy C31 of the adopted Cherwell Local Plan.

(Councillor Heath requested that it be noted that he did not participate in the vote on this application as he had not attended the site visit. Councillor Wood requested that it be noted that he did not participate in the vote on this application as he had not been present for the Officers' presentation and the debate)

60

B Line Business Centre, Station Road, Enslow, Kidlington OX5 3AX

The Committee considered a report of the Head of Development Control and Major Developments seeking to demolish the existing buildings within the site and erect two replacement office/industrial buildings. The application was in outline form with only layout and access for consideration. All other matters had been reserved for future consideration.

The Committee were satisfied with the evidence presented by Officers.

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

Resolved

That application 09/00647/OUT be approved, subject to the following conditions:

- 1) That no development shall be commenced until full details of the scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.
- 2) That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.
- 3) That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.
- 4) Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - a) A site investigation scheme, based on the phase 1 study incorporated in the 2009 terramech investigation (PHASE 1 & 2 ENVIRONMENTAL & GEOTECHNICAL INVESTIGATION NO 2554/07) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - b) A method statement based on the results of the site investigation and risk assessment giving full details of the remediation measures required and how they are to be undertaken.
 - c) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the method statement are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

- 5) Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall

also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

- 6) The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
- 7) That prior to the first occupation of the buildings, the proposed means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.
- 8) That all the means of access between the land and the highway shall be formed, laid out, constructed and drained in such position(s) and with such vision splays as shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
- 9) That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan 0901/006 and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.
- 10) That no surface water from the development shall be discharged onto the adjoining highway and a scheme incorporating sustainable urban drainage systems (SUDS) to prevent this occurrence shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and retained thereafter.
- 11) Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.
- 12) A Green Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority prior to the first use or occupation of the development hereby permitted. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

- 13) That before the development is first occupied a pedestrian footway from the site access to the Rock of Gibraltar Public House shall be laid out to the approval of the Local Planning Authority. The footpath shall be constructed strictly in accordance with the Highway Authority's specification and that all ancillary works specified shall be undertaken.
- 14) That before the development is first occupied, improved signage of the site from the A4095 shall be submitted to and approved by the Local Planning Authority. The approved signage shall be erected in strict accordance with the approved details before the first occupation of the development and retained thereafter.

61 **Cattle Market, Victoria Road, Bicester**

The Committee considered a report of the Head of Development Control and Major Developments seeking approval for the change of use of waste land to a car park with six lighting columns.

The Committee discussed the location of the car park and the potential mis-use of the site. It was suggested that a gate be installed to ensure proper usage. The Committee also discussed the need to assist in the re-development of Bicester Town Centre.

Officers assured the Committee that there was adequate means to address issues of mis-use including CCTV cameras on the site.

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

Resolved

That application 09/00828/CDC be approved and that a further temporary 5 year consent is granted with the following conditions:

- 1) That at the expiration of 5 years from the date hereof the use specified in your application shall be discontinued.
- 2) That the site shall be used only for the purpose of a public car park and for no other purpose whatsoever.
- 3) Prior to the rear of the site being first brought into use as a car park that the area be surfaced, drained and laid out in accordance with the plans submitted with the application.

(Councillor Reynolds left the meeting room for the duration of this item)

62 **Development & Major Developments - Parish Council Training and Presentation Events**

The Committee considered a report of the Head of Development Control and Major Developments which informed Members of the programme of training and presentations to Parish Councils that had been undertaken since April 2009. These had covered changes to planning legislation, the latest position on planning policy used in Development Control decisions and Organisational changes at Cherwell in relation to planning.

The Committee expressed their gratitude to the Development Control Team Leader and the Planning Department for the training and presentations given to Parish Councils, which had been very well received and attended.

Resolved

That the report and the intention to provide similar presentations to Banbury Town Council and Bicester Town Council be noted.

63 **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 be noted.

64 **Appeals - Progress Report**

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

Resolved

That the position statement be noted.

The meeting ended at 5.45 pm

Agenda Annex

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

10 SEPTEMBER 2009

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

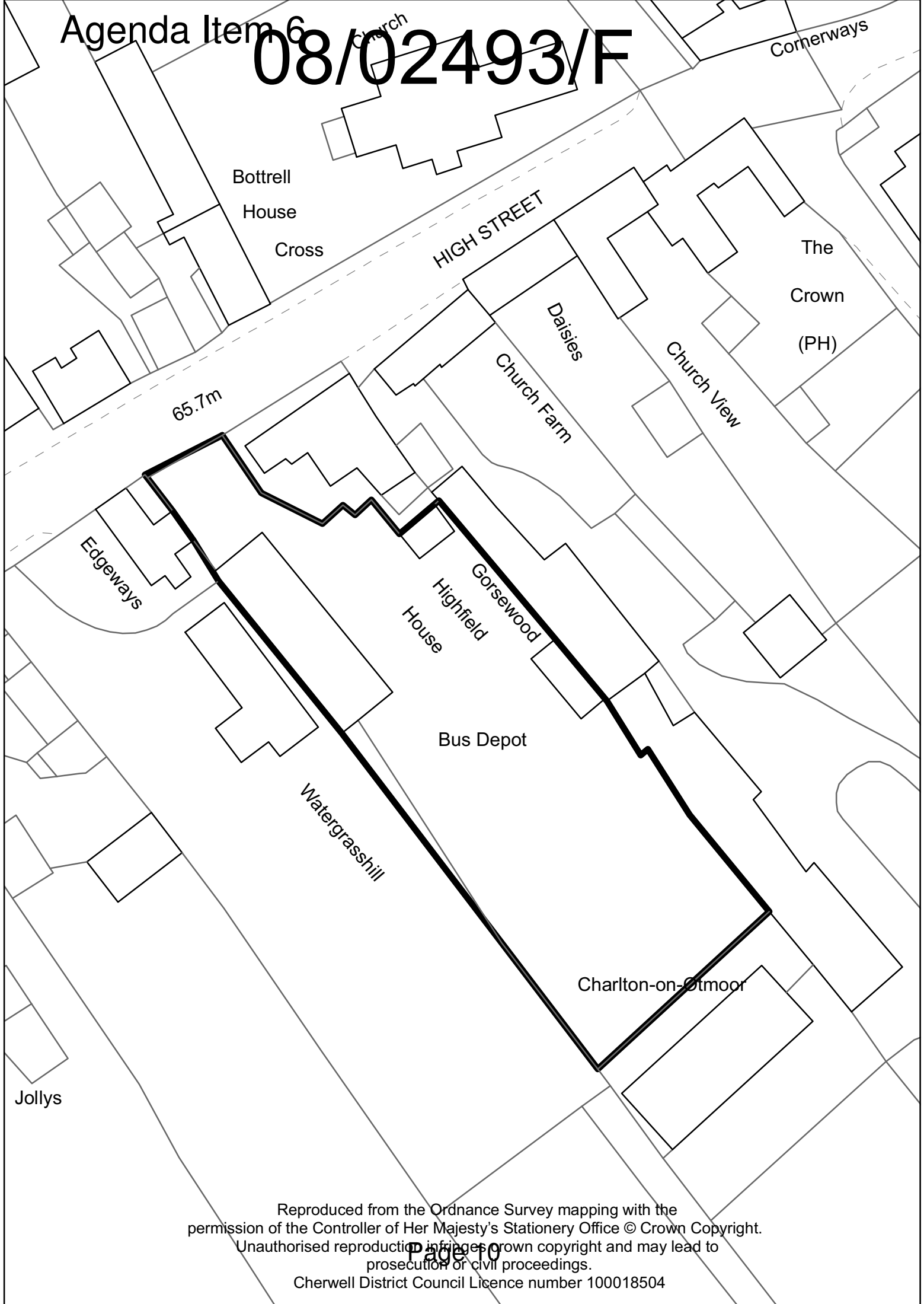
Background Papers

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

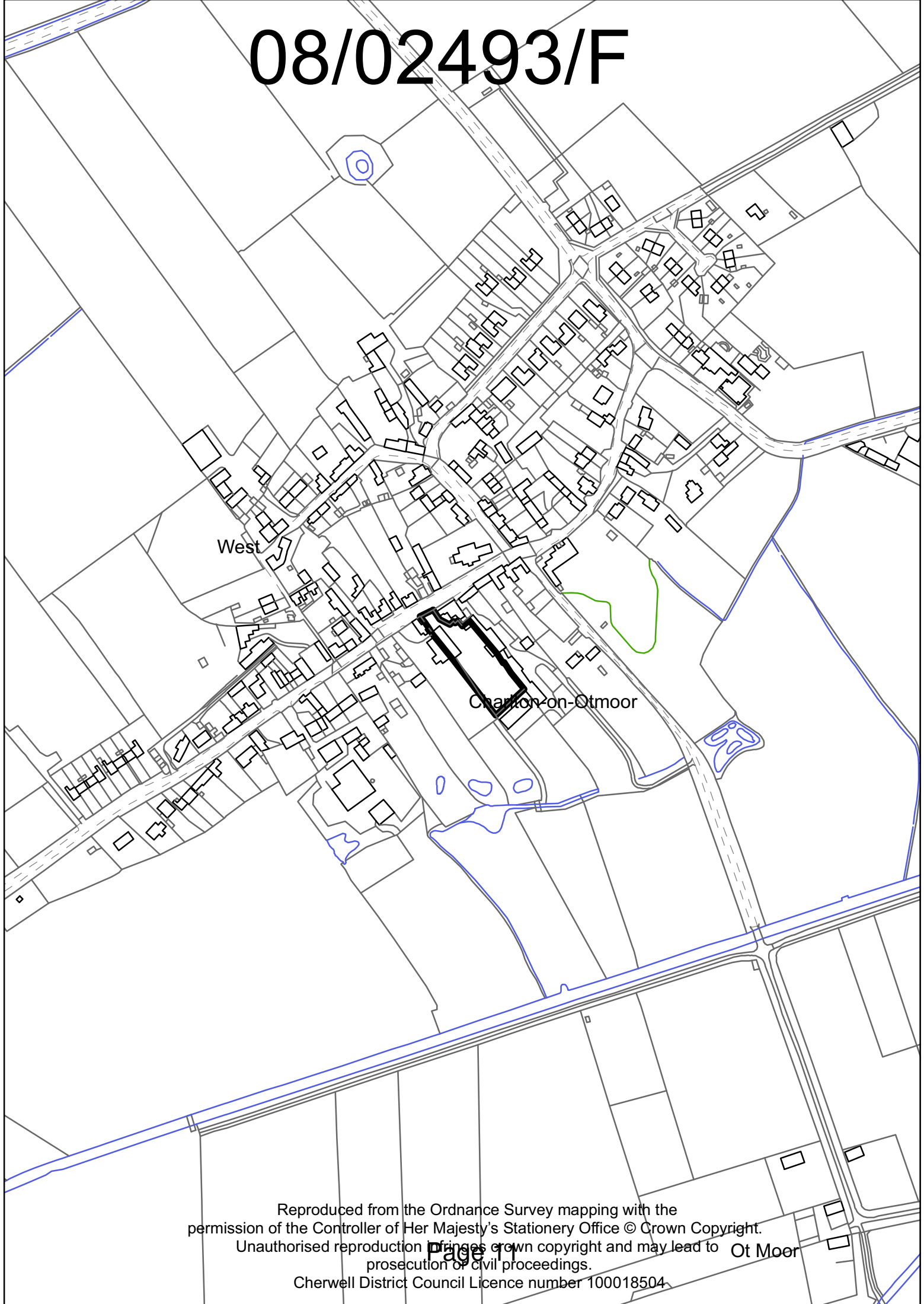
Applications

	Site	Application No.	Ward	Recommendation	Contact Officer
6	The Garage High Street Charlton on Otmoor Oxfordshire OX5 2UQ	08/02493/F	Otmoor	Refusal	Jane Dunkin
7	OS Parcel 3873 North east of Hillside House Street From Cropredy to Great Bourton Cropredy	09/00478/F	Cropredy	Approval	Caroline Roche
8	The Old Turnstile High Street Barford St Michael	09/00718/F	Barford St John and St Michael	Approval	Caroline Ford
9	Rough Hill Farm Shenington Road Shenington OX15 6HQ	09/00913/F	Wroxton	Approval	Andrew Lewis
10	The Otmoor Lodge Hotel Horton Hill Horton cum Studley Oxford OX33 1AY	09/00936/F	Otmoor	Approval	Bob Duxbury
11	The Otmoor Lodge Hotel Horton Hill Horton Cum Studley Oxford	09/00937/OUT	Otmoor	Approval	Bob Duxbury
12	Finmere Quarry Banbury Road Finmere Oxon MK18 4AJ	09/01030-33/CM	Fringford	Comments	Tracey Morrissey and Simon Dean
13	Horsehay Quarry Middle Barton Road Duns Tew	09/01105/CM	The Astons and The Heyfords	Objection	Caroline Ford
14	Horsehay Quarry Middle Barton Road Duns Tew	09/01106/CM	The Astons and The Heyfords	No Objections subject to condition.	Caroline Ford

08/02493/F



08/02493/F



West

Charlton-on-Otmoor

Ot Moor

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

Proposal: Redevelopment of existing coach depot by the erection of six dwellings (4 x two bed, 1 x three bed, 1 x four bed), together with associated landscaping, covered parking and access (as amended by drawings numbered 07058-P11a, P14a, P15a, P16a, P17 and P18 received 03/08/09 with agent's email and letter of same date).

1. Site Description and Proposal

- 1.1 The Bus Depot is situated centrally within Charlton on Otmoor on the southern side of High Street within the historic core of the village. The site is situated within the Oxford Green Belt and is part covered by the Charlton on Otmoor Conservation Area (the northern third of the site). There are a number of listed buildings within the vicinity of the site including the Grade I St Mary's Church and a Grade II* cross within the church yard. The site has a narrow street frontage (11m) however extends to the south east by 100m and widens to an average of 30m, wrapping around the curtilage of Highfield House. It would appear that prior to being a bus depot the land was the curtilage of Highfield House. There is a fall in gradient across the site from the north west to the south east and the ground levels are made up to the rear of the site so that there is a significant fall in levels between the site and the surrounding neighbouring properties.
- 1.2 The site is occupied by one large corrugated metal clad workshop building with a footprint of 220m² and measuring approximately 7.5m to the ridge, together with a handful of other single storey temporary buildings, lean-tos, a blockwork building and a diesel tank all on a much smaller scale than the workshop building. None of the buildings on the site are of any architectural or historic merit. The site is also used to accommodate a number of coaches, both those that are no longer in use or require repair and those that are in use on a daily basis.
- 1.3 The application involves the development of the site for residential purposes, Members will recall that the original scheme proposed seven market dwellings (two, three and four bed) arranged across the whole of the site with associated garaging and amenity spaces, however in response to HDCMD's very serious concerns about the suitability of such development in the Oxford Green Belt, the Charlton on Otmoor Conservation Area and the fact that it did not propose any affordable housing, the application was amended, prior to being heard by the Planning Committee on 11 June 2009, to a scheme for five market dwellings (two, three and four bed), across approximately three quarters of the site, in an attempt to reduce the impact on the Green Belt and the Conservation Area and to bring the total number of dwellings below the threshold (six dwellings) for requiring 30% affordable housing. Members resolved to defer the application on the grounds that no affordable housing was being offered and that the development would cause harm

to the residential amenities of the neighbouring property Watergrass Hill. Members resolved to allow the applicant an opportunity to submit an amended scheme to attempt to address these concerns. Amended plans have now been received which propose six dwellings (two, three and four bed), one of which (a two bed dwelling) would be affordable. The scheme has necessitated extending the development a further meter into the Green Belt than the proposal for five dwellings. It should be noted at this stage that Conservation Area Consent has been granted for the demolition of all existing buildings on the site (ref: 08/02494/CAC).

2. Application Publicity

- 2.1 The original application was advertised by way of a press notice and neighbour consultation letters. The final date for comment was 15 January 2009. No further consultation has been carried out in relation to the amended plans due to the fact that HDCMD objection to the application is a consideration of principle and furthermore the amended schemes have involved less development than that originally proposed.
- 2.2 Two letters of representation were received as a result of the original consultation process, the comments raised are summarised below:
- 2.3
- No objections raised - however concern re disposal of storm water and pollution from site
 - Noise and disturbance resulting in an overall increase of vehicular movements - no evidence to support statement that the development would involve fewer vehicular movements. Buses come and go twice daily and not at weekends.
 - Vehicular movements close to shared boundary and dwelling
 - Overlooking and loss of privacy from the first floor windows of the proposed dwellings and due to finished land levels following treatment of contamination
 - Proposal would not respect linear settlement pattern nor the boundary of the Conservation Area
 - Would extend the built up limits of the village and encroach upon land that the Green Belt seeks to maintain open.
 - Concerns re significant increase in the amount of surface water discharging from the site, leading to flooding of lower part of garden and field.
 - Light pollution from roadside lighting, porches and security lights in an area characterised by little or no external lighting at night time.
- 2.4 In relation to the latest scheme for six dwellings, the following representations have been received from the residents of Watergrass Hill:
- While it is true that the bus driver's portakabin is about 2 metres from our fence line; they do not have several large windows directly overlooking us. All the windows are covered by security mesh, and there is dense native hedging which makes the building almost invisible as seen in the attached photograph taken today. This has been the case for the 15 years we have lived here.
 - The comment that the buses to the rear of the site are elevated over our garden reflects the nature of the made up ground in the bus station, but the buses are obscured by planting at natural ground level i.e. 2 metres below the bus station, so the trees are about 5 metres tall. However no planting at my

boundary would obscure the 2 storey houses plus pitched roof proposed at the lower end of the site.

3. Consultations (relating to original application)

- 3.1 **Charlton on Otmoor Parish Council** is happy with the proposal overall however seeks clarification in relation to sewerage, sustainability/carbon emissions, parking and turning facilities and the retention of the bus service facility within the village.
- 3.2 **The Conservation Officer** states that a plan of High Street shows very clearly that historically houses were built along the street frontage. Any buildings deeper into the plots are auxiliary buildings, some of which have been converted to residential dwellings over time. The site would be over developed. In line with the historic settlement pattern of the village it is suggested that the only acceptable development would be for a single dwelling at the front which would reinforce the building line. It would also be beneficial for Highfield House to regain some of its former curtilage.
- 3.3 **Planning Policy** sets out the policy position relating to the proposal, giving consideration to issues of Green Belt, the Area of High Landscape Value, the Charlton on Otmoor Conservation Area, housing and Employment Policy. It is concluded that if the planning benefits of replacing the existing employment use with residential are considered sufficient to demonstrate very special circumstance, the proposal lies above the threshold for affordable housing provision in rural areas and 30% affordable housing should therefore be sought in accordance with the policies referred to.
- 3.4 **The Head of Building Control and Engineering Services** has no comments to make.
- 3.5 **The Environmental Protection Manager** recommends a contamination related condition due to the fact that the site is occupied by an industrial works and a sensitive development is proposed. It is also stated that there are no current service requests under investigation which relate to noise or other environmental stressors alleged to have originated from the Bus Depot, furthermore the Council's records do not indicate that there have been any significant problems associated with the site during the past five years. In addition to this, whilst it may be argued that a relatively heavy transport operation located within the centre of a village would have the potential to give rise to noise and emissions to air which could adversely affect nearby dwellings, the evidence to support this contention does not appear to be strong, which may be a direct result of the relatively small scale of the current operation and the way it is managed.
- 3.6 **Landscape Services** provides a number of observations/comments in relation to landscaping the site as part of the development. Reference is also made to the requirement for an off site contribution towards the improvement of the surface for the nearby Ray View play area (Members should however note that the proposal for six houses is below the threshold for developer contributions towards play areas),
- 3.7 **Oxfordshire County Council** (Highways) states that in principle the redevelopment of the bus depot is acceptable however the proposal is not acceptable in its current

form. The geometry of the access to the site does not conform to adoptable standards. The survey plan is inaccurate as it does not show a verge to one side of the present access. One of the features of this proposal is the removal of a concentration of commercial movements from the limited local network which is an advantage in highway safety and convenience terms. The Local Highway Authority does not object to the amendment for six dwellings, subject to detailing including improvements to the access junction.

- 3.8 **Oxfordshire County Council** (Archaeology) states that given the archaeological importance of the site situated within the core of a medieval village it is recommended that in accordance with PPG16 an archaeological field evaluation be carried out by a professionally qualified archaeological organisation prior to the determination of the application. However following the submission of further information from the Agent, it was concluded that a field evaluation would not be required as the site is covered by a large amount of made ground, which contains some contamination. In order to avoid removing this it is intended to use piled foundations and ground beams which will not significantly impact upon any surviving archaeology.
- 3.9 **Thames Water** raises no objections in relation to surface water drainage, the sewerage or water infrastructure, however sets out the developers responsibilities and sets out recommendations in relation to developing the site.
- 3.10 **Environment Agency** originally objected to the proposal however following the receipt of further information (Phase 1 and 2 Site Investigations) the objection has been withdrawn subject to conditions relating to contamination, remediation, foundation design and surface water disposal. Without these conditions the proposed development would pose an unacceptable risk to the environment and therefore the Environment Agency would wish to object.
- 3.11 **English Heritage** states that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

4. Relevant Planning Policies

4.1 **Planning Policy Guidance Notes and Statements**

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

4.2 **South East Plan 2009**

CO1: Core Strategy
CO3: Scale and Distribution of Housing

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

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

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

4.4 **Non-Statutory Cherwell Local Plan**

GB1: Development in the Green Belt (Inappropriateness/very special circumstances)
GB1a: Development in the Green Belt (Restrictions over residential development)
H7: Affordable Housing (Threshold for rural areas is 6 dwellings: 30%)
EMP5: Protection of Existing Employment Sites
TR5: Road Safety
TR11: Parking
EN17: Contaminated Land
EN34: Landscape Character
EN39: Conservation Areas and Listed Buildings
EN40: Conservation Areas (Preservation and enhancement)
EN44: Listed Buildings (Setting)
EN47: Archaeology
D3: Local Distinctiveness
D6: Design Considerations (Compatibility and acceptable standards of amenity)

5. Appraisal

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

5.2 Green Belt

- 5.2.1 As set out in PPG2: Green Belts, which is echoed by Policies in the Development Plan, there is a general presumption against inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. Inappropriate forms of development are those which do not relate to agriculture, forestry, recreation, and cemeteries or other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Inappropriate development should not be approved within the Green Belt except in very special circumstances.
- 5.2.2 Notwithstanding the above policy position, Policy GB1a of the non-statutory Cherwell Local Plan sets out the types of residential development that would be considered in the Green Belt and what these will be restricted to. These include conversions of existing buildings, infilling within the built up limits of the village, and small scale affordable housing.
- 5.2.3 The proposal for six new dwellings arranged in depth on the site (covering three quarters of the land in question), including one affordable dwelling, is not considered to represent appropriate development. Furthermore, it does not involve the conversion of any existing buildings on the site, it does not represent infill, which is defined as a gap in an otherwise built up frontage, and the proposal is not a small scale affordable housing scheme. The proposal does not therefore comply with Policy GB1a.
- 5.2.4 It is concluded therefore that in principle, the proposed development is contrary to Green Belt Policy, unless, and as referred to above, a very special circumstance case can be proven.
- 5.2.5 As part of the submitted application, the Agent's planning statement sets out that:
- ' . . . due to changes in environmental regulations and the current economic situation the family run coach business cannot be sustained in its present form. The stark alternatives are to cease trading altogether and dispose the site to another transport operator which would not generate enough capital to relocate to another site or to seek to redevelop the site in the way proposed which would enable the company to update its coach fleet and relocate to an alternative site, albeit at a reduced size'.
- 5.2.6 Further correspondence from the Agent during the application process attempts to make a very special circumstances case, by stating that the removal of the present use and buildings would not be materially harmful to the Green Belt and that the proposal would have significant environmental, highway safety and visual amenity benefits. Furthermore, reference is made to the impact of the parked coaches across the site on the openness of the Green Belt and extensive case law which confirms such an issue is capable of forming a very special circumstances case. It is also argued that any alternative lawful use of the site (over which the Council would have no control) may have an adverse impact upon neighbouring amenity and highway safety and may not be sustainably located. Lastly, it is suggested that the removal of the large utilitarian workshop building and the other structures on the site will considerably enhance the character and the appearance of the Conservation Area and the visual amenities of the area.

- 5.2.7 Whilst the arguments put forward as part of the application submission are acknowledged HDCMD has the following comments to make. The fact that Charlton Services would need to sell the site for redevelopment in order to continue trading with a refined fleet is a personal issue and one which by itself does not outweigh the fact that the proposed redevelopment of the site is inappropriate, in HDCMD's view. Furthermore there is no guarantee that the bus depot would, or could, relocate within the village or elsewhere.
- 5.2.8 The application argues that the parking of the coaches across the whole of the site when they are not in use is harmful to the openness and visual amenities of the Green Belt, however this activity is lawful and the coaches are not permanent fixtures on the site. Additionally the height of the coaches is much less than the height of the two storey dwellings that are proposed. The existence of case law in relation to commercial vehicle parking is noted however none of these points justify overriding the policy position that residential development in the Green Belt is inappropriate development.
- 5.2.9 Equally, the fact that the site could lawfully be used by another transport operator that is less considerate to its neighbours would not outweigh the argument against inappropriate development. However whilst such a use could not be controlled via the Planning Legislation there is other legislation such as the Environmental Protection Act relating to emissions, noise and pollution that would need to be met to ensure that neighbouring amenity relating to these issue is respected.
- 5.2.10 The removal of the use, activity and buildings from the site may be beneficial to the Green Belt and the Conservation Area (indeed, in relation to the Conservation Area, the Council has recently approved a Conservation Area Consent Application for the demolition of all buildings on the site). However HDCMD does not consider that the use or buildings cause such harm to the site's surroundings that their removal would justify outweighing the principle policy objection against inappropriate development within the Green Belt.
- 5.2.11 With regard to the argued benefits of the removal of the bus depot on the environment, the Council has received no complaints relating to the site over the last five years and little argument arose from any of the statutory consultees in this respect. At this moment in time therefore HDCMD is also not convinced that the site causes significant environmental harm which outweighs the principle policy objection for inappropriate development within the Green Belt.
- 5.2.12 Given the above assessment of the proposal against Green Belt Policy, HDCMD recognises that the removal of the bus depot use and associated activity and buildings from the site may be beneficial, however none of the arguments put forward in favour of residential development on the site are so special that they should outweigh the protection that must be afforded to the Green Belt in order to preserve openness and amenity. For this reason, the proposal does not comply with PPG2, Policy CO4 of the South East Plan 2009, Policy GB1 of the adopted Cherwell Local Plan or Policies GB1 and GB1a of the non-statutory Cherwell Local Plan 2001.
- 5.3 **Loss of an Employment Site**

- 5.3.1 Policy EMP5 of the non-statutory Cherwell Local Plan which builds upon the principles of PPS1, PPS6 and PPS7 in terms of achieving sustainable development in rural areas, sets out that the change of use or redevelopment of an existing employment site within or adjoining a village to a non-employment use will not be permitted unless i) there would be substantial and demonstrable planning benefit, or ii) the applicant demonstrates that every reasonable attempt has been made to secure suitable employment reuse.
- 5.3.2 As set out above under the Green Belt heading, HDCMD recognises that the existing Bus Depot use and associated activity may not be completely compatible with nearby residencies or the local road network, however there is little evidence or argument to suggest that the site causes substantial harm. The site has been used as a bus depot by Charlton Services for 52 years and as such appears to be an accepted business and activity within the village. The Parish Council, whilst content with the proposal for residential development, highlights the importance of retaining the bus service facility within the village. For these reasons, and for those set out under the Green Belt heading and the fact that the application submission does not strongly argue this point, as there appears to be no significant harm caused by the site HDCMD concludes that it cannot be argued that the proposal would result in substantial or demonstrable planning benefit particularly given the conclusions that it is contrary to Green Belt Policy.
- 5.3.3 The application submission does not include any information about whether or not the site has been marketed to secure suitable employment reuse.
- 5.3.4 Given the above remarks, HDCMD is not satisfied that the proposal to redevelop the site meets either of the criteria set out in Policy EMP5 of the non-statutory Cherwell Local Plan and as such it is contrary to this policy and the principles of PPS1, PPS6 and PPS7.
- 5.4 **Affordable Housing**
- 5.4.1 The original proposal for the redevelopment of the site involved seven dwellings, in relation to which no affordable housing was offered despite the requirements of Policy H7 of the non-statutory Cherwell Local Plan which seeks 30% affordable housing for developments of six dwellings or more in rural areas. At this time discussions were had with the Council's Strategic Housing Officer and a Senior Planning Policy Officer who confirmed that there is a demand for further affordable housing in Charlton on Otmoor, however no over-riding need for market housing, and that any future options for growth for market housing would not be considered within the Green Belt. The original proposal was therefore considered to be contrary to PPS3 and Policy H7 of the non-statutory Cherwell Local Plan 2011.
- 5.4.2 Following a meeting with the Applicant's Agent, during which the Green Belt, loss of employment and Conservation Area issues were raised as concerns, the application was amended to a proposal for five dwellings in an attempt to address HDCMD's concerns relating to the impact of the proposal upon the Green Belt and the Conservation Area. The amended plan for five dwellings fell beneath the threshold for affordable housing and therefore did not conflict with Policy H7 of the non-statutory Cherwell Local Plan. The proposal for residential development however remained to be contrary to Green Belt Policy, being unacceptable in principle.

- 5.4.3 A further limb of Green Belt Policy is that which relates to affordable housing exception sites (Policy H6 of the adopted Cherwell Local Plan and Policy H8 of the non-statutory Cherwell Local Plan). The Local Plan advises that small scale affordable housing schemes in the Green Belt which meet a specific and identified local housing need may be granted planning permission providing that there are no other more suitable sites available within the built up limits of a settlement and providing that the proposal can viably meet the identified need and that secure arrangements can be made to restrict occupancy.
- 5.4.4 The proposal is contrary to Green Belt Policy. The provision of a small scale scheme purely for affordable housing may be considered appropriate subject to the criteria set out in Policy H8 of the Non-Statutory Cherwell Local which may then be considered by the HDCMD as the very special circumstances that override the principle objection. The agent has been advised of this position but has not amended the scheme as suggested (a proposal purely for affordable housing).
- 5.4.5 Setting the Green Belt objection to one side for a moment, the latest scheme for six dwellings exceeds the Council's threshold for securing 30% affordable housing. The applicant has offered one x two bed unit as affordable whilst the remaining five dwellings would be market housing. The affordable housing being offered therefore is only at around 16%. In order to comply with the Council's policy relating to affordable housing a further unit would need to be affordable; achieving just over 30%. The agent's argument that the Council's non-statutory Policy carries little weight is noted, however the thresholds for affordable housing were approved by the Executive and incorporated into the Council's Affordable Housing SPG and is in line with advice in PPS 3 'Housing' and therefore is an important consideration in the determination of the application..
- 5.4.6 However, regardless of the level of affordable housing being offered (which does not meet the Council's threshold in this case), referring back to paragraphs 5.2.2 and 5.2.3, housing development in the Green Belt is considered to be inappropriate development and furthermore, the proposal for one affordable dwelling amongst six cannot be considered to be a small scale affordable housing scheme as most dwellings would be market dwellings. Therefore despite the proposal for one affordable dwelling, the application remains contrary to Green Belt policy as set out above.

5.5 **Character and Appearance of Conservation Area**

- 5.5.1 The Charlton on Otmoor Conservation Area Appraisal 1996 describes the village as linear in form with Church Lane being the only side street of any age and a settlement of agricultural origins, centred around the church and rectory. Historically farms were located within the village where development was favoured on higher, drier ground, consequently the village is distinguished by its collection of farm buildings. The village is characterised by vernacular buildings of largely two storeys built of local limestone. The frontage is broken, containing detached properties and short terraces of cottages, or cottages and barns. The settlement has a very open aspect.
- 5.5.2 It is clear from maps of the village that historically houses were built along the street frontage. Plots are narrow and long and run away from the roads. This has

therefore given rise to ancillary buildings, such as barns, being set back into the plot. The result is that there are a limited number of barns-conversions, College Farm Cottages for example, which are sited back from the road. However it must be emphasised that these were not built as houses and their location is within the 'top-half' of the plot.

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

5.6 **Setting of Nearby Listed Buildings**

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

5.7 **Layout, Scale and Design**

- 5.7.1 The amended plans for six dwellings indicate changes to the elevational treatment in comparison to the original proposal. The proposal for seven dwellings which were arranged across the whole of the site included detailing which was a mix of agricultural and domestic styles on the same buildings which confused the intended character for the proposal. The scheme now under consideration has refined the appearance and design of the six dwellings, leaning more towards domestic styles and appearing as cottages which, subject to some minor design alterations, their detailing and the quality of materials, are largely respective of the local vernacular.

- 5.7.2 Furthermore, at a standard height for two storey cottage style properties, the dwellings appear to be of appropriate scale to their surroundings not to be prominent or overbearing.
- 5.7.3 The layout of the dwellings in relation to each other as a stand alone proposal is acceptable and respectful of residential amenity, however as referred to in earlier parts of this report, the layout of the development does not respect Green Belt Policy or the historic settlement pattern within the conservation area and therefore causes harm.
- 5.7.4 For these reasons, whilst the proposal may be considered appropriate in design terms and scale (height) thus according with Policy C28 and C30 of the adopted Cherwell local plan and Policy D6 of the non-statutory Cherwell Local Plan, it does not accord with Policy C27 of the adopted Cherwell Local Plan, Policy D3 of the non-statutory Cherwell Local Plan or Policy BE1 of the South East Plan 2009.

5.8 Neighbouring Amenity

- 5.8.1 With regard to the impact of the proposal upon neighbouring amenity, Members will recall raising objections to the impact of the proposal upon Watergrass Hill despite HDCMD's acceptance of the scheme in terms of its impact upon neighbouring amenity. Members will note from the agent's letter dated 03 August 2009 that amendments have been made to the positioning, design, fenestration and boundary treatments of the proposed dwellings in an attempt to address Members' concerns.
- 5.8.2 Furthermore, the dwellings, particularly those proposed on Plots 4, 5 and 6 would be set on higher ground in comparison to the surrounding sites. Despite this height, HDCMD does not consider that the dwellings would be overbearing to the residential amenity of Watergrass Hill given the distance that would exist between this and the proposed dwellings.
- 5.8.3 In terms of the impact of the proposal upon other neighbouring properties, whilst the proposed dwellings would be sited so as not to cause harm by way of being overbearing or overshadowing, the relationship of plot 1 with the existing neighbouring properties is of some concern. Highfield House to the north west of plot one has a first floor window which would directly overlook the garden area of this dwelling at a distance of just 5m from the shared boundary, however the planned patio area serving the dwelling would be partly protected by a single storey rear projection accommodating a garden room. Whilst the relationship between the two properties would not be ideal, HDCMD considers that as the overlooking relationship would affect a new property rather than one that exists, potential purchasers would have an opportunity to give consideration to this relationship before buying the property. For these reasons, HDCMD considers that the application proposal complies with Policy C30 of the adopted Cherwell Local Plan and Policy D6 of the non-statutory Cherwell Local Plan 2011.

5.9 Highway Safety

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

5.10 Archaeology

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

5.11 Contaminated Land

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

6. Recommendation

Refusal, for the following reasons:

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

dwelling amongst the six proposed would fail to meet the Council's threshold for securing affordable housing in rural areas, contrary to the Council's Affordable Housing SPG, PPS3: Housing, Policy H3 of the South East Plan 2009 and Policy H7 of the Non-Statutory Cherwell Local Plan 2011.

CONTACT OFFICER: Jane Dunkin

TELEPHONE NO: 01295 221815





PU/3559

3 August 2009

BY EMAIL

Mr J Bridgwater
Head of Development Control and Major Developments
Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxfordshire OX15 4AA

Dear Mr Bridgwater,

The Garage, Chalton-on-Otmoor - Application 08/02493/F

Further to our meeting and my email of 10 July 2009, please find attached for your consideration the revised drawings for the above.

The amended scheme now includes 6 dwellings, 4 x 2 bed, 1 x 3 bed and 1 x 4 bed. This has been achieved by providing 3 smaller 2 bed units (Plots 1-3) within the space previously occupied by the 2 larger 3 bed units (Plots 1 & 2). It also results in the development as a whole extending about 1m further into the site. The layout of the dwellings on Plots 4-6 (formerly 3-5) remains the same.

It is intended that the additional dwelling provided on Plot 1 will be an affordable dwelling in order to address one of the issues raised by Planning Committee at its meeting on 11 June 2009. As you are aware, National Planning Policy only requires provision for affordable housing to be made in respect of schemes for 15 dwellings and above, unless there is a locally based policy in place within an adopted statutory development plan. This is not the case within Cherwell which currently operates a non-statutory policy where provision on sites below 15 is based on negotiation. It is on this basis that the offer of one affordable dwelling is made in this case.

As stated in the application the main purpose of obtaining planning permission for the redevelopment of The Garage is to raise funds that would not otherwise be available on the commercial market to enable Charlton Services to relocate to a more suitable site and to renew its fleet of vehicles so that they will comply with increasingly onerous environmental legislation. In this way the business can be sustained for the future together with most of the existing jobs.

Although Charlton Services does not currently have a site in mind, ideally it would wish to relocate to leased premises in Bicester. Such decisions cannot obviously be made until planning permission has been obtained and a value for the site has been established.

Continued/ ...2

The John Phillips Planning Consultancy
Nikolas Lyzba Dip T.P Dip Cons. MRTPI
Peter Uzzell Dip T.P MRTPI
Adrian Gould Dip T.P MRTPI

As you will appreciate when negotiations concerning the development of this site were commenced in 2007, residential land values were at a historic peak. Since then, not only has the value of residential land plummeted but the original scheme for 7 dwellings has for planning reasons had to be reduced to 6, including one affordable, which will further depress the value of the site. Consequently, there is no scope for increasing the level of affordable housing further.

I will now turn to the second issue raised by Planning Committee, namely the relationship with the adjoining dwelling, Watergrass Hill.

I have visited the site again to remind myself of the present relationship between the bus depot and that property and the following features were in evidence:

- The whole of the SE elevation of the dwelling is masked by the Charlton Services maintenance building which is located only 1.2m away and has a window at ground floor level facing NW.
- The prefabricated mess room regularly used by staff is located on piers to the rear of the maintenance building some 2m from the boundary with Watergrass Hill and this has clear glazed windows which face NW and provide views directly over the private amenity space to the rear of the dwelling.
- The open yard area is elevated in relation to the rear garden of Watergrass Hill which increases the dominance of the large number of coaches parked there.

In order to improve the relationship between the proposed dwellings and Watergrass Hill and its garden the 2 bed dwellings on Plots 1-3 have been designed so that there are no windows at first floor to habitable rooms and the windows at that level serving the landings and bathrooms would be obscure glazed. Consequently, there would be no overlooking from the new dwellings.

The dwelling on Plot 6 is not located directly behind Watergrass Hill and there is also a distance of 26m between their respective front and rear elevations which is 5m more than is commonly regarded as acceptable in order to provide dwellings with an acceptable level of privacy and amenity.

In order to protect the existing hedges and shrubs along the boundary with Watergrass Hill and allow further space for planting the garage to the Plot 6 dwelling has been located slightly further from the boundary and the proposed close boarded fence has been located 1.5m from the boundary. The garage and fence will screen views at ground level into the garden of Watergrass Hill and will also mitigate the effects of activity within the access road although this is likely to be small compared to the movements of the large commercial vehicles that currently takes place

In my view the development as proposed, even if the above existing features were not in evidence would be entirely acceptable in amenity terms. However, comparing the present privacy and amenities of Watergrass Hill with that which would be the case following the implementation of the development it is clear that the occupants would benefit greatly. I therefore cannot understand why they would wish to oppose the development.

I trust that you will agree that the amendments made to the proposals meet the requirements of Planning Committee in full and that the application can now be approved.

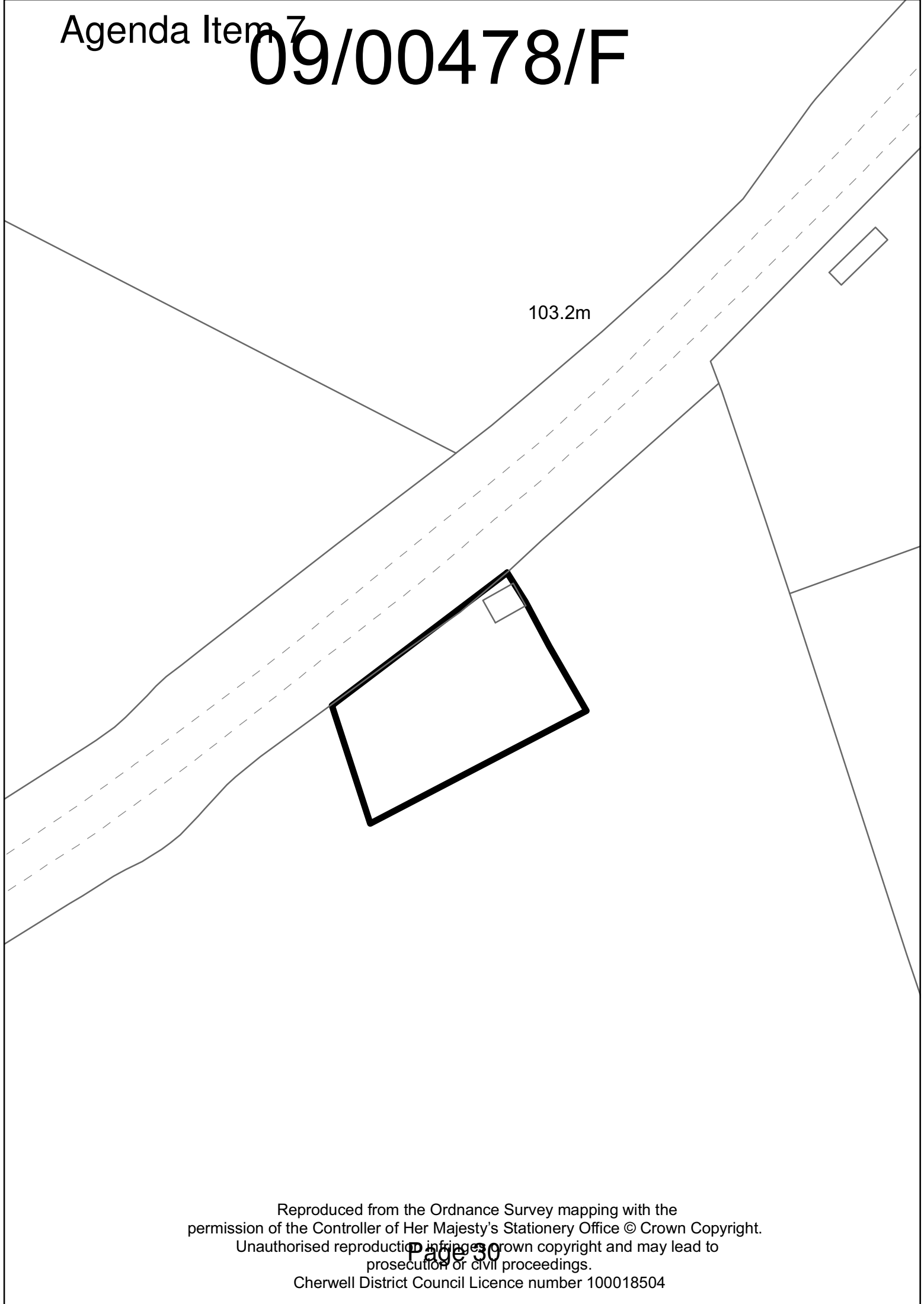
At our meeting you also offered to circulate a copy of the text of my letter to the Members and I would be grateful if you could do this when the application is again considered.

Yours sincerely,

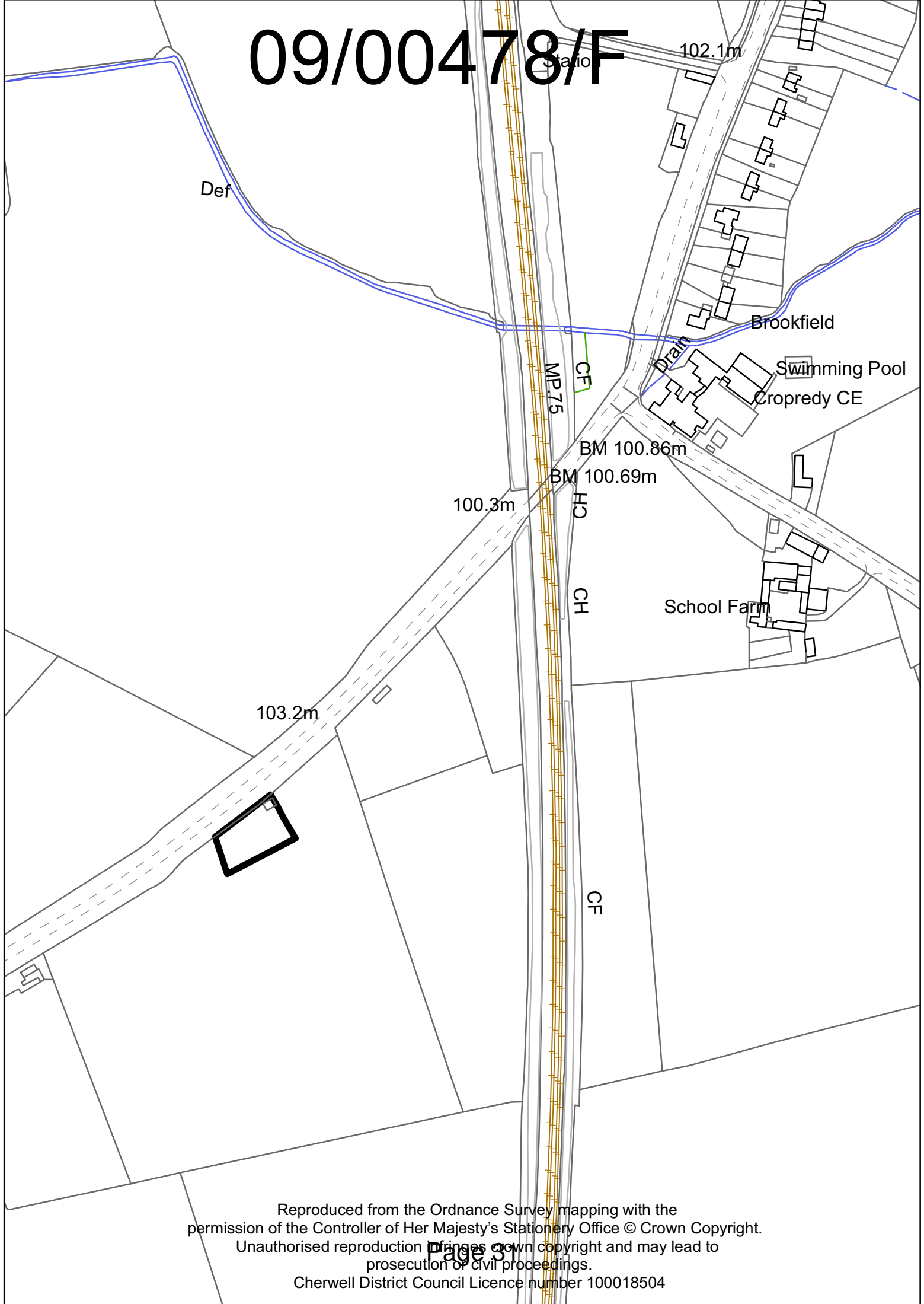
A handwritten signature in black ink, appearing to read 'Peter Uzzell', with a long horizontal flourish extending to the right.

Peter Uzzell DipTP MRTPI

c.c. Mr N Holder



09/00478/F



Application 09/00478/F	No:	Ward: Cropredy	Date Valid: 07 April 2009
Applicant:	Mr John Lapper		
Site Address:	OS Parcel 3873 North east of Hillside House, Street From Cropredy to Great Bourton, Cropredy		

Proposal: Area of hard standing, extension to existing open fronted barn and installation of below ground sewage tank (as amended by plans received 01/06/09).

1. Site Description and Proposal

1.1 The application site is a field located on the southern side of the road between Great Bourton and Cropredy. There is an existing sheep shed on the site which has recently been rebuilt with the benefit of planning permission, there is also a metal storage container, corrugated sheet huts and metal sheeting panels forming boundary enclosures. Hay bales have also been used to partially screen the site.

An area of hard standing has been created using rubble and a timber shed has been constructed on the site where the cess pool is to be installed. The agent has confirmed that a metal tank has been sunk into the ground but the applicant is intending to back fill this tank. The agent has also confirmed that the shed was constructed on a temporary basis and is going to be removed.

1.2 The original submission was advertised with the following description; 'The formation of 5 no. Touring Caravan pitches with associated road access across the site and foul waste disposal point. Erection of timber post and rail fencing to separate caravan pitches from paddock area. Erection of corrugated metal sheet fence as security screen to cow shed. Siting of secure storage container.'

However the description of the development and the proposed plans were amended, as set out in the 'Proposal' above, due to the fact that some elements of the proposal do not require planning permission and other elements were unlikely to receive officer support. For example, the use of the site as a site for 5 caravans in accordance with the Caravan Sites and Control of development Act 1990 and the construction of boundaries less than 2 metres in height do not require planning permission. Furthermore it was the officer's view that the retention of the metal storage container would not be supported and should therefore be removed from the description of development to allow the remaining proposals to be considered and the application determined.

The points for consideration are the area of hard standing, extension to existing open fronted barn and installation of below ground sewage tank. The latter requires planning permission as it is considered to be an engineering operation.

2. Application Publicity

2.1 The application was advertised by way of site notice and press notice. The final date for comment was 9 July 2009.

2.2 44 letters/emails of objection have been received. Comments were received in relation to both the original submission and the revised proposal and some

residents have written in on more than one occasion. All have been summarised despite the fact the siting of up to 5 caravans does not require planning permission. The reasons for objecting to the application are;

- The site and previously approved buildings have not been used for agricultural purposes and previous consents have not been properly implemented.
- The land and locality is prone to flooding. Drainage channels have been blocked due to the tipping of waste materials. This results in neighbouring fields flooding.
- The drainage of the site has been and remains to be important to the surrounding area
- The land which is affected by flooding currently brings in rent which funds a local mini bus – the work to the site will make this land less lettable
- It is likely that the site will be used for more than 5 caravans.
- The metal container and corrugated fencing adds to the eyesore of the site and is inappropriate for the rural setting. It is also difficult to screen the site from public views.
- Why is it necessary to have such a level of security fencing and container?
- A metal oil storage tank has been installed in place of the tank submitted as part of the application. This is likely to corrode and result in contamination of water courses.
- There are inaccuracies with the details on the application forms.
- No consultation was carried out with the local community prior to the submission of the application
- The applicant has not referred to the quantity of material already deposited on site to provide the hard standing.
- The proposal will have a detrimental effect on the landscape. The caravans will be clearly visible from the road and footpaths
- The use of the site as a caravan site may require some form of caretaking facility
- There are existing well established caravan sites within the neighbouring villages
- The site is accessed from a fast road, there may be potential for accidents when entering and exiting with caravans. Children walking to school may also be at risk.
- The increase in caravans through the villages will cause highway safety issues
- It is outside the development area for the villages and contrary to the Local Plan
- Allowing this development may set a precedent for future development or may lead to the residential development
- No proper sanitation facilities are available
- It would affect house prices
- The planning process is applied inconsistently.
- Increasing noise levels from the site is a concern
- The natural habitat and wildlife will be disturbed
- There is no sewerage system in place, no electrical supply and no water supply to this site.
- Cropredy is a Conservation village and the proposal has an impact on this village as much as it does the Bourtons
- The proposed amendments do nothing to improve the application

- The use of a sewage tank would mean regular visits from a tanker, through the villages
- The increase in the hard standing and the extension to the cow shed will worsen the potential for flooding

3. Consultations

3.1 The Bourtons Parish Council objected to the original proposal as the development is totally inappropriate in a rural location. The plans outlined and the filling of the ridge and furrow will severely impact upon the drainage of the area. At times of heavy rain this will only add to the problems of flooding by the school in Cropredy and the positioning of a cesspit adjacent to the ditch may lead to contamination of this flood water. The environmental impact is horrendous.

Further to the Bourtons Parish Council's initial objections a further letter was received expanding on some of the points previously made. They state, in summary, that;

- There are sufficient local caravan sites in more appropriate locations in the vicinity to meet the needs of touring caravans
- The proposed site is in open countryside isolated from the community
- Visitors are likely to use their cars to access local facilities or walk the long distance along a classified road with no footpath
- Most caravan licensing bodies would consider this an unsuitable site as it does not have someone living there 24 hours a day. A further application for this is likely to follow
- As this site is not adjacent to either village there is more of a security risk and there may be future need for security lights etc
- The site cannot be adequately screened. It will be visible from roads, residential properties and footpaths
- It will be visually intrusive in an otherwise unspoiled part of the Cherwell Valley and Area of High Landscape Value
- The site was a paddock with ridge and furrows, these have been filled in
- The site in its natural state floods, making it inappropriate for a caravan site
- The use of shipping containers, metal fencing and builders rubble are inappropriate in this rural landscape
- There may be plans for further building on the site
- The applicant had other storage buildings on the site prior to it being subdivided
- Consents for previous buildings were based on their need for agriculture yet no agriculture is apparent
- The re-built cattle shed appears to be of a habitable standard and has to be accessed through the proposed caravan site
- There are inaccuracies with the application forms
- There are continually caravans on the site despite no consent for them
- It is believed the applicant wishes to live on the site. A letter box has been installed on the entrance.
- If this application is approved we have to consider what may follow

The Parish Council requests that the permitted development rights of the land be removed as the applicant has shown little respect for planning law, planning authorities, the environment, his neighbours or local opinion. It is requested that the

application be turned down, inappropriate development removed and permitted development rights removed.

In response to the amended plans the Parish Council has made the following additional comments;

- Whilst the 5 caravan site constitutes permitted development it cannot go ahead without the cess pit therefore this should be refused to ensure that the site does not become a caravan site, as it is inappropriate in an Area of High Landscape Value
- We echo the Environment Agency's objections
- The plan does not show the ditches and we recommend that Brian Cannon's plans regarding the drainage are carefully considered. This is not a suitable site for a cess pit
- The cess pit being used is not fit for purpose
- The amount of hard standing has not been reduced
- Pleased to see removal of container from the plans but query why the applicant required additional storage

3.2 The Environment Agency previously objected to the proposal as it involved the use of non-mains foul drainage system which poses an unacceptable risk of pollution to below ground and surface waters. Inadequate justification was provided for this method and it was identified that there was a public sewer network within close proximity to the site. There was no demonstration that other methods of disposal had been investigated and ruled out. However following further correspondence the EA withdrew their objections as Thames Water will not accept a discharge from this site direct to the public sewer.

3.3 Oxfordshire County Council's Rights of Way Officer states that the footpath will not be directly affected by the siting of the caravans and associated infrastructure.

3.4 The Local Highway Authority has some concerns in relation to the access and the visibility and the fact that there is no footway leading to the site. In response to the amended plans the LHA recognised the fact that the use of the site for up to 5 caravans under the Exemption Certificate did not require planning permission but reiterated that the hard standing did require consent. It is suggested that the caravan club will not usually allow a site if there is any concern about the safety of the site and there is no recognition of being directly consulted on the matter.

The LHA requests the use of a condition relating to the approval of access details, if it is considered appropriate. Such details should include the finished levels of the access, as raising the levels a small degree will enable drivers to see further and improve radii.

4. Relevant Planning Policies

4.1 Adopted Cherwell Local Plan

AG2 – Farm buildings and associated structures requiring planning permission... should normally be sited so that they do not intrude into the landscape or into residential areas.

C7 – Development will nor normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

C13 – In Areas of High Landscape Value the Council will seek to conserve and enhance the environment.

C28 – Control will be exercised over all new development...to ensure that the standards of layout, design and external appearance...are sympathetic to the character of the urban or rural context of that development.

4.2 **South East Plan**

C4 – Landscape and Countryside Management

NRM2 – Water Quality

4.3 **PPS7 – Sustainable Development in Rural Areas**

5. Appraisal

5.1 The main considerations when assessing the acceptability of the lean-to extension, cess pool and hard standing are the visual impact of the proposal, its impact on neighbouring properties/land owners, impact on highway safety and potential contamination issues relating specifically to the installation of the cess pool.

5.2 Extension to cow shed

The applicant has been made aware of the fact that the metal storage container that is currently on the site and formed part of the original proposal would not be an acceptable structure in the open countryside. Furthermore from internal inspections it appeared that it was being used for a combination of both agricultural equipment storage and domestic storage. The applicant was advised that the site should not be being used for any form of domestic storage. The applicant amended the application to include a lean-to extension to the existing cow shed, to enable him to relocate the agricultural equipment.

The extension to the cow shed is to have the same depth and eaves height as the cow shed but be of a flat roof construction. It is proposed to have a corrugated metal roof and timber feather edged boarding walls. The visual impact of this building will be minimal as it would be largely screened behind the existing hedgerow. It is not considered that this will cause harm to the landscape character and therefore complies with Policy AG2, C7, C13 and C28 of the Local Plan and Policy C4 of the South East Plan. Furthermore it will help to secure the removal of the existing metal container from the site as the applicant will have an alternative location to store agricultural equipment.

The extension to the building will not cause harm to neighbouring landowners and there are no residential properties in close proximity to the site. The extension is unlikely to result in additional traffic movements over and above what already exists therefore this element is unlikely to result in any additional harm to highway safety.

5.3 Installation of Under Ground Storage Container

The cess pool is proposed as part of this application is produced by Kingspan. Their underground storage tanks are designed to collect and retain substances like sewage, surface water and animal waste and are constructed from non-corrosive materials. This requires planning permission as it is considered to be an engineering operation. It is required to serve the five caravan pitches that the

applicant is seeking an Exemption Licence for. This change of use does not require planning permission. As this tank is to be installed below ground level it will not have a visual impact on the site or the surrounding area.

Concerns have been expressed regarding the adequateness of such a facility and indeed the fact that a metal tank has previously been installed to serve the same purpose. The applicant understands that the metal container will not be an appropriate means of collecting sewage and intends to back fill the existing metal underground container to prevent its use, this can be conditioned as part of an approval. The Environment Agency has considered the use of the Kingspan tank and given that Thames Water is unable to agree to a new connection to the main sewer they have removed their objections to the proposal. It is also understood that the Camping and Caravanning Club closely inspect proposed sites prior due issuing a licence and during its operation, to ensure it meets their own standards.

It is also worth noting a 2005 appeal decision relating to the installation of a chemical disposal tank in association with a certified touring caravan site within Malvern Hills District Council. Similar concerns were raised and the inspector considered the main issue was whether the chemical toilet waste would be likely to escape from the tank and pollute the local environment. The Inspector concluded for a number of reasons, relating to the level of use, the type of use by an exempted organisation, the advice received from the Environment Agency, and the massive level of spill that would be required to result in waste liquid entering a watercourse, that the risk of causing significant harm to the environment was minimal and the appeal was allowed subject to a number of conditions.

Based on the information provided above it is not considered that the tank would cause sufficient harm to warrant its refusal. If approved, conditions can be imposed to restrict its capacity, ensure the tank is only installed following the confirmation from the Camping and Caravanning Club of their intention to issue a certificate and to require the installation of a warning system when the tank needs emptying.

5.4 Laying of Hard Standing

The area of hard standing requires planning permission as it is required in connection with the provision of a certified touring caravan site. If the hard standing was not required for this reason but was retained in connection with agricultural purposes, consent is still required as it is within 25 metres of a classified road.

The main consideration when assessing the area of hard standing is its visual impact and its impact on flooding and surface water run-off. For clarification purposes it is worth noting that the site does not fall within a classified flood zone area, and there is no statutory requirement to consult the Environment Agency with regard to the formation of hard standing. However in this instance the Environment Agency have had sight of the application and have only commented on the cess pool and not the hard standing. It is apparent that areas of hard standing have been laid prior to planning permission being granted. It would appear that these areas are made up of coarse rubble which is considered to be a permeable surface and unlikely to result in a demonstrable increase in flooding in the area.

A local resident has provided a sketch plan and written explanation of how the field and the surrounding ditches operated in terms of land drainage and suggests that the works carried out and proposed by the applicant will prevent flood water from draining away from the adjacent field. In the same letter there is acknowledgement

that the existing drain system is not adequate at times of heavy rainfall and that this previously has caused no harm.

Whilst the hard standing may not have been laid to the highest standard it has been improved since earlier visits to the site. There are piles of building material on site which detract from the overall appearance of the hard standing but on the whole the hard standing is informal in nature and appearance and merges into the field beyond it. When considered solely on its own it is not considered that the hard standing causes such demonstrable harm to the character of the rural landscape that it would justify a refusal.

5.5 Other issues relating to the site

The number and nature of letters and emails received in relation to this application is acknowledged. It is clear that the site has been and remains to be poorly kept and Enforcement Officers have been making regular visits to the site. To date and whilst this application has been with the Council, there have been no breaches of planning legislation that have been so great as to warrant taking Enforcement Action or serving a Stop Notice. This application originally sought consent to regularise any development that did not benefit from planning consent. However due to the inappropriateness of some of the elements it was amended in order to seek consent for those elements that may be more acceptable, namely those included as part of the current proposal. By having an application before the Council to determine it provides an opportunity to either regularise any appropriate development with conditions for removal of the unauthorised buildings or refuse the proposal. Both of which will be formal determinations which can if necessary lead to enforcement action, where it is appropriate, or an appeal lodged by the applicant.

As the metal storage container is being used for purposes other than agricultural storage it requires planning consent but is considered to be inappropriate development. The construction of a boundary, less than 2 metres in height, does not require planning permission. However as the metal fencing on site is considered to relate to the other development of the site it can be assessed and in this instance it is not considered to be appropriate. The siting/storage of piles of builders rubble, if not directly related to other authorised work taking place on the site, constitutes a change of use and is inappropriate in this instance. Therefore it is intended that any approval includes conditions to require the removal of elements not to be included on an enforcement notice. It is also possible to remove the appropriate permitted development rights.

It is noted that the applicant has received conditional consent for the demolition and rebuild of the cow shed and the construction of the access. These issues have been investigated and further information is sought. However, in relation to the cow shed it has been determined that it would not be expedient to take enforcement action against the breaches as the building, although of different dimensions, has a similar footprint to the approved plans and the materials used are not harmful to the character of the area.

A number of comments have also been made in relation to the use of the land and building on the adjoining site to the east which was once in the applicant's ownership. The Council's Enforcement team is aware of the issues and is continuing to monitor the site. This however should have no direct bearing on the consideration of this application.

5.6 Conclusion

Given the above assessment it is considered that the extension to the cow shed, the installation of the cess pool and laying of hard standing does not cause demonstrable harm. The creation of the lean-to extension will provide the applicant with the security that the metal container currently provides and assist in improving the overall appearance of the site. It is the siting of and use of the metal storage container (for purposes other than agriculture), the construction of metal fencing and the siting of piles of builders waste that add to the poor appearance of the site.

It is therefore considered that the extension, cess pool and hard standing can be recommended for approval, the inappropriate metal fence enclosure removed by condition and the other elements enforced against.

The Head of Legal and Democratic Services has been instructed to serve an enforcement notice to secure the removal of any unauthorised non-agricultural storage on the site. This includes items such as the metal storage container, caravans and builders waste material.

This application was brought to Committee at the request of the local Member.

6. Recommendation

Approval subject to;

1. SC 1.4A Full permission: Duration Limit (3 years) (RC2)
2. SC 2.2AA Samples of Walling Material (RC4A) 'timber boarding' 'extension to the barn'
3. SC 2.2BB Samples of Roofing Materials (RC4A) 'corrugated tin roof' 'extension to the barn'
4. SC 6.19AA Restriction to Agriculture (RC64AA) Delete 'development' Insert 'extension to the barn'
5. That at the expiration of 3 months from the date hereof the corrugated metal sheeting forming the boundary within the site shall be removed from the site. Reason: The metal sheeting, because of its design and siting, is not suitable for permanent retention and to comply with policy C4 of the South east Plan 2009 and Policy C7, C13 and C28 of the adopted Cherwell Local Plan.
6. That, with the exception of timber post and rail fencing to match that existing on the southern boundary site as identified on the site block plan received on 1 June 2009, notwithstanding the provision of Class A of Part 2, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within or around the site without the prior express planning consent of the Local Planning Authority. Reason: In order to retain the open character of the countryside and preserve
7. The underground storage tank shall be installed in accordance with the Kingspan manufacturers details as submitted as part of the application and of a capacity to be first agreed in writing by the Local Planning Authority. There shall be no outlet from

the tank to the ground or any watercourse. Reason: To ensure that the disposal point is appropriately designed, and that the cess pool is water tight in the interests of preserving the environment and to comply with NRM2 of the South east Plan.

8. The underground storage tank shall not be installed until full details of the chemical toilet disposal point leading to the tank inlet, and details of a high level alarm designed to provide a timely visible indication of the impending need to empty the tank, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Reason: To ensure that the disposal point is appropriately designed, and that the cess pool is water tight and fitted with an appropriate high level warning system to indicate when it needs emptying in the interests of preserving the environment and to comply with NRM2 of the South east Plan.
9. The underground storage tank shall not be installed until a letter from an exempted organisation confirming their intent to issue a certificate for the site under paragraph 5 of Schedule 1 of the Caravan Sites and Control of development Act 1960 has been obtained and submitted to the local planning authority. Reason: To ensure that the cess pool is not installed unless it is necessary for the purposes of using the site for exempted organisations, in the interests of preserving the environment and to comply with NRM2 of the South east Plan.
10. The high level alarm approved under condition 8 above shall be made operational before the tank is first brought into use. Thereafter it shall be retained in full working order for so long as the tank remains in use. Reason: To ensure that the disposal point is appropriately designed and fitted with an appropriate high level warning system to indicate when it needs emptying in the interests of preserving the environment and to comply with NRM2 of the South east Plan.
11. Within 3 months of the date hereof the metal oil tank already installed below ground shall be either removed from the ground or filled with a material to be first agreed in writing by the local planning authority. Reason: In the interests of preserving the environment and to comply with NRM2 of the South east Plan.

Recommended 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 consideration indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal does not cause demonstrable harm to the character of the rural landscape, an Area of High landscape Value, residential amenity, water quality or highway safety. As such the proposal is in accordance with Policies C4 and NRM2 of the South east Plan 2009 and Policies AG2, C7, C13 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 and planning permission granted subject to the appropriate conditions, as set out above.

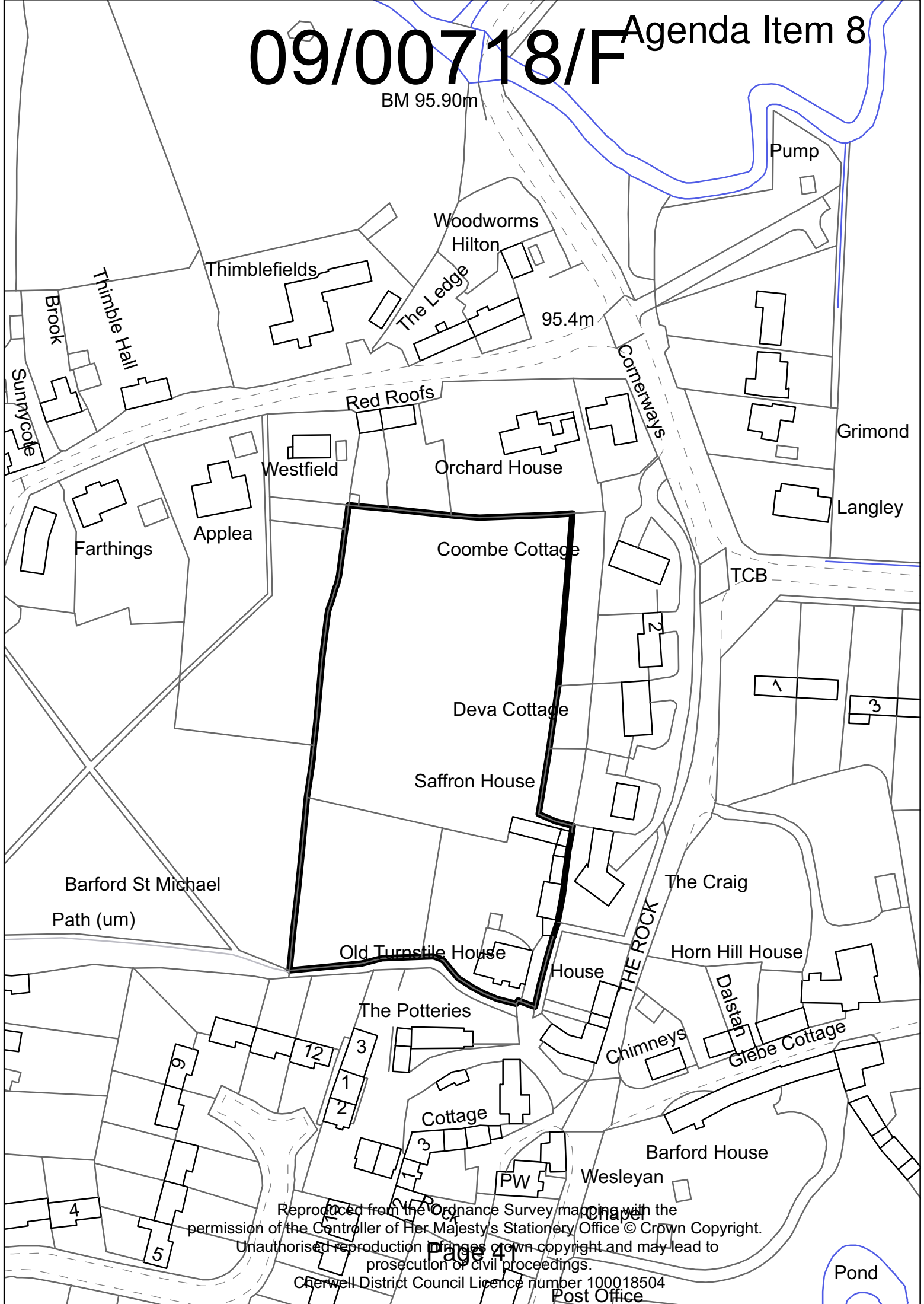
CONTACT OFFICER: Caroline Roche

TELEPHONE NO: 01295 221816

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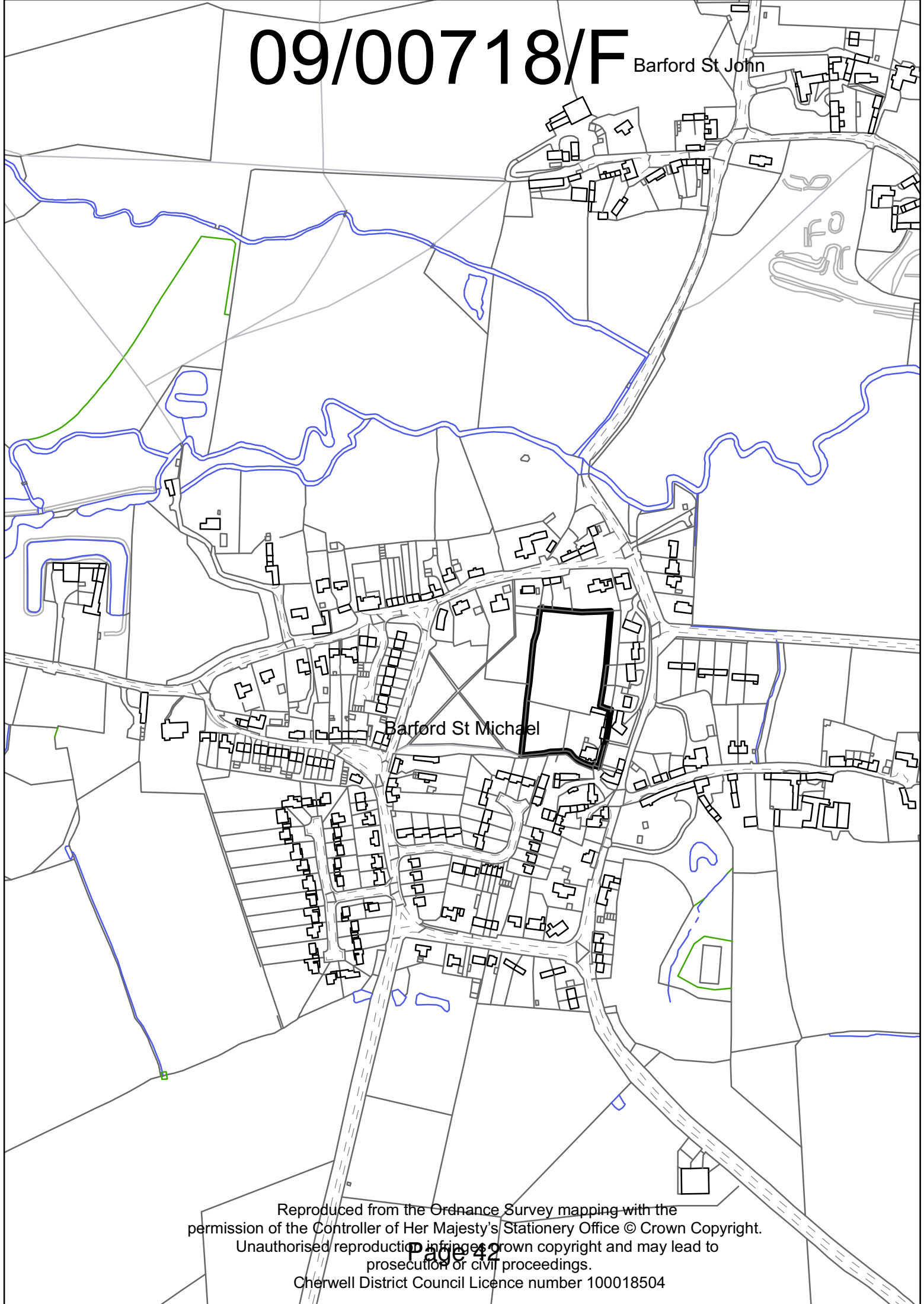
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Barford St John



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Application 09/00718/F	No:	Ward: Barford St John and St Michael	Date 29/06/2009	Valid:
Applicant:	Mr. Jonathon Hindle			
Site Address:	The Old Turnstile, High Street, Barford St Michael			

Proposal: Construction of tennis court with enclosure

1. Site Description and Proposal

1.1 The Old Turnstile is a Grade 2 listed ironstone property located within the centre of the village of Barford St Michael. The site is within the conservation area. To the north of the property is a large former paddock area, which has been granted consent to be used as residential curtilage of The Old Turnstile. At the current time, this paddock is very open with few trees and no objects or other structures. The rear of several neighbouring properties back onto the open paddock area. A small area of the paddock has been granted consent to be included within the gardens of the properties backing onto the Paddock. A large hedge forms the boundary with the site to the west, however to the north and east, the boundaries are fairly sparse. To the south, a public footpath runs between the rear of the gardens on Robins Close and the grounds of The Old Turnstile and a low stone wall forms this boundary.

1.2 This application seeks consent for a tennis court, to be vertically aligned to the western side of the paddock close to the western boundary. Landscaping is shown on the submitted plans. A 3 meter chain link fence is proposed to be the boundary for the tennis court, with one side lowered. The applicant has submitted further information stating that no flood lighting is proposed, the tennis court surface would be constructed in an open textured macadam for both the base course and surface wearing course. These are to be laid on a free draining stone mattress. Indigenous and deciduous planting will be introduced to ensure adequate screening.

1.3 The most relevant history to this application is set out below:

Application 05/01888/F which granted consent for a change of use from paddock to domestic use. This application was for a small strip of land to the north and west of the paddock to be used within the gardens of the properties backing onto the paddock; this was subject to conditions restricting development on the land.

Application 07/02125/F refused consent for a tennis court with enclosure. This application was refused due to the resulting harm to the visual amenity of the area due to the engineering works required and the erosion of the open paddock. It was considered to neither preserve nor enhance the character and appearance of the conservation area or the setting of the adjacent listed building. The second reason for refusal was the adverse affect that would result to the living amenities of the neighbouring properties 3 and 4 Rock Close by unacceptable levels of nuisance and disturbance resulting from its proximity to their boundaries and habitable rooms.

The tennis court was to be positioned horizontally to the south east of the paddock, close to the boundaries with the neighbouring properties.

Application 07/02226/F granted consent for a change of use of the paddock to garden. This application granted consent for the whole of the paddock area to be used as garden; however, it was subject to conditions that no structures, objects or pools shall be constructed or hard surfaces laid on the land without the consent of the Local Planning Authority. Furthermore, that no gate, fence, wall or other means of enclosure be erected without the consent of the Local Planning Authority.

Application 08/02484/F refused consent for a tennis court with enclosure for the reason: The proposed tennis court by virtue of its associated hard standing and fencing and its siting within an undeveloped former paddock area, which is highly visible from the public domain and which contributes significantly to the character and the appearance of the conservation area and the setting of the nearby listed building, would detrimentally detract from the rural and open character of its surroundings and would be visually prominent thus causing harm to visual amenity and neither preserving or enhancing the character and appearance of the conservation area or the setting of the adjacent listed building.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and neighbour letter. The final date for comment was 30/07/2009.
- 2.2 37 letters of objection have been received (several were a standard letter signed by several individuals). The following Issues were raised:
- Application would markedly reduce the amenity of the village
 - Cause significant damage to the conservation area
 - Third positioning of tennis court is not significantly different to the previous two refused – the LPA has no reason to change its previous view – by impact on Conservation area and neighbouring amenity
 - Paddock has continually for hundreds of years been a tranquil green rural space in the heart of the village. Conservation area status means preserving these qualities – stringent conditions attached to the change of use application
 - Significant contribution to the green space of the village
 - Size of court diminishes area of paddock by approximately one third
 - Tennis court would involve leveling of the land and a tall chain link fence – severely damaging the appearance of the place from any view and could lead to drainage problems
 - Applicant's are under no obligation to plant an arboretum and in any case, the planting would take many years to provide a screen – no trees in the centre of the site will still allow views from neighbouring properties on the east side
 - From the perspective of the north and south (including the public right of way), screening would take a long time to establish and the steepness of the slope would impact
 - Damage to the public footpath will be serious
 - Any screen of trees would have to be deciduous to be character, which would have no screening value in the winter, when the chain linked fencing would be clearly visible from the row of houses and gardens in Lower Street

- If court is floodlit this will have a further impact
- Issue of noise and disturbance to neighbouring properties – an arboretum would be peaceful, which is why neighbours did not object to the change of use of garden land. The exceptional peace of this part of the village is of immense importance to the quality of life of villagers.
- Noise of tennis balls, distractions of rapid movements, people calling and shouting, and potentially lights and observers – seems an electricity line has been installed.
- More the court is used, the more noise, nuisance and disturbance.
- Potentially heavy use.
- Matter of law and common sense that the proposal significantly damages the amenity of the conservation area.
- Environmental damage would be caused to species that use the paddock including that the fencing would bar their route.
- Hazel hurdle fence is unsuitable for the conservation area. Fencing in an extensively used public footpath.
- Footpath has a view downhill and across the fields to the hills opposite, historically important and used by many individuals
- Existing curved wall is beautiful and ancient that forms an ensemble with the house. Erection of hazel hurdle fencing would eliminate much of this beauty. Effect on wider amenity of the footpath itself.
- Visual barrier around 2.2m, downhill side of the footpath to which the eyes of passers by naturally turn. Fences on the south side are just a small section and uphill and lower than the applicant's hurdles.
- Erection of fence would have an immediate and real loss of public amenity to the people who use the footpath.
- Safety issues with erection of new fence enclosing this space.
- Applicant's wish for privacy is understandable but this should be done with planting rather than harming the amenity of the public footpath.
- Development will not preserve or enhance the conservation area
- Tennis court is not sympathetic, sensitive or harmonizing with its neighbours
- Tennis court impacts on the setting of the listed building.
- Previously delegated report suggested 7-8 years would be required for sufficient screening
- Insufficient detail of tennis court construction material provided
- Significant leveling would be required neither enhancing nor preserving the conservation area.
- Hazel hurdle fencing would not provide an effective screen from the properties bounding the site
- Guidance of council inconsistent with the conditions imposed on application to change part of the land to garden land of some of the neighbouring properties.
- When planning permission was granted for the change of use, one condition was that a tennis court could not be built. By not appealing the imposition of this condition, the applicant has accepted the conditions under which change of use was granted.
- No grounds for this application to be approved given the previous refusals and could open the flood gates to further applications.
- Erection of fence will create an urban walkway and destroy the character of the path.
- Chain link fencing clearly visible from neighbours in Lower Street

3. Consultations

- 3.1
- Barford St Michael and St John Parish Council object to the application due to the harm caused to the visual amenities of the area and that it will not preserve or enhance the character or appearance of the conservation area or the setting of the listed building. Object to the hurdle fence as it would be out of character with the area. Fence would have an impact on the amenity of the footpath, blocking views and creating an unpleasant character. Possible drainage problems, Noise and disturbance to neighbouring properties, possibility of flood lights in the future.
 - OCC Highways – No Objection
 - Cherwell District Council (Conservation) requests the proposal is amended and makes the following comments: Tennis court fencing is inappropriate in the setting of a listed building, court will be visible from the public domain, Lighting should not be permitted, proposed fence along boundary wall would produce an unpleasant tunnel like effect north of the properties on Robins Close, siting of this fence will cause damp and encourage water egress. Fence should be installed behind the wall and should not rise to more than 2m in height to prevent obscuring the openness of the conservation area.
 - Cherwell District Council (Contaminated Land) raises no objection but requests a planning note.
 - Oxfordshire County Council (Archaeology) raises no objection but requests a planning note.
 - Cherwell District Council (Arboricultural Officer) requests further information.

4. Relevant Planning Policies

- 4.1 PPG15: Planning and the Historic Environment
The South East Plan: Policies BE1 and BE6
Adopted Cherwell Local Plan 1996 – Saved Policies C28 and C30
Non Statutory Cherwell Local Plan Policies EN1, EN39, EN40

5. Appraisal

- 5.1 The key issues are;
Impact on visual amenity
Impact on the character and appearance of the conservation area
Impact on the setting of the listed building
Impact on neighbouring amenity
Impact on highway safety
- 5.2 Visual Amenity
The former paddock area is currently open and views can be achieved across the site from the public right of way to the south and the rear of properties that back on to the site. Land to the west is public open space but the existing hedge limits views in to the site. The development of a tennis court as proposed, whilst the former paddock is in its current open state, could appear incongruous. However, following

the previous refusals the tennis court has been relocated to maximize the distance from the neighboring properties and proposals for extensive planting (which do not need planning permission following the permission for use of the land as domestic curtilage) have been provided. Once planting has been established views of the proposed tennis court would be restricted and it would be seen in the context of the domestic curtilage. In this context the proposed tennis court it is not considered that it would have a detrimental impact on visual amenity. Whilst it is recognized that it would take a number of years for landscape planting to mature sufficiently to screen the proposed court completely it is not considered to be so prominently sited as to merit refusal for this reason alone. Discussions have taken place with the applicants to seek advance planting but given the works required to construct the tennis court they have advised it is not practical to carry out the proposed planting in advance.

5.3 Character of the Conservation Area

The site lies within the Barford St Michael Conservation Area and therefore it is necessary to consider the character of this part of the Conservation Area and whether the proposal will preserve or enhance the character and appearance of the area. This area of land is an important part of the Conservation Area, however the Council has accepted that this land is now residential curtilage through a change of use application and therefore the character of the area will be changed by this. Further changes can also be made by the planting of vegetation and trees which would not need planning permission. The tennis court will have an impact on the character and appearance of the area as it exists at the present time but this character will change as a result of the change of use to garden. As set out above once landscaping is established the proposed tennis court would, in the view of the Head of Development Control and Major Developments, not adversely impact on the Conservation Area. The impact of the proposed tennis court whilst landscaping matures is not as damaging to the area as the formerly proposed tennis courts and given that its impact will be mitigated as landscaping matures is not considered so harmful as to justify refusal of the application.

5.4 Impact on the Setting of the Listed Building

The proposed tennis court is situated in the former paddock approximately beyond the residential curtilage that would have existed at the time the building was listed. The proposed tennis court is therefore approximately 60 meters from the building itself. The land will require some leveling in order to accommodate the tennis court, which will be at a lower level than the public right of way, however will be at a higher level than the neighbouring properties. A sectional drawing has been requested to provide further information, which is anticipated prior to the Committee meeting. The chain link fencing is fairly tall at 3m. However the change of use of the paddock to garden will to some extent change the wider setting of the listed building and with landscaping mitigation the tennis court is not considered to have a detrimental impact on the setting of the building.

5.5 Impact on Neighbour Amenity

With regard to neighbour amenity, the proposed tennis court is situated as far away from any neighbouring properties as is possible. The court is to be used ancillary to the dwelling and a condition has been recommended to ensure this remains. Given the current permitted use of the land as domestic garden the proposed use of the

court, given its location and distance from properties is not considered likely to adversely affect the amenities of the neighbouring properties.

5.6 Highway Safety

No highway safety issues arise from the proposed tennis court and the Local Highway Authority raise no objections.

5.7 Other Considerations

The land has been approved as residential curtilage as described above, with a condition restricting permitted development rights. This condition does not imply that no development at all would be acceptable, just that the LPA required control over development to ensure the amenities of the area were not adversely affected. In supporting this application the Council is not making a decision against previous decisions, but rather it has been demonstrated this court is on balance more appropriately located given that it is tucked into the side of the site away from any neighbouring properties and the impact can be mitigated through landscaping proposed.

5.8 The hazel hurdle fencing, which was previously proposed on the southern boundary for screening would have an adverse impact on the footpath and would enclose the public right of way, which may discourage pedestrians from using it. This element has been removed from the application and therefore this application seeks consent solely for the tennis court, the enclosure surrounding it and the ground works required to construct the court. This also addresses the Conservation Officer's comments.

5.9 Some question is raised over the accuracy of the plans, which is currently being addressed and clarification of which will be provided at the Committee meeting. A condition has been attached to ensure that details of all protective measures for the trees on the western elevation will be submitted to and approved in writing prior to the commencement of development.

5.10 The comments of the neighbouring properties are noted and the concerns raised regarding the impact on the conservation area have been addressed within this report. The comments regarding the hazel hurdle fencing are addressed by this element having been removed from the proposal. As explained previously the Head of Development Control and Major Developments does not consider that the approval of this application goes against previous decisions as the court is positioned differently and is the most appropriate location on the site for a tennis court. Additionally, the impact on neighbouring amenity is limited by the fact that it is set away from the boundaries with neighbouring properties and will only be used in association with the dwelling. Any complaints by noise and disturbance can also be addressed by the Council's Anti social behaviour team if necessary. The loss of a private view is not a planning matter and therefore cannot be considered as part of this planning application. The view from the public domain and conservation area is relevant however as previously explained; the impact can be appropriately mitigated. A condition is recommended to ensure a full and appropriate landscaping

scheme is installed, which is appropriate, this must be adhered to, otherwise the Council can consider taking further action. No flood lighting is proposed within this application and any such lighting would require planning permission as a condition has been attached to restrict this. The comments regarding species are noted, however the Council has no records of notable species and therefore it is not reasonable to ask for surveys regarding this matter. The approval of this application does not prejudice any subsequent applications which would require planning permission and would be fully assessed at that stage. The court is to be constructed from an open textured tarmacadam, to allow drainage through.

6. Recommendation

Approval, subject to:

The receipt of a satisfactory plan showing the sections of the tennis court that is considered acceptable by the Local Planning Authority

Conditions

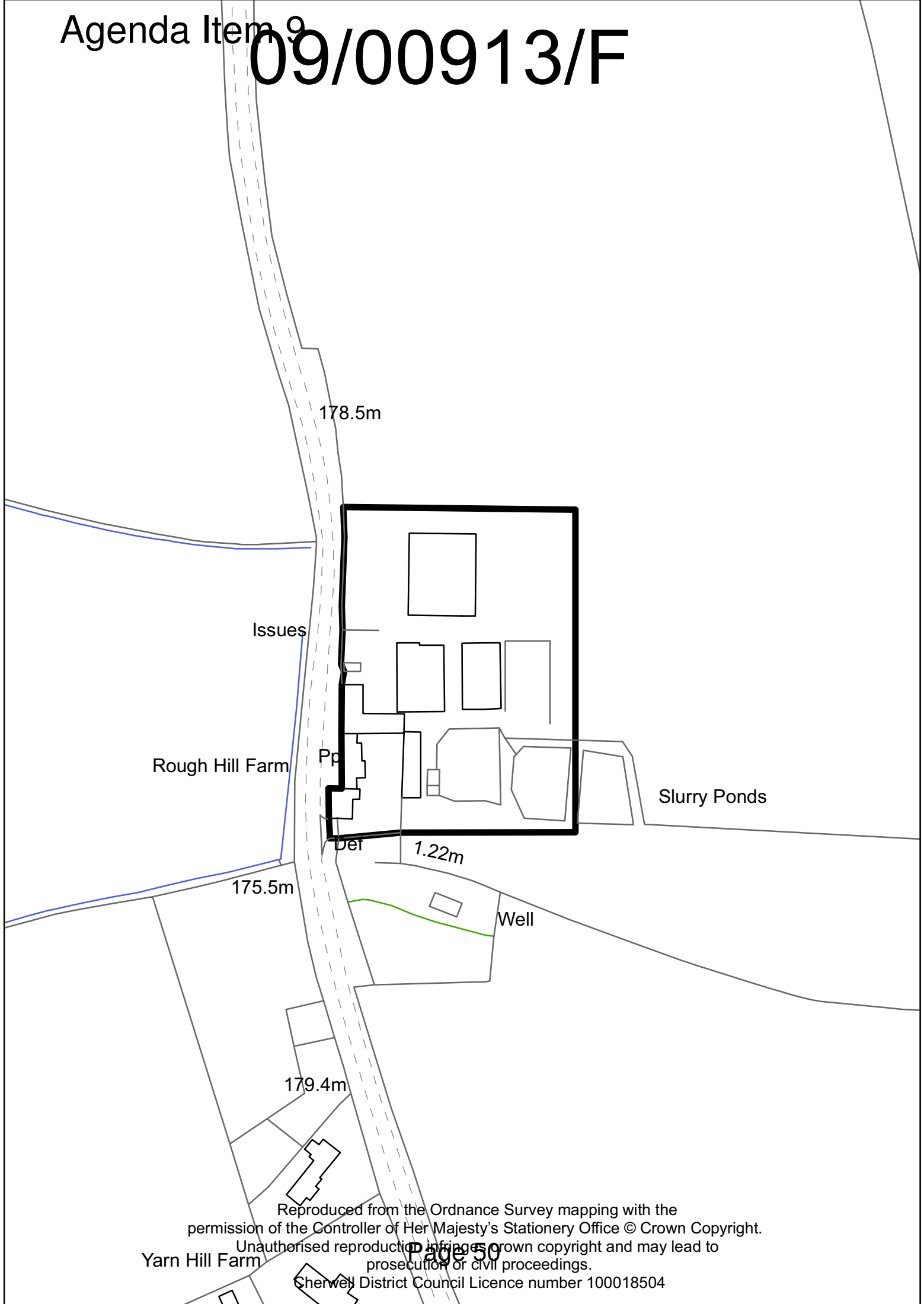
1. 1.4A (RC2) [Full permission: Duration limit (3 years)]
2. 6.16AA (RC40AA) [Incidental use] insert 'tennis court'
3. 3.3AA (RC72A) [Scheme to be submitted to protect retained trees] (e, f, g)
4. 3.0A (RC10A) [Submit landscaping scheme]
5. 3.1A(RC10A)[carry out landscaping scheme]
6. 8.18 (RC50) [Floodlights/ Lights]
7. 5.5 AA(RC96.A) [fencing details]

Planning note

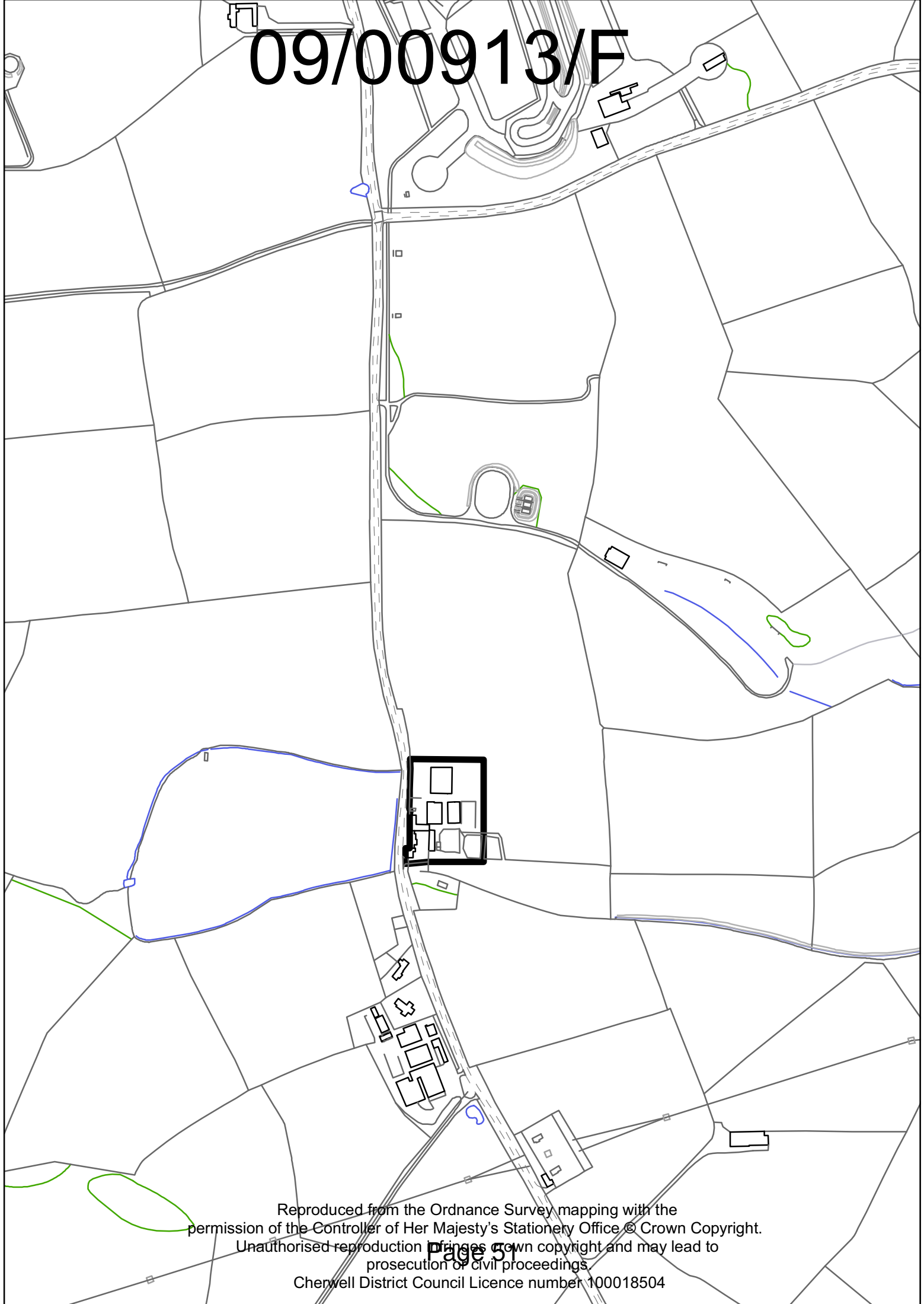
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CONTACT OFFICER: Caroline Ford

TELEPHONE NO: 01295 221823



09/00913/F



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Application No: 09/00913/F	Ward: Wroxton	Date Valid: 10 th July 2009
Applicant:	Mr Nick De Pennington	
Site Address:	Rough Hill Farm Shenington Road Shenington OX15 6HQ	

Proposal: Demolition of attached single storey structures and detached outbuildings. Extension and conversion of existing cottage and barns to form large single dwelling with ancillary equestrian facilities.

1. Site Description and Proposal

- 1.1 Rough Hill Farm is located approximately 1 mile south west of Shenington village on the road to Shutford. The main farmhouse building fronts the road, in a slight dip, and has barns and service buildings that flank it to the rear to create a courtyard, most notably a threshing barn which may be the oldest structure on site, possibility late 18th century. A map from 1813 shows the courtyard arrangement in existence.

The majority of buildings date from the early 19th Century although the farmhouse has a number of modern accretions. The most significant buildings are constructed in stone under a slate roof although there are quite a variety of materials on some of the outbuildings. The buildings themselves are of little architectural merit and are not listed although the threshing barn is of some historic interest. There are also a number of separate freestanding, open barns and evidence that some have recently been removed. Along with the farm buildings the application site extends to include 2.5 hectares of land and because of the size of the site area the proposal constitutes a major development that requires to be determined by Committee. The land includes orchard, paddock, fields, former stone quarry and slurry store.

- 1.2 The proposal itself constitutes of a number of constituent parts. In association with the main farm buildings: The modern extensions to the farm buildings are being removed; a number of extensions and alterations are being proposed, notably a two storey addition to the north east corner; and the farm buildings are then converted to a family dwelling house. Outside of this core group of buildings, the courtyard becomes an enclosed terraced garden and further kitchen and meadow gardens are created beyond. A swimming pool will be constructed to the rear.

The remaining open barns to the north of the farmhouse are removed, already several have been demolished. The present vehicular access to them becomes the main entrance to the new house and will have a gravelled drive leading to a triple garage. This access will also serve a new stable building beyond which will be a ménage.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice, press notice and neighbour's letters. The last date for comments was 21st August 2009. A number of statutory and internal comments have been made which are set out below, however, no public comment has been received.

3. Consultations

- 3.1 The **Design and Conservation Officer** advises:

"Rough Hill is a courtyard farm based around a single large threshing barn with flanking farmhouse and agricultural service buildings. The buildings appear to date from the early 19th century although the barn may be an earlier structure (probably late 18th century) and there are 20th century additions to both the farmhouse and the outbuildings. The buildings themselves are of little architectural merit and are not listed although the threshing barn is of some historic interest.

The application proposes the demolition of a number of single storey extensions which have built up incrementally to provide modern facilities over the 20th century. The outbuildings once associated with the running of the farm are also to be demolished. None of the proposed demolitions will, in my view, be detrimental to the setting of the original buildings and should in fact restore the historic legibility of the site. The conversion of all the buildings to form a single large dwelling will not involve substantial addition to the footprint and the design sensitively addresses the agricultural character of the building group.

The conversion of the barn in particular retains the characteristic height of the space by only inserting two small mezzanine first floors. The original threshing door openings are preserved with new openings taking a contemporary approach with undivided modern timber casements. Timber weatherboarding is proposed in the conversion to replace areas of poor construction and to tie the new corner extension into the natural materials of the whole site. The new extension is located on what appears (from the 1887 map) to be the site of a previous building. It is contemporary in style and subsidiary in scale to the main threshing barn. The only concern I have about the main area of the site is the slightly urban treatment of the courtyard which should, in my view, have limited division.

Elsewhere on the site although I have no objections in principal to the construction of stables, I do have concerns about the size of what is proposed. Stabling for three horses will inevitably produce a certain amount of associated clutter which could seriously damage the rural character of the site. Horse boxes, jumps and stabling equipment in addition to the large ménage could be intrusive. I would suggest that both stables and ménage are kept very simple in design and constructed of timber,

with the stables being reduced to two loose boxes with extra storage space replacing the third loose box.

3.2 **Natural England** comments:

“The survey submitted finds no evidence of barn owls. There is evidence of low numbers of Natterer’s and Pipistrelle bats roosting in the building described as the Wood store. The survey information and mitigation measures that have been proposed are acceptable. It is noted that the ecologist has advised that an EPS Licence will be required for this development to proceed.

Based upon the information provided Natural England does not wish to object to the proposal providing that an advisory is attached, should permission be granted, which informs the applicant of the requirement to obtain an EPS Licence from Natural England prior to the commencement of development on site that may affect the EPS Species concerned.

Natural England advises that the following text could be used in the advisory note;

A European Protected Species Licence must be obtained from Natural England prior to the commencement of development works on site that may affect the species concerned. Advice should be sought from the ecologist who undertook the survey of the site. The grant of planning permission does not absolve the applicant from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of ODPM Circular 06/2005.”

3.3 **Environmental Protection Officer** states that as “this is a sensitive development and the current use is potentially contaminative, I would recommend applying a contamination condition. The desktop study is the first phase of the condition, which will identify whether the agricultural building has been used for chemical storage e.g. pesticides, herbicides, oils, lubricants, fuels and whether there are potential pathways for these contaminants to affect any receptors. Some agricultural buildings have the same potential contaminants as servicing garages and historically, pesticides and herbicides contained elevated concentrations of chemicals now known to pose a risk to human health. Additionally, it is a sensitive development i.e. residential, and will introduce new sensitive receptors and the risk from potentially contaminated land should be considered in this scenario (in line with PPS23), even if there are no potentially contaminative uses evident on my records.”

3.4 **Ecology Officer, Urban & Rural Services**

I am now satisfied with the level of surveying carried out and the suggested mitigation for the species and disturbance involved. The full updated mitigation plans outlined on pages 12-15 in the new bat report following the nocturnal surveys should be conditioned and supercede those in the daytime inspection report *i.e.* a purpose built bat loft above the garaging with bat boxes installed on the gable ends as outlined on page 12 and 13 of the new report, directional lighting only should be

used in the garaging and subdued lighting around the exterior of the buildings. Reroofing of the main barn and conversion of the wood store should be subject to timing restrictions as outlined in the report and to a pre-works inspection by an ecologist to check for presence of bats before any work begins.

Monitoring of the use of the mitigation features installed should be carried out following completion as outlined on page 14 and the results submitted to NE and to CDC for my records. Nest boxes for little and barn owls and ledges for swallows as suggested in the ecological report would be an appropriate enhancement for wildlife in this location and should therefore be sought under PPS9. An advisory regarding the necessity of obtaining an EPS licence prior to commencing any works should be included in any permission

It would be desirable under PPS9 for further wildlife enhancements to be secured as part of the development - an obvious one would be the provision of an owl box within one of the conversions or buildings given the suitability of the locality for these species. I would also be happy to advise further on the proposed creation of the wildlife pond if the applicant wishes.

3.5 **Landscape Officer**

“Context

The site is situated in the area defined as Incised Ironstone Plateau in the Cherwell District Landscape Assessment, Nov 1995. It lies on the edge of an Area of Outstanding Natural Beauty with a linear woodland feature that screens the site from views from the west (on the opposite side of the road from the site). The area immediately to the south is a semi-formal grassed area with ornamental / native trees within the boundary of an old quarry (the stone edge forms a backdrop to this area). The site is generally flat but the land falls gently away from the quarry area into an incised valley towards the east. Immediately to the north there is a disused barn and hard standing and beyond this the land, used as 'horsiculture', gently falls to the northeast. To the east the garden is laid to formal vegetable growing and orchard and just beyond this a slurry-filled quarry exists. A large ash tree grows on the edge of the quarry. The east boundary of the quarry has established trees and vegetation. A field of overgrown grass field lies immediately to the east of the site.

Visual Impact and Mitigation

It appears that the site is visible from the gliding club building approximately 550 m to the north. The development / use, especially the proposed stable block immediately north of the proposed main access will be seen from this location. It will also be seen from the Macmillon PROW running NE/SW, where the 175 m contour starts. It appears that the stable block will be quite prominent at various aspects along this route. Although the applicant proposes a native hedge to enclose the stable block and ménage it will take 5 or more years for the hedge to grow to a height and density, along with the appropriate maintenance, to provide adequate visual mitigation. To improve the screening I think that planting of native large trees within the hedge line combined with small areas of tree and thicket planting will be necessary.

The existing trees to the south and southeast of the site (the quarry garden, the boundary to the slurry quarry and the Ash Tree etc) will provide screening to the development from PROW. These trees also provide valuable amenity and shelter to

the site and therefore they must be retained. The applicant must ensure the protection of these trees during the course the construction with robust fencing to at least 3 metres outside the Tree canopies, details of which to be drawn on the landscape proposals (see below).

The roadside hedges to the northwest and north of the site screens the site from users of the road, however with hedge trimming and the loss of leaf during winter will expose part of the development to the road user.

Landscape Proposals

To ensure that the landscape scheme is appropriate adjacent to the AONB, and the development visually mitigated, a sketch landscape scheme with a landscape structure should be submitted for our consideration, with the subsequent submission of detailed proposals. The details must include plant species names, their positions, planting densities and supplied sizes, along with maintenance intentions to ensure that the scheme is successfully established.

The landscape proposals should consider how the view from the balcony of Bedroom 1 is to be addressed.

Other Considerations

The stream must be protected from spillage of chemicals during the course of the construction as this will pollute downstream.

I have a concern about the slurry-filled quarry and its after use, mainly in regard to health and safety. I would be grateful if the applicant could confirm aspirations for this quarry.”

- 3.6 **Oxfordshire County Council, Highways Officer:** No objections subject to conditions retaining garage, parking and manoeuvring area and keep verge clear of planting.

4. Relevant Planning Policies

- 4.1 **Planning Policy Statement 1 (PPS1): Delivering sustainable development
Planning Policy Statement 3 (PPS3): Housing
Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas
Planning Policy Guidance 13 (PPG13): Transport**
- 4.2 **Regional Spatial Strategy for the South East (The South East Plan) 2009**
Policy C4: Landscape and Countryside Management
BE5: Village Management
Policy H5: Housing Design and Density
Policy H6: Making better use of the Existing Stock
- 4.3 **Adopted Cherwell Local Plan November 1996 (ACLP 1996)**
Policy H19: Conversion of Buildings in the Countryside
Policy C28: Layout, design and external appearance of new development

Policy C30: Design of new residential development
Policy AG5: Development Involving Horses
Policies C1; C2: Nature Conservation
Policies C7,C8: Landscape Conservation
Policy C12: Area of Outstanding Natural Beauty
(for clarity, the site is just outside the AONB)
Policy C14: Trees and Landscaping
Policy TR5: Parking
Policy ENV12: Contaminated land

4.4 **Non-Statutory Cherwell Local Plan 2011 (NSCLP 2011)**

Policy H22: Conversion of Rural buildings
Policy EN1: Conserve/Enhance the Environment
Policy D1: Urban Design Objectives
Policy D3: Local Distinctiveness
Policy D4: Quality of Architecture
Policy TR11: Parking
Policy EN17 Contaminated Land
Policy EMP11: Development Involving Horses
Policy EN22: Nature Conservation
Policy EN23: Ecological surveys
Policy EN24: Protection of Sites and Species
Policies EN30, EN31: Countryside Protection
Policy EN33: Area of Outstanding Natural Beauty
Policies EN34,EN35: Landscape Character
Policy EN36: Landscape Enhancement

4.5 **Other Relevant Documents**

English Heritage-Conversion of Traditional farm buildings-Guide to Good Practice
Cherwell D C –Design Guide for the Conversion of Farm Buildings

5. Appraisal

- 5.1 The application raises the following issues:
- The layout, design and appearance of the extension and alterations to the farm house and associated buildings
 - The layout, design and appearance of the extension and alterations to the stable and associated buildings
 - Access, parking and highway safety
 - Nature Conservation
- 5.2 **The Layout, Design and Appearance of the Extension and Alterations to the Farm House and Associated Buildings**
- 5.2.1 The starting point for the applicant is the removal of the majority of the modern additions to the farmhouse. The remaining buildings are refurbished internally and externally in materials reflecting those on that particular building. So for example,

where doors/windows are blocked up in the farmhouse natural stone will be used; New windows will be in timber. The main doors of the threshing barn will have a full height oak framed glazed screen; the roof will be natural slate. Some materials will be utilitarian to reflect the former nature of the buildings so the garages and former dairy shed will be roofed in zinc. Where some of the dilapidated buildings have to be removed their replacement extensions are in timber weather boarding under a slate roof.

5.2.2

The main, and most notable extension, is on the north east corner, effectively the far side of the building from the road. This two storey extension is flat roofed, weather boarded with a high proportion of glazing, and with a first floor balcony giving views over the new garden and fields. It links two original stone buildings, the main threshing barn and the dairy barn, so needs sensitive treatment. This has been achieved through a contemporary design and modern facing materials. The extension is also linked to the barns with two lightweight structures, one glazed, one zinc, which delineates old from new in what promises to be interesting architectural form. It also appears that where the extension is proposed there was previously a building although it has not existed for some time.

5.2.3

The Council's policy on conversion of buildings in the countryside is clearly set out in a number of documents and the ACLP 1996 requires conversions to avoid major rebuilding, extensions to be appropriate form and character, and to avoid harm to the countryside or setting of the building. In fact what is proposed here only increases the footprint of the building by 15sqm.

5.2.4

In summary, the buildings, though not listed, are clearly of local historic interest and the removal of the recent poorly designed structures is to be welcomed. The refurbishment appears to be a sensitive one and the extensions also enhance the composition of the former farm rather than detract from it.

5.3 **The Layout, Design and Appearance of the Extension and Alterations to the Stable and Associated Buildings**

5.3.1 The location of the stable block has been selected partly because of its accessibility and also because a substantial conifer hedge screens it from the roadside. The area itself is about 20 sqm and consists mainly of a yard area. There will also be stabling for 3 horses in a low slung, functional building together with storage for hay, tack, etc The building is L shaped with the two arms measuring approximately 15.55m in one direction and 14.28m in the other. Its height is 2.84 to ridge and 2.23 to eaves. The roof will be gable ended.

5.3.2

Development involving horses will normally be permitted provided there is no adverse effect on the character and appearance of the countryside, or on neighbours, and it complies with other policies (AG5-ACLP 1996). In this case there are no neighbours directly affected. In terms of its more general impact, the site has been opened up by the removal of larger barn structures therefore what is proposed has a lesser impact. But, there is still an impact, albeit a modest one as the building sits low in the landscape, and if permission is granted it can be mediated by a scheme of planting. Certainly it is officer's advice that there is an opportunity here for a comprehensive landscaping scheme that can enhance the setting of Rough

Hill Farm as well as screen the stables from distant views so on balance this element of the development is not considered unacceptable.

5.4 Access, Parking and Highway Safety

- 5.4.1 The farm currently has two main vehicular access points, one that provides entrance to the courtyard and to the orchard and field beyond. The second is more of a field entrance at the top of the rise before the road dips to the farmhouse.
- 5.4.2 The existing courtyard access is currently the main entrance to the farmhouse but becomes the secondary one in the scheme. It will remain physically, as it is.
- 5.4.3 The field access becomes the main entrance to the new house which of the two alternatives is preferable being a better location with greater visibility. It will provide access to both the house and garage, and to the proposed stable block.
- 5.4.4 An existing building backing on to the road will be converted to garaging for three cars. Further parking for visitors is possible on the wide drive to them. The Highway Authority has no objection to the use of the access and recommends conditions to retain the garages, parking and manoeuvring area.
- 5.4.5 The stable block will have a yard area for servicing but no separate parking provision being an ancillary use.
- 5.4.6 In conclusion, the access appears to be satisfactory and although the parking provision is above the maximum level normally required for this size of house it appears to be proportionate for the type of development proposed in this location.

5.5 Nature Conservation

- 5.5.1 Bat and owl surveys have been undertaken prior to submission of the application and followed up with nocturnal surveys in August. The findings are:

Bats

- Common Pipistrelle Bat – small maternity colony in the gable end of the farmhouse and single animals (presumed males) roosting in the gable end of the main barn and the quarry. Limited foraging in the portal frame barn and cow sheds, but general use of the whole site by hunting bats;
- Brown Long-eared Bat – roost for a single animal in the gable end of the wood store;
- Natterer's Bat – occasional use of the wood store as a roost site, with general foraging around the site;
- Whiskered/Brandt's Bat – occasional foraging around the farm.

Owls

- Barn Owl – hunting around the farm, but not roosting,
- Little Owl – occasional roost by a single bird in the portal frame barn

- 5.5.2 As these roosts will be lost when the buildings are converted or demolished, it is the advice of the ecologists not to refuse planning permission but to undertake appropriate mitigation measures will have to be provided including conditions to include timing of the works, the provision of a bat loft to replace the roof void lost to the Brown Long-eared and Natterer's Bats, retention of the barge board and cavities in the gable end of the main barn, and the erecting of nest boxes for Little and Barn Owls. A bat license from Natural England will also be required before work commences on the wood store and gable end of the main barn. This is line with the relevant policies of the Council on nature conservation that seeks to prevent adverse affect on wildlife species and to promote the creation of new habitats.
- 5.5.3 Other buildings can be converted or demolished as soon as planning permission has been granted and all appropriate conditions have been discharged. It is understood that the gable end/roof structure of the farmhouse containing the pipistrelle maternity colony will not be affected by the proposed development.

6.1 **Other Issues**

6.2 **Landscaping**

- 6.2.1 The site is just outside the Cotswolds AONB but "particular care will need to be taken in the siting, scale and design of any new development and proposals which would damage the beauty of the area" (policy C12 ACLP 1996/ EN33 NSCLP 2011). There are a number of important trees and hedges on site, particularly to the south of the farmhouse which the Council should ensure are retained and protected during the course of development, a condition is recommended.
- 6.2.2 However, to the north the site is more exposed. It is the advice of the Council's Landscape Officer that a comprehensive planting scheme is required to both screen the development and integrate it into the landscape. Again, a condition can be imposed to achieve this.
- 6.2.3 Certainly the architect is aware of policies C7 and C14 of the ACLP 1996 and is committed to planting indigenous trees and plants. It is also pointed out that a number of large structures have already been removed, with more derelict barns to go, creating a more open feel to the countryside here than previously existed.

6.3 **Natural Resource Assessment**

- 6.3.1 No details have been submitted but the architect, in his design statement, advises the development will seek to minimise its carbon footprint and incorporate geothermal heating and rainwater recycling.

6.4 **Contamination**

- 6.4.1 The application site has been identified as within an area where there is a strong possibility that the land may be contaminated and as the proposed use is residential and therefore sensitive, it is normal practice to impose a condition to require a survey before development commences.

Conclusion

The proposed development follows the thrust of government policy to make best use of previously developed sites and conforms to the broad range of policies applicable from the Development Plan. It handles sensitively the conversion and extension of a historic group of buildings. It does not adversely affect neighbouring properties nor does it cause demonstrable harm or significantly impinge on the countryside but, in any case, conditions can be used to minimise any such impact. It is therefore recommended planning permission be granted subject to the conditions laid out below.

6. Recommendation

Grant planning permission subject to the following conditions:

1. 1.4A
2. 2.0A-extensions, alterations and refurbishment of the farmhouse building and the stable block including the surface materials for the stable courtyard, farmhouse courtyard and driveway
3. 3.0A
4. 3.1A
5. 3.3A –This scheme shall include all trees south of the existing farmhouse complex
6. No development shall take place until a schedule of landscape maintenance for a minimum period of five year(s) has been submitted to, and approved in writing by, the Local Planning Authority. The schedule shall include details of the arrangements for its implementation and development shall be carried out in accordance with the approved schedule. Reason: In the interests of amenity and the appearance of the area and to comply with policy C28 of the adopted Cherwell Local Plan.
7. The garage shown on the approved plan(s) shall only be used as a private domestic garage (or for a purpose incidental to the enjoyment of the dwelling house) and shall at no time be used for any business or commercial purposes. Reason: RC15AA
8. No use of the proposed main access will be permitted until vision splays are provided in accordance with the details which shall be submitted to, and approved in writing by the Local Planning Authority, and no structure or vegetation within the splay shall be raised or allowed to grow 1 metre above the carriageway level. Reason: To provide and maintain adequate visibility in the interests of highway safety and to comply with advice contained PPG13-Transport.
9. 8.13
10. No development shall begin until details of measures to prevent contamination of the stream during the period of construction have been submitted to, and approved in writing by, the Local Planning Authority. REASON: To enable the Local Planning Authority to give further consideration to these matters and to comply with policy ENV1 of the adopted Cherwell Local Plan
11. No development will commence until a sustainable drainage scheme is implemented in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Reason: To prevent the increased risk of surface water flooding and improve water quality and in the interests of sustainability in accordance with policy EN15 of the non statutory Cherwell Local Plan

12. No development shall be undertaken unless it is constructed in complete accordance with the specifications in the Cotswold Wildlife Survey Bat and Owl Survey report dated 28th October 2008 as amended by the Nocturnal Bat Survey dated 7th and 13th August 2009 accompanying this application or unless otherwise agreed in writing by the Local Planning Authority. In particular development on the farmhouse buildings shall only take place between 1st September and 1st May, a scheme of mitigation measures shall be submitted to and approved by the Local Planning Authority before development commences, and the mitigation measures as approved shall be monitored in accordance with details submitted to and approved by the Local Planning Authority before development commences. Reason: To avoid doubt, to ensure an acceptable development as indicated on the submitted drawings and supporting documents, and to comply with policies C1, C2 and C4 of the adopted Cherwell Local Plan.

Informatives:

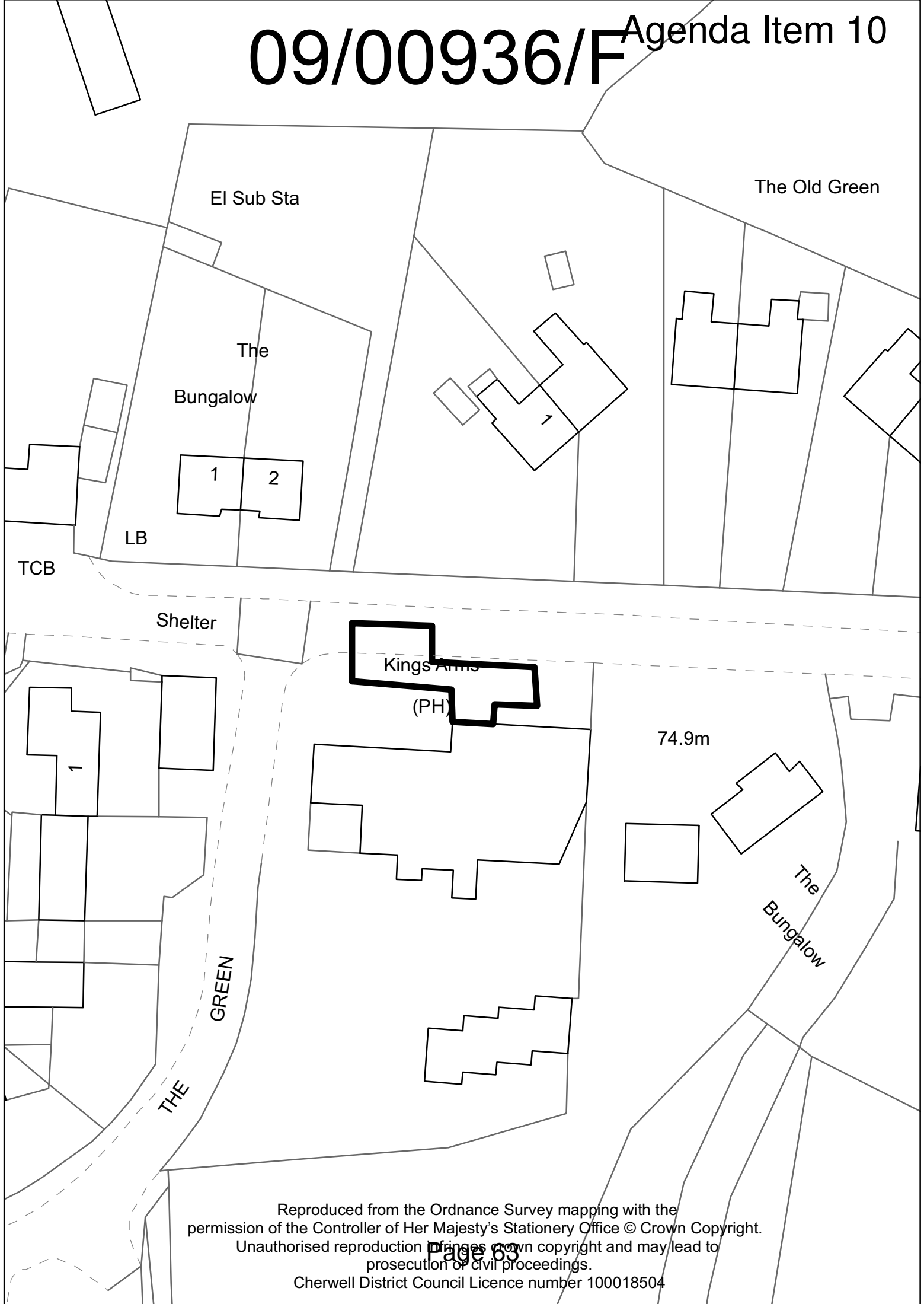
1. A European Protected Species Licence must be obtained from Natural England prior to the commencement of development works on site that may affect the species concerned. Advice should be sought from the ecologist who undertook the survey of the site. The grant of planning permission does not absolve the applicant from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of ODPM Circular 06/2005.

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 proposed development will not adversely impact on neighboring properties, would not cause harm to the character of the countryside and is a sympathetic conversion of a group of former farm buildings. As such the proposal is in accordance with Planning Policy Statement 1 (PPS1): Delivering sustainable development, Planning Policy Statement 3 (PPS3): Housing, Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas, and Planning Policy Guidance 13 (PPG13): Transport, policies C4, BE5, Policy H5, and H6 of the Regional Spatial Strategy for the South East (The South East Plan) 2009, policies H19, C28, C30, AG5, C1, C2, C7, C8, C12, C14, TR5, ENV1 and ENV12 of the adopted Cherwell Local Plan and policies H22, EN1, D1, D3, D4, TR11, EN17, EMP11, EN22, EN23, EN24, EN30, EN31, EN33, EN34, EN35 and EN36 of the non statutory 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: Andrew Lewis

TELEPHONE NO: 01295 221813

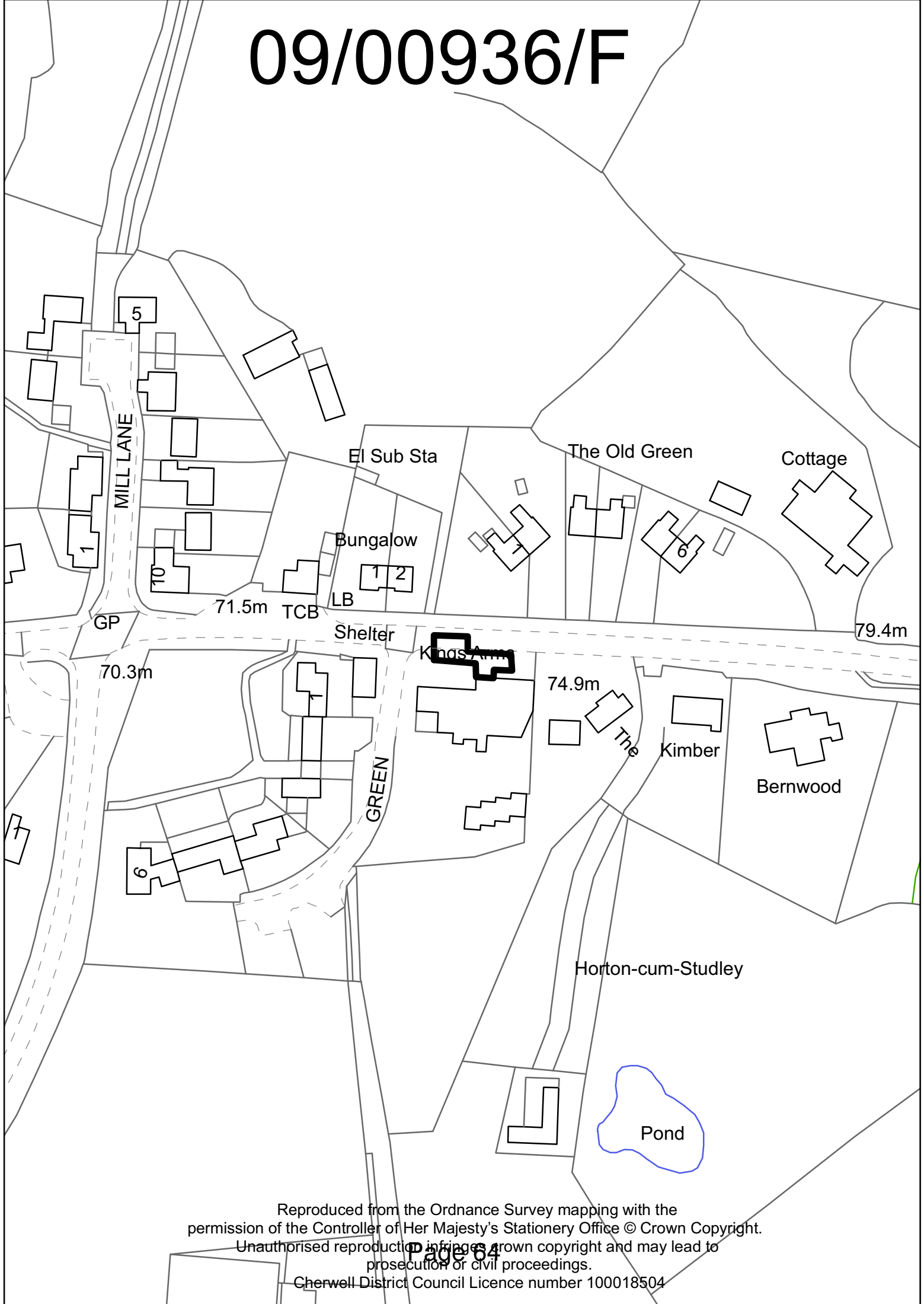


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Application No: 09/00936/F	Ward: Otmoor	Date Valid:
Applicant:	B A Property Management c/o agent	
Site Address:	The Otmoor Lodge Hotel Horton Hill Horton cum Studley Oxford OX33 1AY	

Proposal: Construction of single storey shop (A1 use)

1. Site Description and Proposal

- 1.1 This application proposes the construction of a single storey extension to the front of the hotel/pub/restaurant building which sits prominently in the centre of the village. It would measure 8 metres x 7 metres and will provide a small shop with a trading area of 41 sq metres. It is proposed to be constructed in natural stone under a natural slate roof, to match the existing hotel building. It will be located largely on a raising terrace area, so it will not detract from the forecourt parking which exists across the whole frontage of the existing building.

2. Application Publicity

- 2.1 The application was advertised with individual letters to adjoining property and a site notice. The final date for comments was 21 August 2009.
- 2.2 Letters have been received from local residents in conjunction with the following application (09/00937/OUT). Three of these letters make reference to the shop proposal. They raise no objections to the shop, but all express concern about it's future viability with many locals now using the Stanton St. John shop instead.

3. Consultations

- 3.1 Horton-cum-Studley Parish Council raise no objections.
- 3.2 Oxfordshire County Council (as local highway authority) raise no objections subject to conditions re usage and ramp details. They comment that the parking across the forecourt of the building may be in the public highway and therefore not exclusive to this proposal or the larger facility.
- 3.3 The Council's Ecology officers and Environmental Protection Officer raise no objection to this application.

4. Relevant Planning Policies

- 4.1 Adopted and 'saved' Cherwell Local Plan Policy S28 states
"Favourable consideration will be given to proposals for small shops or extensions

to existing shops required to serve local needs subject to other policies in the Plan”

The village lies within the Oxford Green Belt so policy GB1 of the adopted Local Plan is also relevant.

- 4.2 Policy S25 and GB1 of the non-statutory Cherwell Local Plan continue the approach of the adopted Local Plan.

5. Assessment

- 5.1 Please see para 5.5 of the following report for the planning history of this site. It will be seen that the sequence of applications for the hotel extension etc have persistently included the provision of a shop. A legal agreement associated with 06/00537/F was completed which ensures the provision of a shop for a period of not less than 10 years. It also specifies a minimum size (38 sq metres), prescribes a minimum range of goods, and minimum opening hours.
- 5.2 This application proposes the relocation of the shop from this frontage to The Green, to the more prominent position on the Horton Hill frontage. It is considered to be of appropriate design and size. The forecourt parking on Horton Hill will continue to be available. A ramp is proposed to ensure disabled access.
- 5.3 It is intended that the legal agreement required with the associated application will repeat the previously agreed requirements of the existing legal agreement in all respects (except the provision of a Post Office which can no longer be guaranteed)

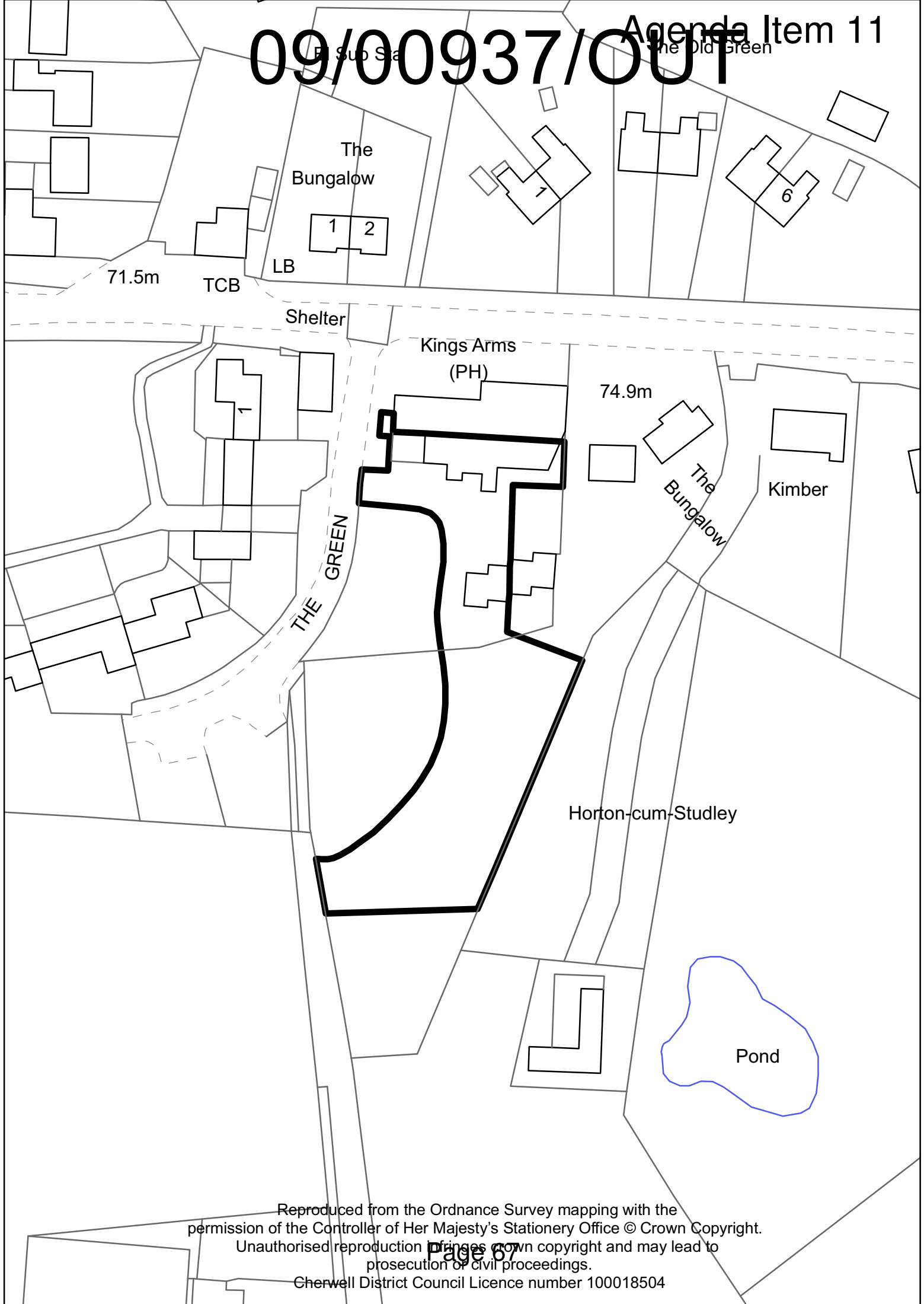
6. Recommendation
Approve subject to (i) completion of the legal agreement relating to 09/00937/F (ii) the following conditions 1. SC 1.4 2. SC 2.6 3. SC 6.15a Class A1
Summary of Reason
Standard reason W Will not cause undue harm to the character or amenity of the vicinity and will provide an appropriate facility in this village Policy 5.28 of the adopted Cherwell Local Plan.

CONTACT OFFICER: Bob Duxbury

TELEPHONE NO: 01295 221821

09/00937/OUT

Agenda Item 11



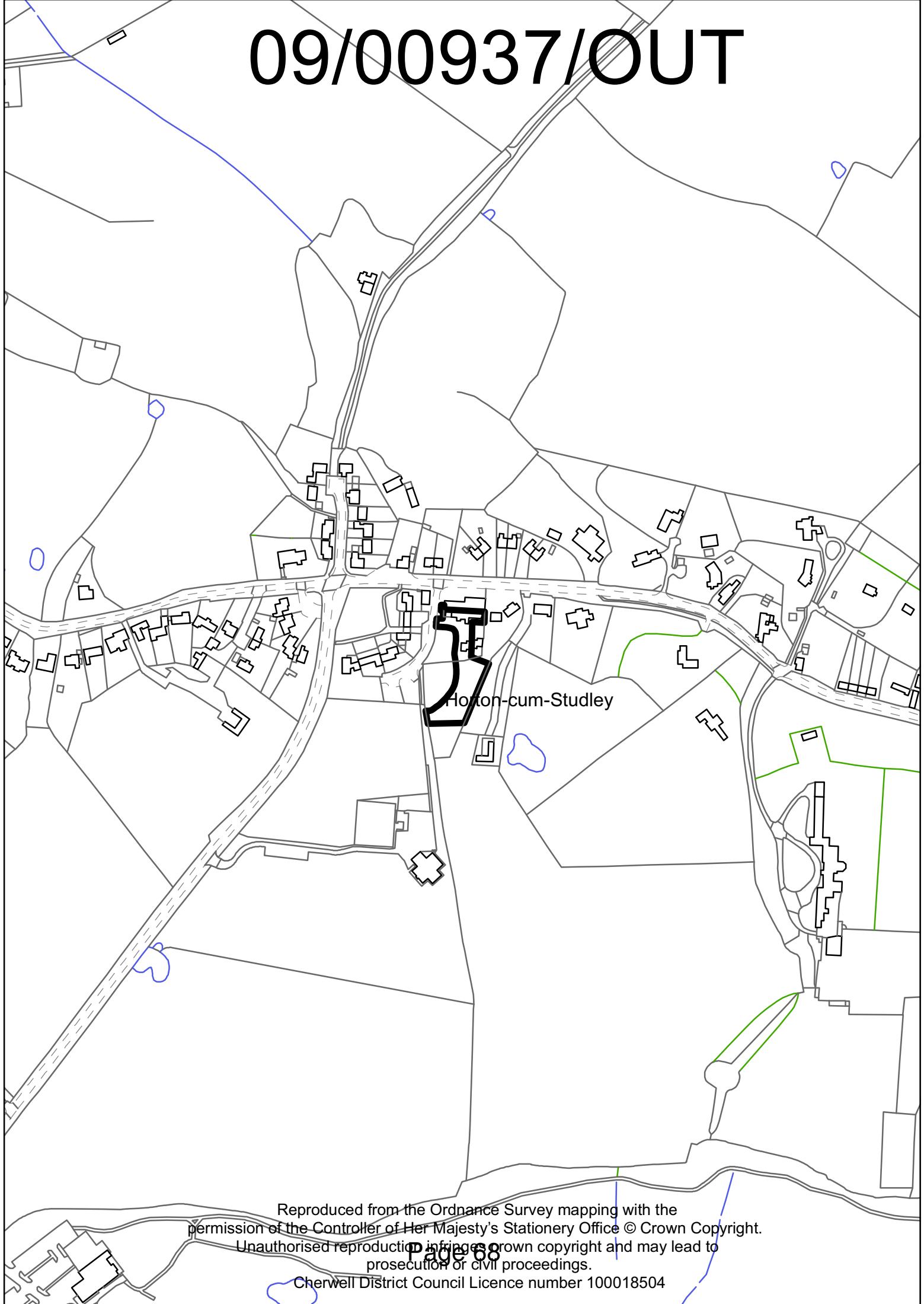
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09/00937/OUT



Horton-cum-Studley

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Application No: 09/00937/OUT	Ward: Otmoor	Date Valid: 13/07/09
Applicant:	B A Property Management	
Site Address:	The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxford	

Proposal: Extension to hotel to form 23 additional bedrooms, ancillary facilities, car park and access

1. Site Description and Proposal

- 1.1 This application seeks outline planning permission for the extension of the public house/restaurant/hotel complex which is centrally located within this Green Belt Village. This site has a complex planning site history (see Section 5 below) The proposal seeks consent for a two storey extension across the back of the existing building and a three storey wing to the rear of that, at right angles to the main building stretching to (and partly incorporating an existing two storey annex building to the rear. A car park for 48 cars is proposed further to the south. The four houses adjacent, approved in 2008, will be separated from the hotel extension by the access road to the car park.
- 1.2 The proposed extension is proposed to be built in phases, the initial phase being the 3 storey section at right angles to the rear of the existing hotel. All of the shell of this part of the building could be built, but only the ground and part of the first floors could be fitted out as the new lobby and bedrooms.

2. Application Publicity

- 2.1 The application has been advertised by individual letters to neighboring property and by site notices. The final date for comment was 21 August 2008.
- 2.2 Letters of representation have been received from six local residents who object to the proposals on the following grounds:-
- Large scale proposal out of character with village
 - Loss of light to properties in The Green
 - Loss of view to Green Belt and Studly Priory from properties in The Green
 - Will allow hotel to become conference facility increasing noise pollution especially at night
 - The green roadway is small and unsuitable to serve the development, and will cause a hazard to children playing
 - Junction of The Green with main village that is busy and adjacent to school bus stop
 - Road forms pedestrian access to village hall
 - Light pollution from bedrooms
 - Competition to village hall for events such as wedding receptions to the

detriment of the funding of the hall

- Lack of demand for extra bedrooms – hotel rarely full
- Anticipate extended time span for construction
- Car parking encroaches into Green Belt – why so much?
- Need for comprehensive assessment of all elements of the proposal
- Disagree with enabling concept of house development
- Overlooking and loss of privacy
- Expressing concern that the funding arrangements are complicated and long winded causing long term blight to adjacent properties
- No up to date business cards made
- Concern about protected species on land nearby
- Overdevelopment and overdomination of properties on The Green
- Loss of wall to The Green frontage
- Need for a shop is questionable
- Amount and type of development may encourage CDC to reclassify Horton-Cum-Studley from current 'C' classification
- Temporary financial downturn should not be taken as reason for restructuring the previous linkage arrangements for timing the construction of the houses and hotel extension
- Seeks use of Section 106 powers to prevent any further development of this site

- 2.3 The Oxford Green Belt Network express concern about the mass of the proposed extension, its impact upon the openness of the Green Belt and about the size of the proposed car park. The 3 storey block linking the annex will create a structure which is out of keeping in this sensitive Green Belt location in their opinion they say it will cut out existing views and does not seem very neighbourly. There appears to be a large element of enabling development tied up with what is proposed and there is a real prospect, in their opinion, that the development will drag on in a piecemeal fashion for a long time and that the construction will be detrimental to living conditions for nearby properties.

3. Consultations

- 3.1 Horton Cum Studley PC report that they were equally split in their opinions on this proposal, with 2 members in favour (but expressing concerns about overdevelopment and traffic but want to support a pub and shop in the village), whilst 2 members object to the proposal on the grounds of overdevelopment, traffic affecting safety of pedestrians going to the hall/playing fields/school bus stop, Green Belt, loss of privacy and light pollution.
- 3.2 The Council's Environmental Protection Officer comments that there are unlikely to be land contamination issues but recommends a planning note.
- 3.3 The Council's Ecology Officer has requested that submission of a survey for great crested newts and other reptiles which only use the rough grassed area at the southern end of the site as foraging areas from known habitats nearby.
- 3.4 Oxfordshire County Council has raised queries concerning the amount of parking provided, but has latterly confirm that they raise no objections.

4. Relevant Planning Policies

- 4.1 South East Plan – Policy SP5 (Green Belts);CC6 (sustainable communities); TSR2 (rural tourism); TSR5 (tourist facilities) and C)4 (Green Belt)
- 4.2 Adopted Cherwell Local Plan – Policies GB1, S28, T2, T5
- 4.3 The non-statutory Cherwell Local Plan 2011
The following policies are relevant – Policies, GB1, GB1a, S25, T2 and T5

5. Appraisal

- 5.1 The principal issues in this case are
- (i) the history of planning applications on this site, and the state of variations in this case
 - (ii) Green Belt policy
 - (iii) Tourism policy
 - (iv) Impact upon residential amenity
 - (v) Traffic matters
 - (vi) Proposed amended phasing of the development
 - (vii) Biodiversity matters

5.2 Planning History

- 5.3 The applicant has submitted a series of applications since 2004 these are summarised below

- 04/02395 Resolution to approve in May 2005 for extension to hotel to form 19 bedrooms and construction of four town houses with associated parking (contrary to recommendation) subject to departure procedures and the applicants entering into a legal agreement to ensure the provision of the intended shop. The Secretary of State did not call in application. Legal agreement drafted but not completed (overtaken by next application)
- 06/00537/F Planning permission granted in June 2006 for extension to form 23 bedrooms with 4 detached houses/garages subject to legal agreement re provision of shop.
- 06/01927/OUT Outline planning permission granted in December 2006 for 20 bedroom extension to hotel, shop/PO and 4 dwellings. This revised scheme had the extension and houses in a much tighter grouping near the rear of the existing hotel.
- 07/02478/F Planning permission for 4 detached houses approved in May 2008. Variation on the siting of the houses originally submitted as reserved matters is reserved matters pursuant to 06/01927/OUT, but cannot be treated as such because siting was not a reserved matter.
- 09/00549/F Proposal for 5 dwellings. Application withdrawn.

- 5.4 This application is also accompanied by two others 09/00936/F for the erection of an extension to the front of the hotel/public house a shop unit (see separate report), and a recently submitted application which seeks to vary the condition placed upon 07/02478/F which provided the timing of the linkage between the hotel extension and the houses (09/01178/F). These three applications should be accessed as a complete group explaining the applicants intentions.
- 5.5 It will be noted that following the overturn of recommendation in May 2005 the principal of a substantial extension to the hotel in part funded by the enabling development of four houses has been accepted by the Council. It was done on the basis that the Council needed to assist the applicant in the taking of exceptional measures to ensure the future continued provision of a public house/restaurant as a much needed facility for the village. The schemes have also sought to re-provide a shop for the village following the closure of the previous shop approximately 4 years ago.
- 5.6 The June 2006 approval (06/00537/F) gave detailed planning permission for a 3 storey wing extending at right angles from the rear of the hotel along the frontage to The Green. The top floor was shown accommodated within a mansard roof, and was no higher than the existing hotel. Windows on the west elevation, facing the properties in The Green were limited to bathrooms or corridors. The later outline planning permission (06/01927/OUT) showed the bedroom extension on a 3 storey structure parallel to and adjoining the rear of the existing hotel, with the houses also close in to the rear of the hotel.
- 5.7 As described in para 1.1 above this proposal is further variation with the 3 storey wing centrally located on the rear of the hotel, extending at 90 degrees. It will reach further south than previous proposals, but will be set further away from the rear of houses in The Green, and will be partly shielded from them by the interlinking new houses proposed. Illustrative plans of the new proposal have been provided together with a composite elevation showing both the proposed hotel extension and the approved houses. These will be shown at committee.
- 5.8 **Green Belt Policy**
- 5.9 The approved Green Belt washes across the village of Horton-Cum-Studley. In 2005 the HDPS advised that in his opinion the proposal to construct nineteen bedrooms and four houses was inappropriate development which was contrary to Green Belt policy, but that recommendation was not accepted. That application was advertised as a departure but the Secretary of State chose not to intervene. The early 2006 application was deemed therefore to not need departure procedures as this was largely at the same scale and nature. The later 2006 application had even less intrusion into the Green Belt.
- 5.10 In this case the scale of the development is similar to the 2005 and 2006 cases, and does not have any worsened impact upon the openness of the Green Belt or its objectives. However, it is considered appropriate to go through departure procedures again given the passage of time.

5.11 **Tourism policy**

5.12 Policy T2 of the Cherwell Local Plan and of the NSCLP indicates that within the build up limit of a settlement of provision of new hotels will generally be approved provided they comply with other policies of the Plan (the newer policy specifically notes that the development should be compatible with the size and character of the settlement and should not lead to excessive traffic or environmental impact in the locality). The adopted Local Plan is silent about extensions to existing hotels either in the countryside or in a settlement. The NSCLP notes that extensions to existing countryside will be acceptable subject to considerations about scale and impact into the countryside. Whilst neither policy set is a complete match for its situation, it is clear that if the assessment is that the scheme is acceptable on traffic, scale and countryside impact terms then such a scheme can be in line with the tourism policies of the Local Plan. In this case the HDCMD does not consider that the building will have a harmful effect upon the character or appearance of the countryside. The other issues are addressed below.

5.13 **Impact upon residential amenity**

5.14 The main issues under the heading are

- Scale and over domination
- Overlooking
- Disturbance from access and use of car park
- Design

5.12 The scale of the outline proposed to extend the hotel is as that approved in mid 2006 (that permission was just lapsed (June 2009)) it will be located further away from the houses in The Green and therefore will be less imposing upon them, although it will be nearer to the houses to the east, but the nearest property is in the ownership of the applicant, and those further away have screening on their boundaries.

5.13 Despite increased distance of the extension from the properties in The Green there may be an increased incidence of overlooking, as previously this bedroom had west facing windows. The windows in west facing bedroom on the proposal are approximately 35 meters from the nearest houses. The east facing windows are however, only 13 meters from the boundary. There could be a concern if the adjacent house were on separate ownership/occupation, and were to be anything other than corridors/bathrooms. This can be ensued at a later time. There will be overlooking of the rear of one of the new houses proposed at short range. This is unfortunate but cannot be avoided in the current layout. Any occupier of this property would be aware of this relationship however.

5.14 The route of access to the car park remains close to the rear of the hotel and no additional disturbance is anticipated.

5.15 The design of the building is a reserved matter for later consideration. However, the

illustrative plans submitted show a 3 storey building with the top floor with a mansard style roof. Whilst not following the pattern of the adjacent building this will keep the overall height of the building lower, whilst maximizing the use of the top floor and therefore minimizing the footprint. In this location, screened from the view to some extent by the approved houses this is considered acceptable. It follows the design concept of the previously approved scheme. The HDCMD has a concern about how this mansard design will adjoin the existing gable and rear roof slope, but this can gain be addressed at the reserved matters stage.

5.16 Traffic and parking

5.17 The traffic generation will not be altered from that considered in 2006, with the same level of facilities proposed. The previously approved car park only showed 29 spaces access off The Green, with the existing parking to the frontage remaining. The current proposal has a car park with 48 space to the rear and 12 to the frontage, some set aside for the shop. This growth in car parking provision should ensure that there are no on-street parking issues whilst otherwise may intercept the free flow of traffic in The Green or Horton Hill.

5.18 Phasing

5.19 The third application in this package of proposals is to change the phasing arrangements for the houses relative to the hotel extension. This application has only recently been received and so is not itself reported to this committee. The previous provisions for the extension to the hotel and the houses each contained a condition which said

“That the hotel extension and the houses shall be built concurrently and that the houses shall not be occupied until the hotel extension is complete and ready for first use”.

This condition was deemed necessary to ensure that the houses which were allowed to enable the hotel/pub to be extended and thereby supported as a local facility, (and would otherwise hence not be acceptable) to not be built without a commitment to completing the hotel development. The current proposals reflect the current economic conditions which have lowered the value of housing sites and made the raising of money in the market more difficult. As a consequence the applicant proposes a Section 106 agreement which guarantees a first phase of the hotel extension following the sale of two houses, and a second phase following the sale of the other two houses. This would still mean however that half of the projected hotel rooms cannot be guaranteed to be provided.

5.20 Whilst this change is regrettable, as the previous arrangements provide a clear and simple arrangement, it is also understandable. The new arrangements will provide half of the bedrooms in a relatively short period of time, to allow the hotel to have more rooms available to let and to assist in attracting the conference trade, which it is currently too small to operate effectively. On balance this is considered acceptable.

5.21 Biodiversity matters

5.22 The results of a reptile survey are awaited.

6. Recommendation

Approve subject to

- (i) the receipt and analysis of the requested reptile survey
- (ii) departure procedures
- (iii) the completion of a legal agreement concerning the phasing of the development and the provision of the shop

and the following conditions

1. SC 1.0A (delete access, layout and scale)
2. SC 1.1
3. SC 1.2
4. SC 4.3A
5. SC4.12A internal access road and car park.

Planning Notes B + ZZ

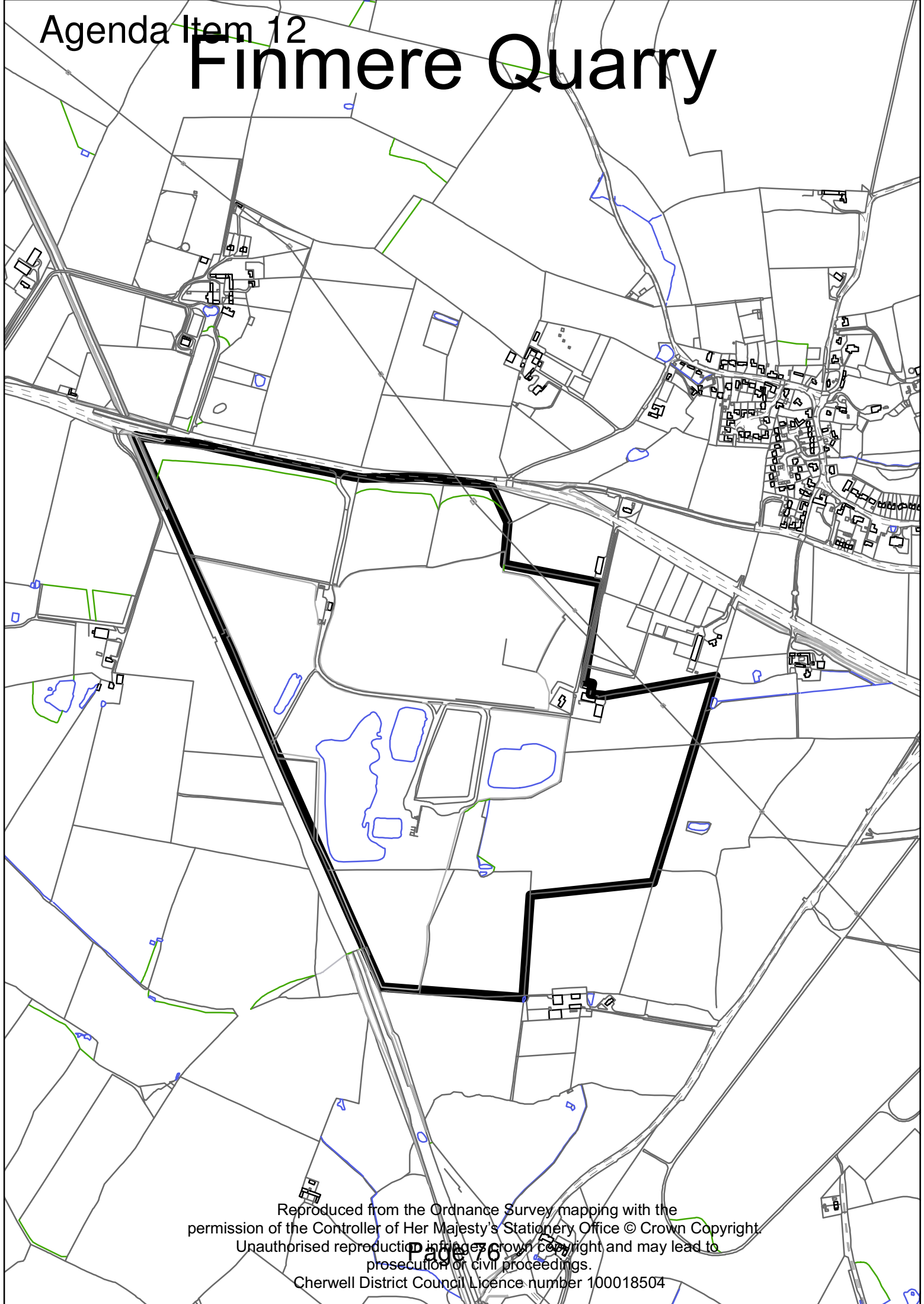
SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

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 and whilst the proposal does not accord with Policy CO4 of the South East Plan and Policy GB1 of the adopted Cherwell Local Plan, the Council consider that the benefits of retaining the facility and reintroducing a shop office in the village outweigh the normal strong presumption against inappropriate development in the Green Belt. 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: Bob Duxbury

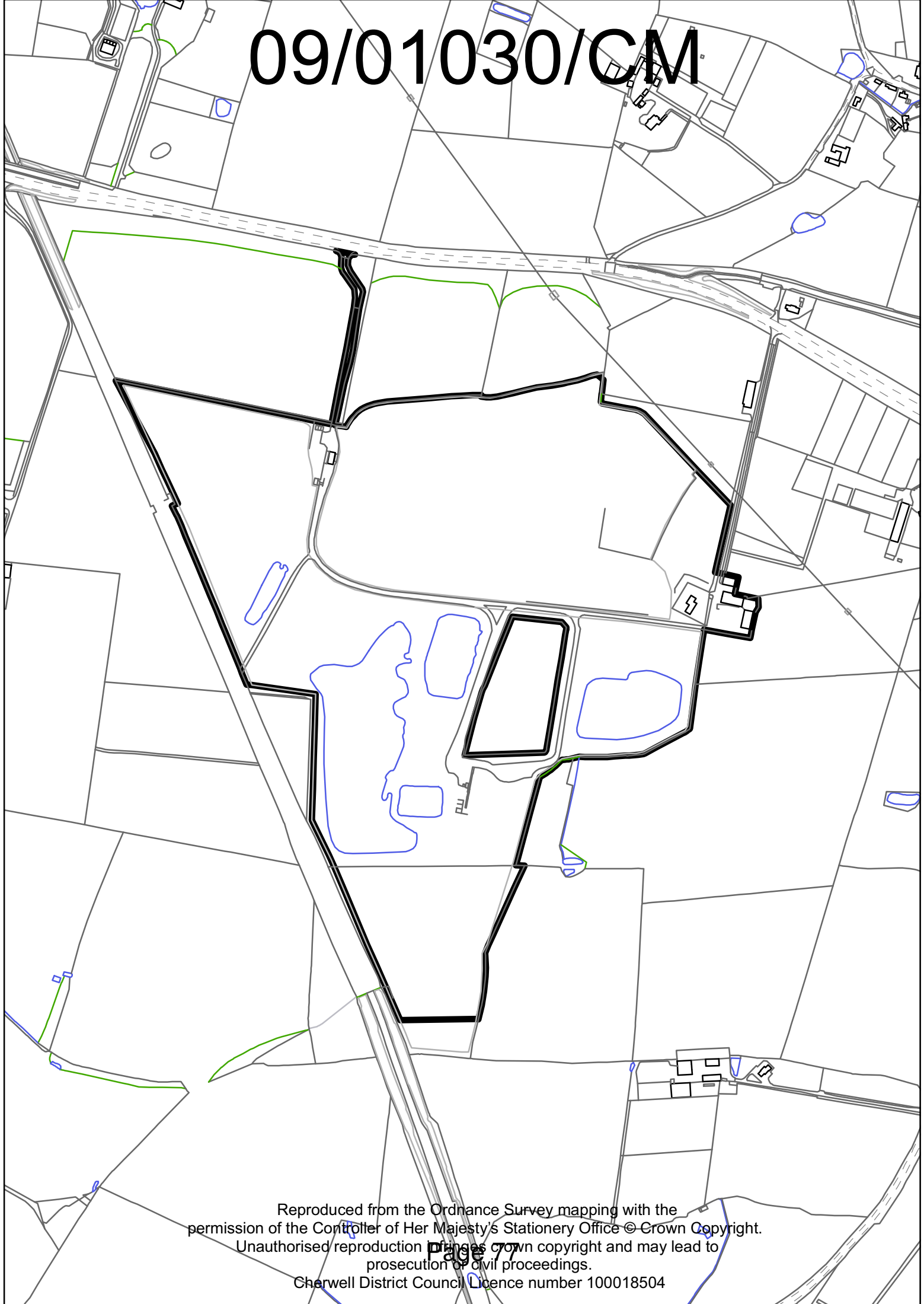
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Finmere Quarry



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09/01030/CM

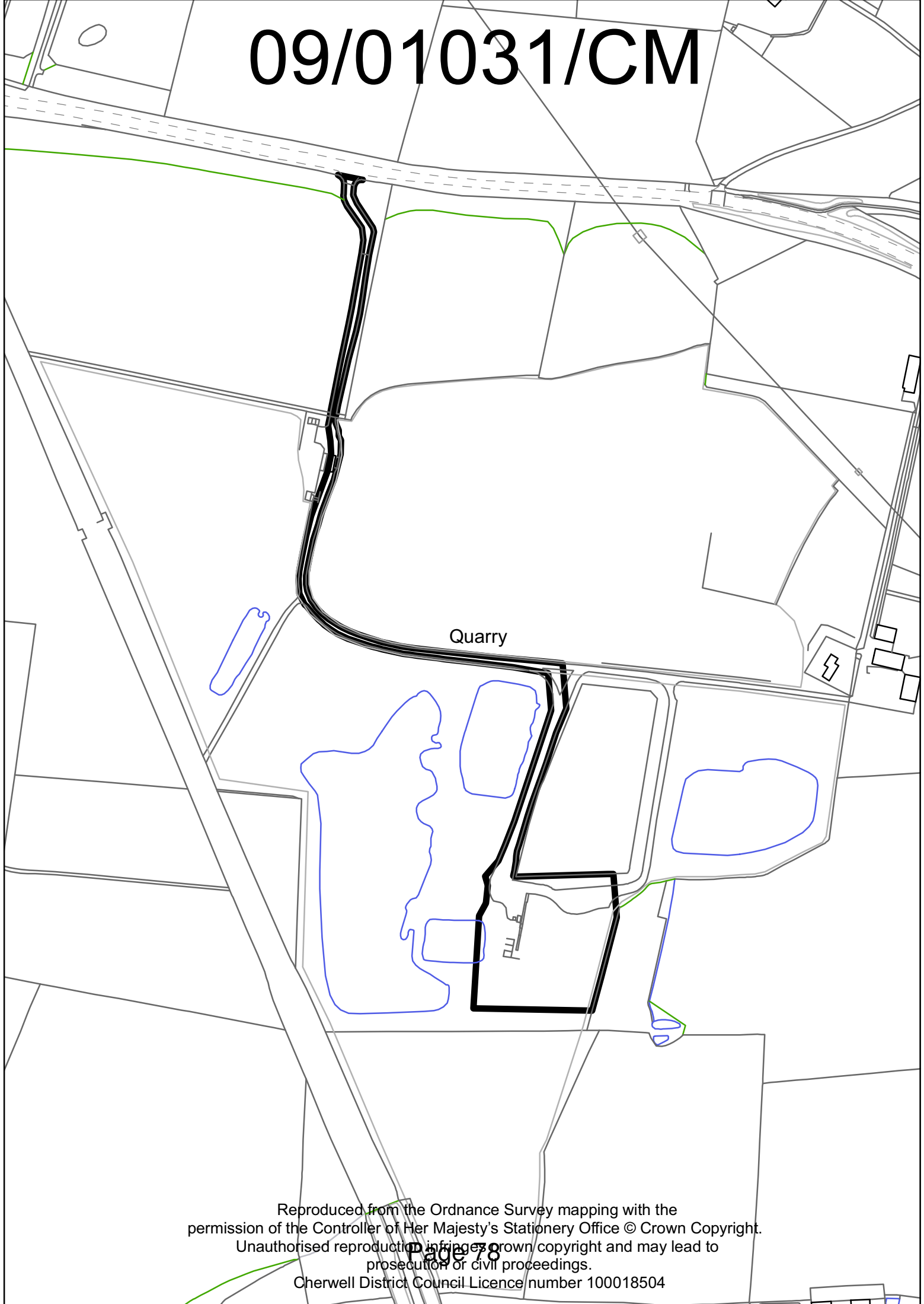


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09/01031/CM



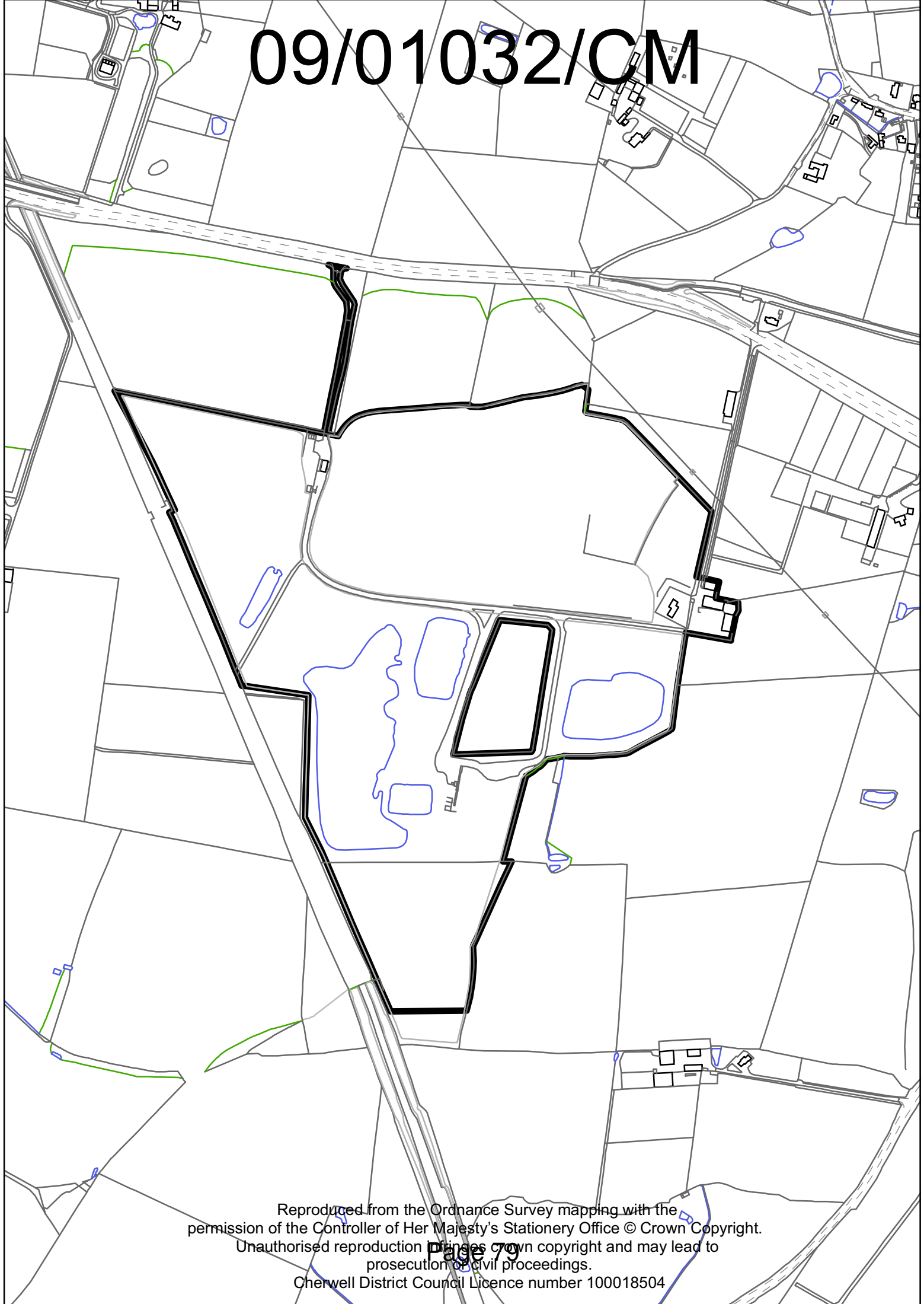
Quarry

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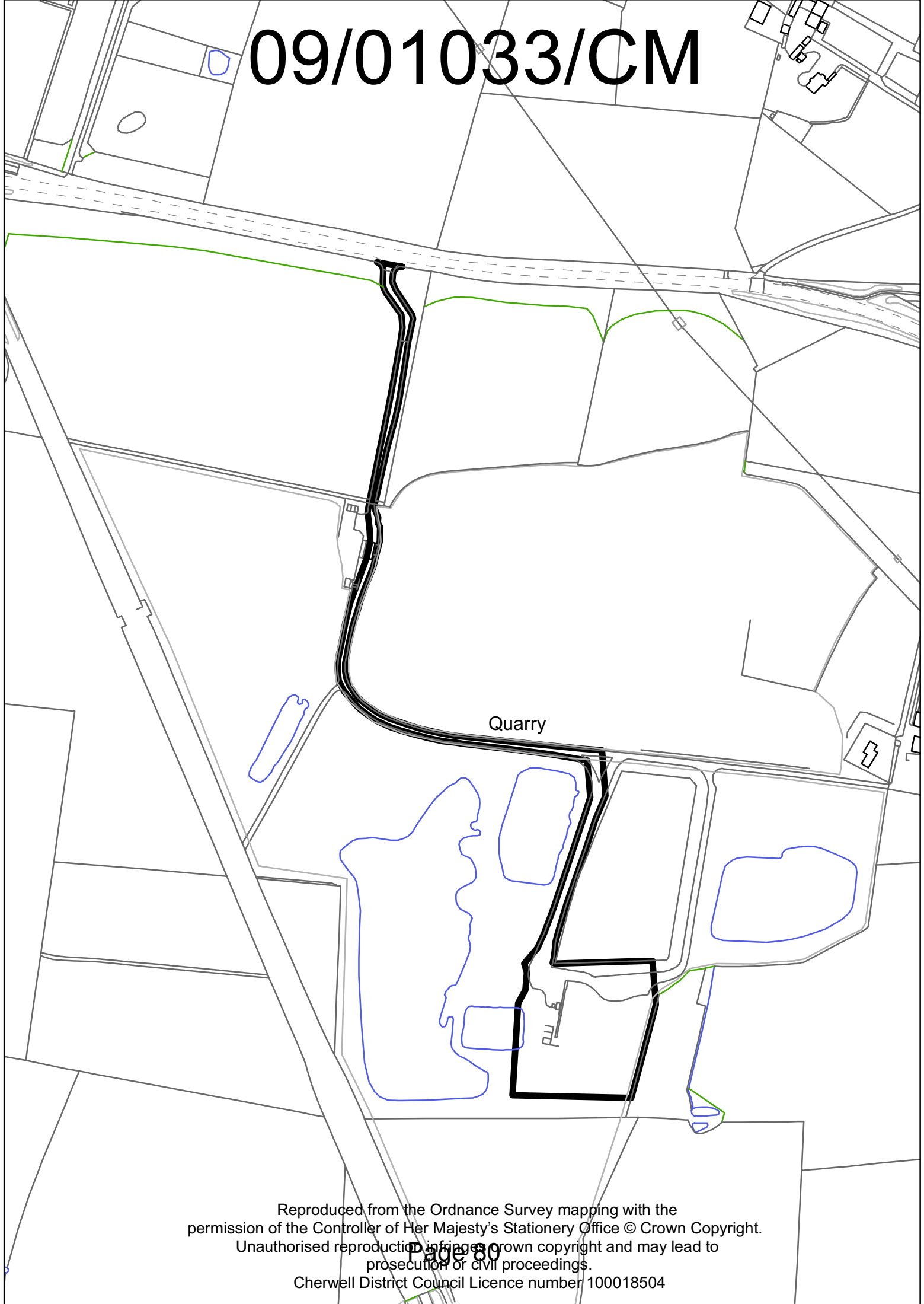
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09/01032/CM



09/01033/CM



Quarry

PLW 6

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Application Nos: 09/01030/CM 09/01031/CM 09/01032/CM 09/01033/CM	Ward: Fringford	Date Valid: 31/07/09
Applicant:	Premier Aggregates Ltd	
Site Address:	Finmere Quarry, Banbury Road, Finmere, Oxon, MK18 4AJ	

Proposals: 09/01030/CM: For the continuation of the non-hazardous landfilling operations at Finmere quarry without complying with the requirements of conditions 1, 3, 4, 7, 14, 16, 17, 18, 21, 24, 26 and 33 of planning permission reference 08/02519/CM to allow the variation of the restoration profile and the restoration scheme for the non hazardous landfill and to extend the life of the landfill operations (Restoration Option C). OCC ref. MW.0168/09

09/01031/CM: To continue development without complying with conditions C1 (Complete Accordance), C3 (Time Limits), C24 (Restoration Scheme) and C27 (Commencement of Development) of planning permission 08/02518/CM (Application to continue development without complying with condition C3 (Time Limits), C24 (Restoration Scheme) and C27 (Commencement of Development) of planning permission APP/U3100/A/06/2030613 (A Materials Recycling Facility), (Restoration Option C). OCC ref. MW.0169/09

09/01032/CM: For the continuation of the non hazardous landfilling operations at Finmere Quarry without complying with the requirements of condition 1, 3, 4, 7, 14, 16, 17, 18, 21, 24, 26 and 33 of planning permission reference 08/02519/CM to allow the variation of the restoration profile and the restoration scheme for the non hazardous landfill and to extend the life of the landfill operations (Restoration Option A). OCC ref. MW.0163/09

09/01033/CM: Application to continue development without complying with conditions C1 (Complete Accordance), C3 (Time Limits), C24 (Restoration Scheme) and C27 (Commencement of Development) of planning permission 08/02518/CM (Application to continue development without complying with conditions C3 (Time Limits), C24 (Restoration Scheme) and C27 (Commencement of Development) of planning permission APP/U3100/A/06/2030613 (A Materials Recycling Facility), (Restoration Option A). OCC ref. MW.0167/09

1. Site Description and Proposal

- 1.1 The application relates to Finmere Quarry and Landfill, which has operated since 1993 as a mineral extraction and infilling with inert waste site.

- 1.2 This consultation relates to applications to be determined by the County Council as Minerals and Waste Planning Authority
- 1.3 Permission is now sought through these applications to continue the deposition of commercial and industrial waste, without complying with conditions attached to 08/02518/CM and 08/02519/CM (which were considered by this committee on 29 January 2009).
- 1.4 Four applications have been made and these are essentially two pairs (09/01030/CM & 09/01031/CM and 09/01032/CM & 09/01032/CM) which relate to two different options (Options A and C) for extending the life of the site beyond that approved under 08/02518/CM and 08/02519/CM (Option B).
- 1.5 The three options came about following pre-application discussions in mid-late 2008 between OCC, CDC, the EA, Finmere Parish Council and Premier Aggregates following the discovery that it would be impossible to re-profile the unauthorised, over-tipped mound as this would be hazardous to human health. During these discussions it was agreed that Option B represented the best solution in terms of resolving the issues at the site and leading to the most acceptable, and quickest end to the use of the site and eventual restoration of the landscape.
- 1.6 The scheme approved under 08/02518/CM & 08/02519/CM (Option B) allows for 108,000m³ of directly imported waste and 738,000m³ of waste from the Materials Recycling Facility (MRF) to be deposited on the site to complete the landfilling and allow restoration, totalling 846,000m³, with a completion date of 2020.
- 1.7 The variation proposed under 09/01030/CM & 09/01031/CM (Option C) allows for 210,000m³ of directly imported waste and 775,000m³ of waste from the Materials Recycling Facility (MRF) to be deposited on the site to complete the landfilling and allow restoration, totalling 985,000m³, with a completion date of 2023.
- 1.8 The variation proposed under 09/01032/CM & 09/01033/CM (Option A) allows for 213,000m³ of directly imported waste and 875,000m³ of waste from the Materials Recycling Facility (MRF) to be deposited on the site to complete the landfilling and allow restoration, totalling 1,088,000m³, with a completion date of 2025.
- 1.9 The conditions to be varied by the applications are listed and summarised in the Appendices (1-3) attached to the end of this report. They refer largely to the time-scales, volumes of waste, drawing numbers and other operational matters related to the correct implementation and monitoring of the permissions.

2. Application Publicity

- 2.1 As a County Matter application, no publicity necessary

3. Consultations

- 3.1 Head of Building Control and Engineering Services – no comments
- 3.2 Landscape Planning Officer – believes that the already approved Option B

(08/02518/CM & 08/02519/CM) offers the best solution for the site as the profile is more varied and appears more natural. She considers that the landform is already an un-natural and alien form in relatively flat countryside, and that a smooth profile would look less natural than a form with some variation.

3.3 Anti-Social Behaviour Manager – no observations to make

4. Relevant Planning Policies

4.1 PPS10 : Planning for Sustainable Waste Management

4.2 Oxfordshire Minerals and Waste Local Plan (1996) – Policy W3 – states that proposals for re-use/recycling will normally be permitted provided that the site is close to the source of the waste and/or the market for the re-used/recycled material; the proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic and does not pose an unacceptable risk to the water environment.

4.3 Policy W4 – states that proposals for re-use/recycling will not normally be permitted in the open countryside unless the development is to form part of a mineral extraction/landfill site and will be removed on completion of extraction/landfill.

4.4 South East Plan 2009 Policies W5, W6, W7 and W13 address landfill, waste and recycling and seek to ensure that targets for diversion from landfill of all waste needs to be achieved in the region but making provision for waste that can be recycled.

4.4 There are no specific adopted local plan policies that are directly relevant to waste management or mineral extraction as these are largely addressed by Oxfordshire Minerals and Waste Local Plan and government guidance contained in PPS10.

5. Appraisal

5.1 The previously approved applications to vary the planning permission for the landfill operation and to modify the restoration profile (08/02518/CM and 08/02519/CM) were essentially made at the invitation of the County Council following extensive pre-application discussions with interested parties as outlined in paragraph 1.5 above.

5.2 The reports for the ‘Option B’ scheme approved under 08/02518/CM and 08/02519/CM are attached to this report as Appendices 4 and 5. These reports outline in greater detail the site history and current approval which the applicant seeks to alter.

5.3 The schemes now under consideration are essentially the two options which were rejected by the interested parties during those pre-application discussions.

5.4 The main issues to consider when assessing the current schemes against the approved scheme are:

-the amount of waste to be brought into the site

-the amount of waste to be tipped on the site arising from the use of the MRF

-the date for the end of the use of the site and its restoration

The figures showing the differences in the proposed and approved amounts are shown below.

Option	Waste to be imported (m ³)	Waste from MRF(m ³)	Total (m ³)	End date
B (approved under 08/02518/CM and 08/02519/CM)	108,000	738,000	846,000	2020
C (09/01030/CM & 09/01031/CM)	210,000 (+102,000 on approved scheme)	775,000 (+37,000 on approved scheme)	985,000 (+139,000 on approved scheme)	2023
A (09/01032/CM & 09/01033/CM)	213,000 (+105,000 on approved scheme)	875,000 (+137,000 on approved scheme)	1,088,000 (+242,000 on approved scheme)	2025

- 5.6 It is also important to consider the impact on the appearance of the landscape of the proposed variations to the approved scheme.
- 5.7 As shown in the table above, the alternative options now proposed involve an increased volume of waste to be deposited on the site, and this will change significantly the restored profile of the land following the end of the use of the site for landfilling operations.
- 5.8 Option C (09/01030/CM & 09/01031/CM) would see the 'mound' associated with the landfill extend from its current permitted end between the boundaries of Cells 5/6 and Cells 8/9 to the boundary of Cells 8/9 and Cells 10/11 (the line of the current access track).
- 5.9 Option A (09/01032/CM & 09/01033/CM) would see the 'mound' associated with the landfill extend from its current permitted end between the boundaries of Cells 5/6 and Cells 8/9 to the Western boundary of the site adjacent to the dismantled railway line.
- 5.10 The Council's Landscape Officer advises that the composite drawing shows a measurable maximum difference between option B and A/C of approx 5m. Option B would keep the height of the restoration on the western edge nearer to the level it should have been before the overtipping. The proposed schemes will lead to an increase in the height of the restored land of up to 5m over the approved profile, meaning that, at its maximum the additional fill of A and C will be 40% greater in height above the natural contours of the site than those of the approved option B. Given the relatively flat nature of the site and surrounding countryside, this is not considered to be an insignificant amount of extra height.
- 5.11 Premier Aggregates, the owners and operators of the site consider that the principle

issue in these applications is the appearance of the finished landscape following completion of landfilling operations and restoration. In their view, there is no substantive landscape argument for the preference of Option B (that approved under 08/02518/CM & 08/02519/CM) over Options A or C (those proposed in these applications). Premier Aggregates consider that Option A allows for the most naturalistic finished landscape form.

- 5.12 Notwithstanding the Landscape Officers comments, It is considered that the final appearance of the landscape should not solely form the basis of this Councils' observations to Oxfordshire County Council. Instead the Council should continue to express a preference for the already approved Option B. This option was subject to intensive discussions by the interested parties is considered to offer the best overall solution in terms of the least amount of waste to be imported to/deposited on the site, the most acceptable profile of the restored land and soonest date for the end of operations on the site and minimising the impact on the locality. It is for this reason that the recommendations are as below.

6. Recommendations

09/01030/CM: That Oxfordshire County Council is advised that Cherwell District Council was very disappointed that the life of the quarry was to be extended as a result of the applicant's over tipping at the site. However, as the height of the over tipped waste could not be reduced without causing serious harm to health; there was no objection to the varying of conditions that would allow the operations to continue until the land was finally restored, in line with the timescales approved under 08/02518/CM and 08/02519/CM.

Cherwell District Council still maintains that the previously submitted and approved scheme for the necessary extension to the life of the site and restoration of the land is its' preferred option, and therefore option C is not acceptable.

09/01031/CM: That Oxfordshire County Council is advised that Cherwell District Council was very disappointed that the life of the quarry was to be extended as a result of the applicant's over tipping at the site. However, as the height of the over tipped waste could not be reduced without causing serious harm to health; there was no objection to the varying of conditions that would allow the operations to continue until the land was finally restored, in line with the timescales approved under 08/02518/CM and 08/02519/CM.

Cherwell District Council still maintains that the previously submitted and approved scheme for the necessary extension to the life of the site and restoration of the land is its' preferred option, and therefore option C is not acceptable

09/01032/CM: That Oxfordshire County Council is advised that Cherwell District Council was very disappointed that the life of the quarry was to be extended as a result of the applicant's over tipping at the site. However, as the height of the over tipped waste could not be reduced without causing serious harm to health; there was no objection to the varying of conditions that would allow the operations to continue until the land was finally restored, in line with the timescales approved under 08/02518/CM and 08/02519/CM.

Cherwell District Council still maintains that the previously submitted and approved scheme for the necessary extension to the life of the site and restoration of the land is its' preferred option, and therefore option A is not acceptable

09/01033/CM: That Oxfordshire County Council is advised that Cherwell District Council was very disappointed that the life of the quarry was to be extended as a result of the applicant's over tipping at the site. However, as the height of the over tipped waste could not be reduced without causing serious harm to health; there was no objection to the varying of conditions that would allow the operations to continue until the land was finally restored, in line with the timescales approved under 08/02518/CM and 08/02519/CM.

Cherwell District Council still maintains that the previously submitted and approved scheme for the necessary extension to the life of the site and restoration of the land is its' preferred option, and therefore option A is not acceptable.

CONTACT OFFICER: Tracey Morrissey & TELEPHONE NO: 01295 221812
Simon Dean 01295 221814

APPENDIX 1

In order to change the restoration profile and the restoration scheme from that which has been agreed to be acceptable by officers of the County and District Council and members of Finmere Parish Council and Environment Agency (under application ref 08/02519/CM) the following conditions would need to be varied to take account of the amended proposed details and drawings submitted.

These conditions are to be varied by applications 09/01030/CM and 09/01032/CM.

Condition 1 states that 'The development shall be carried out in complete accordance with the plans and particulars submitted with the application except as modified by conditions of this permission'.

Condition 3 states that 'No waste shall be deposited on the site after 31 December 2020' unless otherwise approved'.

Condition 4 states that 'No waste shall be deposited above the pre-settlement contours shown on the approved plan'.

Condition 7 states that 'Landfilling operations shall not be carried out except in complete accordance with approved plans and schemes'.

Condition 14 states that 'No development shall take place except in accordance with the approved dust suppression methods '.

Condition 16 states that 'No deposit of waste shall be made outside the approved scheme, except for that required to achieve the approved restoration profile'.

Condition 17 states that 'No development shall take place except in accordance with the approved restoration scheme'.

Condition 18 states that 'Restoration should provide for amelioration of any subsidence occurring within three years of the completion of initial restoration'.

Condition 21 states that 'Within one year of the date of permission a landscaping scheme shall be submitted incorporating previously agreed principles'.

Condition 24 states that 'An aftercare programme for the land not being restored to agriculture should be submitted, approved and implemented'.

Condition 26 states that 'At the start of each year during the aftercare period, the operator should provide an annual programme for the future management of the land and a record of that years' management'.

Condition 33 states that 'Landfilling operations in Cell 7 shall not commence until a scheme showing how the approved contours will be achieved has been submitted and approved'.

APPENDIX 2

In order to change the lifetime of the Materials Recycling Facility (MRF) from that which has been agreed to be acceptable by officers of the County and District Council and members of Finmere Parish Council and Environment Agency (under application ref 08/02518/CM) the following conditions would need to be varied to take account of the amended proposed details and drawings submitted.

These conditions are to be varied by application 09/01031/CM (Option C).

Permission is now sought as part of this application to continue the MRF development without complying with conditions C1, C3, C24 and C27 of the consent granted at appeal.

Condition C1 states that the development must be carried out in accordance with the particulars submitted with the application, except where amended by condition.

The applicant seeks to amend this condition for consistency with the particulars of the proposed development.

Condition C3 states that 'The acceptance of waste for the purpose of recycling shall cease by 31st December 2020. All buildings, plant and machinery to which this permission relates shall be removed by 31st December 2021'

The applicant seeks to amend this condition to permit the acceptance of waste up to 31st December 2023, with the removal of buildings, plant and machinery by 31st December 2024 to take into account the concurrent application 09/01031/CM.

Condition C24 states that 'The site shall be restored in accordance with approved drawing PR/FI/11-08/14686revA and aftercare shall take place in accordance with conditions 24, 25 and 26 of planning permission 08/02519/CM'.

The applicant seeks to amend this condition to take into account the permission sought in concurrent application (09/01030/CM), in particular to vary the restoration profile, scheme and timetable.

Condition C27 states that 'There shall be no operation of the MRF until engineering works necessary to alleviate the odour nuisance have been completed and the permanent capping is in place on the overtipped mound area located within cells 3, 4, 5 and 6 to the requirements of the Waste Planning Authority in consultation with the Environment Agency.'

The applicant seeks to have this condition amended to take into account Condition 7 of 08/02519/CM, in order to allow for better operational use of the site.

APPENDIX 3

In order to change the lifetime of the Materials Recycling Facility (MRF) from that which has been agreed to be acceptable by officers of the County and District Council and members of Finmere Parish Council and Environment Agency (under application ref 08/02518/CM) the following conditions would need to be varied to take account of the amended proposed details and drawings submitted.

These conditions are to be varied by application 09/01033/CM (Option A).

Permission is now sought as part of this application to continue the MRF development without complying with conditions C1, C3, C24 and C27 of the consent granted at appeal.

Condition C1 states that the development must be carried out in accordance with the particulars submitted with the application, except where amended by condition.

The applicant seeks to amend this condition for consistency with the particulars of the proposed development.

Condition C3 states that 'The acceptance of waste for the purpose of recycling shall cease by 31st December 2020. All buildings, plant and machinery to which this permission relates shall be removed by 31st December 2021'

The applicant seeks to amend this condition to permit the acceptance of waste up to 31st December 2025, with the removal of buildings, plant and machinery by 31st December 2026 to take into account the concurrent application 09/01032/CM.

Condition C24 states that 'The site shall be restored in accordance with approved drawing PR/FI/11-08/14686revA and aftercare shall take place in accordance with conditions 24, 25 and 26 of planning permission 08/02519/CM'.

The applicant seeks to amend this condition to take into account the permission sought in concurrent application (09/01032/CM), in particular to vary the restoration profile, scheme and timetable.

Condition C27 states that 'There shall be no operation of the MRF until engineering works necessary to alleviate the odour nuisance have been completed and the permanent capping is in place on the overtipped mound area located within cells 3, 4, 5 and 6 to the requirements of the Waste Planning Authority in consultation with the Environment Agency.'

The applicant seeks to have this condition amended to take into account Condition 7 of 08/02519/CM, in order to allow for better operational use of the site.

Application No. 08/02518/CM

Case Officer: Tracey Morrissey

Site Visited: N/A

Site Address: Finmere Quarry, Banbury Road, Finmere

Proposal: Application to continue development without complying with conditions C3 (Time Limits), C24 (Restoration Scheme) and C27 (Commencement of Development) of Planning Permission APP/U3100/A/06/2030613 (A Material Recycling Facility and Associated Infrastructure)

Site Description & Proposal

This application is linked with 08/02519/CM.

The application relates to Finmere Quarry and landfill, which has operated since 1993 as a mineral extraction and infilling with inert waste site.

In October 2007 an appeal was allowed and permission granted for the operation of a Materials Recycling Facility (MRF) with associated infrastructure at the site.

This consultation relates to an application to be determined by the County Council as Minerals and Waste Planning Authority and is also linked to application no. 08/02519/CM.

Permission is now sought as part of this application to continue the MRF development without complying with conditions C3, C24 and C27 of the consent granted at appeal.

Condition C3 states that 'The acceptance of waste for the purpose of recycling shall cease by 31st December 2014. Buildings, plant and machinery to which this permission relates shall be removed by 31st December 2015'

The applicant seeks to amend this condition to permit the acceptance of waste up to 31st December 2020, with the removal of buildings, plant and machinery by 31st December 2021.

Condition C24 states that 'The site shall be restored in accordance with conditions 21, 28, 29 and 32 of planning permission 00/1480/CM and the aftercare shall be carried out in accordance with planning permission 00/01480/CM'.

The applicant seeks to amend this condition to take into account the permission sought in concurrent application (08/02519/CM), in particular to vary the restoration profile, scheme and timetable.

Condition C27 states that 'The operation of the MRF shall not commence until the waste in excess of the pre-settlement restoration levels at the adjoining landfill has been excavated and relocated so as to accord with the pre-settlement restoration levels shown on plan no. FGL 4/1B dated November 2000 approved under permission 00/01480/CM'

The applicant seeks to have this condition removed.

Application Publicity & Comments

County matter application therefore no external consultation/publicity necessary

Consultations

Head of Building Control and Engineering Services - no objection

Relevant Policy

PPS10 : Planning for Sustainable Waste Management

Oxfordshire Minerals and Waste Local Plan (1996) – Policy W3 – states that proposals for re-use/recycling will normally be permitted provided that the site is close to the source of the waste and/or the market for the re-used/recycled material; the proposal will not cause unacceptable nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic and does not pose an unacceptable risk to the water environment.

Policy W4 – states that proposals for re-use/recycling will not normally be permitted in the open countryside unless the development is to form part of a mineral extraction/landfill site and will be removed on completion of extraction/landfill.

There are no specific adopted local plan policies that are directly relevant to waste management or mineral extraction as these are largely addressed by Oxfordshire Minerals and Waste Local Plan and government guidance contained in PPS10.

Appraisal

Key issues include:

- History
- Impact on landscape
- Impact on amenity of residents of Finmere and surrounding area
- Traffic

Site history

In 2007 under 07/00650/CM the applicant sought to continue the development of Finmere Quarry Landfill site without complying with condition no. 7 of permission 00/01480/CM which involved the revision of the phasing of the permitted landfilling operation. The development was to consist of introducing a new working order for the filling of cells, revising the direction of working and to allow for some cells to be filled before other cells have been restored.

This condition was relative to the phasing of the continuation of the development which involved the deposit of commercial and industrial waste at the quarry. The phasing operation was considered necessary to ensure that the deposit of waste in certain cells, should not take place in more than phase at a time, and also involved the restoration of previous phases to ensure that the sand and gravel resources are husbanded and progressive landfilling and restoration of the site takes place.

However, notwithstanding the reasons for the condition, it would appear that following enforcement action at the quarry by the County Council (as a result of over-tipping of cells 3 to 6 inclusive), a new working order needed to be introduced for the filling of cells, and revising the direction of working which is to allow for some cells to be filled before other cells have been restored. Some waste would need to be excavated and relocated as required by an enforcement notice, which was also upheld on appeal (appeal ref: APP/U3100/C/06/2008163). This rephrasing would enable the applicant to relocate the over tipped waste in order to comply with Enforcement Notice.

Current problem

It became apparent however, that prior to the determination of this application, the Environment Agency undertook some monitoring of the site and advised that it would be dangerous to relocate the waste and objected to the application. Essentially levels of hydrogen sulphide

within cell 5A were of such a high level that if released posed a severe risk to human health and therefore it was recommended that the waste remains in situ.

There is currently a temporary cap over the waste with some landfill gas control by venting and some by flaring. There does however continue to be serious issues of odour from the site and complaints raised from up to 2km from the site boundary.

Consequently the application was refused by Oxfordshire County Council for the following reason 'that it would damage and disturb the health and amenity of local residents by reason of smell and gas'.

This has left the situation rather complicated and contentious. Following several meetings between the applicants and officers of the County Council, Environment Agency and Cherwell Council and Finmere Parish Council steps are being taken to ensure that:

1. There is no risk to human health
2. The matter is resolved as quickly as possible
3. The life of the quarry is not greatly prolonged
4. The amount of traffic is not increased to the site in order to resolve the situation
5. and the site is restored to an acceptable landform

Proposed scheme

An agreeable scheme has been found that will essentially deal with all the above, however in order to reach this point, conditions relating to the MRF and continuation at the quarry need to be dealt with. At the time of the appeal in respect to the MRF it was assumed that the overfilled waste would be excavated and relocated prior to the commencement of the operation of the MRF. However as this is no longer an option, at the invitation of the County Council the application has been made to vary the planning permission for the landfill operation and to revise the restoration of the site.

The development proposal comprises three main components that are to be dealt with under application no. 08/02519/CM, which are the variation of the restoration profile and the restoration scheme for the landfill, the variation of the phasing of the landfill operations at the site and the variation of the life of the landfilling operations at the site. Application no. 08/02518/CM seeks to regularise the potential conflict between the operation of the landfill and the operation of the MRF.

If the County Council grants consent for the revisions to the operation of the MRF, the applicants assume that the MRF can be operational by early January 2010 and a low permeability cap will be provided as soon as possible to improve the environment.

In terms of volume of waste necessary to achieve an acceptable landform in cells 3 to 6 and cells 8 and 9, approximately 97,000m³ of non-hazardous waste will be required. The use of non-hazardous waste for restoration provides a homogenous waste mass to ensure uniform settlement. The use of inert waste does not give a uniform settlement and also takes longer to fill, as this type of waste is harder to source. Based on the need to cap as soon as possible cells 3 to 6 and 8 and 9 it is proposed that direct landfilling in these cells to achieve the revised restoration profile commences as soon as possible. The MRF will be operated from early 2010 and the residues from the MRF will be deposited in cells 7, 10 and 11.

The void available in cells 7, 10 and 11 is approx. 665,000m³ and based on a waste input comprising the residues from the MRF of 60,000m³ pa. it will take approx. 4.5 years to infill cell 7 and approx. 6.5 years to infill cells 10 and 11. Accordingly it is anticipated that landfilling operations will be completed by the end of 2020.

In terms of the capping of the cells, a membrane cap is to be used, as a clay cap would involve the generation of more traffic to the site. The life of a membrane is less than a clay cap, but the Environment Agency is confident that the right processes are in place to deal promptly with problems with a membrane should they arise.

With regards to the impact on the landscape, the overtipping of cells 3 to 6 has resulted in waste being placed above the permitted restoration profile for the site. The current waste profile is too high and does not facilitate effective surface water management. There is a north south orientated step between overfilled waste in cells 5 and 6 and the consented restoration level of waste in cells 8 and 9. Adequate stability of the step cannot be demonstrated and the presence of the step is not acceptable for the proposed after use of the site.

It is proposed that the restoration proposals for the site are revised to create an acceptable landform. It is necessary to consider the stability of the landform, the visual impacts of the landform, the intended afteruse of the site and surface water management.

The proposed revisions to the restoration profile have been discussed with Cherwell District Officers, Oxfordshire County Council officers, Finmere Parish Council and the Environment Agency, and is the preferred scheme, as it would be the minimalist and quickest option in order to resolve the matter.

To create an acceptable landform it is necessary to import additional waste into cells 3 to 6 inclusive, to the area of the step between cells 5 and 6 and cells 8 and 9 and to use materials available on site to regrade the northern slope to cells 4 and 5 and the southern slope to cell 3. Its is also necessary to revise the restoration profile to cell 7 to incorporate the revised restoration profile of cells 1 and 3 located to the north of cell 7.

The landfill is operated on the principle of containment. Engineered low permeability basal and side wall liners are constructed progressively and a low permeability cap is placed over the waste once the finished levels are reached. Groundwater, leachate and landfill gas management infrastructure is installed progressively. The principles of the engineering of the site and operation of the groundwater, leachate and landfill gas management infrastructure will not be affected by the proposals to revise the restoration of the site.

A system of surface water drainage ditches will be excavated at the external edges of the landfill to convey surface water running of the site to the surrounding surface water drainage system.

The restoration of Finmere Quarry Landfill is to include a mixture of arable farmland, deciduous woodland and new hedgerow, grass heath and number of aquatic and marginal habitats.

Clearly the management and monitoring of the site have been an issue, which has resulted in the applications now before Members, however given the above assessment of the current situation the following recommendation is made:

Recommendation:

That Oxfordshire County Council is advised that Cherwell District Council is very disappointed that the life of the quarry is to be extended as a result of the applicant's over tipping at the site. As the height of the over tipped heap cannot be reduced without causing serious harm to

health, there is no objection to the varying of conditions that will allow the operations to continue until the land is finally restored.

The Council would however suggest that the opening and operation of the MRF, should not take place until Oxfordshire County Council is content that all the necessary cells have been engineered and capped, and that future tipping is monitored on a regular basis to ensure that over tipping does not occur again.

Application No. 08/02519/CM

Case Officer: Tracey Morrissey

Site Visited: N/A

Site Address: Finmere Quarry, Banbury Road, Finmere

Proposal: Application (i) To continue development (for the deposit of commercial and industrial waste) without complying with conditions 2, 20 and 21 of permission no. 96/00591/CM (to allow for an increase in the height of the final restoration levels) and (ii) development of an inert materials recycling facility using an existing vacant agricultural building, land at Foxley Fields Farm landfill site, Finmere, Oxfordshire - OCC Ref: MW.0051/08

Site Description & Proposal

This application is linked with 08/02518/CM.

The application relates to Finmere Quarry and landfill, which has operated since 1993 as a mineral extraction and infilling with inert waste site.

This consultation relates to an application to be determined by the County Council as Minerals and Waste Planning Authority and is also linked to application no. 08/02518/CM.

Permission is now sought as part of this application to continue the development of deposit of commercial and industrial waste without complying with conditions 2, 20 and 21 of planning permission 96/00591/CM. Essentially the application has been submitted as a result of overtipping at the site and in order to resolve the matter certain conditions relating to the restoration profile and scheme approved under the 1996 consent cannot be complied with.

In order to change the restoration profile and the restoration scheme to that which has been agreed to be acceptable by officers of the County and District Council and members of Finmere Parish Council and Environment Agency the following conditions will need to be varied to take account of the agreed detail and drawings submitted.

Condition 2 states that 'The development shall be carried out in complete accordance with the plans and particulars submitted with the application except as modified by conditions of this permission'

Condition 20 states that 'Restoration levels immediately following disposal of waste shall not be other than in accordance with approved plan no. 90024/17'.

Condition 21 states that 'Final restoration should not be otherwise than in accordance with approved plan no. 90024/18 and as described in the application.

Application Publicity & Comments

County matter application therefore no external consultation/publicity necessary

Consultations

Head of Building Control and Engineering Services - no objection

Relevant Policy

PPS10 : Planning for Sustainable Waste Management

Oxfordshire Minerals and Waste Local Plan (1996) – Policy W3 – states that proposals for re-use/recycling will normally be permitted provided that the site is close to the source of the waste and/or the market for the re-used/recycled material; the proposal will not cause unacceptable

nuisance in terms of noise, dust, fumes, smell, visual intrusion or traffic and does not pose an unacceptable risk to the water environment.

Policy W4 – states that proposals for re-use/recycling will not normally be permitted in the open countryside unless the development is to form part of a mineral extraction/landfill site and will be removed on completion of extraction/landfill.

There are no specific adopted local plan policies that are directly relevant to waste management or mineral extraction as these are largely addressed by Oxfordshire Minerals and Waste Local Plan and government guidance contained in PPS10.

Appraisal

Key issues include:

- History
- Impact on landscape
- Impact on amenity of residents of Finmere and surrounding area
- Traffic

As this application is linked to 08/2518/CM, the issues regarding the problem faced and how this is to be dealt with can be seen as part of that application report.

Essentially at the invitation of the County Council the application has been made to vary the planning permission for the landfill operation and to modify the restoration profile and restoration scheme for the site, to that, which has been agreed.

Given the assessment made of the current situation the following recommendation is made:

Recommendation:

That Oxfordshire County Council is advised that Cherwell District Council is very disappointed that the life of the quarry is to be extended as a result of the applicant's over tipping at the site.

As the height of the over tipped heap cannot be reduced without causing serious harm to health, there is no objection to the varying of conditions that will allow the operations to continue until the land is finally restored.

The Council would however suggest that the opening and operation of the MRF, should not take place until Oxfordshire County Council is content that all the necessary cells have been engineered and capped, and that future tipping is monitored on a regular basis to ensure that over tipping does not occur again.

09/01105/CM

Spring

145.0m

Sand Quarry

Sand Quarry

132.2m

Def

Screening Plant

1.22m RH

Pond

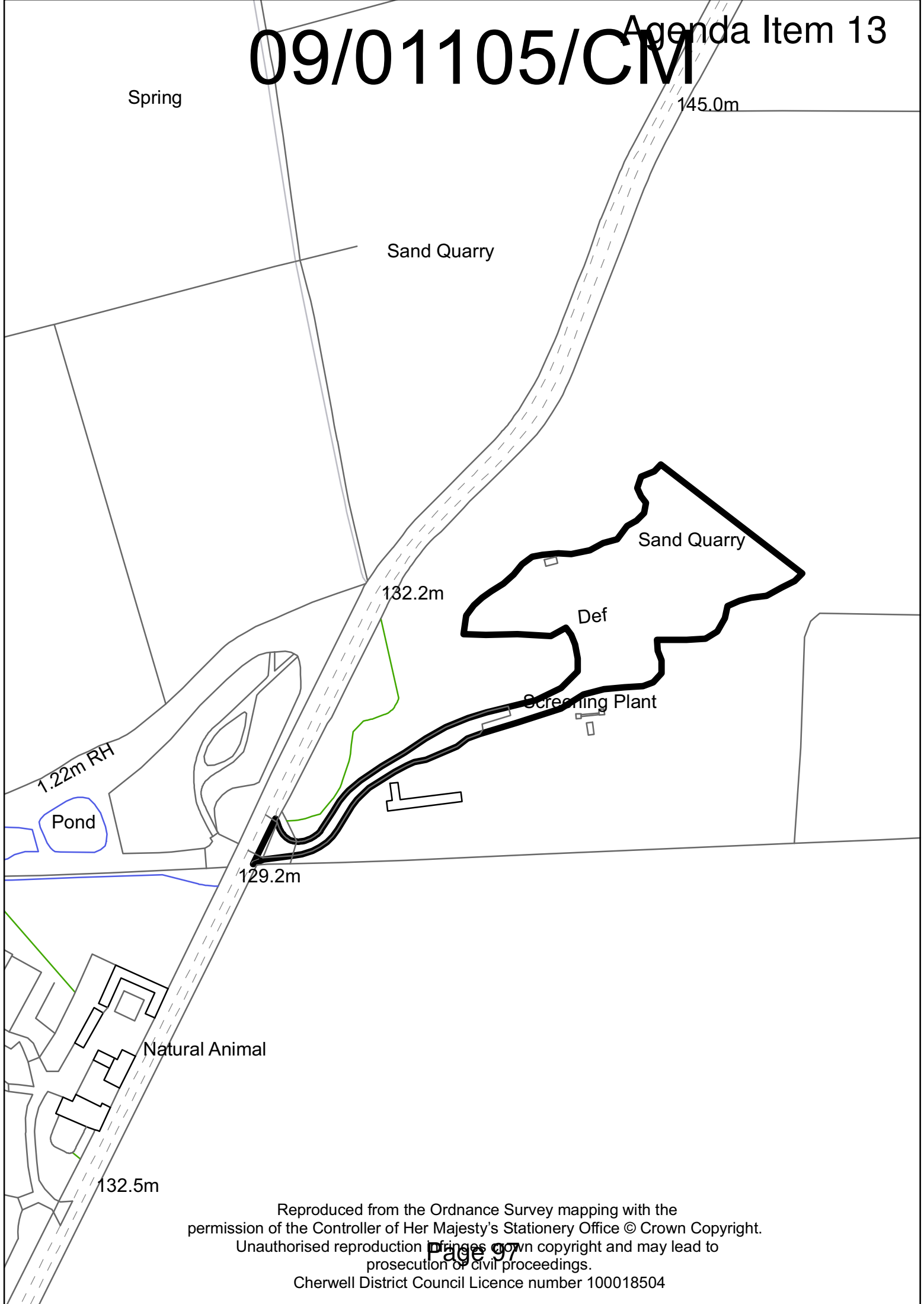
129.2m

Natural Animal

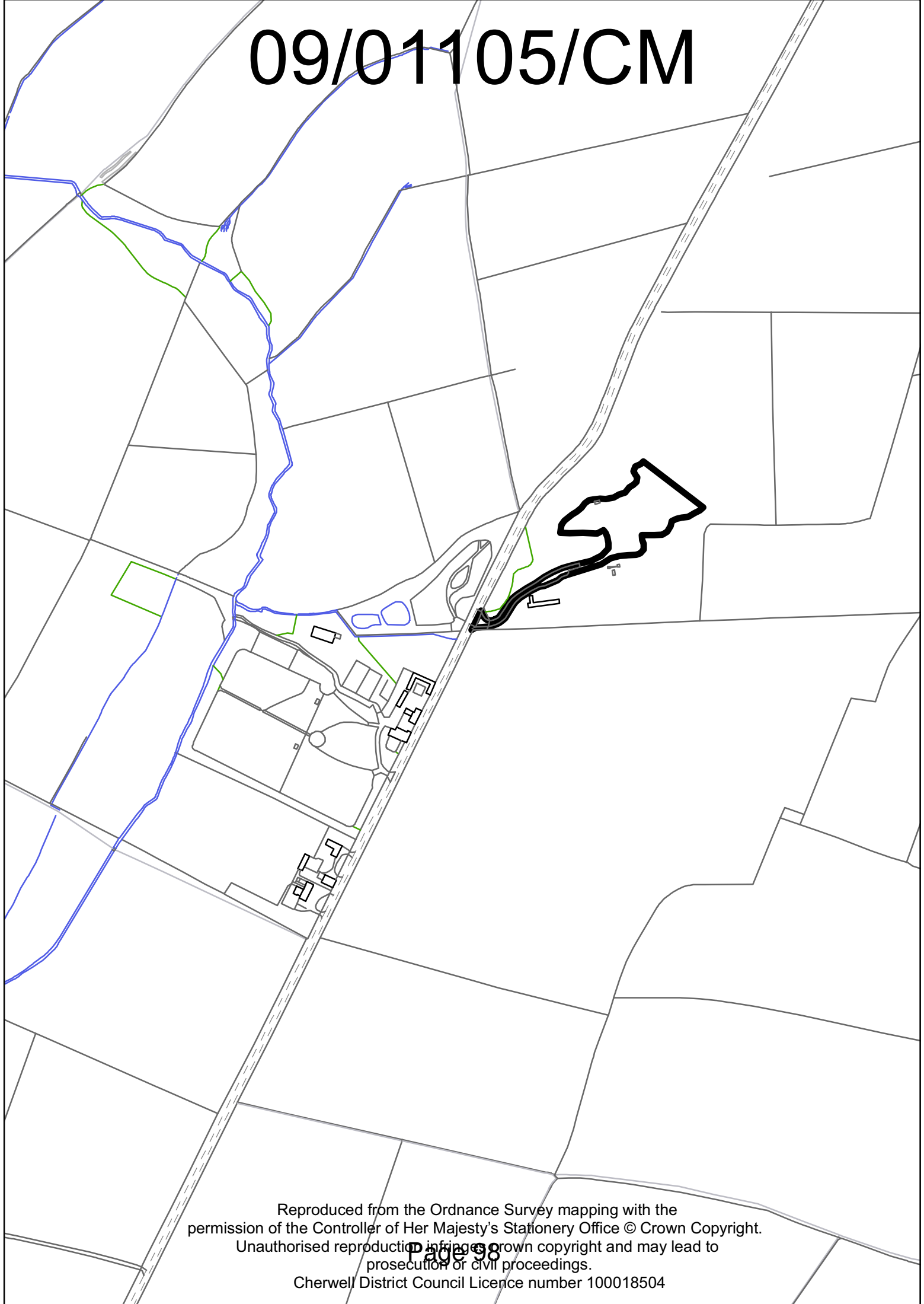
132.5m

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09/01105/CM



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Application 09/01105/CM	No:	Ward: The Astons and The Heyfords	Date 14/08/2009	Valid:
Applicant:	Smith and Sons (Bletchington) Ltd			
Site Address:	Horsehay Quarry, Middle Barton Road, Duns Tew			

Proposal: Retrospective application for building supplies compound and importation of aggregates for sale from site

1. Site Description and Proposal

- 1.1 Horsehay Quarry is situated to the south of Duns Tew, with sites on either side of the road running between Duns Tew and Middle Barton. This application relates to the East Quarry. There are some residential properties near to the site. The southern part of the site is a SSSI and it is located within 2km of the Middle Barton Fen and there are records of protected species at the site.
- 1.2 There has been a long history of quarrying at the site with records going back to the 1950's. This application relates to the East Quarry, which has permission for the development of sand extraction, restoration to agriculture and nature conservation, storage and sand importation for blending and sale, however does not allow for the activities being carried out which are the subject of this application.
- 1.3 This application seeks permission to regularize activities that are currently being carried out at Horsehay Quarry those being a building used as a supplies compound and the importation of aggregates for sale from the site.
- 1.4 This application is alongside application 09/01106/CM, which is also being considered by the Committee and found elsewhere on the agenda.

2. Application Publicity

- 2.1 As this matter is a County Matter, all publicity has been undertaken by Oxfordshire County Council.

3. Consultations

- 3.1 As this matter is a County Matter, all formal consultations have been undertaken by Oxfordshire County Council.

Cherwell District Council (Ecology) have been consulted, however no response has been received at the time this report has been drafted.

The Council's Anti Social Behaviour Manager has commented that the quarry has a good routing agreement which is adhered to

4. Relevant Planning Policies

- 4.1 PPG4: Industrial, commercial development and small firms
PPS7: Sustainable development in rural areas
PPG13: Transport
- 4.2 The South East Plan: policy M3, SP3
- 4.3 Saved Structure Plan: policy M2
- 4.4 Adopted Cherwell Local Plan: policies C7, C13 and EMP4
- 4.5 Non Statutory Cherwell Local Plan: policies EN34, TR16 and EMP4

5. Appraisal

- 5.1 The application seeks to regularize activities that are currently being carried out at the Quarry. The supporting statement for the application suggests that the operations are small scale and ancillary to the main sand operations. However the site plan indicates that an area of just over 1ha is involved with the activity, which is not considered to be small scale. Although aggregates worked at the quarry are stored the use also involves the importation and sale of other aggregates unrelated to the quarry use. In the view of the Head of Development Control and Major Developments the works appear to be fundamentally different to the quarrying activities carried out and result in the presence of a commercial storage/ depot use in the open countryside.
- 5.2 Policy EMP4 of the adopted Cherwell Local Plan states that in rural areas, proposals for employment generating development of the following types will be permitted:
 - Within an existing acceptable employment site
 - Conversion of an existing building or group of buildings
 - Within or adjoining settlements for a minor extension to an existing acceptable employment site

The application site is not considered an acceptable employment site as envisioned by policy EMP4, which is intended to apply mainly to rural buildings where employment is taking place, and given the temporary nature of the quarrying taking place. The proposal does not involve the conversion of an existing building and the site is not adjoining a settlement and it is not a minor extension. For this reason, the proposal does not comply with Local Planning Policy.

- 5.3 The Head of Development Control and Major Developments has considered the points made within the supporting statement regarding traffic and heavy goods vehicles, and their claim that the activities are already being undertaken without giving rise to harm. However it is considered that the principle of the activities is contrary to planning policy and has the potential to lead to additional development and vehicle movements in an isolated rural location without sufficient justification for the need to be located in such a position.

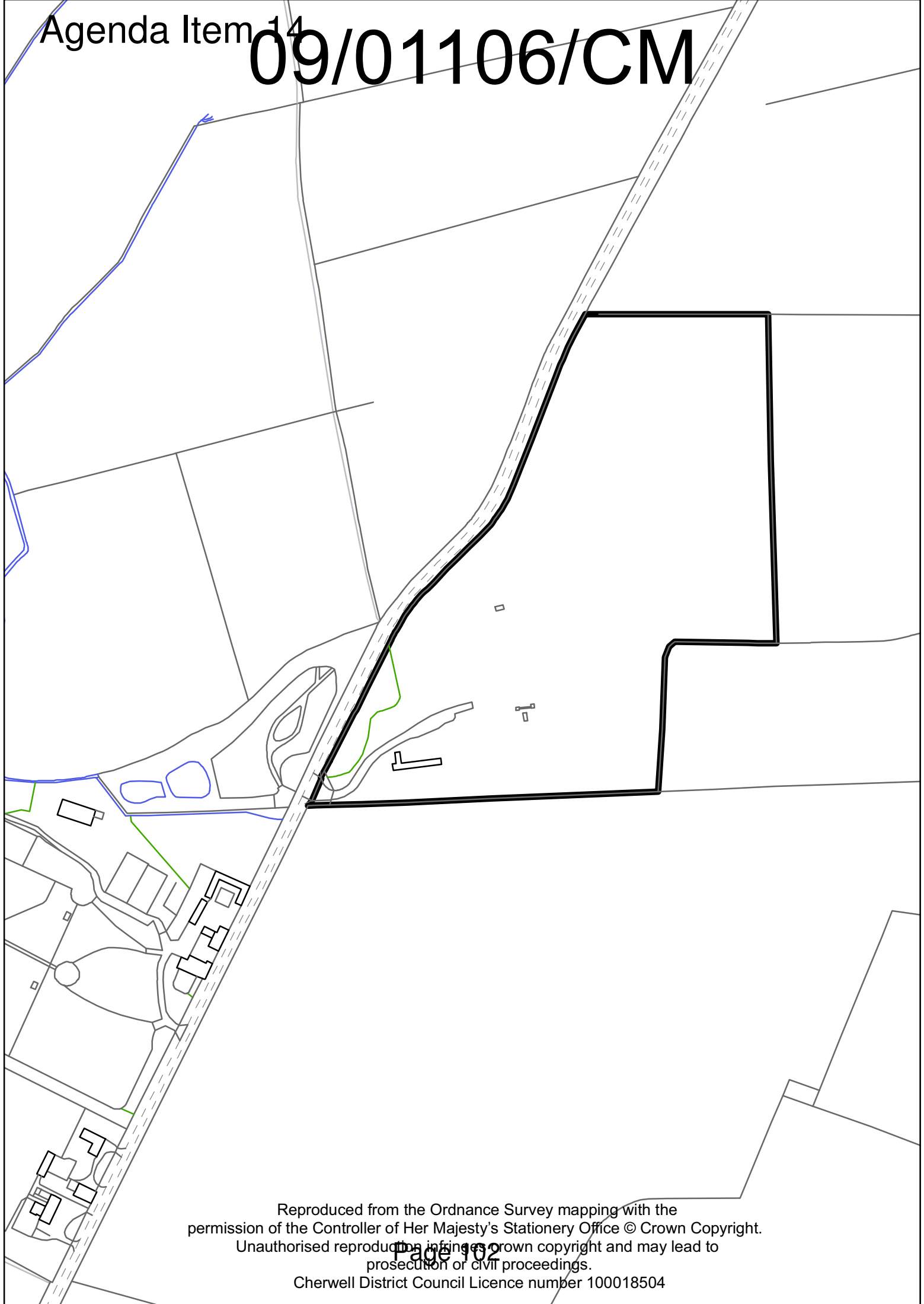
6. Recommendation

That Cherwell District Council object to the proposal on the following grounds:

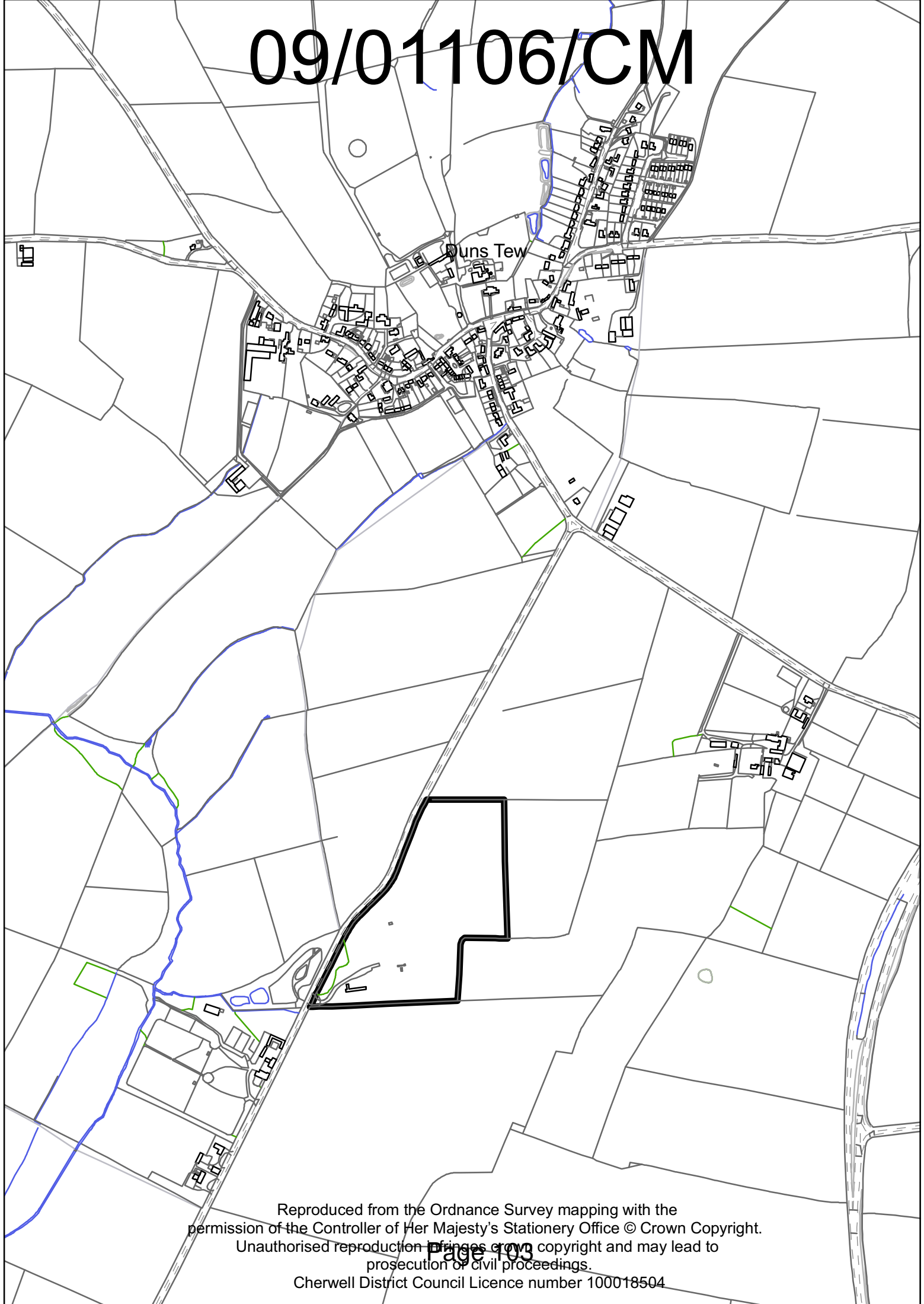
The use of the site for a building supplies compound and importation of aggregates for sale from the site, is not considered to be reasonably necessary for the activities carried out by the Quarry and results in a new employment generating site in an unsustainable location, contrary to PPG4: Industrial, commercial development and small firms, PPS7: Sustainable development in rural areas, PPG13: Transport, policies M3 and SP3 of The South East Plan, policies C7, C13 and EMP4 of the Adopted Cherwell Local Plan and policies EN34, TR16 and EMP4 of the non-statutory Cherwell Local Plan.

CONTACT OFFICER: Caroline Ford

TELEPHONE NO: 01295 221823



09/01106/CM



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Application 09/01106/CM	No:	Ward: The Astons and Heyfords	Date 14/08/2009	Valid:
Applicant:	Smith and Sons (Bletchington) Ltd			
Site Address:	Horsehay Quarry, Middle Barton Road, Duns Tew			

Proposal: To continue the development of sand extraction, restoration to agriculture and nature conservation, storage and sand importation for blending and sale under planning permission 07/0394/P/CM without complying with condition 7 to allow overnight lorry parking

1. Site Description and Proposal

1.1 Horsehay Quarry is situated to the south of Duns Tew, with sites on either side of the road running between Duns Tew and Middle Barton. This application relates to the East Quarry. There are some residential properties near to the site. The southern part of the site is a SSSI and it is located within 2km of the Middle Barton Fen and there are records of protected species at the site.

1.2 There has been a long history of quarrying at the site with records going back to the 1950's. Most recently the continuation of the use of the site was considered in 2007, 07/00699/CM, which sought to vary conditions attached to a permission relating to an application in 2001, 01/00271/CM.

1.3 Although the description for the works states that this application is to allow overnight lorry parking, this is not the case as there are currently no restrictions on overnight lorry parking. This application does seek permission to vary condition 7.

The existing Condition 7 currently states:

"With the exception of vehicles involved in the importation of sand from the area of planning permission B302/54 (The West Quarry) not more than one lorry a day, importing aggregates to the site, shall leave the site without a load of aggregates obtained from the site and recorded at the weighbridge".

Condition 7 is proposed to be varied to state:

"With the exception of vehicles involved in the importation of sand from the area of planning permission B302/54 (The West Quarry) not more than **four** lorries a day, importing aggregates to the site, shall leave the site without a load of aggregates obtained from the site and recorded at the weighbridge"

1.4 Application 07/00699/CM was considered by the North Area Planning Committee in May 2007. No objections were raised to continue the development of sand extraction, restoration to agriculture and nature conservation, storage and sand importation for blending and sale under Planning permission 01/00271/CM without complying with conditions 2, 4, 7, 22, 25 and 26. These conditions needed to be varied to allow the East Quarry to be used for the storage and processing of sand

from the West Quarry.

This application is alongside application 09/01105/CM, which is also being considered by the Committee and found elsewhere on the agenda.

2. Application Publicity

- 2.1 As this matter is a County Matter, all publicity has been undertaken by Oxfordshire County Council.

3. Consultations

- 3.1 As this matter is a County Matter, all formal consultations have been undertaken by Oxfordshire County Council.

Cherwell District Council (Ecology) have been consulted, however no response has been received at the time this report has been drafted.

The Council's Anti Social Behaviour Manager has commented that the quarry has a good routing agreement which is adhered to and has no objection to the three additional vehicles

4. Relevant Planning Policies

- 4.1 The South East Plan: policy M3
- 4.2 Saved Structure Plan: policy M2
- 4.3 Adopted Cherwell Local Plan: policies C7 and C13
- 4.4 Non-Statutory Cherwell Local Plan: policy EN34, TR16

5. Appraisal

- 5.1 Currently condition 7 of the permission only allows for one vehicle to leave the site per day without aggregates from the site, however the transport assessment indicates that in the region of 20 movements a day take place from the site. This application if approved would allow for up to three additional lorries leaving the site per day without aggregates (4 in total). The applicant has an operator's license, which permits 4 lorries to operate from the site and the supporting statement states these are kept at the quarry.
- 5.2 It is the opinion of the Head of Development Control and Major Developments that the small increase in vehicles proposed from the site as a result of the application would not result in such a detrimental impact to visual amenity or the amenity of the of the area to warrant an objection to the application.

6. Recommendation

That Cherwell District Council raise no objections to the proposal subject to the following planning condition and planning note being attached to any approval:

1. With the exception of vehicles involved in the importation of sand from the area of planning permission B302/54 (The West Quarry) not more than four lorries a day, importing aggregates to the site, shall leave the site without a load of aggregates obtained from the site and recorded at the weighbridge
Reason: To minimise the number of lorry movements on the approach roads in the interests of road safety

Planning note

For the avoidance of doubt the above condition replaces condition 7 of permission 07/0394/P/CM. However you are advised that all the other conditions of 07/0394/P/CM are still relevant to the development and need to be complied with.

CONTACT OFFICER: Caroline Ford

TELEPHONE NO: 01295 221823

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

10 SEPTEMBER 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

TREE PRESERVATION ORDER (NO. 7) 2009 WEEPING WILLOW AT PREWS CLOSE, PARK HILL, HOOK NORTON

1 Introduction and Purpose of Report

- 1.1 To seek the confirmation of an unopposed Tree Preservation Order relating to a Weeping Willow at Prews Close, Park Hill, Hook Norton (copy plan attached as Annex 1).

2 Wards Affected

- 2.1 Hook Norton.

3 Effect on Policy

- 3.1 None.

4 Contact Officer(s)

- 4.1 Caroline Morey (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 2 July 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.

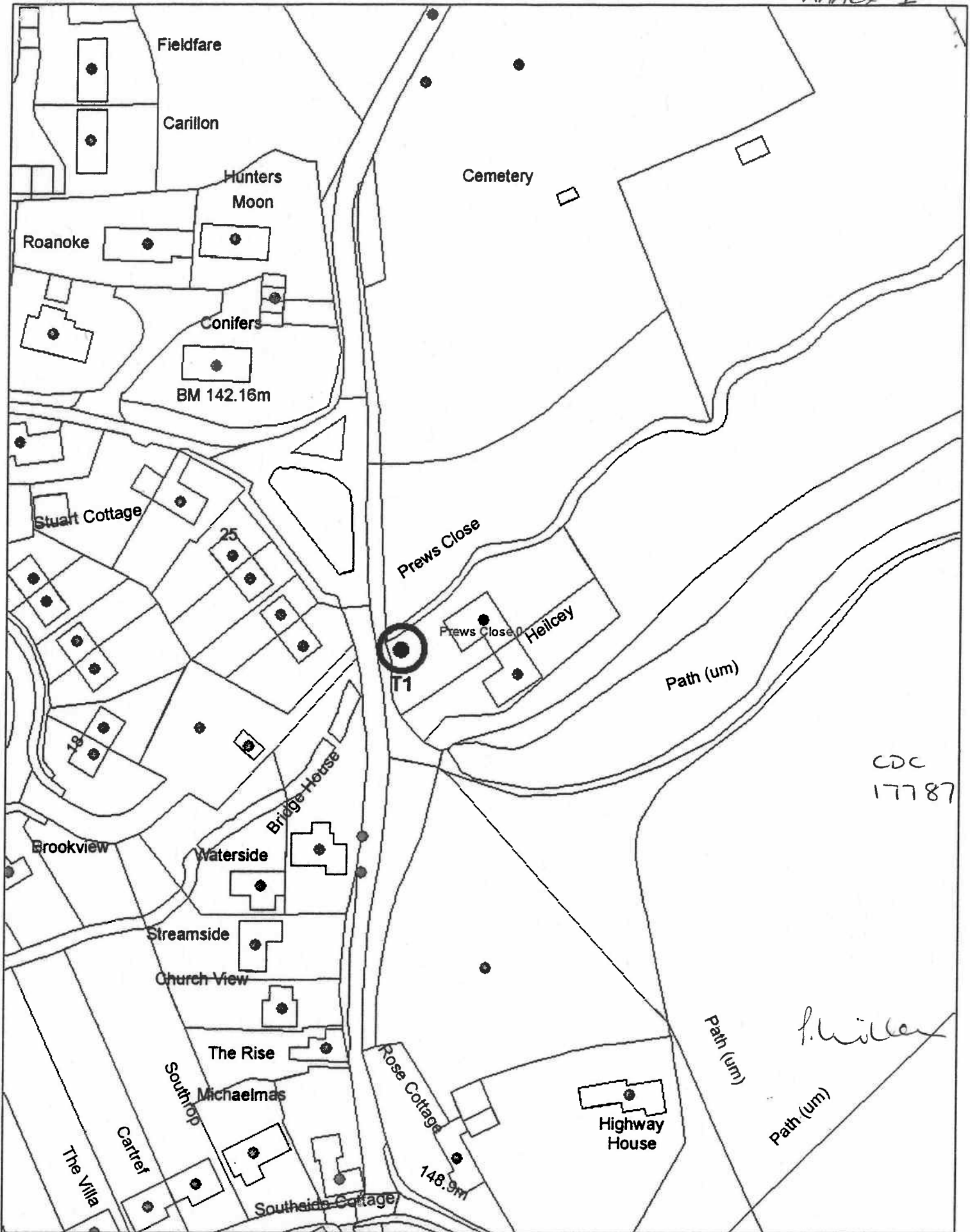
6.4 Efficiency savings – none.

7 Recommendation

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

Background Papers:

(a) TPO file reference 8214.



CDC
17787

P. Miller



Agenda Item 16

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE 10 SEPTEMBER 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 October 2008. Appeal dismissed. The possible enforcement consequences of this decision will be discussed with the landowners – Meeting with applicants to be held 23 September 2009.
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.

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 17

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

10 SEPTEMBER 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

APPEALS – PROGRESS REPORT

1 Introduction and Purpose of Report

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

2 Wards Affected

- 2.1 All wards in the District.

3 Effect on Policy

- 3.1 Nil.

4 Contact Officer(s)

- 4.1 Bob Duxbury (extension 1821)

5 New Appeals

- 5.1 **09/00378/F- 3 Buckingham Road, Bicester** appeal by Kevin White against the refusal of planning permission for new access onto highway, install dropped kerb- Written Reps
- 5.2 **09/00728/F – The Gullet, Knightsbridge Farm, Woodstock Road, Yarnton** appeal by John Sheehan against the refusal of planning permission for removal of existing bund and formation of parking area – Written Reps
- 5.3 **09/00491/F- The Cottage, Bell Hill, Hook Norton** appeal by Mr Roger Cooke against the refusal of planning permission for a single storey extension – Written Reps

6 Forthcoming Public Inquiries and Hearings between 10 September 2009 and 1 October 2009

- 6.1 None

7 Results

7.1 Inspectors appointed by the Secretary of State have:

7.2 **Allowed the appeal by Mr Boyd against the imposition of condition no 2 of 08/02559/F requiring the 2m and 3m high panels to be lowered to match other existing panels at Vine Cottage, Bonds End Lane, Sibford Gower-** The Inspector found that the trellis is restrained in appearance, due to its unobtrusive colouring and relative simple structure. As a result, its form is not so ornate that it impinges on the setting, either of the nearby listed building or of the wider Conservation Area.

7.3 **Allowed in part and granted listed building consent but otherwise the appeal by Mr & Mrs Davis fails against the service of a listed building enforcement notice ENF LB 18/08(2) alleging the removal of Stonesfield slates from the southern slope and replacement with terracotta tiles and the removal of the remainder of the roof of Stonesfield slates and their replacement with artificial concrete tiles and the insertion of a rooflight in the northern elevation of the building at Greystones, Middle Street, Islip –** The Inspector found that the character of the northern roof slope of 'Greystones' which is a prominent feature of the building and the surrounding conservation area, has been harmed by the use of artificial stone slates, and should therefore be re-roofed in natural stone. The southern roof slope was less important and therefore the artificial concrete tiles could be permitted where they had replaced the terracotta tiles but that the remainder of the southern slope should be re-roofed in natural stone tiles. The rooflight should be relocated to a position on the southern slope. The period for compliance with the notice was varied to require compliance within 3 years of the Inspector's decision. The application for costs by Mr & Mrs Davis against the Council and the application by the Council for costs against Mr & Mrs Davis were dismissed by the Inspector.

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.