

Committee: Planning Committee
Date: Thursday 1 October 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 - 11)

To confirm as a correct record the Minutes of the meeting of the Committee held on 10 September 2009.

Planning Applications

6. **33 Oxford Road and Land to the rear of nos.35-59 Oxford Road, Bodicote, Banbury, Oxon** (Pages 14 - 34) **09/00939/F**
7. **OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham, Oxon** (Pages 35 - 57) **09/00965/OUT**
8. **Bodicote House, White Post Road, Bodicote, Banbury, Oxon** (Pages 58 - 62) **09/01085/CDC**
9. **The Green Barn, Stoke Lyne Road, Stratton Audley, Bicester, OX27 9AT** (Pages 63 - 70) **09/01118/F**
10. **Shipton-On-Cherwell Quarry, Shipton-On-Cherwell, Oxon** (Pages 71 - 75) **09/01180/CM**

Tree Preservation Orders

11. **Tree Preservation Order (No. 8) 2009 Ash Tree at 1 The Phelps, Kidlington, Oxon** (Pages 76 - 78)

Report of the Head of Development Control and Major Developments

Summary

To seek the confirmation of an unopposed Tree Preservation Order relating to an Ash Tree at 1 The Phelps, Kidlington (copy plan attached as Annex 1).

Recommendation

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

Enforcement Action

12. Enforcement and Legal Action: The Former Cattle Market, Merton Street, Banbury (Pages 79 - 82)

Report of the Head of Development Control and Major Developments

Summary

The purpose of this report is to bring to the attention of the Committee the continued failure of the developer to provide LAPs (Local Area for Play), LEAPs (Local Equipped Area for Play) and a NEAP (Neighbourhood Equipped Area for Play), a Community building with sports changing rooms and sports/playing pitches as required by the Legal Agreement tied to the land and development.

Recommendation

It is **RECOMMENDED** that the Committee resolves to authorise, subject to the Head of Legal and Democratic Services being satisfied as to the evidence, the application for legal proceedings by way of a court injunction to enforce the terms of the section 106 Agreement in respect of the non-compliance detailed above, such authorisation to include the instituting and continuing of the proceedings to final judgement and any enforcement of the judgement. The application for the injunction would seek to prevent the occupation of further properties on the development until such time as the agreement has been complied with, as well as requirements to take positive steps to achieve compliance.

13. Quarterly Enforcement Report (Pages 83 - 101)

Report of the Head of Development Control and Major Developments

Summary

To inform and update Members of the progress of outstanding formal enforcement cases and to inform Members of various caseload statistics.

Recommendation

It is **RECOMMENDED** that the Committee resolves to accept this report.

Review and Monitoring Reports

14. Decisions Subject to Various Requirements (Pages 102 - 103)

Report of the Head of Development Control and Major Developments

Summary

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

Recommendation

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

15. Appeals Progress Report (Pages 104 - 105)

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 23 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 10 September 2009 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Ken Atack
Councillor Mrs Catherine Fulljames
Councillor Michael Gibbard
Councillor Eric Heath
Councillor Alastair Milne Home
Councillor David Hughes
Councillor James Macnamara
Councillor G A Reynolds
Councillor Leslie F Sibley
Councillor Trevor Stevens
Councillor John Wyse

Substitute

Members: Councillor Timothy Hallchurch MBE (In place of Councillor Lawrie Stratford)
Councillor Russell Hurle (In place of Councillor Rose Stratford)
Councillor Nicholas Turner (In place of Councillor D M Pickford)
Councillor Barry Wood (In place of Councillor Colin Clarke)

Apologies for absence were received from Councillors Rose Stratford, Maurice Billington, Colin Clarke, D M Pickford, Chris Smithson and Lawrie Stratford

Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Jenny Barker, Major Developments Team Leader
Nigel Bell, Solicitor
Caroline Roche, Planning Officer
Simon Dean, Trainee Planning Officer
Alexa Coates, Senior Democratic and Scrutiny Officer
Michael Sands, Trainee Democratic and Scrutiny Officer

66 **Declarations of Interest**

Councillors declared interest with regard to the following agenda items

6. The Garage, High Street, Charlton on Otmoor, Oxfordshire OX5 2UQ.

Councillor Michael Gibbard, Prejudicial, as the applicant was an acquaintance.

Councillor Timothy Hallchurch MBE, Prejudicial, as he had previously declared support for the application as a local ward member.

10. The Otmoor Lodge Hotel, Horton Hill, Horton cum Studley, Oxford OX33 1AY.

Councillor Timothy Hallchurch MBE, Prejudicial, as he had previously declared support for the application as a local ward member.

11. The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxford.

Councillor Timothy Hallchurch MBE, Prejudicial, as he had previously declared support for the application as a local ward member.

12. Finmere Quarry, Banbury Road, Finmere, Oxon MK18 4AJ.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Michael Gibbard, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Nicholas Turner, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Timothy Hallchurch MBE, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

13. Horsehay Quarry, Middle Barton Road, Duns Tew.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Nicholas Turner, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Timothy Hallchurch MBE, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

14. Horsehay Quarry, Middle Barton Road, Duns Tew.

Councillor G A Reynolds, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Mrs Catherine Fulljames, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

Councillor Nicholas Turner, Prejudicial, as a Member of Oxfordshire County Council.

Councillor Timothy Hallchurch MBE, Prejudicial, as a Member of Oxfordshire County Council Planning Committee who would consider the application.

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

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

68 **Urgent Business**

There was no urgent business.

69 **Minutes**

The Minutes of the meeting held on 13 August 2009 were agreed as a correct record and signed by the Chairman.

70 **The Garage, High Street, Charlton on Otmoor, Oxfordshire OX5 2UQ**

The Committee considered a report of the Head of Development Control and Major Developments for the redevelopment of the existing coach depot by the erection of six dwellings, together with associated landscaping, covered parking and access.

Mr Tremayne spoke in support of the application, as Chairman of Charlton On Otmoor Parish Council.

Mr Peter Uzell spoke in support of the application as the Applicants agent.

The Committee considered the need for Affordable Housing developments in rural areas and discussed the effect on the greenbelt.

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

Resolved

That application 08/02493/F be refused 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.

71 **OS Parcel 3873 North east of Hillside House Street From Cropredy to Great Bourton Cropredy**

The Committee considered a report of the Head of Development Control and Major Developments for the extension to the existing open fronted barn and installation of below ground sewage tank. The committee were informed of comments received from Cropredy Parish Council in objection to the application.

Mr Cannon spoke in objection to the application.

Mr Howard spoke in objection to the application.

Ms Tomlin spoke in objection to the application, as representative of Bourton Parish Council.

The Committee considered the risk of flooding due to the surrounding drainage channels being blocked and discussed the usage of the cesspit on site and raised concerns about the installation of another container. The committee expressed concerns relating to previous enforcement issues on the site and the impact of the development on the rural character of the site particularly the loss of ridge and furrow features.

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

Resolved

That application 09/00478/F be refused for the following reasons:

The hard standing and the proposed extension to the building result in an intrusion into the open landscape and the loss of traditional ridge and furrow features which contribute to the rural character of the landscape and will lead to an unacceptable erosion of the rural character and topography of this part of the countryside. This is contrary to Policy C7 of the adopted Cherwell Local Plan.

Councillor Wood requested that his abstention from the vote is recorded as he had not been present for the whole of the Officer's presentation and debate.

72

The Old Turnstile, High Street, Barford St Michael

The Committee considered a report of the Head of Development Control and Major Developments for the construction of a tennis court with enclosure.

Mr Rupert Moulton, Mr Alan Perry and Jenny Greeves registered to speak in objection to the application. Mr Alan Perry spoke on behalf of the three objectors registered.

The Committee considered the potential impact that the development might have on the conservation area. Concerns were raised about the height of the surrounding fence and the possible effects to local wildlife. The Committee also considered the potential benefits in relation to village amenities.

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

Resolved

That application 09/00718/F be approved subject to:

- 1) 1.4A (RC2) [Full permission: Duration limit (3 years)
- 2) 6.16AA (RC40AA) [Incidental use] insert 'tennis court'
- 3) 3.3AA No works or development shall take place until the scheme for the protection of the retained trees is carried out in accordance with the details contained within the letter from Sacha Barnes Associates

dated 1 September 2009 received in the department on the 3 September 2009 and the accompanying plan SBA080/2 dated September 2009. The tree protection barriers shall remain in place and undamaged for the duration of the works. (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]

73 **Rough Hill Farm, Shenington Road, Shenington OX15 6HQ**

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the attached single storey structures and detached outbuildings, and the extension and conversion of the existing cottage and barns to form a large single dwelling with ancillary equestrian facilities.

The Committee were satisfied with the evidence presented by Officers.

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

Resolved

That application 09/00913/F be approved 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 28 October 2008 as amended by the Nocturnal Bat Survey dated 7 and 13 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 1 September and 1 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.

74 **The Otmoor Lodge Hotel, Horton Hill, Horton cum Studley, Oxford OX33 1AY**

The Committee considered a report of the Head of Development Control and Major Developments for the construction of a single storey shop.

Officers recommended to the Committee that the application be deferred as the application was central to a further application and it was recommended that all the applications were considered together.

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

Resolved

That application 09/00936/F be deferred.

75 **The Otmoor Lodge Hotel, Horton Hill, Horton Cum Studley, Oxford**

The Committee considered a report of the Head of Development Control and Major Developments for the extension of a hotel to form 23 additional bedrooms, ancillary facilities, car park and access.

Officers recommended to the Committee that the application be deferred as the application was central to a further application and it was recommended that all the applications were considered together.

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

Resolved

That application 09/00937/OUT be deferred.

76 **Finmere Quarry, Banbury Road, Finmere, Oxon MK18 4AJ**

The committee considered a report of the Head of Development Control and Major Developments for four applications relating to Finmere Quarry and Landfill.

The committee discussed strengthening the wording of their comments to the County Council.

In reaching their decision the committee considered the Officers report and presentation.

Resolved

That Oxfordshire County Council be advised of the following comments regarding applications:

09/01030/CM: That Oxfordshire County Council be advised that Cherwell District Council was extremely 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 be advised that Cherwell District Council was extremely 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 be advised that Cherwell District Council was extremely 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 be advised that Cherwell District Council was extremely 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.

Horsehay Quarry, Middle Barton Road, Duns Tew

The Committee considered a report of the Head of Development Control and Major Developments for a retrospective application for a building supplies compound and importation of aggregates for sale from the site.

The Committee thanked Officers for their work in dealing with the application.

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

Resolved

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.

78

Horsehay Quarry, Middle Barton Road, Duns Tew

The Committee considered a report of the Head of Development Control and Major Developments for the continuation of the development of sand extraction, restoration to agriculture and nature conservation, storage and sand importation for blending and sale under planning 07/0394/P/CM without complying with condition 7 to allow overnight lorry parking.

The Committee thanked Officers for their work in dealing with the application.

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

Resolved

That Cherwell District Council raises 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.

79 **Tree Preservation Order (NO. 7) 2009 Weeping Willow at Prews Close Park Hill Hook Norton**

The Committee considered a report of the Head of Development Control and Major Developments which sought confirmation for an unopposed Tree Preservation Order relating to Prews Close, Park Hill, Hook Norton.

Resolved

That Tree Preservation Order (No. 7) 2009 be confirmed without modification.

80 **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.

The Committee were advised that the Section 106 Agreement for the Bicester Town Centre Scheme had been completed and that the transport infrastructure payment agreement at the Pow Wow water site had also been completed.

Resolved

That the position statement be accepted.

81 **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 accepted.

The meeting ended at 6.25 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

1 October 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

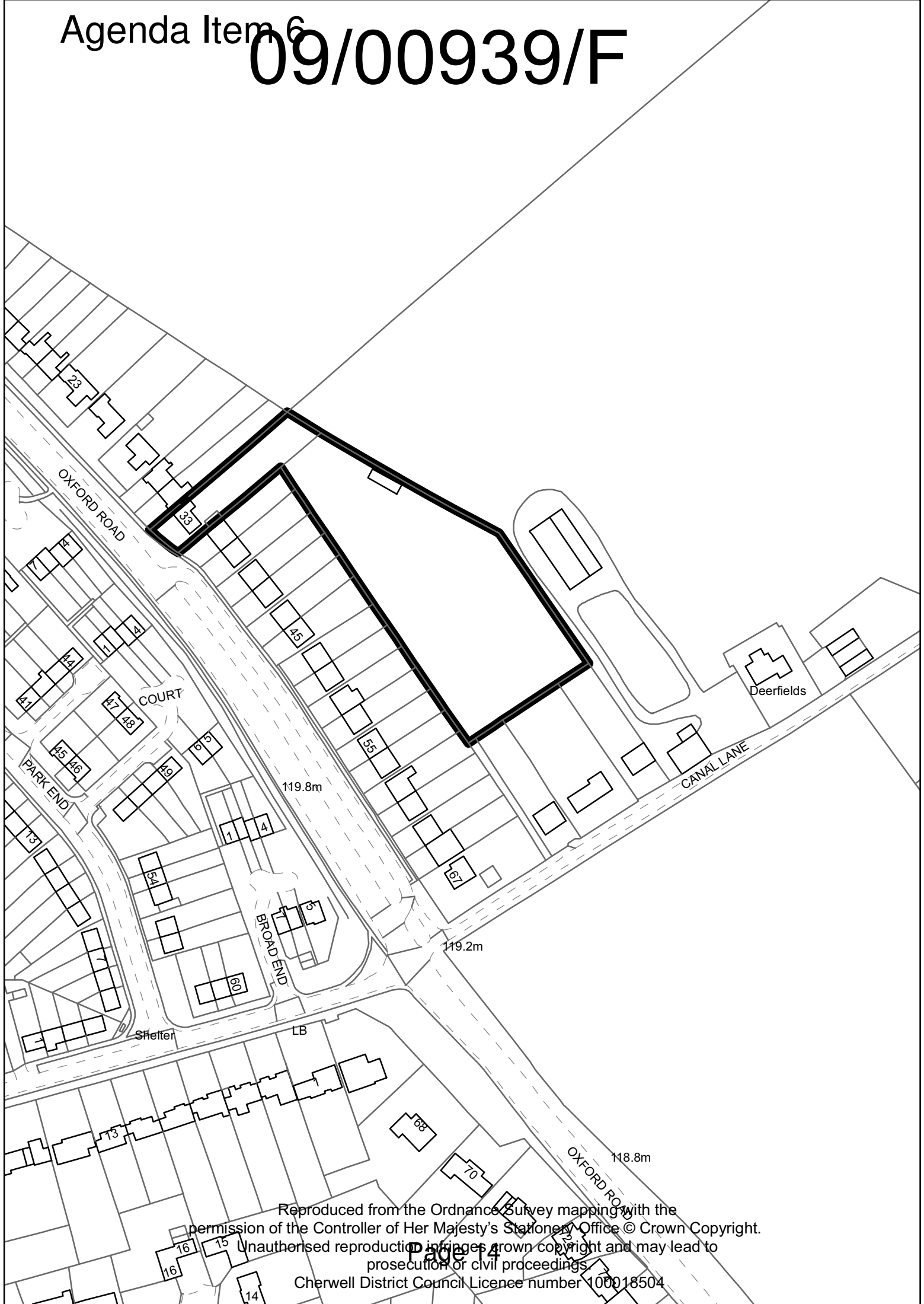
The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations 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

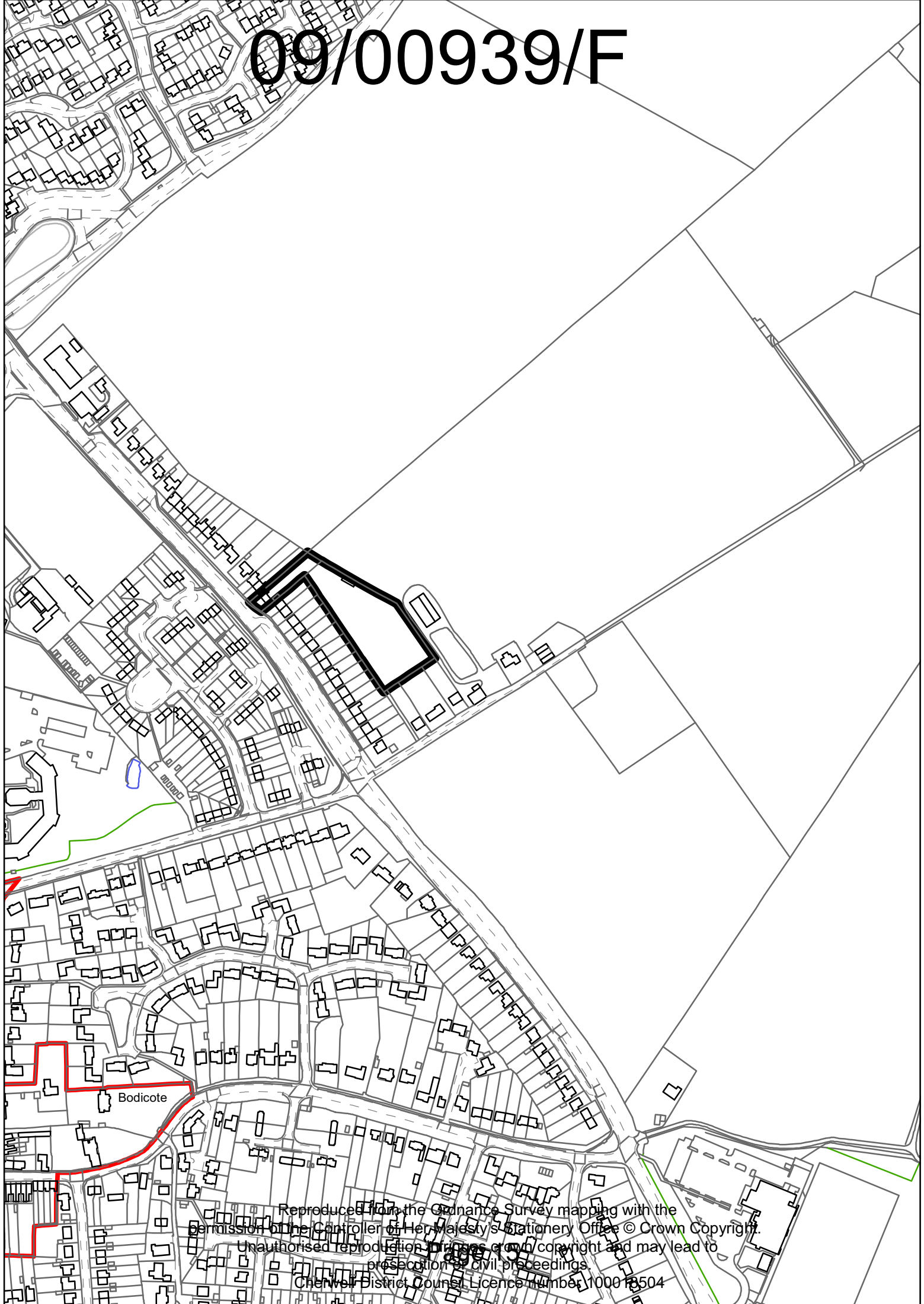
For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision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

Applications

	Site	Application No.	Ward	Recommendation	Contact Officer
6	33 Oxford Road and Land to the rear of nos.35-59 Oxford Road, Bodicote, Banbury, Oxon	09/00939/F	Bloxham and Bodicote	Approval	Bev Dancer
7	OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham, Oxon	09/00965/OUT	Bloxham and Bodicote	Refusal	Caroline Roche
8	Bodicote House, White Post Road, Bodicote, Banbury, Oxon	09/01085/CDC	Bloxham and Bodicote	Approval	Simon Dean
9	The Green Barn, Stoke Lyne Road, Stratton Audley, Bicester, OX27 9AT	09/01118/F	Fringford	Refusal	Rebecca Horley
10	Shipton-On-Cherwell Quarry, Shipton-On-Cherwell, Oxon	09/01180/CM	Kirtlington	That CDC objects to the proposed temporary consent	Paul Ihringer



09/00939/F



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Application No: 09/00939/F	Ward: Bloxham and Bodicote	Date Valid: 21/07/09
Applicant:	L G Properties Viola Ltd	
Site Address:	33 Oxford Road and Land to the rear of nos.35-59 Oxford Road Bodicote	

Proposal: Demolition of 33 Oxford Road and erection of 23 no. dwellings

1. Site Description and Proposal

1.1 The application site is to the North East of Oxford Road Bodicote behind the existing houses that front on to the Oxford Road. The site area is approximately 0.7ha and currently accommodates a single residential property with garage, fronting on to Oxford Road, and a paddock with a couple of outbuildings. The paddock extends along the rear garden boundaries of property numbers 33-59 Oxford Road.

1.2 The majority of the site is currently used for grazing sheep and is enclosed by various methods including hedgerows, fencing, walls, post and wire etc, plus there is currently a gated access onto Canal Lane. There are a couple of outbuildings located on the North East boundary of the site. The trees are either on the boundary to the site or just over the boundary apart from 9 fruit trees located on the South East side of the site near the boundary line. The area is generally flat with limited access via Canal Lane. The North and North East boundaries back onto a field containing a large barn.

1.3 The proposal is for the demolition of 33 Oxford Road to provide an access road to the site behind which will contain 23 no. dwellings. They will consist of 4 no. detached dwellings, 6 no. flats in a single block, 6 no. semi-detached and 4 no. end terraced and 3 no. terraced dwellings. Existing properties on Canal Lane and Oxford Road have rear elevations towards the site. These properties have long rear gardens of between 25 and 35 metres in length. Never the less the layout has sought to keep new properties and in particular flats away from these boundaries and address concerns raised at the outline stage whilst also providing a suitable location for a Local Area of Play.

1.4 History

07/02389/REM reserve matters ref: 06/02293/OUT – demolition of no.33 Oxford Road and erection of 23 no. dwellings – Approved

06/02293/OUT – demolition of 33 Oxford Road & erection of 23 no. dwellings – approved

06/00432/OUT – demolition of 33 Oxford Road & erection of 23 no dwellings – refused

Appeal Dismissed on 06/12/06

The Inspector stated the following within his statement:

1. My conclusion on this issue is that the proposed development would not have a significant adverse effect on the free and safe flow of traffic on Oxford Road in accord with relevant development plan policy.
2. Although reference is made by both of the main parties to the need for a planning obligation under S106 of the Act and a draft of such an obligation has been included with the Council's statement, no executed agreement has been put before me. I cannot require the submission of an agreement by condition.
3. I have found that the proposed development would have no significant adverse affect on the free and safe flow of traffic on Oxford Road but this does not outweigh the harm I have identified in relation to the lack of community benefits. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

05/02300/OUT – demolition of 33 Oxford Road & erection of 23 no dwellings - Withdrawn

14/94 – single garage to double garage - approved.

383/93 – single garage to double garage with carport - approved.

173/90 – Demolish house to give access for residential development – refused.

Appeal dismissed on 31/10/90

645/72 – Conversion of existing building into a bungalow with extensions and alterations – refused

439/72 – Erection of two detached dwellings - refused

878/64 – House with garage access – permitted with conditions of not using any other access which may be formed to and from the site.

681/63 – Road and sewer access to serve 12 plots – refused

173/49 – layout of Bodicote estate – permitted

2. Application Publicity

- 2.1 The application has been advertised by way of two site notices located along the Oxford Road and neighbour letters. The final dated for comment was 20/08/2009.

3. Consultations

- 3.1 7 letters have been received in response to the application and made the following comments.

- 3.2
1. The design of the dwellings are completely out of character and not in keeping with the pre-war properties that surround the development.
 2. The layout of the dwellings are entirely different to the original drawings that were passed by CDC in 2006.
 3. The highest density of building is situated at the southern end of this site. 9 units in the narrowest strip of land of the whole development. The original drawing shows 4 properties at this point. We strongly object to these new plans as our property will be overlooked not by 1 dwelling as per the original drawing, but by 4 smaller units. The density at this point is far too much. Plots 7 to 15 show 17 upper windows overlooking the three properties in Canal Lane, we , in Crossways, will have 6 alone. The overbearing premises will dominate the skyline the whole width of all three premises. From these proposed dwellings we have (a) a loss of privacy (b) less light in our gardens (c) we will suffer light pollution from the properties (d) the noise generated from 9 properties will be unbearable and most important (e) the security of the existing premises will be seriously put at risk. As an example I would like to point out that the proposed premises in question have shared access to the rear of the properties which is adjacent to our boundary fence making our properties vulnerable to attack.
 4. One further concern refers to the strip of land that is not within the plan. At present there is access to the site from Canal Lane that runs adjacent to our property. As stated this land is not being used in the development. What are the developers planning to do with it? I can find no mention of it in the application. If left, who will be responsible for its maintenance? Because if left to overgrow we will suffer from the spread of weeds into our garden. I would like to be assured that this strip of land is completely closed off with no access from the new development or from Canal Lane.
 5. One further point I would like to emphasize is the conditions laid down in connection with this application I am concerned that they are all retained. Especially the conditions that no development takes place on this land until Bodicote/Bankside has commenced and that no access be gained whatsoever from Canal Lane.
 6. Finally I would ask that CDC seriously consider the matters mentioned, the new layout, as it is, will be an infringement into our Human Rights to live in peace and will reduce our quality of life.
 7. I objected to the original application and my objections still remain the same.
 8. The plans are set out differently to the original and would certainly reduce our quality of life with the density of proposed properties.
 9. One of the conditions was this could not be actioned until Bankside/Bodicote development is started and would appeal that this condition will continue.
 10. Having looked at the latest plan we notice that the highest number of dwellings is at the South Eastern end of the site with windows overlooking the Canal Lane houses and ourselves as the gardens for plots 7-15 are small there will also be light pollution. Also, we note that there is shared access to the rear of these plots giving some security problems to existing properties.
 11. There is no mention in the plan about the strip of land at the back of houses 59-67 from Canal Lane to the site. We should like this closed off and not used for access.
 12. Finally, we hope that the conditions for planning consent still say that this development should not start until the Bodicote/Bankside building commences.
 13. Finally, we hope tat the conditions for planning consent still say that this development should not start until the Bodicote/Bankside building commences.
 14. We object due to the relationship between local, regional and national planning

- policies.
15. The land in question is not marked for development in the Banbury and North Cherwell Site Allocations Development Plan Document (DPD). Adequate provision of new build housing is made in the DPD with the associated amenities needed.
 16. This development is lacking amenities and will provide an additional un-resourced load on the already stretch facilities in Bodicote.
 17. This land is Greenfield and other Brownfield sites should be given priority.
 18. Traffic impact and highway safety. The Oxford Road 40mph zone has a significant traffic load and the site access arrangements make an addition to this.
 19. The use of the Oxford Road as a main route to the local hospital means a larger than usual proportion of the traffic is high speed emergency traffic. Turning right from the service road is already an exercise in patience. With the additional of traffic from this development the safety of this junction will be degraded further.
 20. There is no indication if pedestrians will have priority across this new access.
 21. The transport statement is out of date, last reviewed 24th Feb 2006, and takes no account of the future access requirements of the Bankside development.
 22. Privacy, visual impact, overshadowing and overlooking. With this infill development the privacy of our property will be significantly reduced. Our private garden will be overlooked by the second floor bedrooms of the plots and 4. The distance I estimate from the proposed windows to our property to be less than 35m and only 11m to our boundary.
 23. Noise and disturbance. The addition of 23 dwellings will increase the noise level in the neighbourhood of our home. Only 30 car parking places are provided for and indicated on the plan.
 24. The noise and dust and fumes from these comings, goings and associated refuse collections and visitors, would be detrimental to the enjoyment and amenity of our home.
 25. The proposed connection to the existing drainage and main sewer has not been approved by the local water authority.
 26. The application significantly changes the Bodicote ribbon development along the Oxford Road and changes the character of this part of Bodicote.
 27. The architectural style of these properties is defiantly neither Bodicote nor rural North Oxfordshire. The visual impact of these designs is negative to the village.
 28. The land provides a rich and diverse wildlife habitat and type of which is being lost in the UK and Oxfordshire. Bats are believed to roost in the area and the list of wildlife observed includes Foxes, Stoat, Field Mice, Rabbit, songbirds, Sparrowhawk, Green and Great Spotted Woodpecker.
 29. No tree report was required by the Planning Officer. The Hedges and trees bounding this land form an important resource and this development would significantly harm the natural environment.
 30. We live next door to the proposed property so having a road alongside an already busy major road would only add to the traffic congestion that currently exists. It would also completely change the feel of our property and make us particularly vulnerable as we would be exposed along the side of the new road. I would ask that when a traffic survey is carried out it is done at 8.30am and 5-7pm as the traffic is horrendous at these times. From the figures given last time it did not appear to have been done at peak times.
 31. Numerous children live on the road and it would mean yet another possibility of a road traffic accident occurring as they would have to cross the new road to reach each other.

32. I am concerned about facilities / sewerage etc for the proposed dwellings. The local Primary School is already oversubscribed and there would no doubt be children to accomodate.
33. In the past when this application has gone in you have done a bat survey. Could I please suggest that next time the person responsible sits in our back garden as they sat on the path on the Oxford Road last time and concluded that there were no bats. There are indeed numerous bats which I have on film.
34. Once again I urge you to carefully consider the implications to the residents of the Oxford Road with reference to this development especially during the current climate where new builds are at a standstill and may not be occupied for some time.
35. The proposed plans are not in keeping with the feeling of village life and I strongly feel that this is yet another nail in the coffin for Bodicote village.
36. The plans as shown will mean that the privacy of all the residences adjoining the proposed site, will be severely compromised due to the new buildings overlooking the existing properties. It will have an overbearing and intrusive effect upon all residents and their daily lives.
37. The site proposed is a haven for wildlife which will be decimated by these dwellings. I would like to draw the councils attention to the fact that there are numerous bats within the site area and I strongly suspect that there is a bat roost located within this area. I feel that your bat survey was woefully inadequate and a further investigation should take place.
38. All species of British bat and their roosts are protected under British law by the Wildlife and Countryside Act 1981 (as amended), which is extended by the Countryside and Rights of Way Act 2000. Bats are classified as European Protected Species under the Conservation (Natural Habitats, etc.) Regulations 1994. Together, the legislation make it illegal to: intentionally or deliberately kill, injure or capture (or take) bats; deliberately disturb bats (whether in a roost or not); recklessly disturb roosting bats or obstruct access to their roosts; damage or destroy bat roosts; possess or transport a bat or any part of a bat, unless acquired legally; sell, barter or exchange bats (dead or alive) or parts of bats.
39. A bat roost is interpreted as "any structure or place which any wild bat...uses for shelter or protection". As bats tend to re-use the same roosts, moving around seasonally, a roost is legally protected whether or not bats are present at the time.
40. The traffic situation along the Oxford Rd is also an extreme cause for concern and the building of more properties will only add to an already precarious situation. It will only be a matter of time before accidents occur due to the traffic increase turning in and out of the service road.

3.3 The **Local Highway Authority** stated that the access arrangements for this site and the proposed layout have already been approved as part of the existing planning approvals; therefore any objection in terms of highway safety would not be appropriate or sustainable at appeal. The transport contribution requirement remains the same as the previous applications and the planning conditions previously imposed should be carried over. It is also recommended that an additional condition is imposed to prevent any garage/car port conversions in the future to maintain the parking levels for the site.

3.4 **Councillor Miss Lynda Thirzie Smart** wrote requesting the application is determined by elected members and not under delegated powers because there is

strong local opposition to this application from residents close to the proposed site. They are already extremely vexed at the prospect of almost 1,000 houses to be built in Bodicote behind the Oxford Road and had always understood there was to be a corridor separating the houses on the east side of the Oxford Road and up Canal Lane from the new development. In any case, Cherwell's Local Plans had long included a policy of avoiding coalescence of villages with urban neighbours. The 1,000 houses for which planning permission has been given drives a coach and horses through this non-coalescence policy and this application simply exacerbates the problem. It is also difficult to see a case for housing need in this location when Bodicote has been allocated almost 1,000 homes in the Abandoned ("non-statutory") Local Plan. Local residents will want the opportunity to see this application debated publicly by elected members and to hear the Council's response to the allegation that this will complete the coalescence of Bodicote Parish with Banbury Town by filling in a small area of space between the Oxford Road and the development of nearly 1,000 houses for which permission has been given.

3.5 **Bodicote Parish Council** have strong objections on the following grounds:-

1. We previously objected on the grounds of road safety and do so again. There are currently 6 turnings off the Oxford Road between the Kings Sutton turning and the Banbury Boundary, just past the flyover – 6 junctions with a major road in a space of less than one mile. In addition, there are 3 sets of traffic lights proposed along this stretch of road in connection with the proposed Bodicote –Bankside housing development. Since the previous application, more properties have been built to the south (e.g. Adderbury), bringing more traffic onto this road. Yet more junctions and cars attempting to access the Oxford Road will result in traffic chaos, with definite road safety implications.
2. The 9 units at the southern end of the development now have rear pedestrian access backing onto the gardens of the properties in Canal Lane. We are greatly concerned at this, which would make the Canal Lane properties vulnerable to vandalism or worse.
3. These units would have an impact on the amenities of the properties on Canal Lane. In addition to noise nuisance, 17 windows from these units would overlook the properties in Canal Lane, leading to loss of privacy. No external lighting whatsoever should be permitted on the rear walls of these units.
4. There is also insufficient provision for car parking eg one bedroom unit has 1 space, although a couple with a car each may well live there. Where will people park if there are not enough spaces?
5. This application does not conform to policies H13, H18 or H6 of the non – statutory Local Plan. If the District Council does decide again to grant planning permission to this application, would you please ensure that this is again linked to the Bodicote-Bankside housing development and that no work is permitted to go ahead until work on the larger site commences (in keeping with policy H10).
6. In this regard, we have a suggestion: Is it necessary for no.33 Oxford Road to be demolished to gain access to the site? Access could be linked into the new road system for the Bodicote-Bankside site.

3.6 The **Ecology Officer** stated after receipt of the more recent ecological survey that she concurred with the recommendations (Section 4) in the ecological report and

was satisfied that it has addressed all the likely ecological issues.

- 3.7 The **Environmental Protection Officer** stated that as this is a sensitive development, please apply the following full contaminated land condition: 'Prior to the commencement of the development hereby permitted a phased risk assessment shall be carried out by a competent person in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*. Each phase shall be submitted to and approved in writing by the Local Planning Authority'
- 3.8 The **Strategic Housing Officer** requested 30% affordable housing with a Tenure mix of 70% social rent (5) and 30% intermediate (2) with a preferred mix of no.1 two bed houses, no.2 three bed houses and no.2 four bed houses
- 3.9 The **Head of Building Control and Engineering Services** had no further comments to make compared to all previous applications.

4. Relevant Planning Policies

- 4.1 **Adopted Cherwell Local Plan (CLP)**
The plan includes policies relating to development within the villages within the district. Bodicote is identified in Policy H13 as suitable for infilling, minor development and conversions. Policy H5 are also relevant as they seek the provision of Affordable Housing.
- 4.2 Policy C2 states that development which would adversely affect any species protected by schedule 1.5 and 8 of the 1981 wildlife and countryside act will not normally be permitted and Policy C14 seeks the retention of trees and hedgerows.
- 4.3 **The South East Plan 2009 (SEP)**
The South East plan is the Regional Spatial Strategy (RSS) for the South East of England and also incorporates the Regional Transport Strategy (RTS). Since its publication the saved policies within the Oxfordshire Structure Plan have been replaced by policies within this South East Plan.
- 4.4 The SEP policies SP2 and SP3 set out the general strategy for the region. This includes identifying the need to locate development in areas where a reasonable range of services and community facilities exist or can be provided.
- 4.5 Policies H3 and H5 are also relevant and state the need for affordable housing to be 'substantially increased' within the region. H3 states that the overall regional target should be 25% of all new housing being Social Rented and 10% intermediate affordable housing. Although the setting of affordable housing targets should be supported by evidence of financial viability. H5 states that higher housing densities will be encouraged, with an overall regional target of 40 dwellings per hectare.
- 4.6 **Non-Statutory Cherwell Local Plan**
The Non Statutory Cherwell Local Plan was originally produced as a replacement for the adopted local plan. The plan was subject to first and second draft deposit stages and pre inquiry changes were incorporated. However the decision was taken by the Council to discontinue work on the plan on the 13 December 2004 and withdraw it from the statutory local plan process as there was no realistic prospect

of it being adopted prior to Government changes to the planning system coming into force that could prevent its subsequent adoption. The Council is now working on the preparation of a Local Development Framework (LDF). However to avoid a policy void the Non Statutory Cherwell Local Plan 2011 (NSCLP) was approved by the Council on the 13 December 2004 as interim planning policy for development control purposes. Whilst not carrying the weight of an adopted statutory local plan, it had progressed through much of the local plan process (not including a local plan inquiry) and is a material consideration in considering the current application.

4.7 Of particular relevance to the current proposal is Policy H10 which identifies the land for a sustainable urban extension. The policy is set out below;

H10 proposals for an urban extension on the land allocated on the proposals map for that purpose south of Bankside will be permitted provided that they:

- (i) Provide a comprehensive scheme for the whole site, comprising the range of land uses referred to in this policy and the general distribution of development shown on the proposals map
- (ii) Provide for an average net residential density within the range specified by policy h3, to achieve no more than 950 residential units within the plan period.
- (iii) Provide affordable housing and appropriate special needs housing in accordance with policies h5 and h7.
- (iv) Provide for education and library facilities commensurate with the need arising from the development.
- (v) Provide appropriate social and recreation facilities for community use including a community centre, a place of worship, sports pitches and play areas.
- (vi) Provide the opportunity for appropriate medical facilities to be provided in accordance with nhs requirements.
- (vii) Provide the opportunity for an appropriate range of local shopping facilities, including a public house to be provided on a commercial basis.
- (viii) Incorporate measures to encourage walking, cycling and public transport as the preferred modes of transport rather than the private car.
- (ix) Provide a transport interchange facility adjacent to oxford road in accordance with policy tr24.
- (x) Incorporate proposals to mitigate the impact of traffic associated with the development in accordance with policy tr3.
- (xi) Incorporate proposals for safe vehicular access between the site and

the adjacent public roads.

- (xii) Incorporate structural planting and landscape proposals to mitigate the visual impact of the development.
- (xiii) Incorporate canal-side facilities to safeguard and enhance the amenities of the canal as a major recreation corridor.
- (xiv) Provide high quality imaginative development that is locally distinctive in its form, materials and architecture.
- (xv) Incorporate energy efficient designs and technology throughout the development.
- (xvi) Incorporate a public park on the valley slope in the location indicated on the proposals map.
- (xvii) Ensure the protection of the amenity, ecology and water resources of the Cherwell valley.

There are other policies that are relevant in the NSCLP including the following:

- 4.8 EN23: before determining an application for development which may affect a known or potential site of nature conservation value, applicants will be required to submit an ecological survey to establish the likely impact on the nature conservation resource.
- 4.9 EN25: development which would adversely affect any species protected by schedule 1, schedule 5 and schedule 8 of the 1981 wildlife and countryside act, and by the e.c. habitats directive 1992, or its habitat will not be permitted.
- 4.10 EN7 development sensitive to noise generated by road traffic will be:
 - (i) refused where external noise levels exceed laeq. 16hr = 72db and laeq 8hr = 66db between 07:00-23:00 hrs and 23:00-7:00 hrs respectively.
 - (ii) generally resisted where external noise levels between 07:00-23:00 hrs and 23:00-07:00 hrs fall into the ranges laeq 16hr = 63 to 72db and laeq 8 hr = 57 to 66db respectively.
 - (iii) expected to achieve a specified internal acoustic environment when the external noise levels between 07:00-23:00 hrs and 23:00-07:00 hrs fall into the ranges laeq 16 hr = 55 to 63db and laeq 8 hr = 45 to 57db respectively.
- 4.11 **National Planning Policy**
PPS3 and PPS 9 are particularly relevant to the consideration of this application
- 4.12 **PPS3 – Housing**
This PPS sets out the government's commitment to improving the affordability and supply of housing in all communities, including rural areas. The PPS sets out requirements for a five year housing land supply of available and deliverable sites.

The PPS is a material consideration in the determination of the application.

4.13 **PPS9-Biodiversity and Geological Conservation**

states development proposals provide many opportunities for building –in beneficial biodiversity or geological features as part of good design and that Local Planning Authorities should maximize such opportunities

5. Appraisal

5.1 This application has been submitted as a Full application however the details are exactly the same as the previous Reserved matters and outline application that have been approved except for an updated Ecological Report which was submitted shortly after the application was registered.

5.2 **Planning Policy**

Policy H13 within the adopted Cherwell Local Plan identifies Bodicote as suitable for infilling, minor development and conversions. This proposal does not comply with these policies. In the appeal in 1990 the inspector identified the impact on the countryside as a significant issue and that development of the site would be an extension into the open countryside. The comments from the appeal in 2006 confirmed that the majority of the site constitutes a green field site lying in open countryside outside the built up limits of any defined settlement.

5.3 The non Statutory Cherwell Local Plan is a material consideration (as discussed above) and must also be considered. Policy H10 identifies the site for a sustainable urban extension and the allocation includes the application site and a small parcel of land to the east. Both these parcels of land were outside the application site of the proposal for development at Bankside ref 05/01337/OUT, which the Council has resolved to approve subject to the completion of legal agreements. The Bankside application is to provide a new primary school, local shops, employment opportunities, community hall, play and sport provision, enhanced public transport, highway improvements as well as a new community park. If the proposed Bankside development were to go ahead the application site would no longer extend into the countryside but, together with the small parcel of land immediately to the east, would be surrounded by built development. The refusal of the application on the grounds that the site extended into open countryside as occurred in 1990 would not therefore be tenable if the Bankside development were to go ahead.

5.4 Policy H10 of the non statutory Cherwell Local Plan seeks a comprehensive scheme for the land allocated. Although not part of the Bankside scheme, which provides for development across the majority of the allocated site, the current application proposal is only acceptable if the Bankside proposal is approved and implemented as the larger scheme would deliver the required facilities for the urban extension such as the primary school, sports pitches, mixed use area, community park, highway improvements and public transport. This infrastructure and facilities are necessary to serve the proposed development. It is therefore recommended that if this application is approved that a condition is imposed that would prevent the implementation of the permission in advance of the Bankside scheme. Furthermore, a S106 agreement is required to ensure that the proposed development makes an appropriate contribution to the facilities provided as part of the comprehensive scheme. This was re-confirmed by the comments made by the inspector at the recent appeal, who confirmed that the proposed development would

place a strain on existing community resources and that appropriate contribution to local infrastructure should be made through a S106, because the financial contributions required cannot be positively required by condition. Although the scheme is currently separated from the larger development by a small intervening parcel of land it is reasonable to assume that this land will come forward for development in the future as the land is also allocated for development as part of Policy H10 of the Non Statutory Cherwell Local Plan. A condition is also recommended to require provision for future footpath/cycle path links to be provided to enable connections to be made.

5.5 **Housing Need**

The Strategic Housing Market Assessment (December 2007) confirms the need to provide new housing. Planning Policy Statement 3 (PPS3) requires a flexible supply of land for housing by, amongst other things, maintaining a five-year rolling supply of deliverable (available, suitable and achievable) housing land. LPAs are required to monitor the supply of deliverable sites on an annual basis, linked to the Annual Monitoring Report review process.

PPS 3 requires scenario and contingency planning to identify different delivery options, in the event that actual housing delivery does not occur at the rate expected. Policies and proposed management actions are expected to reflect the degree to which actual performance varies from expected performance, as indicated in housing and previously developed land trajectories. Where actual performance, compared with the trajectories, is within the acceptable ranges (for example within 10-20 per cent), and future performance is still expected to achieve the rates set out in the trajectories, PPS3 states that there may be no need for specific management actions at that time and that LPAs will wish to continue to monitor and review performance closely and consider the need to update the five year supply, of deliverable sites where appropriate.

Where LPAs cannot demonstrate an up-to-date five-year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the following considerations:

- achieving high quality housing;
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- the suitability of a site for housing, including its environmental sustainability;
- using land effectively and efficiently;
- ensuring the proposed development is in line with planning for housing objectives;
- reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

The Council's 2008 Annual Monitoring Report (AMR) noted that under the then emerging South East Plan requirements (13,400 as today), the district had a 5.3 year rolling supply for the period 2009-2014. The figures for the 2009 AMR have

just been reviewed (Sept' 09). They show that for the same period the district has a 4.0 year supply rising to 4.5 years for 2010-2015 and 5.1 for 2011-2016. A four year supply represents a deviation of 20% from 5 years; a 4.5 year supply a deviation of 10%.

There therefore remains a need to deliver housing to provide a five year housing land supply deliverable sites within the District.

Allocations in the adopted local plan have now been built and it was the need to deliver more housing that led to the Executive Decision in 2005 to bring forward sites identified in the Non Statutory Local Plan. This need remains based on the current housing projections.

5.6 **Ecology**

Ecological issues include protected species as identified in the non Statutory Cherwell Local Plan policy EN25 which recommends that developments that would adversely affect protected species will not be permitted. An ecological survey has been carried out following concerns raised re badger and bat activity on the site. No evidence of badger activity was found in the ecological survey. Also no evidence of Bats was found in the roof of the main property and the outbuildings have ' a low potential to be used by bats, due to either their construction or state of repair plus no evidence was found to indicate that they have been used by bats as roosting sites. Bat activity surveys were carried out and no emergences occurred with very little bat activity across the site as a whole.

5.7 Although the report identified no other protected species (apart from possible nesting birds which is covered by the Wildlife and Countryside Act 1981), it was recommended that existing trees are retained and with regard to the new Planning Policy Statement (PPS9) that opportunities are taken to enhance bio diversity on the site through the development. Especially as the site provides ample foraging and commuting opportunities for bats.

5.8 **Access**

The proposed access to the site and the Traffic Statement accompanying the application are acceptable to the Local Highway Authority. The removal of the dwelling at 33 Oxford Road to allow for access will provide a break in the otherwise continuous built frontage to Oxford Road. To the south of number 33 pairs of semi detached properties front the service road but to the north there is greater variation in the buildings and building line and therefore the removal of number 33 is not considered detrimental to the street scene. The amendment to the entrance to the service road will move it to the north but it will not have any greater visual impact than the existing arrangement. In the 2006 appeal the Inspector who visited the site on 18th October 2006 at 12:45pm also confirmed that '*the proposed development would not have a significant adverse effect on the free and safe flow of traffic on the Oxford Road in accord with the relevant development plan policy*'.

5.9 **Noise**

The issue of noise pollution which has been raised by a number of local residents and was considered by the Inspector as a reason for refusal in dismissing the appeal in 1990. The current application is accompanied by a noise report. The report produced recommends the garden boundaries between nos. 31 and 35 Oxford Road and the site access road be provided with a barrier fence of minimum

height 2m to protect the amenities of the properties. The report concludes that the predicted noise levels will be similar to those which already occur at the rear gardens. Gardens will however benefit from the screening effect of the proposed fencing. The Head of Environmental Services on previous applications supported this approach and states: *“firstly it will provide additional sound attenuation reducing the noise levels to a value below that which existed prior to the proposed development. It will also provide a screen which may alleviate some of the subjective concerns relating to traffic noise.”* The inspector from the 2006 appeal commented that, *‘that there is a fairly high ambient level of noise generated by traffic on the Oxford Road, is supported by the evidence of the appellants acoustic engineer. I accept that after allowing for distance and the screening effect of the existing houses, the predicted noise levels adjoining the proposed access road would be similar to the existing noise levels in the rear gardens of 31 and 35 Oxford Road. I consider that subject to a condition requiring the screening of the boundaries between the proposed access and the adjoining gardens on each side, the proposal would not have significant adverse effect on local amenity as a result of the noise.’*

5.10 **Design**

Although the Design Statement contains limited information it clearly shows the developer’s intentions with regards to the design and where they have taken their influences from. Although there is no specific mention within the document of the scale of the buildings in relation to each other this information is satisfactorily contained in the plot elevations plans submitted with the application. In addition the landscape plan although not in its final stage shows their intentions with regards to the general appearance of the site. Therefore the information contained in the Design Statement is sufficient when combined with the information submitted with the application and is considered suitable for this site.

5.11 H5 states that higher housing densities will be encouraged, with an overall regional target of 40 dwellings per hectare. This site with the 23 houses has the equivalent of 30.4 dwellings per hectare and although short of the regional target because of the access to the site more dwellings on this particular site would be difficult to achieve.

5.12 One of the key considerations was the location of the Flats within this development, particularly given concerns raised at outline stage. The Block of 6 flats is located so it does not overlook existing gardens. The block has therefore been moved to the North East boundary and used to overlook the Local Area of Play which requires an element of natural surveillance. The Block is also well within the maximum height specified for the Bankside allocation, and is the same height as 4 of the other two storey properties on the site. Also there is a maximum difference of 1.5m between it and the smallest two storey dwellings on the site so therefore it will not over dominate the overall development. The design of the external appearance of the building is similar to a large detached house. Access was required to the rear of all the properties for bin storage and a bin storage unit for the use of the flats is proposed. The lengths of the gardens are of an appropriate length, being a minimum of 11m and longer than this minimum figure on the plots adjacent to the existing dwellings. This is longer than often found on modern developments and has been proposed to protect the amenity of the neighbouring residents, however in

doing this it does not allow for much variation in the building line.

- 5.13 The houses themselves comprise of a mixture of type and the first one seen as you enter the site is plot 1 which had the driveway amended to conform to Highway Authority requirements for visibility on exiting the driveway. This also avoids the first view of the development being cars and a garage, making the eye turn the corner on approach to this site and giving a pleasant feature on the first view of this development.
- 5.14 Plots 2-6 then face the flats and plots 16 and 17 which were designed to discourage parking in the front to keep the street view clear and unobstructed. Finally there are three blocks of housing located at the end of the access road with plots 11 and 12 providing the focal point at the end. These have been amended so that the integral garages are not located next to each other and therefore giving a more pleasant appearance.
- 5.15 The Layout of the proposal includes many of the factors which ensure streets are good quality places including encouraging more people on the streets to improve personal security and allowing for people meeting on a casual basis by providing public open space and frontages that are directly accessible on foot and are overlooked from the street as recommended in the 'Manual for Streets' document issued by the Department of Transport.
- 5.16 Consequently the dwellings are of appropriate design and appearance, therefore the proposal is in accordance with Policy BE1 and BE2 set out in the South East Plan and the Cherwell Local Plan 1996 Policies C28 and C30 which seek to ensure that new housing developments are compatible with appearance, character, layout and scale with the existing dwellings in the vicinity.
- 5.17 Where frontages over look each other they are 13m apart and within the 12-18m recommended by Manual for Streets. The frontage of the Public open space and the dwellings are directly onto the street and generate a positive relationship between the street and its surroundings.
- 5.18 By providing the footpath and cycle path link this will encourage access by walking and cycling and helps the connectivity of the site. Natural surveillance is also used throughout the design including over the Public Open Space to the north of the site and parking area to the south of the site.
- 5.19 The road widths on this development are above the 3.7m width recommended for fire safety issues and measuring between 5-6m the road width is appropriate for the layout. The turning area proposed has been approved by the Highway Authority within the outline planning permission.
- 5.20 The previous applications for this site contains a condition which requires a footpath/cycle path link between this site and the land to the east which it is envisaged will eventually connect to the Bankside site and therefore all the facilities funded by this urban extension. The exact position and design has yet to be agreed

and a condition is proposed that ensures this is agreed prior to starting the development. It will also be required that the Bankside development will have commenced construction before this site is implemented.

- 5.21 The South East Plan Policy SP2 identifies the need to concentrate development in regional hubs and with the future link to the Bankside development this site will benefit from being within easy walking distance of the facilities which are to be provided.
- 5.22 Although the detailed landscaping is required by condition there are a number of amendments to the landscaping illustrated on the layout which still require to be taken on board. These include:
- Providing an avenue of trees – on the entrance through to the Bankside footpath link.
 - Small trees to be located in the rear gardens of the dwellings located on the southern edge of the site to minimise effects upon the existing properties on Canal Lane
 - Maintaining the existing hedgerow on the North East side of the site and enhancing it where possible.
 -
- 5.23 The Bat Mitigation suggestions made by the Ecological Survey have been approved by the Ecological Officer and include the following requirements:
1. Retention of all the trees and hedges on site including the Fruit trees
 2. All works to the property should be undertaken early August to March
 3. The Main property must be demolished using a soft demolition protocol
 4. At the end of the night all strong lighting must be turned off
 5. Incorporate roosting enhancing features into the design
 6. Retention of mitigation features in perpetuities
- 5.24 A condition has therefore been applied ensuring that approval of an appropriate brick wall along the boundary of existing properties and access into the site and is sought prior to commencement of the development. The wall has been recommended by the Urban Design team to ensure the look of the approach is attractive because in such a prominent location fronting the public domain we would not normally accept fencing. The wall will also reduce noise levels in the rear gardens of the properties. This has been confirmed by the Environmental Services team as an acceptable alternative to fencing with regards to noise reduction.
- 5.25 Concerns were raised regarding the light pollution which would be experienced at the rear of the neighbouring properties. Consequently a condition has been proposed to control the addition of lighting onto the walls, roofs and gardens of the dwellings, to minimise experience of light pollution. This was also recommended by the ecological report which states that strong lights can discourage bats from their foraging activities.
- 5.26 The Inspector also makes it very clear in his statement from the 2006 appeal that *'in the absence of an executed agreement there would be no means by which the*

council could substantially enforce the requirements of NSLP Policy H10 after the grant of Planning Permission.’ It was also stated that the inspector ‘cannot require the submission of an agreement by condition’. It is therefore recommended that this planning permission should be granted subject to a completed S106 agreement.

6 Conclusion

- 6.1 The proposal meets the requirements of national policy . The properties are of appropriate design and appearance and those backing onto the existing properties have good size gardens to minimise disturbance as far as possible and the design has maintained the location of the flats away from these boundaries. The proposal is considered to be an acceptable solution for a restrictive site, providing appropriate open space for its size and a potential future footpath/cycle path link to the proposed Bankside development. A mitigation scheme has also been approved for dealing with the potential issue of bats and the scheme is also providing a variety of affordable housing to this area.

7. Recommendation

Approve

Subject to the completion of a S106 Agreement covering, Affordable Housing, Childrens Play Space and financial contributions

And the following conditions;

1. **SC1.4A**
2. **SC2.0**
3. **SC3.0 – (d) details to also include planting of small trees along the Southern edge of the development. (e) Details also to include planting of an avenue of trees through the entrance road to the site, through to the point of exit of the proposed pathway link to Bankside.**
4. **SC3.4A – North East, 2metres**
5. **SC3.10 – Reason as stated**
6. **SC3.5 – trees, tree, tree**
7. **SC3.7A**
8. **SC4.0A Prior to the construction of the dwellings**
9. **SC4.6 – 0.6m**
10. **SC4.9A**
11. **SC4.10A**
12. **SC4.13CC**

13. SC4.14C

14. SC4.21A

15. SC6.2

16. SC6.3

17. SC6.6A

18. Prior to the commencement of the development hereby permitted a phased risk assessment shall be carried out by a competent person in accordance with current Government and Environment Agency Guidance and Approved Codes of Practice, such as CLR11, BS10175, BS5930 and CIRIA 665. Each phase shall be submitted to and approved in writing by the Local Planning Authority:

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

Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, make an assessment of the risks, including those off site, to receptors and to inform the remediation strategy proposals. If contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.

Phase 3 requires that a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use be submitted to and approved in writing by the Local Planning Authority (LPA). The remediation shall be carried out in accordance with the approved scheme and the applicant shall provide written verification to that effect. The development shall not be occupied until any approved remedial works, have been carried out and a full validation report has been submitted to and approved in writing by the Local Planning Authority. In the event that gas protection is required, all such measures shall be implemented in full and confirmation of satisfactory installation obtained in writing from a Building Control Regulator. Reason- It is suspected that this site and/or nearby land and water may be contaminated as a result of former industrial use(s) or otherwise. To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ENV12 of the adopted Cherwell Local Plan.

19. The permission hereby granted shall not be implemented prior to the lawful implementation of any development permitted pursuant to the planning application reference 05/01337/OUT for residential development and associated facilities of land to the east and including the provision of a primary school, Community Park and other local facilities.

Reason: In order to comply with Structure Plan policy G3 and Non Statutory Cherwell Local Plan policy H10 and ensure that adequate infrastructure and

facilities are provided to serve the residents of the proposed development.

- 20. No development shall commence until a S278 Agreement has been entered with the County Council for the access works necessary within the public highway.**

Reason – Works are required within the public highway to accommodate a satisfactory access into the site and to comply with Structure Plan policy T8 and Cherwell Local Plan policy TR2.

- 21. No development shall be commenced until details and plans of the screening fence/Wall to be provided alongside Nos 31 and 35 Oxford Road have been submitted to and approved in writing by the Local Planning Authority. The approved fencing/walling shall be installed prior to the commencement of the works on site and thereafter be maintained at all times.**

Reason – to alleviate noise levels for nos.31 and 35 Oxford Road and comply with Cherwell Local Plan policy ENV1.

- 22. Provision shall be made within the layout to accommodate a footpath/cyclepath link between the site and land to the East and the footpath/cyclepath shall be provided up to the boundary of the site in the position approved to an adoptable standard.**

Reason To ensure that the opportunity is provided to create footpath/ cyclepath links to local facilities to encourage travel by means other than the private car in accordance with Cherwell Local Plan policy TR2

- 23. That no means of access whatsoever shall be formed or used between the land identified in this application and Canal Lane.**

Reason – In the interests of highway safety and to comply with government advice contained in PPG13: Transport and Policy T8 of the Oxfordshire Structure Plan 2016.

- 24. No external lighting whatsoever shall be placed on the rear walls or roof of the buildings or sited in the rear gardens of plots 7-15 inclusive without the prior express planning consent of the Local Planning Authority.**

Reason – To enable the Local Planning Authority to retain planning control over the development in order to safeguard the amenities of the occupants of the adjoining dwellings in accordance with Policy C30 of the adopted Cherwell Local Plan

- 25. That the approved Bat mitigation detailed in the Ecological Survey commissioned in June 2009 by Jonathan Flint shall be implemented in full as part of the development and all bat boxes installed as part of the approved mitigation scheme shall not be removed or destroyed and if they become**

damaged shall be repaired or replaced and thereafter properly maintained.

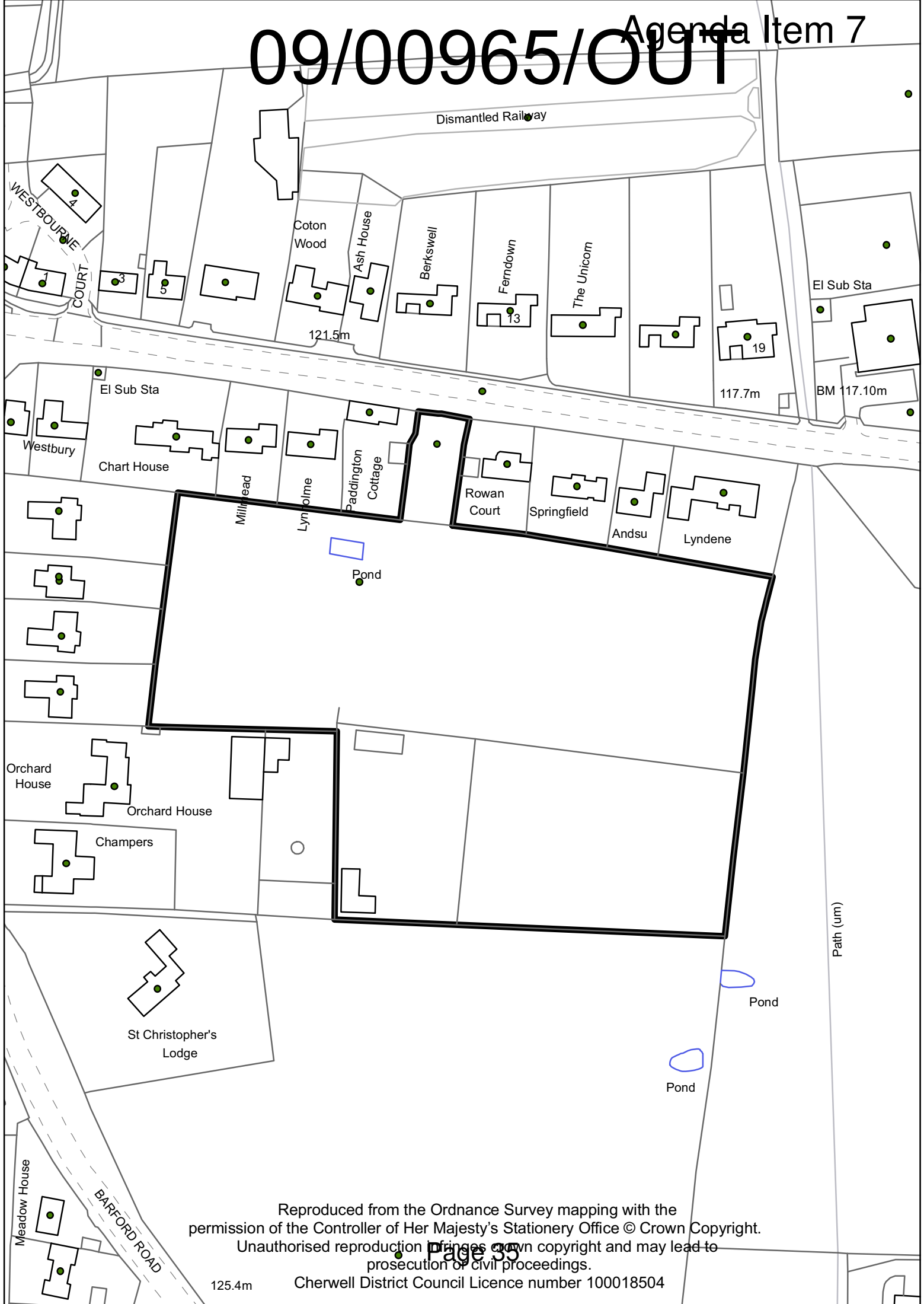
Reason – to ensure the protection of Bats and the environment in accordance with the Cherwell Local Plan policy C1

CONTACT OFFICER: Bev Dancer

TELEPHONE NO: 01295 227971

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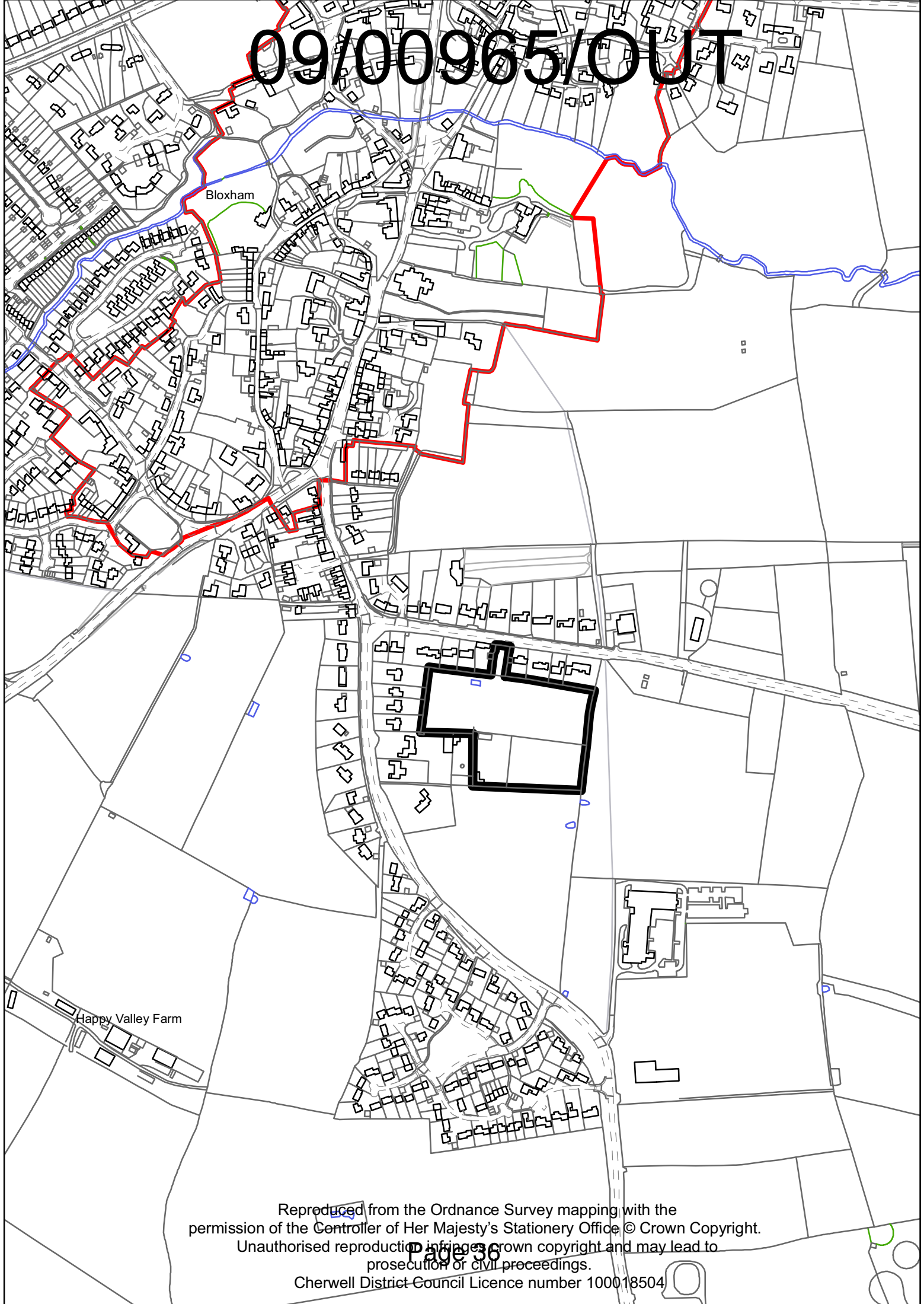
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Application No: 09/00965/OUT	Ward: Bloxham and Bodicote	Date Valid: 22/07/09
Applicant:	Bewley Homes	
Site Address:	OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham	

Proposal: Outline: Erection of 60-bed care home and 44 no. retirement dwellings

1. Site Description and Proposal

- 1.1 This is an outline application for a 60-bed care home and 44 dwellings with associated access and infrastructure on a 1.88 hectare site to the south of Milton Road, Bloxham. All matters except means of access are reserved for subsequent approval. Access to the site is to be obtained via a new vehicular access onto Milton Road, between two properties known as Rowan Court and Paddington Cottage.
- 1.2 The site is square/rectangular in shape and is located to the south of properties facing onto Milton Road and east of residential properties fronting onto Barford Road. To the east lies a public footpath, which passes from Milton Road towards Bloxham Mill across agricultural land. To the south lies further agricultural land. The site lies within an Area of High Landscape Value.
- 1.3 The site comprises fallow farmland, having been used for the grazing of horses but more recently left unmaintained. The site slopes from the higher ground to the west down towards the north-eastern corner. The site is largely bounded by existing trees and hedgerows, which provides some screening and boundary definition to adjacent properties and the open countryside beyond.
- 1.4 The application seeks permission for a 60-bed care home aimed at providing specialist care for the frail and elderly sector and dementia sufferers and 44 residential units. The residential units are split between 18 affordable dwellings age restricted to over 55 and over and 26 private dwellings which are not proposed to be age restricted, although the Planning Statement does suggest that they will be aimed at the retirement market.
- 1.5 Although the application is in outline only the application is accompanied by a scale parameters plan which indicates that the development could comprise of a 2 ¾ and 2-storey care home, 13 2-storey dwellings, 27 1 ¾ -storey dwellings and 4 bungalows.
- 1.6 **Planning History**
The site has been the subject of some planning history which is relevant to the consideration of this application.

In October 2005, an outline application (05/01555/OUT) for residential development of up to 57 units was refused on the grounds that it would be contrary to policy,

would have an adverse visual impact upon the rural character and landscape value of this locality and a lack of a satisfactory unilateral undertaking. The applicants did lodge an appeal against the decision but this was withdrawn prior to detailed consideration and determination.

In January 2002, an outline application (02/00084/OUT) for residential development on the current site was submitted, with an indicative layout showing 45 dwellings on the site. This application was recommended for refusal at North Area Planning Committee on 28 February 2002 but was withdrawn prior to determination.

In July 1987, an outline application (CHN 352/87) for residential development was refused on the grounds that it would be contrary to policy and would be detrimental to the visual amenities and rural character of the locality. The subsequent appeal was dismissed in February 1988. The inspector commented that as the Structure Plan had made adequate provision for housing development he did not consider "that development of 4.8 acres would accord with the overall strategy for rural settlements as the appeal site could easily yield 30 to 40 new houses at modest densities".

The Inspector also commented that the "development of the appeal site would not be well contained by features or boundaries and could lead to the general southward extension of the village into the quadrant farmland between Milton Road and Barford Road". He considered that the location and scale of the proposed development would have an adverse visual effect upon the rural character and landscape value of this locality.

In March 1998, planning permission was granted for the erection of a single dwelling (in outline) on land between Paddington Cottage and Rowan Court. This consent has lapsed. The site had a previous consent for the erection of a single house in October 1974. The vehicular access to the proposed development would be through this plot of land.

In April 2007, an outline application (05/02103/OUT) for residential development for up to 74 dwellings on land east of the Telephone Exchange adjoining and north of Milton Road was approved. This site is located to the north east of the current application site. In summary this was approved as the site was allocated for development as part of Policy H1b of the Non-Statutory Cherwell Local Plan and the development of this site would contribute to the housing delivery targets which were not being met. Construction on this site is nearing completion and houses are being occupied.

2. Application Publicity

- 2.1 The application was advertised by way of a site notice, press notice and neighbour notification letters. The final date for comment was 20 August 2009.
- 2.2 21 letters of objection have been received. The main reasons for objecting to the proposal are;
 - Policy position
 - Site is not within adopted Local Plan nor the Non-Statutory Cherwell Local Plan

- Both plans state that development will be restricted to infill, minor development or conversion of no-residential buildings
 - Will result in additional and unnecessary green field development
 - This site has previously been refused for development – the same reasons must still apply
 - Development of this site should wait until land allocation through the LDF have been completed
 - Requirements of Policy H6 of the Non-Statutory Cherwell Local Plan are not met
 - The Council has three major opportunities to deliver the housing stock required of it in the next 10-15 years eg. Bankside, Upper Heyford and North West Bicester
- Visual impact
 - Development on the north side of Milton Road and other developments in Bloxham add to the urbanisation of the village
 - The proposed development will destroy the rural village atmosphere
 - Buildings will be very visible
 - Development not in keeping with properties around it or Bloxham Village
 - Care home, of three stories, will be visible for miles
 - There has already been over development of the village at Ells Lane and Milton Road
- Highway safety
 - No opportunity to widen the road to provide footpath links, as have been provided for the other development on Milton Road
 - Footpaths too narrow for wheelchairs and mobility scooters
 - Vision from the access with limited, inadequate and unsafe
 - Already severe traffic pressures on the junction in Milton Road and Barford Road – increased danger to traffic and pedestrians with increase in traffic from development
 - No public transport long Milton Road
 - No plans for traffic calming on Milton Road as the traffic travels at high speeds on this stretch of road
 - Increase in traffic and congestion
 - Accidents/personal injuries have already occurred as a result of vehicles mounting the pavement to avoid heavy loads or blocking the road
 - Significant number of heavy trucks already use the road, ambulances also use it as a faster route to the hospital
 - Full impact of Taylor Woodrow development not yet known
 - Pedestrian crossing and street lighting is inadequate
 - Care home/commercial business would require deliveries from commercial vehicles
- Need for elderly accommodation
 - any required provision is to be provided at Godswell House, Bloxham does not require two care home developments
 - distort the age profile
 - OCC does not support this site for elderly care housing and it is not a priority site

- There may be a need for retirement accommodation but there is also a need for affordable housing for young people
- Neighbour impact
 - A nursing home and additional housing in close proximity to existing houses is unnecessary when other pockets of land have been identified by the Council in and around the village that do not encroach on quality of living environments for the current residents.
 - Overlooking and loss of privacy
 - The proposals for planting along the boundaries will not be sufficient to provide privacy
 - Privacy will be worsened by the fact that the site is on higher land to the surrounding properties
- Ecology and drainage
 - Area supports wildlife, including kingfishers, woodpeckers, owls and bats, deer, foxes, pheasants, rabbits and is unsuitable for buildings
 - Currently experience garden flooding in wet weather caused by water draining from this site, this will increase
 - Two small and apparently ancient ponds would be destroyed by development
 - Will result in a significant number of trees and bushes
 - The site used to be grade A arable land and could be restored to this state, it only appears poor quality as the land owner has chosen not to farm it
 - Disposal of rainwater is likely to increase as a result of the development and this may result in flooding on the adjacent land
- Services/infrastructure
 - Only the garage and deli are within 400 metres of the site
 - This form of development will place undue strain on excellent medical facilities in the village
 - Increase in population is not being matched by increase in infrastructure
 - Footpath link across site to existing footpath is unlikely to be agreed by the neighbouring land owner
 - Too far from village amenities
 - Electricity and waste sewerage infrastructure may not be able to cope with increased demand

Non – planning matters

- Bewley Homes consultation has been questionable, use of closed questions led to feedback in favour of the developers
- Concern about the implications of consulting with the Parish and District Council's prior to making the submission
- Number of retirees should be balanced with younger more active inhabitants
- People have increasing sense of powerlessness, of being over-ruled by those who do not have local interests at heart
- Houses on north side of Milton Road are already proving difficult to sell

1 letter has offered some support to the type of scheme being proposed and

acknowledges that the site is likely to be developed in the future but does express a number of concerns that are covered in the summary above.

2 letters have been received in full support of the application, one from the property adjoining the proposed access and one from the agent of the landowner. The reasons for supporting the proposal include;

- Care home is a much needed service within Banbury/Bloxham/Rural area especially in relation to dementia care.
- Impact of extra traffic will be negligible and not impact significantly on the already busy Milton Road.
- Many of the concerns expressed by residents can be addressed in negotiations for a S106 agreement
- The site has been left to deteriorate, resulting in a blight
- The proposal will meet National and Local Government Policy by encouraging development sensitivity to the rural communities, provide affordable housing and encourage development that meets the needs of the community including the elderly.
- The proposal will provide high skilled jobs and short term construction work
- Technical input submitted with the application demonstrates that matters of highway safety and improvement, surface water run-off, foul drainage, landscape and ecology can all be satisfactorily resolved.
- All homes are proposed to be built to lifetime standards
- Bloxham has a good range of facilities
- Council through South East Plan and County Structure Plan has a duty to provide development opportunities to meet its obligations in housing provision – not all the requirement can be met by developments at Banbury and Bicester
- Housing completions In Cherwell are falling behind Local Plan requirements and this development will help to address the shortfall
- Land South of Milton Road was the original preferred location for development allocation
- Public exhibitions have demonstrated that there is a need for care home and retirement dwellings.
- The proposed care home will cater for different needs to that at Godswell house
- Retirement dwellings will result in the release of houses for younger people.

3. Consultations

3.1 **Bloxham Parish Council** objects to the application on the following grounds (in summary:

- Outside the village boundary
- Shortage of parking, increasing potential for parking on Milton Road
- Only one bus a week along Milton Road, which does not enter the village centre
- Additional bus stop by Texaco garage which is a long walk for elderly. No service into or from Banbury on Sundays or weekday evenings
- Not a good site for elderly being away from the village

- 2 ¾ storey buildings are out of keeping with existing houses in area and can view into other houses on the complex and existing houses
- There is no need for more Care Home beds within five miles of Bloxham. Aware that Leader of the Council and County Council does not support the site for elderly care
- This site will increase dependence on cars
- The ponds that are described as dry on the plans are soft and boggy therefore the site may be liable to flooding.
- An independent tree survey is required in relation to the willow trees
- The site for affordable/elderly is too far from the village and some of the footpaths are too narrow in places for wheelchairs and walking into the village
- Affordable, social housing should be closer to the village and not on the outskirts
- The schools are full and the infrastructure relating to gas, electricity and water are at full stretch and cannot accept any more major developments
- Bloxham is a village and as such it only needs minor infilling rather than major developments to enlarge it further.

3.2 **Oxfordshire County Councillor for Bloxham Division** (Keith Mitchell) has made the following comments (in summary);

- This is not a site designated for such development – it is not identified in the Abandoned Local Plan which is used for a basis for planning policy until the new plan emerges from the LDF.
- A proposal such as this ought to await a review of sites and new land allocations under the LDF process. Approval of this site would pre-empt the proper process laid out in the LDF.
- There are sufficient sites elsewhere to meet this kind of housing need. OCC has two Elderly Care Housing schemes under construction in Banbury and another in Bicester. Contrary to impressions given in material circulated by the developer, the County Council does not regard this as priority for Elderly Care Housing.
- This is a highly unsuitable location for a facility of this kind with no access to public transport. Residents will need to visit Banbury regularly for a more comprehensive retail offer. Elderly residents are unlikely to walk or cycle even to Bloxham High Street and most certainly not to Banbury. This site is the wrong side of the village if, indeed this village is the correct location for this scale of development of elderly housing.
- Bloxham is already the largest village in Cherwell unless you believe the fiction that Kidlington is a village. Bloxham has grown hugely over the last forty years. Development here threatens to open the door to further development in the triangle between Milton Road, Barford Road and the Barford Airfield. Bloxham does not need, does not want and will not benefit from this development. It will add to congestion on the A361 and will simply continue the expression of this village until it begins to feel like and extension to Banbury.
- There is already planning for an old people's home at Godswell House. This site is not needed.

3.3 In summary, the **Local Highway Authority** (LHA) states that taking into account the Transport Assessment (TA) and the LHA's comments in relation to the previous

application an objection on traffic impact/capacity grounds would not be appropriate or sustainable at appeal.

The site's location to local facilities within Bloxham appears to be near or exceed the maximum walking distances recommended. Bloxham does not offer a good range of facilities without recourse to better opportunities within Banbury, which can only encourage the use of the private car as a mode of transport.

There are alternative modes of transport within Bloxham, such as public transport. However the only likely bus service to be used by residents of the proposed site is the subsidised, hourly 488 service (until early evening). The other public transport links serving Bloxham are not so desirable due to their infrequent nature i.e. one bus a day etc. Measurements on site show that the closest bus stop for the 488 service is around 600m away, located at Tadmarton Road. It is unlikely the residents of the proposed development will frequently use public transport as an alternative means of transport to that of the private car.

The proposed vision splays are not considered appropriate by the Local Highway Authority. An amended plan showing vision splays of 4.5m x 90m is required. The 5.5m wide access road into the site is acceptable as is the proposed 6m radii of the entrance.

The proposed crossing point at the entrance to the site is not acceptable due to its location. This crossing point is to be moved towards the junction of the Milton Road/Barford Road within the vicinity of the property known as Chart House, avoiding any accesses. A 2m footway linking this crossing point will be required along the Milton Road from the proposed development and will be subject to a Section 278 Agreement.

The parking levels for the proposed care home appear acceptable; however the layout does not appear to cater for deliveries, ambulance pick ups etc. There appears to be no disabled parking spaces, should 5% of total spaces being provided; plus individual spaces dimensions should be wider than normal i.e. 3.5m x 5m.

The parking allocation per plot for the residential dwellings is unclear from the submitted plans. A list is required showing how many off-street parking spaces are being provided per plot. Current parking standards are to be applied; and should be closer to the maximum level due to the site's location and undesirable public transport links.

A number of parking spaces within the proposed layout appear isolated/separated from the associated unit (or have none shown), which is likely to encourage on-street parking. Some plots appear to only have a garage as a parking space which should not be counted as a parking space unless the dimensions are 6m x 3m internally (as in Manual for Streets) to accommodate both a vehicle and storage. Alternatively car ports instead of garages do deter use for storage.

The visitor parking being provided within the site is acceptable and is in line with the guidance within Manual for Streets for the design of new residential streets.

A traffic calming feature into the site off the Milton Road will be required – can be agreed under reserved matters application if/when submitted.

It is assumed the proposed development is to be offered for adoption to the Local Highway Authority, which will require a Section 38 Agreement between the developer and Oxfordshire County Council. For this to be considered the development must be constructed to OCC specifications and incorporate a sustainable drainage system (SUDS).

Transport Contributions have been requested.

Conditions have also been suggested in the event of an approval.

3.4 **Oxfordshire County Council's Strategic Planning** department has made specific comments in relation to South East Plan policies, housing and supporting an aging population, environmental issues, transport, archaeology and infrastructure and service provision. To conclude it was stated that;

The proposal is in accordance with the South East Plan in that the development would go some way to meeting the housing allocations outlined in policy AOSR1.

The South East Plan and Cherwell Local Plan seek to concentrate development in the main urban areas and to protect the countryside from sporadic development but also allow necessary development in smaller settlements (like Bloxham) to appropriately support local economies and strengthen retention/provision of day-to-day services to enable such places to thrive and be as self contained as reasonably possible. This application is for relatively large scale development of an unallocated green field site in the countryside. Whilst it is reasonably placed to access local facilities, it may help to sustain the local shops etc and there are (limited) public transport services, the proposed development would also be likely to give rise to a need to travel to Banbury (and elsewhere) and these journeys are in all reality likely to take place by car. The development would not be acceptable unless it is compatible with the needs of the settlement. The District would need to be satisfied that the care home and the specialist housing proposed is necessary to meet the needs of the immediate local population; if it goes significantly beyond that need, then it is on the face of it, the wrong place for this scale of development and therefore unacceptable.

The County Council recommends:

- a) that it supports in principle development which supports the housing needs of an ageing population.
- b) if the District is minded to allow the development:
 - i) it should be satisfied that this scale of development is required to meet particular local social and economic needs in line with objectives of policy BE4 of the SE Plan: and
 - ii) permission should be subject to a legal agreement to secure developer contributions to necessary transport and non-transport supporting infrastructure and a Travel plan.

3.5 The **Council's Strategic Housing Officer** reaches the following conclusions in relation to the housing strategy and housing need;

- The proposal does not fit with the strategic aims in that it is not providing specialist supported accommodation or purpose built accommodation (single level). There would be an argument that the site is not well located for shops and services and it does not provide an all older people scheme since the

market housing is not age restricted. It does not provide the specialist accommodation we require in terms of extra care provision.

- There is a high level of general housing need across the District and including larger rural settlements such as Bloxham which can be evidenced through needs modelling and the housing register although there is currently no specific housing needs survey for Bloxham. With regard to the needs amongst the over 55s; we do have information about the general population profile which shows a large percentage of people of pensionable age but below County averages for economic deprivation and those living in private or social rented accommodation (around 12%). Both these indicators would point to a lower potential need for affordable housing amongst this age group.
- The best indication of specific need we have is our housing register. This indicates that there are 9 households over 55 waiting for one or two bed properties with a local connection to Bloxham. If the search is extended to applicants with a local connection to the immediately adjacent parishes (with the exception of Banbury) this number rises to 20 households. 10 of these households are assessed as being band 5 and are people who we would generally regard as being adequately housed or with resources to meet their housing need outside of the social housing sector. Whilst interest might be generated from Banbury residents we would normally seek to meet this need from sites within Banbury itself. Only 5 of these households are transfer applicants showing very little potential to free up larger family housing through this development. It is likely the majority of these households would need housing at social rent levels. This indicates the need for the amount and type of housing being specified in the planning application is quite marginal.
- In conclusion the planning application as it currently stands does not provide a good fit with the Council's strategic aims or meeting local housing need.

3.6 The **Council's Landscape Planning Officer** makes the following comments (in summary)

- The Landscape strategy is a presentation of existing view points. The development would probably not be visible from points on Milton Road and the footpath. It would be visible from Barford Road as the existing housing is already visible above the hedgerow boundaries. The site would also be visible from from a number of places along the footpath running from Milton Road to Bloxham Mill, particularly as part of the care home is 2 ¾ storeys high and the hedge is thin in places. This would be exacerbated in winter months.
- The site is quite well concealed by topography, the site being in a shallow bowl.
- The development will increase the outward spread of the village and intrude into the countryside.
- The assessment does not provide any indicative views of the development.
- Once the boundaries are cut back they may not provide much of a screen.
- There is not much room in the current layout for replanting
- There is limited hedgerow on the North West boundary and very little on the west boundary.

- It is unfortunate that the dry pond is not being re-instated as this could form an attractive area of open space
 - The open space is logical but more input into its design is needed.
 - Proposed landscaping scheme lacks example species
 - Boundaries should be native hedgerows to enhance wildlife value.
 - Care home garden should be high quality and provided seasonal interest for residents
 - The scheme should provide a LAP for the residents of the market housing
- 3.7 The **Council's Ecology Officer** considers that the ecological report submitted seems sufficient in scope and depth and largely concurs with the conclusions within it. Conditions would be required if the application was to be approved.
- 3.8 The **Council's Head of Building Control and Engineering Services** is satisfied with the way the FRA has been undertaken and agrees with its conclusions. Thames water have confirmed there is sufficient capacity in their off-site sewerage system. The development will require an on site pumping station but it is a matter of detail.
- Surface water will be discharged to soakaways subject to satisfactory soakage tests. In the unlikely event that the tests are unsatisfactory the fall back position is attenuated conveyance of surface water to an off site surface water sewer. A solution exists in principle.
- 3.9 The **Council's Environmental Protection Officer** states that records do not show any potentially contaminative sources which may affect the development, however as it is a sensitive development, it is therefore recommended that conditions are applied if the application is approved.
- 3.10 The Council's **Head of Planning & Affordable Housing Policy** comments as follows;

The application is in outline with all detailed matters, other than means of access, reserved for future approval.

I understand that the proposed development comprises:

- a 60-bed care home (use class C2) providing specialist care for the frail and elderly sector and people with dementia
- 18 affordable dwellings restricted to occupation by persons aged 55 and over (1 to 3 bed properties) i.e. 41% age-restricted affordable housing
- 26 private dwellings aimed at the retirement market (2 and 3 bed properties)

The site comprises 1.88 hectares of agricultural land. It is my view that apart from a small area of land between properties known as Paddington Cottage and Rowan Court, the site lies outside the built-up limits of Bloxham and in an area of countryside. The site is not allocated for development in either the South East Plan 2009 or the saved (adopted) Cherwell Local Plan 2011; nor is it allocated in the Non-Statutory Cherwell Local Plan 2011. I consider the main planning policy considerations below.

South East Plan 2009

Policy SP3 of the South East Plan states that the prime focus for development should be urban areas in order to foster accessibility to employment, housing, retail and other services and avoid unnecessary travel. LPAs are required to formulate policies which, amongst other things, concentrate development within or adjacent to urban areas and seek to achieve at least 60% of all new development on previously developed land.

Bloxham is not considered to be an urban area and as the application site comprises greenfield land it would not contribute to achieving this 'brownfield' target.

Policy BE5 states that in preparing Local Development Documents (LDDs), LPAs should plan positively to meet the defined local needs of their rural communities for small scale affordable housing, business and services. LDDs should define the approach to development in villages based on their functions performed, their accessibility, the need to protect or extend key local services and the capacity of the built form and the landscape setting of the village. All new development should be subject to rigorous design and sustainability criteria so that the distinctive character of the village is not damaged.

Bloxham is considered to be one of the district's most sustainable villages in terms of the presence of local services and facilities, including a regular bus service, and in view of its proximity to a large urban area. It is a Category 1 village in both the saved and non-statutory Local Plans. However, the impact of the proposal on village character will need to be considered and the advice of the Head of Housing Services should be taken to determine the extent to which the proposed care home and the age restricted affordable housing would help meet defined local needs.

Policy H2 of the South East Plan states that Local Planning Authorities (LPAs) will work in partnership to allocate and manage a land supply to deliver both the district housing provision [13,400 dwellings from 2006 to 2026] and sub-regional/regional provision. In doing so, LPAs are required to take account of a number of considerations including:

- the scope to identify additional sources of supply elsewhere by encouraging opportunities on suitable previously developed sites;
- providing a sufficient quantity and mix of housing including affordable housing in rural areas to ensure the long-term sustainability of rural communities;
- the need to address any backlog of unmet housing needs within the housing market area in the first 10 years of the plan.

The policy requires LPAs to plan for an increase in housing completions to help meet anticipated need and demand. Housing land supply is considered later in these comments.

Policy H3 requires a substantial increase in the amount of affordable housing in the region to be delivered including by taking account of housing need and having

regard to the overall regional target that 25% of all new housing should be social rented and 10% intermediate affordable housing. Whilst 41% affordable housing is proposed, the advice of the Head of Housing Services will be needed to determine whether restricting the age of occupiers would be detrimental to providing homes for those most in need.

Saved (Adopted) Local Plan 1996

Policy C8 of the saved Local Plan seeks to resist sporadic development in the open countryside whilst policy C7 seeks to prevent demonstrable harm to the topography and character of the landscape (the site lies within the Ironstone Downs Area of High Landscape Value (AHLV) - see policies C13 and C28). Policy C30 requires the character of the built environment to be considered.

As the proposal entails the loss of greenfield land in open countryside there is a need to consider the district's housing land supply position (below) as well as whether there would be unacceptable harm to landscape and local character.

Non-statutory Cherwell Local Plan 2011

Land south of Milton Road, was identified by officers as being a potential housing site for consideration in a 1999 public consultation paper entitled 'Housing and Employment in the Rural Areas' . Consultation responses were considered in a report to the former Development Committee on 8 July 1999. Officers considered that the site was favourable to most other areas of land examined and was worthy of further consideration with a view to including it as an allocation in the deposit draft local plan. However, the Committee resolved not to include the site in view of concerns about further development in the village, the potential for increased traffic movements along the A361 road, possible access difficulties and the number of properties adjacent to the site. It was considered that an alternative site to the north of Milton Road was the 'least worst option' and should be included in the deposit draft plan despite officer advice to the contrary. The general policy position regarding the two sites remained unchanged following consideration of representations to both the deposit draft and revised deposit draft plans and to proposed pre-inquiry changes.

Policy H1a of what is now the Non-Statutory Cherwell Local Plan 2011 sets out criteria for considering proposals for new housing development which include the availability and suitability of previously developed sites and empty or under-used buildings for housing and, in the case of category 1 and 2 villages such as Bloxham, whether it would meet an identified local housing need (not just affordable housing). These policies must now be considered in the context of Planning Policy Statement 3 (Housing) which provides current national policy on managing housing land supply (see below).

The Non-Statutory Plan contains similar restrictions on building beyond the built up limits of settlements and to achieve protection of the landscape and local character as the saved local plan (policies H19, EN30, EN34 and D3).

With regard to **housing land supply** the following advice is given;
The Strategic Housing Market Assessment (December 2007) confirms the need to provide new housing. Planning Policy Statement 3 (PPS3) requires a flexible

supply of land for housing by, amongst other things, maintaining a five-year rolling supply of deliverable (available, suitable and achievable) housing land. LPAs are required to monitor the supply of deliverable sites on an annual basis, linked to the Annual Monitoring Report review process.

PPS 3 requires scenario and contingency planning to identify different delivery options, in the event that actual housing delivery does not occur at the rate expected. Policies and proposed management actions are expected to reflect the degree to which actual performance varies from expected performance, as indicated in housing and previously developed land trajectories. Where actual performance, compared with the trajectories, is within the acceptable ranges (for example within 10-20 per cent), and future performance is still expected to achieve the rates set out in the trajectories, PPS3 states that there may be no need for specific management actions at that time and that LPAs will wish to continue to monitor and review performance closely and consider the need to update the five year supply, of deliverable sites where appropriate.

Where LPAs cannot demonstrate an up-to-date five-year supply of deliverable sites, they should consider favourably planning applications for housing, having regard to the policies in PPS3 including the following considerations:

- achieving high quality housing;
- ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- the suitability of a site for housing, including its environmental sustainability;
- using land effectively and efficiently;
- ensuring the proposed development is in line with planning for housing objectives;
- reflecting the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

The Council's 2008 Annual Monitoring Report (AMR) noted that under the then emerging South East Plan requirements (13,400 as today), the district had a 5.3 year rolling supply for the period 2009-2014. The figures for the 2009 AMR have just been reviewed (Sept' 09). They show that for the same period the district has a 4.0 year supply rising to 4.5 years for 2010-2015 and 5.1 for 2011-2016. A four year supply represents a deviation of 20% from 5 years; a 4.5 year supply a deviation of 10%.

In accordance with PPS3, this supply takes no account of unidentified, small site windfalls. Planning permissions do exist for some 503 units which if 90% implemented would be more than enough to boost rolling supply over 5 years. New LDF sites will also emerge over the next couple of years, boosting both near and long-term supply. Officers are also in the process of producing a Strategic Housing Land Availability Assessment (SHLAA) which will identify new opportunities. However, small site windfalls will not increase the district's five-year supply over the period 2010/11 to 2014/15 until they are recorded as complete and, at this time, it is not known whether new deliverable sites (i.e. rather than just developable sites),

capable of being completed by 31 March 2015, will be identified through work on the SHLAA. Therefore, whilst the district's housing land supply remains relatively healthy in current market conditions, it is considered that at this particular time (ahead of conclusions on the SHLAA and the recording of housing completions for 2009/10), there is a housing land supply reason to closely consider this proposal.

To be considered favourably, the proposed development would need to (amongst other things):

1. Fully meet PPS3 considerations i.e :

- provide high quality housing;
- provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- be suitable site for housing, including its environmental sustainability;
- represent an effective and efficient use of land;
- be in line with planning for housing objectives;
- reflect the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives;

In the case of development in the rural area at Bloxham, policy BE5 of the South East Plan is also particularly relevant in that development should meet the defined local needs of the local community and that the built form, landscape setting and distinctive character of the village should not be damaged.

2. Clearly demonstrate that the application site is deliverable and capable of being recorded as complete by the end of the next 5 year rolling period i.e. by 31 March 2015. Completions after this date would have no effect on increasing the rolling supply for 2010/11.

PPS 3 states that for a site to be considered deliverable it must:

- be available (the site must be available now);
- be suitable (the site must offer a suitable location for development now and contribute to the creation of sustainable, mixed communities);
- be achievable (there must be a reasonable prospect that housing will be delivered on the site within five years).

Advice issued by CLG for the Planning Inspectorate (*Demonstrating a 5 Year Supply of Deliverable Sites*) clarifies that, in assessing deliverability, if existing information on availability is not sufficient it may be necessary for the LPA to gather further, up-to-date evidence by discussing availability of the site with relevant developers/landowners. With regard to achievability, the guidance states that it may be necessary to discuss with relevant developers/ landowners and/or analyse current housing market conditions in order to make an informed judgement.

It is my view that further information on availability and achievability should be requested from the applicant as the submitted Planning Statement does not demonstrate whether or the site could be recorded as complete by 31 March 2015. Enough evidence is needed so that should Members resolve to grant permission,

the site could be considered as deliverable upon that resolution. This would require certainty over any legal agreement and confidence in the programme for delivering the site. Evidence from both developer and landowner should therefore be provided.

- 3.11 **Oxfordshire County Council's Archaeologist** suggest that if the application is approved the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction.
- 3.12 The **Environment Agency** objected to the application in the absence of an acceptable flood risk assessment (FRA). The submitted FRA does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The EA set out the particular issues in which the FRA fails.
- 3.13 **Thames Water** has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the LPA approve the application a Grampion condition should be imposed requiring a drainage strategy and an informative should also be included in relation to water pressure.
- 3.14 **Thames Valley Police Crime Prevention Design Advisor** has no comments at this stage but would wish to comment on any full or reserved matters application.

4. Relevant Planning Policies

- 4.1 South East Plan
SP3 – Urban Focus for development
CC5 – Supporting an aging population
CC7 – Infrastructure and implementation
H4 – Type and size of new housing
BE4 – The role of small rural towns
AOSR1 – Scale and location of housing development in the rest of Oxfordshire
- 4.2 Adopted Cherwell Local Plan
H4 – Provision of housing schemes for the elderly
H13 – Residential Development in Category 1 Settlements
H18 – New dwellings in the countryside
C13 – Conserve and enhance the environment in Areas of High Landscape Value
- 4.3 Non Statutory Cherwell Local Plan
H6 – Provision of housing schemes for the elderly
H15 – Residential Development in Category 1 Settlements
H19 – New dwellings in the Countryside
EN34 – Conserve and enhance the character and appearance of the landscape

5. Appraisal

- 5.1 Main Planning Considerations
The main issues to consider in the determination of this application are as follows –

- Whether the proposal complies with the current policies in the adopted Cherwell Local Plan
- Whether the proposal complies with the policies in the Non-Statutory Cherwell Local Plan 2011
- Housing delivery
- Whether there is a need for elderly care and retirement accommodation
- Whether the proposal would have an adverse landscape impact
- Whether the proposal would have an adverse impact upon amenities of neighbouring properties
- Whether the proposal would have an adverse highway impact
- Whether the proposal would have any other adverse planning impacts

Each of the above points will be considered in turn.

5.2 The Adopted Cherwell Local Plan

The adopted Cherwell Local Plan contains no specific allocation for the application site. It is therefore defined as countryside (i.e. previously undeveloped land) where there is a presumption against general residential development on unallocated sites without any special justification.

Policy H13 of the adopted Local Plan states that new residential development within Category 1 settlements, such as Bloxham, is restricted to infilling, minor development within the built up area of the settlement and the conversion of existing buildings; subject to other policies in the Local Plan.

Policy H18 of the adopted Local Plan states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings.

Apart from the small plot of land between the properties known as Paddington Cottage and Rowan Court, which is the site of the proposed access, the site clearly lies beyond the existing built limits of Bloxham and in an attractive area of open countryside. The built up limits of the village in this case are the rear boundaries of the gardens of the properties fronting Milton Road and Barford Road.

The proposal is not infilling, nor within the built up area of the settlement and the development is therefore contrary to Policies H13 and H18 of the adopted Cherwell Local Plan.

Policy H4 of the adopted Cherwell Local Plan states that provision for housing schemes for the elderly and people with disabilities will be encouraged on sites within convenient reach of shops, community facilities and public transport. Proposals that do not meet these criteria will normally be resisted. The closest facilities to the site are the garage within approximately 430 metres and a small deli within approximately 420 metres. The main village facilities, including the Post Office, are further away at approximately 1 km away from the site. The nearest bus stop is approximately 150 metres away and medical services are even further afield. Whilst the Council has no set distances for what constitutes 'convenient reach' it is considered that the site is not within convenient reach of such facilities. Therefore the proposal is contrary to Policy H4 of the adopted Local Plan.

Policy C13 of the adopted Cherwell Local Plan states that within designated areas of high landscape value the Council will seek to conserve and enhance the environment. This policy will be considered in more detail in the assessment of landscape impact.

5.3 Non-Statutory Cherwell Local Plan

The application site has no specific allocation in the Non-Statutory Local Plan and is therefore defined as open countryside. It was identified by officers as being a potential housing site for consideration in a 1999 public consultation paper entitled 'Housing and Employment in the Rural Areas'. Consultation responses were considered in a report to the Development Committee on 8 July 1999. Officers considered that the site was favourable to most other areas of land examined and was worthy of further consideration with a view to including it as an allocation in the deposit Draft Local Plan. However, the Committee resolved not to include the site in view of concerns about further development in the village, the potential for increased traffic movements along the A361 road, possible access difficulties and the number of properties adjacent to the site. It was considered that an alternative site to the north of Milton Road was the 'least worst option' and should be included in the deposit Draft Plan despite officer advice to the contrary. The general policy position regarding the two sites remained unchanged following consideration of representations to both the Deposit Draft and Revised Deposit Draft Plans.

Policy H19 states that permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements when it is essential for agriculture or other existing undertakings, or to provide a small, low-cost, affordable housing exception site to meet a specific and identified local housing need that cannot be satisfied elsewhere. Policy H15 of the same plan identifies Bloxham as a Category 1 village and states that new residential development will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the village and conversions.

Policies H6 and EN34 are similar in their guidance to Policies H4 and C13 of the adopted Cherwell Local Plan and the same consideration is relevant.

The proposal is contrary to Policies H6, H15, H19 and EN33 of the Non-Statutory Local Plan for similar reasons to those outlined above in relation to the adopted Cherwell Local Plan.

5.4 Housing Delivery

The Council's current position on housing delivery is set out in the comments of the Head of Planning & Affordable Housing Policy's comments in detail above. These highlight that the Council currently has less than a five year housing land supply, as required by PPS3, identified at the current time. However for the current proposal to impact on this it would need to be demonstrated that it would be delivered by March 2015. The current application proposals do not provide this certainty. In addition PPS 3 requires sites coming forward to meet the following requirements ;

- provide high quality housing;
- provide a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people;
- be suitable site for housing, including its environmental sustainability;

- represent an effective and efficient use of land;
- be in line with planning for housing objectives;
- reflect the need and demand for housing in, and the spatial vision for, the area and does not undermine wider policy objectives;

It is not considered these criteria have been met with the current scheme (see consultee comments re housing need and sustainability above and report below) and as submitted it does not meet the requirements of PPS3.

5.5 Need for elderly care and retirement accommodation

It is important when considering an application for development on an unallocated site to consider whether or not there are any exceptional circumstances that could override the general principle against development on the site.

The County Council as the Strategic Planning Authority has stated that the care home will help to meet the needs of the district as there is a shortage of beds in the Banbury area. However this does not identify a specific need in Bloxham. Further clarification on this point has been requested from the County Council and a response is yet to be received from the Social and Community Services department in relation to the need for a care home in this location. This consideration is relevant given the fact that a care home is being developed at Godswell House, closer to the centre of the village. The Planning Statement acknowledges this development but states that the care home included in this application will cater for nursing and dementia care which Godswell House will not.

In relation to the provision of retirement properties the Council's Housing Department provided the following information;

The draft Older People's Housing Strategy (currently out for consultation) acknowledges the steep increases in the numbers of older people across the District. We also recognise that most older people wish to remain living in their own homes for as long as possible and one of the main recommendations in the strategy is that we do all we can to support and enable low level support services that help people to do this. At the same time we also want to support people who do wish to downsize to smaller more suitable accommodation and recognise that good quality accommodation which allows people to continue to manage independently as they age is critical to encouraging this. This generally means single level, well located housing (close to shops and services) that can easily be adapted for mobility needs (Lifetime Homes Standards). There is no reason why this accommodation needs to be age restricted although there is some evidence from the consultation that some older people would choose to move to an all elderly scheme above a mixed age scheme.

The strategy also recognises the need to provide supported accommodation for older people and in particular the need to develop extra care housing in the District. This is in line with County Council's Extra Care strategy.

It is considered that this proposal does not fit with the strategic aims as it is not providing specialist supported accommodation or purpose built accommodation. Furthermore as stated in the policy consideration the site is not well located for shops and services and does not provide a development restricted solely to retirement accommodation.

In terms of actual housing need, research into the housing register indicates that the need for the amount and type of housing specified in the planning application is quite marginal.

Whilst there is a general need for care home accommodation and affordable properties for the elderly within the north Oxfordshire area there is no clearly demonstrated need for such accommodation in this location, on the edge of Bloxham, and therefore no justification to override planning policy relating to development in the open countryside.

5.6 Landscape Impact

The site lies within the Ironstone Downs Area of High Landscape Value where policies C13 and C28 of the adopted Cherwell Local Plan seek to conserve and enhance the environment and require development to be sympathetic to the character of the area. Policy EN34 of the Non-Statutory Local Plan seeks to conserve and enhance.

The site lies beyond the built-up limits of the village in an area of open countryside. Whilst the site is contained within existing hedgerows development within it would be visible from a number of vantage points. Detailed comments from the Council's Landscape Officer (see above) recognise that the proposed development would intrude into the open countryside and highlight a number of inadequacies of the landscaping proposed.

5.7 Neighbouring amenities

The site is bounded on two sides by existing residential development, with such properties enjoying an attractive open aspect, privacy and pleasant amenities as a consequence of adjoining open countryside. This would be significantly altered by the development of the site although substantial landscaping and careful design and siting would help to mitigate the impact of the development upon neighbouring properties. This concern is reflected in the letters of objection from local residents and the Parish Council.

Notwithstanding the concerns, this is an outline application and whilst the concerns are relevant, the main consideration, at this stage, is the acceptability of the principle of the proposal. The detailed impacts on individual residential properties would need to be considered at the reserved matters stage, should outline consent be granted, when full details of the proposed buildings would be available. This would require careful consideration to be given to house types, heights, proximity to boundaries and overlooking. However at this stage, based on the indicative layout, the relationships between the existing and proposed properties meet the Council's informal space standards in relation to overlooking and overbearing, therefore indicating that this form of development can be accommodated on site without demonstrable harm to the living amenities of neighbouring properties.

5.8 Highway Impact

The proposal includes the creation of a new access between Paddington Cottage and Rowan Court. As set out in original submission the access width is acceptable but the vision splays need to be improved. There is no objection in principle to the proposed access, although the detailed design would need to be addressed.

Concerns have also been raised regarding the sustainability of the site given its location at the edge of the village and distance from village facilities and services and public transport.

5.9 Other Considerations

Description of development The application has been submitted by the applicant and advertised as a proposal for 44 retirement dwellings. However following discussion it has been made clear that they would not accept a restriction on the market dwellings limiting the age of the occupiers and therefore the properties would not be restricted to housing for older people. The HDC & MD is therefore concerned that this may not have been clear to those responding to consultations.

Planning Obligation The proposed development would generate a need for infrastructure and contributions, that would need to be secured through a planning obligation, to enable the development to proceed. No such planning obligation has been entered into and therefore the proposed development would not be served by necessary infrastructure or deliver the open space and affordable housing required to meet planning policies.

Flood Risk Assessment The Environment Agency are not satisfied with the flood risk assessment submitted with the application and as such object to it. This matter would need to be satisfactorily resolved if the scheme was to be considered for an approval.

Design A high standard of design is required for development that respects the local character. The current application is in outline with all matters except access reserved for subsequent approval.

5.10 Conclusion

The application is for development beyond the built up limits of Bloxham in the open countryside. As such the application is contrary to both the adopted and Non Statutory local plan policies. However, given the current position on housing land supply which is below five years it is necessary to consider if it would be appropriate to release this site for development. The current proposal is not considered to demonstrate that it would contribute to increasing the five year housing land supply figure or to fully meet the requirements of PPS 3 with regard to releasing such sites, particularly with regard to meeting local needs. The application is therefore recommended for refusal.

6. Recommendation
Refuse
<ol style="list-style-type: none">1. The application does not demonstrate that it meets an identified local housing need or would be delivered in a time scale to meet that need or deliver high quality development and given its location beyond the built up limits of the village is contrary to PPS3, South East Plan policies SP3, H3, Cherwell Local Plan policies C8, C7, H13, C13 and Non Statutory Local Plan policies H1a and H19.2. The proposed development generates a need for infrastructure, open space and affordable housing, which in the absence of a satisfactory planning obligation, would not be adequately met and as such is contrary to South East

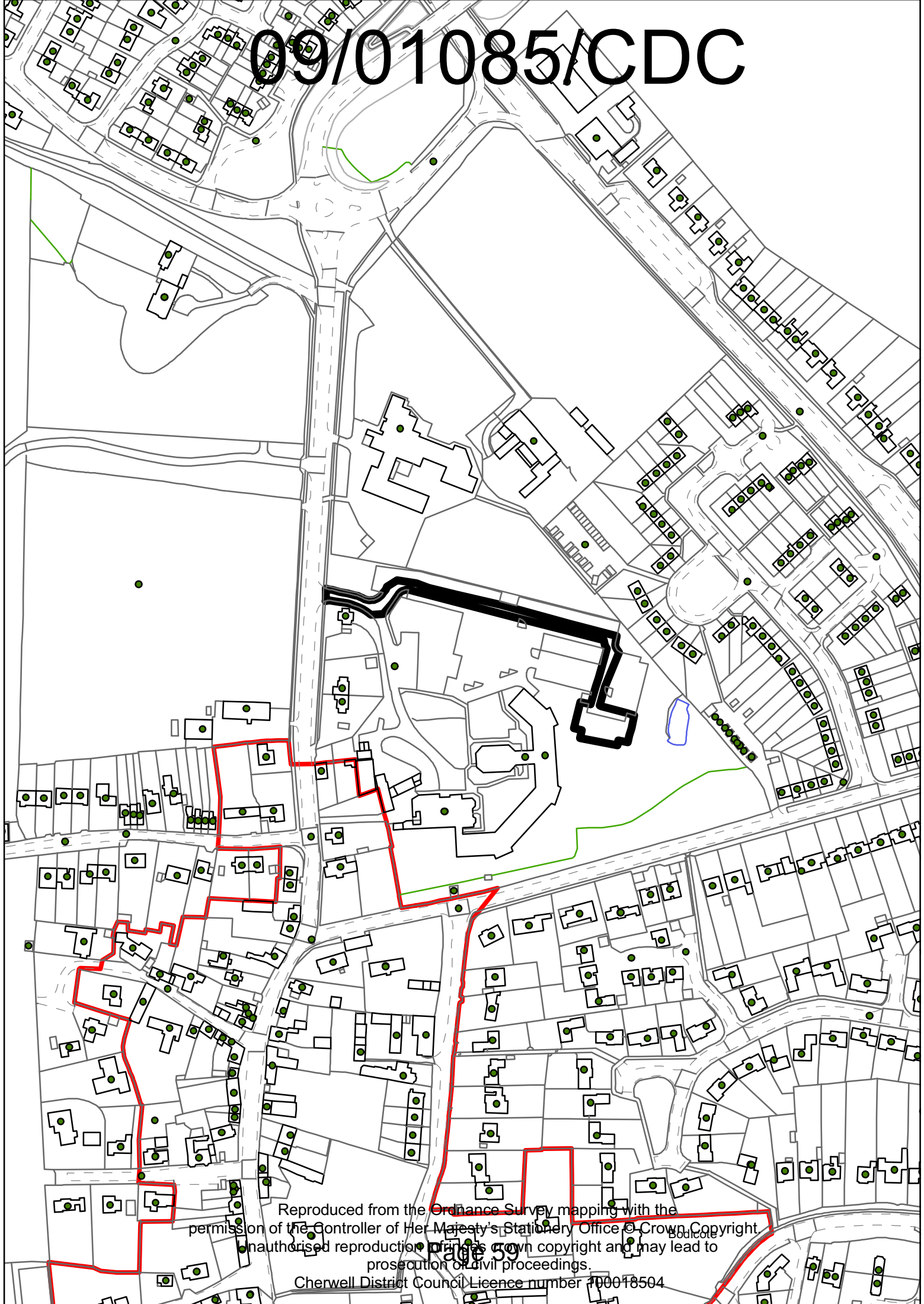
Plan policy CC7, H3, Cherwell Local Plan policy H5 , R12 and Non Statutory Plan Policy H7 and R8.

- 3. The proposal does not include a satisfactory Flood Risk Assessment and as such it has not been demonstrated that the site would not be affected by flooding or result in flooding elsewhere and as such is contrary to the advise in PPS25.**

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09/01085/CDC



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Cherwell District Council Licence number 100018504

Application No: 09/01085/CDC	Ward: Bloxham and Bodicote	Date Valid: 11/08/09
Applicant:	Cherwell District Council	
Site Address:	Bodicote House, White Post Road, Bodicote, Banbury, OX15 4AA	

Proposal: Extension of the current car park to accommodate an additional 28 spaces

1. Site Description and Proposal

- 1.1 Bodicote House is the main office building for Cherwell District Council, the use of which has intensified over the last 12 months with the vacation of the Town Centre Offices.
- 1.2 The current car park, which has been previously extended in the late 1980's, has 254 spaces.
- 1.3 Proposal is for 28 additional spaces, giving 282 spaces in total.
- 1.4 The proposed extension is to the rear of the building, extending the car park by 18m Southwards, wrapping further around the rear of the building.
- 1.5 There are two Grade II listed buildings within the blue-line area of the application site; the Lodge at the entrance to the site; and Old Bodicote House.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, neighbour letter and press notice. The final date for comment was 17 September 2009.
- 2.2 At the time of writing the report, no third party comments were received.

3. Consultations

- 3.1 Bodicote Parish Council – no objections
- 3.2 Local Highways Liaison Officer – no objections, subject to conditions
- 3.3 Conservation Officer – no objections
- 3.4 Council Ecologist – no objections

4. Relevant Planning Policies

- 4.1 PPG 13 – Transport

- 4.2 PPG 15 – Planning and the Historic Environment
- 4.3 Policy BE1 of the South East Plan 2009
- 4.4 Policy TR5 of the Non Statutory Cherwell Local Plan 2009

5. Appraisal

- 5.1 The main issue in this proposal is whether the proposal stands to be considered against the parking standards set out in Annex D of PPG13 (and in Appendix B of the Non-Statutory Cherwell Local Plan).
- 5.2 For the proposal to be assessed against the maxima parking standards outlined above, the Council offices would need to be classed as B1 Offices in the Use Classes Order.
- 5.3 However, District Council offices are in fact a *sui generis* office use, as outlined in the Use Class Gazetteer and case law, owing to the particular functions performed by a District Council (including, but not limited to local government functions involved with the council chamber, committee meetings and giving access to the public).
- 5.4 In addition, the relatively large size and rural nature of Cherwell District means that it is essential for more staff to have access to private cars in order to provide an appropriate level of service to the residents of the District.
- 5.5 As a result, the parking standards in the above policies are not appropriate measures against which to assess this application; instead it falls to be assessed in terms of highway safety, and impact on the setting of the listed buildings which form part of the site.
- 5.6 Given the size of the office, the nature of its use and the location of the proposal, the scheme is considered to be acceptable. There are no highway safety issues arising from the proposal, and it is considered that the extension to the car park will improve the situation on White Post Road, in line with Policy TR5 of the Non-Statutory Cherwell Local Plan 2011 by removing Council associated parking from White Post Road, the use of which for overflow office parking has increased following closure of the Town Centre Offices and intensification of the use of Bodicote House. The County Council Highways Liaison Officer is satisfied with this assessment and position.
- 5.7 By virtue of its location and nature, the proposal will not have any detrimental impact on the setting of the listed buildings on the site. Neither building is directly affected by the proposal; the main office building sits between the proposal site and the listed buildings.
- 5.8 There are records of protected species on the site, but the Council's Ecologist is satisfied that the proposal will not cause any harm.

6. Recommendation

Approval, subject to conditions

- 1) SC 1.4A (Time – 3 years)
- 2) SC 4.13CD (Parking and manoeuvring area as plan, specification to be submitted and approved)

Planning Notes

- 1) X1 – Biodiversity/Protected species warning

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 car park extension is appropriate and will not unduly impact on neighbouring properties, the character or appearance of the listed buildings or highway safety. As such the proposal is in accordance with government guidance contained within PPG13 – Transport, PPG15 – Planning and the Historic Environment, Policy TR5 of the Non Statutory Cherwell Local Plan 2011 and Policy BE1 of the South East 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: Simon Dean

TELEPHONE NO: 01295 221814

Kent
Cottage

1

4

1

Stone
Cottages
Row

1

2

Cherry
Cottage

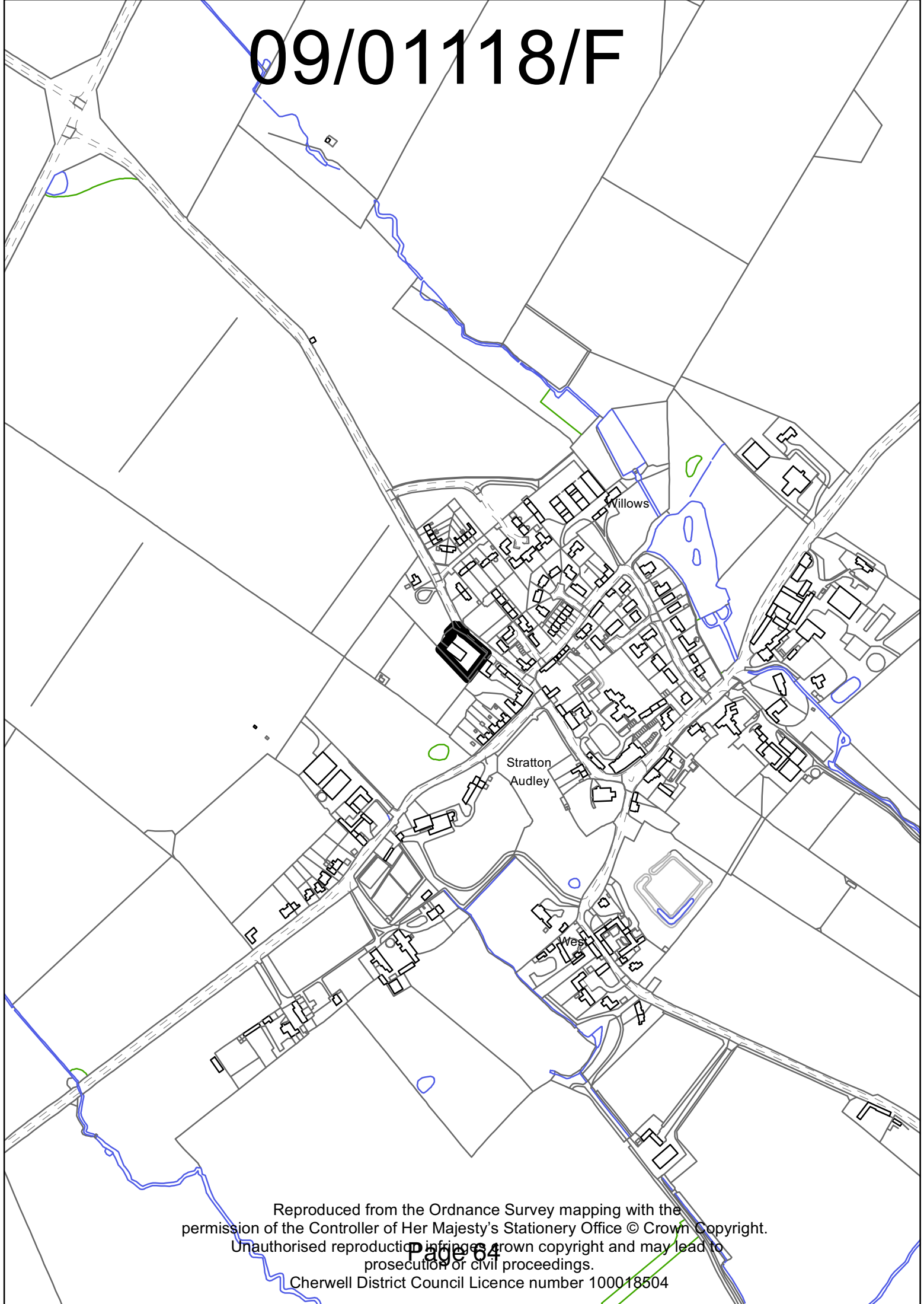
STOKE LYNE ROAD

Stratton House

West House

10

09/01118/F



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Application 09/01118/F	No:	Ward: Fringford	Date Valid: 18.08.09
Applicant:	Mr John O'Neill		
Site Address:	The Green Barn, Stoke Lyne Road, Stratton Audley, Bicester, OX27 9AT		

Proposal: Demolition of agricultural barn and erection of two pairs of semi-detached houses.

1. Site Description and Proposal

1.1 SITE DESCRIPTION

The application site is situated at the western end of the village and is bounded by open agricultural land to the rear and to the east. The site is elevated above road level with access onto the Stoke Lyne Road. The site is currently occupied by a modern steel clad agricultural building. The eastern and roadside boundaries also form the boundaries of the Stratton Audley Conservation Area. A public footpath crosses the field adjacent to the site on its northwestern side. The access is formed by a break in the hedge and is not formally constructed.

On the opposite northern side of the Stoke Lyne Road is residential development mainly in the form of semi-detached properties within a post war estate (Glen Close) and there is an isolated detached property further to the northwest (Kent Cottage).

1.2 PROPOSAL

The application seeks consent for the demolition of the agricultural barn and erection of two pairs of semi-detached properties set back from the road utilising the existing access point. Off street parking forms part of the scheme and the boundary would be formed by post and rail fencing and a hedge. The design of the properties utilises traditional materials including natural stone.

1.3 RELEVANT PLANNING HISTORY

Application 01/00893/F Demolition of existing barn and erection of two new 4 bed dwellings was refused in June 2001 on grounds of being contrary to policies H14 and H18 which restrict new development in Category II settlements to conversions, infill and other small development which secure an environmental improvement. The proposal represents unacceptable ribbon development which extends beyond the built-up limits of the village on this side of the road into open countryside detracting from its character and visual amenities. The application was also refused on grounds of impact on the setting of the Conservation Area.

This application was dismissed at appeal as the Inspector concluded that the site is outside the built-up area of the settlement and that the proposed development would have an adverse effect on the character of the village, the countryside and the Conservation Area.

Application 00/00793/F Conversion of the barn to residential accommodation as one house was refused in June 2000 on grounds that being contrary to H14 and H19 as the building is not an appropriate candidate for conversion as it would require substantial alterations, tantamount to the erection of a new dwelling outside the built up limits of the village. It would also fail to preserve or enhance the Conservation Area, contrary to Policy C22.

This application was also dismissed at appeal as the Inspector considered that the alterations to the building and the enclosure of the land would detract from the character and appearance of the area in general and would harm the setting of the adjacent Conservation Area.

CHS.1025/88 Planning permission was refused for the demolition of the farm building and the redevelopment of the site for 2 No. dwellings and garages on grounds that the site does not represent infill but would rather extend the built up limits of the village to the detriment of the character and amenities of the settlement, contrary to policy.

CHS.CA.830/88 Planning permission was refused for the demolition of the barn and its redevelopment for 4 new dwellings on similar grounds.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice, press notice and neighbour letters. The last date for comments is 2 October 2009.

3. Consultations

- 3.1 **Stratton Audley Parish Council:** Comments awaited
- 3.2 **Oxfordshire County Council Highway Liaison Officer** has raised no objection to the application subject to planning conditions relating to access and parking provision and standards. These requirements include a new section of footpath and vision splays involving a widening of the existing access and formal hardstanding and turning areas.
- 3.3 **Thames Water** raise no objection to the application on sewerage infrastructure and surface water grounds.
- 3.4 **CDC Environmental Protection Officer** raises no objection advising that this is a sensitive development and is currently a potentially contaminative use, matters can be satisfactorily dealt with by condition.
- 3.5 **CDC Ecology Officer** has no objections having considered the submitted bat and nesting bird scoping survey to be sufficient in depth. The requirements of PPS9 can be adequately addressed by condition.

3.6 **Third Party Representations**

At the time of writing this report, two letters have been received.

One letter raises objections to the scheme on the following grounds:

- Traffic – The existing traffic usage is high on the Stoke Lyne Road for a village with domestic and agricultural vehicle use. More houses will lead to further dangerous increases to the traffic on this road.
- Stratton House View – The proposal is double the size of the existing barn, closer to the adjacent farm land and higher than the current barn.
- Change of Use – the barn has an agricultural feel to this side of the village and this proposal would change this character of the area.

One letter is in support of the application stating that:

- Replacing a disused barn with 4 houses will not be detriment to the locality provided the site did not extend towards Kent Cottage.
- It will provide the sort of low cost housing required by the village.

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
Planning Policy Guidance 15 (PPG15): Planning and the Historic Environment

4.2 **Regional Spatial Strategy for the South East (The South East Plan)**

Policy CO1: Core Strategy

Policy CC6: Sustainable Communities & Character of the Environment

Policy H5: Housing Design and Density

Policy C4: Landscape and Countryside Management

Policy BE6: Management of the Historic Environment

Policy NRM5: Conservation & Improvement of biodiversity

Policy T4: Parking

4.3 **Cherwell Local Plan - November 1996**

Policy H14: Category II village settlements

Policy H18: New Dwellings in the Countryside (with references to Policies H1 & H6)

Policy C8: Sporadic Development

Policy C28: New developments

4.4 **Non-Statutory Cherwell Local Plan 2004**

Policy H1a: Location of new housing

Policy H16: The Category 2 Villages

Policy H19: New Dwellings in the Countryside

Policy H21: Conversion of buildings within Settlements

Policy TR5: Road Safety

Policy TR11: Parking

Policy EN30: Countryside Protection

Policy EN34: Landscape Character

Policy EN39: Conservation Areas & Listed Buildings: General Principles

Policy EN40: Conservation Areas: Preservation & Enhancement

Policy D3: Local Distinctiveness

5. Appraisal

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

The key component for establishing the level of impact that could be caused by this proposal is to consider whether or not the site is outside the built-up area of the settlement.

The site is separated from Kent Cottage by a significant gap of open land crossed by a public footpath. The barn is visible from the surrounding area including the back of the site across fields to the rear from Bicester Road, the public footpath and when approaching the village from the north west along Stoke Lyne Road. The character of this south west side of the Stoke Lyne Road is very different from its opposite side which is mainly low density residential development. The village boundary, not being formally defined, is considered to be identifiable by the established stone barn boundary wall to the south of the site which also forms the boundary with the Conservation Area. To extend that boundary to include the agricultural barn would not be a logical progression because of its isolated situation set back from the road in an agricultural setting. It does not form part of the more compact stone buildings to the south.

This site falls outside the built up limits of the settlement, which has been confirmed by the previous two Inspectors relating to the previous appeals in 2001 and 2002. Having established this stance, it follows that Policy H14 of the Cherwell Local Plan, which considers development within the village does not apply and Policy H18 of the Local Plan is the principle policy consideration. This policy restricts new dwellings beyond a settlement to those that are essential for agriculture or other existing undertaking and rural exception sites for affordable housing.

The development is not on an allocated site, is not intended for low cost housing and is not essential for agriculture so is considered to be sporadic development within the countryside contrary to Cherwell Local Plan policy H18. Central government advice in the form of PPS7 seeks to ensure that the countryside is protected from such development for its own sake.

Sporadic development of this nature would cause clear harm to the interests of conserving the countryside for its own sake and would also threaten the maintenance of the compact village character, contrary to Policy C8 of the Cherwell Local Plan.

5.2 Effect on the setting of the Conservation Area.

The site is outside, but abuts the Stratton Audley Conservation Area and PPG15 advises that the impact on the setting of such areas is a material consideration as the character and appearance of the Conservation Area does not stop at its boundary. Views from within the Conservation Area often encompass buildings and land beyond its fringes and such spaces and buildings are often as important as those within the Conservation Area when one considers its overall character and appearance.

The isolated nature of the existing barn, its agricultural setting and its appearance as a simple functional building does not detract from the character of the Conservation Area. Establishing a group of residential properties on the edge of a defined village boundary for no special reason would appear out of context and together with the domestic trappings which would result as a product of the development would fail to preserve or enhance the character of the Stratton Audley Conservation Area.

5.3 Design and appearance of the new dwellings

The two pairs of semis would sit in a linear arrangement facing onto the Stoke Lyne Road. Whilst the gable widths at 6.5m are modest and traditional, the overall heights and lengths are less so. With the existing agricultural barn being at a height of 6.5m at the highest point, and of a smaller footprint, the proposed development at 8m high will appear as a more dominant built form. The stone development to the south east is also far lower and it is considered that the scale of the proposed development will dominate this part of the village, particularly as this is an elevated site.

The consequence of the increase in bulk of development on the site is that it will have wider landscape impact and have a further impact upon the character of the street scene in the immediate vicinity and fail to preserve or enhance the character of the Conservation Area.

The development which lies opposite is part of the Conservation Area and whilst the design of the houses within this proposal is seeking to respect the design of the cottages opposite the overall effect will be unacceptable in part due to the proposed siting much closer to the road. The dwellings do not sit comfortably in their surroundings and fail to respect the adjacent and historic development pattern.

5.4 With regard to other matters raised:

- The proposed development provides sufficient car parking for the new development and existing parking pressure and will not adversely affect highway safety and is considered to be in accordance with policy T4 of The South East Plan and guidance contained with PPG13: Transport.
- Given the isolated nature of the site, there would be no harm caused to neighbouring properties and the development is therefore considered to be in accordance with policies in this regard.

5.5 **CONCLUSION**

Overall, this proposal is considered to be unacceptable on its planning merits as it represents a most discordant and incongruous form of development beyond the existing built up limits of the village and because of the elevated nature of the site and its relationship with the adjacent land would also stand isolated, divorced and separated from the existing built form of the village on this side of the road. The development is considered to be sporadic development and would also fail to improve or enhance the character or appearance of the abutting Conservation Area.

This application has been brought to Committee at the request of Cllr Wood.

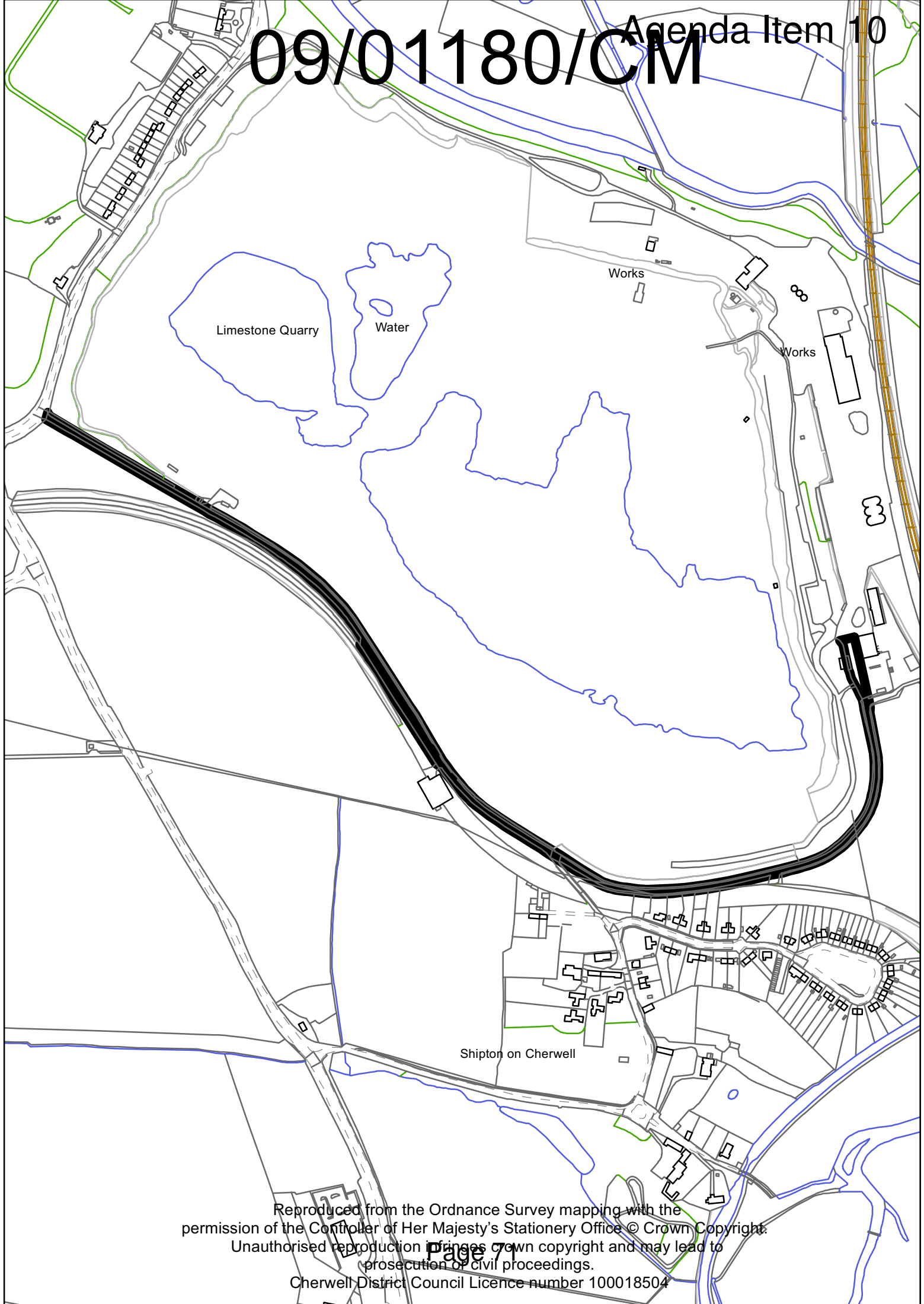
6. Recommendation

Refusal, on the following grounds:

- 1. The erection of two pairs of semis on the site does not represent a conversion of an existing building, infilling within the built-up limits of the settlement or a significant environmental improvement but rather an unacceptable sporadic ribbon development extending beyond the built-up limits of the village into the open countryside which together with the necessary vision splays and footpath required for highway safety would detract from the rural character and visual amenities of the street scene contrary to policies C8, H14 and H18 of the adopted Cherwell Local Plan. Policy C4 of the South East Plan, Policies H16 and H19 of the non-statutory Cherwell Local Plan and PPS7:Sustainable Developments in Rural Areas.**
- 2. By virtue of the size and design of the dwellings, their positioning on the site and inevitable presence of domestic trappings which would result as a product of the development, the proposal would fail to preserve or enhance the character of the Stratton Audley Conservation Area, the boundary of which abuts the site, contrary to Policy BE6 of the South East Plan and PPG15: Planning and the Historic Environment.**

CONTACT OFFICER: Rebecca Horley

TELEPHONE NO: 01295 221837

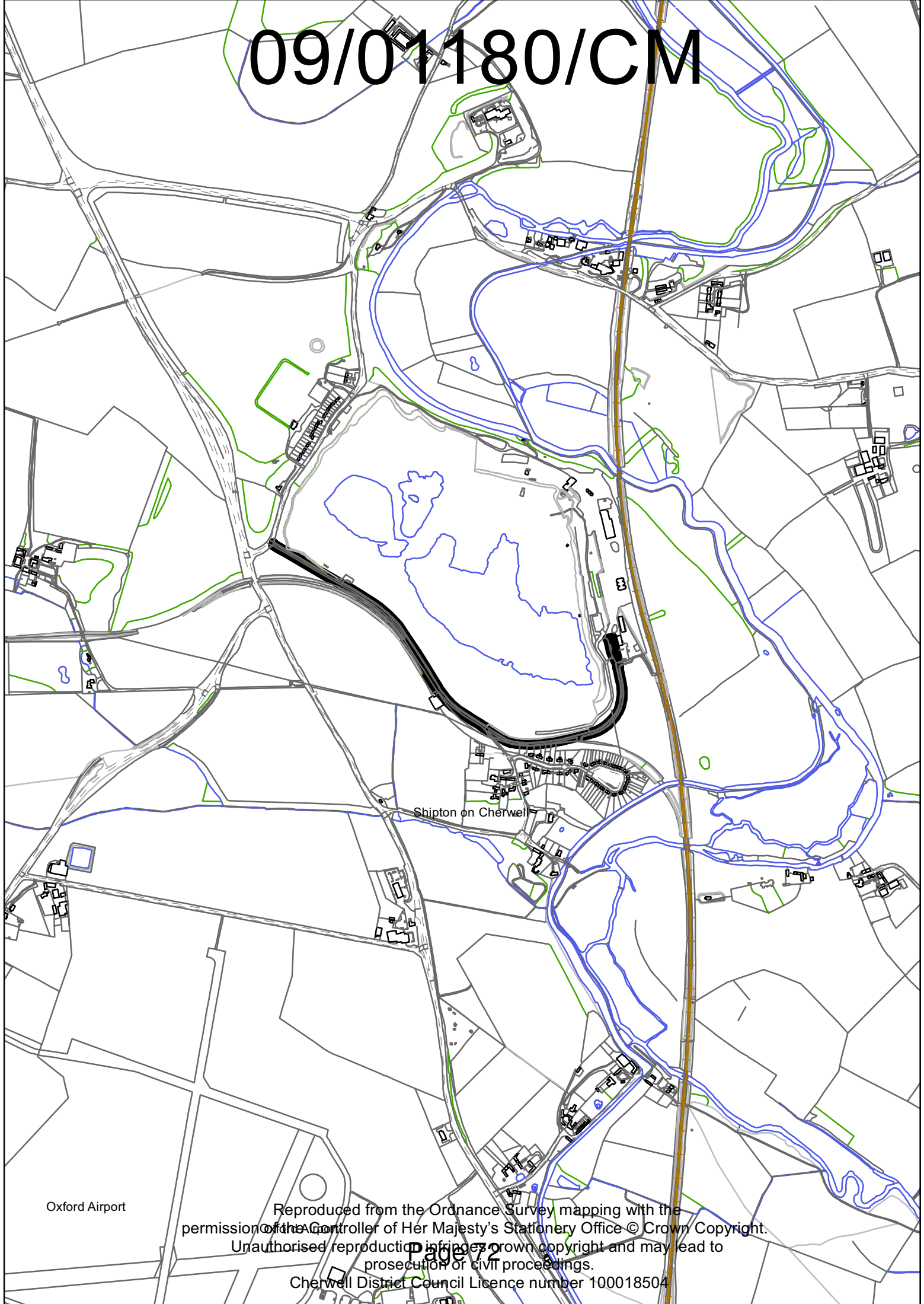


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09/01180/CM



Shipton on Cherwell

Oxford Airport

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Application No: 09/01180/CM	Ward: Kirtlington	Date Valid: 27/08/2009
Applicant:	Enzygo Ltd, c/o Oxfordshire County Council, (FAO James Irvine), Speedwell House, Speedwell Street, Oxford	
Site Address:	Shipton-On-Cherwell Quarry, Shipton-On-Cherwell	

Proposal: To temporarily allow the use of the existing haul road running to the south and east of the site for the transport of minerals and waste materials to and from the site without disturbing Schedule 1 protected species currently present on the site for a period of up to 12 months or until the Little Ringed Plovers have left the site and the construction of the new haul road through the centre of the site is completed, whichever is soonest

1. Site Description and Proposal

- 1.1 Condition 71 of this approval prevents the applicant from using an existing haul road, 1,500m in length, for *'the transport of minerals and waste or in connection with any activities approved by this permission'* on the grounds that it would have a detrimental affect on the amenities of the residents of Shipton-On-Cherwell. Part of the road abuts the village's northern boundary.
- 1.2 The construction of a replacement haul road through the centre of the site has been delayed for a couple of reasons. Firstly, a number of pre-commencement conditions, which require Environment Agency approval, have yet to be discharged. Despite a lengthy consultation period, it is still unclear at this point when the issues surrounding these conditions will be resolved. The second obstacle relates to the presence of Little Ringed Plovers, a Schedule 1 (of the Wildlife and Countryside Act 1980) protected species, which have been found nesting, on the ground, in close proximity to the proposed haul road. Disused quarries are a favoured habitat for this migratory bird whose UK numbers are not thought to greatly exceed 2,000.
- 1.3 The presence of the Little Ringed Plover limits work on the haul road to the period of time when the birds have vacated the site. The Little Ringed Plovers arrive from central Africa in either March or April and depart sometime during September. The on-site ornithologist has confirmed that the birds left the quarry at the beginning of September.
- 1.4 In order to ensure that work can commence on site as soon as possible the applicant is seeking permission to allow for the temporary use of the existing haul road to transport minerals and waste. To reduce the impact this will have on the amenities of the residents of Shipton-On-Cherwell, the applicant is proposing a number of mitigation strategies. These comprise; enforcing a strict speed limit of 10mph; improving and regularly inspecting the road surface; and limiting the hours of use (7am to 5pm Monday to Friday only). The use of the road, for the transporting of materials, will cease as soon as the central haul road is operational or when the temporary permission elapses, whichever is sooner.

- 1.5 Oxfordshire County Council has indicated that it will take the applicant approximately two months to construct the central haul road. This means that providing the outstanding pre-commencement conditions can be discharged by the end of the year, there should be time to construct the central haul road before the Little Ringed Plovers return in the spring. This should render the need for the temporary consent redundant.

2. Application Publicity

- 2.1 Non required as the Council is acting as consultee

3. Consultations

- 3.1 Ecology Officer - No objections
- 3.2 Contaminated Land Officer - No objections

4. Relevant Planning Policies

- 4.1 The South East Plan - SP5, NRM5 and NRM10
- 4.2 The Cherwell Local Plan - GB1 and ENV1
- 4.3 The Non-Statutory Cherwell Local Plan - GB7 and EN3

5. Appraisal

- 5.1 The principal consideration in this case relates to the impact the lorry movements will have on the amenities of the residents of Shipton-On-Cherwell.
- 5.2 The close proximity of the haul road to the rear of a number of properties in Shipton-On-Cherwell leads the HDC&MD to conclude, notwithstanding the proposed mitigation strategies proposed, that the use of the haul road to transport materials to and from the site will undoubtedly have a significantly adverse impact on these residents. It is noteworthy that there is no mention, in the supporting documentation, as to the likely number of vehicle movements.
- 5.3 This proposal is therefore considered to run contrary to Policy ENV1 of the adopted Cherwell Local Plan and the policy in the Non-Statutory Cherwell Local Plan which deals specifically with the quarry, GB7. Point 5 of this policy requires that the traffic and travel implications of any proposal on this site are acceptable.
- 5.4 It is for the County Council to consider whether the impact on the amenities of the residents of Shipton-On-Cherwell is outweighed by any perceived economic or ecological benefits.

6. Recommendation

That Oxfordshire County Council be advised that Cherwell District Council objects to the proposed temporary consent on the grounds that it will adversely affect the amenities of the residents of Shipton-On-Cherwell and therefore run contrary to Policy ENV1 of the adopted Cherwell Local Plan and Policies GB7 and EN3 of the Non-Statutory Cherwell Local Plan.

CONTACT OFFICER: Paul Ihringer

TELEPHONE NO: 01295 221817

Agenda Item 11

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

1 OCTOBER 2009

REPORT OF THE HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

TREE PRESERVATION ORDER (NO. 8) 2009 ASH TREE AT 1 THE PHELPS, KIDLINGTON

1 Introduction and Purpose of Report

- 1.1 To seek the confirmation of an unopposed Tree Preservation Order relating to a Ash Tree at 1 The Phelps, Kidlington (copy plan attached as Annex 1).

2 Wards Affected

- 2.1 Kidlington North.

3 Effect on Policy

- 3.1 None.

4 Contact Officer(s)

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

5 Background

- 5.1 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments or the Head of Urban and Rural Services to make Tree Preservation Orders under the provisions of Section 201 of the Town and Country Planning Act 1990, subject to there being reason to believe that the trees in question are under imminent threat and that their retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 5.2 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 5 August 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.

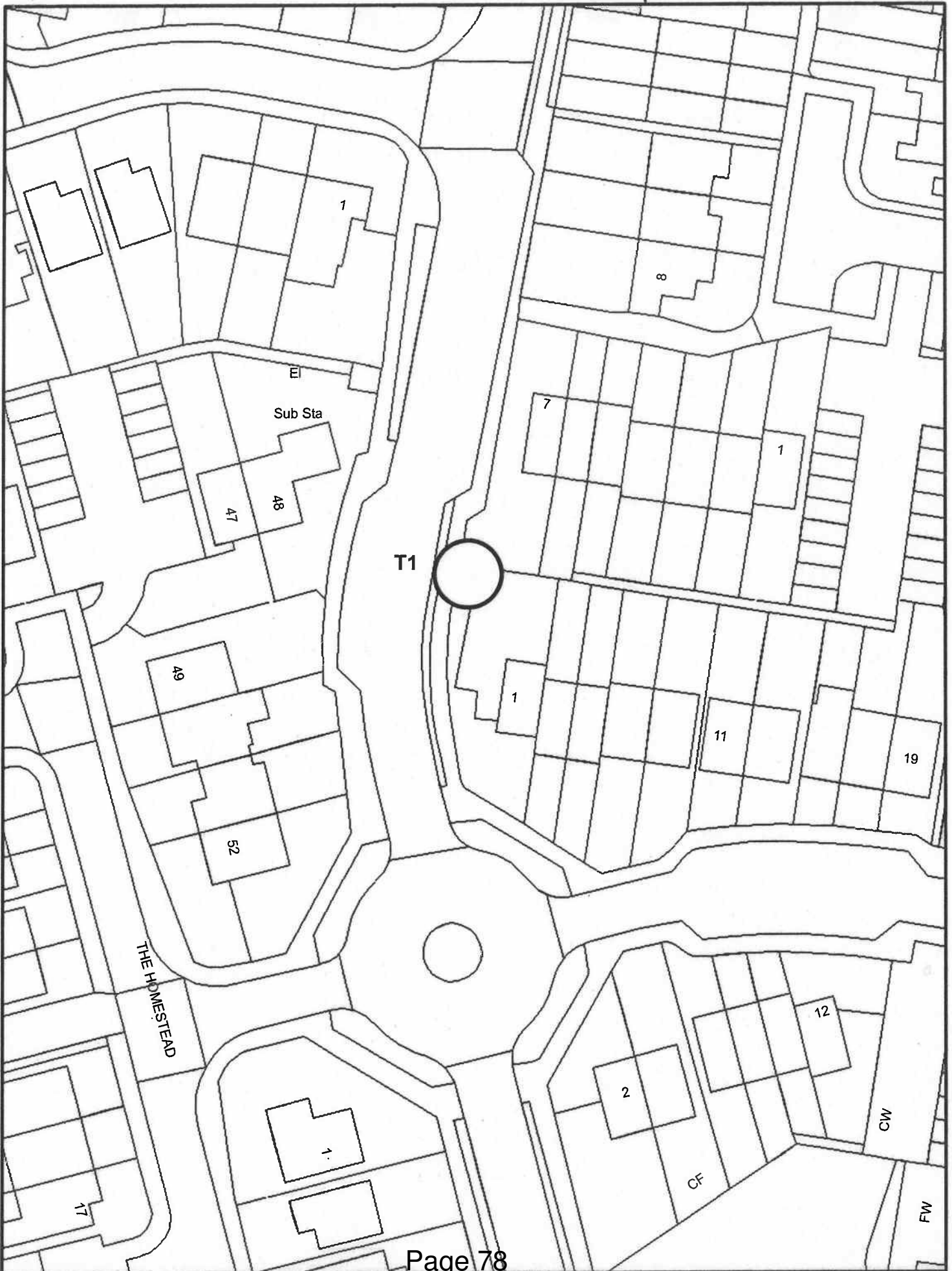
6.4 Efficiency savings – none.

7 Recommendation

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

Background Papers:

(a) TPO file reference 8242.



CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

1 OCTOBER 2009

REPORT OF HEAD OF DEVELOPMENT CONTROL & MAJOR DEVELOPMENTS

ENFORCEMENT AND LEGAL ACTION RELATING TO THE FAILURE TO COMPLY WITH THE TERMS AND CONDITIONS AS SET OUT WITHIN A S106 LEGAL AGREEMENT DATED 7 DECEMBER 2004 REQUIRING THE PROVISION OF COMMUNITY BUILDINGS AND AREAS OF PLAY AT:

THE FORMER CATTLE MARKET, MERTON STREET, BANBURY OX16 4RT

1 Introduction and Purpose of Report

- 1.1 The purpose of this report is to bring to the attention of the Committee the continued failure of the developer to provide LAPs (Local Area for Play), LEAPs (Local Equipped Area for Play) and a NEAP (Neighbourhood Equipped Area for Play), a Community building with sports changing rooms and sports/playing pitches as required by the Legal Agreement tied to the land and development.

2 Wards Affected

- 2.1 Grimsbury

3 Effect on Policy

- 3.1 Saved Policy R12 of the Adopted Cherwell Local Plan 1996 requires the provision of appropriately equipped children's play areas in connection with all new housing developments. Saved Policy R14 of the Adopted Cherwell Local Plan 1996 also requires the provision of community buildings, secured through appropriate These policies relate to the need to ensure that the provision of amenities, facilities and infrastructure for housing development.

4 Contact Officer(s)

- 4.1 Graham Wyatt (Ext. 1811)

5 Brief Background

- 5.1 Planning permission was granted under application **01/00210/OUT** for a residential development, including live/work units, together with a community facility and alterations to existing access and construction of a new vehicular and pedestrian accesses.
- 5.2 This permission was the subject of a number of conditions and a legal agreement. As the application was outline, it required the submission of reserved matters applications for the development of the site.
- 5.3 The reserved matters applications sought a phased development of the site, which is still currently under construction. For information the following applications have been approved at the site. However, it is important to note that the legal agreement tied to the original outline application covers the entire site and subsequent developments and requires the provision of a number of community and public facilities. The timing for the provision of

these facilities is controlled through the agreement and the occupation of dwellings at the site.

- **01/00953/F** - Engineering works Comprising: 1) the raising of land levels with part of the Cattle Market site to provide for future development without risk for flooding. 2) the excavation of material to provide compensating flood storage volume on land.
- **04/02710/REM** - Reserved Matters (Outline 01/00210/OUT refers) Phase 1 Residential development and associated works for the development of 55 apartments and 21 houses in blocks 4 and 5. Total 76 units (as amended by plans and documents received in the Department on 10.03.05 and further modified by plans received in the Department on 24.06.05).
- **05/00070/REM** - Reserved matters (Outline 01/00210/OUT refers) Phase 1 Residential development and associated works for the development of 12 dwellings and 21 apartments for blocks 1 and 2. Total 33 units.
- **05/00244/F** - Sale centre on ground floor with 2 No. bedroom show room on first floor.
- **05/00425/F** - Ground floor sales centre with 2 No. bedroom showroom on first floor.
- **05/00768/REM** - Reserved matters (Outline 01/00210/OUT) Residential development for 13 No. dwelling units with associated parking and garaging.
- **05/01082/F** - Removal of Condition 6 from Outline Planning Permission 01/00210/OUT (highway works to the junction of Middleton Road, Merton Street and The Causeway).
- **05/01631/REM** - Reserved Matters Application (OUTLINE 01/00210/OUT refers) Residential development blocks 6, 7 and 8 for 78 No flats and 50 No dwellings (as amended by plans accompanying agent's letter received in the department on 28 September 2005, amended and amplified by plans accompanying agents letter received in the department on 3 November 2005 and additional site section plans received in the department on 14/12/05 and amended landscaping plans received 02/02/06 and further amended by plans accompanying architects letter received on the department on 23/02/06).
- **06/01364/REM** - Reserved Matters to Outline 01/00210/OUT - Community centre and changing rooms (as amended by plans received by the Council on 28.11.07).
- **06/02443/REM** - Reserved Matters ref. 01/00210/OUT - Phase 2 residential development and associated works for the development of 107 no. dwellings.

6 The Present Situation

- 6.1 The Legal Agreement required the following community and public facilities to be provided during the phased development of the site:

Sports Pitches/Playing Field

The legal agreement requires at clauses 14.2 – 14.3 that the sports pitch must be completed (drainage construction, laying out and seeding and landscaping) and made available for public use, to the reasonable satisfaction of the District Council, no later than the occupation of the 300th dwelling. It is clear that the occupation of dwellings has been exceeded 300. However, the sports pitches still do not benefit from planning permission, are not acceptable for public use given defects to the surface (pernicious weeds) and landscaping has not been started/completed).

In addition to this, the power lines overhead have not been re-positioned away from the pitches. Although the power lines do not form part of the agreement, their current position render the pitches unfit for use. An agreement from the developer to request re-positioning by E-On has been reached, however, they remain in their original position.

The Community Centre/Changing Rooms Pavilion

The agreement requires under clause 12.3 and 18.3 the completion of the community centre/changing room pavilion, ready for adoption by the first occupation of the 200th dwelling on the development site. The building has been started yet has not been completed (only a few courses of bricks had been laid during my visit of 11th September 2009). The developer has not provided a timescale for the completion of the building that was originally to be ready for transfer to the Town Council in April 2009.

Provision of LAPs, LEAPs and NEAPs (apart from small scale LAPs in the residential area)

The legal agreement requires at clause 10.4 and 10.5 that the LAP or LEAP's should be laid out, landscaped and equipped, to the reasonable satisfaction of the District Council, prior to the occupation of more than 200 dwellings on the site and no more than 300 dwellings to be occupied unless the NEAP has also been laid out, equipped and landscaped, to the reasonable satisfaction of the District Council.

The LAP and LEAP's have not been provided at the site despite the occupation of more than 200 dwellings. The NEAP has been constructed and is currently available for public use. However, the NEAP has not been assessed and passed by RoSPA (Royal Society for the Prevention of Accidents). Until such time as the NEAP has been assessed and passed by RoSPA as acceptable, the Town Council are unable to take the play area into their ownership.

The Urban Squares

While the developer is not obliged to complete all the landscaping for Urban Squares until the removal of the show home complex, the LAP and LEAP within the Urban Squares should have been completed (see above) and the landscaping and equipping of the squares should have been agreed with the District Council (clause 11.2 of the Legal Agreement) prior to the commencement of the development. The developer is also in breach of clause 10.3 of the Agreement that required the laying out, landscaping and equipping of LAP's following commencement of construction of any adjacent dwelling.

The developer was made aware of the failure to comply with the terms of the legal agreement in letters from the Enforcement Section dated 25th November 2008 and 16th March 2009. Moreover, the letter dated 16th March 2009 made it very clear that the continued failure to adhere to the terms of the agreement would leave the Council with no option other than to take appropriate legal and /or enforcement action in respect of these outstanding matters to ensure their proper implementation. The developer was informed that this may include a court injunction to ensure compliance with the terms of the Legal Agreement, seeking to prevent occupation of further houses until the works are done.

8 Financial Effect

- 8.1 Financial Effects – It is anticipated that the costs of court proceedings could be met from the existing budgets. It is always a possibility that in civil proceedings as for an injunction an award of costs could be made against the Council, but the Head of Legal Democratic Services will advise on the strength of the Council's evidence and the reasonableness of its arguments to minimise this risk.

9 Recommendation(s)

It is RECOMMENDED that the Committee resolves to authorise, subject to the Head of Legal and Democratic Services being satisfied as to the evidence, the application for legal proceedings by way of a court injunction to enforce the terms of the section 106 Agreement in respect of the non-compliance detailed above, such authorisation to

include the instituting and continuing of the proceedings to final judgement and any enforcement of the judgement. The application for the injunction would seek to prevent the occupation of further properties on the development until such time as the agreement has been complied with, as well as requirements to take positive steps to achieve compliance.

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

1 OCTOBER 2009

REPORT OF HEAD OF DEVELOPMENT CONTROL & MAJOR DEVELOPMENTS

QUARTERLY ENFORCEMENT REPORT

1 Introduction and Purpose of Report

- 1.1 To inform and update Members of the progress of outstanding formal enforcement cases and to inform Members of various caseload statistics.

2 Wards Affected

- 2.1 All wards

3 Effect on Policy

- 3.1 None

4 Contact Officer(s)

- 4.1 Bob Duxbury (ext 1821)

5 Background

- 5.1 The last quarterly report was given to this Committee on 2 July 2009, and this report completes a year of reporting in this new quarterly format.

6 The Current Situation

- 6.1 Appendix One provides a comprehensive listing of those cases which have progressed to formal action of one type or another. Significant efforts have been made to close down some of the older and complex cases but inevitably given the appeal process, compliance periods and the ability for applicants to submit further revising applications results in some cases continuing over a number of years.
- 6.2 Overall, the Council's success rate when taking formal action is good, with only a very few enforcement notice appeals being upheld – notably the gypsy caravan site at Mollington this year. The vast majority of appeals are dismissed, albeit of course that an appeal delays the compliance time even if the Inspectorate leave the compliance period unaltered.

- 6.3 Members will note that 22 of the cases in Appendix One relate to buildings and land at former RAF Upper Heyford. The result of the main Heyford inquiry was expected in late September 2009, but we are now informed that it is unlikely to be forthcoming until January 2010. The result of that appeal will potentially have a significant effect upon the future course of events for these cases. A second major inquiry is likely to be necessary in early to mid 2010, dealing with these appeals against enforcement notices.
- 6.4 Turning to Appendices 2 and 3, these give the basic statistics of the number of cases which are investigated and their outcome. This represents the main body of work for the enforcement staff: the day to day dealing with the large number of disparate cases that come to the department by mail, e-mail and telephone with a number being made anonymously. We undertake to carry out initial investigations within ten days, and do achieve that target, with a large number being looked at within 24 and 48 hours.
- 6.5 In Council year 08/09 666 cases were handled. A substantial proportion of these subsequently prove to be either not development or are “permitted development” not requiring planning permission. These latter cases however still involve considerable levels of activity with at the least the provision of an explanation to the complainants as to why action cannot be taken.
- 6.6 In the first 6 months of this Council year (09/10) the number of cases investigated is 352. There is therefore a growth in the case load for the officers concerned despite the economic climate and the reduction in planning application numbers. In a number of cases persuasion is used to ensure unauthorised activities are stopped, works undone or planning applications are submitted, without the need for formal action. This activity is all ‘hidden’ within the statistics, but it is often more effective in time and resource terms than formal action, which after all should only be used as a last resort.

7 Financial Effect and Risk Assessment

- 7.1 The risk assessment was approved by Rosemary Watts (ext 1566) and Eric Meadows (ext 1552)
- 7.2 Risk Assessment – where it is relevant to do so the risk of taking formal enforcement action is that costs could be awarded against the Council in any appeal that proceeds to a hearing or inquiry if this action is subsequently considered to be unreasonable. The risk of not taking effectively and timely action is that a complainant could make a complaint to the Local Government Ombudsman.
- 7.3 Financial Effects – It is anticipated that the cost of taking enforcement action can be met within existing budgets. If there is a second Heyford Inquiry it is likely to have substantial costs attached.
- 7.4 Efficiency Savings – there are not efficiency savings arising from this report.

8 Recommendations

- 8.1 It is **RECOMMENDED** that the Committee resolves to accept this report

Enforcement and Prosecution Quarterly Report – 1 October 2009

APPENDIX 1

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
PROS 27/03 4.09.03 PROS 13/06 15.06.06	Hanwell Fields Banbury	Breach of Sec 106 agreement relating to LAPS & LEAPS and laying out of informal open space	Court order 04.09.08	Various dates in 2009	N/A	N/A	N/A	Court Orders made against developer to complete outstanding works. SV carried out after Christmas revealed some progress but incomplete. Developer has a list of outstanding matters.
ENF 31/03 16.10.03 ENF 16/04 15.01.04	Rose Lodge Bucknell Lane Middleton Stoney	Mobile home	Notices served 24.11.04	03.01.05	Planning Appeal 06/01647/F Dismissed 07.08.08 09/00149/F 09/01016/F	Enforcement appeal dismissed 30.06.05	30.06.06	Criminal investigations are on hold pending the re-submission of an application for, inter alia, temporary mobile home for a period of 3 years. New application to go to cttee 22.10.09
ENF 38/04 25.11.04 ENF 21/05 13.10.05	OS 2000 Land NE of Rectory Close, Wendlebury	(i) Summerhouse jetties and decking, (ii) Bridge	Notices served 18.05.05 8.12.05	29.09.05	(i) 04/02713/F (ii) 05/01603/F	Dismissed 05.02.07	05.10.07	Compliance delayed by protected species. Copy of report from consultants received by CDC on 25.9.08 concluding that the work would not have a significant negative impact on in the short-term on any local great crested newt population and advised that work be undertaken ASAP by the end of the summer. Natural England advised CDC works should be delayed until the Summer. Method statement submitted to and approved by Natural England. Email sent to Agent, works must be carried out by the end of Sept

Enforcement and Prosecution Quarterly Report – 1 October 2009

APPENDIX 1

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 2/06 16.02.06	Bodicote Post Office 43-45 Molyneux Drive Bodicote	Non-compliance with approved plans 04/01317/F	Enforcement Notice served 24.01.07	07.09.07	04/01317/F – extns and new flats approved 26.11.04 06/00278/F – extns and new flats refused 18.04.06 09/00315/F	Dismissed 01.11.07	1.11.09	Informal submission unacceptable. Some dismantling work has taken place. Criminal proceedings commenced. Trial date for 20.04.09. 15.05.09 undertaking made to the court by Mr & Mrs Ayres who also agreed to pay £250.00 towards the Council's costs Works proceeding but unlikely to be completed by the compliance date.
ENF 5/08 Delegated	Corner Farm Oakley Road Horton-cum-Studley	Use of land as a builders/ engineers yard	Enforcement Notice served 28.02.08	12:10:08 & 12.04.09				Compliance of the 12.10.08 element has been achieved. Landscaping to be completed in this planting season 2009/10
ENF 14/07 Delegated	Corner Farm Oakley Road Horton-cum-Studley	Use of land as builders yard, lighting columns, building as a builders office and store	Enforcement Notice served 28.06.07	09.02.08 & 09.06.08		Dismissed 05.08.08	05.08.09 and 05.03.10	Offices still occupied, Fennels to re-locate within the site, letter expected. Verbal update to be given
ENF 16/07 Delegated	OS Parcel 0006 Foxfield Farm, Ardley	Stationing of caravan, erection of sheds, fencing & containers in conjunction with use of land for residential, storage and employment	Enforcement Notice served 17.10.08	3.12.09	06/01542/F appeal dismissed 9.11.07 09/01064/F	Enforcement Appeal withdrawn	24 June 2010	Appeal withdrawn 24 June 2009. New planning application to be submitted early Jul 2009. Application received but invalid

Enforcement and Prosecution Quarterly Report – 1 October 2009

APPENDIX 1

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps and Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
BCN 19/07 17.05.07	60A Foxdown Close Kidlington	Failure to block up access as required by condition attached to 04/01504/F	Enforcement Notice served 11.09.07	12.12.07	08/01824/F and 08/01925/LB for wall with pedestrian access Approved 04.11.08			Criminal investigation following non-compliance on hold pending implementation of approved application 08/01824/F within prescribed time deadline of 4.02.09. SV on 5.06.09 revealed works largely complied with. This item will not appear next time
ENF 34/07 15.11.07	Bradscot, Cross Hill Road, Adderbury	Extension not built in accordance with approved plans	Enforcement Notice served 19.05.08	30.09.08	05/01040/F and 05/01041/LB approved 08/00349/F refused 09/00801/F wdn 16.07.09 09/01181/F 09/01182/LB	Appeal dismissed 9.02.09	09.08.09	Appeal decision received- notice varied, compliance period extended to 6 months New applications 09/01181/F & 09/01182/LB received 28.08.09
ENF 38/07 13.12.07	33-34 Merton Street, Banbury	House not built in accordance with approval	On hold pending compliance with conditions		a)05/01156/F b)08/00076/F Appeal dismissed 27.11.08 against conditions imposed c) 09/00521/F ref 29.04.09 09/01113/F		27.05.09	Following dismissed appeal, compliance with conditions required. SV 09/06/09 revealed car port still blocked off. If no appeal received against 09/00521/F and still no compliance with conditions, enforcement action to be pursued. Application received 09/01113/F

Enforcement and Prosecution Quarterly Report – 1 October 2009

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 6/08 Delegated	OS Parcel 2348 West of Point to Point House, Mollington	Farm building	Enforcement Notice served	25.10.08	Retrospective 07/02517/F Appeal dismissed 10.12.08	Appeal dismissed 10.12.08	01.06.09	Compliance period extended from 10.04.09 following request from owner regarding the requirements of the lambing season. Building has been demolished. Conditions still to be complied with
ENF 9/08 10.04.08	Plot 2 adj. to Oxford Canal, Appletree Lane, Cropredy	Mixed use of land – part agricultural land, part storage and domestic paraphernalia						Owner has been willing to tidy site and restore all land back to agriculture. Legal have written to the owners to request the removal of remaining offending items. Owner claims offending items should be in plot 1 and will be amending the plot plan appropriately.
ENF 12/08 10.04.08	Plot 5 adj. to Oxford Canal, Appletree Lane, Cropredy	Mixed use of land for agric, garden assoc with mooring of narrow boat on adj canal, & storage of vehicles, caravans & trailers						The owners have been invited to submit a CLUE application for the garden part of the site and legal are satisfied that the use of that part of the site has been established for over 10 years. The agricultural land needs to be cleared of remaining domestic paraphernalia & building materials.
ENF 13/08 10.04.08	Plot 6 adj. to Oxford Canal, Appletree Lane, Cropredy	Garden use associated with the mooring of a narrow boat on the adj canal and storage use						Site reviewed by Officers. Evidence reveals use and development have intensified within the last ten years. Legal have invited a retrospective planning application before enforcement action is pursued.

Enforcement and Prosecution Quarterly Report – 1 October 2009

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 14/08 10.04.08	Plot 7 adj to Oxford Canal, Appletree Lane Cropredy	Garden use associated with the mooring of a narrow boat on adj canal						Site reviewed by Officers. Evidence reveals use and development have intensified within the last ten years. Legal have invited a retrospective planning application before enforcement action is pursued.
PROS 15/08 10.04.08	Wabag Aynho Road Adderbury	Failure to comply with S 106 relating to remedial works On public open space			02/02002/F			Remedial works undertaken. To be checked by CDC. Charles Church office closed, Persimmon now involved and being pursued. Landlord, Satnam Investments should be pursued under S106.
ENF LB 18/08 26.06.08	Greystones Middle Street Islip	Removal of stonesfield slates and insertion of velux window in north elevation	Listed building Enforcement Notice served 03.11.08	15.09.09	04/00035/F 04/00036/LB	Appeal dismissed 7.08.09	7 August 2012	Hearing 16.06.09. Wording of the notice varied, compliance period extended, appeals dismissed 7 August 2009
ENF 19/08 Delegated	22 Milton Street Banbury	Dormer window	Enforcement Notice served 10.09.08	05.05.09	Revised application 08/01600/F refused 22.08.08. Appeal lodged	Appeal Dismissed	11.11.09	Appeals dismissed 11.05.09 New application 09/00764/F refused 10.08.09. Letter to be sent 11.10.09 and remind owner 4 weeks left to comply

Enforcement and Prosecution Quarterly Report – 1 October 2009

APPENDIX 1

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
08/00604/ BCON	Lince Lane Copse	Breach of conditions 02/02064/F						Letter to be sent requesting a timetable for compliance with conditions regarding footpath and car park
08/00609/E COU 18.08.05	Lone Barn Stoke Lyne	Storage of Building materials. Use of land as extended residential etc Curtilage with domestic paraphernalia	Enforcement notice served 20.10.08	01.01.09		Appeal Dismissed	10.10.09	Appeal Dismissed 10.07.09
08/00716/E UNDEV 9.10.08	88 West St Banbury	Bricked up doorway	Enforcement notice served 23.03.09	04.08.09				Complied with 24.08.09 This item will not appear next time
08/00775/E BCON Delegated	Rock of Gibraltar PH Enslow Wharf Enslow	Breach of condition 2 of 07/01247/F relating to removal of awning	Enforcement notice served 17.11.08	22.01.09	08/00825/F Planning Appeal dismissed 8.09.09	EBCON & EBCONLB Dismissed 08.09.09	8.11.09	Appeals dismissed 08.09.09 Compliance period extended to 2 months
08/00803/E COU 18.09.08	Astell Farm Claydon	Portable toilet use and portable office unit	Enforcement notice served 21.11.08	05 04.09		Appeal Dismissed	27.11.09	Appeal Dismissed 27.08.09 Site has been vacated This item will not appear next time

Enforcement and Prosecution Quarterly Report – 1 October 2009

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
09/00013/ ECOUC	OS Parcel 0717 adj & West of Southam Road, Mollington	Change of use of land to Gypsy caravan site	Enforcement Notice served 29.01.09	30.03.09 (use of land) 27.04.09 (removal of all development)	08/00604/F Appeal upheld 09/00622/F to extend the site for a total of up to 6 caravans still pending.			Enforcement notice withdrawn 29 June 2009 as new application approved July 2009 This item will not appear next time
09/00030/ EPCN	Bicester Golf & Country Club, Akeman St, Chesterton	Non-compliance with condition 7 That the overnight accommodation shall be occupied only by members of the Club, their guests and members of visiting golf societies.	PCN served 23.01.09		03/01050/F			Premises being advertised as overnight accommodation available to the public. Response to requisition received and legal are considering the evidence. Counsel's opinion obtained and is being considered. New application to be submitted by end of September 09
09/00059/ EUNDEV Committee (29.01.09)	Field Cottage Fritwell Road Fewcott Ardley with Fewcott	Part of land for the stationing of a mobile home			09/00887/CLUE approved			Clue application approved. Recommend that enforcement action is rescinded
09/00060/ ECOUC Committee (29.01.09)	Field Cottage Fritwell Road Fewcott Ardley with Fewcott	COU from agricultural to domestic garden	Requisitions served		09/00290/CLUE			Correspondence received

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
09/00132/ PROS	Land at the junction of Banbury Road and Bloxham Grove Road Bloxham	Unauthorised sign	Requisitions served 28.01.09					Sign is on highway land Prosecution being pursued by OCC initially. CDC have given OCC until September to deal with this.
09/00159/ EBCON	Land adjoining Home Farm Clifton	Breach of condition 14 relating to vision splay requirements	Requisition served 1106.09		05/00266/F 09/00944/F			New Planning application 09/00944/F refused 14.09.09 Enforcement notice to be drafted
09/00226/ EBCON	JK News 43 The Fairway Banbury	Breach of condition 1 requiring alterations to the ventilation unit	Requisition served 1106.09		07/02554/F			Work to be completed by 15 August 09. Legal instructed to serve BCON
09/00268/ EBCON	Waltons Cottage South Green Kirtlington	Breach of condition 1 requiring extension works to be completed by 3.04.09	Requisition served 1106.09		08/02449/F			Site visit 27.07.09 – back wall taken down & re-built This item will not appear next time
09/00286/ ECOUI	OS Parcel 8000 adjacent to the street from Wigginton to Hook Norton Wigginton	Change of use from agriculture to B1 light industrial use			08/00365/F			Following meeting with officers planning application and clue applications to be submitted. Other unauthorised buildings to be removed.

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
09/00288/ EBCON	Building and land south of Manor Farm and west of Priory Cottage adjoining Mollington Road Claydon	The building is not being used for agricultural purposes in breach of condition 4 of 05/01829/F			05/01829/F			Officers to undertake internal inspection with a view to serving a BCON
09/00293/ EBCON	The Potteries High Street Barford St Michael	Breach of condition 10 of 04/01151/F relating to car park surfacing	Notice served 23.07.09	23.09.09	04/01151/F			Works still to be undertaken
09/00296/ EUNDEV	Glebe Farm Poultry Houses Fringford	Mobile Home						Clue refused, appeal to be lodged. Instructions sent to legal Requisitions served, no response received.
09/00366 EBCON	Lone Barn Stoke Lyne	Use of stables as dwelling and breach of condition	Enforcement notice served 11.06.09	22.01.10	01/01749/F			Stables not being lived in Complied with. This item will not appear next time
09/ EUNDEV	Land at Patrick Haugh/Harris Road, Upper Arccott	containers						Requisitions served

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
Heyford Park Appeals					Main Appeal - 08/00716/OUT for new settlement of 1075 dwellings, together with assoc works and facilities including employment uses, community uses, school playing fields and other physical and social infrastructure. Related CA consent appeals.			<p>Planning Inquiry took place between 30 September and 24 October. 2008. Inspector to prepare report for the Secretary of State regarding the main appeal and related conservation area consent appeals. Once decision is received on these matters, a decision will be made on the process to determine the outstanding enforcement appeals at Heyford Park.</p> <p>Inspector's report completed and is with the Secretary of State. Request for further information received, decision delayed until January 2010 on the lead appeal and linked conservation area consent appeals.</p>
ENF 20/06 27.07.06 PROS 3/08 Delegated	Former Walon site	Use for car storage and distribution in breach of 04/01690/F	Notice served 28.11.06	09.01.07				Only part compliance of enforcement notice. Delegated resolution to prosecute for failure to comply with the requirements to restore land and buildings to original condition. Consulting English Heritage regarding the external finishes of hangers
ENF 2/07 Delegated	Building 3209	Commercial storage in breach of 05/01969/F	Notice served 23.01.07	6.03.07		Appeal dismissed 1.11.07	01.11.08	Full compliance expected by mid January 2009 after which time a criminal investigation will be undertaken. Partially complied

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 30/07 Delegated	Building 345	Use for storage, processing and distribution of timber and timber products	Notice served 14.12.07	25.01.09		Appeal received		
ENF 31/07 Delegated	Northern Bomb Stores	Storage and distribution of fireworks	Notice served 14.12.07	25.01.09		Appeal received		
ENF 32/07 Delegated	Southern Bomb Stores	Storage of fireworks	Notice served 14.12.07	25.01.09		Appeal received		
ENF 33/07 Delegated	Building 325	Use of building and hardstanding for storage, refurbishment of cranes and access equipment	Notice served 14.01.08	18.02.09		Appeal received		
ENF 35/07 Delegated	Building 320	Use for storage and distribution of timber and timber products	Notice served 11.01.08	15.02.09		Appeal received		

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 36/07 Delegated	Buildings 88 and 381	Continued use as storage and assembly of environmental control equip	Notice served 22.01.08	4.03.09		Appeal received		
ENF 37/07 Delegated	Building 442	Continued use as a training facility	Notice served 6.02.08	14.03.09		Appeal received		
ENF 7/08 Delegated	Building 41	Change of use to temporary residential class C3 accommodation	Notice served 16.05.08	20.06.09		Appeal received		
ENF 16/08 Delegated	Building 293	Change of Use to light industry (screen printers)	Notice served 22.07.08	29.08.09		Appeal received		
ENF 17/08 Delegated	Building 221	Change of Use of part of building for timber machining, fabrication, woodworking and admin office by Darks Ids Ltd	Notice served 11.09.08	15.10.09		Appeal received		
ENF 21/08 17.07.08	Land and buildings	Change of Use of land and buildings by Paragon in breach of 07/01260/F	Notice served 3.09.08	6.10.09		Appeal received		

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 22/08 17.07.08	Buildings	Change of use of buildings by Paragon in breach of 07/01259/F	Notice served 3.09.08	6.10.09		Appeal received		
ENF 23/08 17.07.08	6 lamp posts	Use by Paragon in breach of 07/01262/F	Notice served 10.09.08	11.10.09		Appeal received		
ENF 24/08 17.07.08	2 lamp posts	Use by Paragon in breach of 07/01264/F	Notice served 9.09.08	10.10.09		Appeal received		
ENF 25/08 17.07.08	Building 2002	Change of use in breach of 07/01268/F	Notice served 2.09.08	3.10.09		Appeal received		
ENF 26/08 17.07.08	Building 3205	Change of use of building in breach of 07/01265/F	Notice served 2.09.08	3.10.09		Appeal received		
ENF 27/08 17.07.08	Trench and concrete	Change of use in breach of 07/01266/F	Notice served 2.09.08	3.10.09		Appeal received		
ENF 28/08 17.07.08	3 Hardened aircraft shelters	Change of use in breach of 07/01267/F	Notice served 2.09.08	3.10.09		Appeal received		

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Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 29/08 17.07.08	Liquid petroleum gas tanks and air intake duct	Use by Paragon in breach of 07/01263/F	Notice served 8.12.08	19.01.10		Appeal received		
ENF 30/08 Delegated	Building 103	Use of building by Kingsground narrow boats	Notice served 14.11.08	22.12.09		Appeal received		
ENF 32/08 Delegated	Building 3053	Change of use to B8 storage by NOC	9.10.08	14.11.09		Appeal received		
ENF 33/08 Delegated	Building 3031	Change of Use of bldg to storage of vehicles assoc to management and operation of press and marketing vehicles by Parkers	Notice served 19.01.09	2.03.10		Appeal Received 2.03.09		

Enforcement and Prosecution Quarterly Report – 1 October 2009

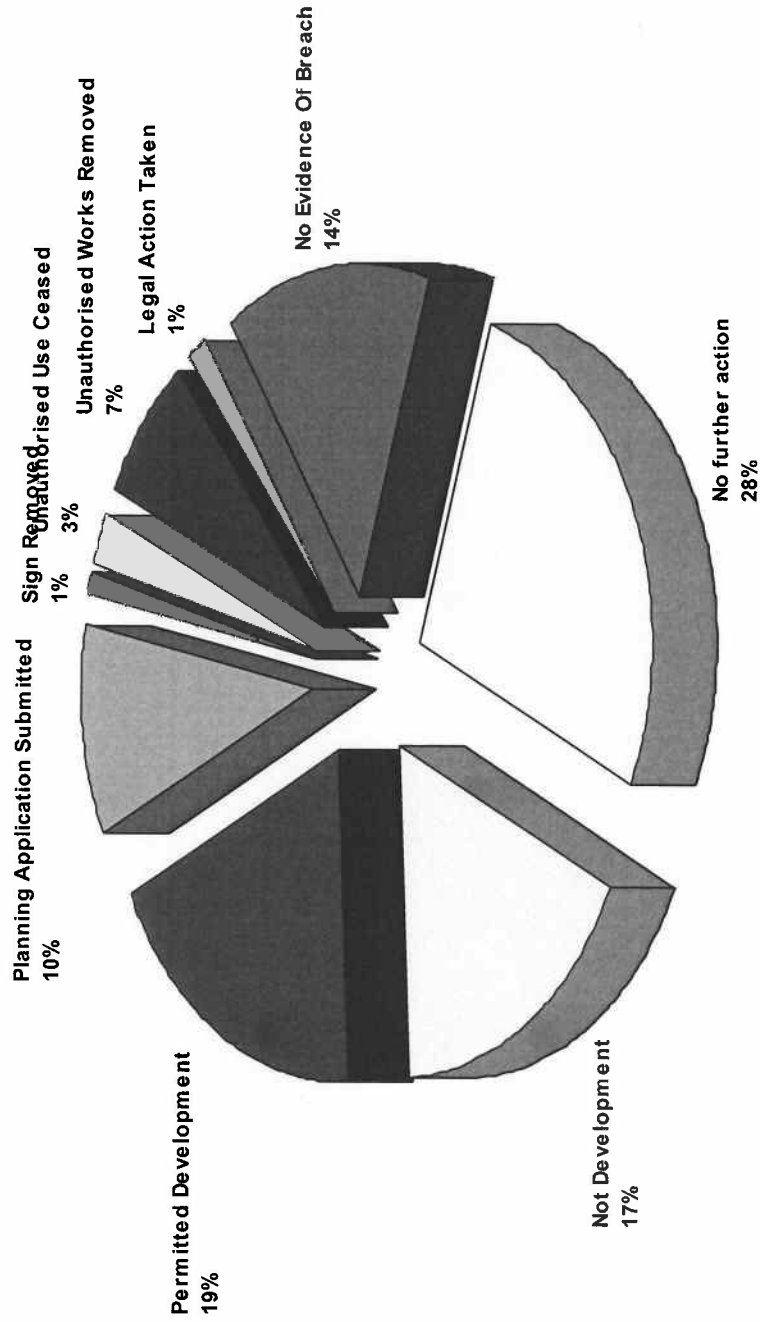
APPENDIX 1

Reference & Resolution Date	Site	Unauthorised Development	Enforcement Action	Compliance Date	Related Planning Apps & Appeals	Enforcement Appeal Status	Revised Compliance	Commentary
ENF 34/08 Delegated	Building 221	Change of Use to management and operation of press and marketing vehicles by Parkers	Notice served 10.10.08	17.11.09		Appeal received		

Planning Enforcement Cases - Number of cases closed by reason

Dates Between 01/04/2009 And 22/09/2009

APPENDIX 2



Appendix 3

EXPLANATION OF REASONS FOR CASE CLOSURE

Enforcement Action (legal action taken on pie chart): When the Planning Authority has resolved to take formal enforcement action either through Committee authority or officer delegated powers.

Voluntary Action (sign removed; unauthorised use ceased; unauthorised works removed on pie chart): When the breach has been remedied by the voluntary action of the transgressor.

Planning Application: When a retrospective planning application or Certificate of Lawfulness (existing) is submitted as a consequence of investigations.

Permitted Development: When, following investigation, the alleged breach is permitted development in accordance with the GPDO.

Not Development: When, following investigation, development (in accordance with the definition in the T&CP Act) has not taken place.

No Further Action: When, following investigation, the breach is so minor that it would not be expedient to take any action or for the transgressor to put it right.

Unsustained Complaint (no evidence of breach): When, following investigation, there is no planning related work taking place or there is nothing taking place at all.

Note:

There are historic categories shown on the chart which are no longer being used such as 'miscellaneous'. These categories were originally introduced prior to the creation of the current categories (above). 'Miscellaneous' was a catch-all for many forms of potential unauthorised development.

STATISTICAL ANALYSIS OF CASES

Cases Registered From

01.04.08 to 31.03.09 = 666 Cases

01.04.09 to 22.09.09 = 352 Cases

Cases Closed Between

01.04.09 to 31.03.09 = 562 Cases

01.04.09 to 22.09.09 = 279 Cases

Cases Ongoing Between

01.04.09 to 31.03.09 = 104 Cases

01.04.09 to 18.06.09 = 131 Cases

Agenda Item 14

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

1 OCTOBER 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. Verbal update will be given
05/01337/F	Land NE of Oxford Road, West of Oxford Canal and East of Bankside, Banbury. Subject to Section 106 Agreement with other side for engrossment.
07/00422/F	Bicester Town Centre Scheme – Subject to a detailed S106 legal agreement – with other side for engrossment.

07/01106/OUT	Land to south East of A41 Oxford Road, Bicester. Subject to departure procedures and legal agreements with Oxfordshire County Council re: off-site transportation contributions and HGV routeing during construction.
08/01171/OUT	Pow Wow water site, Langford Lane, Kidlington subject to agreement re transport infrastructure payments.
08/02511/F	Part of A Site DSDC Bicester. Subject to legal agreement with OCC re: highway infrastructure/green travel. Secretary of State indicated that she will <u>not</u> 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 15

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

1 OCTOBER 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 None

6 Forthcoming Public Inquiries and Hearings between 1 October 2009 and 22 October 2009

- 6.1 None

7 Results

- 7.1 Inspectors appointed by the Secretary of State have:
- 7.2 **Dismissed the appeal by Geoffrey Wheeler against the service of an enforcement notice 08/00803/ECOU alleging a change of use from use as an agricultural contactors yard to use as a portable toilet hire company's depot; the erection of a portacabin type office building on the land adjacent to Astell Farm Claydon (Committee)** – The Inspector concluded that the portable toilet hire use has a materially harmful impact on the character and appearance of the area and as such is contrary to the relevant parts of the development plan.

- 7.3 **Dismissed the appeal by Mr & Mrs S Trivizas against the service of an enforcement notice 08/00775/EBCON alleging a breach of listed building control in that the existing canopy and frame have not been removed in breach of condition No.2 of 07/01247/F at the Rock of Gibraltar Public House, Enslow Bridge, Station Road, Kidlington (Delegated)** – The Inspector found that the awning and framework are damaging due to their proximity to the listed building and as such the appeal must fail. The compliance period was extended from 1 month to 2 months.
- 7.4 **Allowed the appeal by Mr Roger Cooke against the refusal of application 09/00491/F for the erection of a single storey front extension at The Cottage, Bell Hill, Hook Norton (Delegated)** – In the Inspector’s view, the extension would blend satisfactorily with the existing dwelling without diminishing the characteristic simple style of the cottage and as a result the proposal would not be harmful to the appearance and character of the dwelling and the wider surroundings in the Conservation Area.
- 7.5 **Dismissed the appeal by Miss Jenny Lam against the refusal of application 09/00524/F for the retention of a 1.2m wooden fence to the front garden at 7 Robins Way Bicester (Delegated)** - The Inspector commented that “While the fence is of comparable height with much of the hedging in the cul de sac, its presence in dividing the frontages of this pair of houses strikes a discordant note in the street scene and detracts from the overall appearance of Robins Way.”
- 7.6 **Dismissed the appeal by Mr Alastair Grenfell against the refusal of application 08/02183/F for the construction of a vehicular access at Hillside, Ardley Road, Middleton Stoney (Delegated)** – In the Inspector’s view, the inadequacy of the parking and turning area is likely to result in vehicles executing a reversing manoeuvre into the highway which would be inimical to safety on this B class road.

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.