

**Committee:** Planning Committee  
**Date:** Thursday 11 March 2010  
**Time:** 4.00 pm  
**Venue** Bodicote House, Bodicote, Banbury, OX15 4AA

### **Membership**

**Councillor Fred Blackwell  
(Chairman)**

**Councillor Ken Attack**

**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 - 23)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 18 February 2010.

## **Planning Applications**

- |            |                                                                                         |                     |
|------------|-----------------------------------------------------------------------------------------|---------------------|
| <b>6.</b>  | <b>Park Farm, Heyford Road, Middleton Stoney, OX25 4AL</b><br>(Pages 27 - 33)           | <b>09/01749/F</b>   |
| <b>7.</b>  | <b>OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham</b> (Pages 34 - 61) | <b>09/01811/F</b>   |
| <b>8.</b>  | <b>Bicester to Oxford Rail Link</b> (Pages 62 - 69)                                     | <b>10/00023/TWA</b> |
| <b>9.</b>  | <b>Garage area rear of Buchanan Road, Upper Arncott</b><br>(Pages 70 - 80)              | <b>10/00071/F</b>   |
| <b>10.</b> | <b>Yarnton House, Rutten Lane, Yarnton</b> (Pages 81 - 93)                              | <b>10/00131/F</b>   |
| <b>11.</b> | <b>45 St Annes Road, Banbury, Oxfordshire, OX16 9EA</b><br>(Pages 94 - 97)              | <b>10/00150/F</b>   |

## **Tree Preservation Orders**

- 12. Tree Preservation Order (No 02) 2010 Birch Tree at 35 Kings End, Bicester**  
(Pages 98 - 100)

Report of the Head of Development Control and Major Developments

### **Summary**

To seek the confirmation of an unopposed Tree Preservation Order relating to a Birch Tree at 35 Kings End, Bicester (copy plan attached as Annex 1) Tree Preservation Order No. (02/2010)

## **Recommendation**

The Planning Committee is recommended to:

- (1) Confirm the Order without modification.

## **Review and Monitoring Reports**

### **13. Decisions Subject to Various Requirements (Pages 101 - 103)**

Report of Head of Development Control and Major Developments

#### **Summary**

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

#### **Recommendation**

The Planning Committee meeting is recommended:

- (1) To accept the position statement.

### **14. Appeals Progress Report (Pages 104 - 106)**

Report of the Head of Development Control and Major Developments

#### **Summary**

This report aims 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 achieved.

#### **Recommendation**

The Planning Committee is recommended:

- (1) To accept the position statement.

## **Other Matters**

### **15. Review of Validation Checklist for Planning Applications (Pages 107 - 110)**

Report of the Head of Development Control and Major Developments

#### **Summary**

To update Members on the result of the formal consultation upon the review of the Local Validation Checklist for planning applications, considered by the Committee on 19 November 2009, and to seek approval for the adoption of the document.

#### **Recommendation**

The Planning Committee is recommended:

- (1) To agree to the formal adoption of the revised validation checklist and guidance note as originally considered but with variations as explained in the report.

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or 01295 221587 prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item. The definition of personal and prejudicial interests is set out in 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 Michael Sands, Legal and Democratic Services [michael.sands@cherwell-dc.gov.uk](mailto:michael.sands@cherwell-dc.gov.uk) (01295) 221554

**Mary Harpley**  
**Chief Executive**

Published on Wednesday 3 March 2010

# 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 18 February 2010 at 4.00 pm

Present: Councillor Fred Blackwell (Chairman)

Councillor Rose Stratford (Vice-Chairman)  
Councillor Ken Attack  
Councillor Colin Clarke  
Councillor Eric Heath  
Councillor Alastair Milne Home  
Councillor James Macnamara  
Councillor D M Pickford  
Councillor Leslie F Sibley  
Councillor Chris Smithson  
Councillor Trevor Stevens  
Councillor Lawrie Stratford

Substitute Members: Councillor Russell Hurle (In place of Councillor Michael Gibbard)  
Councillor P A O'Sullivan (In place of Councillor Mrs Catherine Fulljames)  
Councillor Nicholas Turner (In place of Councillor G A Reynolds)  
Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence: Councillor Maurice Billington  
Councillor Mrs Catherine Fulljames  
Councillor Michael Gibbard  
Councillor David Hughes  
Councillor G A Reynolds  
Councillor John Wyse

Officers: Bob Duxbury, Development Control Team Leader  
Tracey Morrissey, Senior Planning Officer  
Paul Manning, Solicitor  
Mark Harrison, Arboricultural Officer  
Simon Dean, Trainee Planning Officer  
Michael Sands, Trainee Democratic and Scrutiny Officer

## 159 Declarations of Interest

Members declared interest with regard to the following agenda items:

### **6. Bicester Town Centre Development, Manorsfield Road, Bicester.**

Councillor Barry Wood, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor D M Pickford, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor James Macnamara, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Ken Atack, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Nicholas Turner, Prejudicial, as a Member of Executive who may have previously considered the application.

**7. Orchard Way Shopping Parade, Orchard Way, Banbury, Oxfordshire.**

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

Councillor Barry Wood, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Colin Clarke, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor D M Pickford, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor James Macnamara, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Ken Atack, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Leslie F Sibley, Prejudicial, as a Member of Charter Community Housing Board.

Councillor Rose Stratford, Prejudicial, as a Member of Charter Community Housing Board.

**8. Land at Brookhill Way, Off Wildmere Road, Banbury.**

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

**9. Land West of Network 11 Development, Thorpe Way, Banbury.**

Councillor Alastair Milne Home, Personal, as a Member of Banbury Town Council.

Councillor Colin Clarke, Personal, as a Member of Banbury Town Council.

**11. Land at The Garth, Launton Road, Bicester.**

Councillor Barry Wood, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor D M Pickford, Personal, as a Member of Bicester Town Council and Prejudicial as a Member of Executive who may have previously considered the application.

Councillor Ken Atack, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Lawrie Stratford, Personal, as a Member of Banbury Town Council.

Councillor Leslie F Sibley, Personal, as a Member of Banbury Town Council.

Councillor Nicholas Turner, Prejudicial, as a Member of Executive who may have previously considered the application.

Councillor Rose Stratford, Personal, as a Member of Banbury Town Council.

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

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

161 **Urgent Business**

There was no urgent business.

162 **Minutes**

The Minutes of the meeting held on 28 January 2010 were agreed as a correct record and signed by the Chairman.

163 **Tree Preservation Order (No 11) 2009 Oak Tree at Hornton Primary School, Hornton, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought the confirmation of an opposed Tree Preservation Order relating to an Oak Tree at Hornton Primary School, Hornton.

Councillor Douglas Webb spoke in objection to the proposed Tree Preservation Order as Ward Member.

The Committee discussed the potential problems that could arise due to the Oak Tree's proximity to nearby electricity cables.



**Resolved**

That Tree Preservation Order No. (11/2009) not be confirmed.

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**Bicester Town Centre Development, Manorsfield Road, Bicester**

The Committee considered a report of the Head of Development Control and Major Developments for a foodstore, non-food retail, cinema, car park, servicing and other ancillary town centre uses (amendments relating to 07/00422/F approved 03.09.09).

The Committee considered the potential impact of increased traffic and the temporary arrangements for traffic and pedestrians during construction. The Committee also discussed the importance of ensuring appropriate provisions were made for a taxi rank in Sheep Street.

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

**Resolved**

That application 09/01687/F be approved subject to:

- (i) the applicants entering into a legal agreement to secure the same highway infrastructure and other matters which remain appropriate as secured through the legal agreement related to 07/00422/F, and to ensure that no works commence, other than the 'enabling works' (as defined), until land has been acquired to enable the northern roundabout on Manorsfield Road to be constructed at an appropriate stage in the construction process and
- (ii) the following conditions:
  - 1. SC 1.4A That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
  - 2. Notwithstanding the details shown on the approved plans all external walls and roofs of the buildings and all boundary/screen walls hereby permitted shall be constructed in accordance with a schedule of materials and finishes, including samples and sample panels of all materials and finishes, which shall have been submitted to or constructed on site and approved in writing by the LPA prior to the commencement of development. The development shall be carried out in accordance with the approved details.

3. No development shall commence on site until a schedule of materials and finishes, including samples, to be used on all hard surfaces including pavements, pedestrian areas, crossing points and steps has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved schedule of materials and finishes.
4. No commercial units shall be occupied until seats, benches, litter bins, bollards, planters and other street furniture have been installed/erected in accordance with details that have previously been submitted to and approved in writing by the LPA. All street furniture shall be retained in accordance with the approved details at all times thereafter.
5. No commercial unit shall be occupied until fingerpost and directional signage has been erected/provided within the site in accordance with a scheme which has previously been submitted to and approved in writing by the LPA. The signage shall be retained in accordance with the approved details at all times thereafter
6. No commercial unit shall be occupied until boundary treatments within and around the site, including all gates around and within the site and all railings (including those around the decked car park) have been erected in accordance with details that have previously been submitted to and approved in writing by the LPA. The approved boundary treatments, gates and railings shall be retained in accordance with the approved details at all times thereafter.
7. That prior to the first use of the retail/leisure premises hereby approve a scheme for the overall approach to the installation of advertising material on those premises shall be submitted to and approved by the LPA. That scheme shall include details of the siting and extent of the material and its illumination.
8. The public information display panels to be erected on the ground floor of the foodstore facing Manorsfield Road as shown on the approved plans shall be erected in accordance with details which have first been submitted to and approved in writing by the LPA and shall be completed before the foodstore is first brought into use and retained in accordance with the approved details at all times thereafter.
9. The development of each building shall not commence until detailed construction drawings comprising all external elevations and accompanying floor plans at a scale of 1:100 and all external joinery details at a scale of 1:50 for each building have been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved drawings and details.
10. Prior to their construction full structural details of any canopies or building overhangs of the existing or proposed highway shall be submitted to and approved in writing by the LPA. Prior to first occupation of the development any canopy or building overhang shall be completed in all respects in accordance with the approved details and maintained as such at all times thereafter.

11. No part of the development shall be occupied until external lighting (including security lighting and street lighting) has been erected/installed in accordance with details that have been previously submitted to and approved in writing by the LPA. The approved scheme shall be operational before the first occupation of the development and shall be maintained as such at all times thereafter.
12. No external lighting within the site shall exceed the following limitations at any time unless otherwise approved in writing by the LPA;
  - 5.0% Sky Glow ULR
  - 10 Ev (Lux) Light Trepass before 23.30hours or 2 Ev (Lux) after 23.30hrs
  - 10 I (kcd) before 23.30hrs or 1.0 I (kcd) after 23.30hrs
  - 10 L (cd/m2) AverageAll as advised in the Institute of Lighting Engineers Guidance Notes for the Reduction of Obstructive Light 2005.
13. No development shall commence on the land east of Manorsfield Road, including any excavation in Area 4 as identified in the Archaeological Mitigation Strategy, as submitted with the previously approved scheme 07/00422/Funtil the applicant has secured the implementation of a staged programme of archaeological investigation in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the LPA.
14. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by BT&P Hyder, dated February 2007, ref: GD04001-01 and the following mitigation measures detailed within the FRA:
  1. The realigned section of the Town Brook shall be designed to contain the modelled 1 in 100 year flows (with a consideration of climate change) within its banks, as outlined in Section 3.48 of the FRA.
  2. Surface water drainage system shall be designed to attenuate discharge rates in storm events up to and including the 1 in 100 year event with an allowance for climate change, so that the development reduces surface water flood risk, as outlined in Sections 4.7 and 4.20.
15. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion
16. The development hereby permitted shall not be commenced until such time as details of the scheme to realign the Town Brook has been submitted to, and approved in writing by, the local planning authority.

The scheme shall also include:

- details of all crossings of the brook.
- a full method statement including details of a contingency to be in place to safely accommodate flows in the absence of the Back Brook and details of the route of the diverted Town Brook downstream of the new bifurcation.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

17. No development approved by this planning permission shall begin (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), until the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

18. Prior to occupation of any part of the permitted development , a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.
19. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted, and obtained written approval from the LPA for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.
20. The development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.
21. Prior to the commencement of the development hereby permitted, a detailed scheme for foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".
22. No development shall commence on site (including demolition and enabling works) until a Construction Management Plan (CMP) providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the LPA . The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received by the LPA on 21 May 2006 and shall include the mitigation measures outlined in the Environmental Statement as follows;
  1. Paragraph 6.170 of chapter 6 - Landscape and Visual Context
  2. Paragraph 6.1.2 of chapter 13 - Contamination and Geotechnical issues
  3. Paragraph 12.2, 12.3, 12.4, 12.5, 12.6, 12.7 and 12.8 of chapter 16 - Transport Assessment
  4. Paragraph 6.3 of chapter 17 - Noise and Vibration Assessment
  5. Paragraph 6.3 of chapter 18 - Air Quality AssessmentIn addition, the CMP shall include details of;

6. The proposed pedestrian routes to be provided across the site to enable access between Manorsfield Road and Sheep Street during construction.
  7. The proposed phased arrangements for the parking of construction traffic and the storage of plant, machinery and building materials during construction.
  8. The site protection measures (including hoardings) to be erected
  9. Details of all temporary lighting to be in place during construction
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23. No development shall commence on the demolition of the building to the rear of 27 Sheep Street or the building of EY2A until a schedule and timetable of structural support for 27 Sheep Street (including details of proposals to make good any structural movement which may occur as a result of the adjacent development) has been submitted to and approved in writing by the LPA. The demolition and making good of the building to the rear of 27 Sheep Street and development of unit EY2A shall be carried out in accordance with the approved details at all times.
  24. No part of the development shall be occupied until cycle parking facilities (relevant to that part of the development to which it relates) have been provided within the site in accordance with details that have been previously submitted to and approved in writing by the LPA. The approved facilities shall be retained in accordance with the approved details at all times thereafter.
  25. A Green Travel Plan for staff of the foodstore, the cinema and retails units, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the planning process to secure travel plans", shall be submitted to and approved in writing by the Local Planning Authority within 3 months after the first occupation of the relevant building. The approved Green Travel Plan shall thereafter be implemented and operated in accordance with the approved details.
  26. All public parking facilities shall achieve the Park Mark ® 'Safer Parking Award' before the first commercial unit is occupied.
  27. The vehicular access within the site from Wesley Lane (at its junction with Manorsfield Road to the new road indicated as Bure Place, and Bure Lane (to its junction with Manorsfield Road shall be closed to vehicular traffic other than for their use by service vehicles only, and use by service vehicles shall be restricted to outside the hours of 9am to 4pm daily. Access shall be controlled by the installation of rising bollards across the access points in accordance with British Standard PAS 68 and PAS 69 or other measures which have been previously submitted to and approved in writing by the LPA.
  28. Following the completion of development the pedestrian accesses onto Sheep Street comprising Wesley Lane, Evans Yard and the access between Nos. 39 and 43 Sheep Street (three in total) and Manorsfield Road (two in total) and at the junction of Crown Walk and Wesley Walk shall remain open at all times and public access should not be prohibited by any gate, fence, wall or other means of enclosure.

29. Prior to first occupation of the development, the proposed service yards shall be constructed and surfaced in accordance with details which have previously been submitted to and approved in writing by LPA. The service yards shall be retained free from external storage of materials that restricts appropriate turning of large vehicles and shall remain unobstructed and available for use for servicing at all times.
30. That within SIX months of the first use of the Sainsburys superstore retail units C1-C4, EY1-EY4, WEB1 and ET1 together with kiosks 1-3 along the new street shown on the approved plans as Bure Place shall be constructed and completed to a shell capable of use in accordance with the details approved under planning permission ref no. 07/00422/F
31. That within six months of the completion of Block A the intended improvements works to the external appearance of the Ex-Servicemens Club and its forecourt shall be undertaken and completed in accordance with precise details to be submitted to and approved by the LPA
32. That prior to the first use of any retail unit or the Sainsbury unit hereby approved the intended walls to the new street known as Bure Place which are to screen the service road to Tesco (49-57 Sheep Street) and the rear of 72 Sheep Street shall be constructed in accordance with precise details to be submitted to and approved by the LPA
33. No development shall commence until there has been submitted to and approved in writing by the LPA a scheme for landscaping the site which shall include details of all proposed tree and shrub planting including species, number, sizes and positions, together with all grass seeded areas.
34. That all planting, seeding or turfing comprised in the approved details of landscaping in respect of Condition 33 above shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

35. No part of the development shall be occupied until details of the means of refuse storage and disposal/collection and recycling provision (arising from the development hereby approved) for that part of the development have been submitted to and approved in writing by the LPA. Details shall include receptacles for refuse, siting of such receptacles and arrangements for their removal. The approved scheme shall be put in place before first occupation of the units to which the approved provisions relate and the refuse/recycling storage, collection and disposal shall be carried out in accordance with the agreed strategy at all times thereafter.
36. The development shall be undertaken in general accordance with the energy efficiency statement proposed by Synergy and submitted with the application (as subsequently amended)
37. The proposed foodstore shall be constructed to at least a BREEAM 'good standard'.
38. All unfixed external seating and tables shall be removed outside of the trading hours of the premises with which they are associated.
39. No external seating or tables shall be provided within the site unless and until details of the extent and nature of the demarcation of the seating areas has been submitted to and approved in writing by the LPA. The areas shall be defined and operated in accordance with the approved details at all times they are in use.
40. Prior to the first occupation of any part of the development hereby permitted fire hydrants shall be provided or enhanced within the site in accordance with details to be first submitted to and approved in writing by the LPA.
41. No development shall commence until details of the proposed temporary bus interchange facilities to be provided during construction, including details of bus stands, signage and shelters, have been submitted to and approved in writing by the LPA. The approved temporary arrangements shall be put in place and be available for use before the use of the existing bus station ceases and the temporary bus interchange facilities shall be retained until such time as the permanent bus interchange facilities hereby approved are completed and available for use unless otherwise approved in writing by the LPA.
42. No externally mounted plant or equipment (except within the service yard of Building A) shall be installed or erected unless details have first been submitted to and approved in writing by the LPA.



43. Notwithstanding the details shown on the submitted plans, details of the type, location, design, screening and acoustic performance of all internal and external plant and machinery (including coolers, air conditioning plant and plant or ventilation) to be provided in connection with the development shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and operation. The development shall be carried out and thereafter be permanently retained, maintained and operated in accordance with the approved details.
44. That prior to the first use of the Sainsburys superstore or any other retail unit a schedule for the provision of facilities for taxis shall be submitted to and approved by the LPA and the agreed facilities shall therefore be provided and maintained.

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**Orchard Way Shopping Parade, Orchard Way, Banbury, Oxfordshire**

The Committee considered a report of the Head of Development Control and Major Developments for a proposed mixed use development including four shops and thirty three social housing units.

The Committee considered the visual impact of the development and expressed concern regarding the proposed timber façade. Members discussed the positive impact the development may have to the site in terms of regeneration.

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

**Resolved**

That application 09/01776/F be approved subject to:

- (i) The Head of Development Control and Major Developments having delegated authority to negotiate the extent of the financial contributions requested as part of the S106, if necessary, and to approve the application subject to the concurrence of the Chairman of Planning Committee.
- (ii) The completion of a S106 agreement covering the following heads of terms;
  - Library contributions
  - Social and Healthcare
  - Fire and Rescue
  - Waste management and recycling contributions
  - Adult learning contributions
  - Museum resource contributions
  - Public transport contributions
  - Public Art
  - Bins
  - Landscape maintenance/informal open space

- Indoor sports contribution
- Outdoor sports/play contribution
- CCTV Contribution

(iii) The following conditions:

1. S.C 1.4A (RC2) – [Time: 3 years]
2. 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;

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

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

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

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.

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the schedule of drawings received 10 December 2009.
4. That prior to the first occupation of the development the existing means of access onto Orchard Way and The Fairway shall be improved (widened), laid out and formed to the approval of the Local Planning Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works specified shall be undertaken. (RC13BB)
5. That, before proposed development is first occupied the existing access onto Orchard Way (closest to the roundabout) shall be permanently stopped up by the means of full face kerbing and the restatement of the

footway to the approval of the Local Planning Authority and in accordance with the highway authority's specifications and shall not be used by any vehicular traffic whatsoever. (RC13BB)

6. That before the development is first occupied the parking and manoeuvring areas shall be provided in accordance with the plan (2007/1015/P03) hereby approved and shall be constructed, laid out, surfaced, drained (SUDS) and completed, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times. (RC15AA)
7. That prior to the first occupation of the development, the cycle parking shall be provided in accordance with drawing 2007/1015/P03 and that Sheffield Cycle Stands shall be installed. (RC13BB)
8. 8.11A (RC56A) mechanical ventilation. hot food takeaway/restaurant
9. That samples of the balcony glazing, timber and sliding screen assembly and solar collectors shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)
10. That samples of the surface finishes for the areas of hard standing shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)
11. 5.5AA (RC4A) insert 'windows, doors, metal entrance and exit gates'
12. That full design details of any lighting to be fixed on the buildings and on the ground shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC95A)
13. That details of the public art scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the details so approved. (RC4A)
14. That the external walls of the development shall be constructed not in accordance with the submitted brick sample EH Smith Charcoal smooth, but that a revised brick sample shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the sample so approved. (RC4A)
15. That with the exception of the brick sample subject to condition no. 14, and component details of the shop front shutters, windows and balconies the development shall be constructed using the materials submitted with the application on sample board no. 2007/1015/P17. (RC4A)

16. That no individual retail unit floorspace shall exceed 303 sq m.  
That the largest retail unit detailed unit 1 on drawing no. 2007/1015/P08 shall be used only for purposes falling within Class A1 specified in the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever and that the other 3 no. retail units shall be used only for purposes falling within Classes A1, A3 and A5 specified in the Schedule of the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 and for no other purpose(s) whatsoever. (RC40AA)
17. That provision by means of suitably located waste bins both inside the retail premises and outside within the public areas shall be made, details of which shall be submitted to and approved in writing the LPA prior to the commencement of the development, the development shall be carried out in accordance with those details and thereafter retained for the disposal of litter. (RC57A)
18. That no deliveries to the retail units shall take place between the hours 9.00 p.m to 7.00 a.m Monday to Sunday (inclusive) (RC49A)
19. 2.13AA (RC8A) – demolition of buildings
20. 2.10A (RC7A) – floor levels – development
21. 6.7AA (RC4A) – no radio, TV aerials, satellite dishes
22. 3.1A (RC10A) – carryout landscaping  
3.7BB (RC12AA) – submit boundary enclosure details

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**Land at Brookhill Way, Off Wildmere Road, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments for one or a combination of B1 (office) B2 (general industrial) B8 (warehousing and distribution) and sui generis (car showroom).

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

**Resolved**

That application 09/01859/OUT be deferred for a maximum of two cycles to enable negotiations between the applicant and Oxfordshire County Council with regards to highway/transport contributions to be concluded.

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**Land West of Network 11 Development, Thorpe Way, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of six one bedroom temporary accommodation flats with associated parking.

The Committee considered the proximity of the site to the industrial estate and expressed concern regarding pedestrian safety. Members also discussed the suitability of the access arrangements to the site.

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

### **Resolved**

That approval of application 09/01867/F be delegated to Head of Development Control and Major Developments to allow for the resolution of highways issues subject to the following conditions:

1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 2008/1007/P01 Rev.C, 2009/1007/P05 Rev.B, 2008/1007/P06 Rev.B, 2008/1007/P02 Rev. A, 2008/1007/P03 Rev. A, 2008/1007/P04 Rev.A
3. That the external walls of the development shall be constructed in accordance with the material samples EH Smith Thorsby Buff and EH Smith Worcestershire Red Multi Brick, received in the department on 21/12/2009 and cream coloured render as stated on Drawing No. 2009/1007/P05 Rev. A and 2008/1007/P06 Rev. A. (RC4A)
4. 2.2B – Samples of Roofing Materials (RC4A) - \*insert 'tiles' and 'development'
5. That notwithstanding the plans hereby approved all windows shall include one horizontal glazing bar. (RC4A)
6. 3.0A - Submit Landscaping Scheme (RC10A)
7. 3.1A - Carry Out Landscaping Scheme and Replacements (RC10A)
8. No works or development shall take place until a scheme for the protection of the retained trees and the trees protected by the Tree Preservation Order No. 19/91 has been agreed in writing with the Local Planning Authority. (RC72A)
9. 4.13CD - Parking and Manoeuvring Area Retained (RC13BB)
10. 4.0BC - Access Specification Existing – (as plan Dwg No 2008/1007/P01) (RC 13BB) \*insert '*occupation*' and '*building*'
11. 4.8AA - Close Existing Access (RC13B) \*insert '*Thorpe Way*' and '*provision of footway and full faced kerb across present opening*'

12. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.
13. If a potential risk from contamination is identified as a result of the work carried out under condition 10, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.
14. If contamination is found by undertaking the work carried out under condition 11, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.
15. If remedial works have been identified in condition 12, the remedial works shall be carried out in accordance with the scheme approved under condition 12. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority.

The Committee considered a report of the Head of Development Control and Major Developments for the demolition of the existing commercial buildings and structures and construction of five houses and four class B1 office buildings with associated garages and parking.

The Committee considered the impact the proposed development would have on the village.

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

**Resolved**

That application 09/01181/F be approved subject to the following conditions:

1. That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Layout-656/p50  
Office elevations-656/p77;p78;79;p80  
Office floorplans-656/p60;p61;p62  
House 1-656/p51; p65;p66  
House 2-656/p52; p53;p67;p68;p69  
House 3-656/p70a;71a;p54;p55;  
House 4-656/p56; p57; p74; p73;p72  
House 5-656/p75a; p76a;p58;p59  
Street elevations-656/p63;p64

3. That the external walls of the dwellings and B1 offices shall be constructed in natural ironstone which shall be laid, dressed, coursed and pointed accordance with a sample panel (minimum 1m2 in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.
4. That the external walls of the dwellings and garages shall be constructed in brickwork, of a type, colour, texture, face bond and pointing, in accordance with a sample panel (minimum 1square metre in size) which shall be constructed on site to be inspected and approved in writing by the Local Planning Authority prior to the construction of the development hereby permitted.
5. That samples of the slates and tiles to be used in the covering of the roof of the dwellings, B1 offices and garages shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.

6. That prior to the occupation of the dwellings and B1 offices, the existing means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with the specification of the means of access attached hereto, and that all ancillary works therein specified shall be undertaken in accordance with the said specification.
7. That, before any of the dwellings are first occupied, the proposed vehicular accesses, driveways and turning areas that serve those dwellings shall be constructed, laid out, surfaced and drained in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
8. That the proposed access road shall be constructed to Type NO INFILL GIVEN standards in accordance with the Oxfordshire County Council Design Guide for Residential Roads, before any of the dwellings are first occupied.
9. That, before the development is first occupied the Access Road shall be constructed, surfaced, laid and marked out, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
10. The proposed parking spaces for the B1 offices shown on the approved plan shall be laid out prior to the commencement of development, and that such parking facilities shall be laid out, surfaced, drained and completed in accordance with the approved plan before the first occupation of the premises. The car parking spaces shall be retained for the parking of vehicles at all times thereafter.
11. That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which shall include:-
  - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - (c) details of the hard surface areas, pavements, pedestrian areas, crossing points and steps.



12. That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner; and that any trees and shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.
13. That full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, and such means of enclosure, in respect of those dwellings which it is intended shall be screened, shall be erected prior to the first occupation of those dwellings.
14. That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved dwelling(s) shall not be extended (nor shall any structures be erected within the curtilage of the said dwelling(s) without the prior express planning consent of the Local Planning Authority.
15. That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the building without the prior express planning consent of the Local Planning Authority.
16. No development shall take place within the area of archaeological interest until the applicant(s), or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme and timetable of investigation which has first been submitted by the applicant(s) and approved in writing by the Local Planning Authority.
17. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which the scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Association's current edition "Sewers for Adoption".

18. That no soakaways shall be constructed such that they penetrate the water table, and they shall not in any event exceed 2 metres in depth below existing ground level.
19. That no soakaways shall be constructed in contaminated ground.
20. 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 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, the risks to receptors and to inform the remediation strategy proposals. If contamination is found by undertaking the Phase 2 investigation then Phase 3 shall be undertaken.

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

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.

21. That the proposed offices shall be used only for purposes falling within Class B1(a) as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purpose(s) whatsoever.

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#### **Land at The Garth, Launton Road, Bicester**

The Committee considered a report of the Head of Development Control and Major Developments for a single exhibition house constructed to "Passivhaus" standards.

The Committee considered consultation feedback and queried the absence of comments from the Highways authority.

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

**Resolved**

That application 10/001009/F be approved subject to the following conditions:

- 1) That at the expiration of two years from the date of this permission the building shall be removed from the site and the land shall be restored to its former condition on or before that date. RC42A
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents including the materials schedules therein:
  - drawing E008/01A
  - drawing E008/02A
- 3) That samples of the material to be used in the external walls and roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out in accordance with the samples so approved. RC4A
- 4) That details of any boundary treatments, hard or soft landscaping required for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of such features. Any approved installations shall be removed when this permission expires, in accordance with the requirements of Condition 1 above.
- 5) SC 6\_2AA (Removal of residential permitted development rights for extensions)
- 6) SC 6\_3A (Removal of residential permitted development rights for new windows)
- 7) SC 6\_7AA (Removal of residential permitted development rights for aerials/satellite dishes etc)

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**Decisions Subject to Various Requirements**

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

**Resolved**

That the position statement be noted.

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### **Appeals Progress Report**

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

### **Resolved**

That the position statement be noted.

The meeting ended at 6:35 pm

Chairman:

Date:

## CHERWELL DISTRICT COUNCIL

### PLANNING COMMITTEE

11 March 2010

#### 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	Park Farm, Heyford Road, Middleton Stoney, OX25 4AL	09/01749/F	Ambrosden and Chesterton	Approval	Simon Dean
7	OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham	09/01811/F	Bloxham and Bodicote	Approval	Caroline Roche
8	Bicester to Oxford Rail Link	10/00023/TWA	Bicester East	Supports in principal	Linda Griffiths
9	Garage area rear of Buchanan Road, Upper Arncott	10/00071/F	Launton	Approval	Laura Bailey
10	Yarnton House, Rutten Lane, Yarnton	10/00131/F	Yarnton, Gosford and Water Eaton	Approval	Jane Dunkin
11	45 St Annes Road, Banbury, Oxfordshire, OX16 9EA	10/00150/F	Banbury Easington	Approval	Rebekah Morgan

09/01749/F



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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE



09/01749/F

The Gorse

Timberyard Clump

Aves Ditch

Nursery

Middleton Park

Scale 1:5,000

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DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application</b> <b>09/01749/F</b>	<b>No:</b>	<b>Ward: Ambrosden</b> <b>and Chesterton</b>	<b>Date</b> <b>06/01/2010</b>	<b>Valid:</b>
<b>Applicant:</b>	J H Norman & Son			
<b>Site Address:</b>	Park Farm, Heyford Road, Middleton Stoney, OX25 4AL			

**Proposal:** Erection of a pig fattening shed to replace existing building. Erection of a grain store. Erection of electrical control building.

## 1. Site Description and Proposal

- 1.1 Park Farm is a large farm on the B4030 to the North West of Middleton Stoney, comprising a 486ha holding with arable, beef and pig production.
- 1.2 The current modern farm buildings are screened from the B4030 by a large belt of existing trees, and from Aves Ditch and the NW by existing trees and screening provided in accordance with landscaping conditions attached to earlier permissions on the site. Brief views into the site are possible from the B4030 running East-West and around the Northern boundary of the site, more sustained views of the site are possible from Aves Ditch (a Restricted Byway), which runs NE-SW through the holding.
- 1.3 The proposal is essentially for the replacement of a low-rise pig fattening unit with a new open sided pig-fattening shed, to a similar height as the adjacent existing shed approved in 2000 (00/01192/F refers), and the erection of a large grain store and drying shed to serve the whole farm. A small electrical control building is required for, and proposed adjacent to, the grain store.
- 1.4 The proposed fattening shed is 21mx61m, with a ridge height of 8m, falling to 5.1m at the eaves. The proposed grain store is 27mx36m, with a ridge height of 11m, falling to 7.5m at the eaves. Both buildings are proposed in concrete wall panels and timber boarding, with fibre cement roofs to match the existing buildings on the site. The electrical control building is 2.4mx2.4m, with a sloping roof at 2.2m falling to 1.9m. It is proposed in brick with a fibre cement roof.
- 1.5 The pig-fattening shed replacement is required in response to legislative change and associated economic considerations (legislation coming into force in 2012 requires that any slurry generated must be stored for six months; to continue to use the existing unit, it would be necessary to undertake significant repairs, as well as construct a slurry store. Pigs in the replacement unit are bedded on straw, so slurry is not produced).
- 1.6 The grain store is required to supplement the existing facility, and provide a more efficient, modern storage and drying facility to better serve the farm and accommodate modern farming practice.
- 1.7 The application is before the committee as the size of the building makes the application a 'small scale major'.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of site notices, press notice and neighbour letters.
- 2.2 No objections have been received.

## **3. Consultations**

- 3.1 Middleton Stoney Parish Council – no objections
- 3.2 Conservation Officer – no objections in terms of the impact on the adjacent Middleton Park
- 3.3 Head of Safer Communities – no objections on noise or odour grounds
- 3.4 Landscape Services – no objections subject to the retention of the landscaping scheme to the North and East as approved under previous
- 3.5 Rights of Way Officer – no objections
- 3.6 Head of Building Control & Engineering Services – no comments
- 3.7 Local Highways Liaison Officer – no objections, subject to conditions requiring use as specified
- 3.8 County Archaeologist – no objections, subject to archaeological investigation scheme
- 3.9 Environment Agency – no objections, subject to conditions concerning surface water drainage
- 3.10 Thames Water – no objections

## **4. Relevant Planning Policies**

- 4.1 PPS 4 – Planning for Sustainable Economic Growth  
PPS 9 – Biodiversity and Geological Conservation  
PPS 7 – Sustainable Development in Rural Areas  
PPG 15 – Planning and the Historic Environment  
PPG 16 – Archaeology and Planning
- 4.2 Regional Policy in the South East Plan 2009:  
C4 – Landscape and Countryside Management  
BE6 – Management of the Historic Environment  
NRM1 – Sustainable Water Resources and Groundwater Quality
- 4.3 Local Policy in the Adopted Cherwell Local Plan 1996:

AG2 – Farm buildings should be sited in order not to intrude into the landscape

AG3 – New intensive units will be resisted where they would be detrimental to amenity

C7 – Development will not be permitted if likely to cause demonstrable harm to the landscape

C10 – Development will not be permitted if likely to be detrimental to the character and appearance of historic landscapes

C28 – Layout, design and finish of new development should be sympathetic to the character of the context of development

## **5. Appraisal**

- 5.1 In terms of national policy, as set out in Paragraph 4.1 above, the compliance of the policy with PPS 9, PPG 15 and PPG 16 has been addressed in the comments in this report and the conditions below.
- 5.2 PPS 4 requires that the countryside should be protected for the sake of its intrinsic character, beauty, diversity, heritage and wildlife, for the enjoyment of all, but whilst also supporting sustainable economic growth and existing businesses. The proposal does not cause harm to the character of the countryside, and allows for the continuation of the existing farming use in compliance with new pollution legislation.
- 5.3 PPS 7 also emphasises the need to protect the countryside for its own sake, but also highlights the need to control development in a way which allowed farming and the farmer to become more competitive, adapt to changing markets, and to respond to changing legislation. The planning history for this site, as well as this application, are responses to these factors and are therefore acceptable when assessed against this policy.
- 5.4 As the application relates to the demolition of existing farm buildings a Phase 1 Biodiversity Survey was required with the application, in order to satisfy the requirements of PPS 9, and discharge this Council's responsibilities under Section 40 of the Natural Environment and Rural Communities Act 2006 and the Wildlife and Countryside Act 1981. No evidence of badgers, bats, reptiles or other protected species was found, but the applicants are aware of their legal responsibilities in this regard.
- 5.5 The proposal accords with the relevant local and regional policy set out in Paragraphs 4.2 and 4.3 above; as demonstrated, the screening and site conditions mean that the proposal will not cause harm to the character of the landscape, the character of the context of the development or the character of any historic landscapes.
- 5.6 All other parties consulted on the application have either raised no objections, or requested conditions as set out at the end of this report and are satisfied with the principle and implications of the proposal. Comments from the Environment Agency relating to drainage and material storage have been passed on to the applicant for action.
- 5.7 The proposed buildings, especially the grain-store/drying shed are undoubtedly large structures. However, the replacement pig-fattening shed is of a similar scale to

the existing open-sided shed and will be cut in to the ground at the NW edge of the site, to reduce the appearance of height when viewed from the NW. The grain store sits within the existing built-limits of the farm development and behind the existing landscaping when viewed from the North and North West. The height of the grain store/drying area is largely dictated by the clearance required for tipping a grain trailer; a limiting factor of the existing grain storage unit. Whilst it is taller than the existing and proposed pig-fattening units, the extra height is not considered harmful or otherwise unacceptable.

- 5.8 As mentioned above views of the proposal will be possible, but not prominent and as such it is considered that the proposal will not have a detrimental effect on the character or appearance of the open countryside. The appearance of large, modern farm buildings in an agricultural setting is not inappropriate, and is in keeping with the agricultural nature of the site.
- 5.9 The impact of the proposal on the setting of the Middleton Park historic park/garden is minimal, given the distance, screening and existing development and is therefore considered acceptable.
- 5.10 In conclusion, when assessed against the relevant policy and other material considerations indicated above, this proposal is considered to be acceptable in terms of its impact on amenity, the character, appearance and openness of the countryside and its impact on the natural and historic environment.

## **6. Recommendation**

**Approval, subject to conditions set out below:**

- 1) **SC 1\_4A (Time limit – 3 years)**
- 2) **Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:**
  - TURNEY – PARK FARM 1**
  - TURNEY/A090910/1**
  - TURNEY/A090910/2**
  - TURNEY/A090910/4**
  - Materials schedule, including the details of the ‘Corus Colorcoat LG Merlin Grey 18 B 25’ roof-sheeting, received on 15 February 2010****Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policies C4 and BE6 of the South East Plan 2009.**
- 3) **No development shall commence within the application area until the applicant, or their successors in title, has secured the implementation of a staged programme of archaeological investigation and mitigation in accordance with a written scheme of investigation that shall first be submitted to and approved by the Local Planning Authority. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a fill report for publication. The work shall be carried out by a professional archaeological organization acceptable to the Local Planning Authority.**

**Reason – To ensure the appropriate measures are taken to detect and preserve archaeological remains either in situ or by record in accordance with PPG16 and Policy BE6 of the South East Plan 2009.**

- 4) That the existing hedgerows/trees and previously implemented landscaping areas on the boundaries of the site shall be retained and properly maintained, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition. (Reason - RC11A)**
- 5) That the development hereby permitted shall not be commenced until such time as a scheme to dispose of surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.**

**Reason – To prevent the pollution of groundwater and in order to comply with Policy NRM1 of the South East Plan 2009.**

#### **Planning Notes**

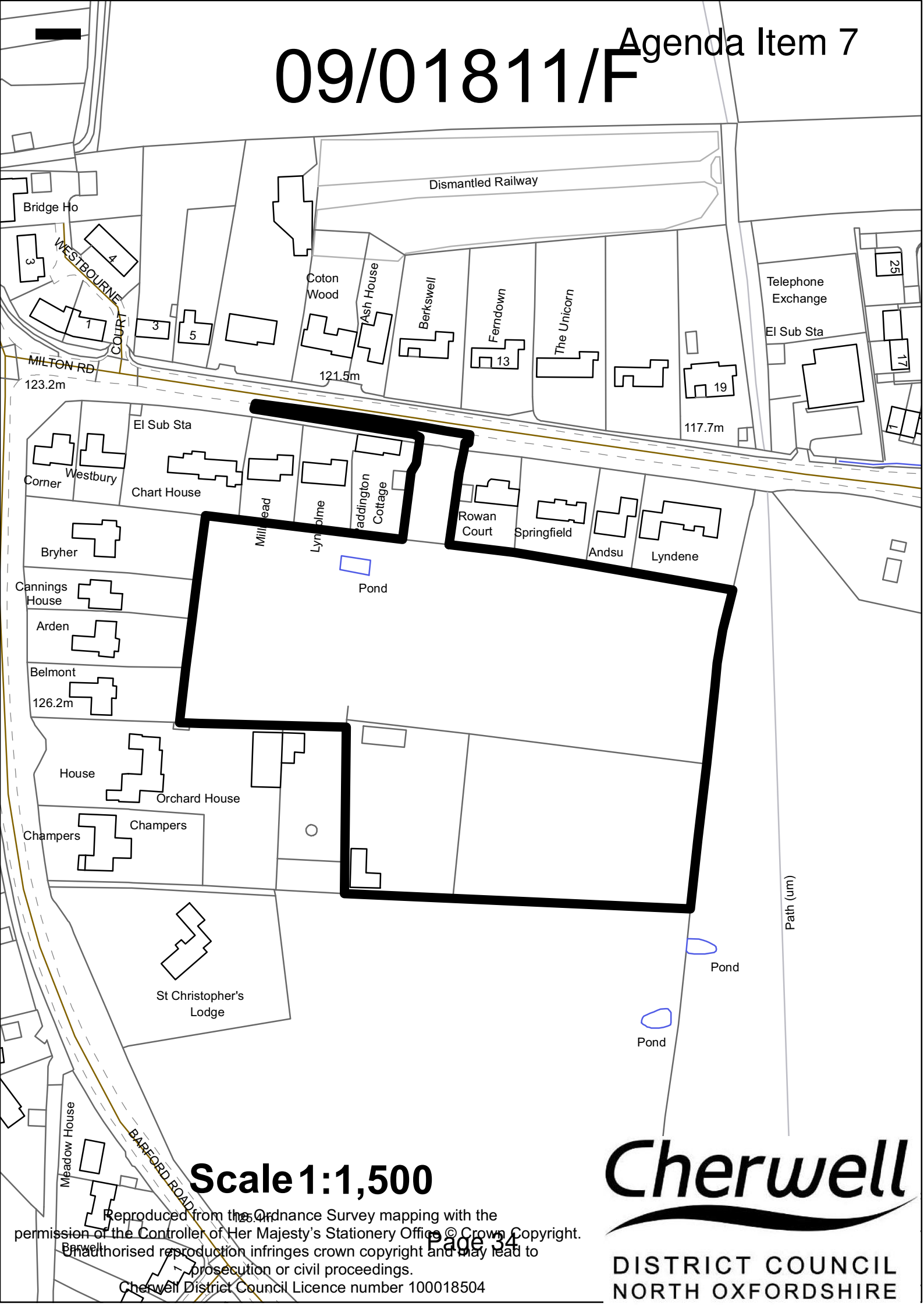
- 1) X1 – Biodiversity/protected species advice note**

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

**The Council, as Local Planning Authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposed development is appropriate and will not unduly impact on public, private or any other amenity, the character or openness of the countryside and will not cause harm to the natural or historic environment. As such the proposal is in accordance with government guidance contained in PPS 4 – Planning for Sustainable Economic Growth, PPS 9 – Biodiversity and Geological Conservation, PPS 7 – Sustainable Development in Rural Areas, PPG 15 – Planning and the Historic Environment, PPG 16 – Archaeology and Planning, Policies C4, BE6 and NRM1 of the South East Plan 2009 and Policies AG2, AG3, C7, C10 and C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.**

**CONTACT OFFICER: Simon Dean**

**TELEPHONE NO: 01295 221814**



Scale 1:1,500

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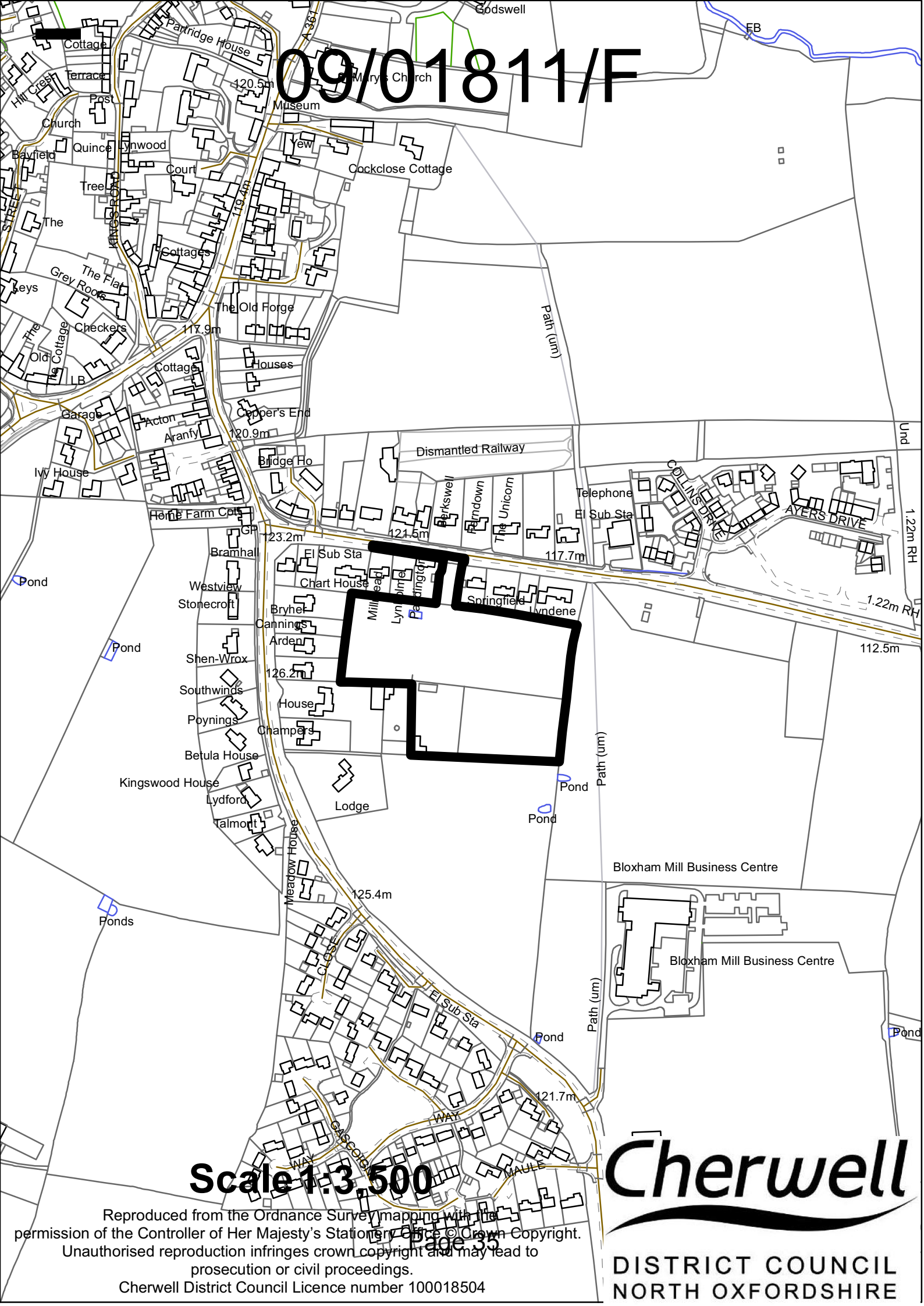
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**Cherwell**

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**



09/01811/F



Scale 1:3,500

**Cherwell**

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

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<b>Application No:</b> 09/01811/F	<b>Ward:</b> Bloxham and Bodicote	<b>Date Valid:</b> 21/12/09
<b>Applicant:</b>	Bewley Homes PLC	
<b>Site Address:</b>	OS Parcel 1319 South of Paddington Cottage, Milton Road, Bloxham	

**Proposal:** Erection of 61 No. dwellings and associated access and landscaping

### **1. Site Description and Proposal**

- 1.1 This is a detailed application for a development comprising of 61 residential dwellings with associated access and infrastructure on a 1.9 hectare site to the south of Milton Road, Bloxham. 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 tress and hedgerows, which provides some screening and boundary definition to adjacent properties and the open countryside beyond.
- 1.4 The application seeks permission for 61 residential properties. These are proposed to consist of 14 two bedroom properties, 37 three bedroom properties and 10 four (+) bedroom properties. 40% of the properties are proposed to be affordable units. The affordable units are shown as being distributed over the site in clusters of no more than 6 units.
- 1.5 This application is a full application therefore all matters are being considered, including the detailed design of the units.
- 1.6 **Planning History**  
The site has been the subject of previous applications which are relevant to the consideration of this application.

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 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 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 July 2009 an application was submitted for a 60-bed care home to provide specialist care for the frail and elderly sector and dementia sufferers and 44 residential units which were proposed to be split by way of 18 affordable dwellings age restricted to over 55+ and 26 private dwellings which were not proposed to be age restricted, although the Planning Statement did suggest that they would be aimed at the retirement market (application ref. 09/00965/OUT). This application was refused in October 2009 for the following reasons;

- 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.*

In April 2007, an outline application (05/02103/OUT) for residential development for up to 74 dwellings on the site to the north of Milton Road, on land east of the Telephone Exchange 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. Due to the fact that additional properties needed consulting the final date for comment was 9 March 2010.

2.2 32 letters of objection have been received. In some instances more than one letter was sent from the same address. The main reasons for objecting to the proposal are;

- Policy position
  - Coming so soon after previous application, being on an identical site and a similar proposal it would seem that previous reasons for refusal are still valid and this application should be refused
  - 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
  - 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
  - Bewley Homes submission relies on the Council's shortfall in housing land supply therefore must realise that in other circumstances the development would not be permitted – it suggests that all other policies can be ignored in order for Cherwell to meet its target
- 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
  - Development not in keeping with properties around it or Bloxham Village
  - There has already been over development of the village at Ells Lane and Milton Road
  - The heritage of the village should be preserved
  - There is not sufficient open space within the site
  - The concentration of housing appears excessively intensive
- Highway safety
  - Footpaths too narrow for wheelchairs and mobility scooters
  - Vision from the access with limited, inadequate and unsafe. It is too narrow and there will be no opportunity to widen it due to the proximity of existing houses
  - Already severe traffic pressures on the junction in Milton Road and Barford Road and over the railway bridge – increased danger to traffic and pedestrians with increase in traffic from development
  - Road inadequate for existing traffic flows – became apparent in recent snow events
  - No public transport along 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 and school buses 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
  - Result in increase in traffic travelling through Milton
- Need for further dwellings
  - No demonstrable need for additional housing in Bloxham
  - Development on north of Milton Road is not yet complete and housing still remain unoccupied
  - Already experienced substantial expansion and over urbanisation through developments at Ells Lane and North of Milton Road – village boundary already stretched to an extreme
  - This application is for an even larger number of dwellings than the previous scheme
- Neighbour impact
  - 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
  - The levels of anxiety felt by existing village residents cannot be ignored or underestimated
- Ecology and drainage
  - Flooding along Milton and Barford Road was noticeable this year
  - Fields are sodden most of the year
  - 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
  - Plans indicate planting along the boundary and the development, but these will not provide the level of privacy afforded by the current combination of trees and shrubs
  - 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 a very few shops are available and difficult to access especially since the fish and chip shop and chemist have opened

- This form of development will place undue strain on doctors and dental facilities in the village
- Increase in population is not being matched by increase in infrastructure
- Inadequate parking in centre of village
- School cannot accommodate large number of additional pupils and if parents have to travel to other schools increasing the use of the car further. Increased student numbers in the schools can lead to safety issues relating to over crowding
- Currently experience electrical power cuts because of overload
- Other villages must be better placed to accommodate such large numbers of dwellings
- There was a burst water main in Milton Road since Christmas – there must be a fundamental problem somewhere
- Building companies should contribute to village life and not just fill the empty spaces with houses. There is a need for a bigger hall in Bloxham where residents can meet and a building for young people
- There are no businesses here so no jobs therefore no buyers

#### Non – planning matters

- Bewley Homes consultation with the Parish Council was kept very quiet and representatives misled members of the PC and villagers about why the original application was refused
- Bewley Homes have suggested that development on the site is inevitable therefore there is little reason to object
- 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
- Continual approaches by developers will gradually grind down the villagers and Planning department until they relent
- The landowner will not permit a link across the field to the existing footpath
- Allowing development here will allow for further development in the future
- The most appropriate form of development would be infill of one house in the existing gap proposed to be used as the access
- House values will drop as a result of this development

### 3. Consultations

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

- Outside the village boundary, leading to loss of further green land around the village
- Shortage of visitor parking, but overall parking numbers are likely to comply with Central Government requirements
- Only one bus a week along Milton Road, but does not go into Bloxham village, The submitted map gives false impression of village being well served by public transport
- Additional bus stop by Texaco garage which is a long walk for elderly. No

service into or from Banbury on Sundays or weekday evenings. This will necessitate the use of a car

- This site will increase dependence on cars and does not comply with PPG13
- The appointment of a Travel Plan Coordinator is essential not only for lifetime of travel plan but ongoing. Is this going to materialise in current economic climate?
- The ponds that are described as dry on the plans are soft and boggy therefore the site may be liable to flooding.
- Report by Ground Investigation Services draws conclusions from site results although the work was terminated because of time constraints
- Any flooding on site is not acceptable
- A management company should be established to maintain the surface sweeps of the pavements – does economic climate allow this to be maintained?
- Who is responsible for the maintenance of the pumping station?
- Thames Water states that there is sufficient capacity within existing gravity foul sewer to serve the development but surface water will not be allowed to drain into it. This surely could lead to possible flooding.
- Agent has signed the application forms as not being an agricultural holding.
- 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
- There is a large number of elderly people living in three bed houses who would wish to move to bungalows within the village, but they rarely become available.
- The schools are full and the infrastructure relating to gas, electricity and water are at full stretch and cannot accept any more major developments
- The surgery is also unable to take on further patients
- Photos showing hedgerows protecting the privacy of neighbouring properties are misleading as this is only the case due to the hedges not being maintained
- An independent survey is needed for the willow trees
- Bloxham is a village and as such it only needs minor infilling rather than major developments to enlarge it further.
- Consultation with the local community has not taken place, it was a presentation to the Parish Council
- 61 dwellings is a high density out of context with the other housing that surrounds it. Other sites in the village would be more suitable for this kind of housing development
- The DIY shop and Art shop have closed and are replaced by a pharmacy, fish and chip shop and Bespoke kitchens. The recreation ground used to accommodate the squash club but houses have now been built there. As far as the Parish Council is aware there is no leisure club at the employment site
- The site layout shows potential future access near the pump station, are there plans to extend the village further?
- For these reasons and the fact that there a number of mistakes in the application, the Parish Council trusts that the Committee will reject the application and this site should not be released for development

- If the application is agreed the Parish Council cannot accept financial responsibility or any other responsibility for the play area and trusts that the S106 monies will benefit the village and not elsewhere within the District.

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

- This site is beyond the village envelope. It is difficult to see what will prevent a continual strip of housing along this road as far as Milton village if this random extension of the village boundaries is allowed to continue.
- Your council is proposing (in the Core strategy) 350 homes over a 16 year period for four villages (Adderbury, Bloxham, Bodicote and Deddington). Spread over 16 years and four villages looks like an average of 5 to 6 houses in each village in each year. This application represents eleven year's worth for Bloxham at one go. It is a large scale development, on the edge of the village. It does nothing for the quality of this village.
- People are highly unlikely to walk 547 yards to a bus stop for a pretty infrequent bus service. The County Council's reference (in its consultation response) to dependence on motor cars is very weak. You can guarantee that almost all of the residents here will rely on the motor car to go to the village let alone to Banbury or further afield. The A361 through this village is already a congested nightmare. This development should not add to it.
- The parking places on this site are wholly inadequate. Given the inevitable tendency of modern developments to turn out tiny dwellings with wholly inadequate living or storage space, most people use the garage as a storage area for household belongings and not their motor car. In many cases, garages are too small to accommodate the large vehicles many families favour. I calculate that a development of this size should have at least 200 parking spaces. You need to accept that a two bed house will generate two cars; a three bed house will generate three cars and a four bed house will very likely generate 4 cars. Affordable housing often generates more cars, not less. In addition, people do not live in isolation. They have goods and services delivered, wholly by car, van or lorry, their dustbins emptied, their oil tanks filled and they have friends who visit – almost always in this location by car. That is how I get to 200 parking places quite easily. You cannot design people out of their addiction to and need for the motor car.
- The local primary school is full – bursting at the seams. The Warriner secondary school is also full.
- This village has had huge housing growth it needs a breather from anything on this scale.

- Finally, look at what they are building on the opposite side of the Milton Road. In my view that development adds nothing to the quality of this beautiful village, in fact I think it detracts from it substantially.
- I ask you to recommend refusal of this application.

3.3 The **Local Highway Authority (LHA)** has made detailed comments relating to the following issues

1. Parking levels are acceptable. However, I note plot 57 (3 bed house) only has one space provided while plot 56 (2 bed house) has two – suggest these are re-allocated to meet the appropriate standard.
2. In my opinion some parking areas are too isolated/separated from the associated housing units and will only encourage on-street parking which raises safety and access concerns.
3. The allocation of parking spaces on the carriageway is unacceptable and cannot be supported, especially the ones within the proposed road adoption area.
4. The parking areas which abut boundary walls etc appear too tight for vehicle users to open car doors etc. Standard parking space dimensions in terms of width should be 2.5m with an additional 0.15m for residents to open/leave their vehicles.
5. Parking arrangements for plot 36 will obstruct vehicle using the parking area for plot 35.
6. There is no calming feature on the access road into the site to reduce vehicle speeds (previously requested 09/00965/OUT).
7. There appears to be no clear forward visibility splays along the road/street alignments within the development – requires plan showing them.
8. The vegetation shown on the edge of the play area is likely to hide/obstruct pedestrian from vehicles passing by – potential safety hazard.
9. The play area may attract vehicle parking upon its green areas – suggest high kerbing is provided to deter this – unless other measure is proposed.
10. Majority of vehicle accesses into plots do not have pedestrian visibility splays of 2m x 2m – requires attention by the applicant.
11. Visitor parking being provided is not adequate in terms of numbers or locations.
12. No service strip shown (min 0.6m required).
13. Rumble strip required by plot 20 as footway ends.
14. Layout should consider more calming measures in terms of physical and design in line with Manual for Streets.

The agent has responded to these comments and further comments are awaited from the LHA.

3.4 **Oxfordshire County Council's Strategic Planning Officer** has considered the application against the relevant policies and County Council Interests and makes the following conclusions;

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, and 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 District will need to be satisfied that development on the scale proposed is appropriate to support the viability of local services in this village and justified to meet the needs of the immediate local population in line with policy BE4 of the SE Plan and their emerging Core Strategy.

It is **RECOMMENDED** that the County Council informs Cherwell District Council that, in relation to application number 09/01811/F:

It has no objection in principle to the development outlined in planning application number 09/01811/F; provided that if the District is minded to allow the development:

(i) it is satisfied that this scale of development is required to meet particular local social and economic needs in line with the objectives of policy BE4 of the SE Plan; and

(ii) permission will be subject to a legal agreement to secure appropriate developer contributions to necessary transport and non-transport supporting infrastructure.

- 3.5 The **Council's Strategic Housing Officer** has stated that there are currently 53 applicants on our Housing Register with a local connection to Bloxham. 50% of new dwellings on rural schemes are prioritised for applicants with a local connection to the Parish but a scheme in Bloxham may also meet wider needs. We hope to undertake a housing needs survey which can help provide a more accurate assessment of local need as the housing register often under measures need (people don't apply for homes which don't exist).

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

- The general gist of comments made in relation to the earlier application still applies
- The site is quite well concealed by topography, the site being in a shallow bowl.
- There would be some visibility from outside the site but not sufficient to refuse permission on landscape and visual impact grounds
- Some earlier concerns have been addressed
- There is now a 5m wide belt of planting along the eastern boundary. Most of the other boundaries are shown as being re-enforced. Given that the existing are leggy it would be best to plant another hedge line inside the existing.
- The western boundary needs more re-enforcing than is suggested by their visual analysis.

Specific comments were made with regard to the species to be used in the landscaping scheme. In response to the issues raised in the initial comments further landscape schemes were submitted and there are no overall objections but a few details still need to be addressed in relation to species mix and the layout of the LAP.

- 3.7 The **Council's Ecology Officer** has not commented on this specific proposal but in relation to the previous application considered that the ecological report submitted

seemed sufficient in scope and depth and she largely concurred with the conclusions within it. Conditions are required if the application is to be approved.

3.8 The **Council's Head of Building Control and Engineering Services** has examined the Flood Risk Assessment and agrees with the principal conclusions, namely,

- i. The risk of flooding from fluvial, groundwater and overland flows is negligible
- ii. Given that Thames Water have confirmed that there is sufficient capacity in their off-site foul sewer in Milton Road, a means exists to mitigate any foul water flooding
- iii. Because it has been shown that the permeability of the ground at this location is negligible the means of surface water drainage will have to be through attenuated flows to off-site watercourses.

Regarding ii) above the application indicates that an on-site pumping station will be needed. It is not shown how this will be maintained thus mitigating the ongoing risk of foul water flooding. Defra guidance now points to all such pumping stations being constructed to a standard whereby they can be adopted without any modifications on the mass-transfer of private sewers to the Water Company in 2011.

Regarding iii) above he is satisfied that the proposed attenuation volume of 697m<sup>2</sup> will be sufficient. However whilst the applicant has shown that part of it under adoptable highway will be maintained it is not shown how the rest will be, other than by alluding to the formation of a Management Company. Defra guidance points to all sustainable drainage being built to the requirements of the Lead Local Flood Authority (OCC) and offered to them for adoption. The attenuation solution also depends upon OCC agreeing a license for the proposed discharge into the highway ditch, and furthermore, the applicant has not shown there is a safe overland flood route should this design event be exceeded.

In response to some of the issues raised here the applicants provided a detailed response which satisfied the Council's Engineer.

3.9 The **Council's Environmental Protection Officer** states that as this development is of a sensitive nature an appropriate phased risk assessment condition should be included on any consent.

3.10 The **Council's Head of Planning & Affordable Housing Policy** comments as follows;

The site comprises 1.9 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 and is proposed to be a Category A village in the Council's Draft Core Strategy (proposed policy RA1). 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 mix of housing (affordable & market) would help meet defined local needs. I note that the mix of market housing is limited.

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. The application's proposal for 39% affordable housing, higher than the Council's current requirement of 30%, is a favourable consideration. The Council's Draft Core Strategy (para' A.142) states that local housing needs estimates (2009) suggest a need for some 390 affordable homes per year (288 on top of the current average supply of 102 per year). The 2009 Annual Monitoring Report notes however (para' 5.57) that the Council remains on track to meet the Housing Strategy target of at least 600 dwellings from 2005 to 2011.

#### 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).

Policy R8 of the NSCLP sets out standards for the provision of children's play space and formal sports provision, and policy R9 of the NSCLP seeks provision of amenity open space on site for a development of this size. The layout plan indicates a small area of amenity open space together with a children's play area. For a development of this size policy R8 requires the following:

61 dwellings x 2.43 persons per dwelling= 148 people

Children's playspace @ 8 sq m per person= 1184 sq m

Formal sports provision @ 16 sq m per person = 2368 sq m

As there is no on-site formal sports provision an off-site contribution would normally be required. Recreation and Health will be able to advise further on the level of contribution and what the contribution would go towards.

#### Housing Land Supply

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.

The Council's 2008 Annual Monitoring Report (AMR) noted that the district had a 5.3 year rolling supply for the period 2009-2014. The 2009 AMR shows that for the same period the district now has a 4 year supply rising to 4.5 years for 2010-2015 and 5.1 for 2011-2016.

PPS3 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 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.

In accordance with PPS3, the district's rolling supply of deliverable housing land takes no account of unidentified, small site windfalls. Planning permission does exist for some additional 500 homes which if 90% implemented would be more than

enough to boost rolling supply over 5 years in 2010/11. However, small, unidentified windfalls cannot be considered until they are recorded as complete. New LDF sites will also emerge over the next couple of years, boosting both near and long-term supply. Once such sites are considered to be available, suitable and achievable as defined by PPS3 they could be considered as part of the rolling supply of deliverable sites.

At the present time, however, it is considered that there is a need to increase the supply of housing that will be delivered over the period 2010/11 to 2014/15 so that the rolling supply of deliverable land increases back towards 5 years (from 4.5 years) for the year 2010/11. Performance over the next two years is expected to be low with an estimated 369 dwellings in 09/10 and 181 in 10/11.

PPS3 states that 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.

In the context of the district's housing supply position, this application should be carefully considered to see whether or not it meets PPS3 criteria as well as other policy considerations including the South East Plan, the saved policies of the adopted Cherwell Local Plan 1996 and the Non-Statutory Cherwell Local Plan 2011.

As a 'regulation 25' consultation document, the Council's Draft Core Strategy carries little weight. However, it sets out proposed directions of growth for the district having regard to available evidence. I am of the view that, in principle, the proposed development would not prejudice the continued preparation of the Core Strategy. Although the site lies in a rural area, outside built-up limits, Bloxham is one of the district's most sustainable villages and has been identified (proposed policy RA2) as a village at which it would be sustainable to accommodate some additional housing. The scale of development proposed in the application is also in keeping with the draft policies for rural areas. Careful consideration should nevertheless be given to detailed issues including the site's relationship with the village's built up area and accessibility to services and facilities.

If the proposed development were to be considered favourably, it must be clearly demonstrated that the site is deliverable (available, suitable and achievable) 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

increase the rolling supply for 2010/11 from 4.5 years. Sufficient certainty is needed to enable the site to be added to the district's rolling supply of deliverable housing land upon the grant of any planning permission.

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** has made the following comment;  
The Flood Risk Assessment carried out by Stuart Michael Associates dated November 2009 ref 3307.FRA&DS has provided sufficient evidence to demonstrate that the proposed development will not increase flood risk from surface water run-off.

The applicant has undertaken infiltration tests which show that infiltration methods to dispose of the surface water is not feasible and will therefore be providing on site attenuation using permeable paving and geo-cellular techniques. The run-off will discharge from the site into the adjacent highway drain no greater than the existing run-off rate.

The above has demonstrated the surface water strategy is feasible and will not increase flooding to the site and the surrounding area. As part of the detailed design we request that the applicant considers other SUDS methods that are above ground such as ponds and swales in order to have undertaken a hierarchy and best practice approach. This is a greenfield site and therefore we would expect the surface water to be mimicked as closely as possible.

We have **no objections** to the proposed development subject to conditions.

3.13 **Thames Water** has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the application be approved a condition should be imposed requiring a drainage strategy and an informative should also be included in relation to water pressure. In relation to water infrastructure Thames Water raise no objections.

3.14 **Thames Valley Police Crime Prevention Design Advisor** states that the Design and Access Statement makes reference to Secured by Design and the principles of it are referenced in the design of the scheme. The affordable housing will be expected to achieve Secured By Design accreditation to qualify for grant funding. In light of the undertakings to build to the principles of Secured by Design no objections are raised but it is requested that a condition be imposed to ensure that all properties are built to achieve the standard of Secured by Design – New Homes – Section 2.

3.15 The **Council's Anti Social Behaviour Manager** raises no objections or observations.

3.16 The **Council's Rural Development and Countryside Manager** states that the public right of way will not be affected by the development. The proposed screening planting seems to isolate the development from its rural context. If a link could be made from Bloxham FP4 to the eastern side of the site it would give residents of the development direct access to the countryside.

3.17 The **Council's Urban Design Officer** has made detailed comments in relation to the layout and design of the house types and stated that once these had been addressed she would be content for this application to be approved subject to conditions relating to materials, enclosures, hard and soft landscaping and the provision of design details for fenestration, porches and eaves. In response to earlier comments there have been some amendments to the detail of the scheme. However the further changes may be made but it is unlikely that these would affect the principle of the development.

3.18 The **Council's Arboricultural Officer** has made the following comments

- The most significant trees on the site are T3 – an oak, T4 – a willow and T5 – an oak.
- These trees at present are not protected by any statutory legislation.
- A TEMPO assessment was undertaken to assess their potential for inclusion within a TPO. The trees returned scores of 15, 12 and 15 respectively. Trees which return scores of 11 or above are considered worthy of long-term protection by a TPO.
- The trees are visible from the public footpath which is located in the field to the east of the proposed development site. T3, a mature open grown oak tree, in particular is of considerable public amenity value being clearly visible from the adjacent highway. The willow tree is the smallest of the three trees. It will attain prominence as it matures.
- No significant defects were noted at the time of the site visit.
- Although the trees are shown for retention as part of the development proposals, it is proposed that the trees are afforded some protection through the making of a TPO.
- As long as protective fencing is installed in accordance with BS5837:2005 prior to beginning of construction works proposed development should have minimal impact on trees 3 and 4.
- It is proposed that a pumping station be sited within the RPA of tree 5. I feel this to be unacceptable. The pumping station should be sited outside of the RPA of this tree.
- Reference is made to a detailed Arb Method Statement, but this does not appear to be included within the submitted information.
- Little provision appears to have been made on site for green space. The above three trees, as well as the existing hedgerows bordering the site will be important for softening the impact of the proposed development on the surrounding countryside.
- I am concerned that there will future pressure on tree 3 in particular regarding requests for pruning works for reasons of shade, leaf drop etc. The aspect of the rear garden for plot 9 will be dominated by this mature oak tree. I would like to see this plot removed from the proposal and for this area to become a small area of open space.
- Although it is proposed that a management company will maintain the hedgerows and other areas of landscaping for five years, who will be responsible for the maintenance of the hedgerows after this date?

I would like to see some amendments made to the proposals. Namely 1) the pumping station sited outside the RPA of tree 5, and 2) Plot 9 removed from the proposals to ensure that tree 3 is not compromised by future requests for pruning. This is a very prominent tree and an important landscape feature.



The other issues can be dealt with by way of planning conditions.

#### **4. Relevant Planning Policies**

##### **4.1 South East Plan**

**SP3** – Urban Focus for development

**CC7** – Infrastructure and implementation

**H2** – Managing the delivery of the regional housing provision

**H3** – Affordable Housing

**H4** – Type and size of new housing

**BE5** – Village Management

**AOSR1** – Scale and location of housing development in the rest of Oxfordshire

##### **4.2 Adopted Cherwell Local Plan**

**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**

**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 additional housing in this location
- Whether the proposal would have an adverse landscape impact
- Whether the proposal is acceptable on Design grounds
- 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 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 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.

Policy EN34 is similar in its guidance to Policy H4 of the adopted Cherwell Local Plan and the same consideration is relevant.

The proposal is contrary to Policies H15, H19 and EN34 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 at 3.10 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 proposal seeks to demonstrate that this can be achieved. Unlike the earlier application which was in outline only this proposal shows all details which demonstrates that full consideration has been given to the layout and design and also removes the need for a further submission and further delays. A letter from the landowner's agent also confirms that the land is available for development immediately as Bewley Homes plc has an extant Option to Purchase the land and subject to a satisfactory planning permission being granted, they must exercise their right to purchase within a strict period of time shortly thereafter. Bewley Homes have also confirmed that funds are available to enable this to take place. In addition to these steps the applicant's are willing to accept a shorter time limit to help ensure that the development commences in the immediate future and is complete by 31 March 2015.

In addition to this demonstration of deliverability 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 considered these criteria have largely been met with the current scheme as, with the exception of local residents, the majority of the consultation responses have come back with no in principle objections to the scheme and the detail of which will be discussed in the following sections. As submitted it is considered that the proposal meets the requirements of PPS3.

#### 5.5 Need for housing in this location

The earlier outline application was for a development comprising of a nursing home and retirement dwellings. It was determined that there was no identified need for this specialised form of development and that it did not contribute to the shortfall in the housing land supply. This therefore formed part of the earlier refusal reason. However this scheme does not provide specialised housing but instead provides a mix of market and affordable dwellings. It is considered that this contributes to the shortfall in housing land supply and at the same time will help meet local needs for affordable units of accommodation.

#### 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 also seeks to conserve and enhance the environment.

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. It is recognised that the proposed development would intrude into the open countryside but it is not considered that the visual impact would be so significant that the application could be refused on these grounds.

The proposal includes a detailed landscaping scheme which seeks to soften the appearance of the development but will not completely screen it. The layout has been designed as such that there are as few gables and rear elevations as possible along the outside edges. This in itself softens the edges and does not form a harsh built edge to the village.

As a result of a detailed site visit by the Council's Arboriculturalist three trees have been protected by Tree Preservation Orders. These are yet to be confirmed. However the development proposal has sought to retain these trees as part of the layout and therefore the trees should not effect implementation. However it was suggested that Plot 9 be removed from the scheme to avoid any future pressure for works to the tree. However this is not justified given that the location of the property takes into account the retention of the tree and the construction of the property is unlikely to affect it.

### Design

The application has been submitted in full and provides a detailed layout and elevation and floor plans of each property.

The proposed scheme results in a housing density of approximately 32 dwellings per hectare. Although this density is likely to be significantly greater than that found on adjoining sites it is just above the minimum of 30 dwellings per hectare as recommended in PPS3 Housing. This is therefore considered to be appropriate for a village location.

The layout is such that a series of small closes are created which lead off a central road through the development. When entering the site there will be an open aspect resulting from the open space and play area which acts as a village green. A large number of properties will face onto this space.

The house types vary in design but there are a variety of terraced, semi-detached and detached properties. One bungalow is proposed. With the exception of the bungalow all the other properties are two storey in height. Whilst the precise details of the materials will be controlled by condition the proposed materials will a mixture of buff and red brick, stone, slate and concrete tiles. These are all found in the vicinity of the site and are appropriate for the location. The Council's Urban design Officer has considered the proposals and is generally happy with the layout and design of the scheme.

A large proportion of the properties benefit from on plot parking whilst the rest have

allocated spaces in small parking courts. Each property benefits from its own garden all of which are appropriately sized for the size of properties.

The layout of the site and design of the buildings is considered acceptable and should provide a high quality living environment.

#### 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 helps 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, the relationships between the existing and proposed properties meet the Council's informal standards for space around buildings. Existing properties located on Barford Road benefit from gardens of up to 23 metres in length. Where there are new properties proposed there is a further gap of 12 metres between rear facing elevations. A shorter gap exists between the rear elevation of Bryher and the side elevation of Plot 54, but this still more than complies with our informal space standards. Existing properties on Milton Road have shorter gardens but where there are rear facing elevations a minimum gap of 24 metres is retained. The proposed bungalow is within 15 metres of the rear of a property called Andsu but the side elevation faces the rear of the existing property and given the nature of the bungalow there will be limited harm caused as a result. These arrangements indicate that this form of development can be accommodated on site without causing 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 the previous submission the access width is acceptable and the vision splays can be achieved by trimming back overhanging vegetation. There is no objection in principle to the proposed access, although the detailed design would need to be addressed.

In terms of pedestrian links to the village the proposal includes an extension to the footpath on the south side of the road. Although the Local Highway Authority would prefer to see this link closer to the junction it is acknowledged that this is not easily achieved due to land ownership and existing planting. Therefore the Local Highway Authority are satisfied with this detail.

After initial concerns were raised in relation to the level of parking further details have been provided and the LHA are now satisfied that the parking levels are adequate. In general terms the parking level is just over two spaces per dwelling but the precise number of spaces is adequately distributed in relation to the size of dwellings.

Although the LHA did not raise objections about the principle of the development clarification was sought on a number of issues. The agents have attempted to address these and further comment are awaited from the LHA.

## 5.9 Other Considerations

### Planning Obligation

The proposed development would generate a need for infrastructure and other contributions, that need to be secured through a planning obligation, to enable the development to proceed. Negotiations are underway which seek to secure the development contributes sufficiently to providing the infrastructure required as part of this development. However the precise details have not been agreed to date as the developers are seeking some reduction in the overall level of contributions as they consider that the initial contributions sought could affect the delivery of the scheme. It is considered that there is a balance to be reached between the developers being able to viably deliver the scheme within a shorter timescale to help meet the Council housing land supply shortage and the development providing sufficient infrastructure contributions to support it. Although details are still being discussed it is likely that heads of terms will include;

- Affordable housing – the application proposes 40% affordable housing, (10% more than the Council requires). Furthermore, whilst the Council seeks 50% of the affordable units to be built to Lifetime Homes Standards the developers are proposing to provide 100% of the affordable units being built to this standard.
- Outdoor sports facilities
- Open space contributions
- Highways and public transport contributions
- County Council Education contributions
- County Council Library contributions
- County Council Day Centre for the Elderly contributions
- County Council waste recycling contributions
- District Council refuse bin contributions
- District and County Council administration/monitoring fees

Public art, indoor sports, museum resource and Thames Valley Police contributions have been removed from the draft heads of terms as there are currently no policy justifications for requiring these sums and whilst desirable failure to provide them will not adversely affect the quality of the development or the infrastructure provision to existing and future residents. Whilst public art will not form part of the legal agreement the developers have agreed that they would be prepared to provide some form of feature in or around the open space, for example decorative railings. In terms of maintenance these are unlikely to be more costly than standard railings that would be required as part of the open space scheme.

Further clarification on this will be provided.

### Flood Risk Assessment

Since the previous application the Flood Risk Assessment has been revised and the Environment Agency are now satisfied with the flood risk assessment submitted with the application. This view is supported by the Council's own Engineer.

### Departure Procedures

This proposal is considered to be a departure from the development plan and in the past such an application would had to have been referred to the Government for the South East. However the publication of Circular 02/2009 revises this position and it

is no longer necessary for applications such as this to be referred.

#### 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 previous proposal for a nursing home and retirement dwellings was 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. However this scheme, by providing 100% housing, with 40% affordable, and demonstrating deliverability is considered to contribute to this housing land supply. In addition to contributing towards this shortage the development is considered to meet the other tests set out in PPS3 (set out in the Head of Planning and Affordable Housing Policy section above). It is therefore recommended that this application be approved.

### **6. Recommendation**

#### **Approve subject to**

##### **a) the completion/signing of a section 106 agreement**

##### **b) the following conditions;**

1. That the development to which this permission relates shall be begun not later than the expiration of 2 years beginning with the date of this permission. (RC2)
2. SC 2.2AA Samples of walling materials (RC4A) 'bricks and stone' 'new dwellings and garages'
3. SC 2.2BB Samples of roofing materials (RC4A) 'slates and tiles' 'new dwellings and garages'
4. SC 5.5 AA Submit New Design Details (RC4A) 'Doors, windows'
5. SC 2.10A Finished floor levels (RC7A)
6. SC 3.1A Carry out Landscaping Scheme and Replacements (RC10A)
7. SC 3.10A Open Space (RC12B)
8. SC 4.1AB Access, specification proposed (RC13BB)
9. SC 4.5AA Vision Splay Dimensions (RC13BB) 'first occupation' 'proposed development' '4.5m by 90m'
10. SC 4.9AB New Estate Roads (RC14AA)
11. SC 4.10AA Estate Accesses, Driveways (RC14AA)
12. SC 4.13CD Parking and Manoeuvring Area Retained (RC13BB)
13. SC 4.14DD Green travel plan (RC66A)
14. Prior to the first occupation of the proposed development the required off-site works are to be constructed, laid out and to the approval of the Local Highway Authority and constructed strictly in accordance with the highway authority's specifications and that all ancillary works shall be undertaken. (RC16AA)
15. SC 9.3 Construction Environmental Management Plan (RC84)
16. SC 9.4A Carry out mitigation in ecological report (RC85A) 'Sections 4 and 5' 'Ecological Appraisal' 'Diversity' 'July 2009'
17. Prior to the commencement of the development hereby permitted a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model shall be carried out by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and shall be submitted to and approved in writing

by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified. Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and PPS23: Planning and Pollution Control.

18. If a potential risk from contamination is identified as a result of the work carried out under condition w, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition. Reason: as above
19. If contamination is found by undertaking the work carried out under condition x, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition. Reason: as above
20. If remedial works have been identified in condition y, the remedial works shall be carried out in accordance with the scheme approved under condition y. The development shall not be occupied until a verification report (referred to in PPS23 as a validation report), that demonstrates the effectiveness of the remediation carried out, has been submitted to and approved in writing by the Local Planning Authority. Reason: as above
21. SC5.9AA Archaeological Watching Brief (RC28AA)
22. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Dated November 2009, carried out by Stuart Michael Associates ref 3307.FRA&DS and the following mitigation measures detailed within the FRA:
  - Limiting the surface water run-off rate generated by the development to 3.4l/s/ha so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - Providing sufficient attenuation for a volume of 697m<sup>3</sup> so that it will not exceed the run-off volume from the undeveloped site and not increase the risk of flooding off-site.
  - All adoptable roads and parking areas will be permeable paving and all dwellings will have water butts.

**Reason:**

- To prevent flooding by ensuring the satisfactory disposal of surface water from the site.



- To prevent flooding by ensuring the satisfactory storage of surface water from the site.
  - To provide sufficient attenuation and other benefits such as water quality and water re-use.
23. Development shall not commence until a drainage strategy detailing any on or off site drainage works, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.
- Reason:** The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact on the community.

#### **Advice to Applicant**

1. From 6 April 2008 it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000.

The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT.

For projects estimated at between £300,000 and £500,000 (excluding VAT) the SWMP should contain details of the:

- types of waste removed from the site
- identity of the person who removed the waste
- site that the waste is taken to.

For projects estimated at over £500,000 (excluding VAT) the SWMP should contain details of the:

- types of waste removed from the site
- identity of the person who removed the waste and their waste carrier registration number
- a description of the waste
- site that the waste was taken to
- environmental permit or exemption held by the site where the material is taken.

At the end of the project, you must review the plan and record the reasons for any differences between the plan and what actually happened.

You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at [www.netregs-swmp.co.uk](http://www.netregs-swmp.co.uk)

It is suggested that larger areas of hard standing e.g. walkways/car-parking are constructed following the recommendations set out in Sustainable Urban Drainage Systems guidance. This can be continued with designs for open space and landscaping within the area. The use of SUDS can attenuate the disposal of water and reduce the impact of pollutants to nearby watercourses. Guidance is available from Planning Policy Statement 25 or from the Environment Agency website, [www.environment-agency.gov.uk/suds](http://www.environment-agency.gov.uk/suds)

Rainwater harvesting should be used where possible.

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

The Council as local planning authority, has determined the application having had careful regard to the development plan and other material considerations. Although the site is not allocated for development in the adopted Cherwell Local Plan the Council considers the following material considerations sufficient to justify the granting of planning permission as a departure from the adopted Local Plan. The need for the site to be developed to accord with the Council's strategy for meeting housing delivery requirements, development that results in high quality housing and minimises and mitigates landscape and other impacts has led the Council to consider the proposal acceptable. The proposal is in accordance with PPS3 – Housing and Policies BE5, H2 and H3 of the South East Plan.

**CONTACT OFFICER: Caroline Roche**

**TELEPHONE NO: 01295 221816**



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<b>Application No:</b> <b>10/00023/TWA</b>	<b>Ward:</b> <b>Bicester East</b>	<b>Date Valid:</b> <b>08.01.10</b>
<b>Applicant:</b>	The Chiltern Railway Company Ltd	
<b>Site Address:</b>	Bicester to Oxford Rail Link	

**Proposal:** Improvements to the railway line between Bicester and Oxford as part of the proposals by Chiltern Railways to provide a new route between Bicester and London.

## 1. Site Description and Proposal

- 1.1 The proposal seeks to upgrade the existing line through Bicester Town to Oxford, and to provide a connection between the existing Bletchley to Oxford rail line to enable the operation of direct train services between London Marylebone and Oxford via High Wycombe.

The main components of the scheme are to:

- (i) Provide a new connection twin track chord railway line from the London to Birmingham line to the Oxford to Bicester to Bletchley line at Gavray Drive.
- (ii) Rebuild Bicester Town Station with two platforms and the reinstatement of a double track.
- (iii) Upgrade the railway line from Bicester through Islip and through to Oxford to enable trains to travel at speeds up to 100mph.
- (iv) Rebuild Islip Station with two platforms and disabled access provision.
- (v) Provide new parkway station on the existing grain silo site at Gosford and Water Eaton with ticket office, coffee shop and additional parking.
- (vi) Relocate the existing rail aggregates depot at Gosford and Water Eaton onto land to the north.
- (vii) Improvements to Oxford Station.

- 1.2 The new service is scheduled to commence in May 2013 and will provide two trains per hour between London Marylebone and Oxford with journey times of 66 minutes from Oxford and 58 minutes from Water Eaton. The journey time for Bicester to Oxford will be reduced to 14 minutes. All trains will call at Oxford, Water Eaton and Bicester Town with a reduced service calling at Islip.

- 1.3 The proposal is being considered under the Transport and works Act 1992 and Cherwell District Council are currently being asked to consider the proposal as a consultee. A public inquiry later this summer will consider all the representations and any objections and the conditions attached to the direction will be discharged by the Local Planning Authority. In effect this means that Cherwell District Council

will discharge conditions and agree the detailed designs of the buildings and structures etc. following the presentation of illustrative proposals at the inquiry.

- 1.4 The proposals follow improvement works which have already been carried out following the Evergreen 1 and Evergreen 2 projects which resulted in the doubling of the track between Bicester and Aynho improved line speed, extra signaling between London and Bicester and two extra platforms at London Marylebone.
- 1.5 There are currently 38 rail crossings between Bicester and Oxford, in the main serving local footpath networks and farm complexes. National policy is to eliminate as many of these as possible for health and safety reasons.

The scheme will therefore result in the need to close and divert a number of rail level crossings, footpaths and bridleways, with a number of existing crossings combined with adjacent crossings and/or replaced with a bridge where necessary. The existing London Road Bicester level crossing will be retained.

## **2. Application Publicity**

- 2.1 Cherwell District Council are a consultee as the proposal is being considered under the Transport and Works Act 1992. No publicity has therefore been carried out by Cherwell District Council. All the necessary public and statutory consultations and publicity have been carried out by Chiltern Railways.

## **3. Consultations**

- 3.1 Cherwell District Council is a consultee and therefore consultations have not been carried out, although comments from the Council's Environmental health Department in respect of noise, dust and air quality are awaited.
- 3.2 Gosford and Water Eaton Parish Council have copied Cherwell District Council in on comments that they have made on the proposal which focus mainly on the relocation of the aggregate depot, and, part of the park and ride periphery road into the Green Belt and the Traffic Impact Assessment which has been carried out and in relation to the previous appeals on the site.

Whilst accepting the rail improvements in principle however, the Parish Council's objections are briefly summarised as follows:-

- (i) Any development not contained within the boundaries of the existing railway and grain silo site are unacceptable and cannot be justified under Green Belt Policies.
- (ii) Decking the proposed car park to provide 1,032 spaces is unacceptable as additional traffic could lead to congestion on the A4165 and grid-locking the local network. Do the T.A's include expected vehicle growth from future major proposals also? Policy is to reduce car travel.
- (iii) Concern about the capacity of junctions to accommodate the additional traffic.
- (iv) Little information about how the traffic flows are made up, in particular

taking account of term time and school runs.

- (v) The statement does not take into account by those coming to the site by car, or by bus.
- (vi) Has any consideration been given to proposing a direct link road between the A34 or via a route onto the A4165?
- (vii) Will there be parking charges, if so this could lead people to choose the free park and ride car park, or to park in local residential streets in Kidlington.
- (viii) Need to ensure that any combined bridle/road over bridge is not only commodious enough for farm use but also for safety of walkers.
- (ix) Need to monitor noise and vibration during construction.
- (x) Chiltern Railways should update their FRA to compare with the Environment Agency's new flood map for the area.
- (xi) More details are required regarding surface water from the new parkway station and polluted water run-off.
- (xii) Object to the relocation of the aggregates depot into the Green Belt and question whether this actually has consent. This use has also caused noise problems in the past. Require routeing agreement for heavy lorries.
- (xiii) Grundons have a consent for recycling and waste at the site and are concerned that this could end up being located adjacent to the aggregate depot.
- (xiv) The grain silo is used by nesting birds including swallows and this should be taken into consideration.

The majority of these concerns relate to highway issues which will need to be addressed by the Highway Authority.

## **4. Relevant Planning Policies**

- 4.1 Policy S17 of the Non-Statutory Cherwell Local Plan identifies the Bicester Town railway station land to the north of the railway line for mixed use development and identifies an area specifically for uses related to the railway station. Policy TR29 safeguards land at Gavray Drive for the provision of the new 'chord' line relating to the improved railway network.
- 4.2 The land just south of Wendlebury lies within the Oxford Green Belt. The developments, particularly relating to Islip Station and Gosford and Water Eaton must therefore be considered under Policy GB1 of the Non-Statutory Cherwell Local Plan together with Central Government Guidance in PPG2 'Green Belts'
- 4.3 South East Plan Policies SP2, SP5, T1, T8, T11, T14, CO4.

## **5. Appraisal**

### **Bicester Town Station**

- 5.1 The proposal seeks to rebuild Bicester Town Station which is located to the south of the town centre. The new station building which will include a ticket office and coffee shop will be located on the west side of the railway, accessed from Station Approach. The existing access from Station Approach onto the London Road will be realigned. Parking provision will be made for up to 519 car parking spaces, motorcycles and bikes. The car park will be ground level initially but may be decked as demand increases.
- 5.2 This existing railway line is already in use albeit a very reduced service. This proposal will contribute to the improvement of the rail service to and from London to the town. The existing station is currently underused and not very well connected to the town centre. The proposal is welcomed in respect of providing the improved rail links to Bicester which is to experience significant growth over the next four years. Visually the proposal is unlikely to adversely affect the character and appearance of the area.
- 5.3 Planning consent was granted in July 2008 for the creation of a new car park to serve as a park and ride facility for Bicester Town Railway Station and a further overspill car park to serve Bicester Village (08/00704/F refers). If this rail proposal is implemented it will not be possible to implement the above mentioned permission and therefore a fresh application will be required.
- 5.4 The existing pedestrian Tubbs Lane crossing is well used and will therefore need to be replaced with a new footbridge to provide a safe crossing for the large number of users which include those pushing prams and bikes and the mobility impaired. The proposed new bridge therefore needs to be fully DDA compliant and will be a steel ramp and stepped structure on steel pillars either side of the railway.
- 5.5 There are some concerns regarding the size and visual appearance of this new footbridge which will be visible from Garth Park, Launton Road and the adjacent residential development, and it is therefore suggested that Chiltern Railways seek to ensure that all efforts are taken to ensure that the bridge structure is designed to reduce its size, visual impact and therefore impact on adjacent residential properties as much as possible.

### **Islip Station**

- 5.6 It is proposed that Islip Station will remain a station principally for local commuter use rather than for the wider area. The proposed improvements comprises two new eight car platforms with improved disabled access to both platforms. A new shelter will be provided with a footbridge linking the two platforms. The works to Islip Station are not significant and will have minimal impact upon the visual amenities of the locality, the residential amenities of adjacent residential properties and is unlikely to generate increased traffic to the village because of the lesser status of this station compared to Bicester Town and Gosford Parkway. These proposals are therefore considered acceptable in terms of the character and appearance of the

street scene and the character, appearance and openness of the Green Belt.

### **Water Eaton Parkway**

- 5.7 A new parkway station is proposed on the site adjacent to the existing park and ride and currently occupied by the grain silos. This new station will serve Kidlington, Yarnton, North Oxford and the surrounding area. The proposed station will include a ticket office, coffee shop and additional car parking. The car park will be initially a surface car park but will have the potential to be decked should the demand arise in the future. The existing aggregate depot and the railway sidings would be relocated on land to the north.

The existing access into the grain silo site would be closed and the access into the adjacent park and ride will be redesigned to serve the additional traffic.

The new station building is proposed to be two storey so that direct access can be gained from the higher level A4165 and the bus stops along it.

### **Existing Public Right of Way and Level Crossings**

- 5.8 The Bicester to Oxford route was originally built between 1848 and 1851 and has a total of 38 road, footpath, bridleway and accommodation crossings between Bicester and Oxford. As the scheme will result in a more frequent and faster service on the line than at present, and to ensure the safety of rail users and users of those crossings it will be necessary as part of the proposal to close all but one of these crossings and where appropriate to replace them with bridges. In some instances these crossings will be amalgamated thereby reducing the number of crossings along this length of railway. The crossings are as follows:-

- Gavray Drive – a new stepped footbridge will be constructed over the rail chord
- Tubbs Lane – a new DDA compliant bridge will be constructed.
- London Road level crossing will be retained.
- Langford Lane level crossing will be closed and a new road provided to the south avoiding the Alchester Scheduled Ancient Monument.
- Elm Tree Farm will be closed and diverted to the replacement bridge for Langford Lane
- Merton Footpath will be replaced by a new footbridge over the railway.
- Wendlebury Footpath will be closed and diverted to the Merton footbridge.
- Beebont bridleway will be closed and replaced with a new dual purpose bridleway and farm accommodation bridge to the south of Holts Farm.
- Oddington footpath will be closed and diverted to a new bridge at Oddington level crossing.
- Yew Tree Farm will be closed and diverted to Oddington level crossing



- Oddington level crossing will be closed and a new highway bridge provided.
- Islip footpath will be closed and diverted to link with a new footbridge at Oddington No. 5.
- Oddington No. 5 will be closed and replaced with a stepped metal bridge.
- Islip No. 4 will be closed and re-diverted to Oddington No. 5
- Islip level crossing will be closed and new bridge proposed.
- Water Eaton No. 5 will be closed and diverted.
- Gosford and Water Eaton No. 4 will be closed and diverted.

Overall the integrity of the public rights of way network has been retained and where crossings are being closed either a replacement or diversion to a nearby bridge have been proposed. The number of new footbridges have been kept to a minimum by rationalizing the number of crossings thereby reducing visual impact upon the character and appearance on the open countryside and adjacent residential properties as much as possible. It is therefore considered that there would be no significant harm as a result of these proposals to justify an objection.

### **Impact on Green Belt**

- 5.9 A significant element of the scheme includes works which are within the Oxford Green Belt, namely the dualling of the track within the existing railway corridor, a number of road and footpath and bridleway bridges, Islip Station and Water Eaton Parkway.

Great importance is placed on protecting the Green Belt and substantial weight must be attached to any harm proposals may cause to it. PPG2 'Green Belt' states that there is a general presumption against inappropriate development within the Green Belt and such development should not be approved except where 'very special circumstances' have been demonstrated. The presumption against development in the Green Belt is carried through policies within the South East Plan and Local Plan Policies.

It is considered that the new roads and footbridges over the railway within the Green Belt are necessary to maintain the existing rights of way and that their visual harm is outweighed by health and safety issues. The bridges and roads will not be visible from great distances and they will therefore have minimal impact on the character, appearance and openness of the Green Belt.

The improvements to Islip Station are not considered to be significant in terms of the character, appearance and openness of the Green Belt and are therefore considered acceptable.

The most substantial development within the Green Belt is the construction of the new Water Eaton Parkway and relocation of the existing aggregate depot. With the exception of the relocated aggregates depot which will be into agricultural land to the north, the land here is previously developed land and contains a number of

buildings including a large derelict grain silo and is hard surfaced for much of it. The development proposed, however, is quite clearly 'inappropriate' development within the Green Belt and therefore can only be considered acceptable if there are very special circumstances which justify it. The existing grain silo is extremely prominent within the Green Belt and its demolition will reduce the impact that this site has on the character, appearance and openness of the Green Belt.

It is considered that the new parkway station with associated car parking is inappropriate development which will have an impact upon the character, appearance and openness of the Green Belt. However, it is considered that the harm is outweighed by the very special circumstances case submitted which states that the proposal will increase the rail capacity along the Birmingham to London rail corridor benefitting both passengers and freight from the Midlands via Oxford to the Solent Ports and thereby providing a more sustainable public transport system, and also to facilitate the provision of the East West Rail Link.

Concerns however are raised over the relocation of the aggregate depot into the open countryside and Green Belt to the north of the existing site. The proposal contains very little information regarding this current use, the area of land involved and how this new enterprise will be accommodated. In this regard therefore it is considered that this element of the proposal is inappropriate development for which no very special circumstances have been made, contrary to the South East Plan and Local Plan Policies and advice within PPG2 'Green Belts'.

## **6. Recommendation**

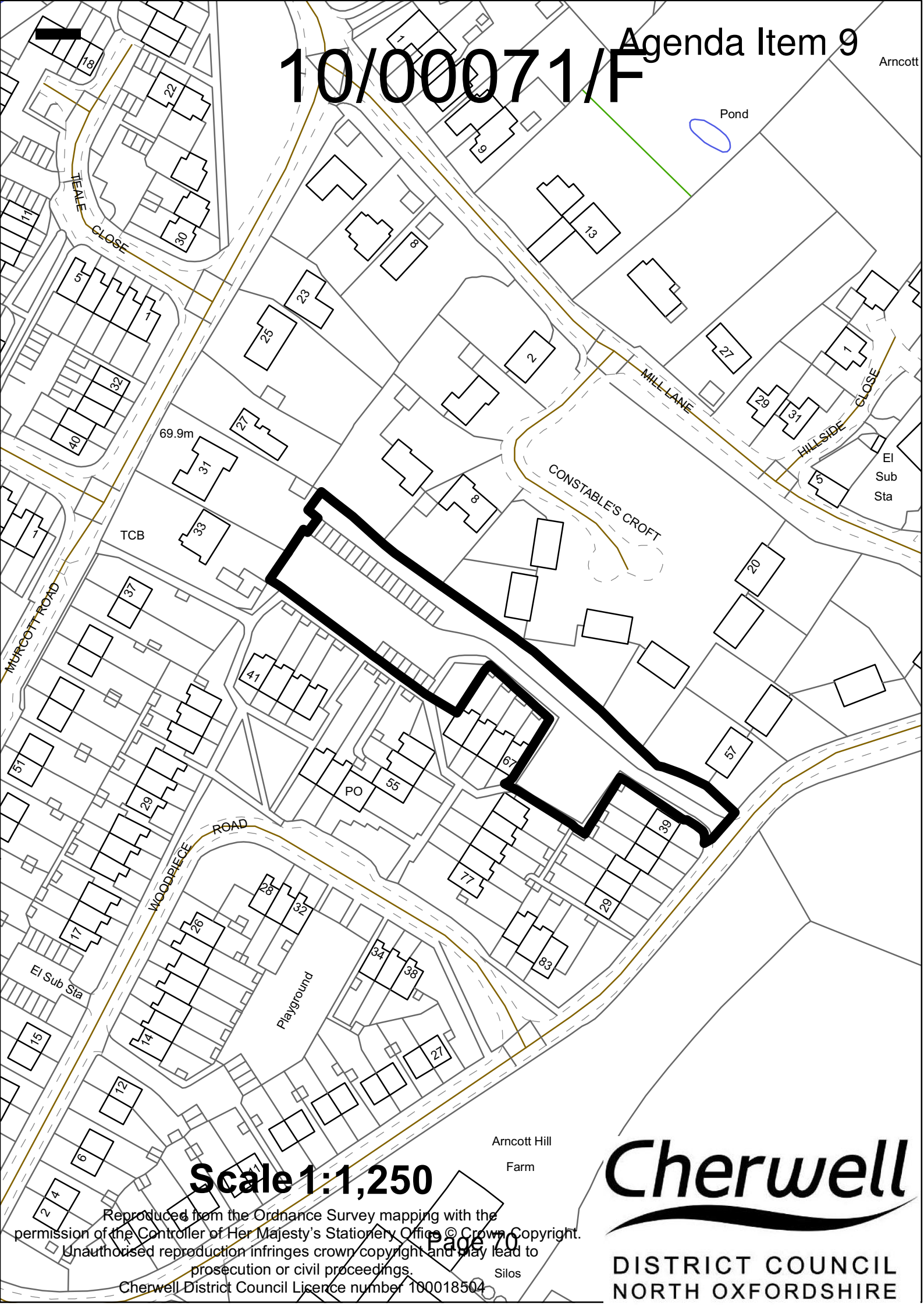
**That Chiltern Railways be advised that Cherwell District Council welcomes the proposed improved passenger rail service and supports the application in principle but raises the following issues:-**

- 1. The relocation of the aggregate depot into the open countryside and Green Belt north of the site is contrary to Policies SP5 and CO4 of the South East Plan, Policy GB1 of the adopted Cherwell Local Plan, Policy GB1 of the Non-Statutory Cherwell Local Plan and Central Government Guidance in PPG2 'Green Belts' and is therefore inappropriate development for which no very special circumstances have been put forward.**
- 2. There are concerns about the design of the new bridge over the Tubbs Lane crossing in terms of its visual impact upon the amenities of the locality in general and impact upon the residential amenities of adjacent residential properties in terms of its size, height and appearance from those properties.**
- 3. The District Council queries the need to provide so much car parking at Bicester Town Station and how this proposal relates to the County Council's Integrated Transport proposals for Bicester and the proposed park and ride facility at South West Bicester.**

**CONTACT OFFICER: Linda Griffiths**

**TELEPHONE NO: 01295 227998**

10/00071/F



TCB

69.9m

CONSTABLE'S CROFT

Pond

El Sub Sta

El Sub Sta

Playground

Ancott Hill Farm

Silos

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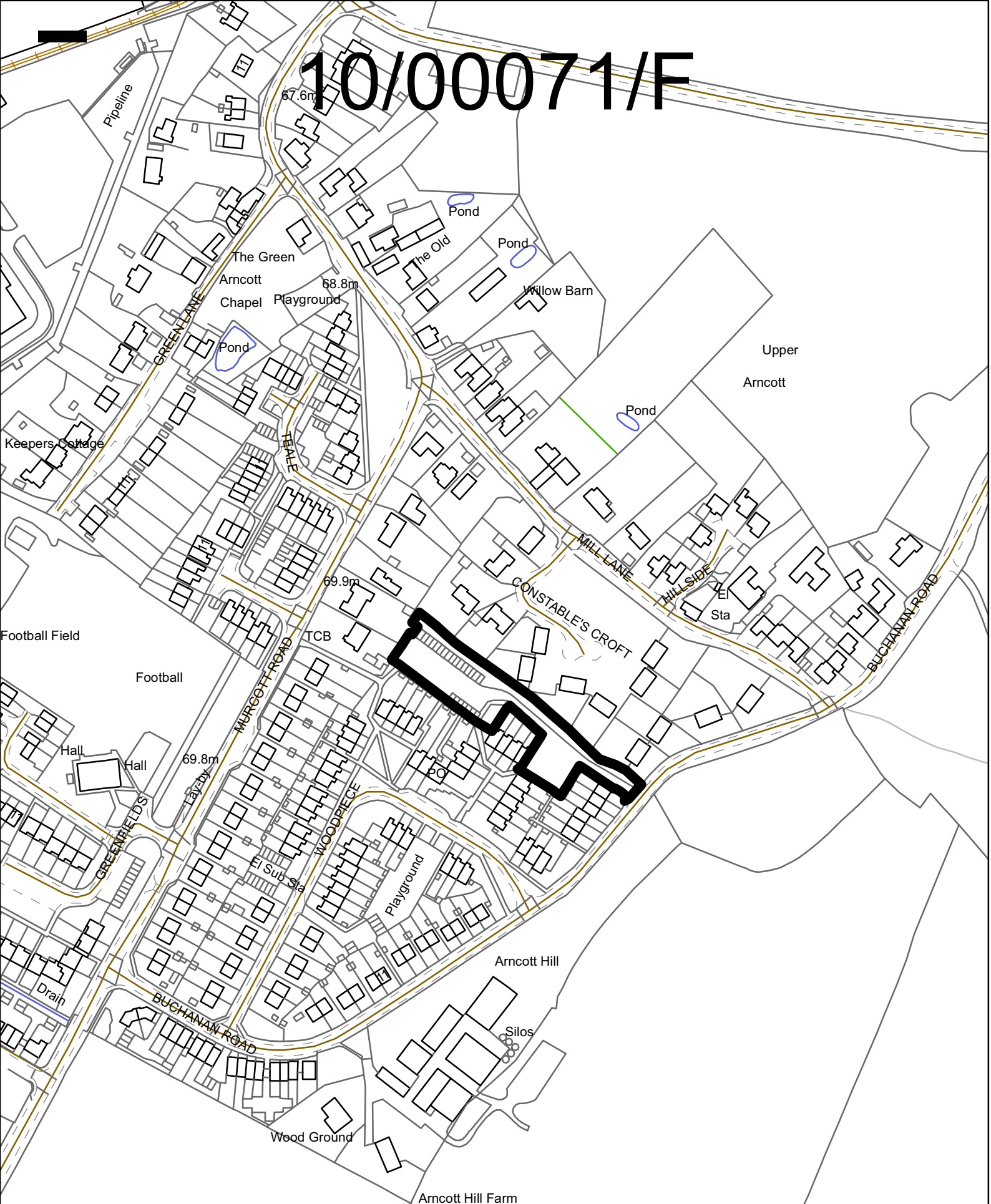
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**Cherwell**

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

10/00071/F



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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application No:</b> 10/00071/F	<b>Ward: Launton</b>	<b>Date Valid: 19/1/10</b>
<b>Applicant:</b>	Sanctuary Group	
<b>Site Address:</b>	Garage area rear of Buchanan Road, Upper Arncott	

**Proposal:** Erection of 6 no. Dwellings. Demolition of Garage Blocks (as amended by plans received 12/2/10).

## 1. Site Description and Proposal

- 1.1 The application seeks planning permission for the erection of six, semi detached, two storey units of affordable housing consisting of three 2 bedroom houses and three 3 bedroom houses. They will occupy the space created by the demolition of 24 garages on land to the rear of 41-57 Buchanan Road. The area around the garages is hard landscaped with concrete. The site is not located within a Conservation Area, nor are there any listed buildings in close proximity to the site.
- 1.2 The area surrounding the site consists entirely of housing, the majority of which is two storey terraced or semi detached. Several bungalows lie to the north of the site, within Constable's Croft.
- 1.3 The site is accessed via Buchanan Road, with the proposed dwellings occupying the western end of the site. Each dwelling is to be provided with two dedicated parking spaces and a private rear garden.
- 1.4 The scheme also proposes one new and the formalising of one existing parking area. The new parking area will provide 8 spaces, and the formalised parking area will provide 16 spaces that will be demarcated to maximise the area's functionality and capacity. The applicant's agents have undertaken a parking survey report which provides a quantitative analysis of both garage occupancy and current parking levels on the site. This is discussed in more detail below in the section addressing highway safety.

## 2. Application Publicity

- 2.1 The application has been advertised by site notices, neighbour letter and press notice. The final date for comment was 26 February 2010. At the time of writing the report 15 letters of objection and 3 letters of comment have been received which are summarised below:

2.2 The following material planning considerations have been raised;

- Flooding/drainage issues with regard to the ditch running through the site
- Accessibility and usage with regard to parking and refuse collection
- Loss of trees
- Lack of community facilities to accommodate new development
- Overlooking & loss of privacy
- Overshadowing
- Access serving the site is inadequate
- Loss of parking & increase in traffic
- Residents not informed about planning application
- Unclear from plans whether brick wall to rear of no.31 is to be retained

The following non-material considerations have been raised;

- Noise and disturbance created by construction traffic
- Would prefer to see development near the Tally Ho Hotel

### **3. Consultations**

- 3.1 Arcott Parish Council have yet to comment on the proposal.
- 3.2 Oxfordshire County Council Highway Authority raise no objection to the proposal, subject to conditions.
- 3.3 Thames Water raises no objection to the proposal.
- 3.4 Environment Agency has assessed the proposal as having a low environmental risk.
- 3.5 Head of Planning and Affordable Housing Policy raises no objection to the proposal.
- 3.6 Natural England raises no objection to the application.
- 3.7 Head of Building Control and Engineering Services raises no objection to the proposal.
- 3.8 The Council's Environmental Protection Officer has not commented on the proposal.

### **4. Relevant Planning Policies**

- 4.1 Planning Policy Statement 1: Delivering Sustainable Development
- 4.2 Planning Policy Statement 3: Housing



- 4.3 Planning Policy Guidance 13: Transport
- 4.4 South East Plan 2009 – Policies CC1, CC6, H2, H3, H5, BE1 and T1
- 4.5 Adopted Cherwell Local Plan 1996 – Saved Policies H6, C28 and C30

## **5. Appraisal**

- 5.1 The key issues to consider are the principle of the development, the design and layout of the development, the impact on neighbouring properties, the impact upon highway safety and flooding/drainage issues.

- 5.2 Principle

PPS3 sets out the national planning policy framework for delivering the Government's housing objectives and states that the specific outcomes that the planning system should deliver including housing developments in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure, and a flexible, responsive supply of land managed in a way that makes efficient and effective use of land, including the re-use of previously developed land.

- 5.3 These objectives should be achieved by making effective use of land, existing infrastructure and include the consideration of the opportunity for housing provision on surplus public sector land to create mixed use developments.

Relevant regional planning policy is to be found in SE Plan Policy H3 that seeks to promote a substantial increase in the amount of affordable housing throughout the region. This policy particularly encourages the securing of small scale affordable housing sites within or well related to rural settlements.

- 5.4 Arncott is included in the list of Category 2 settlements in the adopted Cherwell Local Plan. This restricts new housing development to infill sites or conversions. This is not an infill site, and therefore the proposal is contrary to Policy H14 of that plan. However Policy H6 of the same Plan allows the development of 'exception sites' where the site can be guaranteed to meet a specific and identified local housing need, and where secure arrangements can be made to secure this occupancy into the future.

The application proposes the construction of a 100% affordable housing scheme by an RSL, and that aims to meet a need within the village of Arncott that has been identified by the Councils Housing Services Team. The mix of tenure and nomination rights will need to be secured. Discussions are ongoing about whether this needs to be via a Section 106 agreement or can otherwise be achieved via the sale of this Council-owned land. The dwellings will be conditioned to be built to the

HCA Design and Quality Standards, plus Lifetime Homes standards, which are those which can be adapted to enable people to stay in them even when they are afflicted with old age and infirmity.

Consequently, the HDC&MD considers that the principle of the use of this previously developed land within the village of Arncott to provide affordable housing to meet an identified need for affordable housing is acceptable.

## 5.5 Design, Layout and Landscaping

It is vitally important that the design and the layout of the site is carefully considered to ensure the development respects the existing character of Arncott, whilst providing a high quality built environment which can contribute towards the creation of a sustainable, mixed community as required by PPS1 and PPS3. In particular PPS3 states that development should 'create places, streets and spaces, which meet the needs of people, are visually attractive, safe, functional, inclusive, have their own identity and maintain and improve local character' (para 14).

The layout of the proposed dwellings is considered acceptable and the best option for the site, given its proximity to neighbouring properties and the size and shape of the site. The layout is fairly traditional with three sets of semi-detached dwellings fronting onto each other and making the best use of the space available and providing each dwelling with an adequately sized garden. Car parking spaces are proposed to the front of each of the dwellings, serving each house, which is appropriate and which are also surrounded by some landscaping. Eight additional parking spaces are proposed to the North of the site, providing replacement parking. The location of this additional parking is considered appropriate as it is set away from most dwellings, helping reduce any possible disturbance that could be caused. The pedestrian pavements will connect into the existing pedestrian network, which helps to ensure that the development integrates into the local area, rather than being separate. Bin stores are located to the rear or side of each dwelling, which ensures they are not prominent in the site. One area of consideration has been the appearance when entering the site and approaching the new houses, in particular the side elevation and possible appearance of the boundary treatment to the side of the northern property in block 1. However careful consideration has been given to the boundary treatment for this property, which includes a brick wall and fencing combination and the inclusion of some landscaping which will soften the entrance to the site and forms an acceptable solution. This layout is considered to create a safe and accessible environment.

The design of the proposed dwellings is interesting and modern and are proposed to be render over brick. Although this is different to the majority of the dwellings in the surrounding area, which are predominantly brick, the character of the area is not unduly sensitive and can support a different style of dwelling without significant harm being caused to the visual amenity of the local area. In particular the dwelling on the northern property in block 1 has a canopy area with a front door facing onto the side, which adds further interest to the scheme and provides a feature to



improve the appearance of the development when entering the site. Conditions have been included to require a full schedule of the materials to be used and of boundary treatments, to ensure the Council is satisfied with the details of the scheme.

Landscaping is to be included mainly surrounding the eight additional parking spaces and at the entrance to the site. Full details of all landscaping for the site has been required by a condition to ensure it is appropriate and helps the scheme to blend into the local area and to ensure it is appropriate for the design of the site.

The design and layout of the site is considered acceptable and will help to create a high quality environment, with its own identity, however respecting the character of Arncott. The proposal is considered to comply with PPS1 and PPS3 and Policy C28 of the adopted Cherwell Local Plan in this respect.

#### 5.6 Neighbour Amenity

The impact of the proposed development upon neighbouring properties has been assessed in line with the Council 's normal space about buildings standards which require that the minimum distance between habitable room windows and a windowless elevation should be 14 metres and that the distance between habitable room windows that face each other should be 22 metres. When applying this guidance to the proposed development the minimum distances are exceeded in all cases.

Saved Policy C30 of the adopted Cherwell Local Plan 1996 states that design control will be exercised to ensure *“That new housing development...provides standards of amenity and privacy acceptable to the Local Planning Authority.”* The HDC&MD is satisfied that the proposed development would not result in significant detriment to the privacy or amenity of neighbouring properties and that it accords with Policy C30.

#### 5.7 Highway Safety

The Local Highway Authority raises no objection to the proposal, subject to conditions 10-14 below.

The applicants undertook a quantitative garage & parking survey of the occupancy and use of the existing site, at the request of the Local Highway Authority prior to the submission of the application. The area surveyed included two other garage blocks in the locality. The quantity of vehicles accessing the garage blocks and parked on the site (including their positions) was recorded at ten minute intervals during the survey period. Surveys were carried out on Wednesday 9<sup>th</sup> December 2009, Friday 11<sup>th</sup> December 2009 and Saturday 12<sup>th</sup> December 2009 between 08.00-09.00 and 16.00-18.00 hours. The results of the study has informed what would constitute suitable parking provision on the site, both for the new housing

proposed and to re-provide adequate spaces for other users.

The survey concluded that at present, just under half of the 42 garages across three garage courts are in use. At present there are 12 garages being used on this site by 10 different tenants. The applicants are proposing to provide each of the 10 garage tenants with an alternative garage a short walk from their existing garage.

During the survey period, a maximum of 19 parked vehicles were recorded on the site. The proposed scheme will provide 24 formal parking spaces, which are separate from the 12 on plot parking spaces provided for the 6 dwellings. It is considered that this parking provision will serve the demand from both existing and new users of the site, an assertion which is supported by the findings of the survey and by the Local Highway Authority.

In light of the Local Highway Authority's response and survey conclusions, the proposal is not considered to be detrimental to highway safety, in accordance with advice contained within PPG 13 and Policy T1 of the South East Plan.

#### 5.8 Flooding and Drainage

A number of residents have raised concerns with regard to surface water flooding and drainage problems within the existing site. The area is not located within a flood plain. Furthermore, the Environment Agency considers this proposal as having a low environmental risk and Thames Water raise no objection to the proposal.

The proposal involves the formation of garden areas within the individual plots and soft landscaping along the north eastern boundary of the site, which will reduce the amount of surface water run off from the existing hard surfaced (concrete) areas. Furthermore, the formalised parking areas will be conditioned to be constructed, laid out, surfaced, drained and completed in accordance with appropriate specification details to ensure the proper drainage of the site. Additionally, the access road within the site is proposed to be constructed to adoptable standards, which will require the road to be appropriately surfaced and drained to the County Council's standards.

Notwithstanding the above, following numerous objections received in relation to drainage on the site and flooding, the Head of Building Control and Engineering Services has been consulted on this proposal. He has stated the following in response to the proposal;

*The site is currently served by a surface water sewer which outfalls through a piped system at the south west corner of the site. It is proposed to continue to use this outfall though the sewer on the site will have to be re-located to fit into the development layout. Because the impermeable area of the site will reduce, run off to the outfall will in future also reduce.*

*The large ditch receives run off from the fields to the east of Buchanan Road. Its current condition is poor and it clearly has not received any meaningful attention for a considerable time. It appears to discharge at the north western corner of the development site into a small culvert which passes under private land towards Murcott Road. It is doubtful also that this culvert has received any meaningful attention for a considerable time.*

*It is proposed that a connection will be made at the downstream end of the ditch into the surface water system that will serve the development site. Therefore, an alternative outfall will be provided to the existing poorly maintained culvert in order to reduce the flood risk in this locality.*

*It is also proposed as part of this development that the ditch is substantially improved through the removal of brambles and weed growth within it and through the evening out of its invert to increase its hydraulic capacity. Increasing the effective cross section of the ditch will also provide greater attenuation volume in the event that both outfalls are unable to discharge extreme flood flows.*

*This development offers the opportunity to improve the drainage and reduce the flood risk in this locality by:*

- a) reducing the impermeable area of the development site and thus the run off from it.*
- b) improving the ditch along the northern boundary of the site and providing an alternative outfall from it thus placing less reliance on the sub-standard culvert to which it currently discharges.*

As such, it is considered that the proposal would not have an adverse impact on surface water or drainage within the site and provides an opportunity to improve drainage and reduce flood risk.

#### 5.9 Other matters raised

Objections have been received in relation to the lack of community facilities in Arncott and that this development will exacerbate this problem. The development is below the threshold applied by this Council (10 dwellings or more) which would require financial contributions towards infrastructure improvement. However, the recently constructed Buchanan Road/Greenfields site within close proximity to the site secured significant financial contributions towards the local infrastructure, including provision of a Local Area of Play, off site sports facilities in the locality, contributions towards the provision secondary education facilities etc.

One resident has raised concerns regarding the loss of the red brick wall which forms the north western boundary between the site and no's 31 and 33 Murcott Road. The agents have stated that if the wall is in the applicant's ownership the quality and condition of the wall will need to be established before a decision is made on whether it should be retained or replaced in the new works. However, it is

assumed that this boundary treatment will need to be changed (to a 1.8m close boarded fence) in the current plans, the details of which will be required by condition.

## **6. Recommendation**

**Approve, subject to**

**(i) Confirmation of the need or otherwise of a legal agreement regarding nomination rights and tenure mix.**

**(ii) the following Conditions**

- 1. 1.4A - Full Permission: Duration Limit (3 years) (RC2)**
- 2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing no's TR291006/01,SLP02,P05,S02,S01,P01 Rev A,P02 Rev A,P08,P04 Rev A, P06 Rev A and P07 Rev A.**

**Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.**

- 3. That the dwellings hereby approved shall remain as affordable dwellings, defined as housing (either for outright sale, rent, shared equity or staircasing to full ownership) within the financial means of households that are otherwise unable to secure private sector housing for purchase or rent in prevailing economic circumstances.**

**Reason – The site is in an area where permission for development unrelated to a specific and identified local housing need would not normally be granted, and this consent is only granted on the basis of there being demonstrated a specific and identified local housing need, in accordance with Policy H3 of the South East Plan 2009 and Policy H5 of the Adopted Cherwell Local Plan.**

- 4. That the dwellings hereby approved shall be constructed to the HCA Design and Quality Standards, and to Lifetime Homes standards.**

**Reason – To ensure that the development provides high quality and inclusive design principles, functions well and adds to the overall character and quality of the area over the lifetime of the development, in accordance with PPS 1 (Delivering Sustainable Development) and Policy CC4 of the South East Plan 2009.**

- 5. 2.0A – Details of Materials and External Finishes (RC4A) insert 'new dwellings'**
- 6. 2.8A – Colouring: Walls etc (RC4A) insert 'render for the dwellings'**
- 7. 2.10A – Floor levels (RC7A)**
- 8. 3.0A – Submit landscaping scheme (RC10A)**

9. 3.7AA – Submit boundary enclosure details (more than one dwelling) (RC12AA)
10. 4.3AA– Access details for approval (RC13BB)
11. 4.4AA – Vision splay details (RC13BB) (first dwelling) (0.5 metre)
12. 4.9AB – New estate roads (RC14AA)
13. 4.10AA – Estate Accesses, Driveways (RC14AA)
14. 4.13CD – Parking and Manoeuvring (RC13BB)
15. 6.2AA – Residential – No extensions (RC32A)
16. 6.6AB – Residential – No conversion of garage (RC35AA)

**Planning Notes:**

1. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water will be required. They can be contacted on 0845 850 2777.

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

The Council, as local planning authority, has determined this application in accordance with the development plan, unless material considerations indicated otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposal would provide affordable dwellings to meet an identified local need and are of a design, scale and density that is appropriate in its context and would not cause detriment to highway safety, amenities of neighbouring properties or the visual amenity of the wider locality. As such the proposal is in accordance with Government guidance contained within PPS 1, PPS 3 and PPG 13, Policies CC1, CC6, H2, H3, H5, BE1 and T1 of the South East Plan 2009 and saved Policies H6, C28 and C30 of the adopted Cherwell Local Plan 1996, and for the reasons given above and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

**CONTACT OFFICER:** Laura Bailey

**TELEPHONE NO:** 01295 221824



**Scale 1:1,250**

***Cherwell***

**DISTRICT COUNCIL  
NORTH OXFORDSHIRE**

10/00131/F

Health

1.22m RH

67.1m

65.0m

63.0m

62.7m

68.9m

63.5m

63.0m

60.8m

60.1m

Yarnton House

William Fletcher

BARTHOLOMEW AVENUE

Yarnton

Playing Field

College Mead

Merton

Therm Cott

White

Stonelee

Glenwood

The Paddocks

Close

Scale 1:3,333

**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

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<b>Application No:</b> 10/00131/F	<b>Ward: Yarnton, Gosford And Water Eaton</b>	<b>Date Valid:</b> 29.01.10
<b>Applicant:</b>	Sanctuary Group	
<b>Site Address:</b>	Yarnton House, Rutten Lane, Yarnton	

**Proposal:** Demolition of existing building and construction of a two storey nursing home (100 bedrooms) together with associated communal space, landscaping, amenity space and parking.

## 1. Site Description & Proposal

- 1.1 The proposal relates to a site measuring 1 hectare which is situated to the rear (west) of the William Fletcher Primary School and accessed from Rutten Lane, which serves a predominantly residential area, along an access road to the north of the school site. There is quite a significant incline across the site from east to west and a number of TPO trees arranged mainly around the edge of the site, however there are two groups of trees situated centrally just off of the western boundary and two individual trees situated in the existing parking area and just off of the eastern boundary. The site does not lie within the Oxford Green Belt, however this designation wraps around the site, lying immediately adjacent to the northern and western boundaries. The site also lies within 2km of the Rushy Meadows and Yarnton and Pixey Mead SSSIs. The site is occupied by one main two storey 1970s brick built building arranged in three elements, which is currently empty but was previously used by Oxfordshire County Council. There are a number of garages situated towards the northern boundary.
- 1.2 Planning permission was granted for the replacement of the existing building on the site with a two storey nursing home on 03 March 2009. This application seeks amendments to the scheme to include changing 50 ground floor windows to doors and the introduction of a light well on the eastern side of the approved building next to the service yard to light a basement. Both amendments to the former scheme were submitted as non material amendments, however Officers concluded that the change to the windows was material in terms of the design of the scheme and the light well consisted of an engineering operation which requires planning permission. As such neither alteration could be dealt with as non-material amendments.

## 2. Application Publicity & Comments

- 2.1 The application has been advertised by way of site notice, press notice and neighbour consultation letters. The final date for comment was 12 February 2010. No letters of representation have been received in relation to the application.



### 3. Consultations

- 3.1 **Oxfordshire County Council** (Developer Funding Officer) requires
- 1 a contribution of £2,000 towards library book stocks based on two items per residential unit at £10 each
  - 2 a £100 administration fee (legal costs will be addressed separately)
  - 3 adequate supply of water for fire fighting purposes
- 3.2 **Oxfordshire County Council** (Highways) has not commented on the application to date, however following amendments to the previous scheme they raised no objections to the proposal.
- 3.3 **The Environment Agency** raises no objections to the proposal subject to the previously proposed conditions.
- 3.4 **Thames Water** raises no objection however sets out the developer's responsibilities in relation to surface water drainage and the sewerage infrastructure and recommends relevant conditions and planning notes.
- 3.5 **Natural England** has not commented on the application to date however raised no objections to the previous application.
- 3.6 **Thames Valley Police** has not yet commented on the application, however it is recognised that the addition of a number of ground floor doors increases the risk of security. It was previously recommended that the development be subject to Secured by Design accreditation.
- 3.7 **Yarnton Parish Council** has not commented on the application to date however in relation to the previous application raised no objections to the application however commented that
- a) there are many windows overlooking the school and playing field
  - b) during heavy rain, water gushes down the access road and floods across Rutten Lane, can this be improved?
  - c) The site construction and heavy vehicle noise could cause significant disruption to the school and local residents.
- 3.8 **Cherwell District Council** (Waste and Recycling Manager) has not commented on the application to date, however in relation to the previous application stated that the proposed bin storage area was too small. Two bin storage areas are required, one for waste measuring 6m x 13m and one for recycling measuring 3m x 6m, 20 x 1100 litre waste bins are required (providing each resident with 220 litres of space) and 10 x 1100 litre recycling bins are required (providing each resident with 110 litres of space).

- 3.9 **Cherwell District Council** (Design and Conservation) states that the new doors are not ideal and it would be better if more variation was introduced. However the reasoning behind the requirement for doors is appreciated.
- 3.10 **Cherwell District Council** (Head of Building Control and Engineering Services) no further comments to add to previous.
- 3.11 **Cherwell District Council** (Head of Urban and Rural Services) requires the provision of a piece of public art
- 3.12 **Cherwell District Council** (Arboriculturalist) has not yet commented in relation to the application however raised no objections to the previous landscaping scheme.

#### **4. Relevant Policy**

- 4.1 PPS3: Housing
- 4.2 PPS25: Development and Flood Risk
- 4.3 South East Plan 2009: BE1, CO4, T1, T4, NRM4, H4
- 4.4 Adopted Cherwell Local Plan: H4 C28, C30

#### **5. Appraisal**

##### **5.1 Site History**

The relevant planning history is as set out below:

07/01185/OUT – Withdrawn

Residential re-development for 28 dwellings, provision of play area and alterations to access road

07/01240/OUT – Permitted

Nursing home and ancillary parking, yard, landscaped gardens and alterations to access road

07/01930/OUT – Permitted

Residential re-development for 28 dwellings, provision of play area and alterations to access junction

08/02473/F – Permitted

Demolition of existing building and construction of a two storey Nursing Home together with associated communal space, landscaping, amenity space and parking (as amended by site layout plan - drwng No. PLO3 Rev F received 12.02.09 with agent's letter dated 11.02.09).

- 5.2 As is set out above, planning permission has been previously granted for the construction of the 100 bed care home on this site. This application relates only to changes to the fenestration and the introduction of a light well. Since the previous application, the Oxfordshire Structure Plan has been superseded by the South East Plan 2009 and the relevant policies have been appropriately amended and are quoted at 4.3 above. The proposal is not in conflict with these policies.
- 5.3 The amendments to the scheme, due to their nature and scale, would have no impact upon the neighbouring amenity, the setting of the Oxford Green Belt, the trees on the site, highway safety, flooding, the nearby SSSI or the required developer contributions. The key issue to consider in this case is the visual impact of the proposed changes. The alteration of the ground floor windows to doors with side panels that include a top hung opening element are not the most favoured in design terms, resulting in unbalanced units, and furthermore the Council's Design and Conservation Officer would have preferred more variation in the elevations. However the door and window arrangement is required in relation to the use of the building, in order that residents can gain access to the outside from their rooms, and to gain ventilation. Given the nature and character of the approved building and its location to the rear of the primary school, where it will not be easily viewed from the public domain, I am satisfied that the changes are appropriate visually. Similarly the introduction of the lightwell, although to the front of the site, would not be easily detected, denoted only from outside the site by safety railings around it. This amendment is also considered to be visually appropriate.
- 5.4 In light of the above appraisal, it is considered that the proposal is acceptable in principle, would not cause harm to neighbouring or visual amenity, the setting of the Oxford Green Belt, the existing TPO trees on the site, the nearby SSSIs and nor would it be a risk to flooding or highway safety. As such and having had regard to the South East Plan and the adopted Cherwell Local Plan the application is recommended for approval for the reason stated and subject to the conditions below (repeated from previous application).

## **6. Recommendation**

### **Approval**

### **Subject to**

#### **1) The Agent entering into a deed of modification of the previously agreed S106 Agreement which secured**

- **£2000 towards library book stocks**

- The provision of a piece of public art
- The provision of the appropriate numbers of waste and recycling bins.
- Administration and monitoring fees payable to both the District and County Councils

2) The following conditions:

S.C. 1.4A (RC2) [Full Permission: Duration Limit (3 years)]

S.C. 2.0 (RC4a) [Details of materials and External Finishes]  
'building'

That the colour for any render on the building hereby approved shall be submitted to and agreed in writing by the Local Planning Authority, the building shall be rendered in accordance with the approved details (RC4)

S.C. 2.10 (RC7a)[Finished Floor Levels]  
'building'

S.C. 2.13a (RC8a)[Demolition of Buildings - (before commencement of development)]

S.C. 3.1 (RC10a) [Carry Out Landscaping Scheme and Replacements]

Notwithstanding the submitted details, the junction of the access road with Rutten Lane shall be served by minimum visibility splays of 2.4m x 70m, with any vegetation or obstruction exceeding 0.6m in height above the adjacent carriageway removed to the satisfaction of the Local Planning Authority.

Reason - RC13bb

That revised access and access road details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. These details should include provision for a dropped kerb access point onto Rutten Lane and traffic calmed shared surface access road which shall be constructed in all respects in accordance with the approved details and maintained as such in perpetuity.

Reason - RC13bb

That full design details of the approved cycle parking shall be submitted to an agreed in writing by the Local Planning Authority prior to the commencement of

the development. The cycle parking shall be laid out and constructed in accordance with the approved details (RC66a).

**S.C. 4.21aa (RC19aa) [Surface/Foul Water Disposal]**

**S.C. 6.14aa (RC40aa) [Specified Use Only]**  
**'building', 'nursing home', 'C2'**

**S.C. 9.6a (RC87a) [Fire Hydrants]**

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated February 2009, produced by HCD Group dated February 2009 ref E2080092 and the following mitigation measures details within the FRA:

1. Providing an overall run-off rate of 10 l/s.
2. The proposed scheme shall include surface water drainage systems set out within the FRA and detailed on drawing C100 Rev D.
3. A maintenance plan shall be produced to ensure the lifetime management of the SUDS and the proposed trash screen.

**Reason - To prevent flooding by ensuring satisfactory storage of/disposal of surface water from the site, to ensure that the most suitable drainage scheme is implemented and to insure the lifetime management of the proposed SUDS and other works in order to comply with PPS25: Planning and Flood Risk and Policy NRM4 of the South East Plan 2009.**

**Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:**

**That full detailed calculations shall be provided to include all rainfall events up to and including an allowance for climate change as requested in the Environment Agency's responses dated 9 February and 23 January 2009. The calculations shall take into account the attenuation features proposed including the pond.**

**The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.**

**Reason - To prevent the increased risk of flooding, to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system, and to ensure an effective drainage strategy in order to comply**

**with PPS25: Planning and Flood Risk and Policy NRM4 of the South East Plan 2009.**

**Prior to work commencing details of a piece of artwork to enhance the site shall be submitted to and approved in writing by the Local Planning Authority. The approved artwork shall thereafter be installed prior to the first occupation of the building.**

**Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.**

**No works or development shall take place until a scheme for the protection of the retained trees (section 7, BS5837, the Tree Protection Plan) has been agreed in writing with the Local Planning Authority. This scheme shall include:**

- a) a plan that shows the position, crown spread and Root Protection Area (paragraph 5.2.2 of BS5837) of every retained tree on site and on neighbouring or nearby ground to the site in relation to the approved plans and particulars. The positions of all trees to be removed shall be indicated on this plan.**
- b) the details of each retained tree as required at paragraph 4.2.6 of BS5837 in a separate schedule.**
- c) a schedule of tree works for all the retained trees in paragraphs (a) and (b) above, specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS3998, 1989, Recommendations for tree work.**
- d) written proof of the credentials of the arboricultural contractor authorised to carry out the scheduled tree works.**
- e) the details and positions (shown on the plan at paragraph (a) above) of the Ground Protection Zones (section 9.3 of BS5837).**
- f) the details and positions (shown on the plan at paragraph (a) above) of the Tree Protection Barriers (section 9.2 of BS5837), identified separately where required for different phases of construction work (e.g. demolition, construction, hard landscaping). The Tree Protection Barriers must be erected prior to each construction phase commencing and remain in place, and undamaged for the duration of that phase. No works shall take place on the next phase until the Tree Protection Barriers are repositioned**

for that phase.

- g) the details and positions (shown on the plan at paragraph (a) above) of the Construction Exclusion Zones (section 9 of BS5837).**
- h) the details and positions (shown on the plan at paragraph (a) above) of the underground service runs (section 11.7 of BS5837).**
- i) the details of any changes in levels or the position of any proposed excavations within 5 meters of the Root Protection Area (para. 5.2.2 of BS5837) of any retained tree, including those on neighbouring or nearby ground.**
- j) the details of any special engineering required to accommodate the protection of retained trees (section 10 of BS5837), (e.g. in connection with foundations, bridging, water features, surfacing)**
- k) the details of the working methods to be employed with the demolition of buildings, structures and surfacing within or adjacent to the Root Protection Areas of retained trees.**
- l) the details of the working methods to be employed for the installation of drives and paths within the Root Protection Areas of retained trees in accordance with the principles of "No-Dig" construction.**
- m) the details of the working methods to be employed with regard to the access for and use of heavy, large, difficult to manoeuvre plant (including cranes and their loads, dredging machinery, concrete pumps, piling rigs, etc) on site.**
- n) the details of the working methods to be employed with regard to site logistics and storage, including an allowance for slopes, water courses and enclosures, with particular regard to ground compaction and phytotoxicity.**
- o) the details of the method to be employed for the stationing, use and removal of site cabins within any Root Protection Areas (para. 9.2.3 of BS5837).**
- p) the details of tree protection measures for the hard landscaping phase (sections 13 and 14 of BS5837).**
- q) the timing of the various phases of the works or development in the context of the tree protection measures.**

**Reason - To ensure the continued health of retained trees and in the interests of**

the visual amenity of the area, to ensure the integration of the development in to the existing landscape and to comply with Policy BE6 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan.

**Planning Note(s)**

**Q1**

**S1**

**T1**

**U1**

- 5. With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the application should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer [proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on Tel: 0845 850 2777.**
- 6. The applicant is advised that a Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated water cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality Crossness STW, Belvedere Road, Abbeywood, London, SE2 9AQ. Telephone 020 8507 4321.**
- 7. Thames Water recommends the installation of a properly maintained fat trap**



on all catering establishments. It is further recommended, in line with best practice for the disposal of fats, oils and grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet, 'Best Management Practices for Catering Establishments' which can be requested by telephone on 085 850 2777.

8. The applicant is advised that there are public sewers crossing this site, and no building works will be permitted within 3m of the sewers without Thames Water's approval. Should a building over/diversion application form or other information relating to Thames Water's assets be required, the applicant is advised to contact Thames Water Developer Services on 0845 850 2777.
9. There is a Thames Water Main crossing the development site which may/will need to be diverted at the Developer's cost. Unrestricted access must be available at all times for maintenance and repair. Please contact Thames Water Developer Services on 0845 850 2777 for further information.
10. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer would take account of this minimum pressure in the design of the proposed development.
11. The applicant is advised that the development should be the subject of Secured via Design accreditation
12. The applicant is advised that Thames Water recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities to prevent pollution of groundwater.

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to its surroundings would not cause harm to neighbouring or visual amenity, the setting of the Oxford Green Belt, the

existing TPO trees on the site, the nearby SSSIs and nor would it be a risk to flooding or highway safety. As such the proposal is in accordance with PPS3: Housing, PPS25: Development and Flood Risk, Policies BE1, T1, T4, NRM2, H4, of the South East Plan and Policies H4, C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.

CONTACT OFFICER:	Jane Dunkin	TELEPHONE NO:	01295 221815
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10/00150/F

Track

Allotment Gardens

47

ST ANNE'S ROAD

35

30

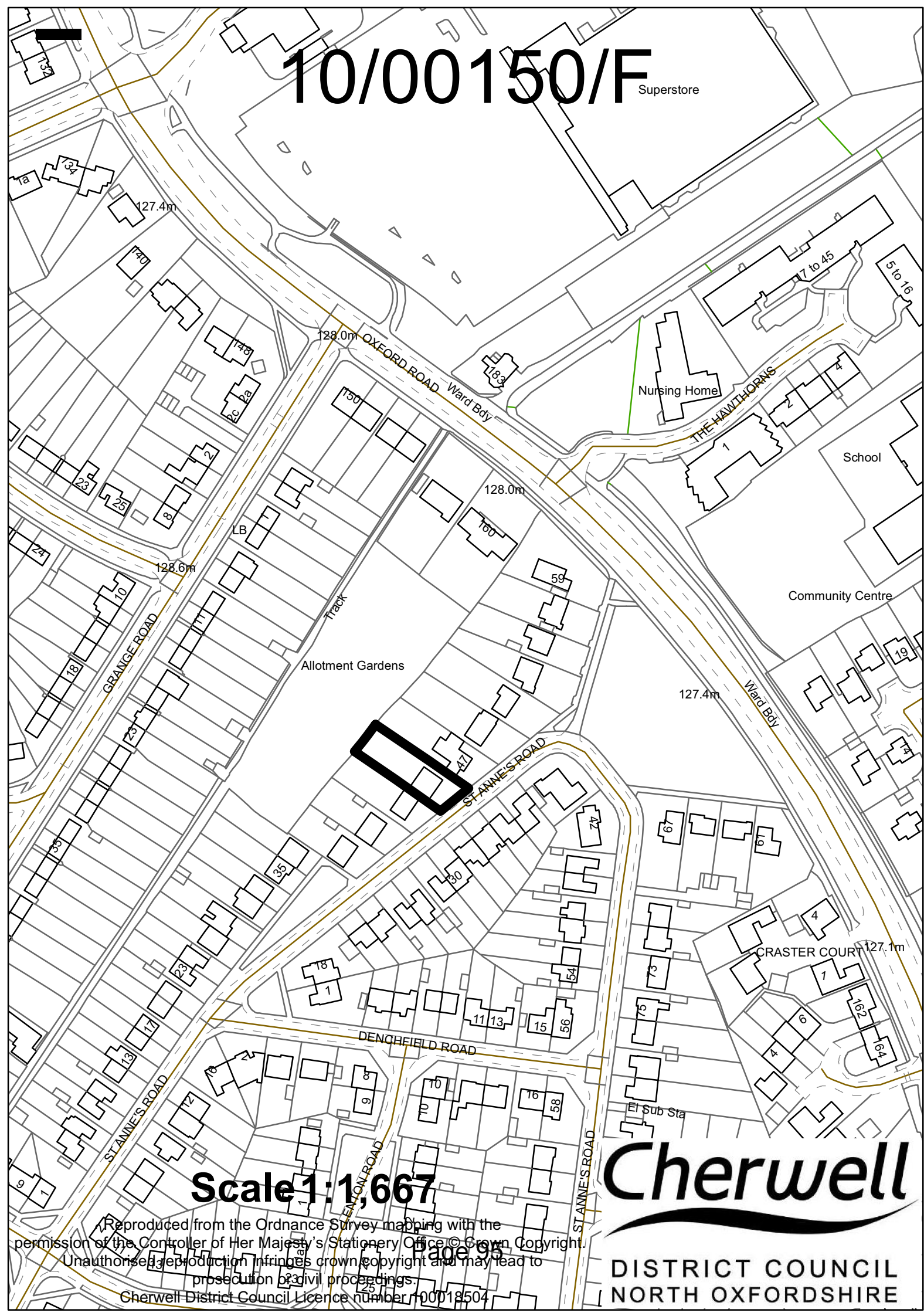
Scale 1:500

**Cherwell**

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# 10/00150/F

Superstore



128.6m

128.0m

128.0m

127.4m

127.1m

Scale 1:1,667

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DISTRICT COUNCIL  
NORTH OXFORDSHIRE

<b>Application</b> <b>10/00150/F</b>	<b>No:</b>	<b>Ward:</b> <b>Easington</b>	<b>Banbury</b>	<b>Date</b> <b>09/02/2010</b>	<b>Valid:</b>
<b>Applicant:</b>	Mr Anthony Needle				
<b>Site Address:</b>	45 St Annes Road, Banbury, Oxfordshire, OX16 9EA				

**Proposal:** Single storey rear extension (as amended by side elevations and floor plans received 24/02/2010).

## 1. Site Description and Proposal

- 1.1 The application site is a detached bungalow situated within a residential area of Banbury.
- 1.2 The proposal is for a rear extension measuring 7.2m wide and 5m deep, with an eaves height of 2.2m and a ridge height of 4.5m.

## 2. Application Publicity

- 2.1 The application has been advertised by way of press notice and neighbour letter. The final date for comment is 18/03/2010.
- 2.2 To date, no letters of representation have been received as a result of this notification.

## 3. Consultations

- 3.1 Banbury Town Council: Awaiting comments
- 3.2 Oxfordshire County Council Highways: Awaiting comments

## 4. Relevant Planning Policies

- 4.1 Policies BE1 and CC6 of the South East Plan
- 4.2 Policies C28 and C30 of the adopted Cherwell Local Plan

## 5. Appraisal

- 5.1 The application is before the committee because the applicant's wife is an employee of Cherwell District Council.
- 5.2 The proposal has been amended to reduce the length of the extension from 8m to 5m as officers had concerns regarding neighbouring amenity in terms of the loss of outlook.
- 5.3 With regards to visual amenity, the proposal is in keeping with the style of the

existing property and those in the surrounding residential area. Furthermore, the proposed materials will match those used on the existing property and therefore the proposal complies with Policies BE1 and CC6 of the South East Plan and Policy C28 of the adopted Cherwell Local Plan.

- 5.4 With regards to neighbouring amenity, the proposal will not create any additional overlooking of the neighbouring properties. The proposal has been amended to reduce its length to prevent an unacceptable impact on the general outlook from the neighbouring property. The amended proposal will not appear overly dominant or have a detrimental impact on the general outlook from the neighbouring properties, and therefore complies with Policy C30 of the adopted Cherwell Local Plan.

## **6. Recommendation**

**That, subject to the expiration of the consultation period on 19 March 2010, and the delegation of the authority to issue the permission to the Head of Development Control and Major Developments, the application be;**

**Approved, subject to conditions**

### **Conditions**

1. **1.4A - Full Permission: Duration Limit (3 years) (RC2)**
2. **Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: existing front and rear elevations, existing side elevations, floor plans and side elevations received 24/02/2010**  
**Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Policy BE1 of the South East Plan 2009.**
3. **2.6AA – Materials to match (RC5AA)**
4. **6.3A – Residential: no new windows (RC33)**

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

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the site and surrounding area and has no undue adverse impact upon the residential amenities of neighbouring. As such the proposal is in accordance with Policies CC6 and BE1 of the South East Plan 2009 and Policies C28 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

**CONTACT OFFICER: Rebekah Morgan**

**TELEPHONE NO: 01295 221822**

## PLANNING COMMITTEE

11 MARCH 2010

### REPORT OF HEAD OF DEVELOPMENT CONTROL AND MAJOR DEVELOPMENTS

#### PURPOSE OF REPORT

To seek the confirmation of an unopposed Tree Preservation Order relating to a Birch Tree at 35 Kings End, Bicester (copy plan attached as Annex 1)  
Tree Preservation Order No. (02/2010)

This report is public

#### Recommendations

The meeting is recommended:

- (1) To confirm the Order without modification

#### Background Information

- 2.1 The Scheme of Reference and Delegation authorises the Head of Development Control and Major Developments 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 tree in question is under imminent threat and that its retention is expedient in the interests of amenity. The power to confirm Tree Preservation Orders remains with the Planning Committee.
- 2.2 The above mentioned Tree Preservation Order was authorised by the Head of Development Control and Major Developments and made on 26 January 2010. The statutory objection period has now expired and no objections were received to the Order.



## **Key Issues for Consideration/Reasons for Decision and Options**

3.1 None

### **Implications**

**Financial:** The cost of processing the Order can be contained within existing estimates.

Comments checked by Eric Meadows, Service Accountant PH & E 01295 221552

**Risk Management:** The existence of a Tree Preservation Order does not remove the landowner's duty of care to ensure that such a tree is structurally sound and poses 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.

Comments checked by Rosemary Watts, Risk Management & Insurance Officer 01295 221566

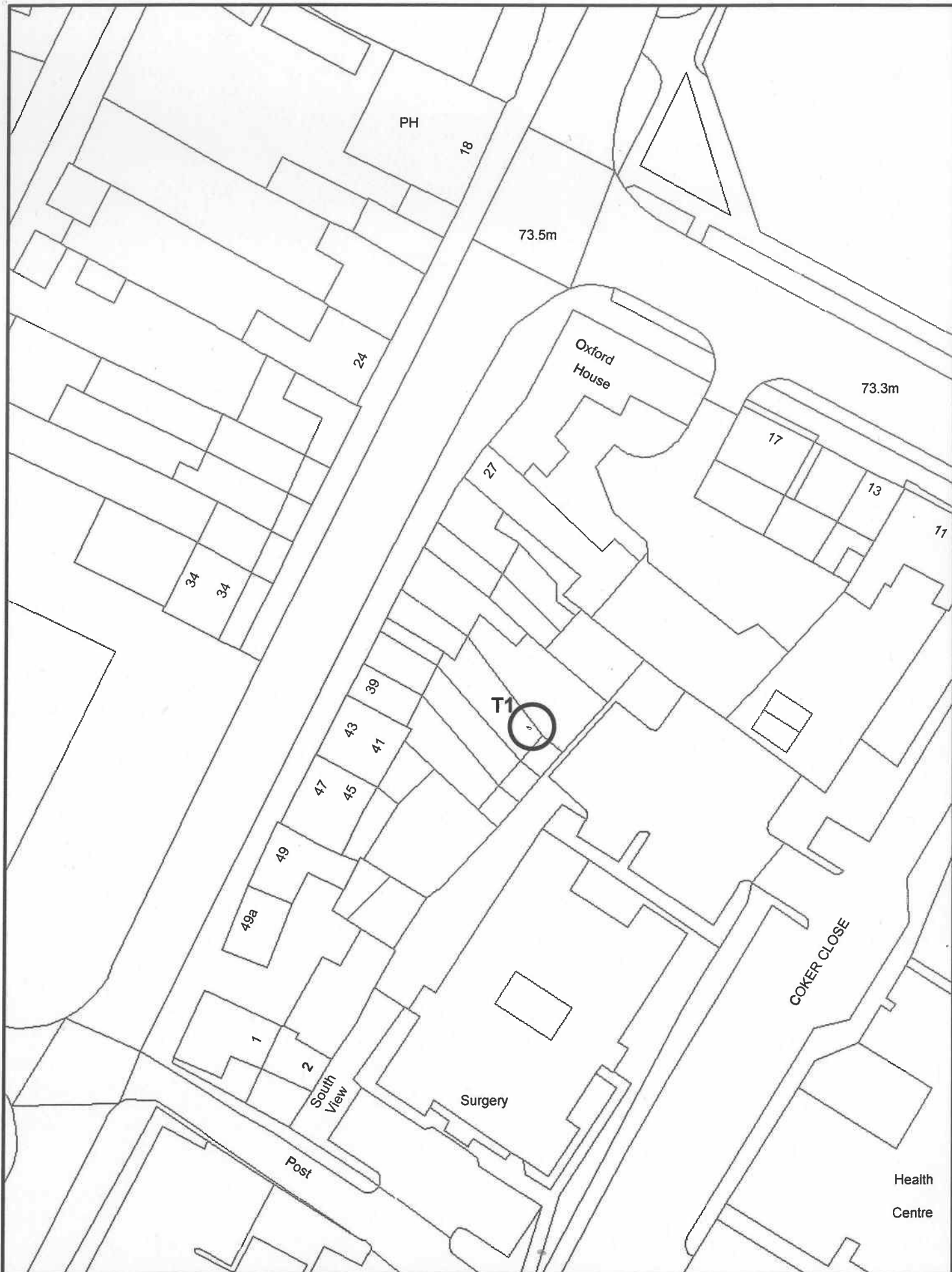
### **Wards Affected**

Bicester Town Ward

### **Document Information**

<b>Appendix No</b>	<b>Title</b>
Appendix 1	Plan
<b>Background Papers</b>	
TPO file reference 8438	
<b>Report Author</b>	Richard Hurst, Senior Legal Assistant
<b>Contact Information</b>	01295 221693 richard.hurst@Cherwell-dc.gov.uk





# Agenda Item 13

## Planning Committee

### Decisions Subject to Various Requirements – Progress Report

11 March 2010

#### Report of Head of Development Control and Major Developments

##### PURPOSE OF REPORT

This report aims to keep members informed upon applications which they have authorised decisions upon to various requirements which must be complied with prior to the issue of decisions.

An update on any changes since the preparation of the report will be given at the meeting.

This report is public
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##### Recommendations

The Planning Committee is recommended:

- (1) To accept the position statement.

##### Details

**The following applications remain outstanding for the reasons stated:**

##### Subject to Legal Agreement with Cherwell District Council

- 1.1 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. New application for access to be submitted October/November 2009 – overdue. Further

discussions with applicant to be held.

- 1.2     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 routing during construction. Redrafted agreement with other side.
- 1.3     08/01171/OUT     Pow Wow Water Site, Langford Lane, Kidlington
- Subject to agreement re transport infrastructure payments.
- 1.4     08/02605/F     Sainsburys, Oxford Road, Banbury
- Subject to legal agreement with Oxfordshire County Council re: highway infrastructure. Agreement completed . Permission issued
- 1.5     09/01254/F     Former USAF housing S of Camp Road, Upper Heyford
- Subject to legal agreement re public transport and education funding.
- 1.6     09/01687/F     Bicester Town Centre development, Manorsfield Rd. Bicester
- Subject to legal agreement with OCC and CDC re highway infrastructure and transport contributions, car parking , CCTV, public art, temporary arrangements for Pop-in Centre, Shopmobility and public toilets, routeing agreement etc.
- 1.7     09/01776/F     Orchard Way shopping parade, Banbury
- Subject to negotiations re legal agreement with OCC and CDC re affordable housing, a range of County requirements, public art, bins, landscape maintenance, open space/sports provision, and CCTV contribution

Subject to Other Matters

- 1.8     08/00709/F     Former Lear Site, Bessemer Close, Bicester
- Subject to local agreement with Oxfordshire County

## Council

- 1.9 09/01867/F Land W of Network 11, Thorpe Way, Banbury  
Subject to satisfactory resolution of access issues raised by Members 18.2.10
- 1.10 10/00109/F Land at The Garth, Launton Rd., Bicester  
Issued following expiry of consultation period 26.2.10

## Implications

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- Financial:** There are no additional financial implications arising for the Council from this report.  
Comments checked by Eric Meadows, Service Accountant 01295 221556
- Legal:** There are no additional legal implications arising for the Council from this report.  
Comments checked by Pam Wilkinson, Principal Solicitor 01295 221688
- Risk Management:** This is a monitoring report where no additional action is proposed. As such there are no risks arising from accept the recommendation.  
Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221560

## Wards Affected

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All

## Document Information

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Appendix No	Title
-	None
<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
<b>Report Author</b>	Bob Duxbury, Development Control Team Leader
<b>Contact Information</b>	01295 221821 bob.duxbury@Cherwell-dc.gov.uk

## Planning Committee

### Appeals Progress Report

11 March 2010

### Report of Head of Development Control and Major Developments

#### PURPOSE OF REPORT

This report aims 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 achieved.

This report is public
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#### Recommendations

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The meeting is recommended:

- (1) That the position statement be accepted.

#### Details

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##### New Appeals

- 1.1 **09/01586/F- Holly Close, Main Street, Sibford Gower** – appeal by Mr K Manning against the refusal of planning permission for the erection of a detached dwelling and the creation of an opening in the stone boundary wall for vehicular access from the highway, and the erection of a boundary fence- resubmission of 09/00990/F – Written reps
- 1.2 **09/00705/ECOU- Land lying to the east of Claydon Road, Cropredy** – appeal by Nicholas Rourke and Caroline Watsham against the service of an enforcement notice alleging a breach of planning control – the excavation of the land to create a sunken vehicle storage area; the use of the land for vehicle storage, repairs and maintenance,

the change of use of agricultural land by the introduction of domestic paraphernalia - Inquiry

### **Forthcoming Public Inquiries and Hearings between 11 March 2010 and 1 April 2010**

- 2.1 **Hearing starting at 10.00 a.m. on Thursday 18 March 2010** in the Cherwell Room, Bodicote House, Bodicote, Banbury to consider the appeal by Premier Aggregates Ltd against the refusal of application 09/01001/F for the demolition of existing dwelling and erection of replacement dwelling at Finmere Quarry, Banbury Road, Finmere

### **Results**

- 3.1 The appeal by Supporta Datacare against the refusal of application 07/01755/F for the change of use of Buildings to B8 storage and associated B1 office use at Heyford Park has been withdrawn.

### **Implications**

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**Financial:** 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 estimate.

Comments checked by Eric Meadows, Service Accountant 01295 221552

**Legal:** There are no additional legal implications arising for the Council from accepting this recommendation as this is a monitoring report.

Comments checked by Pam Wilkinson, Principal Solicitor 01295 221688

**Risk Management:** This is a monitoring report where no additional action is proposed. As such there are no risks arising from accepting the recommendation.

Comments checked by Rosemary Watts, Risk and Insurance Manager 01295 221566

### **Wards Affected**

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All

### **Document Information**

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Appendix No	Title
-	None

<b>Background Papers</b>	
All papers attached to the planning applications files referred to in this report	
<b>Report Author</b>	Bob Duxbury, Development Control Team Leader
<b>Contact Information</b>	01295 221821 bob.duxbury@Cherwell-dc.gov.uk

# Agenda Item 15

## Planning Committee

### Review of Validation Checklist for Planning Applications

11 March 2010

### Report of Head of Development Control & Major Developments

#### PURPOSE OF REPORT

To update Members on the result of the formal consultation upon the review of the Local Validation Checklist for planning applications, considered by the Committee on 19 November 2009, and to seek approval for the adoption of the document

This report is public

#### Recommendations

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The Planning Committee is recommended:

- (1) Agree to the formal adoption of the revised validation checklist and guidance note as originally considered but with variations as explained in paras. 2.3-2.9 below

#### Executive Summary

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##### Introduction

- 1.1 It is necessary to consider changing the Council's current validation check list (which was introduced in April 2008) which is required for use in the registration of new planning applications
- 1.2 At their meeting held on 19 November 2009 this Committee approved a draft replacement checklist and guidance notes for consultation.
- 1.3 The consultation response is set out and intended reaction identified The Committee is recommended to agree with the revised draft documents and authorise their use from now onwards

##### 2 Revised Checklist

- 2.1 Members will recall that at their meeting held on 19 November 2009 I submitted a report explaining the purpose of the local validation checklist and the need for its amendment. That report contained a full version of the draft revised checklists, and the proposed accompanying guidance notes. The Committee agreed to the undertaking of a formal consultation upon these



draft documents.

- 2.2 At their meeting in November the Committee requested that more hyperlinks be installed in the guidance notes for ease of accessing further advice. This will be done.
- 2.3 The consultation exercise included a planning agents forum (held on 2 December 2009), individual letters to our regular planning agents, letters to all Parish Councils and to Statutory Consultees, and by use of the Council's consultation portal.
- 2.4 As a result of these exercises, comments were received from one planning agent, Natural England, Highways Agency, two Parish Councils and from Oxfordshire County Council. In the following paragraphs the HDCMD's response is given in italics.
- 2.5 The County Council make the following comments
- They take the opportunity to seek involvement at pre-application stage (mentioned on page 1 of the checklist) on archaeological matters where major archaeological constraints can be identified. *This is acknowledged*
  - They seek the addition of a requirement for a biodiversity report on application type 13 involving demolition of a listed building as this could impact on bat roosts and nesting birds. *This is agreed – it was an oversight as the requirement is already an application type 11*
  - With regard to application type 26 (TPOs and TCAs) they seek a requirement for a report assessing the bat roost potential. *Having consulted the Council's Landscape Services Manager this is considered to be an unreasonable request. If on the application site visit the likelihood of such issues arise it will be appropriate to seek information at that time, or potentially refuse the application for the lack of such information.*
  - They request the addition of a link to their web site on page 44 of the guidance notes. *Agreed*
  - They criticise the guidelines for not mentioning the information requirements of statutory undertakers, especially the County Council as highway authority. They seek a link to their website and a guidance note on when statutory consultees are consulted. *The thrust of the new validation checklist is to ensure that this information is available.*
  - They suggest a reference be made somewhere other than just in the guidance notes to the possible need for an Environment Impact Assessment. *This is agreed.*
- 2.6 Sibford Gower Parish Council comment as follows
- With regards to application types 1, 2 and 3 (householder) and 26 (trees) (which are the majority of applications they see) they question the definition of a 'block plan'. They suggest that the block plan should stretch to a specified distance from the site to show accurately the context of the development. *The quoted requirements in the draft Validation Checklist are national standard*

- They seek the red/blue site plan identifying ownership to be at a specified scale. *This is not a national requirement*
  - They seek all site/block plans to be on up to date OS base plans. *Whilst this is a sensible suggestion this cannot be insisted upon*
  - They criticise the diagrammatic depiction of tree canopies and seek accurate plans. *It is suggested that the word 'accurate' be inserted in all references to the need for a tree survey*
  - With regards to application type 26 they note that in dealing with TPOs we say the precise location of the tree MUST be provided whilst for TCAs that applicants 'may' wish to provide the same information, and they suggest that precision should be mandatory for all such applications. *The difference in the draft document reflects the natural legislation.*
  - They draw attention to the risk to nesting birds of tree works. *See comment re OCC;s comments on need for biodiversity reports for such works to trees*
  - They comment upon the wide variety in the content and quality of Design and Access Statements. They recommend reference via a link to our own guidance document, and a specified set of basic requirements. *It is agreed that our own guidance should be cross referenced in page 45*
  - They seek the application of vigorous checking at registration to ensure that all applications they receive for comment are complete. *The purpose of the enhanced checklist now proposed is to enable this to occur.*
- 2.7 Wroxton and Balscote Parish Council consider the document is repetitive and could be simplified in the form of a grid, and they wish to see greater emphasis on pre-application discussions. *The checklist is in the form proposed to enable it to be read more easily from the internet; the majority of applications being made by this route now. Pre-application discussions are very resource intensive and whilst helpful in more complex cases are unnecessary for the majority of simpler proposals.*
- 2.8 The Highways Agency wrote to inform the Council that it has no comment to make
- 2.9 Natural England seeks biodiversity surveys in respect of application types 10,13 and 22 where they involve demolition, as protected species could be affected. They note that an appropriate note already appears to this effect in to guidance notes. *The Head of Development Control and Major Developments is content for this requirement to be added to each type*
- 2.10 West Waddy ADP (planning consultants and architects) make the following comments
- They consider that the blanket requirement for a land contamination assessment for all residential schemes for 10 or more houses is unreasonable. *This requirement has been considered at length and follows the advice of the Council's Environmental Protection Officer*
  - They query the requirement for drainage assessments as these are not defined in the guidance notes. *These relate to proposals for surface water and foul drainage requirements emanating from the development. An*

*additional guidance note will be formulated.*

- They consider the lighting assessments required to be excessive and suggest that the matters can be better dealt with at conditions stage. *In certain forms of development the lighting can be a significant factor which needs assessment at the offset, i.e. floodlit sports pitches, 24 hour service yards etc. The guidance note will be extended to list the developments to which the LVC requirement relates*
- They consider the need for a statement of community involvement for all rural schemes of 10 houses or more to be excessive and they suggest this is harmonised with the urban requirement. They comment similarly with regards to non-residential development requirements. *These requirements are driven by the Council's Statement of Community Involvement.*

## **Implications**

### **Financial**

The cost of altering the format of the check list can be met within existing estimates. Use of the revised checklist should simplify the registration process saving time and staff resource.

Comments checked by Eric Meadow, Service Accountant PHE  
Ex 1552

### **Risk Management**

There are no significant changes arising from adoption of this revised check list.

Comments by Rosemary Watts Risk  
Management and Insurance Officer Ext 1566

### **Wards Affected**

All