

Committee: Planning Committee
Date: Thursday 10 December 2009
Time: 4.00 pm
Venue: Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

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

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

Substitutes

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

AGENDA

- 1. Apologies for Absence and Notification of Substitute Members**
- 2. Declarations of Interest**

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

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

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

4. **Urgent Business**

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

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

To confirm as a correct record the Minutes of the meeting of the Committee held on 19 November 2009.

Planning Applications

- | | | |
|-----|-----------------------------------------------------------------------------|---------------------|
| 6. | Land At Tusmore Park, West Of Manor Farm, Hardwick Road, Hethe | 09/01246/F |
| | (Pages 13 - 31) | |
| 7. | Annexe Adjacent Applegate, East End, Hook Norton, Oxfordshire, | 09/01302/F |
| | OX15 5LH (Pages 32 - 46) | |
| 8. | Ambrosden Court, Merton Road, Ambrosden, Bicester, | 09/01346/OUT |
| | Oxfordshire, OX25 2LZ (Pages 47 - 56) | |
| 9. | Ivy Cottage, Main Street, North Newington, OX15 6AJ (Pages 57 - 65) | 09/01410/F |
| 10. | Willy Freund Centre, Dover Avenue, Banbury, OX16 0JE (Pages 66 - 70) | 09/01476/F |

Review and Monitoring Reports

11. **Decisions Subject to Various Requirements** (Pages 71 - 73)

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 to:

- (1) Accept the position statement.

12. Appeals Progress Report (Pages 74 - 75)

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 to:

- (1) Accept the position statement.

Information and Other Reports

13. Constitutional Amendments - Public Speaking and Scheme of Delegation (Pages 76 - 83)

Joint Report of the Head of Development Control and Major Developments and the Head of Legal and Democratic Services.

Summary

To consider the progress and operation of public speaking at Planning Committee, proposed constitutional amendments to the planning committee procedure rules and the scheme of delegation and amendment to the Planning Committee Cycle (4 weekly).

Recommendation

The Planning Committee is recommended to:

- (1) Recommend the amendments to the public speaking procedure rules to Council with an implementation date of May 2010
- (2) Recommend the amendments to the scheme of delegation to Council to take affect after the next Council meeting on 18 January 2010
- (3) Recommend to Council that Planning Committee is held on a four weekly cycle with an implementation date of May 2010

Information about this Agenda

Apologies for Absence

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

Declarations of Interest

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

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

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

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

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

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

Queries Regarding this Agenda

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

Mary Harpley
Chief Executive

Published on Wednesday 2 December 2009

Agenda Item 5

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, OX15 4AA, on 19 November 2009 at 4.00 pm

- Present: Councillor Fred Blackwell (Chairman)
- Councillor Rose Stratford (Vice-Chairman)
Councillor Maurice Billington
Councillor Colin Clarke
Councillor Mrs Catherine Fulljames
Councillor Eric Heath
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 John Wyse
- Substitute Members: Councillor Timothy Hallchurch MBE (In place of Councillor Ken Atack)
Councillor Russell Hurle (In place of Councillor Michael Gibbard)
Councillor Nicholas Turner (In place of Councillor Lawrie Stratford)
- Apologies for absence: Councillor Ken Atack
Councillor Michael Gibbard
Councillor Lawrie Stratford
- Officers: Jameson Bridgwater, Head of Development Control & Major Developments
Bob Duxbury, Development Control Team Leader
Jenny Barker, Major Developments Team Leader
Jon Brewin, Arboriculture Officer
Nigel Bell, Solicitor
Natasha Clark, Trainee Democratic and Scrutiny Officer

107 **Declarations of Interest**

Members declared interest with regard to the following agenda items:

7. Land to the north of the M40 and along the A361 in Chacombe parish.
Councillor Alastair Milne Home, Personal, as a member of Banbury Town Council who had been consulted on the application.

Councillor Nicholas Turner, Personal, as a member of Banbury Town Council who had been consulted on the application.

Councillor James Macnamara, Prejudicial, as the Member who raised the issue of funding the scheme in the 2008/2009 budget.

8. Former USAF Housing & Facilities South of Camp Road, Upper Heyford, Oxfordshire.

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

10. Akeman Street, Chesterton, Bicester, Oxon, OX26 1TE.

Councillor James Macnamara, Prejudicial, as a member of Bicester Golf and Country Club.

11. Bloxham Church of England Primary School, Tadmarton Road, Bloxham.

Councillor Maurice Billington, Prejudicial, as a member of Oxfordshire County Council who would determine the application.

Councillor Mrs Catherine Fulljames, Prejudicial, as a member of Oxfordshire County Council who would determine the application.

Councillor Timothy Hallchurch MBE, Prejudicial, as a member of Oxfordshire County Council who would determine the application.

Councillor G A Reynolds, Prejudicial, as a member of Oxfordshire County Council who would determine the application.

Councillor Nicholas Turner, Prejudicial, as a member of Oxfordshire County Council who would determine the application.

Councillor James Macnamara, Personal, as the Council's representative on the Oxfordshire County Council School Organisation Stakeholder Group who had considered the application.

17. Tree Preservation Order (No. 9) 2009 Oak Tree at 9 Foscoote Rise, Banbury.

Councillor Colin Clarke, Personal, as a neighbour living in close proximity to the site and acquaintance of the owner of the property.

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

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

109 **Urgent Business**

There was no urgent business.

110 **Minutes**

The Minutes of the meeting held on 22 October 2009 were agreed as a correct record and signed by the Chairman.

111 **Heathfield Village, Heathfield, Bletchington**

The Committee considered a report of the Head of Development Control and Major Developments for the erection of 4 new buildings to provide a further 50 bedrooms, 11 – 60 inclusive (previously approved under 06/00568/F) as part of the ongoing development at the site.

Mr Carl Middleditch spoke in favour of the application as the Applicant's Agent.

Mr Houston Ramm spoke in favour of the application as the Applicant's representative.

The Committee considered the impact of the development on the green belt and noted that green belt policy states that planning approval should be given only in special circumstances. The Committee considered whether this application fulfilled these criteria. Members of the Committee commented on the tourism potential of the development for the local area. The Committee also discussed the previous application and appeal decisions relating to the site.

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

Resolved

That application 08/01343/F be refused for the following reason:

The proposal seeks to provide additional accommodation to be used in conjunction with the leisure and recreational uses at the site. However, the level of accommodation proposed is disproportionate to the current recreational uses at the site. The proposal therefore represents inappropriate development within the Green Belt and the applicant has failed to demonstrate that very special circumstances exist to justify approving such development against which there is a strong presumption of refusal. The proposal is therefore contrary to Planning Policy Guidance Note 2: Green Belts, saved policy GB1 of the Adopted Cherwell Local Plan 1996, policy SP5 of the South East Plan 2009 and policy GB1 of the Non-Statutory Cherwell Local Plan 2011

112 **Land to the north of the M40 and along the A361 in Chacombe parish**

The Committee considered a report of the Head of Development Control and Major Developments relating to engineering works to form a wider Banbury Flood Alleviation Scheme including construction of embankment and floodwalls, excavation of material, realignment of sections of the River

Cherwell and raising of section of the A361 (Includes Environmental Statement). The application was a revised application for the site boundary to include all temporary working areas, works compounds, access routes and routes to local highway network (the scheme proposals remain unchanged).

Officers advised the Committee that a further application relating the majority of the works within Cherwell District would be presented to Members for consideration at a future meeting of the Committee.

The Committee noted that the application was of strategic importance for the Banbury area. Members expressed concerns about the impact of traffic in the area while the A361 road was closed for the engineering works.

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

Resolved

- 1) That South Northamptonshire Council be advised that Cherwell District Council raise no objection subject to appropriate conditions.
- 2) That South Northamptonshire Council be advised that Cherwell District Council raise concerns over traffic management/highways during the construction programme.

113

Former USAF Housing & Facilities South of Camp Road, Upper Heyford, Oxfordshire

The Committee considered a report of the Head of Development Control and Major Developments which sought a change of use from military accommodation to private housing and associated community facilities. The application was a renewal of application 03/00757/F.

Members of the Committee commented on the benefits of extending access to the nursery to all residents in the parish.

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

Resolved

That application 09/01254/F be approved subject to:

- 1) The comments of Oxfordshire County Council developer funding team and the completion of a S106 Agreement covering contributions towards public transport and education

And the following conditions:

- 1) That at the expiration of five years from the date hereof the use specified in your application shall be discontinued and the land shall be restored to its former condition on or before that date.

- 2) That during a period of not less than one year and no longer than two years in duration commencing on or before the third anniversary of the date of this permission, the dwellings then occupied shall be progressively vacated in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and no dwelling shall continue to be occupied after the fifth anniversary of the date of the planning permission.
- 3) The existing open space and play areas shall be retained, maintained and made available to the public at all reasonable hours whilst the housing the subject of this permission is occupied.
- 4) Building 549 shall be managed, maintained and made available at all reasonable hours in accordance with details to be first submitted to and approved in writing by the Local Planning Authority for community uses falling within Class D2 of the Town and Country Planning (Use Classes Order) 1987 for the benefit of residents on the site.
- 5) Building 442 shall only be used as a children's nursery that is available to the residents of the housing the subject of this permission and shall not be used for any other purpose falling within Class D1 of the Town and Country Planning (Use Classes Order) 1987.

114

Annexe Adjacent Applegate, East End, Hook Norton, Oxfordshire, OX15 5LH

The Committee considered a report of the Head of Development Control and Major Developments which sought approval to demolish a single storey bungalow and build a 1 ½ storey outbuilding and detached timber garage. The application was a resubmission of 09/00642/F with a changed design and access.

Ms Adrienne Nash, Dr Helen Raine and Mr William Stubbs spoke in objection to the application as their properties were in close proximity to the proposed development.

Mr Malcolm Timms spoke in favour of the application as the Applicant's Agent.

Mr John Hamilton, the Applicant, spoke in favour of the application.

Members of the Committee raised concerns about the potential impact of the development on neighbouring properties and requested a site visit.

Resolved

That consideration of application 09/01302/F be adjourned to the Planning Committee meeting on 10 December 2009 to allow a site visit.

115

Akeman Street, Chesterton, Bicester, Oxon, OX26 1TE

The Committee considered a report of the Head of Development Control and Major Developments which sought the removal of condition 7 of planning application 03/01050/F which stated: "That overnight accommodation hereby permitted shall be occupied only by Members of Bicester Golf and Country Club, their guests and Members of visiting golf societies"..

Mr David Jones spoke in objection to the application.

Mr Neil Davies spoke in favour of the application, as the applicant's agent.

The Committee discussed the difficulties associated with enforcing the original condition. In response to Members' concerns about the impact of traffic in the area, Officers assured the Committee that they were awaiting further advice from Oxfordshire County Council regarding Chesterton Parish Council's suggested traffic mitigation measures.

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

Resolved

That application 09/01357/F be approved subject to:

- 1) Further advice from Oxfordshire County Council regarding Chesterton Parish Council's suggested traffic mitigation measures.

And the following condition:

- 1) Within 3 months of the date of this permission a Green Travel Plan shall be submitted to the Local Planning Authority and upon approval the requirement of agreed plan shall thereafter be implemented unless the plan is subsequently reviewed and approved.

116

Bloxham Church of England Primary School, Tadmarton Road, Bloxham

The Committee considered a report of the Head of Development Control and Major Developments seeking Cherwell District Council's comments on the proposal for the erection of a single storey extension to provide a new children's centre, a multi use classroom and associated external works, including a new entrance with canopy.

The Committee was satisfied with the evidence presented.

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

Resolved

That Oxfordshire County Council be advised that Cherwell District Council has no objections to the proposed development, however would suggest the imposition of the following planning conditions and notes:

Conditions:

- 1) 1.4A (RC2) [Full permission: Duration limit (3 years)]
- 2) 2.0A (RC4A) [Details of materials and external finishes] insert 'development'
- 3) That tree protection measures shall be installed to protect the nearby trees in accordance with the recommendations made within BS: 5837: 2005 - Guide for Trees in Relation to Construction. The tree protection barriers shall remain in place and undamaged for the commencement of development. (RC72A)

117 **Ivy Cottage, Main Street, North Newington, OX15 6AJ**

The Committee considered a report of the Head of Development Control and Major Developments which sought approval for the restoration of and alterations to an existing cottage including a new thatched roof, demolition of the existing single storey rear extensions and replacement with one and a half storey extension, and vehicular access with turning facility.

Members of the Committee requested a site visit to enable Members to view the potential impact of the proposed development on the conservation area and street scene.

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

Resolved

That application 09/01410/F be deferred to allow for a site visit.

118 **Report upon Complaint to the Local Government Ombudsman**

The Committee considered a report of the Head of Legal and Democratic Services and Head of Development Control and Major Developments which notified Members of the details of a complaint to the Local Government Ombudsman arising from the Council's maladministration and recommended payment of compensation.

Resolved

- 1) That £11,274.35 compensation be paid to the complainants.
- 2) That it be noted that the Head of Development Control and Major Developments will write to the complainants apologising for the Council's error and the stress and inconvenience caused.

- 3) That the Executive be recommended to make budgets available to support the action as set out above via a Supplementary Revenue Estimate of £11,274.35 to be funded from Development Control Reserve.

119 **Planning Appeal (Public Inquiry) Relating to the Refusal of Planning Application 08/02495/F at Land North of Willowbank Farm, Fritwell Road, Fewcott**

The Committee considered a report of the Head of Development Control and Major Developments which requested the Planning Committee to nominate two committee members to give evidence on behalf of the Council at the planning appeal (public inquiry) relating to the refusal of planning application 08/02495/F at Land North of Willowbank Farm, Fritwell Road, Fewcott. The application was for the erection of 4 turbines and ancillary development including a new site entrance, access tracks, a control building with substation and underground cabling and the erection of 1 anemometer monitoring mast and temporary construction compound.

Resolved

- 1) That Councillor Mrs Catherine Fulljames and Councillor James Macnamara be nominated to prepare and present evidence on behalf of the Planning Committee in relation to the planning appeal (public inquiry) at Land North of Willowbank Farm, Fritwell Road, Fewcott.
- 2) That Councillor Rose Stratford and Councillor Lawrie Stratford be nominated as reserve witnesses to present evidence on behalf of the Planning Committee in relation to the planning appeal (public inquiry) at Land North of Willowbank Farm, Fritwell Road, Fewcott.

120 **Review of Validation Checklist for Planning Applications**

The Committee considered a report of the Head of Development Control and Major Developments advising Members that it was necessary to consider changing the Council's current validation checklist for use in the registration of new planning applications. The report explained the proposed checklist and sought approval to proceed with formal consultations on its contents.

The Committee commended Officers on the revised validation checklist and guidance note and agreed that it would be very beneficial in assisting those submitting planning applications.

Resolved

- 1) That the revised validation checklist and guidance note be agreed.
- 2) That the Head of Development Control and Major Developments be authorised to undertake the necessary formal consultation process.

121 **Tree Preservation Order (No 6) 2009 Sycamore Tree at 'Peacehaven', Manor Farm Lane, Balscote**

The Committee considered a report of the Head of Development Control and Major Developments which advised Members of objections received following the making of a Tree Preservation Order (TPO) on a Sycamore tree at 'Peacehaven', Manor Farm Lane, Balscote and which sought a decision on whether or not to confirm the Order.

The Arboricultural Officer advised the Committee that no further supporting evidence to justify the removal of the tree had been submitted by the owner/occupier of the property.

Resolved

That Tree Preservation Order (No. 6) 2009 be confirmed without modification.

122 **Tree Preservation Order (No. 9) 2009 Oak Tree at 9 Foscode Rise, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought confirmation of an unopposed Tree Preservation Order relating to a Oak Tree at 9 Foscode Rise, Banbury.

Resolved

That Tree Preservation Order (No. 9) 2009 be confirmed without modification.

123 **Tree Preservation Order (No. 10) 2009 Lime Tree on highway verge to front of 102 Prescott Avenue, Banbury**

The Committee considered a report of the Head of Development Control and Major Developments which sought confirmation of an unopposed Tree Preservation Order relating to a Lime Tree on highway verge to front of 102 Prescott Avenue, Banbury.

Resolved

That Tree Preservation Order (No. 10) 2009 be confirmed without modification.

124 **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 accepted.

125 **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 6.45 pm

Chairman:

Date:

CHERWELL DISTRICT COUNCIL

PLANNING COMMITTEE

10 December 2009

PLANNING APPLICATIONS INDEX

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

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

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

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

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

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

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

Human Rights Implications

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

Background Papers

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

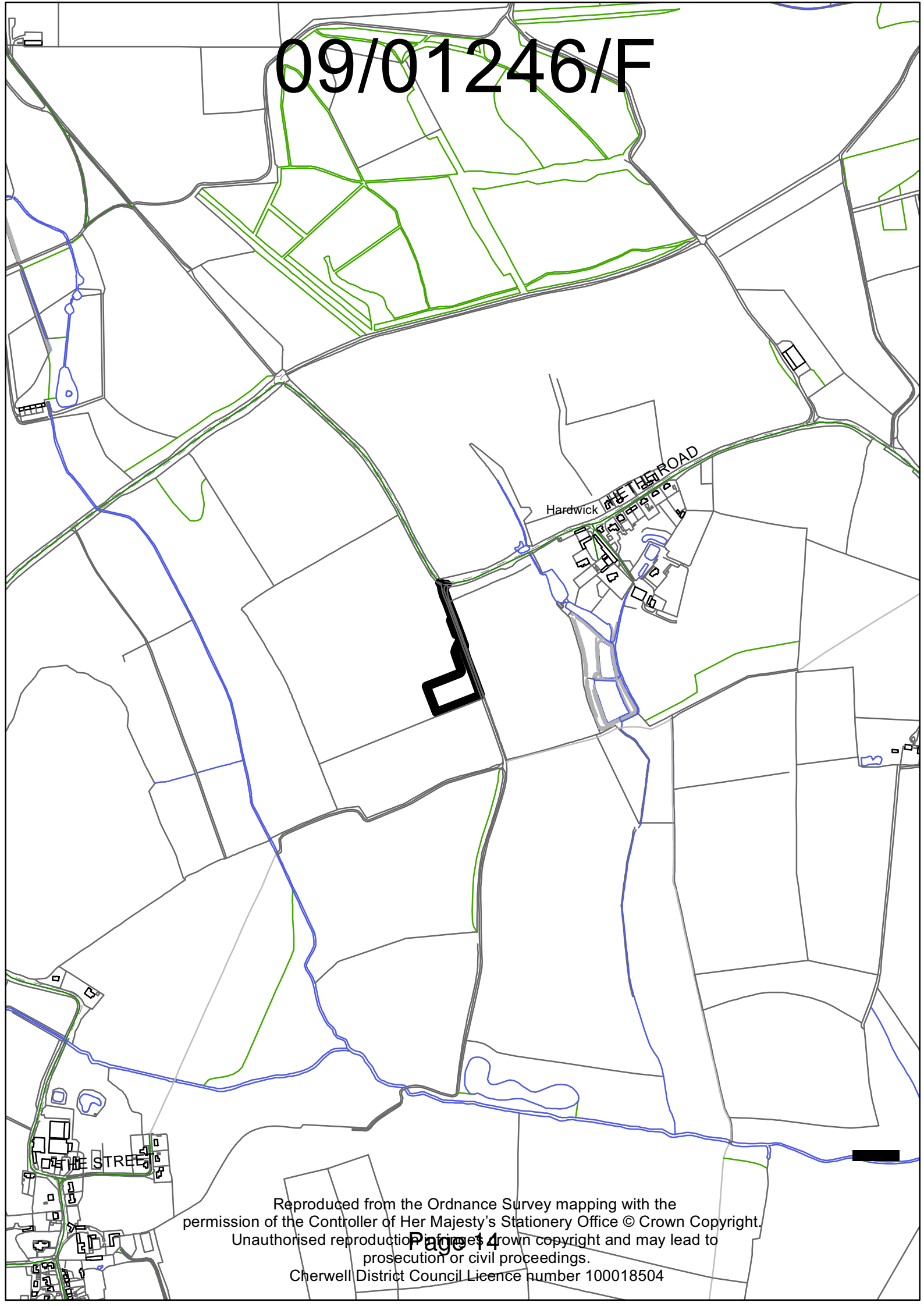
Applications

	Site	Application No.	Ward	Recommendation	Contact Officer
6	Land At Tusmore Park, West Of Manor Farm, Hardwick Road, Hethe	09/01246/F	Fringford	Refusal	Andrew Lewis
7	Annexe Adjacent Applegate, East End, Hook Norton, Oxfordshire, OX15 5LH	09/01302/F	Hook Norton	Approval	Caroline Roche
8	Ambrosden Court, Merton Road, Ambrosden, Bicester, Oxfordshire, OX25 2LZ	09/01346/OUT	Ambrosden and Chesterton	Refusal	Rebecca Horley
9	Ivy Cottage, Main Street, North Newington, OX15 6AJ	09/01410/F	Sibford	Refusal	Gemma Dixon
10	Willy Freund Centre, Dover Avenue, Banbury, OX16 0JE	09/01476/F	Banbury Ruscote	Approval	Gemma Dixon

Ponds

114.5m

09/01246/F



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Application No: 09/01246/F	Ward: Fringford	Date Valid: 11 th September 2009
Applicant:	Tusmore Park Holdings, Tusmore Park Estate	
Site Address:	Land At Tusmore Park West Of Manor Farm Hardwick Road Hethe	
Proposal:	Grain store with office and W.C., service yard and weighbridge accessed from existing farm track.	

1. Site Description and Proposal

- 1.1 Tusmore Park Estate is located approximately 6 miles north of Bicester, the main entrance fronts the A43 although there are a number of other secondary access points. Overall the estate is 2,300 acres in size. In 2008 there were some 1,000 acres on the estate in cultivation of which winter wheat (400 acres) produced 1,500 tonnes, oilseed rape (250 acres) 375t, winter beans (150 acres) 563t, and spring barley (200 acres) 500t giving a total production of 2,683 tonnes, a figure slightly lower than expected due to the poor harvest returned in that year. There are also large areas of woodland (550 acres), game cover (223 acres) and grassland (272 acres) as well as water, buildings, gardens, etc
- 1.2 At present the main grain store for the estate is at Park Farm. This is located on the western edge of the estate fronting the old A43. It currently has a total storage of 300 tonnes in 10 x 30t bins. The facilities there are poor in terms of size, condition and security of the building and Park Farm is now considered poorly located in relation to the main areas of cultivation on the estate. There is further storage at Fox Covert of 850-900 tonnes but without drying facilities.
- 1.3 The applicants entered into pre-application discussions with the Council some time ago in an attempt to seek agreement on a location for a new grain store facility. The present site was considered the preferred option on the basis it enjoyed "extensive woodland cover and was well located in terms of the estate's operational requirements and access to the main highway network (without going through any village settlement or passing any rural housing before reaching the main road network)".
- 1.4 The application site is located in a position approximately central to the estate's northern/southern and western/eastern boundaries. It is approximately 300 metres west of Hardwick village and about 1000 metres north east of Stoke Lyne although there are houses closer than that. The access to the site would be from the Hardwick Road, a lane that links the village to the B4100 (Bicester to Baynard's Green).
- 1.5 Access to the actual application site is from an existing farm track that comes off the Hardwick Road at a right angled bend some 250 metres west of the village. The track will be "improved" by being concreted to a width of 4.5m and with a passing bay constructed to 8.5m width.
- 1.6 The main element of the proposed development consists of a new building measuring 72m x 25m, and 9.5m to ridge, 6m to eaves. It is of a standard utilitarian design, with solid gable ends, a solid "rear" wall and a main

elevation in which 6 full height roller shutter doors are punched through the elevation. It is intended to store crops in 6 x 500 tonne sections giving a 3,000 tonne capacity overall. Integral to the design would be three enclosed fan houses, located at the rear, for the purpose of drying the grain. These lean to structures would measure 6 x 5 metres and be 5m to ridge/3.5 m to eaves. There would be a further lean-to structure for use an office (6.66m x 3m, and 4/3m in height) fronting the track. The external facing materials are concrete panels with steel coated colour sheeting under a cement fibre roof.

- 1.7 In addition to the building would be a concrete yard measuring 72m x 20m for vehicle access and manoeuvring, and a weighbridge 27m x 3m.
- 1.8 As part of the application an indicative landscape scheme is included of native tree and shrub planting in two belts, one of 300m length to the south of the building and another of 100m along the farm track.

2. Planning History

3.1

Application Reference	Development	Status	Open Date / Closed Date
00/01174/F	Construction of new lake and associated works	PER	12 June 2000 / 14 August 2000
01/00059/F	Construction of a walled garden pavilion and reflecting pool (Retrospective)	PER	5 January 2001 / 27 February 2001
01/00904/AGN	Agricultural access track	PAPNRQ	4 May 2001 / 25 May 2001
02/00699/AGD	Proposed new access track in the west park	PAPGRA	2 May 2002 / 28 June 2002
02/01948/HED	Removal of hedge to facilitate the re-orientation of arable fields	PER	11 September 2002 / 23 October 2002
96/00780/F	Construction of an amenity pond.	PER	9 May 1996 / 26 June 1996
96/00802/F	Revised estate entrance. Replacement lodge and garage. New security gatehouse.	PER	13 May 1996 / 22 July 1996

98/00999/AGN	Construction of a bridge over watercourse	PAPNRQ	3 June 1998 / 29 July 1998
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99/02080/F	Construction of orchid house	PER	19 November 1999 / 14 February 2000
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03/02123/F	Extension of existing entrance flanking walls by 10 metres each side. Erection of 1.75 metre high and 1500 metre long timber park paling fence. Replacement of old tarmac and gates to existing farm entrances, all to the western boundary.	PER	9 October 2003 / 18 December 2003
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07/01831/F	Creation of arboretum with gravel access paths, gentle earth shaping and footbridge over bridleway	PER	4 September 2007 / 30 October 2007
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And at Tusmore Park farm:

Application Reference	Development	Status	Open Date / Closed Date
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07/02228/F	Conversion of existing barns to office space with appropriate welfare facilities and provision of new car parking, replacement of existing windows/doors with timber framed windows/doors/screens with double glazing units, new roof lights and roof entrance canopy	WDN	31 October 2007 / 27 December 2007
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08/02592/F	Re-submission of Planning Application: 07/02228/F - Conversion of existing barns to office space with appropriate welfare facilities and provision of new car parking. Replacement of existing windows/doors with new timber framed windows/doors and screens with double glazing units. New roof lights and roof entrance canopy.	PER	22 December 2008 / 13 March 2009
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3. Application Publicity

- 3.1 The application has been advertised by way of a site notice, press notice and letter to Parish Council. The last date for comments was 23rd October 2009.

4. Public Comment

The Council has received 14 letters of objection from:

- The Old Farmhouse, Hethe Brede (x3)
- Dorrington House, Main Street, Hethe
- East Cottage, Main Street, Hethe
- Tangley farm, Hethe
- Barnabas Cottage, The Street, Stoke Lyne
- Church House, Stoke Lyne
- The Old Stables, Stoke Lyne
- Church Farm, Stoke Lyne
- Lower farm, Stoke Lyne
- Honeysuckle Cottage, 11 Hardwick
- Manor Farm, Hardwick
- Pimlico Farm-Tusmore (including letter to Highway Authority)

The main objections are listed as:

Principle/Policy

- Contrary to policy EMP8, NSCLP 2011
- Contrary to Countryside Design Summary 1998
- Industrial operation in countryside

Alternative Locations/Park Farm

- Must be two better alternative sites (based on transport and economy)
- There is an established use (and a better location) at Park Farm (7)
- Park Farm is a viable alternative site, if not there are other sites closer to A34 that should be used first
- Park Farm is a better location where the process can take place without an adverse impact
- Park Farm ideal location-direct access to A34, away from residents, easy access for HGV's and farm traffic
- Unnecessary as there is an eminently appropriate location(2)
- Existing store at Park Farm should be demolished/replaced (3)
- Park Farm has direct access to the A34 (2)
- Is Park Farm unacceptable because of the proposed conversion to offices?
- Park Farm, although near western boundary, is central located and farm traffic can use estate roads
- Not poorly located as stated in Access Statement
- Inappropriate location, detrimental to character and appearance of the locality.
- A grain store could be better screened at any of the estates other farm sites

Landscape/Visual Amenity/The Building

- The site is open countryside
- Visual impact from long distances
- Spoil rural look of countryside
- Pointless to ruin countryside when there is Park farm
- Adverse effect on view from Stratton Audley-Stoke Lyne Road

- Impact on the environment, a peaceful rural setting (2)
- Degradation of north Oxfordshire, rural landscape
- Building too big and cannot be screened by trees (especially in winter) (or bunding) (5)
- Trees will take too long to grow to screen the building
- Building too big, 9 metres, immensely intrusive (3)
- On brow of hill, valley, highly visible (6)
- Should not develop a Greenfield site (2)
- Misleading statement on impact (5)
- Inappropriate scale and materials
- The building is bigger than necessary 4500 tonne, not 3000 tonne. It could be reduced in height and therefore its impact reduced

Traffic and Access

- Heavy traffic in country lanes (5)
- Unapproachable access for HGV's
- Increase in farm traffic on lanes through villages (2)
- Any site should have direct access to A34 (3)
- Increased farm vehicles x 200 heading to this location through villages
- Lane from B4100 is single track and 7.5 tonne limit (4)
- Lane not constructed to take this many HGV's
- Lane is of insufficient width for HGV's
- Access on to B4100 is on bend, and rises, used by fast moving traffic (3)
- Use of junction to B4100 would be dangerous (3)
- B4100 has accident record
- Heavy traffic to Tusmore Estate should be from A43, it has an access designed for them on the dual carriageway
- Access on to Hardwick Road is at a right angled bend (3)
- The access road crosses a bridle path, affect on Jubilee Ride (2)
- No passing places for traffic on lane
- Traffic- adverse effect on safety of road users
- Traffic-damage to property
- Traffic information is misleading, Park farm will reduce traffic, and new site will increase it.
- Traffic information is misleading, the number of vehicle movements will be nearer 220 vehicles for 2000t and 350 for 4500t, not 100 as stated
- Adverse effect on pedestrians and horse riders
- Access should be used from A34 through Park Farm
- Unnecessary environmental damage from increase in vehicular traffic
- What other traffic movements will there be?
- Increased tracks across the estate will not solve the problem and be detrimental to the character of the estate
- Noise, vibration, dust from extra traffic
- Damage to verges from traffic
- Should road miles not be reduced?
- Should use the old (estate) road to Stoke Lyne
- Need for a routing agreement

Environmental Impact

- Dust pollution (6)

- Effect on air quality from dust
- Environmental impact, noise, dust, traffic, smells, fumes
- Effect on quality of life from noise, light, dirt
- Affect on listed building (Manor Farm) from noise and dust (due to prevailing wind)
- Noise, particularly summer months (3)
- Noise, from drying equipment (3)
- Noise-intrusive to Hardwick and Stoke Lyne (downwind to Hardwick) (4)
- Noise will be at industrial level
- Smells from vehicle emissions
- Statement misleading as there will be other noise sources: from associated activity, tipping, conveyors, etc
- Landscaping will not act as a sound barrier
- Disturb quiet rural idle.

Other Issues

- Effect on wildlife (2)
- Area of natural beauty-effect on owls, bats, toads
- Effect on migrating toads from ancient ponds across Hardwick Road
- Development would enhance breeding of pheasants to detriment of road users and encourage vermin
- Precedent, will require additional development, dwellinghouse for security, other sheds, workshops (3)
- Start of shift away from Park Farm to Hardwick
- Being done in a way beneficial for residents of Tusmore House (rather than park Farm which is closer)(3)
- Will this facility be used by other contractors? (2)
- Spoil the enjoyment of the countryside by walkers/horse riders/cyclists (2)
- Need for an environmental assessment

There is one commendation on the work undertaken on the estate to hedges, woodland, and paths.

5. Statutory and Internal Consultations

5.1 The **Hardwick with Tusmore Parish Council** do not object in principle to a grain store but request this scheme is rejected and object to this scheme because:

- Does not accord with NSCLP 2011 policy EMP8; it is intrusive and has an adverse impact on Hardwick from noise, dust and traffic. Not necessitated by new environmental, hygiene and welfare legislation.
- Does not accord with NSCLP 2011's aim (and that of the Countryside Design Summary 1998) to protect open countryside
- Better, more suitable alternative sites on the Tusmore Park Estate.
- Does not accord with NSCLP 2011 policy EN3: it will cause material harm from environmental pollution. The major environmental concerns are: noise-particularly from drying fans, their use at unsocialable hours, wind blown noise, at times when residents expect to be able have open windows (late summer), and from the machine for

generating the heat. Dust-Hardwick is downwind. Traffic-increase use of roads through Hardwick from farm vehicles, increased risk to pedestrians (no footpaths), disturbance to residents, and shift in gravity from the estates operations. The lane is unsuitable for HGV's. It has a weight limit of 7.5tonnes. Trips are not identified for maintenance. Safety at the junction of entrance on to Hardwick Road. Proposal switches traffic from A43 direct to estate onto country lanes.

- If permission is granted conditions should be imposed to control noise, hours of operation (of drying equipment), planting screen, control of dust emissions, traffic routes
- Concerned this will act as a precedent for future development.

5.2 **Stoke Lyne Parish Council** strongly object:

- Intrudes on nearby residents visually and due to traffic
- Better alternative sites that would not affect residents
- Use of minor road is unacceptable for HGV's- no passing bays, accident record, blind corners. The road has become busier since A34 was dualled.
- Noise from grain dryers
- Any site for a grain store should be closer to A43
- Wrong for Park Farm to be redeveloped for other uses. It is still suitable for a redeveloped facility

5.3 **Safer Communities and Community Development-Anti Social Behaviour Manager.**

Due to the location of the proposed grain store in relation to the nearest dwelling(s) and the noise data provided with the application it is not anticipated that the grain drying equipment will have an adverse effect on these properties.

5.4 **Landscape Officer**

"The site is located in a quiet unspoilt area of countryside. There are a number of substantial blocks of woodland in the vicinity, with Tusmore wood as a backdrop to the north and Stoke bushes to the south west. There are numerous hedgerows providing additional screening.

The village of Hethe will not see the barn due to hedges and intervening topography.

I've had a look at this very large proposed barn from a number of local view points:

Point 1 Not visible due to intervening hedgerows

Point 2 Visible from minor road looking down the track, drivers will only see a fleeting glimpse.

Point 3 Not visible due to dense vegetation

Point 8 Not visible from Hardwick village due to intervening vegetation, although it is close and noise could be an issue.

Some properties in Stoke Lyne will be able to see the barn due to its size and

height. Stoke Lyne is sited on raised ground facing in the direction of the barn. The nearest dwelling is about 850m from the barn

Point 4 the barn will be visible from this point, albeit from a distance of about 1km

Point 5 Not visible due to intervening vegetation

Point 6 Not visible due to intervening vegetation and low lying ground

Point 7 The barn will be visible from the Hardwick/Stoke Lyne footpath

Point 9 Some distant visibility

The existing field pattern of blocks of planting and hedgerows will screen the barn from the north and west, topography intervenes from the east. This leaves the south where it will be visible from some locations in Stoke Lyne and typically from first floor window level. I think that given the distance the impact will be moderate at best.

Careful choice of colours for the walls and roof will help minimise the impact of the barn.

I would also like to see the screen planting extend along the SW side of the barn. Some species chosen for rapid growth would be useful as building almost 10m tall is high and will take a considerable time to screen.”

5.5 **Oxfordshire County Council, Highways Officer:**

“There are a couple of matters which need clarification/further information.

(a) The use of the weigh bridge. If we are to accept its provision we will need to condition exactly who is able to use it. With this in mind we need formal assurance from the applicants that it will only be used by them and not others.

(b) The use of the storage facility. Again as above we need a statement that the facility will only be used by Tusmore Estates.

(c) I need a more robust understanding of the traffic generation as product of this development. I note that within the design and access statement there is reference to traffic movements but there is no quantification of them and this will be important. So a Transport Statement is required.

We need to understand better what happens now i.e. details of what happens to their grain at present, how and where they store it and transport it from the land now.

I suspect that there are a series of internal haul roads which service the use. Could these be shown as part of an explanation as to why this particular site was chosen? I note the details given in paras 6.3 and 6.4 of their design and access statement but there will be a concentration of movements along this road, which is single track, and at its junction with the B4100. This road has recently been overlaid and is in good condition for the level of movements it is expected to take I am however concerned that such a concentration of very large commercial vehicles will be detrimental to both the physical nature of the structure and highway safety.

Were there any other locations considered?

The location they have chosen for the access to the facility is not acceptable in my view and if all else is acceptable will need to be moved to the north around the bend.

It is recommended that planning permission be refused for the following reasons:

1. The highway serving the site (Hardwick Road) is narrow, tortuously aligned and of a limited forward visibility. Traffic movements generated as a product of this proposal will result in a hazard to the detriment, safety and convenience of road users.
2. This proposal will generate increased turning movements of heavy goods vehicles at the junction of the B4100/Hardwick Road that will result in a hazard to the detriment, safety and convenience of road users.

5.6 Rhodes Rural Planning and Land Management (RRP)(Advisor to the Council on matters of agriculture and rural planning)

“The Tusmore Park Estate is now managed principally for shooting, with areas of shelter belts and coppices together with large belts of game crops, principally maize. The parkland is grazed by a flock of sheep and the rest of the agricultural land is farmed in hand and is down to rotationally grown arable crops mainly winter wheat, oilseed rape, winter beans and spring barley although an acreage of linseed has been grown this year. The arable acreage extends to 404 hectares (1000 acres) in total.

The Estate has one main holding, Park Farm, which serves the whole of the farmed acreage, houses the Estate’s machinery and fertilisers, and the farm manager resides in the farm house. Park Farm has an extensive range of traditional and relatively modern farm buildings; from my inspection I would say there have been no new buildings erected at Park Farm since the late 1970s. The more modern buildings at Park Farm include a former dairy and stock unit with a silo barn, a small grain drier with a small grain store in which grain is stored in bins within the building, a hay barn and ranges of open-fronted implement sheds. Apart from the grain which can be stored in the grain store and a small quantity held short-term on-floor within the former silo barn, all harvested grain has to be sold off the combine due to the lack of assured storage facilities

The Estate is still expanding; I was informed at the site meeting that it is hoped to acquire additional land during 2010/11. The farming business is being modernised and it is the intention to store the tonnages from the arable acreage in one fully enclosed grain store which will be more cost effective than selling straight off the combine or storage off-farm.

At the site meeting the applicant’s agent informed me that pre-application discussions had taken place in an attempt to reach a consensus as to the appropriate location for the proposed grain store. I understand that six sites were discussed and that the proposed site for the new facilities, which is located on a greenfield site away from Park Farm, was considered to be the preferred site due to its central position in relation to the arable acreages of the Estate, the lack of visual intrusion (further lessened by the proposed landscaping scheme) and its proximity to the local road network.

In my opinion, the proposal for a new grain store is reasonable given the acreage farmed by the Estate for the following reasons:

- the lack of suitable existing buildings on the Estate
- the present inability to store grain under assured conditions, thus the inability to satisfy separation and traceability requirements
- economic and marketing considerations
- the likely increase in the Estate's acreage

I consider the design of the proposed building to be consistent with that of modern grain buildings serving acreages of a similar scale to the arable acreage at Tusmore Park. I calculate that the proposed building could store more than the 3000 tonnes currently estimated to be produced. However, I do not think it unreasonable when building a store of this design and quality, to have spare capacity built in; particularly given the plans for expansion of the landholding. In terms of the ancillary elements of the planning application, it is my opinion that a W.C. should be provided for use by workers or HGV drivers, and an office for record keeping would not be unreasonable. The installation of a weighbridge where significant areas of combinable crops are being grown again is not unreasonable as this will prevent disputes over loaded weights when the lorries reach ports, mills etc.

In my opinion, the main issue is where this store should be situated. It is the case that new buildings of this sort can be visually intrusive, so it is important that proper consideration be given to their siting

Whilst I consider there to be a need for a grain store of the size and capacity proposed, I am not convinced that the proposed site is the best site for its location. With the lack of information as to the other sites discussed, and presumably dismissed, prior to the application, it is difficult to comment on these, but I would be surprised if a site at Park Farm had not been discussed.

Notwithstanding the outcome of any earlier discussions, it is my opinion that a site at Park Farm for the proposed grain store would be ideal for the following reasons:

- Centrally located for the farmed land.
- Good access from the old Towcester Road and therefore from the new A43 providing quick and easy access for HGVs.
- An existing nucleus of farm buildings with a continuing agricultural use. (The existing buildings form the base for farm operations. The buildings house tractors, sprayers and cultivation equipment and a small, bespoke bin store for more valuable crops. The hay barn at the site also provides cover for demountable pheasant rearing pens. Even if the grain store was to be permitted on the proposed site the vehicles and equipment housed at Park Farm would still have to travel to the arable fields as part of their daily routine, therefore moving grain back to Park Farm to a new store there would be logical.)
- A managed site having the benefit of a strategically located dwelling to monitor vehicle movements, provide security and to act as an alert point in the event of an outbreak of fire.
- External and internal access to crops located both south and north of Park Farm. There is good access for farm machinery from the old Towcester Road to minor roads and through the network of internal Estate roads.
- A site well screened from the old Towcester Road.

In conclusion, It is my opinion that a new grain store would be reasonable for the purposes of agriculture on the Tusmore Park Estate. Having looked at the proposed site and having had the opportunity to visit Park Farm, it is my opinion that, given the agricultural need for the grain store, the best site to locate the store would be at Park Farm.”

Following the submission of further information by the applicant during the processing of the application (including a review of alternative sites considered by Tusmore), RRP have been re-consulted. In summary they have concluded:

- Except for Park Farm all the other sites considered are greenfield and will need to be fully serviced before they can be used. The other sites all have other disadvantages including prominence in the landscape; movements through villages; poor relationship to cropping areas; poor connection to estate’s roads.
- Although central the proposed site is greenfield, not serviced.
- Park Farm is at the hub of the local road network and has greatly superior transport links, it is well connected to the internal track network. It enjoys superior linkage than the proposed site.
- It is not accepted that Park Farm will be cause inefficiencies in terms of the grain harvest.
- It is not accepted that the proposed site’s advantages outweigh the location and traffic movement disadvantages of Park farm
- Hardwick and Hethe will experience greater levels of farm traffic.
- Park Farm has operating advantages in terms of crop movements and HGV movements
- Park Farm offers cost efficiencies including use of existing buildings for storage of vehicles etc, services exist, existing concrete aprons/service areas, dwelling for supervision, fuel/fertiliser storage, mess room, etc

It is concluded that the proposed site is not the best one for the proposed grain store and that Park Farm is the ideal location

6. Relevant Planning Policies

6.1 Planning Policy Statement 1 (PPS1): Delivering sustainable development

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas

Planning Policy Guidance 13 (PPG13): Transport

6.2 Regional Spatial Strategy for the South East (The South East Plan) 2009

Policy C4: Landscape and Countryside Management

Policy BE5: Village Management

Policy NRM9: Air Quality

Policy NRM10: Noise

6.3 Adopted Cherwell Local Plan November 1996 (ACLP 1996)

Policy AG2: Construction of Farm Buildings

Policies C7,C8: Landscape Conservation

Policy C13: Area of High Landscape Value
Policy C14: Trees and Landscaping
Policy C28: Layout, design and external appearance of new development
Policy TR2: Traffic management/highway safety
Policy TR5: Parking and Servicing
Policy TR7: Minor Roads
Policy EMP4: Employment in rural areas

6.4 Non-Statutory Cherwell Local Plan 2011 (NSCLP 2011)

Policy EMP 8 Construction of Farm Buildings
Policy EMP7 Farm Diversification
Policy TR3: Transport Assessments
Policy TR5: Road Safety
Policy TR11: Parking and servicing
Policy D1: Design Objectives
Policy D2: Design Statement
Policy D3: Local Distinctiveness
Policy D4: Quality of Architecture
Policy EN1: Conserve/Enhance the Environment
Policy EN3: Pollution
Policy EN5: Air quality
Policies EN30: Countryside Protection
Policies EN34: Landscape Character
Policy EN36: Landscape Enhancement

6.5 Other Relevant Documents

Countryside Design Summary June 1998

7. Appraisal

7.1 Background

The application has been submitted after discussion with Council Planning Officers. It was agreed, and still is, that the facilities at Park Farm are outdated and that other sites should not be precluded from consideration. It was agreed on face value that the proposed site had advantages and the case for the applicant has been put forward in their supporting documentation mainly that:

- Agriculture should be supported to be more competitive and sustainable (PPS7-para27)
- Vehicular traffic will not pass through any villages or past residential property
- There will be no quantum increase in traffic, in fact it will reduce movements and therefore be a more sustainable form of development
- The site is well away from residential property
- It has a limited visual envelope in terms of visibility
- The site has no nature conservation or heritage designation
- The site is with an area of high landscape value

- The proposed building will have minimal impact on the wider landscape
 - There is opportunity to integrate the building into the landscape
- 7.2
- Whilst every case has to be treated on its merits, Officers felt in this case the application suffered from a lack of information pertaining to alternative sites, the operation of the farm business and on traffic movements, both HGV and farm vehicles, and on public highway and estate roads/tracks. Further information was sought, provided and the application has been assessed against this latest information. Some details requested have not been received, for example, early in the process a Transport assessment was requested and whilst substantial information has been received on traffic flow, volumes, movements, types of vehicles, et al, a full assessment was not produced. This point will be revisited below in the section on Access, parking and highway safety.

- 7.3 It is the Officer's view the application raises the following main issues:
- The principle of the development
 - The layout, design and appearance of the proposed grain store building and the impact on the countryside
 - Impact on local residents and
 - Access, parking and highway safety

7.4 **The Principle of the Development**

7.4.1 The applicant has made a convincing case that existing storage facilities require replacement. They have also convinced the Officers that the volume of storage proposed by the current development is appropriate. So, in principle, the Officer's are supportive of a new 3,000 tonne storage facility for Tusmore. The question is where should it be sited, what should it look like and how should it be accessed.

7.4.2 Government policy for rural areas is set out in PPS 7. The main objectives are to raise quality of life and the environment, to promote sustainable development; to improve economic performance and to promote sustainable, diverse and adaptable agriculture. It goes on to say that good quality, carefully sited accessible development should be allowed where it benefits the local economy and/or community. Accessibility should be a key issue. Reuse of previously developed sites is preferable and green field sites only used when they are not available. New building in open countryside should be strictly controlled.

7.4.3 This is followed through in the South East Plan and the adopted and non-statutory Local Plans. Sporadic development should be resisted (policy C8, C13 -ACLP 1996) and farm buildings should be sited so as not to intrude into the landscape (policy AG2-ACLP 1996).

7.4.4 The applicant has submitted considerable evidence to support the logistics behind the proposed site, and belatedly rule out other possibilities, but the Officer's have come to the fundamental conclusion that their case is not conclusive. The site is green field. however there is a brown field site, Park Farm. Although this is not central to the Tusmore Estate that in itself should not preclude the prima facie case for land there being reused for a new grain

store. It also has other advantages, particularly access, which will be dealt with below, it would be less significant visually, is well serviced by utilities, has a dwelling that provides accommodation for management and supervision, and buildings that can be used for storage

7.4.5 So, it is concluded that the proposed site is an inappropriate one for this building and not forgetting, the substantial other work that is required along with it including large area of concrete yard and weighbridge.

7.5 **The Layout, Design and Appearance of the Proposed Grain Store Building and associated works**

7.5.1 The proposed building is undoubtedly a large, functional structure, 72 metres long and 9.5 metres in height. Its design has already been described above as utilitarian but that is the nature of many agricultural buildings. Would it cause visual harm if permitted? In this case its layout and design seems to be appropriate for the type of use envisaged and it benefits from significant screening by woodland from some of the major local vantage points. Further landscaping could help to assimilate into its setting and the facing materials used in its construction can be controlled, if permission were granted, to reduce its visual impact. It is not considered to be in conflict with policy EMP8 as suggested by a local resident. However the applicants have failed to demonstrate to the local planning authority that this very large building cannot be accommodated adjacent to an existing group of farm buildings within their holding. As such the proposal for the very large grain store and associated infrastructure under consideration incrementally erodes the open character of the open countryside. In addition the potential introduction of passing places to facilitate the operation of this isolated site will also contribute to this rural erosion.

7.5.2 Along with the building is a large area of associated works, concrete hard surfacing and weighbridge. It is accepted that for the type of building and use proposed these ancillary works are necessary, but not in this isolated location as a practical alternative exists. Should the Council be minded towards granting planning permission, questions of sustainability would arise over energy and drainage, and the use of the weighbridge, but they could be dealt with by condition and are certainly not considered, by themselves, to be so excessive to justify refusal of planning permission.

7.6 **Impact on Local Residents**

7.6.1 The effect on the local community from traffic is referred to below. Under this heading the main issue is whether demonstrable harm is caused by means of noise, fumes, vibration or some other environmental impact

7.6.2 The South East Plan and both adopted and non statutory Local Plans all contain policies that advise planning permission should be refused if there is harm arising from noise, smells, fumes or poor air quality. In this particular case, it is not considered demonstrable harm will be caused.

7.6.3 The reasons for this are the distance separation to the residential properties and even though Hardwick is "down wind" the properties there have a fair degree of separation at over 300 metres. Certainly the advice of the Environmental Health Officer with regard to the three fans proposed is they will not generate a noise nuisance and, again, conditions could be used, if

permission were to be granted, to acoustically insulate them. In terms of the other environmental issues, they are not thought to be so significant to justify refusal or to conflict with the relevant policy.

7.7 Access, Parking and Highway Safety

7.7.1 Development of the size and use of the proposed grain store requires on site manoeuvring and space for servicing and this is provided.

7.7.2 Off site however, the access to the site and routing of heavy goods vehicles is of major concern. Since the application was first submitted additional information has been obtained and it is now clear that there are already 32 movements to Fox Covert Barn along the Hardwick Road. The number of HGV's, as calculated by the tonnage of grain stored and the capacity of the lorry was thought to be up to 100 vehicles per annum, although this has dropped to 96 on the latest figures. It is also argued by the applicant this equates to only 2.5 vehicles a week so insignificant and that it will be concentrated in the September-June period so again, the impact will not be all year round.

7.7.3 Unfortunately a Transport Assessment has not been produced (as required for major development-Policy TR3 NSCLP 2011) and as a result the capacity of junctions and the highways involved are not technically known. The Highway Authority nevertheless has two main concerns.

7.7.4 The first is the movement of vehicles along the Hardwick Road and secondly, the problems with the junction with the B4100.

7.7.5 The access from the Hardwick Road into the site of large, slow moving lorries is thought to be dangerous without sufficient visibility for vehicles coming from Hardwick. The lane between the junction of the B4100 and the site entrance is also very narrow, winds and with very few opportunities to pass. This is likely to lead to conflict between the lorries and other users of the highway, be it walkers, cyclists, horse riders or other motorists. In such cases the policy of the Council is normally to refuse planning permission (TR7 ACLP 1996, TR5 NSCLP 2011).

7.7.6 The junction with the B4100 is also thought to be difficult, there is already an accident record along this stretch of road, although the applicant challenges whether they are significant or relevant to this proposal. The Highway Authority is adamant however, that because of the topography of the land, the bend in the road, and its use by vehicles at high speed, heavy good vehicles entering the B4100 from Hardwick Road will cause problems and potential accidents. For reasons of highway safety they therefore recommend planning permission for the grain store is turned down.

7.7.7 Notwithstanding the Highway Authority recommendation, it is recognised that the applicant have sought a location for the store where vehicles will not pass through villages or by residential property, there is only dwelling between the site and the B4100. Furthermore, there is an argument that by centralising the site for a grain store there will be less total vehicle movements and it is therefore a more sustainable form of development. Even if this were the case, and the evidence is not clear, Officers believe it to be somewhat tenuous as an argument and one that the Estate could resolve by better use of their own tracks and roads.

7.8 Other Issues

- 7.8.1 Environmental Statement- It has been queried why one was not required and this is due the scale of development not being so great, the location not being a vulnerable one, the development not involving potential hazardous environmental effects and being of local interest.

Landscaping

- 7.8.2 The applicant is aware of policies C7 and C14 of the ACLP 1996 and is committed to planting indigenous trees and plants in two belts to the front and one side to screen the building. It is likely that if permission were granted it would be conditioned for full details to be submitted including planting beyond what is suggested by the applicant and including trees of a semi-mature nature. It is the advice of the Council's Landscape Officer that a comprehensive planting scheme is required to both screen the development and integrate it into the landscape. Again, a condition can be imposed to achieve this.

Wildlife

- 7.8.3 The land is under cultivation. It is not thought to have a direct adverse impact on wildlife nor would it on nearby habitats.

Precedent

- 7.8.4 Whilst the local residents are concerned, understandably that this might have implications for future development in the locale, the application should be determined on its merits as submitted.

Alternative Development at Park Farm

- 7.85 Residents have pointed out there is a planning permission to convert buildings at Park Farm to offices. These are not those presently used for grain storage nor would they impinge on proposals to develop that site for replacement grain storage facilities if such a proposal was forthcoming.

8 Conclusion

- 8.1 It is concluded that the proposed site is not the best one for the proposed grain store and that Park Farm is the ideal location, as such the proposal will be significantly detrimental to highway safety and the convenience of users of the local highway network. It is therefore recommended planning permission be refused as set out below.

9. Recommendation

It is recommended that planning permission is refused for the following three reasons:

1. The applicants have failed to demonstrate to the local planning authority that this very large building cannot be accommodated adjacent to an existing group of farm buildings within their holding. As such the proposal for the very

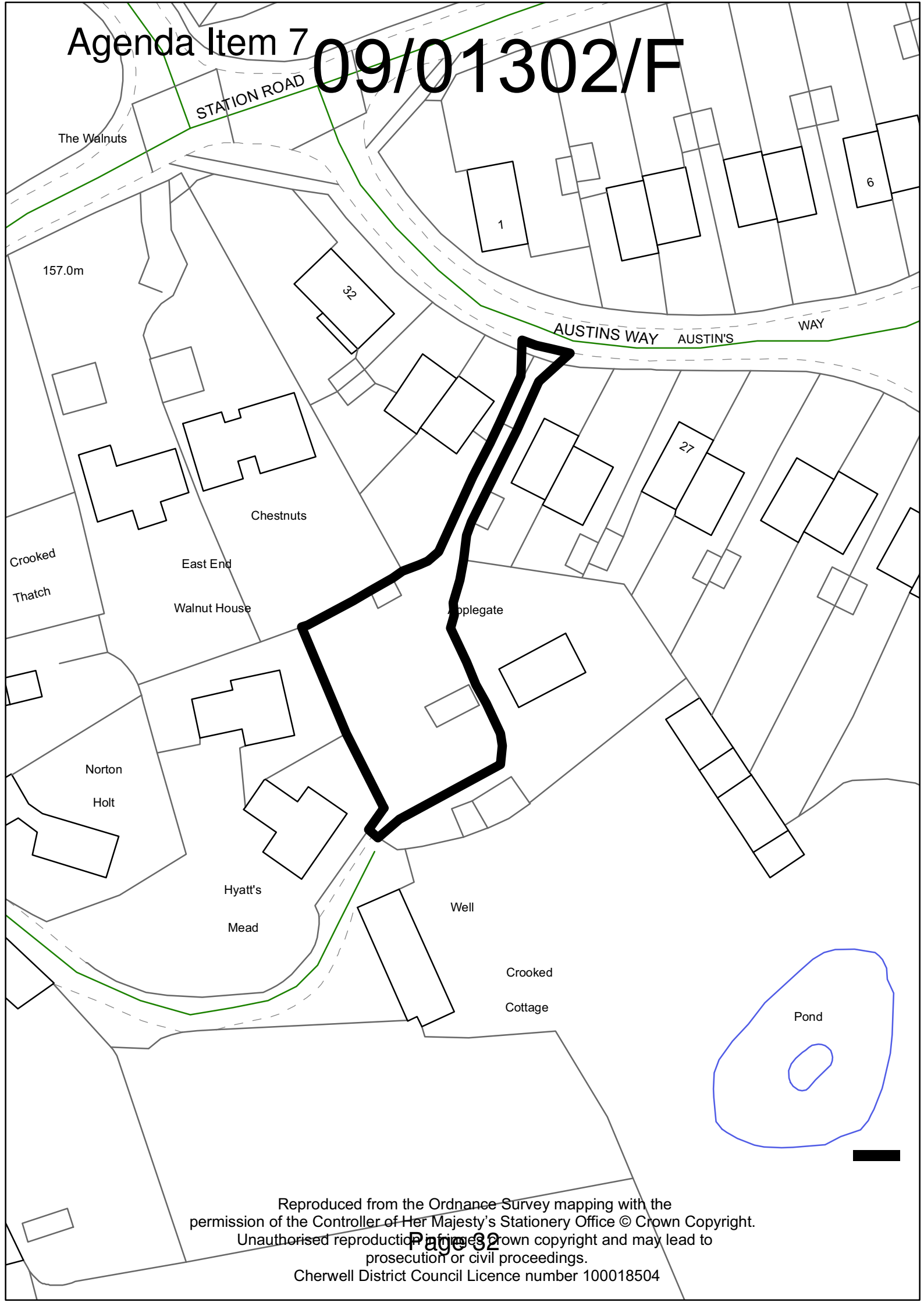
large grain store and associated infrastructure under consideration incrementally erodes the open character of the open countryside contrary to policies to C7, C8 and C13 of the Adopted Cherwell Local Plan 1996 and EN30, EN31 and EN34 of the Non Statutory Cherwell Local Plan 2011.

2. The highway serving the site (Hardwick Road) is narrow, tortuously aligned and of a limited forward visibility. Traffic movements generated as a product of this proposal will result in a hazard to the detriment, safety and convenience of road users. The proposal is therefore contrary to PPS13-Transport and policies TR2 and TR7 of the Adopted Cherwell Local Plan 1996.
3. This proposal will generate increased turning movements of heavy goods vehicles at the junction of the B4100/Hardwick Road that will result in a hazard to the detriment, safety and convenience of road users. The proposal is therefore contrary to PPS13-Transport and policies TR2 and TR7 of the Adopted Cherwell Local Plan 1996.

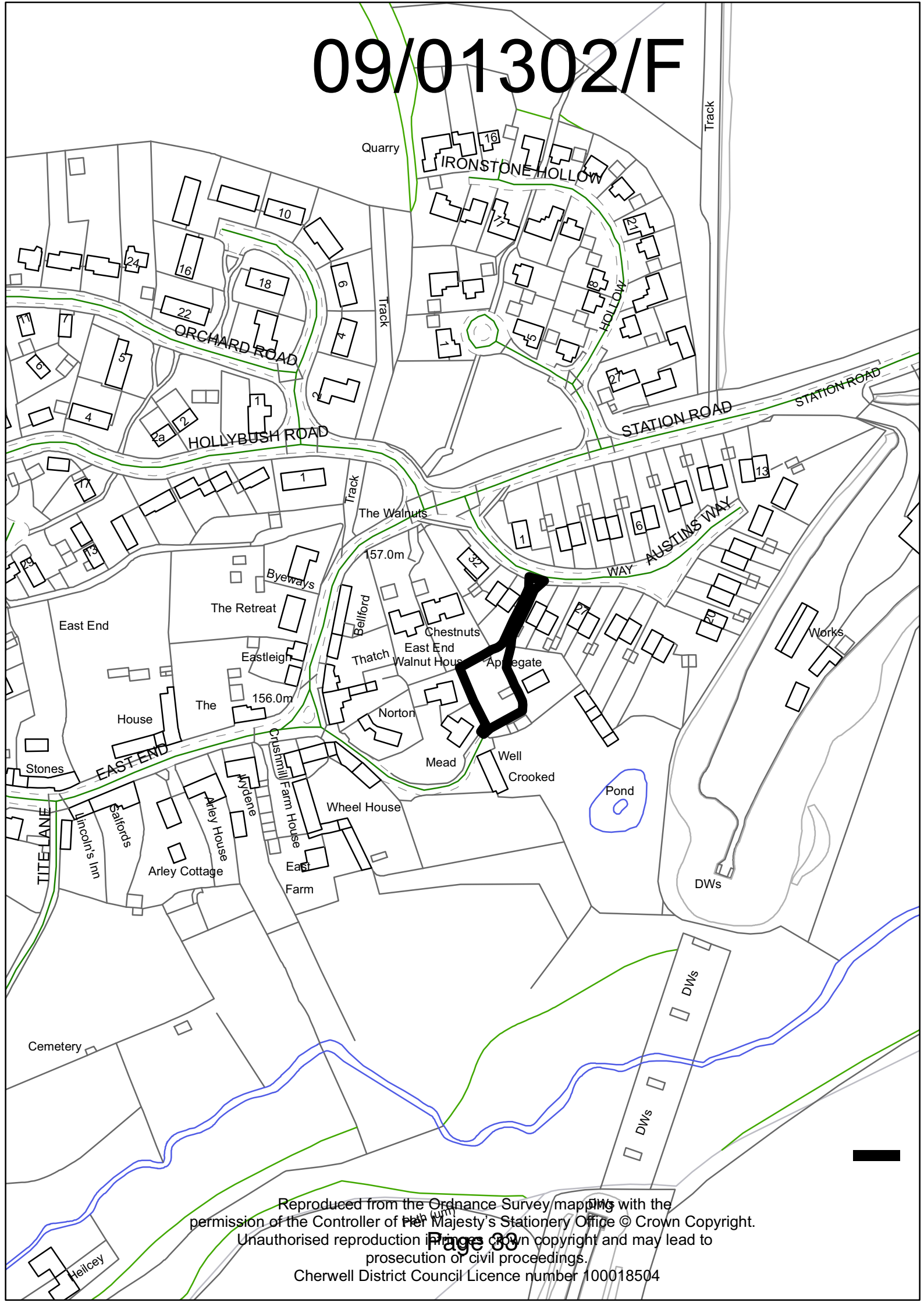
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09/01302/F



Application 09/01302/F	No:	Ward: Hook Norton	Date Valid: 21 September 2009
Applicant:	Mr & Mrs J Hamilton		
Site Address:	Annexe Adjacent Applegate, East End, Hook Norton, Oxfordshire, OX15 5LH		

Proposal: Demolish single storey bungalow and build 1 ½ storey dwelling and detached timber garage (Resubmission of 09/00642/F changed design and access.

1. Site Description and Proposal

- 1.1 Hook Norton is within an Area of High Landscape Value. The site itself sits within the Hook Norton Conservation Area whilst the proposed access on to Austin's Way falls outside of the Conservation Area boundary. The application site is an area of garden and hard standing within which is a small single storey outbuilding which has been used as an annexe to the main dwelling, Applegate to the east. The annexe is rendered with a plain concrete tile roof.
- 1.2 To the east of the site is the property Applegate that is also rendered with a plain tile roof. Applegate is a two storey property with its first floor rooms within the roof space. It has very low eaves and has a gable projection from its roof on the front elevation and a projection to the rear. This property is accessed from East End and Austin's Way but does not have any road frontage. Both the main dwelling and annexe, believed to be the original wash house to the property date from the 1920's.

Further to the east/ north-east and at a lower land level are the bungalows on Austin's Way. To the south is Crooked Cottage, a stone built listed property set in a large garden. To the west are two properties which could be described as dormer bungalows as the first floor rooms are in the roof space, these have short rear gardens and to the north-west is a property called The Chestnuts which was approved consent in 1998.

The proposal involves the demolition of the existing annexe building, which due to its size does not require Conservation Area consent for its demolition, and the construction of a new separate dwelling.

The new dwelling is proposed to be orientated the same way as Applegate and is one and half storey in height, in that the first floor rooms are in the roof space. Its ridge height is 0.5 metres lower than that of Applegate. It has two dormer windows on the front elevation which serve a bathroom and bedroom and on the rear elevation is a third dormer window and a rear projection which accommodates a study or small third bedroom. The new dwelling is proposed to be built from natural stone with a plain tile roof.

The proposal also involves the construction of a single garage and a storage shed in the corner of the plot, to the rear of South Hill View. Since the first application

and the initial submission of this application the design of the garage has been amended.

The access to the new property will be via an existing access onto Austin's Way.

Relevant Planning History

01/00345/F – Renewal of 96/00282/F. Construction of two storey extension with attic and conservatory to the south west elevation. The extension incorporated the annexe into the main house. This proposal essentially provided three storeys of accommodation with windows at second floor height on the south eastern elevation and second and third floor height on the north and south elevations. This application has now expired.

09/00642/F – Demolition of single storey bungalow and erect one and half storey dwelling and detached timber garage. Withdrawn

09/00643/F – New timber garage for use by Applegate. Approved

2. Application Publicity

2.1 The application was advertised by way of press notice, site notice and two rounds of neighbour notification letters. The final date for comment was 5 November 2009. Further consultations were sent to those residents potentially effected by the garage building as amended plans were received in relation to this building. This further consultation allowed 10 days. The final date for comment is therefore 16 November 2009.

2.2 6 letters of support have been received from neighbouring properties. The reasons for supporting the application include;

- The proposal will not have an adverse impact on the character or the appearance of the Conservation Area.
- The applicants should be taken seriously in relation to conservation matters
- The site backs onto 1960's bungalows
- The new house will be sympathetically designed
- There will be no significant increase in traffic along the un-adopted lane called workhouse lane
- Plot is adequate for the dwelling planned
- Never seen any bats around East End
- The building will enhance the plot and also compliment the surrounding properties

10 letters of objection have been received. The reasons for opposing the scheme include;

- Intensification of built landscape, impacting on environment, architectural interest, amenity for direct neighbours and safety implications for neighbours in East End
- Impact on environment, including birds, bats, insects, newts, lizards for which the grounds of Applegate are natural habitats. Bats have been identified in the area and an independent bat survey recommended that a full survey be carried out prior to planning permission being granted.
- The gardens are appropriately proportioned for such an imposing house and

are worthy of preserving for future generations within the protective remit of a conservation area.

- In place of one unique property set in attractively proportioned gardens, two disparate styles of large houses will be squeezed closely together, and the garden setting lost.
- Impact on visual amenities of neighbouring properties and cumulative impact of other extensions on neighbouring properties
- The proposal will have an adverse impact on privacy and be overbearing to neighbouring properties.
- Due to land levels difference any building of more than one storey will be disproportionately high and overbearing relative to Crooked Cottage. As a building of historic interest, Crooked Cottage should be protected from this intrusion and negative impact. There will be a noticeable loss of privacy to the private garden of Crooked Cottage by way of overlooking.
- The houses adjacent will be negatively impacted by loss of light and increased built horizon close to the boundary fence.
- East End is likely to receive excessive lorries and delivery vehicles, endangering wildlife and children, damaging the character and safety in the lane.
- If access to Austin's Way were to be enforceable, pedestrian access to East End would need to be enforced by a wall/fence gate with only a pedestrian gate onto East End. The new arrangement makes it easier for the new dwelling to use East End than the existing dwelling.
- Previous advice in relation to the original scheme seems to have been ignored
- The dormer windows have not been replaced by the roof lights as suggested
- It appears the application has been drawn up without full consideration being given to the impact of the proposed building on neighbouring properties.
- The address should reflect the main access
- The proposal does nothing to preserve or enhance the Conservation Area
- The outbuilding was the wash house built at the same time as Applegate. Both buildings date back to the 1920's and are unique in this area and as such should be preserved. This is the type of building the 20th Century Society would be interested in preserving in its entirety.
- The scale of the footprint of the proposed development is vast and is larger than the previous submission, the ridgeline has been reduced to a minimal extent and the proposed building may in fact be larger than Applegate, increasing its impact on the neighbouring properties.
- The rear projection is closer to the Chestnuts resulting in a loss of privacy and a visually overbearing impact.
- The siting of garage will spoil the visual amenity of the neighbouring properties due to its scale and position along the boundary line. Because of its size it would be subject to planning permission in its own right.
- Photomontages have been produced showing the impact of the development on South Hill View and Hyatt's Mead
- The increase in traffic movements to and from the proposed garage will impact on the adjoining private gardens
- A tree in the garden of a neighbouring property which was removed due to safety concerns may have hindered this proposal if it had been retained
- The proposal does not fully address the impact on the protected tree in relation to digging down.

- If the occupiers of Applegate were not also the developers a further letter of objection is likely to have been received as Applegate itself will become detached from the 'insular close' to which it belongs.
- A similar application for development in East End was made in 2001 and in 2007 which was refused. This has similarities to this proposal which should also be refused.
- The Conservation Area appraisal identifies this part of the village as 'insular close character area number 4'. Over urbanisation and erosion of open spaces by infill housing are listed as a threat to these areas.
- Policies EN39 and EN40 of the Non-Statutory Local Plan are relevant to this application in relation to the demolition of the annexe, and the loss of garden land and landscape features.
- References to PPS1 and PPG15 are made and it is considered that these policies have not been applied and believe the proposal directly opposes all that 'designated conservation areas' stand for.
- Cherwell District Council's interactive Plan makes relevant statements about property development in Conservation Areas;
 - Council has central role in seeking to preserve and enhance special areas
 - Section 72 of T&CPA requires special attention to be given to preservation or enhancement of designated conservation areas
 - Hook Norton is Category 1 Village and residential development is restricted to infilling – not all infill plots will be suitable for development
 - Protection of the character of the countryside will be primary objective and proposals for substantially large and more conspicuous dwellings in the landscape will be resisted
- Letters in support of the application are not directly adjoining the application site whereas letters opposing the application all adjoin the site.
- The agent's and applicant's statements in the submission are inaccurate
- Trees have already been felled prior to the applications being submitted

One other email has been received from a local resident who has set out legal obligations in relation to bats, including references to The Wildlife and Countryside Act 1981, The Countryside and Rights of way Act 2000 and Conservation (Natural Habitats) Regulation 1994, amended 2007.

A letter of clarification has been received from the applicants. The following comments were made (in summary);

- Careful consideration was given to neighbouring concerns relating to the previous application and many revisions have been made to the proposal.
- Letters of support have been received as well as letters of objection
- Applegate is surrounded on three sides by 1960's, 1970's and 1980's properties and the new build is sympathetically designed
- Applegate is situated in a concealed area and is partly bounded by a 10ft wall. The proposed dwelling will not be viewed from the public domain
- It is not necessary to fell trees to accommodate the building
- Access is already in existence
- Part of the gravel driveway will revert to garden
- The building to be replaced has been used for many purposes in the past and the access is still in regular use. It is likely that there will be less traffic

than previously experienced.

- The area of garden belonging to Crooked Cottage which will be viewed from the new build is already overlooked by Applegate and from the drive
- An earlier application to extend Applegate has not been renewed but this had three storeys and would have had a similar level of impact
- In a small way this helps meet housing policies

3. Consultations

3.1 **Hook Norton Parish Council** objects to the application as the proposal neither preserves nor enhances the character/appearance of the Conservation Area. It would be contrary to the aims and objectives of policies for the protection of the historic environment. It is in conflict with many saved local policies. D3, EN39, EN40 of the Non-statutory Cherwell Local Plan, G2 and EN4 of the Oxfordshire Structure Plan and C20, C22, C27 and C33 of the adopted Cherwell Local Plan.

- The resubmitted application is for a larger building than previously approved and is disproportionately large for the site.
- It will impact adversely on neighbouring properties due to its over bearing scale/mass
- The proposed access via Austin's Way should be reinforced by a physical impediment to vehicular access from East End
- It will have an adverse effect on the environment including the bat population
- It is not sympathetic to the adjacent listed building

3.2 The **Local Highway Authority** raises no objections subject to conditions relating to the provision/retention of parking and manoeuvring areas and access for the new dwelling only being taken from Austin's Way.

The Council's Arboricultural Officer raises no objections to the proposal subject to appropriate conditions being attached to any planning consent. In summary the following comments were made;

- The protected birch tree has a safe and useful life expectancy of 20-40 years and shows no significant defects
- The crown of the tree to the east would impinge on the proposed building by approx. 2m. Once the suggested reduction has taken place there will be a crown clearance of 0.3m.
- The crown will need to be trimmed back on a regular basis to prevent conflict with the building
- There will be ongoing issues regarding leaf and catkin drop cluttering up the gutters – gutter covers should reduce this risk
- It is not clear whether there is intended to be a pathway installed to the west of the property – details of this will need to be clarified. If this is to be installed it would encroach onto the root protection zone by an area of approx. 1.75 square metres. This is less than 5% of the total root protection area and is unlikely to have a significant impact on the rooting environment and the trees long term health.
- It would be preferable to see the RPA returned to grass to increase permeability of the soil

The **Council's Environmental Protection Officer** states that records show there is an historic mineral railway approximately 50 metres to the east. There are also historic and current unspecified works further to the east. These are unlikely to pose a significant risk to the development. The site is also underlain by the Marlstone Rock formation which is likely to contain elevated concentrations of naturally occurring arsenic. No objections are raised subject to the inclusion of planning informatives.

The **Council's Conservation Officer** states that design concerns outlined in comments from the previous application have been addressed. The ridgeline slightly reduced, dormers re0designed to be 'in keeping' with the area, over large roof lights replaced with two small ones and garage re-orientated. The footprint of the new dwelling now mimics that of Applegate and appears slightly larger as a result, while the mixture of horizontal and vertical emphasis on the south elevation still creates a rather unbalanced appearance but in general the design has been improved and simplified.

Following the receipt of the section plan the following additional comments were made;

The site section highlights the significant change in height between the ground on which the new building next to Applegate will stand and the driveway between the property and Crooked Cottage. Despite the reduced ridge line of the revised building its elevated position and its size in comparison to the existing building exaggerate its visual impact. I note that the ground level is already being reduced to the north and I suggest this is extended across the new footprint to lower the structure further and thereby mitigate the impact of the new dwelling. However I should also add that the new information does not change my overall view that the application is acceptable.

4. Relevant Planning Policies

4.1 South East Plan 2009

BE1 – Management for an urban renaissance
BE6 – Management of the historic environment

4.2 Adopted Cherwell Local Plan

H13 – Residential development in villages
C27 – Development proposals in villages to respect historic development pattern
C28 – Standards of design, layout and external appearance of new development
C30 – New housing development being compatible with appearance, character, layout, scale and density of existing dwellings and standards of amenity
C33 – Retention of important undeveloped gap of land

National Policy Documents

PPG15 – Planning and the historic environment
PPS9 – Biodiversity and Geological Conservation

5. Appraisal

- 5.1 The application stands to be assessed in relation to the principle of infill development within the village, its impact on the visual amenities of the area, including the character and appearance of the Conservation Area and setting of listed buildings, its impact on the residential amenities of neighbouring properties, highway safety and impact on protected species.

Principle of infill development

Policy H13 of the adopted Cherwell Local Plan 1996 lists Hook Norton as a Category 1 Settlement where residential development is restricted to infilling, minor development comprising of small groups of dwellings and the conversion of buildings. The supporting text of this policy describes infilling as development of a small gap in an otherwise continuous built up frontage. However Applegate is somewhat unique in that it does not benefit from any road frontage but is surrounded by other residential properties and their associated gardens. It is clear that historically other infill development has taken place in the vicinity of Applegate, for example Hyatt's Mead and South Hill View are modern additions to an otherwise traditional and historic environment and The Chestnuts is also infill development. Each of these properties will have been built on land which once belonged to other properties. It is acknowledged that the supporting text also states that many spaces should remain undeveloped but this is not elaborated on. However by referring to Policy C33 of the adopted Local Plan it can be seen that the intention is to preserve important open spaces that contribute either historically or visually to the surrounding area. Given the isolation of the site it is questionable how much this garden actually contributes to the character of the area.

This part of Hook Norton is referred to in the Conservation Area Appraisal (2007) as being within the Insular Closes Character Area. Whilst over urbanisation of these areas is considered a potential threat there is no specific reference to the Applegate and its curtilage being of particular historic or visual importance.

Policy C27 of the adopted Cherwell Local Plan seeks to ensure that new development in villages preserve historic development patterns. Whilst the site is identified as being with the Insular Close Character Area there is the development pattern has been altered over the years and there is no dominant historic pattern. The area is characterised by detached dwellings set within their own gardens, often accessed off small lanes. It is considered that the proposed dwelling respects this pattern and form of development and preserves the Insular Close Character Area and therefore complies with policy C27.

Given the site characteristics it is considered that development of this site is infill development and is therefore considered to comply with policy H13 of the adopted Cherwell Local Plan. The consideration of the application therefore remains to be assessed against its visual impact, impact on neighbouring properties, highway safety and protected species.

- 5.2 Visual impact

The site itself is not easily viewed from the public domain given its position surrounded by other properties and private gardens. However long distance views can be achieved from the east, from the main road into Hook Norton. The site is on slightly higher ground than the bungalows on Austin's Way. The only close-up

public views of the proposed dwelling are likely to be from Austin's Way where glimpses of the existing dwelling can already be achieved. The bungalows on Austin's Way will screen many of the views of the proposed dwelling and it is likely that only the roof and rear projection of the proposed building will be seen from Austin's Way. The longer distance views from the main road currently provide views predominantly of Applegate, over the roof tops of the bungalows in Austin's Way whilst behind an element of tree cover the properties known as Hyatt's Mead and South Hill View can also be seen.

The proposed dwelling will be visible from the public domain but when considering the context in which it will be viewed it is not considered to cause significant harm to the visual amenities of the area or the character and appearance of the Conservation Area. Whilst it has been observed that Applegate has some historic significance the property is not listed and the design of the proposed dwelling is sympathetic to its surroundings.

There are a range of building types, ages and materials in the immediate locality. The proposal is designed to be of a similar scale to Applegate, utilising the roof space for first floor accommodation. The materials are proposed to be natural stone and plain tiles which although do not match Applegate, is more in keeping with traditional building materials used in Hook Norton.

Reference has been made to the earlier application for the proposal which was withdrawn. The detail of the submission has been amended, resulting in a more appropriate design for the site. The ridge line was reduced to be subservient to Applegate, its depth/gable width was reduced to be similar to that of Applegate and the designs of the dormer windows were revised and are now more traditional in their appearance. The result of reducing the span of the building was that there was less usable space within the roof space therefore a rear projection was added to compensate for the loss of living space.

In relation to the garage building, given its position in the north west corner of the site it will not be a prominent building from the public domain but glimpses of the roof may be achieved from Austin's Way and the main road into Hook Norton.

From the limited public views achieved of the existing building it is not easy to 'read' it in relation to the Conservation Area. Whilst it and the proposed dwelling fall within the Conservation Area its context is varied given the range of properties which surround it. Views of the property tend to have non-traditional bungalows both in the foreground and back ground. It is difficult to achieve public views of the property in relation to the neighbouring listed building.

Given the above assessment it is not considered that the proposal will cause harm to the character and appearance of the area or Conservation Area. The proposal may not enhance the Conservation Area but it is considered to preserve it. This therefore complies with Policies C28 and C30.

Impact on the setting of the listed building

The potential impact on the setting of Crooked Cottage is a relevant consideration as it is a listed property. The proposed dwelling is on higher ground the Crooked Cottage but there is a separation distance between the closest corners of approximately 18m and there is potential for the stone garage building to be

retained thus increasing the degree of separation between the two properties. Whilst views from private land will allow for the new dwelling to be seen in association with Crooked Cottage it will be very difficult to see the new dwelling as part of the listed property's setting from any public vantage point. Crooked Cottage has a clearly defined curtilage and the proposed dwelling is approximately 12m away from the boundary. It is clear that the surroundings of the listed property will alter but it is not considered that the new dwelling will have a demonstrable level of harm on its setting. In light of this it is considered that the principles of PPG15, Policy C30 of the adopted Cherwell Local Plan and Policy BE6 of the South East Plan are complied with. It could be argued that the setting of the listed property is already compromised by the presence of Hyatt's Mead which is in fact closer to Crooked Cottage than the proposed dwelling.

Neighbour Impact

Given the fact that the application site is surrounded by residential properties there is the potential for the new dwelling to cause some harm to residential amenities. The main properties to be considered are those which share boundaries with the application site, so include Hyatt's Mead and South Hill View located to the west and south west of the site, The Chestnuts to the north of the site, Crooked Cottage to the south west of the site and the bungalows on Austin's Way. Hyatt's Mead and South Hill View both have very small rear gardens, the minimum distance from the rear of the properties to the boundary with Applegate is 5m. Both have 1.8m high fences on the boundary. The Chestnuts has a rear garden measuring over 20m in depth with a rear boundary wall of over 2m in height. Crooked Cottage itself is located to the south west of the site but its driveway and garden extend along the whole southern boundary of the application site. Each of these properties currently enjoy private views across the site and benefit from the open aspect that the area offers. Whilst private views cannot be protected through the planning process it is important to consider potential overlooking and overbearing.

The Council's informal space standards relating to overlooking and overbearing suggest that where properties have a rear elevation facing another rear elevation with habitable room windows at first floor it is desirable to achieve a minimum distance of 22m. Where the relationship is between a side and rear elevation without first floor habitable room windows a minimum distance of 14 metres should be achieved. These distances are only a guide and there are instances where shorter distances have been considered acceptable. In all respects the proposed dwelling complies with these informal space standards.

The minimum distance between a first floor habitable room in Hyatt's Mead to the blank first floor side elevation of the proposed property is 14m, this distance is longer in relation to South Hill View. The Minimum distance between the rear of The Chestnuts and the rear projection of the proposed dwelling is 31m and the distance between the most direct first floor bedroom window of Crooked Cottage to the bedroom window of the proposed dwelling is approximately 32m. Crooked Cottage does have closer first floor bedroom windows but these are at such an oblique angle overlooking would be difficult to achieve.

Overlooking is not restricted to first floor windows, it can also occur into private amenity space. In this instance the open space to the south of the proposal is garden land belonging to Crooked Cottage but this area serves as the main driveway for the property and is already overlooked by the first floor windows in

Applegate. It could be argued that this is not the most private amenity space for the property as it is also open to views from the shared access used by both Applegate and Crooked Cottage. Furthermore Crooked Cottage benefits from more private garden land to the south and west. Some overlooking may occur from the rear facing dormer window into the private amenity space of South Hill View. However the angle is oblique so this will not be direct. Furthermore if the garage is constructed as proposed this will also provide a physical barrier and may provide additional screening. The garden of The Chestnuts is screened by a high stone wall and the presence of some natural landscaping along the boundary provides additional privacy. It is not considered that the potential for new and further overlooking is sufficiently great so as to warrant recommending the application for refusal on these grounds.

Given the distances between the proposed property and The Chestnuts and the orientation of the properties I do not consider that overbearing is a significant issue. However given the short rear gardens of Hyatt's Mead and South Hill View and the lower land level of Crooked Cottage overbearing is a relevant consideration. It is acknowledged that the proposed building will result in a significant change in outlook for South Hill View, Hyatt's Mead and Crooked Cottage. However in terms of harm caused it is not considered to be significant. The proposed dwelling, being to the east of the two dormer bungalows may cause some reduction in low level morning sun but given the distances between the properties is unlikely to significantly reduce the amount of natural daylight.

In relation to Crooked Cottage the proposed property will not affect sunlight, being to the north of Crooked Cottage. As Crooked Cottage is on a lower land level there is more potential for overbearing but this occurs more readily when a new structure is close to the boundary whereas the proposal is set approximately 12m off the boundary. Furthermore the original submission showed the removal of an existing stone built garage within the grounds of Applegate. However this submission allows for the potential to retain the garage and still provide access for Applegate onto East End. Whilst the Council cannot prevent the removal of this building the potential to retain it will maintain a physical barrier between the new dwelling and Crooked Cottage.

Specifically in relation to the garage and store building, in light of its proposed position South Hill View is likely to be the most effected property. The closest elevation of South Hill View has ground floor windows serving the living room, kitchen and conservatory. At first floor is an obscurely glazed bathroom window. The garage sits in the north west corner of the site, a minimum distance of 1m of the boundary, increasing to 1.7m at its southern end, and it has a total length of 8.4m. The revisions to the garage show that its eaves will be 0.2m above the fence line. The single garage has a pitched roof, the gable of which is adjacent to the South Hill View's boundary. Its ridge is 4.5m high. However the roof of the store element slopes away from the boundary and has a ridge height of 3m, 1.2m above the fence line. The presence of the garage building will alter the view from South Hill View across the open space currently provided by the garden of Applegate and it is likely to reduce the amount of early morning sun. It may also result in some loss of light. However given the orientation of the property the garden and dwelling does not benefit from direct sunlight from the east for much of the day anyway. Therefore the level of harm caused by the construction of the garage is not significant enough to warrant a refusal.

Highway Safety

This application, compared to the previous submission, has clarified that the access for the new dwelling will be taken solely from Austin's Way and the red line plan clarifies this. The Local Highway Authority has requested that this be conditioned as they would not want to see additional traffic using the access road onto East End. Neighbouring properties have expressed concern that such a condition is not enforceable as there is no physical barrier on the southern boundary of the new dwelling. However the nature of the site and the relationship with Applegate, and the ability for its residents to already use the dual access, is such that by requiring a physical barrier on the southern boundary would not prevent the new dwelling from using the access onto East End as cars could exit from the north of the site and turn right along the driveway. However, it is understood that the access road onto East End is privately owned, as it is not adopted in its entirety. Therefore if the residents of the new dwelling did wish to use the access onto East End they would need to seek some form of private agreement between the necessary parties. Based on the above it is considered appropriate to condition the use of the access onto Austin's Way but not necessary or effective to require a physical barrier to be constructed on the southern boundary of the application site.

Impact on protected species

At the time of submission the Council's formal records did not identify this site as being constrained by protected species. However, local residents had reason to believe that bats were present in the area and commissioned a bat survey of the locality. This revealed that bats were present in the area and that there were opportunities for them to roost in nearby buildings. Concern has been expressed by residents that the demolition of the existing annexe may lead to the removal of roosts and have an adverse impact on bats in the area. In response to this concern the Council's ecologist visited the site and concluded that the building could support bats but the exterior is well-maintained and there are few if any access holes for bats to get into the roof voids or soffits from the outside. In the ecologists opinion it is very unlikely that the building would support a maternity or significant hibernation roost however there is the potential with any rural building that bats use it as a temporary or occasional roost at some time of the year but this potential is not high. However, the building which is being demolished has a volume of less than 115 cubic metres therefore does not require formal Conservation Area consent for its demolition and it is therefore outside of the control of planning legislation.

Given the fact that formal planning consent is not required to demolish the building there is no requirement for the application to be accompanied by a bat survey. The responsibility falls to the applicants to ensure that they meet the legal requirements in relation to carrying out any necessary survey work and getting the appropriate licences, if required, prior to the demolition of the building. Given the level of concern raised in relation to this matter Natural England were contacted and it was confirmed that despite the potential for bats having been brought to the Council's attention the responsibility remained with the applicant as the Council, as Local Planning Authority had no control over the removal of the building. It was however suggested that the inclusion of an appropriate planning note would demonstrate that the potential for bats had been taken into consideration and that the applicants would be reminded of their responsibility.

The construction of further buildings in the garden area of Applegate is unlikely to

cause harm to the biodiversity of the area. Much of this area is already used as hard standing and the proposal does not result in the loss of any significant or protected trees or vegetation. Residents have suggested that some trees have been removed from the site prior to the submission of the application. The planning history for the site reveals that three Tree in Conservation Areas submissions have been made in the past and the only tree that was considered worth preserving was the Silver Birch tree that is now subject to a Tree Preservation Order. Furthermore the provision of a new dwelling and outbuilding does in fact provide potential habitats in which birds and bats can nest/roost.

The submission suggests that the applicants are aware of their duties in relation to protecting bats and their habitats and the planning history demonstrates their awareness of the need to notify the Council of their intention to carry out works to trees.

It is considered that in light of the above information the proposal does not conflict with principles set out in PPS9.

Other Considerations

Impact on trees – This issue is considered in the comments made by the Council’s Arboriculturalist and the paragraphs above. It is considered that the development can take place without causing detrimental harm to the protected tree.

Parish Council Comments – It is noted that the Parish Council have referred to Policies C20 and C22 of the adopted Cherwell Local Plan. These policies have not been saved and are therefore not relevant considerations. The Structure Plan has also been referred to but this document has been replaced by the South East Plan. Whilst these policies are no longer specifically relevant the appropriate alternative policies have been considered in the assessment of this application.

Conclusion

It is recognised that this proposal will result in significant changes to the immediate environment of those properties closest to it. However having assessed the individual factors it is considered that there is insufficient demonstrable harm to warrant recommending the application for approval. As such the proposal is considered to comply with the policies as set out throughout the report and in the suggested reason for approval and it is therefore recommended that the application be approved subject to the conditions set out below.

6. Recommendation

Approval subject to the following conditions;

- 1. SC 1.4A Duration limit – 3 years (RC2)**
- 2. SC 2.2BB Samples of the Roofing Materials (RC4A) ‘tiles/slates’ ‘new dwelling and garage/store building’**
- 3. SC 2.3CC Natural Stone Sample Panel (RC5B) ‘new dwelling’**
- 4. SC 2.2AA Timber Walling Sample ((RC4A) ‘garage/store building’**
- 5. SC 2.9AA Obscure Glass Windows (RC6A) ‘first floor bathroom window’ ‘south’**

6. SC 5.14AA Joinery Details (RC5AA) 'windows and doors'
7. SC 4.13CD Parking and Manoeuvring Area Retained (RC13BB)
8. That the means of access to and from the site shall be taken only from Austin's Way. (RC13BB)
9. SC 6.6AB No Conversion of Garage (RC35AA)
10. SC 6.2AA Residential - No Extensions (RC32A)
11. SC 6.3A Residential – No New Windows (RC33)
12. SC 3.2AA Retained tree (RC10A)
13. SC 3.3AA Scheme to be submitted to protect retained trees (RC72A)
14. SC 3.5AA Notice of Tree Works and Major Operations (RC73A)
15. SC 3.11AA Prohibited Activities (RC73A)
16. SC 3.14A Site supervision (RC73A)

Planning Informatives

- a. Z – Naturally occurring arsenic
- b. ZZ – Inform LPA of presence of any unsuspected contamination
- c. X1 – Biodiversity/Protected Species

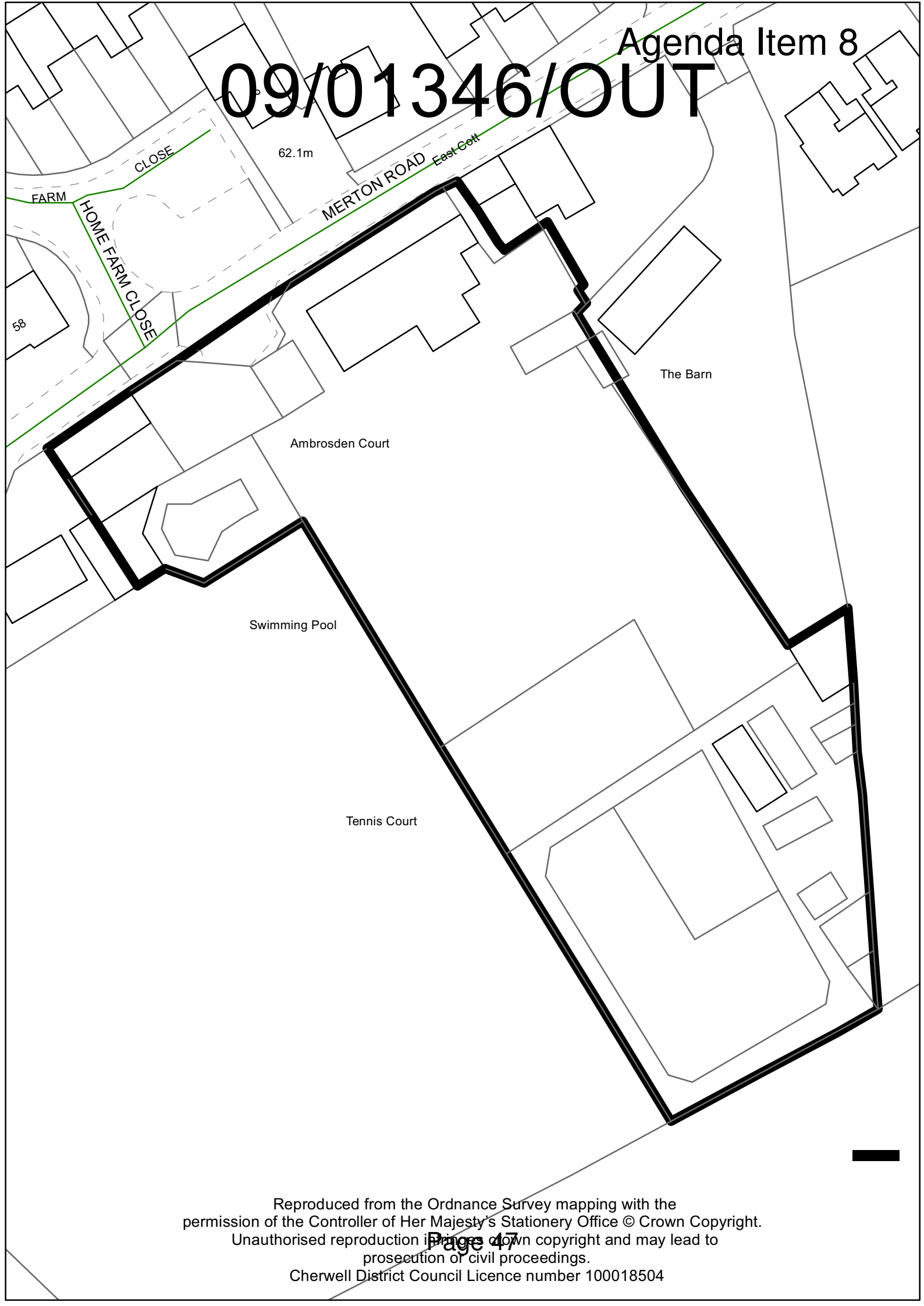
Suggested Reasons for Approval Should the Application be Approved

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal does not cause harm to the visual amenities of the area including the Conservation Area and setting of the listed building, it does not cause demonstrable harm to the amenities of neighbouring properties, highway safety, protected trees or biodiversity. As such the proposal is in accordance with Policies BE1 and BE6 of the South East Plan 2009 and Policies H13, C27, C28, C30 and C33 of the adopted Cherwell Local Plan and guidance contained in PPG15 and PPS9. 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.

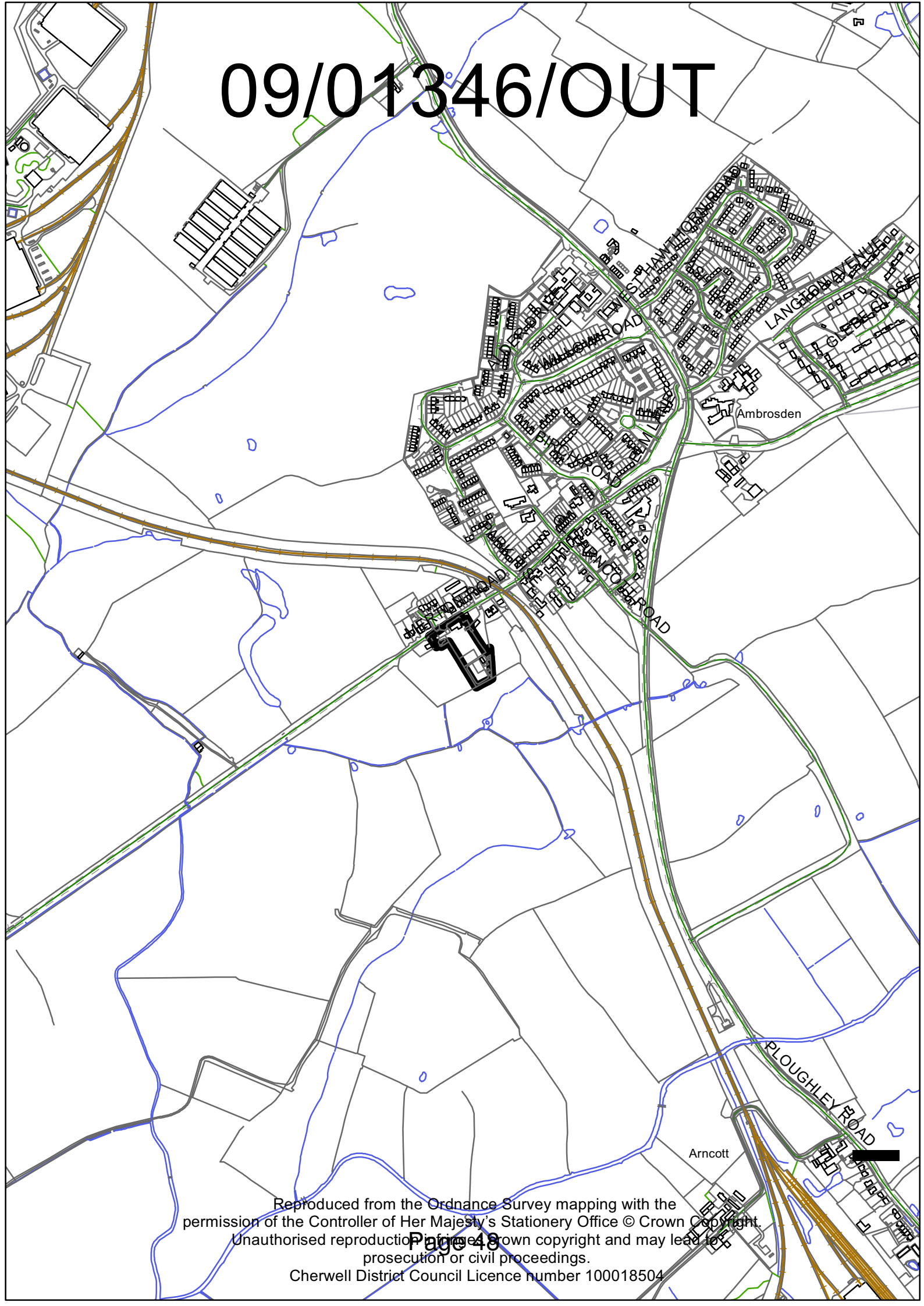
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09/01346/OUT



09/01346/OUT



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Application 09/01346/OUT	No:	Ward: Ambrosden and Chesterton	Date Valid: 30.10.09
Applicant:	Norman Collison Foundation Trustees		
Site Address:	Ambrosden Court Merton Road Ambrosden Bicester Oxfordshire OX25 2LZ		

Proposal: Erection of 9 dwellings to the West and South of Ambrosden Court and replacement garage. Alterations to existing access to Merton Road. Access and layout only.

1. Site Description and Proposal

- 1.1 This 0.66ha site is located on the south side of Merton Road on the southwestern outskirts of Ambrosden. Immediately to the west of the site is a single detached dwelling (Roman Way) beyond which is open countryside and to the east are further detached dwellings which front onto Merton Road. Opposite on the north side of Merton Road are a pair of semis and detached property which similarly front onto the main road and an intimate housing scheme (Home Farm Close) comprising a small row of established terraced properties partly set back from Merton Road behind a wide grass verge and footway. Beyond these buildings are large fields forming the countryside south-west of the village.
- 1.2 The site is accessed directly from Merton Road through a gated entrance which is walled either side. The entrance opens onto a double garage and long single storey outbuilding all located to the west of the main property. Much of the built form of the site is situated towards the front (northern) end of the site and also includes a swimming pool. The remainder is garden land associated with Ambrosden Court including tennis court, greenhouses and other outbuildings located at the far (southern) end of the site, all enclosed by a stone boundary wall. It is also noteworthy that the site contains a wide range of trees of varying age and interest and the supporting documentation identifies and categorises 40 of these.
- 1.3 Although the application has been submitted in outline, matters of access and layout are to be determined at this stage. The application proposes the erection of 9 No. dwellings on the majority of the site including a row of 3 No. terraced properties to the front adjacent to Ambrosden Court which will be retained and 6 No. large detached or link detached dwellings with associated garaging to the rear of the site. The layout features large individual plot sizes to the rear of the site to accommodate the detached dwellings, private garaging and gardens facing onto a new shared access road. The access road will utilise the existing access point but it is proposed to be widened.

2. Application Publicity

- 2.1 The application was advertised in the local press and a site notice was posted. The final date for comment is 7 December 2009.

2.2 At the time of writing 13 letters of objection have been received from neighbours full details of which are available through the public access system but précised below, raising the following material planning reasons:

- Highway safety. The proposed development adjoins a narrow and dangerous road already overloaded with traffic particularly at peak times. Merton Road is used as a rat run to and from Oxford. No thought has been given to pedestrians which need to be wider. Incorrect data has been used.
- Access: The access to Merton Road at this point (junction with Home Farm Close opposite the junction to the site) is substandard and narrow requiring you to cross over the other side of the road to make a turning.
- House type. The plans provide for substantial dwellings with garages. There will be no benefit to first time buyers and no help towards the current housing shortage.
- Effect on rural character. The proposed development is out of place and out of keeping with the rural character of the area which at this particular position is wholly agricultural. Views of the countryside will be obscured.
- Loss of trees: Two in particular (the Blue Cedar and Dawn Redwood) are mature and attractive trees which will be lost. The scheme is therefore environmentally insensitive.
- Flooding will be become far worse.
- This type of housing is not 'much needed' because locals cannot afford luxury housing.
- Excessive overlooking and loss of sun light into garden belonging to The Barn and additional noise and disturbance.
- Development like this is urban sprawl which is what the planning system was meant to prevent.

Non-material objections raised:

- No attempt is made to enforce the speed limit and commuters in particular race through (Merton Road) with impunity. Making the speed limit 25 mph will make no difference as people don't even abide by the 30mph limit.
- Currently services such as gas, water, drainage, sewerage and electricity appear to be overstretched and there have been consequent interruptions to supply.
- Low water pressure.
- The garage to Roman Way is part of the surrounding stone wall.
- Many essential services are supplied through the site which will be interrupted during building works
- There are legal covenants affecting the site.
- The sort of people who buy these houses do not contribute to the village but will be commuters.
- More development in villages is a constant battle against plans and planners.

3. Consultations

3.1 Ambrosden Parish Council – **Object**, on the following grounds:

- Highway safety: The highway survey on traffic speeds is not adequate with insufficient sample at the wrong times. There is on-going concern about traffic speeds opposite the site entrance even before this application was submitted and there have been 3 recorded accidents in the last 5 years. Traffic speeds already exceed 30 mph in excess of the suggested speed of 25mph. The

survey was taken when there were obstructions so traffic would have been going slower at that time than usual so it is not accurate. Despite the report saying that the footpaths are adequate, the footpath opposite the application site narrows to 660mm and there is no footpath on the Ambrosden Court side. This is a danger to pedestrians with children or buggies who have to walk on the road. Nevertheless, the highway issues maybe overcome with the provision of suitable traffic calming scheme.

- Flooding: Part of the site, plots 8 & 9 are within Zone 2 and the parish Council has noticed that in the past 30 years the garden land has been flooded. The existing boundary walls mentioned in the report are not completely waterproof and impede water flows. Despite the report stating that there is no particular problem with foul drainage the PC considers that there is between the site and Arncott Road where the drains become surcharged with surface water in wet weather leading to flooding. The proposed dwellings in the flood zones will need to be much higher therefore increasing their dominance in the open countryside far more than as is shown in the elevation drawings.
- Layout and design: Insufficient bin storage and too close to Merton Road and not close enough to the homes. Inadequate parking for the social units which require disable parking provision and turning space so the layout does not work. No turning space for refuse, delivery or fir. The social housing should comply with Lifetime Homes but the layout and scale of these does not show that. Siting of houses is incongruous in the street scene and will damage views across the open countryside. The development will clearly extend past the rear building line established by Romans Way, Ambrosden Court and The Barn. The history behind Park Farm Close establishes the building line of the village and in that case there were a significant number of large outbuildings extending further into the open countryside and a consolidation of development was allowed on an area of land closer to the core of the village settlement.
- Trees. A number (seven in particular) will be lost which provide valuable screening and are visible in views from the open countryside. Other trees will be threatened.

- 3.2 Oxfordshire County Council (Highway Authority) – **No objection**, subject to conditions relating to provision of parking spaces and access specification details.
- 3.3 Environment Agency – **Comments awaited**
- 3.4 Thames Water – **No objection** subject to conditions to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3.5 Planning & Affordable Housing – The policy position here is that Ambrosden is a Category 1 village under saved policy H13 of the adopted Cherwell Local Plan (Policy H15 of the non-statutory plan). It also features as a well performing village in the recent Cherwell Rural Area Integrated Transport and Land Use Study which means that it could, in principle, accommodate some new development in a sustainable way (in terms of access to services and facilities) with minimal impact on the transport network. At present Amborsden is considered to be one of Cherwell's most sustainable villages and the current policy permits infilling, conversion and minor development comprising small groups of dwellings on sites within the built up limits. This raises the principle question as to whether the proposal represents minor development in terms of the sites location partly within

and adjoining a small enclave of development south west of the railway line. There is also the question of the boundary of the built up limits. The Urban Housing Potential Study 2005 did not establish formal boundaries but it did suggest that land south of the tennis court may fall outside what might reasonably be considered to be the built up limits. If this is considered to be the case then the application needs to be judged against policies for the countryside.

The proposal needs also to be considered against policies in PPS3, the South East Plan (Policy H5) and the Non Statutory Local Plan (Policy H3) for making efficient and effective use of land. The site area should produce a density of 18 dwellings per hectare but the character of the area and the location of part of the site within an area of countryside may be restraining factors but the density is currently very low. The mix of housing may be a factor in achieving efficient use of land and should also be considered in light of the advice in PPS3, Policy H4 of the South East Plan and Policy H4 of the Non-Statutory Plan.

With regard to housing supply, the current position is that each case should be considered on its merits. Being a site for just 9 dwellings, it would not contribute to the districts measured supply of deliverable site (the monitoring threshold for assessing whether specific sites are deliverable is 10 dwellings). Therefore, although new housing on this site would contribute to overall supply, unless the number of dwellings changes, this is not a case where the district's supply of deliverable should be given much weight.

3.6 Conservation Officer – **comments awaited.**

3.7 Housing Strategy Officer – **comments awaited**

3.8 Landscape Services Manager - **Object**

This development will be quite visible on the approach to the village from Merton, particularly where the wall of the walled garden drops lower (not shown by the architects). For this reason I am not keen on the garage to plot 9 being adjacent to the boundary. Plots 8 and 9 could be moved NE to allow some planting on the boundary.

There will be the loss of quite a few trees, particularly the Blue Atlas Cedar and Dawn Redwood which are attractive features on this boundary. But there may be room to plant some interesting specimen trees to replace those lost.

I think it would be a great shame to lose so much of the stone wall along Merton Road to allow the necessary visibility splays but consideration needs to be given to retaining more of this wall by, for example, backing the rear gardens of the affordable housing onto the road.

To conclude, there would be a long virtually unbroken line of large houses visible from Merton Road which are not in keeping with the form of the surrounding properties. It is unfortunate that this scheme results in the loss of the most attractive trees on the site and quite a number of others.

3.9 Oxfordshire County Council (Archaeological Services) – **No objection** subject to conditions. There is some archaeological interest located in proximity to the site and it is recommended that, should planning permission be granted, 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. This can be ensured by a condition on the permission.

4. Relevant Planning Policies

- 4.1 Government Guidance
 - PPS1: Delivering Sustainable Development
 - PPS3: Housing
 - PPG13: Transport

- 4.2 Regional Spatial Strategy for the South East (The South East Plan) 2009
 - Policy CO1: Core Strategy
 - Policy CC1: Sustainable Development
 - Policy CC6: Sustainable Communities & Character of the Environment
 - Policy H4: Type and Size of New Housing
 - Policy H5: Housing Design and Density
 - Policy T4: Parking
 - Policy T5: Travel Plans and Advice
 - Policy C4: Landscape & Countryside Management

- 4.3 Adopted Cherwell Local Plan – November 1996
 - Policy H13: The Category 1 Settlements
 - Policy C13: Areas of High Landscape Value
 - Policy C28: New Developments
 - Policy C30: Design Controls

- 4.4 Non-Statutory Local Plan 2004
 - Policy H3: Making Efficient Use of Land
 - Policy H4: Types of Housing
 - Policy H15: The Category 1 Villages
 - Policy TR4: Mitigation Measures
 - Policy TR5: Road Safety
 - Policy TR11: Parking
 - Policy EN34: Landscape Character
 - Policy D1: Urban Design Objectives
 - Policy D3: Local Distinctiveness
 - Policy D5: The Design of the Public Realm
 - Policy D6: House Extensions and Alterations

5. Appraisal

- 5.1 The key issues to consider in this case are:
 - The history of the site
 - Assessment against principle policy H13
 - Housing delivery
 - Design, layout and settlement pattern
 - Impact on the landscape character and visual amenities of the area
 - Effect on the setting of the listed building
 - Highway safety

- 5.2 The only planning history relevant to this site since 1975 is as follows:
 - 03/01839/CLUE – Related to the continued use of 2 No. outbuildings for office purposes. This certificate of lawfulness was refused and dismissed at appeal. It is this appeal decision which is referred to in the applicant's Design & Access

statement.

- 03/01974/F – Refused application for a gravel surface access track from existing field access to existing access gates. This decision relates to the area of land outlined in blue on this current application and was refused on grounds of visual amenity and character of the open countryside.
- 05/00545/CLUE – This certificate of lawfulness for the use of a side outbuilding to the rear of Ambrosden Court as office accommodation was permitted.

- 5.3 Policies H13 of the adopted Cherwell Local Plan and the similarly worded Policy H15 of the non-statutory Local Plan address the issue of residential development within Category 1 settlements. Policy H13 of the adopted Cherwell Local Plan states:

RESIDENTIAL DEVELOPMENT WITHIN THE VILLAGES OF ...AMBROSDEN.....WILL BE RESTRICTED TO:-

- (i) INFILLING;
- (ii) MINOR DEVELOPMENT COMPRISING SMALL GROUPS OF DWELLINGS ON SITE WITHIN THE BUILT-UP AREA OF THE SETTLEMENT;
- (iii) THE CONVERSION OF NON-RESIDENTIAL BUILDINGS IN ACCORDANCE WITH POLICY H21.

IN EACH INSTANCE DEVELOPMENT PROPOSALS WILL BE SUBJECT TO THE OTHER POLICIES IN THE PLAN.

- 5.4 This policy is the main policy consideration for this application because it is considered that this site is part of the village which is considered to be Category 1, i.e. one which may accommodate some limited housing growth provided it meets with the criteria. Given that infilling is very clearly regarded as being the development of a small gap in an otherwise continuous built up frontage suitable for one or two dwelling, this proposal does not fulfill this first criterion. Also criterion (iii) can be disregarded because it is not a conversion proposal. Consideration is given to criterion (ii) relating to minor development comprising small groups of dwellings on site within the built-up area of the settlement. The key component here is whether or not the site can be regarded as being 'within the built-up area of the settlement'.
- 5.5 It is accepted that the site is not in an isolated location within the open countryside because of its relationship to the village and the fact that it is garden land associated with Ambrosden Court. However, it is officer's opinion that the development of this site would extend the boundary of the village protruding oddly into the landscape with open land on the east, south and west, and by definition cannot be regarded as being **within the built-up area**. All pre-application advice has consistently stated this position. The application, therefore, fails to comply with the adopted Policy H13 of the Cherwell Local Plan.
- 5.6 Having established that the site conflicts with the policy it is relevant to consider whether or not there are any other material considerations which would outweigh the level of harm that would result from allowing the development here. Other material considerations would include housing delivery, design, layout and settlement pattern, impact on the landscape character and visual amenities of the area. Other matters arising include the effect on the setting of the listed building

and highway safety.

- 5.7 With regard to housing delivery within Cherwell, the current advice is that the District is short of housing land for the required 5 year period. It is clear also from the policy advice noted above that, in principle, Ambrosden village is a candidate for further sustainable growth. The type of site that may be appropriate in rural areas such as this would be previously developed sites as it is noted in PPS3 that the priority for development should be previously developed land, in particular vacant and derelict sites and buildings. This site, being within the curtilage of Ambrosden Court, may be a candidate but it is also clear that there is no presumption that such land is necessarily suitable for housing development or that the whole of the curtilage should be developed particularly if it is at odds with other material factors.
- 5.8 PPS3 also seeks housing that is affordable, high quality, of good design, open space provision, sustainable locations, all of which may be argued by the applicant as features in this application. However, the advice also seeks a mix of housing which is not simply the provision of affordable homes but a mix of house types, size, tenure, none of which feature here as the application reveals 6 No. large detached family dwellings at the rear and 3 No. small terraced 'affordable' housing facing Merton Road. Contrary to the view taken by the applicant, PPS3 does not seek more efficient use of land i.e garden to housing land. It actually seeks an efficient use of land i.e. if the site is suitable for housing then it should be used efficiently and at a higher density than that proposed, notwithstanding the site constraints.
- 5.9 Advice in PPS3 also states that the sites chosen for housing should be in suitable locations which should respect the settlement pattern. It is clear that the rest of the village built form does not intrude into the landscape as the properties face onto Merton Road with gardens to the rear in a clear linear arrangement. This proposal reveals the properties to the rear are large and spread out at low density in a cul-de-sac arrangement alien to this area with no respect for the settlement pattern of Ambrosden. This is an important aspect to the application because 'layout' is not a reserved matter. Indeed, the layout is ill conceived as the most exposed and furthest corner of the site (Plot 9) has no landscape buffer to screen its appearance and will require the loss of many of the existing trees.
- 5.10 The effect on the visual amenities of the rural landscape is an important consideration as this site is highly visible from the public domain of the Merton Road. There is no doubt that, despite the situation of the boundary wall, when viewed from the southwest across the open fields, the development would be clearly visible and in so being its urban form would be visually intrusive into the open countryside. This is an unacceptable consequence of the site not being within the built up area. At present the structures on site are at single storey level and only the trees are visible retaining that openness of character which features in this area. At the time of writing, the matter of the future of the trees was under consideration by the Tree Officer as to their relative importance.
- 5.11 Being opposite a listed building (Holly Tree Cottage) the application was advertised as affecting the setting of a listed building but having considered this matter, the view is taken that the development is relatively self contained and detached from Holly Tree Cottage. Also Ambrosden Court, which is sited directly opposite the listed building, will not be affected by the proposal. It is concluded, therefore, that the development would not cause any harm in this regard.

- 5.12 Matters of highway safety have been concluded on advice from the County as Highway Authority and provided the access and parking meets with the criteria there is no objection on this ground.
- 5.13 In conclusion, the district as a whole is short of housing and Ambrosden has been identified as a candidate for growth. The site is essentially a large garden proportionate to its host property (Ambrosden Court) but it extends beyond the built up limits and into the countryside which is clearly visible from the public domain. Also, the character and form of development is alien to this part of Ambrosden and to release the site for the provision of just 9 dwellings would be in conflict with other policy guidance. On balance it is considered that the incremental erosion of the open countryside is to its significant detriment and the application is, therefore, recommended for refusal.

6. Recommendation

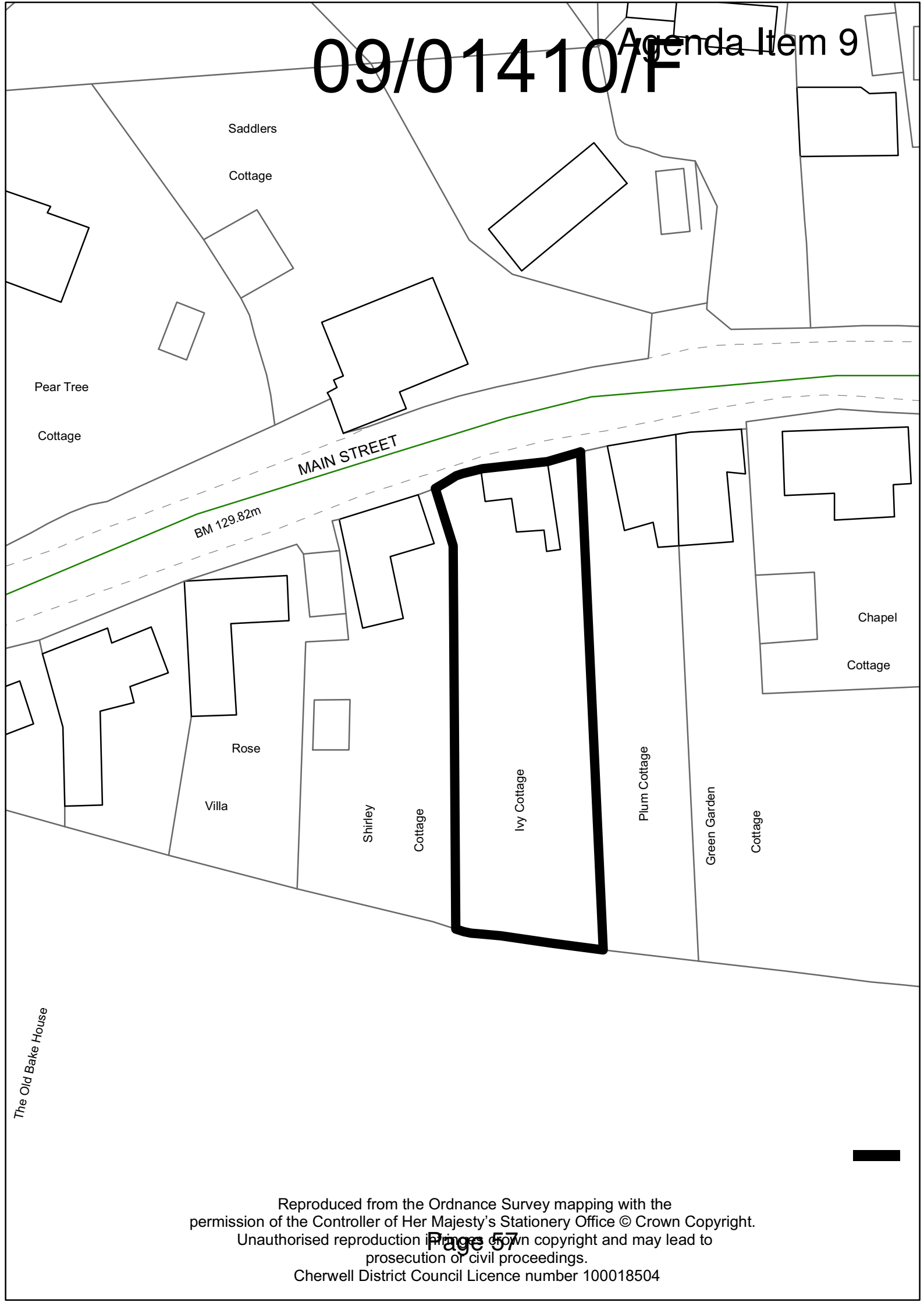
Subject to the expiry of the consultation period (7 December 2009);

Refusal, on the following grounds:

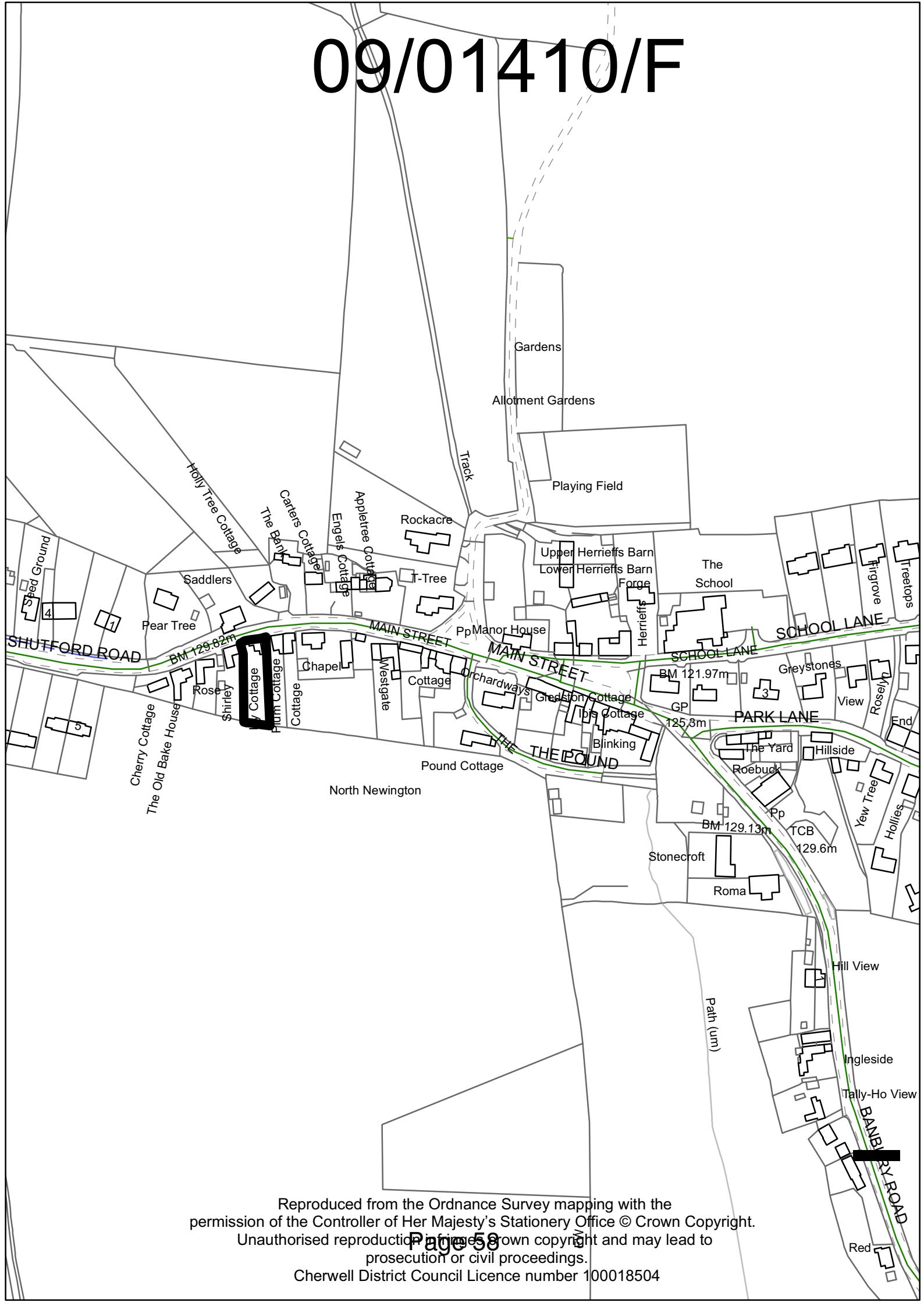
- 1. The proposed development of this site for residential purposes, due to its siting outside the built up limits of a Category 1 settlement fails to comply with the adopted Policy H13 of the Cherwell Local Plan, Policy H15 of the Non-statutory Cherwell Local Plan 2011 and CC1 of the South East Plan 2009.**
- 2. The layout of the site and number of units proposed fails to respect the established settlement pattern resulting in an incongruous, prominent, urbanising and discordant built form in a backland position to the serious detriment of the established character and layout of the village and detracting from its rural setting and open countryside adversely affecting the visual amenities of the area contrary to central government guidance contained in PPS3, Policies C7, C27 and C30 of the adopted Cherwell Local Plan and Policies D1, D3 and EN34 of the Non-statutory Cherwell Local Plan 2011.**

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09/01410/F



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Application 09/01410/F	No:	Ward: Sibford	Date Valid: 12 October 2009
Applicant:	Mr J Bentley		
Site Address:	Ivy Cottage, Main Street, North Newington, OX15 6AJ		

Proposal: Restoration and alterations to cottage including new thatched roof, demolition of single storey rear extensions and replacement with one and a half storey extension and vehicular access with turning facility

1. Site Description and Proposal

- 1.1 The application seeks planning permission for a two storey rear extension, together with alterations to the existing cottage and provision of off-street parking at Ivy Cottage, North Newington. This traditional small single unit cottage is situated west of the village of North Newington on the Main Street running through the village towards Shutford from Banbury. The site lies within the North Newington Conservation Area and an Area of High Landscape Value. The Cottage is not a listed building and no listed buildings are in immediate proximity to the site.
- 1.2 Neighbouring properties are Plum Cottage to the east (side) of the site, Shirley Cottage to the west (side) of the site and Saddlers Cottage across the street to the north (front). Open fields lie to the south (rear) of the site.
- 1.3 The existing cottage is a single unit cottage that appears to date from the late 18th Century. This humble cottage retains its original footprint, with two later single storey extensions to the rear. Through analysis of historic maps it appears that the cottage has existed in its current form since 1875. It appears to have once formed part of a group of single unit cottages lining the Main Street. Construction materials are ironstone with a slate roof and red-brick chimney stack.
- 1.4 The main cottage consists of a single room downstairs with a loft space bedroom above. To the rear there is a small single storey kitchen/pantry and outdoor privy. Only one window opening is present in the northern facing elevation. The remaining openings are found in the eastern and southern facing elevations of the original Cottage. All living accommodation is contained within one room, enabling the cottage to be heated by the single fireplace positioned against the western gable of the cottage. The existing Cottage is very basic and has no heating system, no hot water and no bathroom.
- 1.5 The application proposes to demolish the existing single storey rear extensions and to replace them with a large two storey extension. Two additional bedrooms would be created by the extension resulting in a three bedroom property. The slate roof of the existing cottage would be removed and replaced with thatch, and the roof ridge height would be raised from 4 metres to 6.2 metres from ground level. All windows

on the existing cottage would be increased in size and their positions altered. Two new window openings would also be created within the western elevation of the existing cottage.

- 1.6 The two storey rear extension would consist of a 'link' block, linking the taller rear most element of the extension with the existing cottage. This link would be rendered with a blue slate roof, containing the entrance hallway at ground floor level and storage cupboards and landing at first floor level. The rear most element of the extension would be constructed from orange/orange red slop moulded brick and blue slate roof, containing the kitchen/dining area at ground floor level and bathroom at first floor level. First floor windows in the side facing elevations of the rear most element are high level.
- 1.7 A new vehicular access would be provided to the east of the Cottage with vehicle turntable and off-street parking area.

2. Application Publicity

- 2.1 The application has been advertised by site notice, neighbour letter and press notice. The final date for comment was 26 November 2009. Four letters have been received, all objecting to the application. The following issues were raised (please refer to file for full comments),

- Size of extension would overshadow our property/loss of natural light
- Out of keeping with original property or dwellings surrounding the property
- Our extension was designed and laid out to ensure that it remained in keeping with the look and feel of surrounding properties and that it had no impact on neighbours
- Out of keeping with Conservation Area
- Design and Access Statement is misleading
- It would appear no thought has been given to impact the size and design of extension will have on surrounding properties
- All surrounding properties have single storey rear extensions that have been designed so that they cannot be viewed from front aspect/ensures no overshadowing for neighbouring properties
- Design and extensive bulk would have an unacceptable impact on our property and Plum Cottage
- Increasing ridge height of cottage and size and bulk of rear extension will not enhance the character and appearance of the Conservation Area
- Size of proposed property is totally out of context and will be an eyesore to many neighbours
- There are too few single storey village properties left and a more sympathetic plan to marry onto existing property would be favourable for those living close by (i.e. much lower and shorter new build)
- Height of rear extension would dwarf original property making it virtually unrecognisable - detrimental to look and feel of Conservation Area
- Increased height of roof for thatched roof would be out of keeping with original building and makes no attempt to retain look and feel of original group of buildings in Conservation Area
- It would completely change the skyline
- Proposed property is far too large for the site in this position in the Conservation Area, a less ambitious 2 bedroom re-development would be of

- benefit to village
- Car access will be on a section of road that has very poor visibility and is used by residents parking – restricted turning space and view
 - No mention of effect on neighbouring properties of changing the building and land heights in the case of extreme rain in application documents – no study appears to have been done as to the route storm water will take if development takes place

3. Consultations

- 3.1 North Newington Parish Council has **no objection** to the application.
- 3.2 Oxfordshire County Council Highway Authority has **no objection** to the application subject to conditions.
- 3.3 Cherwell District Council Conservation Officer, Ruth Watkinson, **objects** to the application.
- 3.4 Oxfordshire County Councils Planning Archaeologist, Richard Oram, recommends the attachment of a note regarding archaeological finds.
- 3.5 The Secretary of State has decided not to list the building based upon the advice of English Heritage.
- 3.6 Natural England have advised that the application falls under their legal standing advice as the proposal appears to be in a historic cottage which could have the potential to support bats.

4. Relevant Planning Policies

- PPG 15: Planning and the Historic Environment
- 4.1 PPS 9: Biodiversity and Geological Conservation and accompanying Circular 06/05
- 4.2
- 4.3 South East Plan 2009 – Policies CC6, BE1, BE6 and T1
- 4.4 Adopted Cherwell Local Plan 1996 – Saved Policies C2, C13, C23, C28 and C30

5. Appraisal

- 5.1 The key issues to consider are:
- The character and appearance of the Conservation Area,
 - Highway safety,
 - Neighbour amenity,
 - Visual Amenity & Area of High Landscape Value
 - Protected Species
- 5.2 **Conservation Area**

Policy BE6 of the South East Plan states that Local Authorities should “...support proposals which protect, conserve and, where appropriate, enhance the historic environment and the contribution it makes to local and regional distinctiveness and sense of place.”

- 5.3 Government guidance contained within PPG 15 also states that “*The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission...*”
- 5.4 Due to its staggered positioning the proposed extension would be clearly visible when viewed from the public domain to the front of the property. The disproportionately large size and non-matching construction materials would ensure that undue attention would be drawn to the extension. A characteristic of neighbouring properties immediately adjacent to the site is that later additions sit in line with the side elevations of the existing properties, with no protruding elements, so that they remain discreet and sympathetic to their historic surroundings.
- 5.5 The existing cottage contributes significantly to the character and appearance of the Conservation Area as it incorporates traditional features and is a relatively unaltered example of one of a group of similar single unit cottages that would once have stood upon Main Street. It is the opinion of the HDC&MD that the proposed extension is wholly unsympathetic to its context and that it would serve to destroy the historic character and appearance of this traditional single unit cottage through the removal of all traditional features and the introduction of a large, dominating extension.
- 5.6 The HDC&MD therefore considers that the alteration of this traditional cottage beyond recognition would detract from the character and appearance of the Conservation Area rather than preserve or enhance it, contrary to Policy BE6 of the South East Plan 2009 and guidance contained within PPG15.
- 5.7 However, the HDC&MD considers that the re-instatement of the thatched roof would

serve to enhance, and that the vehicular access and boundary wall would preserve the character and appearance of the Conservation Area.

5.8 Highway Safety

Oxfordshire County Council Highway Authority has no objection to the proposal on highway safety grounds. The HDC&MD concurs with this viewpoint as sufficient parking could be accommodated within the site. The proposal therefore accords with Policy T1 of the South East Plan 2009.

5.9 Neighbour Amenity

The two neighbouring properties that could be affected by the proposed development are Plum Cottage to the east and Shirley Cottage to the west. Both of these neighbouring properties are modest in size, each with later extensions to the rear. The rear-most element of the proposed development would reach a height of 6.2 metres at its highest point, with a length of 5.3 metres. The HDC&MD considers that the proposed extension would appear bulky and overbearing when viewed from the rear windows and gardens of these neighbouring properties. On balance however, it is not considered that refusing the application on this ground could be sustained at appeal. Further, the use of high level windows in the side facing elevations would serve to protect the privacy of these neighbouring properties.

5.10 Visual Amenity & Area of High Landscape Value

Policy C28 of the Cherwell Local Plan states that *“control will be exercised over all new development...to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of the development. In sensitive areas such as conservation areas...development will be required to be of a high standard and the use of traditional local building materials will normally be required.”*

5.11 The HDC&MD considers the design of the proposed extension and alterations, with the exception of the boundary wall and reinstatement of the thatch roof, to be unsympathetic to the rural context of the development. The immediate locality is characterised by modest sized cottages sitting against the pavement edge. The front elevations of neighbouring cottages appear largely unaltered from their original

form, with the majority of later extensions to the cottages positioned to the rear and concealed from view of the public domain through careful design. The proposed extensions and alterations would be clearly visible from the public domain, this combined with the mixture of construction materials (render, orange/orange red brickwork) and disjointed arrangement of 'blocks' of differing heights would result in the development appearing completely out of character with its surroundings. The HDC&MD considers that the development would draw undue attention to itself and detract from the visual amenity of the locality and Area of High Landscape Value.

5.12 Further, Policy C30 of the Cherwell Local Plan seeks to ensure that any proposal to extend an existing dwelling is compatible with the scale of the existing dwelling, its curtilage and the character of the streetscene. The HDC&MD considers that the proposed extension would dwarf the original Cottage rather than appearing as a subservient addition, and that the extension fails to respect the scale of the existing Cottage and its narrow curtilage. As such, the HDC&MD considers the proposed development to be contrary to both Policies C28 and C30 of the Cherwell Local Plan.

5.13 **Protected Species**

Natural England guidance states that disused or little used buildings built pre-20th century with entrances that bats could fly through have an increased probability of being used by bats, an animal species that is afforded protection by The Wildlife and Countryside Act 1981. PPS 9 places a duty upon Local Planning Authorities to request a bat survey to be undertaken prior to determination of a planning application for works that could potentially affect bats. The HDC&MD considers that the proposed roof alterations could affect bats if they are utilising the existing roof void of the Cottage. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. PPS 9 states that *"It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision."*

5.14 As a bat survey has not been submitted with the planning application, the extent to

which they may be affected by the proposal cannot be fully assessed, and therefore, all material considerations cannot be borne in mind when determining the application. As such, it is the opinion of the HDC&MD that the application cannot be considered favourably.

6. Recommendation

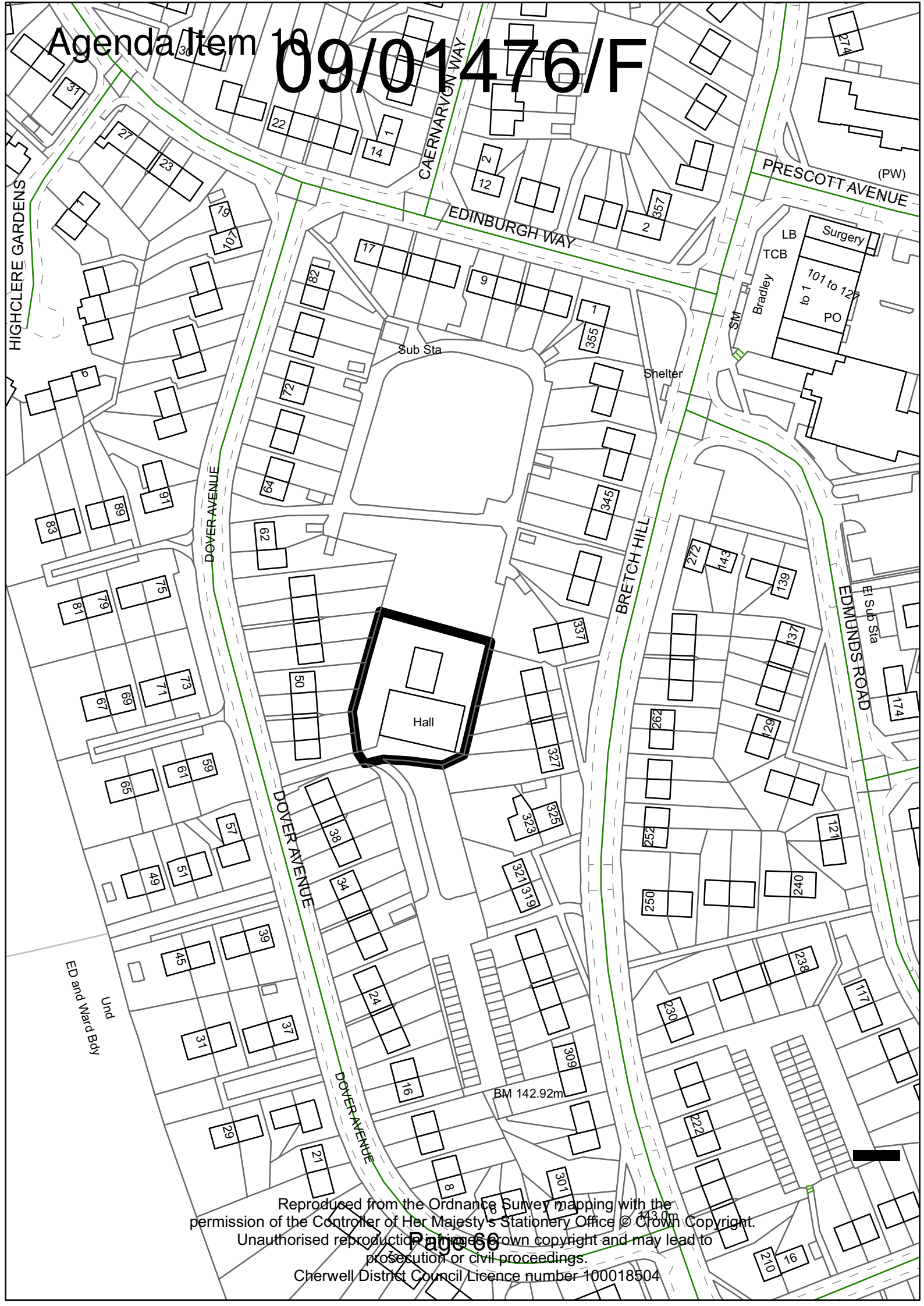
Refuse, on the following grounds

That the proposed development, by reason of its design, height, scale, bulk and positioning does not respect the character and scale of the existing dwelling and is therefore considered to be unsympathetic and significantly detrimental to the character and appearance of the original dwelling. It would constitute an incongruous feature within the streetscene, significantly detrimental to the visual amenities of the locality, and result in a development that would neither preserve nor enhance the character or appearance of the Conservation Area. The applicant has also failed to demonstrate that the proposal would not cause irreversible harm to a protected species. The proposed development is therefore contrary to Government guidance within PPS9: Biodiversity and Geological Conservation and accompanying Circular 06/05, PPG15: Planning and the Historic Environment, Policies CC6, BE1 and BE6 of the South East Plan 2009 and saved Policies C2, C28 and C30 of the adopted Cherwell Local Plan 1996.

CONTACT OFFICER: Gemma Dixon

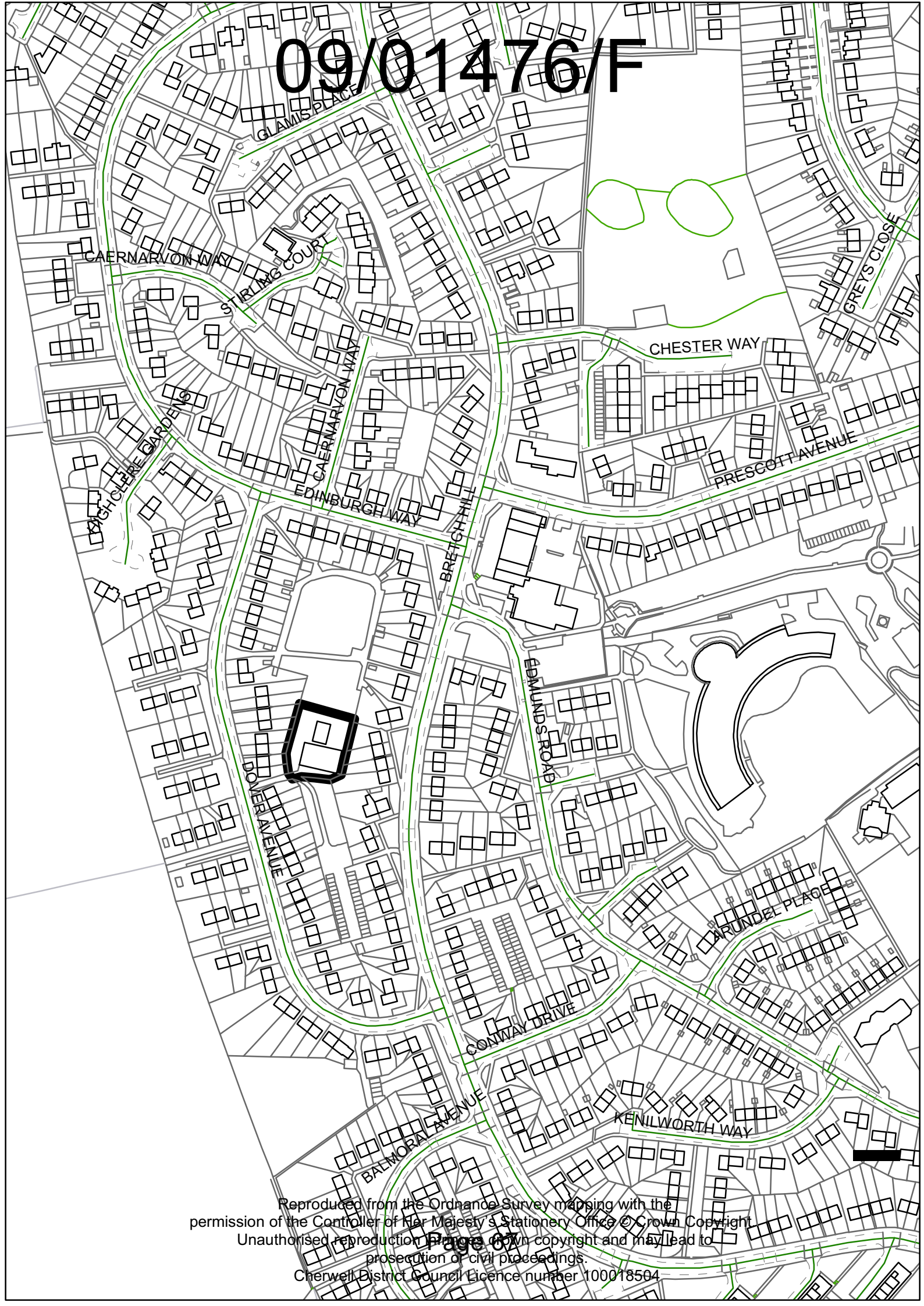
TELEPHONE NO: 01295 221827

Agenda Item 10 09/01476/F



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09/01476/F



Application 09/01476/F	No:	Ward: Banbury/Ruscote	Date 26/10/2009	Valid:
Applicant:	Banbury Community Church			
Site Address:	Willy Freund Centre, Dover Avenue, Banbury, OX16 0JE			

Proposal: Single storey extension to existing Youth Club facilities to provide covered link to existing small hall and administration office facilities

1. Site Description and Proposal

- 1.1 The application seeks consent for a single storey extension to link two buildings that form part of the youth club at the Willy Freund Centre, Dover Avenue, Banbury. This youth club facility is situated to the west of Banbury town centre in the Neithrop area. The buildings are not listed and the site does not lie within a Conservation Area. No listed buildings are in close proximity to the site.
- 1.2 The existing youth club buildings are situated upon a playing field that is surrounded on all boundaries by the rear gardens of residential properties upon Dover Avenue and Bretch Hill. A garage court is positioned to the south of the youth club. Boundary treatments around the playing field and garage court consist of close boarded fencing and dense hedgerows. The youth club currently consists of a smaller and larger building that are linked by an open canopy.
- 1.3 The proposed development would involve the construction of a single storey extension to link the smaller and larger youth club buildings whilst creating additional internal floorspace to provide an office, store, lobby and wheelchair lift. A ramped path access to the entrance would also be provided.
- 1.4 Planning Committee granted consent on 16 June 2009 for a similar single storey link extension under Application Reference: 09/00629/CDC. The current application seeks consent for an extension that would occupy the same footprint but includes a higher section of roof and increased size windows to the extension previously approved. All proposed windows would be UPVC and the construction materials for the extension would match those of the existing building.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice, press notice and neighbour letter. The final date for comment is 10 December 2009. To date no comments have been received.

3. Consultations

- 3.1 Banbury Town Council – no comments received.
- 3.2 Oxfordshire County Council has **no objection** to the application as it would not

have any significant impact upon the highway.

4. Relevant Planning Policies

4.1 South East Plan 2009 – Policies CC6, BE1 and T1

4.2 Adopted Cherwell Local Plan – Saved Policy C28

5. Appraisal

5.1 The key issues to consider are the impact upon highway safety, the impact upon neighbouring properties and the impact upon the visual amenity of the wider locality.

5.2 Highway Safety

Due to the small size of the proposed extension, the HDC&MD does not consider that it would cause detriment to the safety or convenience of highway users. The Highway Authority shares this opinion. The application accords with Policy T1 of the South East Plan 2009.

5.3 Neighbours

The site is surrounded in its entirety by residential properties, the rear gardens of which back onto the playing field. However, given the existing use of the site and the small scale nature of the development, the HDC&MD does not consider that the amenity or privacy currently enjoyed by neighbouring properties would be further affected by the proposal.

5.4 Visual Amenity

The proposed extension would link two existing building on the site whilst creating additional internal floorspace. The proposed materials would match those of the existing youth club and the design of the extension would be in-keeping with the appearance of the existing youth club buildings. The extension would appear subservient to the existing buildings and would be in proportion with the site and its surroundings. The HDC&MD considers that the proposal would be in-keeping with the character of the context of the development and that it accords with saved Policy C28 of the adopted Cherwell Local Plan.

6. Recommendation

Approve, subject to the following conditions:

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

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

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

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

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

The Council, as local planning authority, has determined this application in accordance with the development plan, unless material considerations indicated otherwise. Incorporating and adhering to the above conditions, the development is considered to be acceptable on its planning merits as the proposed extension is of a design, size and style that is appropriate in its context and would not have a detrimental impact on highway safety, neighbouring properties or the visual amenity of the wider locality. As such the proposal is in accordance with Policies CC6, BE1 and T1 of the South East Plan 2009 and saved Policy C28 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: Gemma Dixon

TELEPHONE NO: 01295 221827

Planning Committee

Decisions Subject to Various Requirements – Progress Report

10 December 2009

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

Recommendations

The meeting is recommended:

- (1) That the position statement be accepted.

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.

- 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 08/02511/F Part of A DSDC Bicester
Subject to legal agreement with OCC re:highway infrastructure/ green travel. Secretary of State indicated that she will not call application in.
- 1.5 08/02605/F Sainsburys, Oxford Road, Banbury
Subject to legal agreement with Oxfordshire County Council re: highway infrastructure. Agreement with other side for signing
- 1.6 09/01254/F Former USAF housing S of Camp Rd. Upper Heyford
Subject to legal agreement re public transport and education funding
- 1.7 09/01357/F Bicester Golf and Country Club. Akeman St. Chesterton
Subject to finalisation of appropriate traffic mitigation matters with OCC

Subject to Other Matters

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

Implications

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

All

Document Information

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

Agenda Item 12

Planning Committee

Appeals Progress Report

10 December 2009

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

Recommendations

The meeting is recommended:

- (1) That the position statement be accepted.

Details

New Appeals

- 1.1 **09/00764/F- 22 Milton Street, Banbury-** appeal by Andrew Thorburn against the refusal of planning permission for the removal of existing dormer and replace with smaller dormer – Written Reps

- 1.2 **08/02495/F – Land north of Willowbank Farm, Fritwell Road, Fewcott** – appeal by Bolsterstone Innovative Energy against the refusal of planning permission for the erection of 4 no. turbines and ancillary development including a new site entrance, access tracks, a control building with substation and underground cabling. Erection of 1 no. anemometer monitoring mast and temporary construction compound – Inquiry

Forthcoming Public Inquiries and Hearings between 10 December 2009 and 7 January 2010

2.1 None

Results

Inspectors appointed by the Secretary of State have:

3.1 None

Implications

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 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

All

Document Information

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

Agenda Item 13

Planning Committee

Constitutional Amendments - Public Speaking and Scheme of Delegation

10 December 2009

Joint Report of the Head of Development Control and Major Developments and the Head of Legal and Democratic Services

PURPOSE OF REPORT

To consider the progress and operation of public speaking at Planning Committee, proposed constitutional amendments to the planning committee procedure rules and the scheme of delegation and amendment to the Planning Committee Cycle (4 weekly).

This report is public

Recommendations

The meeting is recommended:

- (1) To recommend the amendments to the public speaking procedure rules to Council with an implementation date of May 2010
- (2) To recommend the amendments to the scheme of delegation to Council to take affect after the next Council meeting on 18 January 2010
- (3) To recommend to Council that Planning Committee is held on a four weekly cycle with an implementation date of May 2010

Executive Summary

Introduction

- 1.1 Public speaking at Planning Committee was introduced in May 2009. The scheme has proved largely successful and several applicants, objectors, supporters and parish councils have taken advantage of their right to address the committee. Despite this success the procedure

rules for public speaking have been viewed as confusing and complex. Paragraph 1.3 sets out amendments to the scheme which will make it much easier to follow.

- 1.2 The scheme of delegation as set out in the Councils constitution for the Head of Development Control & Major Developments is unduly complex, the amendments seek to clarify and simplify the procedures without extending the scope of delegation. In addition it is recommended that the scheme of delegation be updated to take into account changes at a national level with regard to discharge of conditions and amendments to approved schemes.
- 1.3 In reviewing the business of the Planning Committee and the improved performance with regard to determination of planning applications, it is recommended that the committee sits on a four weekly cycle from May 2010.

Proposals

Public Speaking

- 2.1 The suggested amendments to the public speaking procedure are attached at Appendix 1. The amendments take away the complex 3 minute rule where each person who has registered is allowed to speak for up to 3 minutes with a time limit of 9 minutes on each of the groups, objectors and supporters.
- 2.2 It is suggested that this is amended so that those wishing to speak are grouped as objectors or supporters and that each group will have a time limit of 5 minutes. The speakers on each side will be left to organise how they split the time amongst themselves. The proposal also reduces the time allowed to speakers on each item from 18 minutes to 10 minutes.

Scheme of Delegation

- 2.3 Proposed amendments to the scheme of delegation are attached at Appendix 2. The suggested amendments provide greater clarity and consistency with the Town and Country Planning Act as amended. There has been no increase in the scope of the delegation. With regard to the discharge of conditions and amendments to approved schemes, these changes have been introduced nationally since April 2008. Previously matters were dealt with by letter rather than as a formal application, the introduction of 1APP has regularised these procedures.

Planning Committee Cycle

- 2.4 The Planning Committee currently sits every three weeks (approximately 17 meetings per annum); by moving to a four weekly cycle the number of meeting in the year will be reduced to 13. This will

result in a saving in administration, print costs, and member catering/travel. Officers have carefully considered impact on the timely determination of planning application and it is considered that moving to a four week Planning Committee cycle will not impact on overall performance. If workloads were to significantly increase due to an improvement in the economy then the cycle could be reviewed.

Conclusion

- 3.1 The suggested amendments to public speaking are much simpler and easier for the public to understand. They also remove an administrative element to the process as Democratic Services will no longer be required to inform members of the public as to how long they will be given opportunity to speak for.
- 3.2 Although the public speaking appears to run smoothly at committee meetings Democratic Services regularly deal with queries from the public about the process and members of the public have often commented that the system seems complicated. The amendments proposed simplify the system, making the process more accessible.
- 3.3 The clarification of the scheme of delegation will ensure that the procedures are much simpler and easier for the public to understand.
- 3.4 The four week Planning Committee cycle will result in a saving for the Council without impacting on service delivery.

Key Issues for Consideration/Reasons for Decision and Options

The following options have been identified. The approach in the recommendations is believed to be the best way forward

Option One To agree the proposals

Option Two To amend the proposals

Consultations

Members Democratic Services Member Survey, some comments were received as part of the survey which expressed concerns relating to the operation of public speaking at planning committee. Mainly that the system was complicated and that 18 minutes for speakers on each item was too long.

Implications

- Financial:** The reduction in the number of Planning Committee meetings will result in a small saving through reduced administration costs.
Comments checked by Eric Meadows, Service Accountant, PH&E 01295 221552
- Legal:** It is important the public speaking procedure rules and scheme of delegation included in the Council's constitution are clear and easy to understand.
Comments checked by James Doble, Democratic, Scrutiny Services and Elections Manager 01295 221587
- Risk Management:** Making the procedure rules and scheme of delegation clear enhances the democratic process and reduces the risk of challenge of decisions.
Comments checked by Rosemary Watts, Risk Management and Insurance Manager 01295 221566

Wards Affected

All

Document Information

Appendix No	Title
Appendix 1	Public Speaking Procedure Rules Amendments
Appendix 2	Scheme of Delegation Amendments
Background Papers	
None	
Report Author	Jameson Bridgwater – Head of DC&MD
Contact Information	01295 221810 jameson.bridgwater@Cherwell-dc.gov.uk

Requests by the Public to Address the Planning Committee

1.

Members of the public, including the applicant (or their representative), representatives from the relevant Town or Parish Council, local interest groups and local civic societies, may address the Planning Committee during consideration of any application for planning permission

2.

The following groups may address the meeting for up to five minutes each:

Objectors

Applicant and/or Supporters

Where more than one person has registered to speak in any of the above groups of speakers, the five minute period shall be shared. In those circumstances Objectors are encouraged to appoint a spokesperson. If no spokesperson is nominated, Objectors will be heard in the order in which they have registered until the five minute period has elapsed. The Applicant (or their agent) will speak first in their five minute period, followed by any other supporters until the five minute period has elapsed.

3.

An application to speak must be received in writing or by electronic mail by Democratic Services by midday on the last working day before the committee meeting. Applications to speak at committee will only be accepted by persons who have made written representations on an application as part of the consultation process or the applicant. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to Democratic Services before the committee meeting commences.

4.

Applications to speak must include the name of the person wishing to register and a contact telephone number. Applicants should also confirm if they are willing for the Council to share their contact details with other speakers so that arrangements can be made to nominate a spokesperson.

5.

When there is a linked or duplicate application each speaker can only speak on one application site, regardless of the number of applications for that site. For example, in the case of linked applications for planning permission and listed building consent on the same property, speakers may only speak once.

6.

When planning applications are referred to Council by Councillors the normal Council public speaking rules apply, as set out in the Council procedure rules.

Procedure

7.

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3.

Speakers will be grouped together as either Objectors or Supporters.¶

4.

Where more than one person has registered to speak in any of the above groups of speakers, there will be a 9 minute time limit for each group. Town and Parish Council Representatives will be allotted the first three minute time slot of their group. All other speakers will be heard in the order in which they registered to speak on a strictly "first come, first served" basis. When more than one speaker has registered in each group, speakers are encouraged to appoint a spokesperson. If no spokesperson is nominated speakers will be heard in the order in which they have registered until the 9 minute period has elapsed. No more than three speakers (including town/parish representatives) may register to speak in each group.

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Each group will be given the opportunity to speak for an equal period of time, to ensure a fair hearing. For example, if there is only one supporter and 3 objectors, the supporter will be given the opportunity to speak for 9 minutes.¶

6

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When planning applications are referred to Council by the Head of Development Control and Major Developments only Members of the public who spoke on the application at the Planning Committee are permitted to speak. The normal Council public speaking rules apply, as set out in the Council procedure rules.¶

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On the last working day before the Committee meeting Democratic Services will confirm, by email where possible, who has registered to speak and will circulate contact details with the groups of objectors and supporters where appropriate. Any requests to speak received after midday on the last working day before the committee meeting will not be accepted.

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8.
Members of the public who have registered to speak must sign a declaration on conduct at committee; Members of the public who do not sign the declaration will not be permitted to speak at committee.

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9.
Before the application report is considered in detail, the committee may agree that the application be deferred for a site visit, or to obtain further information. In that case, there will be no public participation on the application until it is reconsidered at a future meeting. Persons who have registered to speak on applications that are deferred to future meetings of the Planning Committee are not required to register again.

10.
The Planning Officer will present the application to the committee and inform Members of any late representations or updates.

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11.
Ward Members and any Members of the committee with a prejudicial interest will then be entitled to speak on the application. After making their presentation Ward Members may, at the discretion of the Chairman, answer questions and sum up their view at the end of the debate they then must return to the public gallery. Members of the committee with a prejudicial interest must leave the room for the debate and vote.

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12.
The persons who have registered to speak will then be introduced by the Chairman in order of Objectors and Supporters, with the applicant always speaking last. Once a speaker has made their statement there will be no further right to address the meeting and at this point speaker must return to the public gallery.

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13.
The Planning Officer will then clarify any planning points made by speakers relevant to the application.

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14.
The committee will debate the application and make a decision on the application.

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15.
Members of the public may not show plans, photographs or circulate written material.

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16.
The Chairman of the meeting may:

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(a) vary the order of representation if he/she considered that it is convenient and conducive to the despatch of the business and will not cause prejudice to the parties concerned, or

(b) remove any person from the meeting if they behave in a disorderly manner,

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Head of Development Control and Major Developments – Current delegation Constitution page 27

General Planning Matters

- Determination of applications for planning permission, listed building consent, conservation area consent and advertisement consent.
- Determination of applications for Certificates of Lawfulness of an Existing Use or Development or a Proposed Use or Development subject to consultation with the Head of Legal and Democratic Services.
- Requiring an applicant to enter into a planning agreement, obligation or similar agreement with the Council, County Council or other statutory undertaker in respect of planning, highways, drainage or other matters where the Head of Development Control and Major Developments intends to grant permission for an application determined under delegated powers.

- Determination of all application registration and administration matters.

Subject to the qualifications reserving powers to the Planning Committee as follows:

Delegated powers will not be exercised if the application (or case) is for 10 or more dwellings or the area of the site is greater than 0.5 hectares, or if the floorspace created is 5000 square metres or more, or the area on which the site is to be developed is more than one hectare.

Delegated powers will not be exercised if the recommendation for approval is contrary to planning policy, if the application (or case) is by, or relates to the Council (other than minor applications) or affects Council owned land, if there is any potential conflict of interest affecting a Council employee or their partner or spouse or if the application (or case) involves a proposed variation or discharge of a section 106 legal agreement.

Head of Development Control and Major Developments – Proposed amendments

General Planning Matters

- Determination of applications for planning permission, reserved matters, listed building consent, conservation area consent , advertisement consent discharge of conditions and minor and non material amendments.
- Determination of applications for Certificates of Lawfulness of an Existing Use or Development or a Proposed Use or Development subject to consultation with the Head of Legal and Democratic Services.
- Requiring an applicant to enter into a planning agreement, obligation or similar agreement with the Council, County Council or other statutory undertaker in respect of planning, highways, drainage or other matters where the Head of Development Control and Major Developments intends to grant permission for an application determined under delegated powers.
- Determination of all application registration and administration matters.
Subject to the qualifications reserving powers to the Planning Committee as follows:
Delegated powers will not be exercised if the application is for;
 - 10 or more dwellings or
 - the floorspace created is 1000 square metres or more, or
 - the area of a change of use is more than one hectare and the application constitutes major development .

Delegated powers will not be exercised if the recommendation for approval is contrary to planning policy, if the application (or case) is by, or relates to the Council (other than minor applications) or affects Council owned land, if there is any potential conflict of interest affecting a Council employee or their partner or spouse or if the application (or case) involves a proposed variation or discharge of a section 106 legal agreement.